

VALE OF WHITE HORSE LOCAL PLAN 2031 EXAMINATION Part 1.

MATTER 1: DUTY TO CO-OPERATE.

SUBMISSION BY EAST HENDRED PARISH COUNCIL

including submissions made by

Roger Turnbull, Cllr of East Hendred Parish Council.

August 2015.

1. Has the Council satisfactorily discharged its Duty to Co-operate?

NATIONAL GUIDANCE.

- 1.1 Paragraphs 178 – 181 of the NPPF requires co-operation on cross boundary issues, particularly strategic priorities in paragraph 156, which include homes and jobs, infrastructure for transport, climate change, conservation and enhancement of the natural and historic environment, incl. landscaping. Joint working should enable development requirements which cannot be met within their own areas to be met, e.g. for lack of capacity or because it could significant harm to the principles of the Framework. Cooperation should be a continuous process from initial thinking to implementation, to provide land and infrastructure to meet future needs.
- 1.2 Under paragraphs 150 to 153, Local authorities should seek net gains in the economic, social and environmental dimensions of sustainable development. Significant adverse impacts should be avoided to all three dimensions, and where possible alternative options pursued which reduce or eliminate such impacts, or mitigation measures considered.
- 1.3 Under paragraphs 154-156, Local Plans should be aspirational but REALISTIC (my emphasis).
- 1.4 Early and meaningful engagement and collaboration with neighbourhoods, local organisations and business is ESSENTIAL (my emphasis). A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect the COLLECTIVE VISION and a set of AGREED PRIORITIES for sustainable development.
- 1.5 Under paragraph 157, co-operation with neighbouring authorities, public, voluntary and private sector organisations is required in planning positively for development and infrastructure to meet the NPPF objectives, to indicate broad locations for strategic development, and identify where development would be inappropriate.
- 1.6 The Planning Practice Guidance on Duty to Cooperate says that Sec 33A of the 2004 Act sets out strategic matters as sustainable development or use of land that has or would have a significant impact on at least two planning areas, (ref ID 9-013-20140306). The NPPF paragraph 156 sets out further strategic matters. The previous paragraph of the PPG says that cooperation should take place throughout Local Plan preparation, working together from the outset before options are identified, to delivery policies.

- 1.7 The PPG, ref ID 2a-002-20140306 onwards, on Housing and Economic Needs Guidance, requires Councils to involve local communities, businesses and Parish/Town Councils from the earliest stages of plan preparation. Under ID 2a-016-20150227, on Methodology, local needs should be informed by the latest available information. This is identified as the Feb 2015, 2012 based Sub National Household Projections.

SUBMISSIONS TO EXAMINATION.

- 1.8 My submission sought clarification on whether the Local Plan has determined whether it needs to accommodate unmet housing needs from adjoining Districts, or not. This is required to meet the test of soundness, that the Plan is positively prepared by objectively assessing needs, including unmet needs in other Districts.
- 1.9 The submissions by Oxford City, Oxfordshire C.C. and the July 2015 Leader of Vale District Council to the Sec of State, below, imply that there is currently no agreement on whether the Local Plan needs to meet unmet housing needs of Oxford City. In which case, a strong justification is required to meet the Duty to Cooperate. The evidence set out below suggests that neither the amount of unmet need in Oxford City, which should be met in the Vale District, nor its preferred location, has been agreed. The Growth Board evidence base is not programmed for completion before Sept 2016. Hence, the Local Plan evidence base does not identify a requirement to meet unmet housing needs in an adjoining District.
- 1.10 Policy 2 of the Local Plan should therefore be amended to state that a Review of the Plan would be required if and when it can be demonstrated that it should meet unmet housing needs in an adjoining District.

OXFORD CITY COUNCIL OBJECTION

1.11 The submission of Oxford City Council, supported by Oxfordshire County Council, is that they have “a fundamental objection to the approach of VWHDC in the Plan to the duty to co-operate.”

