

## Vale Of White Horse Local Plan Examination

### Matter 3 – Spatial Strategy And Housing Supply Ring Fence

3.1 Is the proposed distribution of new housing and employment land (policies CP4 and CP6) soundly based? In particular:

(a) Does the proposed distribution of housing set out in policy CP4 appropriately reflect the settlement hierarchy (policy CP3) and the core planning principle of the NPPF (para 17) to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable?

The local plan representations submitted on behalf of St John's College in December 2014 sought the deletion of the two housing allocations for a total of 1,400 dwellings in the North Wessex Downs Area of Outstanding Natural Beauty (AONB) to the north and east of Harwell Campus and the allocation of land east of Kingston Bagpuize and Southmoor as a contribution to providing alternative sites. The representation also sought the deletion of the 'ring fencing' of housing numbers.

The submission version of the Local Plan persists with the proposed allocations to the east and north of Harwell Campus and the 'ring fencing' of housing numbers. It is considered that this approach is contrary to the advice contained in the National Planning Policy Framework and therefore, represents an inherently unsustainable strategy for growth.

This statement is accompanied by two separate reports which demonstrate the sustainability, suitability, availability and deliverability of land at Kingston Bagpuize and Southmoor as an alternative location for growth to the land identified north and east of Harwell Campus. The accompanying reports are:

- Landscape, Ecology and Heritage Briefing Report prepared by EDP (August 2015) (please refer to Appendix 1)
- Baseline Site Analysis & Development Concept prepared by Define (August 2015) (please refer to Appendix 2)

The land at Kingston Bagpuize and Southmoor represents a sustainable location for development being close to existing facilities in the villages, and Kinston Bagpuize Business Park, but also well connected to Oxford by road and public transport. As detailing in the above documents the land at Kingston Bagpuize and Southmoor presents the opportunity for a sustainable development which could deliver up to 600 houses, a 2 form entry primary school, open space (including sports and recreation grounds, allotments, and play areas), and a new link road connecting the A420 and A415.

The NPPF at Paragraph 6 highlights that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies contained in Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the

Government's view of what sustainable development in England means in practice for the planning system. Paragraph 17 of the NPPF sets out twelve core planning principles, which include requirements for planning to:

- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.*

The NPPF makes clear at paragraph 115 that “*great weight*” should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. In respect of the decision making process paragraph 116 states that planning permission should be refused for major development in AONB except in “*exceptional circumstances*” and where it can be demonstrated they are in the public interest. It is clear therefore that the NPPF places considerable emphasis on the importance of conserving the landscape and scenic beauty of AONBs.

It should be noted that the submitted Local Plan also places considerable emphasis on the protection of the AONB. Page 27 Local Plan states that:

*The landscape of the district is central to the rural character of the Vale, from the Corallian Ridge to the Lowland Vale to the North Wessex Downs AONB. Key landscape features need to be respected, retained and enhanced to maintain the local character and distinctiveness of the landscape of the Vale.*

This is reflected in proposed Strategic Objective 10 which seeks to maintain and improve the natural environment including biodiversity, landscape, Green Infrastructure and waterways.

It is not clear how the proposed allocation of land for some 1400 new dwelling on land in the AONB adjacent to Harwell Campus will serve to respect, retain, or enhance the character and distinctiveness of the North Wessex Downs AONB. This is particularly relevant when there are clear, viable and deliverable alternative locations for development, outside the AONB, such as the land at Kingston Bagpuize and Southmoor identified in the accompanying reports which could readily accommodate a proportion of the growth, approximately 600 dwellings, directed to Harwell Campus.

It is noted that the plan acknowledges that two of the strategic allocations are located within the AONB and seeks to demonstrate that exceptional circumstances exist to justify the proposed allocations. Paragraph 5.62 states:

*The sites in question adjoin Harwell Campus, which is an internationally significant worldclass centre for science, technology and innovation. The site is highly sustainable location for development with easy access to existing and planned employment, services and facilities.*

It is considered that justification for exceptional circumstances on this basis is flawed. The assumption that Harwell Campus (which is not actually a village) is a sustainable location for growth is heavily predicated on the basis that the majority of future residents of the proposed 1400 new dwellings to the north and east of the Campus will work on, or near, the Campus. This is a highly unlikely scenario. It is considered that the Council's assessment of the sustainability of Harwell Campus as a location for growth is heavily biased in favour of the proposed strategy for the Science Vale area and that rather than representing a sustainable location for growth is in comparison to other locations in the District, in larger Villages, relatively isolated, and poorly connected to existing main settlements of the District.

In conclusion it is considered that the extent of the proposed strategic allocation of land at Harwell Campus does not meet with the Government's definition of sustainable development and the emphasis on providing such high levels of growth adjacent to the Campus undermines the sustainability credentials of the Plan. The Plan also exhibits tension within itself though seeking to both protect the AONB and allocate substantial strategic housing development within the AONB. A viable alternative exists at Kingston Bagpuize to accommodate a proportion of this proposed housing and which would significantly reduce the pressure on the AONB.

*(b) Does the distribution appropriately reflect the role of Oxford in providing for employment and services for the residents of Vale of White Horse?*

No. The strategy is heavily predicated on the role of future growth in the Science Vale Area in providing for employment and services for the residents of the District.

Indeed, over half the proposed housing allocation for the District is directed to this area (10,320 dwellings, page 39). Oxford plays a significant role in providing for employment and services for residents of the District and will continue to do so throughout the plan period and beyond. It is considered that the plan should better reflect this and make greater provision for growth in locations which are readily accessible from Oxford. This is a particularly relevant consideration following the resolution at the Vale of White Horse Cabinet Meeting on 7 August to agree to plan for approximately 3000 additional homes arising from the inability of Oxford City Council to meet its own identified housing needs within the City Boundary (please refer to Appendix 3). This resolution was confirmed by the Council's Scrutiny Committee on the 20 August.

Suitable, available and deliverable land at Kingston Bagpuize and Southmoor has been identified which is well connected to Oxford, via the A420, and by public transport, within approximately 10 miles of the City Centre. The proposed allocation of land to the north and east of Harwell Campus by contrast is located some 14 miles away and is dependent on the already congested A34 for access to Oxford.

3.3 Is it feasible that a significantly different distribution of housing development from that proposed could be delivered?

Yes. This statement is accompanied by a Landscape, Ecology and Heritage Briefing Report prepared by EDP (August 2015, Appendix 1) and a Baseline Site Analysis & Development Concept prepared by Define (August 2015, Appendix 2). Both these documents serve to demonstrate that a suitable alternative location for growth exists at Kingston Bagpuize and Southmoor which would avoid development in the AONB and represent a more sustainable pattern of development. Development in this location would be well connected to Oxford and therefore well placed to reflect the role of Oxford in providing for employment and services for the residents of Vale of White Horse. Development in this location would also serve to support and enhance the role of Kingston Bagpuize Business Park.

3.4 Is the 'housing supply ring fence' approach of policy CP5 to the delivery of housing in the Science Vale area:

(a) adequately explained in terms of its practical operation;

The Local Plan does not make clear how Core Policy 5 is to be applied. There are Four ring fenced parcels identified in Figure 4.3 within the wider Science Vale geographic area yet it is unclear whether these areas will have a separate housing requirement or whether it is the Science Vale area, as a whole, that will have the separate housing requirement. It is noted that paragraph 4.22 of the Local Plan explicitly states that the ring-fence is a subset of the wider Science Vale geographical area that encompasses the most sustainable locations for development and "*intentionally excludes its more rural parts*". Accordingly, the current wording of Core Policy 5 suggests that the Council is proposing three separate disaggregated housing land supply areas, namely: the ring-fenced areas within the Science Vale; the rest of the Science Vale (the rural parts), and; the rest of the district outside of the Science Vale.

In the event that the Council is proposing to have three separate ring fenced areas it follows that there should be three separate five year land supply calculations with strict separation between these so that any over-supply (relative to the trajectory) in one area cannot be counted towards the land supply calculation elsewhere.

Disaggregation, or ring fencing, of the housing land supply is not considered to be entirely consistent with the guidance contained in the Government's Planning Practice Guidance (PPG). The PPG advises that the area selected for the purposes of housing land supply assessment should equate to the identified housing market area. The housing market area for the Vale of White Horse is set out in the Strategic Housing Market Area as the District area as a whole. There is no reference to separate market areas operating within the District and therefore the justification for the ring fencing proposed in the plan is questionable.

It is essential for the proper implementation and operation of the Local Plan that the proposed mechanisms for monitoring housing land supply, and the operation of the ring fence system is made clear.

*(b) justified*

The proposed ring fence is not justified. The boundary of the proposed ring fenced areas (shaded orange in Figure 4.3) corresponds closely with the boundaries of the proposed strategic sites for development. It is considered that the boundary is too tightly drawn and that it effectively only flags up the strategic sites the Council has identified to provide the housing requirement. The consequence of a ring fence drawn so tightly is to prevent alternative sites coming forward even if delivery from the strategic allocations is delayed. This is not a flexible approach to strategic planning and could prejudice the delivery of housing in the District overall.

There are clear benefits to concentrating development at established settlements however the operation of a ring fence does not necessarily serve the best interests of sustainability and it will prejudice the ability of the larger and smaller villages outside the ring fence/Science Vale/South East Vale areas to accommodate new housing. This policy will prejudice the vitality and viability of rural villages, particularly within the Science Vale area and it does not appropriately reflect the role of Oxford in providing for employment and services for the residents of Vale of White Horse.

*(c) likely to be effective*

As described above, it is unlikely to be effective as it is unclear how the ring-fence will operate.

Over half of the housing requirement is to be provided in the ring fenced areas (10,320 dwellings, page 39). Once completions, known commitments, Part 2 allocations and windfalls are discounted then the majority of the future housing land supply will be in the ring fence. The reliance on these areas delivering housing to meet the needs of the District is considerable and it is not clear whether the market would sustain such a focussed delivery of housing in one geographical area. It is considered that the ring fence could prejudice the delivery of the housing requirement if areas outside the fence are not able to make a contribution.

*d) in accordance with national policy?*

The NPPF in paragraphs 14 and 17 requires local plans to have some flexibility. The operation of a ring fence provides for very little flexibility and places heavy reliance on substantial delivery from several strategic sites within a confined geographical area. The strategy is not in accordance with national policy.

**Land North of  
Abingdon  
Road, Kingston  
Bagpuize**

**Landscape,  
Ecology and  
Heritage  
Briefing**

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ENVIRONMENTAL  
DIMENSION  
PARTNERSHIP

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## Appendix

<b>Appendix EDP 1</b>	Non-Statutory Designated Site Map from TVERC
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**For EDP use**

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## **Section 1 Introduction**

- 1.1 This briefing paper has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of Lioncourt Strategic Land to provide an overview of the landscape, ecological and heritage context of Land to the North of Abingdon Road, Kingston Bagpuize within the Vale of White Horse District.
- 1.2 Reference is also made to the proposed housing allocation to the north and east of Harwell Science and Innovation Campus which is also situated within the Vale of White Horse District but lies over 10km to the south within the North Wessex Downs AONB.
- 1.3 EDP is an independent environmental consultancy providing advice to landowner and property development clients in the public and private sectors in the fields of landscape, ecology, heritage, arboriculture and masterplanning. The company operates throughout the UK from offices in Cirencester, Cardiff and Shrewsbury. Details can be obtained at [www.edp-uk.co.uk](http://www.edp-uk.co.uk).

### **Site Description**

- 1.4 The site lies to the east of the Village of Kingston Bagpuize with Southmoor within the parish of Fyfield and Tubney. It comprises four arable fields and part of the former A420 (Oxford Road), which crosses the site from west to east as a PRoW (other route with public access), separating the northern field parcel from the other three field parcels to the south. The site is bounded by hedgerows on all sides, the boundaries to the east and west containing mature trees. Beyond the site boundary to the west lies The Sunrise Day Nursery, deciduous woodland forming part of The Kingston Bagpuize Millennium Green, a residential property known as The Spinney and arable fields and woodland that form part of a site allocated for residential development. Beyond the site boundary to the east lies Woodhouse Fruit Farm, which has a strong landscape structure of tree belts. To the south, beyond the A415, is the Kingston Bagpuize Football Club and Cricket Ground as well as Kingston Business Park, which occupies the site of the former Kingston Bagpuize Airfield. Beyond the A420 to the north are arable fields with woodland.
- 1.5 A desk-based analysis of local landscape, ecology and heritage related planning policy, designations and records has been undertaken together with a brief site visit in August 2015.

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## Section 2 Landscape and Visual Overview

### Introduction

- 2.1 This preliminary landscape and visual appraisal has been informed by a desk study and a brief site walkover.
- 2.2 The desk study involved collating information from the following sources:
- Multi-Agency Geographic Information for the Countryside (MAGIC) website;
  - Freely available aerial photography at Google Maps and Ordnance Survey mapping available at Promap;
  - Vale of White Horse District Council;
  - Natural England Character Area Profiles; and
  - Oxfordshire County Council.
- 2.3 The desk study was undertaken during August 2015 and the information derived from the desk study is discussed below.

