



**VALE OF WHITE HORSE LOCAL PLAN 2031 PART 1.  
STRATEGIC SITES AND POLICIES  
PUBLICATION VERSION November 2014**

**Response by Arnold White Estates Ltd**

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## Glossary

<b>AONB</b>	Area of Outstanding Natural Beauty
<b>AWEL</b>	Arnold White Estates Ltd
<b>DTC</b>	Duty To Cooperate
<b>Framework</b>	National Planning Policy Framework (March 2012), NPPF
<b>GPL</b>	Gardner Planning Ltd
<b>Green Belt Study</b>	Green Belt Review Phase 3 Report (February 2014)
<b>HMA</b>	Housing Market Area
<b>hpa</b>	homes per annum
<b>LPA</b>	Local Planning Authority
<b>OAN</b>	Objectively Assessed Need
<b>Plan</b>	Local Plan 2031 Part 1 Strategic Sites and Policies (Publication Version November 2014)
<b>Report</b>	This Response to the Publication Version
<b>SHLAA</b>	Strategic Housing Land Availability Assessment (February 2014)
<b>SHMA</b>	Strategic Housing Market Assessment (March 2014)
<b>VWHDC</b>	Vale of White Horse District Council

## 1 INTRODUCTION

- 1.1 Gardner Planning Ltd (**GPL**) was instructed in November 2014 by Arnold White Estates Ltd (**AWEL**) to produce this Report which is the Response to the 'Vale of White Horse Local Plan 2031 Part 1 Publication Version November 2014' (referred to as **the Plan** in this Report). AWEL is acting as Promoter, on behalf of the site owners (members of the Dockar- Drysdale and Colton families), of land south of Radley.
- 1.2 This Report provides a fuller and more detailed response to the consultation to better assist the Inspector and other parties through the Plan process and specifically the examination. The completion of a prescribed form would be inadequate for this purpose and there is no legal or other requirement to do so. Appendix 5 to this Report provides the essentially administrative information.
- 1.3 The 'Publication' or 'Pre-Submission' version forms part of the preparation of the Local Plan with the following programme<sup>1</sup>

Earlier Consultations	2007 - 2010
Draft Plan Consultation	February 2013
Additional Public Consultation (Reg 18)	February 2014
Statutory Public Consultation Pre Submission (Reg 19)	Nov/Dec 2014
Submission	February 2015
Examination	May 2015
Adoption	October 2015

- 1.4 This Report represents the comprehensive formal objection to the Publication Local Plan which, in due course, will be discussed at the Examination. **In summary** this Report concludes that **the preparation of the Plan is not legally compliant, the Duty to Cooperate has not been satisfied and the Plan is unsound** when assessed against the tests in the National Policy Planning Framework<sup>2</sup> (the **Framework**), in that **it is not**

***Positively prepared*** - being based on a strategy where the needs of the Housing Market Area have not been met, and the issue of the unmet needs of Oxford has been postponed in Core Policy 2;

***Justified*** - it is not the most appropriate strategy when considered against reasonable alternatives, and site selection has been relatively arbitrary;

<sup>1</sup> Local Development Scheme September 2014 pp3, 4

<sup>2</sup> Framework para 182



**Effective** - it will not deliver sufficient housing over its plan period and it is not based on effective joint working on cross-boundary strategic priorities;

**Consistent with national policy** - the Plan does not realistically reflect the Duty to Cooperate with neighbouring authorities<sup>3</sup>.

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<sup>3</sup> Framework paras 178 - 181

## 2 HOUSING NUMBERS

### Provision in the Plan

- 2.1 The Plan makes provision for housing based only on the 'objectively assessed needs' (**OAN**) of the District, not of the wider Housing Market Area (**HMA**). The Plan makes provision for 20,560<sup>4</sup> homes over the plan period 2011 - 2031, so an average of 1,028 homes per annum (**hpa**). This is the figure for the District (in isolation) in the Strategic Housing Market Assessment March 2014 (**SHMA**)<sup>5</sup>.
- 2.2 The total is made up as described in Core Policy 4 as follows:

		number of dwellings
	Housing <b>requirement</b> for the full plan period (Apr 2011 to Mar 2031)	20,560
Housing <b>Completions</b> (Apr 2011 to Mar 2015)	Known Completions (Apr 2011 to Mar 2014)	1,250
	Estimated Completions (Apr 2014 to Mar 2015)	781
Housing <b>Supply</b> (Apr 2015 to Mar 2031)	Known Commitments	3,169
	<b>Local Plan 2031 Part 1 allocations</b>	<b>13,960</b>
	Local Plan 2031 Part 2 allocations (up to)	1,000
	Windfalls	900
	<b>TOTAL</b>	<b>21,060</b>