It has not been met on the following grounds:

- contrary to NPPF paragraph 178,
- contrary to Planning Advisory Service advice on Doing Your Duty, page 11, which states that a contingency policy triggering a review is not sufficient to meet identified needs,
- they seek a strategic, not a Local Plan, Green Belt review under Policy CP47,
- objection to the Housing Supply Update consultation,
- the spatial strategy is not a sustainable form of development, being based on villages rather than focused on Oxford,
- Oxford focused options with 2,000-5,500 additional dwellings to meet Oxford’s unmet housing needs, should have been identified and tested in the Sustainability Appraisal. Thus the Sustainability Appraisal does not comply with the SEA Directive, and therefore the Legal Compliance test is failed,
- the 2011 Census travel to work data shows 10,800 daily journeys to Oxford from the Vale,
- contrary to the Local Plan Strategic Objectives S03, S08 & S09,
- the strong linkage between Oxford and North Abingdon.

OXFORDSHIRE COUNTY COUNCIL OBJECTION

1.4 Oxfordshire County Council seek an amendment to Policy CP2 deleting the final sub-clause. The policy requires the allocation of subsequent housing sites through a subsequent DPD document in conformity with the agreed spatial strategy, set out in the Local Plan 2031. They seek the deletion of the words “set out in the Local Plan 2031.”

LETTER FROM LEADER OF THE VALE TO SEC OF STATE, July 2015.

1.5 The Leader of the Vale, on 20th July 2015, asked the Sec of State to compel Oxford City to revise its Local Plan in order that a sound and up-to-date assessment can be made of its housing capacity on the basis that a capacity of 10,200 dwellings (prepared in Dec 2014) is unsound, that it would require up to 21,800 dwellings in adjoining Councils, and that the current Local Plan, adopted in March 2011, is based on 2008 data.

THE ROOT CAUSE OF THE FAILURE OF THE DUTY TO COOPERATE

1.6 The root cause of the objections raised by Oxford City Council, Oxfordshire County Council, the Leader of the Vale District Council, and numerous Parish Councils, is the failure of the Vale District Council to carry out a continuous cooperation “from initial thinking to implementation, to provide land and infrastructure to meet future needs,” with the adjoining Districts and its own Parish Councils, as required by paragraphs 156 and 178 of the NPPF, and the PPG advice on Housing and Economic Development Guidance.

1.7 This should have started with consultation with “public, voluntary and private sector organisations” on whether their initial thinking on the proposed “Policy On” adjustments to the 2011 based Sub National Household Projections were “realistic” as required by paragraph 154 of the NPPF, through to their environmental implications.

1.8 The Inspector is invited to ask the Vale District Council to provide a note of the meetings held with the adjoining District Councils and its own Parish Councils on the dates and minutes of meetings held with them at which the “Policy On” adjustments were discussed before the Economic Consultants were instructed to add them to CLG 2011 Sub National Household Projections. A further list of meetings is sought of discussions on the environmental implications of the results of the Base and Economic Projections, and on the alternative options to be tested in the Sustainability Appraisal. The list of meetings would demonstrate the extent the Vale had met the Duty to Co-operate.

1.9 South Oxfordshire D.C. not only consulted on a range of alternative options for the total number of proposed new dwellings, but also prepared a report on proposed allocations in Large Villages for discussion with its Parish Councils.

1.10 The South Oxfordshire D.C. Position Statement on the SHMA states that “the SHMA is part of the evidence base used for preparing land use plans.... The new figure (for housing requirements) will be arrived at through a plan-making process with public consultation and will be tested at an examination.”

1.11 The SODC website includes a letter dated 19th December 2014 from the Dept of Communities and Local Government. It states that:

“The outcome of a SHMA is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans.... Councils will need to consider SHMA evidence carefully and take adequate time to consider whether there are environmental or policy constraints..”

1.12 The Vale D.C. has not consulted on any range of alternative options for housing numbers, nor has it consulted its Parish Councils on proposed allocations in Larger Villages.

THE PROPOSED REMEDY TO THE FAILURE IN THE DUTY TO COOPERATE

1. USING THE 2012 BASED HOUSEHOLD PROJECTIONS AS THE STARTING POINT FOR THE SHMA.

1.13 The PPG on Housing and Economic Development Needs Assessments sets the starting point for the assessment of the Objectively Assessed Housing Need, wherever possible, as the latest Sub National Household Projections. These are the 2012 Sub National Household Projections published in Feb 2015.