### Landscape-Related Designations

- 2.4 A summary is provided below:
- No statutory landscape designations lie within the 5km search area;
  - No Registered Parks and Gardens lie within the 5km search area;
  - The only PRow within the site is the route of the old A420, which runs broadly in a south westerly/north easterly direction bisecting the site in two as an 'other route with public access'.
  - There are no Tree Preservation Orders within or adjacent to the boundary of site; and
  - There is no Ancient Woodland within or adjacent to the boundary of the site. The closest Ancient Woodlands include North Audley Copse and Kingston Brake at around 1.5km to the north and Appleton Upper Common at around 1.6km to the north east.

## **Policy Considerations**

### ***National Policy***

2.5 The site does not lie within an AONB and thus paragraphs 115 and 116 of the NPPF are not relevant to the site itself but are included here as they are relevant to the proposed housing allocation to the north and east of Harwell Science and Innovation Campus which lies within the North Wessex Downs AONB approximately 10km to the south of the site.

2.6 The National Planning Policy Framework (NPPF) makes clear at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. In paragraph 116 it is stated that:

*“Planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

2.7 National Planning Policy Guidance states that the definition of what constitutes ‘major’ development in an AONB is a matter for the decision taker. Given planning and appeal decisions taken to date, a strategic housing allocation in an AONB is highly likely to be regarded as ‘major development’. Thus this policy would likely apply to the proposed housing allocation to the north and east of Harwell Science and Innovation Campus in the North Wessex Downs AONB which has been identified in the November 2014 Publication Version of the Vale of White Horse Local Plan 2031.

2.8 Paragraph 109 of the NPPF also identifies the need to enhance the natural and local environment by *“protecting and enhancing valued landscapes”*.

### ***Local Policy***

2.9 Local landscape policy of relevance to the site is contained within the saved policies of the Vale of White Horse Local Plan 2011 and emerging policy in the Vale of White Horse Local Plan 2031, Publication Version, November 2014.

- 2.10 The site lies within the North Corallian Ridge Policy Area as shown on the 2011 Local Plan proposals map and thus Policy NE7 is of relevance as follows:

*“Development which would harm the prevailing character and appearance of the north vale corallian ridge, as shown on the proposals map, will not be permitted unless there is an overriding need for the development and all steps will be taken to minimise the impact on the landscape”.*

- 2.11 A variation of this policy has been carried forward into the Publication Version of the 2031 Local Plan. character of the site and local area is considered in some detail below.

## **Landscape Character Considerations**

### ***National Character***

- 2.12 The site falls within Natural England’s National Character Area (NCA) No 109 ‘Midvale Ridge, which is briefly described as *“a band of low-lying limestone hills stretching east–west from the Vale of Aylesbury in Buckinghamshire to Swindon”*. Its Key Characteristics are described below:

- Low, irregular wooded limestone ridge;
- Contrast between the moderately elevated limestone hills and ridges and the surrounding low-lying clay vales drained mostly by small springs and streams;
- Well-wooded – a third of the woodland is designated ancient woodland;
- Mixed pastoral and arable landscape with large, geometric fields divided by hedges and regularly spaced hedgerow trees punctuated by blocks of woodland;
- Fragmented but rare and important semi-natural habitats, including acid grassland, calcareous fens and flushes, wet woodland and calcareous grass heaths;
- Evidence of previous land use such as iron-age and Romano-British settlements and ridge and furrow through to old quarries still visible in the landscape;
- Locally quarried limestone commonly used as building material for local houses; and
- Settlement pattern of nucleated villages on the hill tops and along the springline with low density of dispersed settlement.

### ***Oxfordshire Wildlife and Landscape Study***

- 2.13 The NCAs are broken down to a more detailed level at county scale, with Oxfordshire Wildlife and Landscape Study (OWLS) being the definitive assessment for Oxfordshire. There are twenty-four separate landscape types within the county, made up of individual landscape description units with a similar pattern of geology, topography, land use and settlements. Their names reflect their characteristic land cover. The site falls wholly within the 'Wooded Estatelands' landscape type, which is described as *"a wooded estate landscape characterised by arable farming and small villages with a strong vernacular character"*. The key characteristics of this landscape type are:
- Rolling topography with localised steep slopes;
  - Large blocks of ancient woodland and mixed plantations of variable sizes;
  - Large parklands and mansion houses;
  - A regularly-shaped field pattern dominated by arable fields; and
  - Small villages with strong vernacular character.
- 2.14 The area comprising the site is described in Character Area K Tubney (CR/6) as having *"a geometrically-shaped pattern of medium to large-sized fields with a mixture of arable cropping and semi-improved pasture."* The orchards around Fyfield are noted as well as the prominent woodland cover including large blocks of Ancient Woodland and the dense corridors of poplars and pollarded willows bordering streams and ditches. In addition, the hedgerows are described as predominantly *"thorn and elm with a scattering of elm, oak, sycamore, poplar and willow"*. They are noted as being *"generally tall and overgrown, but where they enclose arable land they are intensively maintained and in some cases removed altogether and replaced by fences."* The small parklands with semi-improved grassland and mature trees at Besselsleigh School, Sheepstead Park and Kingston Bagpuize House are also noted.
- 2.15 Forces for change within the landscape of the Wooded Estatelands include:
- Fragmentation of field boundaries and fragmented/removal of hedges as a result of intensive agriculture;
  - Out of character residential development in some villages with some sprawling of development along main roads such as the A420 although mitigated to some extent by woodland and trees; and
  - Some large-scale business parks using inappropriate building materials are also visually intrusive.

*Landscape Strategy and Guidelines*

- 2.16 The overall Landscape Strategy for the Wooded Estatelands is to *“Safeguard and enhance the characteristic landscape of parklands, estates, woodlands, hedgerows and unspoilt villages.”*
- 2.17 Landscape Guidelines for the Wooded Estatelands include:
- Conserve and maintain semi-natural and ancient semi-natural woodland. Where appropriate, replace non-native conifer species with native species such as oak and ash. Promote the establishment and management of medium to large-scale deciduous and mixed plantations in areas where the landscape structure is particularly weak;
  - Strengthen the field pattern by planting up gappy hedges using locally characteristic species such as hawthorn and hedgerow trees such as oak and ash;
  - Promote environmentally-sensitive maintenance of hedgerows, including coppicing and layering when necessary, to maintain a height and width appropriate to the landscape type;
  - Conserve and sympathetically maintain species-rich hedgerows and, where appropriate, replant gappy hedges using species such as hawthorn, blackthorn, wayfaring tree, dogwood and spindle;
  - Conserve parklands and their associated landscape features such as stone walls, lakes, mature trees and woods;
  - Conserve the surviving areas of permanent pasture and promote arable reversion to grassland, particularly within parklands;
  - Enhance and strengthen the character of tree-lined watercourses by planting willows and ash and where appropriate, pollarding willows;
  - Minimise the visual impact of intrusive land uses such as quarries, landfill sites, airfields and large-scale development, such as new barns and industrial units, with the judicious planting of tree and shrub species characteristic of the area. This will help to screen the development and integrate it more successfully with its surrounding countryside; and
  - Maintain the nucleated pattern of settlements and promote the use of building materials and a scale of development and that is appropriate to this landscape type.

### ***EDP Site Character Assessment***

- 2.18 The character of the site and its immediate surroundings is generally consistent with published assessments outlined above, particularly in relation to the regularly shaped field pattern dominated by arable fields and woodland within the local landscape. In addition, Kingston Bagpuize House and estate is a notable feature to the south west, its parkland character contrasting with the predominant arable farmland landscape in the area. Historic mapping shows that part of the estate as well as the southern field within the site formed part of the Kingston Bagpuize airfield from 1944 until it became disused in 1954. The estate 'vista' and farmland of the southern field appear to have been reinstated in the early 1970s, although remnants of the airfield remain today with an area of former runway access road present on the southern boundary of the site and former MOD buildings including the disused former watch tower within and around the Kingston Business Park to the south.
- 2.19 Across the whole site, the topography broadly slopes from north to south between the 80m and 75m contours, although there a number of more localised undulations across the site within this.
- 2.20 The PRoW that follows the route of the former A420 (Oxford Road) divides the site into two distinct areas. The area to the north comprises one roughly triangular arable field, which is enclosed on all sides by hedgerows, the lower northern boundary hedgerow allowing views of passing traffic on the A420. The area to the south comprises three field parcels divided by post and wire fencing with some remnant vegetation from former hedgerows and hedgerows with trees along the north, west and east boundaries of the site. These boundaries largely enclose this part of site from its surrounding landscape, the only real views out being to the south over a well maintained low hedgerow, where traffic on the adjacent A415 is visible as well as the high ground of the Berkshire Downs in the distance. Although the Kingston Business Park also lies to the south of the site, it is set well back from the A415 and largely screened from view of the site by tree belts and woodland.
- 2.21 Given the arable land use, landscape features on site are limited to boundary trees and hedgerows. The most significant areas of vegetation within the site boundary are the hedgerows with trees and scrub vegetation along the northern and southern boundaries of the PRoW on the Oxford Road. However, these boundaries do not contain any notable trees, being largely comprised of young ash and young or dead elm with bramble scrub. The only other vertical features on site are two lines of telegraph poles, one aligned along the northern boundary of the Oxford Road PRoW and the other crossing the site from the northwest boundary to the north east boundary in a north west/south easterly direction.

### ***EDP Visual Analysis***

#### *Views Out from the Site*

- 2.22 As noted above, the site is well enclosed by hedgerows, trees and woodland with views out from the site being limited. Traffic on the A420 is visible from the northern field only and there are no longer distance views from this location. From the southern field parcels, traffic on the A415 is visible as well as the lighting columns at the Kingston Business Park Junction, although the business park itself is largely screened from view by tree belts.
- 2.23 There are also more distant views above the tree line to the Berkshire Downs to the south and a view of Kingston Bagpuize House within the corridor of land that aligns with the tree lined vista out from the house within the most southerly field parcel.

#### *Views Towards the Site*

- 2.24 Given the enclosed nature of the site, views are largely limited to passing traffic on the A415, predominantly in the vicinity of the Kingston Business Park Junction where the southern boundary hedgerow has been removed to accommodate visibility splays and vehicles on the A420, which have views into the northern field parcel, primarily when approaching the site from the east.
- 2.25 Other receptors include traffic emerging from the Kingston Business Park, walkers and cyclists on the Oxford Road PRoW as it passes through the site and users of the Kingston Bagpuize Cricket and Football Field to the south. Residential receptors are limited to the residents of Kingston Bagpuize House, who have a view of a corridor of land within the southern field parcel along the tree lined vista from the house. There may be glimpses through the boundary vegetation from The Spinney and the Sunrise Day Nursery on the western boundary and Woodhouse Fruit Farm on the eastern boundary.

### **Summary and Conclusions in Respect of Landscape and Visual Matters**

- 2.26 The site is not covered by any statutory landscape designations and could be designed and developed in accordance with national and local landscape planning policy.
- 2.27 There are no significant constraints to development in landscape and visual terms and development of the site would not compromise the character of the local area.
- 2.28 Opportunities exist to improve and enhance the structure of the landscape in this area, which has been degraded and lost with the intensification of agricultural practices, the re-routing of the A420 and the presence of the former airfield.

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## Section 3 Ecology Overview

### Introduction

- 3.1 This preliminary ecological appraisal has been informed by an ecology desk study only.
- 3.2 The desk study is an important element of a wider ecological assessment of a site, enabling the initial collation and review of contextual information such as designated sites together with known records of protected and priority species.
- 3.3 The desk study involved collating information from the following sources:
- Thames Valley Environmental Records Centre (TVERC);
  - Multi-Agency Geographic Information for the Countryside (MAGIC) website<sup>1</sup>; and
  - Freely available aerial photography at Google Maps<sup>2</sup> and Ordnance Survey mapping available at Promap<sup>3</sup>.
- 3.4 The desk study was undertaken during August 2015 and involved obtaining the following information:
- International statutory designations (5km radius around site);
  - National statutory designations and non-statutory local sites (2km);
  - Annex II bat species<sup>4</sup> records (4km), and;
  - All other protected/notable species records (1km).
- 3.5 The information derived from the desk study is discussed below and the non-statutory designated site map received from TVERC is provided at **Appendix EDP 1**.

### Preliminary Ecological Baseline

- 3.6 Cothill Fen SAC is the only European designated situated within 5km of the site; it is located approximately 4km to the northeast. Cothill Fen SSSI underpins and is coincident

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<sup>1</sup> [www.magic.gov.uk](http://www.magic.gov.uk)

<sup>2</sup> <https://www.google.co.uk/maps?tab=wl>

<sup>3</sup> <http://www.promap.co.uk/>

<sup>4</sup> Bat species listed in Annex II of the EC Habitats Directive, namely Greater horseshoe, Lesser horseshoe, Barbastelle and Bechstein's bats

with the SAC designation, a small portion of the SAC is also Cothill Fen National Nature Reserve (NNR). It is unlikely that no significant adverse effects will occur to the SAC:

- For reasons of distance (the SAC is situated 4km away);
- Due to the lack of effect-receptor pathways (such as no obvious surface water course connections); and
- Because the vast majority of the SAC is not open to the public (albeit the NNR is), and a sufficient quantum of formal open greenspace will be retained within the masterplan for recreational and amenity usage by local residents.

3.7 For these reasons, no potentially significant adverse effects upon the integrity of the SAC are foreseeable. Therefore, it is considered that a detailed Appropriate Assessment as part of a Habitat Regulations Assessment is not needed to meet the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

3.8 There are two designations of national importance situated within 2km of the site: Appleton Lower Common SSSI situated 1.8km northeast, and Frilford Heath Ponds and Fens SSSI situated 1.9km to the east. Part of the site is located within the Impact Risk Zones (IRZs) around both SSSIs, which is relevant for residential schemes of 100 houses or greater. However, no adverse effects are predicted to occur to the SSSIs:

- For reasons of distance (the SSSIs are situated at least 1.8m away);
- Due to the lack of effect-receptor pathways (such as no obvious surface water course connections); and
- Because the SSSIs are not open to the public.

3.9 Consultation with Natural England would be undertaken to confirm this view.

3.10 In terms of non-statutory designations, there are two situated at least 1.75km from the site: Appleton Upper Common Local Wildlife Site (LWS), designated for woodland, and Oxford Heights West Conservation Target Area (CTA), designated for a range of habitats. These are located northeast and east respectively from the site. Opportunities exist to deliver net biodiversity gains within the site, which would complement nature conservation actions associated with the two non-statutory designations.

3.11 In a landscape-scale context, apart from the Wood Pasture and Parkland Priority Habitat situated immediately to the southwest of the site, the site is situated in an area with a lower occurrence of known Priority Habitats, and again, opportunities exist to deliver net biodiversity gains in the local area.

- 3.12 There is a limited range of protected and notable species records within the study area around the site including barn owl (*Tyto alba*), grass snake (*Natrix natrix*) and several species of bats (activity records, not roosts). Most notably, the Millennium Green Pond situated 170m west contained a small population of great crested newt (*Triturus cristatus*) in 2007.
- 3.13 There appear to be five ponds within 500m of the site, situated offsite. Four waterbodies are situated between 220m and 420m to the southwest. However, there are no obvious, direct green links between the site and the waterbodies along which great crested newt may disperse, and the waterbodies are separated from the site by a significant physical barrier: the A415. For these reasons, these four waterbodies can be discounted from any further assessment as it is considered unlikely great crested newt (if present) would occur on site. The fifth waterbody is the Millennium Green Pond as noted above, where there appears to be no barrier to newt dispersal and thus further survey may be undertaken to inform the design and application process.
- 3.14 To support any application, Phase 2 surveys are also likely to be needed for foraging bats, and breeding birds to support an application; though the actual need for and scope will be subject to confirmation with the Local Planning Authority (LPA) ecologist:

### **Policy**

- 3.15 Habitats and species receive protection within the NPPF and at the local level through the saved policies of the Vale of White Horse Local Plan 2011.
- 3.16 The NPPF states:
- " 118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*
- *If significant harm resulting from a development cannot be avoided (through locating on alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
  - *Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted; and*
  - *Opportunities to incorporate biodiversity in and around developments should be encouraged".*
- 3.17 The Vale of White Horse Local Plan 2031 will progressively replace the current Local Plan 2011 (which was adopted in 2006). The Vale of White Horse District Council is in the preliminary stages of preparing the necessary documents over the next four year period 2015-2018, which will enable the new 2031 Plan to become active.

3.18 Accordingly, a number of existing policies from the existing Local Plan have been 'saved' until such time as new policies replace the existing ones. For nature conservation, this involves four saved policies as follows:

- *Saved policy NE1: "Applications for development which are likely to affect a known or potential site of nature conservation value will not be permitted unless they are accompanied by an ecological appraisal which enables a proper assessment to be made of the impact of the proposed development on the ecological value of the site";*
- *Saved policy NE2: "Development will not be permitted if it would result in the destruction of or damage to any special area of conservation, national nature reserve or site of special scientific interest";*
- *Saved policy NE4: "Development likely to harm a site of nature conservation importance not covered in policies ne2 and ne3 will not be permitted unless it can be clearly demonstrated that the reason for the development clearly outweighs the need to safeguard the nature conservation value of the site and adequate compensatory habitats will be provided"; and*
- *Saved policy NE5: "Development likely to have an adverse affect on a specially protected species will not be permitted unless the adverse affects, either directly or indirectly, can be prevented or acceptably minimised or adequate alternative habitats can be provided".*

3.19 To be policy-compliant, any development proposals coming forward will be required to ensure that adverse effects on designated sites, and 'significant harm' to other biodiversity features of interest (important habitats and valued species populations), are avoided. The proposals should also try to ensure that net gains in biodiversity can be achieved. Development of the site would enable all of the above to be achieved and thus ecological matters are not considered a constraint to development.

### **Constraints and Opportunities**

3.20 Subject to confirmation through consultation and further baseline investigation, the site will be regarded as having low or limited ecological value. With appropriate and proportionate habitat creation and management built into the masterplan, the proposed development therefore has the opportunity to make a net contribution to local biodiversity.

3.21 Such measures may include:

- Retaining and strengthening the existing hedge network with supplementary planting;

- Creation of additional areas of scrub, hedges and trees;
- Creation of open water/marginal aquatic habitats within Sustainable urban Drainage Systems (SuDS); and
- Creation of a range of grassland types.

### **Summary and Conclusions in Respect of Ecological Matters**

- 3.22 From an ecology perspective, and subject to confirmation through consultation and further baseline investigation (Phase 2 surveys), it is EDP's opinion that there are no 'in principle' (significant) constraints with regard to future built development of the site. With appropriate design, the proposed development would be compliant with national and local planning policy.
- 3.23 In EDP's assessment, the site is regarded, overall, as having low or limited ecological value based upon the information gathered to date. For the reasons stated above (mainly distance and lack of connections), no statutory or non-statutory designations will be affected. There is potential for protected species to be utilising the site and further surveys are recommended to establish their presence or absence from the site. However, the limited extent and poor quality of habitats on the site is such that the site is unlikely to support significant populations or significant assemblages of protected or notable species.
- 3.24 Mitigation measures to avoid/minimise potential effects for low populations of any such species could be readily provided; indeed, enhancement measures could benefit such species.
- 3.25 With appropriate and proportionate habitat creation and management built into the masterplan, the proposed development therefore has the opportunity to make a net contribution to local biodiversity.

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## Section 4 Heritage Overview

### Introduction

- 4.1 This section represents an initial high level desktop appraisal of the archaeological and heritage issues that are expected in relation to the allocation of the site.
- 4.2 The appraisal is based on readily available sources, which comprise:
- The National Heritage List for England, curated by Historic England;
  - The Oxford Historic Environment Record (HER);
  - Online historic mapping; and
  - Aerial photographic information held at the National Archive in Swindon.
- 4.3 No site visit or walkover has been undertaken at this stage.

### Designated Heritage Assets

- 4.4 There are no designated heritage assets, such as scheduled monuments, listed buildings or registered parks and gardens within the site which would potentially constrain the capacity for development within it.
- 4.5 Within the wider area surrounding the site are 48 listed buildings within approximately 1km and the Kingston Bagpuize, Fyfield and Netherton Conservation Areas.
- 4.6 The majority of the listed buildings in Kingston Bagpuize are within the conservation area which focusses on Kingston Bagpuize Park (a non-designated heritage asset). Twenty-seven listed buildings have been identified in this area of which two are Grade II\*.
- 4.7 Of these, the Grade II\* Kingston House (LB1198912) and its associated gazebo, terrace walls, gates, gatepiers and wall (LB1048380) are the most sensitive and are located c.500m to the west of the site. Also associated with these, and part of the same historic group, are a number of gates, gatepiers and walls (LB1198997 and LB1199021) and a granary (LB1283577). An avenue of trees extends from the east of the house towards the site. Initial research, including the consultation of historic maps and aerial photographs, suggests that this planting is not historic. However, it does contribute to the setting of the house and design measures as part of masterplanning are seeking not only to preserve this, but to provide enhancement.

- 4.8 Given the status of the Grade II\* listed buildings and their proximity to the site, the advice of Historic England will need to be sought, in respect of any potential setting issues. However, it is considered at this stage that any changes within the site will have no effect on the significance of the listed buildings through changes to their setting. This will be fully assessed as part of the planning application process.
- 4.9 The setting of the church of St John the Baptist may also be considered sensitive and advice from the conservation officer will need to be sought in this regard. However, it is also considered here that any changes within the site will have no effect on the significance of the listed building through changes to its setting. This also will be fully assessed.
- 4.10 At this stage, it is not considered that the setting of any of the other listed buildings identified or indeed those included within the conservation area will have their setting affected to such a degree that their significance is compromised.
- 4.11 More widely to the east, within and adjacent to the conservation area at Fyfield are a further 14 listed buildings of which four are Listed at Grade II\*. These are:
- Manor Farmhouse (LB1048366);
  - Fyfield Manor House (LB1198429);
  - Church of St Nicholas (LB1368546); and
  - The White Hart Inn (LB1048407).
- 4.12 There is no intervisibility between these buildings and the site and thus, whilst setting will be fully considered as part of any application, the site is not thought likely to contribute to their setting and thus is unlikely to present a constraint in relation to the development of the site.
- 4.13 The conservation area at Netherton contains seven listed buildings, all of which are listed at Grade II. Given the distance, the site is unlikely to contribute to the setting of either the conservation area or the listed buildings in any way. This would be confirmed by a setting assessment as part of any planning application for the site.
- 4.14 There are no further designated heritage assets, as defined in Annex 2 of the National Planning Policy Framework (NPPF), such as world heritage sites, scheduled monuments, listed buildings, registered parks and gardens or registered battlefields, within the site or 1km radius of it. A brief review of assets outside this area has not identified any which are likely to be sensitive to changes within the site.

### **Non-designated Heritage Assets**

- 4.15 There are no non-designated heritage assets recorded within the site, as recorded by the Oxfordshire HER. However, review of on line historic mapping and historic aerial photography show that the southern portion of the site formed part of the Kingston Bagpuize Airfield that was constructed during WWII and never fully completed. This, or indeed any associated features, are not recorded by the HER.
- 4.16 The surrounding area has produced evidence for archaeological activity dating from the Mesolithic through to the post-medieval period. The following paragraphs summarise the known archaeological background for the immediate surroundings of the site, based on information recorded on the Oxfordshire HER and other sources listed above.
- 4.17 Much of the evidence for prehistoric activity in the wider environs of the site was generated by field walking surveys undertaken in advance of the construction of the A420 by-pass. Lithics dating to the Mesolithic, Neolithic (including an axe) and Bronze Age were recovered from its route. To the east of the site, lithics and finds of Bronze Age date are recorded; these appear to correlate to an area of crop marks observed on aerial photographs, which are not recorded by the HER. Evidence for prehistoric settlement is however recorded to the west of the village.
- 4.18 Evidence for Roman period activity exists to the north, as evidenced by field-walking finds and to the south east where the remains of a villa have been identified. There is also evidence for Roman settlement activity to the west of the village, a mosaic is also recorded within the village itself. A Roman coin hoard was found on the line of the parish boundary to the south of the site.
- 4.19 There is little evidence in the archaeological record for early medieval or medieval activity in the wider study area. However the western boundary of the site, which coincides with the parish boundary is thought to have origins in the Saxon period and is referred to as Aelfriths Dyke. Trial trenches across it at the northern extent of the site failed to find any evidence for ditches or a bank. The find of a Roman coin hoard on its line may suggest the boundary alignment is in fact earlier.
- 4.20 The site was probably in use for agriculture throughout the medieval to modern periods, with the exception of the development of the southern area, which was incorporated into the Kingston Bagpuize Airfield. This had a devastating effect on the historic landscape of the eastern side of the village, including that of the Grade II\* listed Hall and its associated park, the majority of which was incorporated into the airfield (**Image EDP 1**). The sites of a number of pill boxes are recorded to the north of the site but no other features associated with WWII are recorded by the HER.
- 4.21 Based on the information collated for this report, it is considered that the southern area of the site has no potential for archaeological remains other than those associated with the former airfield. It is possible that the northern tip of the main runway may survive as a buried feature. Certainly, a section of the access road that circled the entire complex is

visible above ground on the southern boundary. Other features such as light bases etc., may also be present below.

- 4.22 The northern area of the site does have some potential for buried archaeological features of prehistoric or Roman date, based on the scatters of finds recovered to the north, and will be of local importance if present. As the site has been ploughed consistently, any surviving remains will be truncated, further reducing their value.
- 4.23 Further assessment will be required to better understand the nature, presence and extent of any buried features that may survive within the site, although it is unlikely that such remains are of sufficient importance or extent, or survive to a level which would warrant preservation *in situ*.