The advantage of the latest household projections is that they provide the most authoritative and up-to-date evidence on household formation rates, and migration.

1.14 The March 2014 SHMA assumptions have not taken account of this more recent data. The 2011 based household projections were considered unreliable for Oxford City and were amended to create an Amended Base Projection. That provides a good reason for up-dating the SHMA, based on the 2012 based Household Projections.

1.15 Gloucester/Cheltenham/Tewkesbury and the Stroud Inspectors have both required the SHMA to be updated and based on the latest projections, i.e. the 2012 based Sub National Household Projections published in Feb 2015, in accordance with PPG ref ID 2a-016-20150227.

1.16 The Inspector is invited to ask the Vale District Council to use as its starting point the unadjusted 2012 Sub National Base Household Projection for all the Oxfordshire Districts. (East Hendred Parish Council asked the Vale D.C. for this revision to the SHMA in July 2015 to avoid delaying the Examination).

This would remove the need for any adjustments for household size, migration, and unexplained anomalies.

The Vale should then consult the adjoining Districts and Parish Councils on what adjustments it considers are “realistic”, as required by the NPPF.

For example, it could start its forecast in 2014, using existing published data on house completions, take up of employment land from 2011-2014 etc, which is likely to be more accurate than economic forecasts.

1.17 As updated economic forecasts can differ by as much as 85% from earlier forecasts, and economic forecasts by different Economic Consultants differ equally widely, the South Worcestershire Inspector, followed by the Gloucester/Cheltenham/Tewkesbury and the Stroud Inspectors, recommended applying the triangulated average of economic forecasts from three separate Economic Consultants, viz: Cambridge Econometrics, Oxford Econometrics, and Experian.

2. UP-DATING AFFORDABLE HOUSING NEEDS

1.18 The SHMA will also need to revise its assessment of the need for affordable housing, to take account of the 2012 based household projections, to comply with the PPG ref: ID: 2a-025-20140306. This is because the SHMA will need to take account of the up-dated number of newly forming households in the 2012 based household projections, and hence the number of newly arising households likely to be in affordable housing need will change compared to the March 2014 SHMA. Only if an unadjusted 'Policy Off' assessment of affordable housing need is carried out will it be possible to see the implications of a "Policy On" assessment.

3. THE METHODOLOGY FOR ASSESSING ECONOMIC DEVELOPMENT NEEDS.

1.19 The PPG ref: ID 2a-030-20140306, on how the current situation on economic needs should be assessed, requires the Council to consider:

- The recent pattern of employment land supply and loss based on planning permissions, etc.
- The existing stock of employment land to determine future requirements, incl. recent statistics on take up of sites.
- Locational and premises requirements of particular market sectors.
- Consider projections based on past trends and forecasts.
- To consider quantitative and qualitative needs.
- To consult relevant organisations.
- To analyse supply and demand to identify over or under supply.

1.15 The Council's reliance on economic forecasts to form the input to the SHMA assessment of economic needs does not fully comply with the PPG requirements, particularly in terms of involving local communities, businesses and Parish/Town Councils from the earliest stages of Plan preparations, (PPG ref: ID 2a-002-20140306).