### **Policy and Designation Constraints and Opportunities**

- 4.24 The Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') provides for the definition and protection of listed buildings and conservation areas. As well as protecting the fabric of listed assets, Section 66 of the Act places a duty on the determining authority to have special regard to the desirability of preserving a listed building and its setting in considering whether to grant permission for development which affects these assets.
- 4.25 Non-designated heritage assets as well as those designated under the above Act and The Ancient Monuments and Archaeological Areas Act 1979 are given protection under the NPPF. Provision for the historic environment is given principally in Section 12 of the NPPF, which directs local planning authorities to set out "*a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance*". This requirement is framed by a presumption in favour of sustainable development and the policy recognises that the historic environment has a role to play in urban design (Section 7), promoting healthy communities (Section 8) and protecting Green Belt land (Section 9).
- 4.26 Until the adoption of the new local plan for the Vale of White Horse, the saved policies of the Local Plan 2011 (2006) continue to form the policies that guide development. Policies which are relevant in this case are policies HE1, HE9, HE10 and HE11.
- 4.27 Policy HE1 addresses conservation areas and states that:

*"Proposals for development or other works within or affecting the setting of a conservation area will not be permitted unless they can be shown to preserve or enhance the established character or appearance of the area. Development will only be permitted:*

- (i) *on areas such as paddocks, greens, gaps between buildings, gardens and other open spaces where it can be shown that these areas do not make a positive contribution to;*
  - a) *the conservation area's special interest including its relationship with its landscape setting, or*
  - b) *views within, into, or out from the conservation area which would be lost or damaged were the development to be permitted.*
- (ii) *where it respects its context through appropriate siting, scale, height, form and massing, design detailing and the choice and quality of materials and finishes and has regard to the desirability of;*
  - a) *preserving those features important to the special interest and character of the conservation area; and*
  - b) *removing or improving features in the conservation area which detract from its special interest and character; and*
- (iii) *if levels of traffic, parking, noise or other environmental effects generated by the development are compatible with the preservation or enhancement of the established character or appearance of the conservation area."*

4.28 Policy HE 9 concerns archaeological remains and states that:

*"Where there are reasonable grounds for believing that important archaeological remains may be disturbed or otherwise adversely affected by a development proposal the applicant will be required to carry out an archaeological field evaluation of the site and its setting before the planning application is determined."*

4.29 Furthermore, policy HE10 states that

*"Development will not be permitted if it would cause damage to the site or setting of nationally important archaeological remains, whether scheduled or not."*

4.30 Policy HE 11 states that:

*"Development affecting important archaeological sites should be designed to achieve preservation in situ. Where this is not practicable or desirable development will not be allowed to commence until a programme of archaeological investigation including excavation, recording, analysis and publishing results has been agreed and its implementation secured."*

## Summary and Conclusions in Respect of Heritage Matters

4.31 On the basis of the findings of the preliminary heritage work undertaken, the following conclusions have been drawn:

- No in principle constraints to the allocation and development of the site have been identified;
- There are a number of listed buildings and three conservation areas in the vicinity of the site, although few have been identified which are likely to be sensitive to development within the site. The potential for effects on the setting of Kingston Bagpuize House and both the listed and non listed building within the park, which is a conservation area will need careful assessment and consideration in the design of any development, to preserve the setting of these buildings in line with Section 66 of the Act;
- Based on current information the site is considered to have low potential to contain archaeological remains of prehistoric or Roman date. There is no evidence for the site itself, but data from the surrounding indicates the presence of human activity in the prehistoric and Roman periods;
- The western boundary of the site is thought to have originated as a dyke or boundary in the Saxon period. However, works to identify it failed to find any evidence of its historic form. Whilst the alignment of the boundary is certainly historic, it is unlikely that there are features associated with this boundary within the site. During the medieval and post medieval periods the site was probably in use as agricultural land;
- Finally, the remains of the former Kingston Bagpuize Airfield are known to survive in the southern area of the site. Depending on the nature and extent of these they will be of local importance only;
- It is unlikely that any archaeological remains are of sufficient importance or extent that they would warrant preservation *in situ* and are unlikely to adversely affect the suitability or capacity of the site for development. The NPPF advises that a balanced judgment will be required in any planning decision, having regard to the scale of any harm or loss posed by development and the significance of the heritage asset;
- There is some potential for the enhancement of the wider setting of both the Grade II\* Kingston Bagpuize House and indeed the surrounding conservation area. This would be in keeping with the provision made in Section 12 of the NPPF; and
- The archaeological potential of land within the site, and the possibility for further unrecorded remains, are such that further investigation, such as geophysical survey, may be prudent to feed into the masterplanning process. Depending of the results of this work, a further programme of archaeological work, including trial trenching, may be required, in line with the provision in Section 12 of the NPPF. The need for

and timing of this work can be established through negotiation with the LPA's archaeological advisor, although experience indicates that the geophysical survey at least will be a pre-determination requirement to augment the findings of a more detailed archaeology and heritage assessment.



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**Image EDP 1:** Kingston Bagpuize Airfield 1944

## **Section 5**

### **Conclusions**

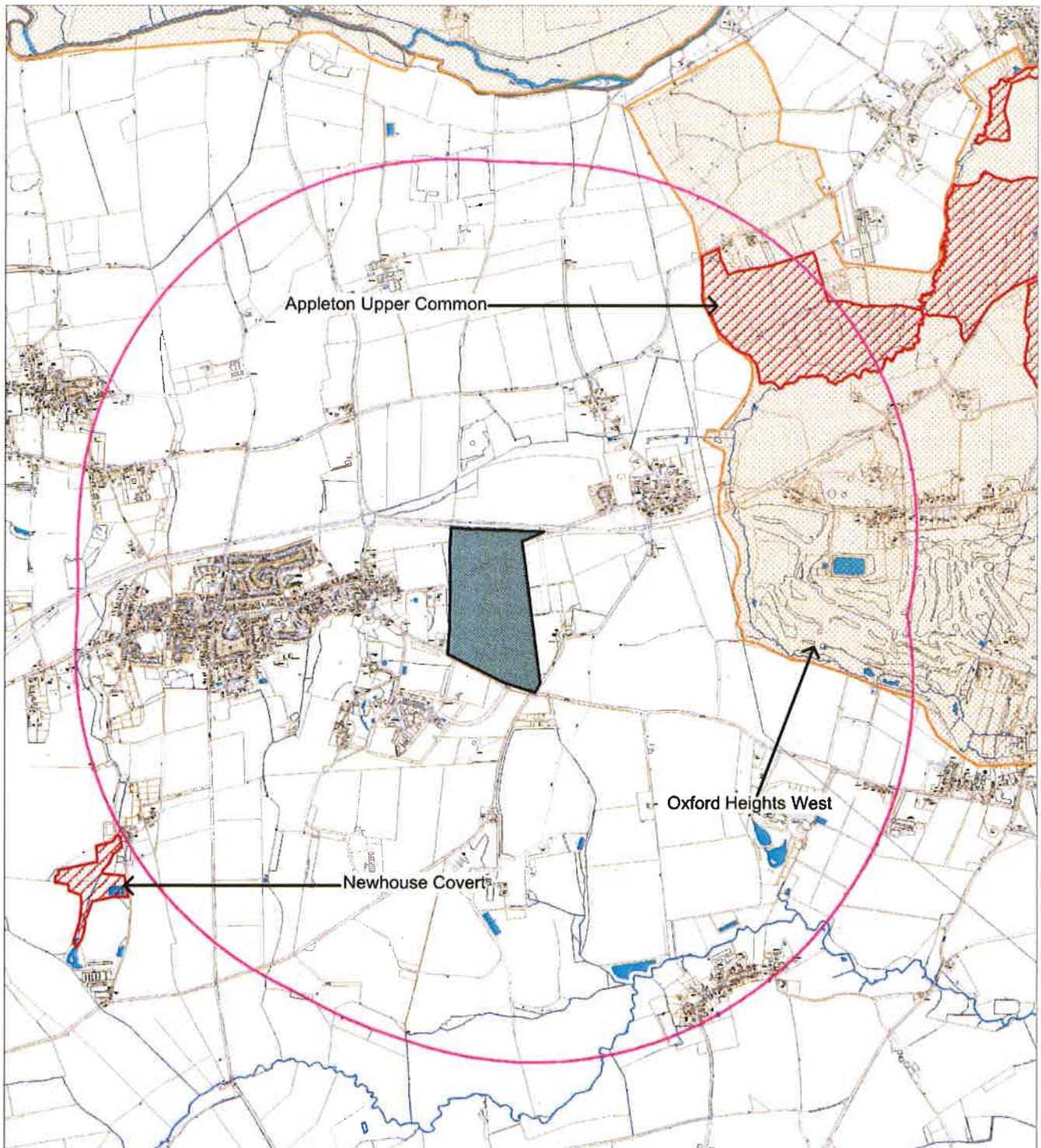
- 5.1 From the preliminary studies outlined above, there do not appear to be any 'in principle' reasons constraining the site and indeed, a number of landscape, biodiversity and heritage enhancements could result from development. It is of note that the landscape structure of the area was largely removed by the construction of the former Kingston Bagpuize Airfield and whilst some reinstatement has occurred since, this has been piecemeal and would now benefit from a strategic landscape planning approach.
- 5.2 The site is not constrained by any statutory designations. With reference to the NPPF would appear to present an excellent alternative to the strategic site to the north and east of Harwell Science and Innovation Campus, which lies within the North Wessex Downs AONB. Given the scale and openness of the site at Harwell and its visibility within the AONB landscape, the land to the north of Abingdon Road, Kingston Bagpuize would certainly be preferable in landscape terms, being policy compliant and with minimal impact on the wider landscape, given its wooded context.

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**Appendix EDP 1**  
**Non-Statutory Designated Site Map from TVERC**

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# Land at Kingston Bagpuize Designated Wildlife Sites Map



-  Site boundary
-  Search Area (2 km)
-  Local Wildlife Sites
-  Conservation Target Areas

Scale: 1:30000



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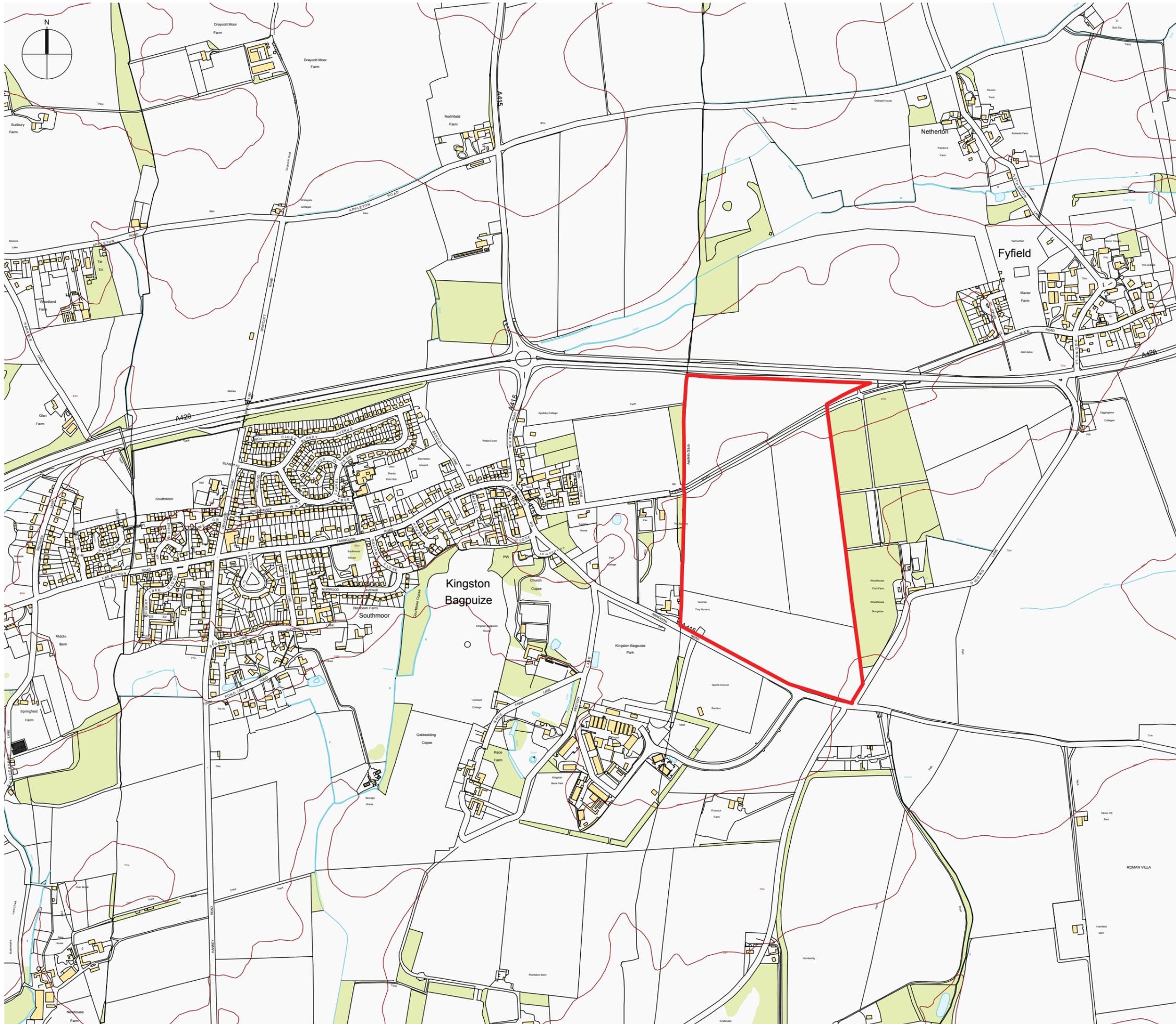
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& DEVELOPMENT CONCEPT**

**LIONCOURT STRATEGIC LAND**  
Land North of Abingdon Road, Kingston Bagpuize

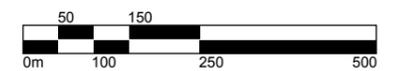
**AUGUST 2015**  
**DE214\_DOC1 REVA**

## LEGEND

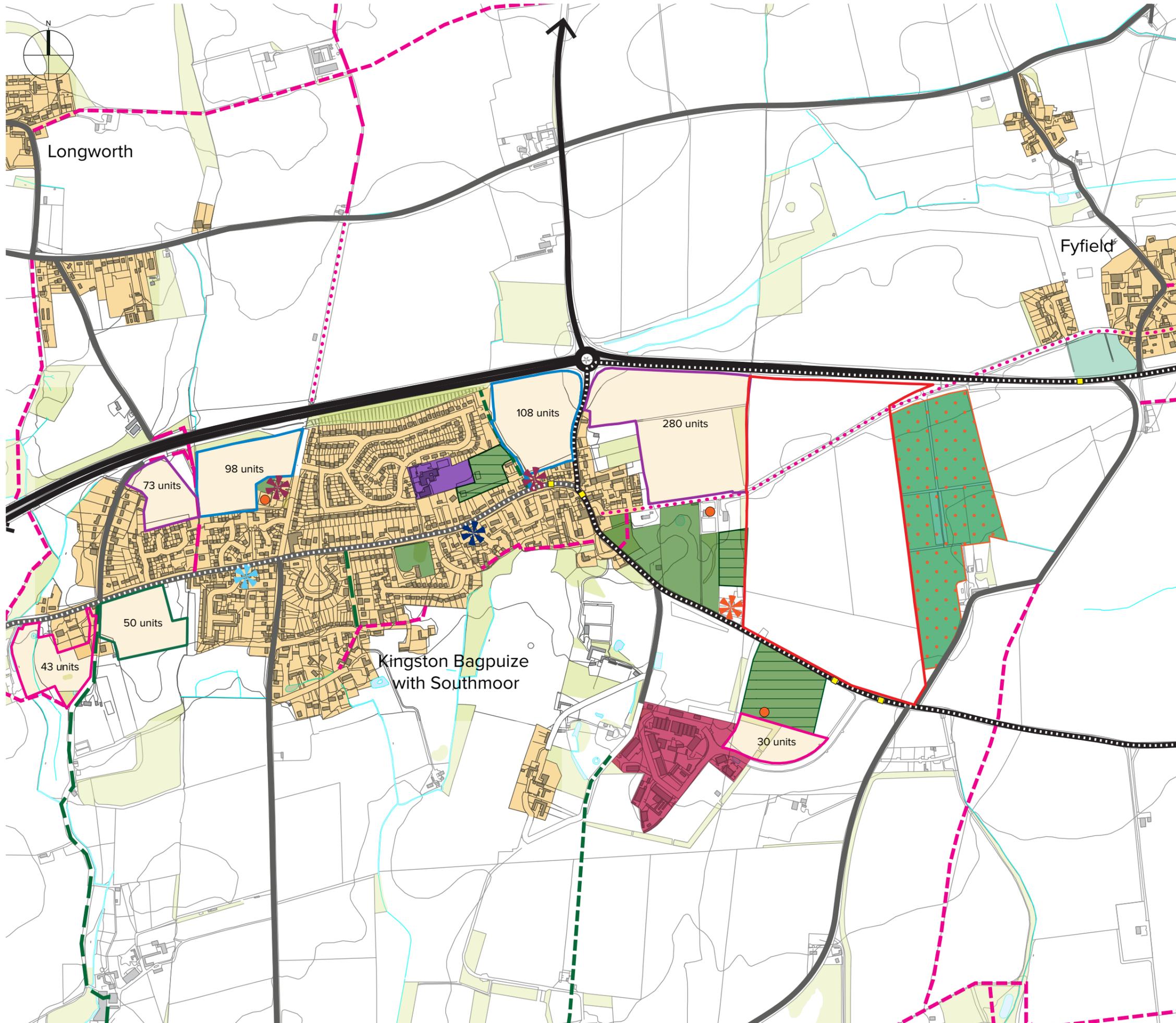
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SCALE 1:10,000

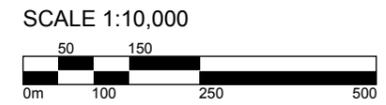


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Lioncourt Strategic Land	Client
Kingston Bagpuize	Project
Location Plan	Title
1:10,000@A3	Scale

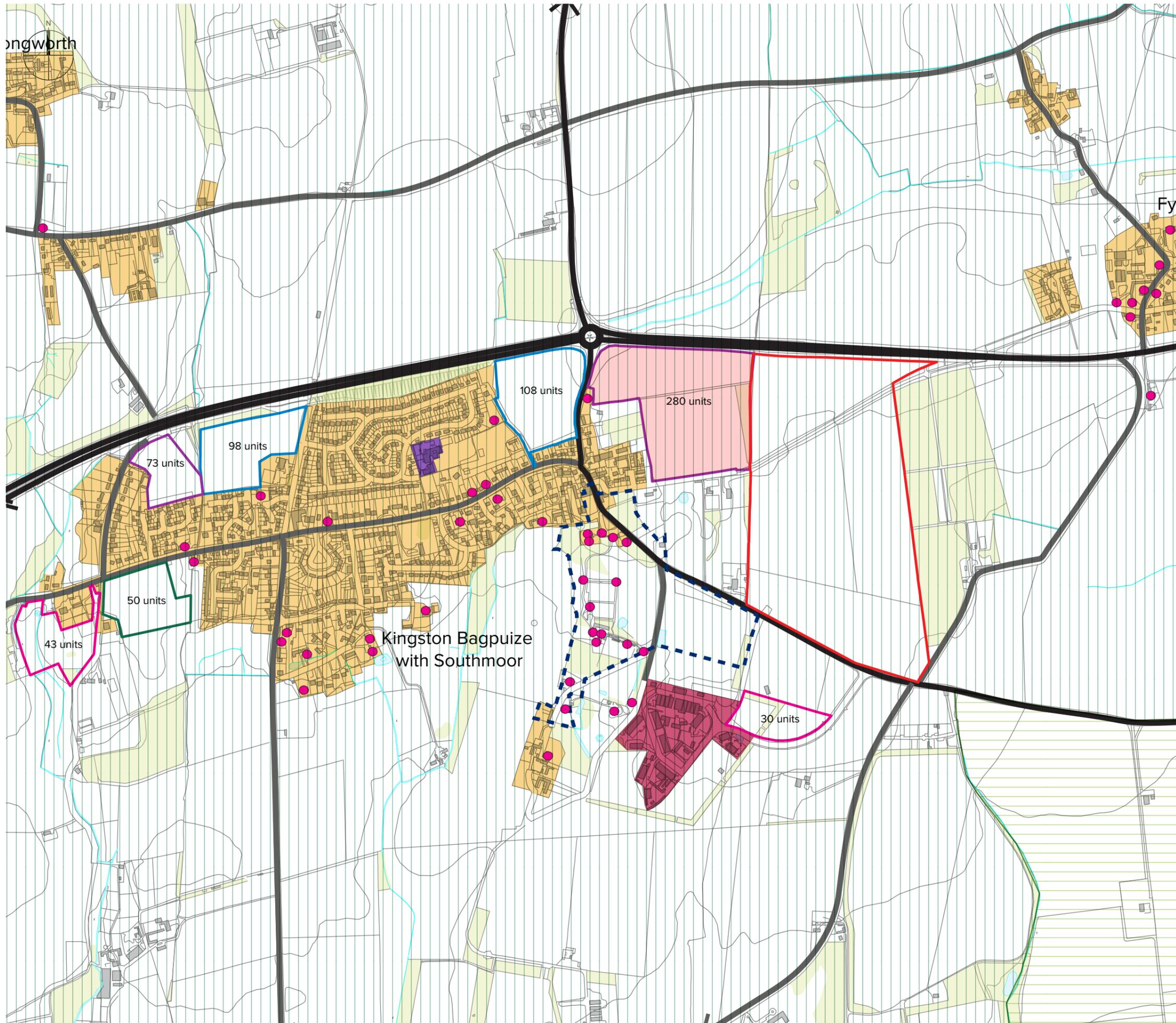


**LEGEND**

- Site boundary
  
- Land Use**
- Residential site (recently completed)
- Residential site (under construction)
- Residential site (resolution to grant/planning permission)
- Residential site (under consideration)
- Predominantly residential
- Business park
- Primary school
- Notable vegetation
- Public open space
- Playing field
- Allotments
- Fruit farm
  
- Movement**
- Primary road
- Secondary road
- Bus route
- Public footpath
- Public bridleway
- Other route with public access
- Byway open to all traffic
- Restricted byway
- Bus stop (close to site)
  
- Facilities**
- ✱ Village hall/community building
- ✱ Day nursery
- ✱ Post office
- ✱ Local shops
- Sports club



	A	Rev
	DE214_002	Drg No
Lioncourt Strategic Land		Client
Kingston Bagpuize		Project
Land Use, Facilities and Movement Plan		Title
1:10,000@A3		Scale



**LEGEND**

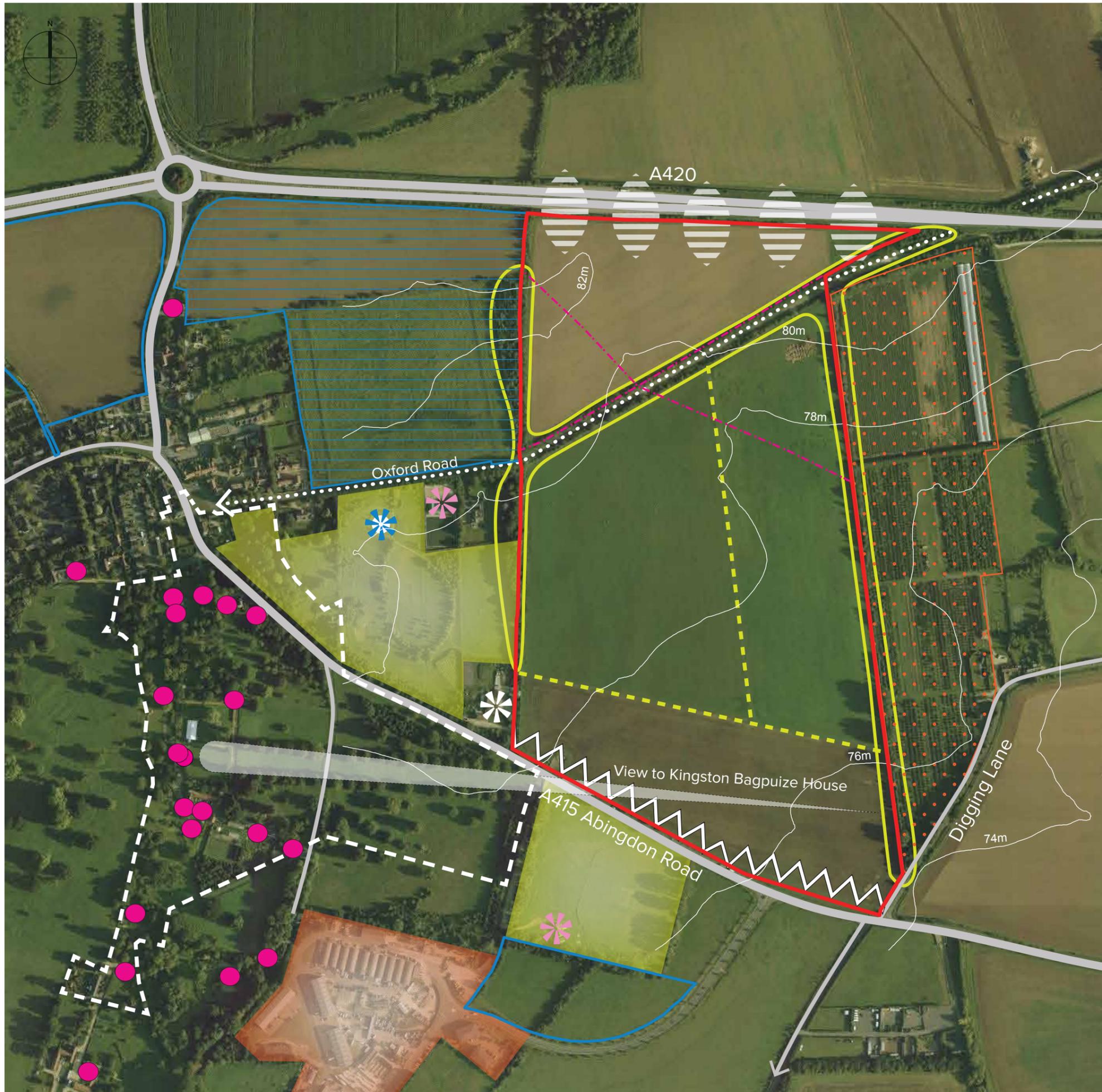
- Site boundary
- Residential site (recently completed)
- Residential site (under construction)
- Residential site (resolution to grant/planning permission)
- Residential site (under consideration)
- Predominantly residential
- Business park
- Primary school
- Strategic Housing Allocations (CP4)\*
- Conservation Area (CP39)\*
- Listed Building
- North Vale Corallian Ridge (NE7)\*
- Lowland Vale (NE9)\*