4. MEETING UNMET NEEDS IN OXFORD CITY.

- 1.16 Firstly, the Objectively Assessed Housing Needs in the March 2014 SHMA are out-of-date, because they do not take account of the 2012 based household projections. The SHMA is only part of the evidence in identifying a housing requirement. Nor have the “Policy On” adjustments, based on out-of-date projections, been subject to independent assessment at a Local Plan Examination. So there is currently no up-to-date assessment of housing and economic development need that complies with the NPPF and PPG.
- 1.17 The July 2015 Growth Board Post SHMA Strategic Work Programme shows a slippage for the publication of the completion of the final Reports relating to the review of the Green Belt, Strategic Options, Sustainability Assessments, and an Infrastructure Delivery Plan from September 2015 to April 2016. The review is therefore unlikely to be available to be independently assessed within the current timetable of the Vale Local Plan examination.
- 1.18 The October 2015 Oxford Strategic Growth Options High Level Review of Opportunities by Turley concludes that “The North of Oxford presents the best location in terms of proximity to services and facilities and jobs, and hence North of Oxford/South Kidlington and Grenoble Road should be considered in further detail”.
- 1.19 Appendix 3, the Peter Brett Transport Overview and Assessment of Site Options, Table 4.1 on page 24, gives an Overall Ranking of the 7 Alternative Options. Land North of Abingdon is ranked the worst option, seventh out of seven, with a Total Score of 23.5, compared to a score of 7 for North of Oxford and South of Kidlington.
- 1.20 The URBED Uxcester Garden City Report Appendix on Oxford identifies a Framework for providing 50,000 new homes within a 10 kilometre radius of Oxford, with 15,000 dwellings at Kidlington in Cherwell District, 12,000 dwellings at Barton, 11,000 dwellings at Cowley in South Oxfordshire, and 12,000 dwellings at Abingdon. The Report does not consider that land outside the 10 kilometre radius is required to meet unmet housing needs of the City of Oxford.
- 1.21 The December 2015 URS Oxford Housing Land Availability and Unmet Need Assessment Table 11 concluded that Oxford had a total supply of 10,212 dwellings, based on:
- | | |
|------------------------------|-----------------|
| - potential identified sites | 6,422 dwellings |
| - windfalls 2016-2031 | 2,880 |
| - completions | 648 |

- small site commitments	262
Total	10,212 dwellings

Clarification on the existing proposals for student and nursing accommodation for Oxford University, Oxford Brookes and the Oxford Universities Hospital Trust.

1.22 The URBED conclusion appears to have the support of the City of Oxford in its Submissions to the Examination. It goes further is suggesting that the Vale Local Plan has an unsustainable pattern of development because it is not focused on the City of Oxford, (supported on 2011 Census Travel to Work data showing a close linkage between the Vale and Oxford for commuting), and instead is too focused on Villages in Science Vale UK.

1.23 The latest evidence by Peter Brett indicates that meeting Oxford City's unmet housing needs in the Vale of White Horse D.C, North of Abingdon, would be the least sustainable location of the seven alternative options. The City of Oxford's submission that their unmet housing needs should be divided equally between the four adjoining Local Authorities is entirely arbitrary and lacking in a robust evidence base. The submission of the City of Oxford that their unmet housing needs should be met in the Vale of White Horse is not therefore sufficiently supported by their own evidence base.

2. Are The Likely Environmental, Social, and Economic Effects Adequately Addressed in the Sustainability Appraisal (SA)?

2.1 The East Hendred Parish Council submission, supported by other Parish Councils, the CPRE, and the North Wessex AONB Board, have objected to the strategic housing allocations in the AONB, as contrary to paragraphs 115 & 116 of the NPPF.

Appraisal of Initial Options

2.2 Appendix 4, Table 4.1, of the Sustainability Appraisal of the Initial Options concludes that Options A, B & C perform best in providing homes with the best range of services and facilities, but Options D & E had the greater environmental and landscape impact. Option A limited housing to sites within existing settlements, Option B to brownfield sites, and Option C to extensions to the main settlements,.

2.3 So the SA conclusions were that developments which avoided significant adverse impacts should be located within existing towns and villages, on brownfield land and in extensions to the main settlements. The paper trail between these conclusions and the identification in the Local Plan of the level of housing which could be accommodated, and the locations for strategic allocations within the District, are unclear.

The Appraisal of Refined Spatial Options

2.4 In Appendix 4, Table 4.2, the Appraisal of Refined Spatial Options, the Options assessed were:

- Options A, which under Objective 2, located “about half of the housing in main settlements,
- Option B, in which the vast majority of new development was located “towards urban areas”
- Option C, which, under Objective 2, located “the majority of development in the market towns, with a proportion of additional development within larger villages”

2.3 Options A & C were preferred over Option B. Under Objective 1, Option C is described as a combination of the attributes of Urban Focus and Urban Concentration in Option A & B.