\* Extracted from Vale of White Horse District Council Local Plan 2031 Draft Adopted Policies Map (Nov, 2014)

SCALE 1:10,000



	A	Rev
	DE214_003	Drg No
Lioncourt Strategic Land	Client	
Kingston Bagpuize	Project	
Designations Plan	Title	
1:10,000@A3	Scale	



**LEGEND**

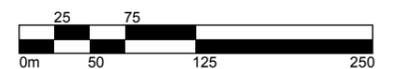
- Site boundary
- Allocated residential site under consideration
- Residential site under construction/permitted
- Business park
- Playing fields/public open space
- Conservation Area
- Fruit farm
- Existing vegetation
- Main road
- Secondary road
- Other route with public access
- Visually exposed edge
- Noise
- Day nursery
- Sports club
- Listed Building
- ✳ Great crested newt habitat
- Scraggy field boundary

**KEY CONSIDERATIONS**

The site itself is relatively unconstrained and contains few historic features, aside from the former Oxford Road which bisects the northern half of the site. Historic assets within close proximity to the site, such as Kingston Bagpuize house and other Listed Buildings will, however, require careful consideration. The key considerations for the development of the site are as follows:

- Former Oxford Road link
- Views to Kingston Bagpuize House and setting of Listed Buildings and Conservation Area
- Limited access off existing road network
- Noise and air quality issues associated with the A420
- Relationship to permitted and allocated residential sites
- Integration with the settlement and adjacent public open space
- Existing vegetation along the site boundaries and former Oxford Road link
- Gently sloping land falling from the north-west to the south-east with localised undulations
- More visually prominent southern site boundary
- Scraggy hedgerows that bisect the site to the south
- Low voltage overhead electricity cables to be diverted underground

SCALE 1:5,000



	Rev
DE214_004	Drg No
Lioncourt Strategic Land	Client
Kingston Bagpuize	Project
Site Analysis Plan	Title
1:5,000@A3	Scale



Site Area	34.6 ha
<hr/>	
Land Budget	Area
Residential	18.8 ha (~565 units @ 30dph)
Primary School (2FE)	2.2 ha
Local Centre	0.5 ha
Public Open Space (including SUDS, sports/ recreation)	7.3 ha
Landscape Strip (including allotments)	3.7 ha
Green Corridor/Cycleway	0.7ha
Strategic Infrastructure	1.4 ha

### DESIGN PRINCIPLES

The design principles have evolved from an understanding of the site and its context to demonstrate how a well integrated and sustainable mixed-use development could successfully be delivered on land to the north of Abingdon Road, Kinston Bagpuize. The key principles are as follows:

- ① Create a new road connecting the A415 to the A420, providing two primary access points into the site and helping to relieve traffic within the village.
- ② Residential development arranged in a perimeter block formation providing natural surveillance over all streets and public open spaces.
- ③ A 2FE primary school serves the village and surrounding settlements.
- ④ A key nodal space incorporating a children's play area, village green and potential school drop off is located alongside the new primary school and existing settlement edge promoting community cohesion and maximising accessibility for new and existing residents along the footpath/cycleway link.
- ⑤ A small mixed-use retail area is located to the north-east, providing development frontage at the new roundabout and benefitting from visibility along the new A420.
- ⑥ The boulevard of trees leading to Kingston Bagpuize House is continued into the southern area of open space, emphasising views to the Listed Building from the east. No development is placed to the south of the site to protect the setting of the house and adjacent Listed Buildings/Conservation Area.
- ⑦ The former Oxford Road link provides an opportunity for a school access/drop-off point and pedestrian/cycle link connecting into the village and wider network of public rights of way and lanes.
- ⑧ Public open space along the western boundary provides opportunities to connect to the adjacent allocated residential site and extend the Millennium Green into the site.
- ⑨ A substantial landscape buffer (min 20m) and acoustic fence is provided along the northern boundary to mitigate any noise/air quality issues associated with the A420.
- ⑩ A substantial landscape buffer (min 20m) is provided along the eastern edge to create a strong defensible settlement boundary and protect the visual amenity. Species rich calcareous grassland also encourages diverse habitat creation.
- ⑪ Informal tree groupings help to create a 'green canopy' allowing the development to carefully assimilate with its village and landscape setting.
- ⑫ Low lying land is utilised to provide sustainable drainage solutions with lowland meadow mix grassland to encourage habitat creation.
- ⑬ Animal underpasses will be provided to facilitate crossing of the new eastern road link.

### LEGEND

- |                   |  |                       |
|-------------------|--|-----------------------|
| Site boundary     | Other residential site (permitted/allocated) | Secondary street      |
| Residential       | Key building                                 | Residential street    |
| Primary school    | Landscape focal point                        | Mews/lane             |
| Mixed-use retail  | Acoustic fence                               | Pedestrian/cycle link |
| Public open space | Species rich hedgerow                        |                       |
| LEAP              | Buffer planting                              |                       |
| Allotments        | Informal trees                               |                       |
| SUDS              | Avenue trees                                 |                       |
| Feature square    | Primary road                                 |                       |

	A	Rev
	DE214_005	Drg No
Lioncourt Strategic Land		Client
Kingston Bagpuize		Project
Development Framework		Title
1:5,000@A3		Scale

# Cabinet Report



Report of Head of Planning

Author: Sophie Horsley

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Wards affected: All

Cabinet member responsible: Councillor Mike Murray

Tel: 01235 834125

E-mail: [mike.murray@causewayland.com](mailto:mike.murray@causewayland.com)

To: CABINET

Date: 7 August 2015

## Planning to address Oxford unmet housing need in Vale of White Horse

### Recommendations

Cabinet is requested to:

- a) endorse the approach that Oxford's unmet housing need might be in the range of 8,000 – 16,000 homes and that pending confirmation of quantum this range be used to frame options testing
- b) endorse the broad plan-making principles and approach to addressing our appropriate share of the unmet housing need as outlined in paragraphs 16-19 of this report.

### Purpose of Report

1. This report sets out to endorse a high level approach for the council to address its share of any unmet housing need arising from elsewhere in Oxfordshire. It is in effect a preparatory paper for the Issues and Scope consultation stage to help address, once defined and evidenced, the proportion of Oxford City unmet housing need that may fall to the Vale to plan for. This approach is in accordance with the submitted Local Plan Part 1 and Core Policy 2: Cooperation on unmet housing need for Oxfordshire.
2. This report is high level and the most appropriate timing and plan-making approach will depend on the outcome of two main work streams:
  - progress with the imminent Vale Local Plan 2031: Part 1 examination

- ongoing cooperative working by Oxfordshire authorities through the Growth Board, which seeks to quantify the level of unmet need and agree how it should be apportioned for each district to address through their local plans. The Vale is fully engaged in and committed to this work, though we continue to seek improvements to the process. Our high level approach set out in this report is in-addition to our cooperative work through the Growth Board.

## Corporate Objectives

3. The proposals in this report would contribute to the following corporate objectives:
  - a strong local economy
  - housing for people who need it
  - communities involved in decisions about development and other issues affecting their local area.

## Background

4. Under the predecessor<sup>1</sup> to the Growth Board, the six Oxfordshire councils prepared a Strategic Housing Market Assessment (SHMA) for Oxfordshire in 2013-2014 to inform plan-making, guided by an agreed Oxfordshire Statement of Cooperation, attached as appendix A.
5. In November 2014 the Oxfordshire Growth Board endorsed the principles of a proposed strategic work programme to quantify and apportion Oxfordshire's unmet need, for each district to then address in their own way through their own local plan processes. The agreed principles are as follows:
  - i. The district Local Plans are sovereign and all work should feed into Local Plans for them to determine the spatial future of the districts;
  - ii. A recognition, however, that the work must be collaborative and joined up to provide a county-wide spatial picture and strategy;
  - iii. A recognition that joint work on future spatial options, transport infrastructure and green belt will be required to feed into Local Plans;
  - iv. Recognition that the City cannot fully meet its housing needs and there is a need to agree on the level of unmet need. However, work on determining spatial options in Local Plans can commence alongside this;
  - v. A wish that the timescale for completing the review will be 12-18 months and that this should not hold up Local Plan timescales.
6. This work and process reflects the requirements of the legal Duty to Co-operate on plan-making. Extracts from the relevant guidance on the Duty is provided at Appendix B.

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<sup>1</sup> The Spatial Planning and Infrastructure Partnership

7. An officer working group known as the 'post-SHMA project group' comprising representatives from Vale of White Horse, South Oxfordshire, West Oxfordshire, Cherwell, Oxford City and Oxfordshire County Council has been established and tasked by the Growth Board to draft a work programme. Vale officers have input into all aspects of developing and carrying out this programme to date, and have recently made suggestions as to how the process could be improved, which were considered at Growth Board on 30 July 2015.
8. The submitted Vale Local Plan 2031 Part 1 sets out in Core Policy 2 a commitment to assist in meeting Oxfordshire housing needs if required by a full or partial review of the emerging local plan, or through preparation of another development plan document (e.g. the Local Plan Part 2). An indicative timetable for this work is set out in the Local Development Scheme 2015-2018, although this will need to be updated to reflect onward progress with the local plan examination.

## Unmet housing need

9. The Oxfordshire SHMA 2014 identifies objectively assessed need for housing as follows:

Housing Needed per Year (2011-31)	A. Demographic Base + Shortfall	B. To Support Committed Economic Growth	C. To Meet Affordable Housing Need in Full	D. Range: Housing Need per Year	E. Midpoint of Range
Cherwell	682	1142	1233	1090-1190	1140
Oxford	780	700	2058	1200 - 1600	1400
South Oxfordshire	552	749	965	725-825	775
Vale of White Horse	508	1028	683	1028	1028
West Oxfordshire	541	661	685	635-685	660
Oxfordshire	3063	4280	5624	4678 - 5328	5003

10. Oxford City are asking surrounding Oxfordshire districts to make provision for that part of Oxford's need that they are unable to accommodate. Their total need of 1,200-1,600 homes per annum equates to 24,000 – 32,000 homes from 2011-2031. Their own strategic housing land availability assessment (SHLAA) identifies capacity for around 10,000 homes, leaving a claimed unmet need in the range of 14,000-22,000 in the SHMA period 2011-2031. However, their SHLAA has not been carried out in a manner consistent with national practice guidance in that it continues to apply policy constraints from their pre-SHMA and out-of-date local plan.
11. South, Vale and Cherwell districts therefore commissioned Cundall to carry out a study on Oxford's housing land capacity which indicates the potential for 16,000 homes in Oxford if a less restrictive policy approach was applied. Until Oxford undertakes an NPPF-compliant SHLAA, this is the best available and up to date evidence of Oxford's housing capacity.
12. Based on these figures and an illustrative assumption that any unmet Oxford need is apportioned equally to the four districts, the following scenarios represent a plausible range for testing options to address Oxford unmet need:

- a. **Low** = 2,000 homes, being one quarter of the low point of the City's objectively assessed housing need (OAN) (24,000), less the capacity of the City as identified by Cundall (16,000)
- b. **Mid** = 3,000 homes, being one quarter of the midpoint of the OAN (28,000), less the capacity of the City as identified by Cundall (16,000)
- c. **High** = 4,000 homes, being one quarter of the high point of the City's objectively assessed housing need (OAN) (32,000), less the capacity of the City as identified by Cundall (16,000).

13. There is some precedent for using the mid-point, as the Cherwell Local Plan inspector found the mid-point of the objectively assessed need for Cherwell to be a sound approach for that plan.

### **Addressing Oxford unmet need**

14. The Vale considers that a local plan review by Oxford City may be the most appropriate way to determine the correct level of unmet need within the ranges noted above, but this is not the only way to robustly define the City's capacity. Pending a definitive and proven outcome on this number by whatever means, we can still:
- i. agree the broad plan-making principles and areas of search to guide this work. These are addressed in paragraphs 17-19 of this report
  - ii. commence work to investigate options to address unmet need (as we did for the local plan in anticipation of the 2014 SHMA, for the purposes of timely and efficient plan-making).
15. Before considering growth options, officers have explored ways to contribute to Oxford unmet need:

#### **i. Excess of Vale affordable housing provision.**

As our housing need is driven by economic factors, our affordable housing target of 35% would deliver around 1,000 more affordable homes than are required to meet our own affordable housing needs<sup>2</sup>. However, we need to provide our full OAN target of homes so any overprovision of affordable housing will still contribute to our overall supply of homes. The oversupply of affordable homes is difficult to accurately predict in advance as we can't guarantee all sites will deliver 35% (or any other proportion) affordable homes and account must be taken that we cannot secure affordable houses on sites less than ten units. Accordingly this approach could make only a limited contribution.

- ii. **Use of Vale Green Belt** to re-provide policy compliant uses currently within Oxford to enable Green Belt land in Oxford to be developed for housing. Examples

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<sup>2</sup> The SHMA identified Vale affordable housing need of 273 homes per annum or 5,460 affordable homes 2011-2031. Assuming nil contribution from sites of 10 or less homes, and the LPP1 35% affordable housing target, our housing target and trajectory should yield around 6,600 affordable homes from 18,860 homes on sites of 11+ homes. This exceeds our affordable needs by approximately 1,100 homes. Whilst we may not secure 35% on all eligible sites, the trajectory includes sites that provide for 40% affordable housing negotiated under current saved policy.

would include allotments, playing fields, golf courses and park and ride facilities. Officers consider that this could be explored further, but that its potential for releasing significant capacity in the City may be limited.

### **Spatial options for future growth**

16. The Vale needs to commence work to identify ways of meeting Oxford's unmet housing need within its district to be considered for testing against sustainability criteria.

### **Option testing principles**

17. In considering options to accommodate Oxford unmet need by further housing site allocations, we should have regard to the following key principles set out in Oxfordshire County Council's consultant's brief as the basis for setting criteria for achieving sustainable development and good place-making in Oxfordshire:

- i. the spatial relevance of options to meeting Oxford's needs: locating homes where there are strong existing or potential links with Oxford, and the use of sustainable and inclusive travel to the City as a whole will be maximised
- ii. support for the objectives of the Strategic Economic Plan for Oxfordshire: linking housing and community development to places of employment and growth potential to minimise the need for travel and for new or extended infrastructure, in ways that maintain and improve the quality of the County's environmental assets
- iii. use of opportunities offered by investment in strategic infrastructure: linking the location of additional housing provision to major nationally and locally planned or proposed infrastructure investment, e.g. East-West rail, Great Western electrification; potential new or enhanced rail stations; proposed rapid transit bus links and associated new Park & Ride sites
- iv. the ability to minimise the distance travelled to local services, e.g. schools, retail and community facilities, whilst providing opportunities for active travel through cycling and walking
- v. the ability to create attractive, mixed and well-balanced communities
- vi. the potential capacity and capability of strategic infrastructure: education, health, security, cultural infrastructure, the utilities e.g. water and electricity; and also whether provision of new infrastructure would support other policy objectives e.g. raising attainment, developing skills in the emerging workforce
- vii. flood risk and the sequential approach set out in the NPPF
- viii. impacts on designated landscape areas, heritage and bio-diversity assets and also the opportunities available through development to significantly enhance the environment and deliver strategic green infrastructure; and
- ix. deliverability, viability and the potential to fund infrastructure and affordable housing.

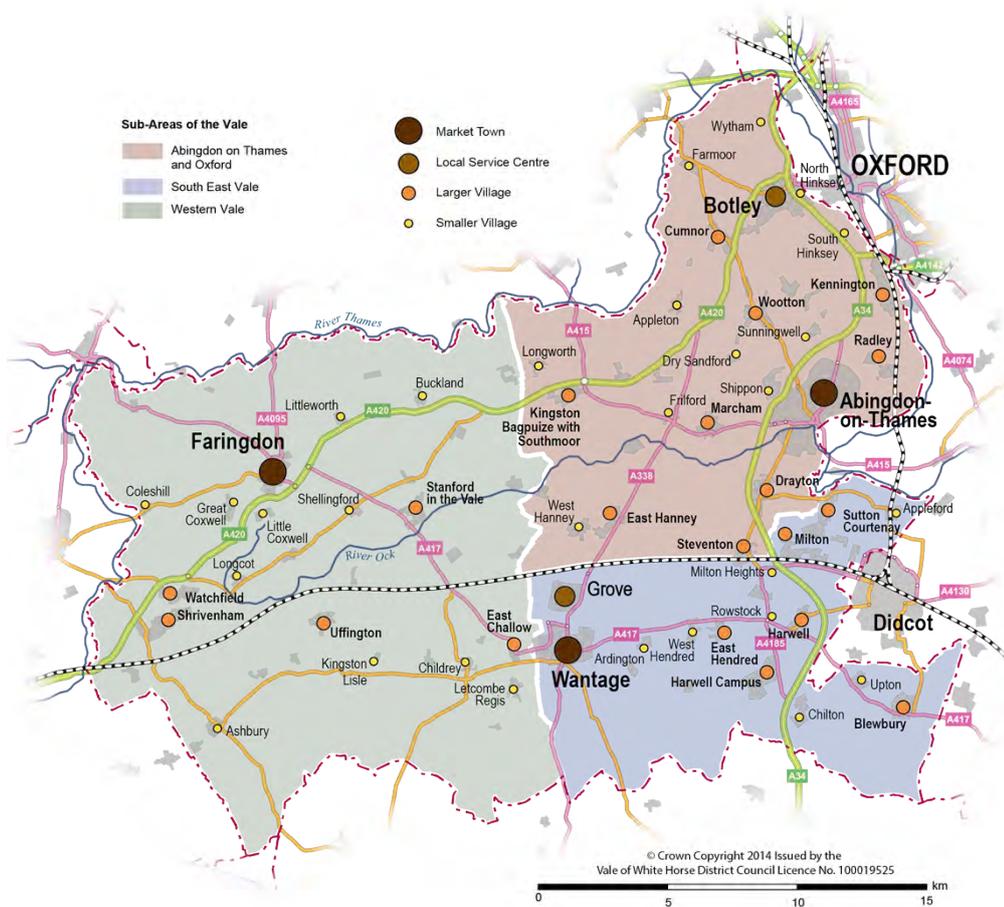
18. In considering how we address unmet housing need, we should also consider how options accord with the LPP1 spatial strategy. Our LPP1 spatial strategy is consistent

with the Strategic Economic Plan and provides a flexible approach to accommodating growth in a range of sustainable locations.

## Broad areas of search

19. It is suggested that the starting point for this work is the Vale Local Plan spatial strategy and its sub-areas as defined in Core Policy 3 of LPP1:

- i. Abingdon-on-Thames and the Oxford Fringe Sub-Area
- ii. South East Vale Sub-Area
- iii. Western Vale Sub-Area



Sub areas of the Local Plan 2031

20. Table 1 below provides an initial high level assessment of these broad spatial areas against the principles set out in paragraph 17 and is considered alongside the proposed growth within the Local Plan Part 1.

**Table 1: Broad spatial areas of search - preliminary assessment**

<b>Spatial Area 1: Abingdon and the Oxford fringe sub area</b>		
<p>This sub-area borders the south and west of the administrative area of Oxford City and contains a large area of Green Belt designated land. It contains the market town of Abingdon-on-Thames, the district's largest and most sustainable settlement, along with the Local Service Centre of Botley, located close to the western edge of Oxford City. It also contains a number of the Vale's most sustainable larger villages including Cumnor, Kingston Bagpuize with Southmoor, Radley and Wootton. There are already excellent public transport links to Oxford, with a railway station located at Radley and proposed new park and ride facilities..</p> <p>Growth options could include a number small scale sites already identified as suitable for proposed release from the Green Belt and/ or potential allocation of additional strategic urban extensions at sustainable settlements that are outside the Green Belt designation.</p>		
<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>• strong alignment with existing spatial strategy</li> <li>• close proximity to Oxford</li> <li>• existing bus routes to Oxford including regular service from Abingdon</li> <li>• proposals for new park and ride facilities (proposed in LTP4<sup>3</sup>; Cumnor and Lodge Hill)</li> <li>• generally good opportunities to access higher order services in Oxford, Abingdon and Botley</li> <li>• a range of secondary schools with some expansion capacity</li> <li>• market interest/demand and viability likely to be high; with positive contribution to 5YRHLS</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>• congestion and air quality issues in Abingdon gyratory / AQMA, but potential southern road link could improve position</li> <li>• Thames floodplain limits opportunities in parts of sub-area</li> <li>• Potential impact on and loss of sensitive landscapes including Green Belt (depends on sites identified)</li> <li>• risk of settlement coalescence in some locations</li> </ul>	<p><b>Scale considerations</b></p> <ul style="list-style-type: none"> <li>• Good opportunities exist to address unmet need in this sub-area in accordance with existing spatial strategy at all levels within identified range.</li> </ul>

<sup>3</sup> Local Transport Plan 4 draft produced by Oxfordshire County Council 2015-2031 (<https://www.oxfordshire.gov.uk/cms/content/local-transport-plan-ltp4>)

## Spatial Area 2: South East Vale sub area

The South East Vale Sub-Area corresponds closely to the Vale part of the Science Vale area. It is the spatial focus for employment and housing growth in the district including enterprise zone designations covering parts of Milton Park and Harwell Campus and is therefore consistent with the Oxfordshire Strategic Economic Plan .

It comprises land in an east-west arc between the A417 and the Great Western railway, between the towns of Wantage and Didcot, and includes several larger villages such as Grove.

A large part of the sub-area is designated as AONB.

Thames Water have identified part of this sub-area as their preferred location for a new reservoir to assist in managing water supply for the wider South East Region, should this be required (to be confirmed in 2019 Water Catchment Management Plan).

Pros	Cons	Scale considerations
<ul style="list-style-type: none"> <li>• strong alignment to the Strategic Economic Plan with Science Vale identified as part of the 'knowledge spine' for economic growth in Oxfordshire</li> <li>• Didcot (and Appleford) rail service to Oxford</li> <li>• existing bus routes to Oxford</li> <li>• service enhancement at Didcot station improving access to Oxford</li> <li>• access to employment opportunities</li> <li>• a range of secondary schools with some expansion capacity</li> <li>• identified transport network investments – roads, public transport, sustainable and smarter travel options</li> </ul>	<ul style="list-style-type: none"> <li>• some areas relatively distant from Oxford</li> <li>• A34 at or over capacity with limited opportunities for additional growth without long-term solutions being identified – therefore potential secondary impact on Oxford Meadows SAC if significantly increase growth in this area that may be forced to use the A34 to access Oxford. Whilst a package of significant new highway infrastructure is planned this will not be able to accommodate additional growth without significant further enhancements</li> <li>• risk of settlement coalescence in some locations</li> <li>• the very significant scale of already planned or committed growth in this area may limit market appetite for additional housing development, or at least very significantly reduce prospects for increasing output/delivery in the short/medium term, therefore likely to be negative impact on 5YRHLS.</li> </ul>	<ul style="list-style-type: none"> <li>• Unclear how development in this sub-area could contribute to unmet need in the medium term (some areas of sub-area relatively distant from Oxford/ A34 at or over capacity/ market capacity issues/ there would be a need for new and additional infrastructure to the currently identified package)</li> </ul>

### Spatial Area 3: Western Vale sub area

A predominantly rural area located to the west of the Vale. The market town of Faringdon is the main settlement in the sub-area and forms the main centre for the area. There are also a number of larger villages including Shrivenham and Watchfield, which also houses the Defence Academy of the United Kingdom and a campus for Cranfield University.

The area generally has public transport connectivity issues compared to other parts of the district, with the exception of the premium Route 66 service between Swindon and Oxford. A large part of the area is designated as AONB.

Pros	Cons	Scale considerations
<ul style="list-style-type: none"><li>• Premium Bus Route 66 providing public transport along the A420 to Oxford</li></ul>	<ul style="list-style-type: none"><li>• this sub area is not well related to Oxford</li><li>• services/ facilities and employment opportunities in this sub-area are not sufficient to accommodate a significant increase in additional growth</li><li>• modest public transport connections to Oxford apart from the A420 corridor</li><li>• few development opportunities in this sub-area (apart from those identified in Local Plan) in accordance with the LPP1 spatial strategy.</li><li>• Large area constrained by AONB</li><li>• Faringdon market town, the main settlement in the sub area, already has significant growth allocated.</li></ul>	<ul style="list-style-type: none"><li>• Unclear how development in this sub-area could contribute to unmet need – relatively distant from Oxford, would not support sustainable access to Oxford/ services and facilities in sub-area are not sufficient to accommodate a significant increase in growth</li><li>• Lack of spatial options to deliver unmet need due to the nature of the sub area and significant amount of growth already allocated at Faringdon, the main settlement.</li></ul>

## **Next Steps**

21. The high level assessment above requires further development and testing in order to ascertain which Sub-Area has the greatest potential for accommodating unmet need. Building on this work, the following main outcomes and steps are required to identify suitable sites to accommodate Oxford's proven unmet housing need:

- to identify spatially focused areas of search, taking into account factors like topography, landscape, settlement pattern, access to services and transport corridors, and identify what constraints and opportunities they offer  
  
and in an iterative process
- to test the refined areas of search against the principles set out at paragraph 17, and the assessment criteria that are derived from them, taking into account any other constraints or opportunities
- to consider which refined area of search or combination of them provides the most spatially coherent approach.