2.4 The definition of the Options in the Appraisal of Refined Spatial Options in Appendix 4, Table 4.2, is unclear because ALL of the Options A, B, & C are described as having the majority or half of development within the Vale’s main settlements or market towns. If this is the conclusion of the SA, then a new or amended Policy or supporting text of the Local Plan should be added to enable the Plan to be monitored to ensure this is implemented.

2.5 The Inspector is asked to request the Council to provide a table showing how the conclusions of this SA has been incorporated into the Plan in terms of the division of strategic allocations between the main settlements/market towns and those located in the Larger Villages.

2.6 The 2011 Annual Monitoring Report, fig 13, shows the following distribution:

- New Dwellings in Market Towns	74%
- New Dwellings in Larger Villages	17%
- New Dwellings in Smaller Villages	9%
- TOTAL	100%

2.7 Clarification is sought as to why Option B with the most new development in the main settlements was not preferred under Objectives 2, 3, 4, 5, 6, 7, 8, 9, 10, given that the recent distribution of new dwellings has located 74% in Market Towns, where a wider range of services and facilities would be available and there would be better accessibility by public transport, cycling and walking.

2.8 In Appendix 7 & 14, the Strategic Sites Summary Table the SA conclusions have been questioned by Natural England in Dec 2014, in relation to the Harwell Campus sites and their impact on the AONB, in addition to East Hendred Parish Council and the CPRE. The conclusions on Harwell Campus state that the AONB land is only partly brownfield land. Clarification is sought as to how much land conforms to the definition of brownfield land in the NPPF. A greater focus on the main settlements would reduce the adverse impact on the AONB, as well as reduce travel by private car, and provide more opportunities for cycling and walking to work and services.

2.9 In Appendix 15, Housing Delivery Options, Options A to G are tested. In Option A(i), all new development, except 400 dwellings at Harwell Campus, (91% of the 4,400 total) are in the main settlements of Didcot, Wantage/Grove and Faringdon. In Option G, 2,510 dwellings are in the Larger Villages, and 1,400 at Harwell Campus, with the remaining 10,050 dwellings in the main settlements (75% of the total of 13,960 dwellings planned for Local Plan Part 1.). Clarification is sought on the split between main settlements and Larger and Smaller Villages for the total dwellings of 13,294 to 20,560 proposed in the Plan Period.

- Options A (i) to (iii), C, and E propose 13,294 to 14,308 dwellings
- Option F proposes 15,898 dwellings
- Option G proposes 20,560 dwellings.

The Summary states that a higher level of growth is not without consequences, namely the likely significant negative environmental effects on a number of environmental issues. "In this sense, there is no clear preference for a particular option. However with mitigation, some of the environmental effects could be ameliorated, subject to more detailed evidence on transport."

2.10 The Inspector is asked to question how traffic levels from an additional 6-7,000 dwellings could be ameliorated. Based on around 7 car trips per day generated from each dwelling, this would increase traffic levels by c.50,000 additional trips. Within a rural area, this may be reasonably considered by many, to have significant adverse effects, which the conclusions of an SA should seek to avoid, in deciding on the preferred option.

2.11 The significant negative effects of Preferred Option G include:

- Objective 3, failing to reduce the need for travel, in which preferred Option G has a significant negative effect,
- Objective 7, failing to protect the natural environment/biodiversity, water and soil quality, in which Option G has significant negative effects,
- Objective 8, protecting heritage, townscape & landscape, in which Option G has significant negative effects,
- Objective 9, failing to reduce air noise, and light pollution,
- Objective 10, with higher traffic generation, Option G would have significant negative impacts on greenhouse gases. Given the withdrawal of compulsory targets for sustainable homes, Option G would also arguably be the worst option in the use of non-renewable resources and resilience to climate change.

2.12 It is concluded that the Council has not demonstrated through the SA that Option G, for 20,000+ dwellings should be the preferred option, because it has significant negative effects, which the preferred option should avoid. The SA of Initial Options recommended limiting development to within towns and villages, brownfield land and extensions to main settlements, Option A,B & C. The SA of Refined Spatial Options does not sufficiently define the differences between Options A & C, both proposing half of new development to be in the main settlements, or why Option B, which proposed the vast majority of development to be in the main settlements was considered to have significant negative effects.