22. Once the scale of Oxford's unmet need and Vale's share of it is proven, the results of the option testing process can inform a decision on the most appropriate method to bring forward additional housing.

## **Options**

23. This report addresses a range of options and scenarios for addressing unmet need, for potential testing. For the (to be proven) level of unmet need, all reasonable alternatives to meet it need to be considered in plan-making, in accordance with Strategic Environmental Assessment regulations.

24. If a level of unmet housing need cannot be properly defined, the council could instead take a unilateral decision on the level of unmet need this district will plan for. The same plan-making principles and approach to testing alternative options would be appropriate.

## **Financial Implications**

25. Additional homes would attract additional CIL and s106 income, an additional New Homes Bonus (subject to the continuation of this scheme), and in due course planning service income.

26. Planned growth is also a lever for bid funding awards from Central Government / Local Enterprise Partnership e.g. to support infrastructure provision.

## **Legal Implications**

27. The duty to cooperate in plan-making is a legal duty on councils as well as an examination test of soundness (in terms of plan effectiveness through cooperation).

## **Risks**

28. Whilst not a duty to agree, the absence of agreement could increase the risks of plans not being found sound at examination. In either event, positive and timely progress towards addressing known unmet need is likely to improve the prospects of the local plan being found sound at examination.

## **Other implications**

29. The district housing target would increase by a proportion of the proven unmet housing need and the district would be responsible for maintaining a five year housing land supply for any increase in its housing target.

## **Conclusion**

30. Overall, the high level approach set out in this report seeks to find ways to address our potential proportion of Oxford City's unmet housing need. The approach accords with Local Plan Part 1, Core Policy 2. Cabinet is asked to consider and endorse a range of homes as potential scenarios, as set out at para.12, to enable testing of options and to endorse the broad plan-making principles and areas of search, as set out in this report.

## **Background Papers**

### **Appendix A**

#### **Oxfordshire Statement of Cooperation 2013**

##### **Introduction**

1.1. This Statement of Cooperation outlines the matters on which the six Oxfordshire local authorities will continue to cooperate. In particular, it sets out how the Parties will manage the outcomes of the Strategic Housing Market Assessment, should any of the Local Planning Authorities in Oxfordshire not be able to meet their full objectively assessed housing need.

##### **Parties to the Statement**

2.1. The Statement of Cooperation is agreed by council Leaders from the following local authorities: Cherwell District Council; Oxford City Council; Oxfordshire County Council; South Oxfordshire District Council; Vale of White Horse District Council; West Oxfordshire District Council.

##### **Purpose of the Statement of Cooperation**

3.1 The purpose of this Statement of Cooperation is to set out the scope and structure of cooperation between the Parties on a range of issues. In particular, it outlines the process and arrangements for cooperation between local authorities should one of the Parties be unable to accommodate their objectively assessed need identified in the Oxfordshire Strategic Housing Market Assessment (SHMA).

##### **Background**

4.1 The National Planning Policy Framework (NPPF) outlines the national policy requirements in relation to planning across administrative boundaries at paragraphs 178-181. The NPPF requires local planning authorities to work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated. The NPPF also outlines that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the NPPF.

4.2 For example in relation to housing the NPPF requires LPAs to use a valid evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area. The NPPF states that housing need should be established by conducting a Strategic Housing Market Assessment (SHMA). The SHMA will also identify the extent of the housing market area. The NPPF also requires that Local Plans seek to meet objectively assessed development requirements including unmet requirements from neighbouring authorities.

4.3 The requirements of the NPPF are reinforced by the legal Duty to Cooperate introduced by the Localism Act. The duty to cooperate:

**requires** councils and public bodies to engage constructively, actively and on an ongoing basis in relation to planning of sustainable development;

**requires** councils to consider whether to enter into agreements on joint approaches or prepare joint local plans (if a LPA); and applies to planning for strategic matters in relation to the preparation of Local Plans, and other activities that prepare the way for these activities

**applies** to planning for strategic matters in relation to the preparation of Local Plans, and other activities that prepare the way for these activities

4.4 The Duty to Cooperate is a legal requirement of the plan preparation process and non-compliance cannot be fixed at Examination by the Planning Inspectorate – the plan cannot be adopted. In addition policies developed through the duty must also be found sound (i.e. evidence based and deliverable).

### **Scope of Cooperation**

5.1 Each of the Parties will engage constructively, actively and on an on-going basis in any process that involves the following: the preparation of development plan documents; the preparation of other local planning documents; the planning and prioritisation of infrastructure and investment in Oxfordshire to support economic growth of the area; activities that support any of the above so far as they relate to sustainable development or use of land that has or would impact on more than one of the Parties.

5.2 The engagement required of Parties includes, in particular considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities paragraph 5.1 where there are cross border issues and for LPAs considering whether to prepare joint local development documents. Parties have also agreed that they will act expediently when undertaking joint work related to the activities in paragraph 5.1 to avoid unreasonable delay.

5.3 A current example of implementing the requirements of this Statement is the joint work being undertaken in relation to accommodating housing need identified for Oxfordshire. The new Oxfordshire SHMA has been jointly commissioned by the Parties. The SHMA work will take place over the summer 2013. Once this technical work has established the scale of housing required across the housing market area each Local Planning Authority (LPA) must assess the implications for their own area. If we assume that an increase in housing is required, in some or all authorities, those which see an increase in need will have to assess potential new locations for housing sites. Should any of the Oxfordshire LPAs be unable to accommodate their objectively assessed need identified in the SHMA, the remaining Oxfordshire authorities must seek to accommodate this unmet need. As part of ongoing cooperation between the Parties on this issue to ensure that any unmet need is accommodated in accordance with national policy, a process has been agreed and is included in Appendix One of this Statement.

### **Cooperation Structure**

6.1 The Parties will use the existing partnership arrangement of SPIP to act as a co-ordinating body for this joint working. An outline of the Duty to Cooperate structure in Oxfordshire is shown in Appendix 2.

6.2 The SPIP Executive meets every 6 weeks and the SPIP Board every 3 months. Additional meetings may be required to facilitate timely progression of work and this will be accommodated. SPIP will report its discussions and agreed actions back to the officers

group via their Programme Manager as necessary. In addition SPIP will report its discussions and agreed actions to any or all of the following as it is deemed necessary:

6.3 SPIP will be supported by an Oxfordshire Planning Policy Officer group (OPPO) to help deliver the technical work required as part of the agreed process. This group will meet every six weeks or more often as required. OPPO will provide progress updates to SPIP via the SPIP Programme Manager.

6.4 As part of this the Parties will ensure that the scope of cooperation identified in section 7 is applied to other bodies covered by the Duty to Cooperate. These bodies include:

Environment Agency; English Heritage; Natural England; Civil Aviation Authority; Homes and Communities Agency; Clinical Commissioning Groups; Office of the Rail Regulator; Highways Agency; Integrated Transport Authorities; Highway Authorities; Neighbouring Local Planning Authorities outside Oxfordshire.

## **Resources**

7.1 Each of the Parties will contribute at least one experienced planning officer to be on the OPPO group.

7.2 If consultants are used on a joint basis to complete work associated with this Statement their costs will be apportioned equally among the Parties. The SPIP Programme Manager will be responsible for co-ordinating authorisation from SPIP of any joint work required to complete the process.

## **Intellectual Property Rights**

8.1 Subject to the rights of third parties, the Parties will share equally the intellectual property rights to all data, reports, drawings, specifications, designs, inventions or other material produced or acquired including copyrights in the course of their joint work. The Parties agree that any proposal by one of them to permit a third party to utilise the documents and materials produced by the partnership shall be subject to the agreement of all other Parties. Any changes, amendments or updates made to the documents and materials, if made under the terms of the Statement of Cooperation, shall be jointly owned by the Parties.

## **Requests under the Freedom of Information Act**

9.1 Each of the Parties will deal with Freedom of Information requests in accordance with the requirements of the Act. To ensure that all relevant information is issued, if any of the Parties receives a Freedom of Information request in respect of joint work associated with the Statement of Cooperation the request will be shared with the other Parties via the SPIP Programme Manager at the earliest opportunity.

## **Duration**

10.1 This Statement of Cooperation will remain in perpetuity. The content of this Statement will be reviewed annually or at the request in writing of one of the Parties. Amendments will require the agreement of all the Parties.

## **Limitations**

11.1 The Statement of Cooperation is an operational document. It is not a formally binding legal agreement and the partnership is not a legal entity. This Statement does not fetter the discretion of any of the Parties in the exercise of any of their statutory powers and duties.

## **Dispute Resolution and Termination**

12.1 In the event of a dispute at OPPO that cannot be resolved these will be escalated to SPIP Executive via the SPIP Programme Manager. If the matter cannot be resolved by SPIP Executive then the matter concerned will be referred to the SPIP Board. If the matter is not able to be satisfactorily resolved, the Parties should put it in writing and keep it on file.

12.2 Those decisions in respect of agreement and dispute will be clearly logged and submitted, if necessary, as part of the evidence to each respective LPAs Local Plan examination to demonstrate how the Duty to Cooperate has been complied with.

12.3 Parties can terminate their involvement at any time. If the Statement of Cooperation is terminated, the Parties agree that any reports, studies or any other information which has jointly been prepared can be used by each of the Parties separately.

## **Appendix B:**

### **National Planning Policy Guidance extracts on the Duty to Cooperate**

#### **What is the duty to cooperate and what does it require?**

National Planning Policy Guidance Paragraph: 001 Reference ID: 9-001-20140306

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.

#### **How does the duty to cooperate relate to the Local Plan test of soundness?**

Paragraph: 002 Reference ID: 9-002-20140306

The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness.

The Local Plan examination will test whether a local planning authority has complied with the duty to cooperate. The Inspector will recommend that the Local Plan is not adopted if the duty has not been complied with and the examination will not proceed any further.

If the Inspector finds that the duty has been complied with the examination will also test whether the Local Plan is sound. The test of soundness, set out in full in the National Planning Policy Framework (paragraph 182), assesses whether the Local Plan is:

- positively prepared;
- justified;
- effective; and
- consistent with national policy.

In assessing whether the Local Plan is effective the Inspector will assess whether it is deliverable within the timescale set by the Local Plan and if it demonstrates effective joint working to meet cross boundary strategic priorities. If a Local Plan is found unsound at the examination the Inspector will recommend that it is not adopted (although an Inspector

must recommend modifications that would make a Local Plan sound if asked to do so by the local planning authority).

## Appendix C

### Motion proposed by Cllr Sharp and agreed by Council on Wednesday 16 July

'Council recognises that following the issue of the Oxfordshire Strategic Housing Market Assessment in 2014, and its identification of Oxford City's Objectively Assessed Need (OAN) for new housing, it is likely that Oxford City will be unable to meet its OAN in full, and so will look to its neighbouring authorities, including the Vale, to assist. Council considers that Oxford City's existing local plan from 2011 and its development policies contain many constraints on development and hinder the City's ability to meet its own OAN. Council therefore calls upon Oxford City to immediately carry out a full review of its local plan in order to meet as much of its own OAN as is sustainably possible. Council notes the recent Inspector's report following Examination in Public of the Cherwell District Council Local Plan, and his comment:

"I am satisfied that it is appropriate for this plan to proceed on that basis [meeting its own full district OAN], provided that there is a firm commitment from the Council to play its part in addressing the needs of Oxford city through that joint process [to fully address the OANs of the whole county] in the near future, once those needs have been fully clarified/confirmed."

Council confirms its intention to meet its appropriate share of Oxford's Unmet Need and supports the Cabinet in its work to help identify and assess how Oxford's Unmet Need could be accommodated. The Council will continue to work within the Oxfordshire Growth Board to strengthen the joint working across the county to identify and accommodate the unmet need in Oxfordshire. Council recognises that this work is underpinned by the following principles:

- The district Local Plans are sovereign and all work should feed into Local Plans for them to determine the spatial future of the districts;
- A recognition however that the work must be collaborative and joined up to provide a county wide spatial picture and strategy;
- A recognition therefore that joint work on future spatial options, transport infrastructure and green belt will be required to feed into Local Plans;
- Recognition that the City cannot fully meet its housing needs and there is a need to agree on the level of unmet need. However work on determining spatial options in Local Plans can commence alongside this;
- A wish that the timescale for completing the Review is 12 – 18 months and that this should not hold up Local Plan timescales.

As a means to progressing these objectives Council endorses Cabinet's intention to consider and consult on strategic options to provide evidence for the Growth Board which will be robust in providing a sound proposal for Oxfordshire. Council is committed to the resolution of unmet housing need in Oxfordshire, the adoption of Local Plan Part 1 and the development and adoption of Local Plan Part 2 on the earliest possible timetable that is compatible with good governance and public consultation.'