### The Housing Market Area

- 2.3 The Strategic Housing Market Assessment (February 2014) (**SHMA**) identifies the whole of Oxfordshire County as the Housing Market Area<sup>6</sup> and calculates a District need for 20,560 homes in the plan period, which the Plan adopts. However, this ignores the needs of the HMA as a whole and the ability of the constituent Councils to deliver an adequate housing supply. The following Table has collated data from the most recently published sources:

<sup>4</sup> Plan Core Policy 4

<sup>5</sup> SHMA Summary March 2014 Fig 2 p6

<sup>6</sup> SHMA Fig 3 p7

**Table GP1**

	need (mid point) <sup>7</sup>	average p.a. <sup>8</sup>	supply	average p.a.	comment
Oxford	28,000	1,400	10,212 <sup>9</sup>	511	shortfall 17,788
West Oxford	13,200	660	9,639 <sup>10</sup>	482	shortfall 3,561
Cherwell	22,800	1,140	22,840	1,142	revised emerging LP Oct 14 Table 3, includes 10,000 homes in Bicester Garden City announced Nov 14
South Oxford	15,500	775	6,212 <sup>11</sup>	311	shortfall 9,288
Vale of the White Horse	20,560	1,028	21,060 <sup>12</sup>	1,053	includes 900 windfalls and 1,000 in LP Part 2
	100,060	5,003	69,963	3,498	shortfall 30,097 homes by 2031; or 1,505 p.a.

2.4 This Table demonstrates that the OAN for the HMA, adopted by all constituent Authorities, cannot be met from known and potential sites. The Oxford Housing Land Availability and Unmet Need Assessment Dec 2014 highlights the scale of the problem for the City - a need for 28,000 homes but a potential capacity for some 10,000, a shortfall of some 18,000 homes which can only be provided in the surrounding Districts. Of the two Districts promoting new Local Plans - Cherwell and Vale of White Horse - there is unwillingness to accommodate any of Oxford's housing needs.

### Oxford

2.5 Oxford's unmet needs are similar to many cities where the administrative urban area capacity is constrained, thus requiring land allocations for development in the surrounding hinterland. The Districts in Table GP1 make up that hinterland.

2.6 Oxford City Council has been recently campaigning for its housing needs to be recognised by the surrounding Districts when preparing their development plans.

<sup>7</sup> SHMA March 2014 Fig 2

<sup>8</sup> assumes 20 year period

<sup>9</sup> Oxford Housing Land Availability and Unmet Need Assessment Dec 2014 Table 11 p52

<sup>10</sup> West Oxford SHLAA June 2014 para 3.7

<sup>11</sup> South Oxford SHLAA July 2013 para 5.23

<sup>12</sup> VWH LP 2031 (Nov 2014) Core Policy 4

- 2.7 In March 2014 the City Council in response to Cherwell's Plan said it had "*fundamental concerns about the soundness of this plan and the extent to which the duty to cooperate has been followed in relation to the provision of housing*",
- 2.8 On 27 August 2014 the executive director for regeneration and housing at Oxford City Council (David Edwards) criticised neighbouring authorities for failing to take account of the city's unmet housing need in their respective local plans, according to local press reports<sup>13</sup>. He was quoted as follows:

*Local plans have to be up to date and valid and properly take account of housing need, and that includes not only housing need in your area but nearby need where it cannot be met. The government has said it might be prepared to accept an interim period where your plan looks after your own need, but don't take that as a licence to kick the can down the road for another five years.*

- 2.9 A spokesman for the City Council was also quoted as follows:

*Our concern is that our neighbouring authorities are failing to acknowledge the urgency and scale of the problem being faced. It should take no longer than 12-18 months to identify spatial options for addressing the unmet Oxford need. Much work has already been done to show that the option of Green Belt review and urban extension would be sustainable and deliverable.*

*Yet some are suggesting a process that would not see the problem being addressed in neighbouring districts' local plans for another four years potentially. We are also aware that local plans elsewhere have been vulnerable where they have relied on simply quoting future arrangements to address unmet needs within the Housing Market Area. It is not generally acceptable to rely on future process as an alternative to addressing unmet need in the current emerging plan.*

- 2.10 In September 2014 the City Council published 'Investing in Oxford's Future - a route map'. This makes the following points:

*The intention of this document is to provide a guide to the decision making that will ensure that informed decisions can be reached as to how best to accommodate the housing growth identified in the SHMA in and around Oxford. The planning decisions will be taken by the Oxfordshire authorities and through the process of individual Local Plans. However, Government has placed a requirement on Local Authorities to work together collaboratively on these issues and not to ignore issues which extend across individual boundaries. **The need to address this housing need is very pressing and cannot be deferred, and the lack of housing is already now having profound adverse consequences for our economy and our communities.** (emphasis added)*

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<sup>13</sup> 'Planning' 27.8.14

2.11 This was followed by The Oxford Housing Land Availability and Unmet Need Assessment December 2014 mentioned above.

### **Duty to Cooperate and the Housing Market Area**

2.12 The Duty to Cooperate (DTC) is first set out in Section 110 of the Localism Act 2011 and the Framework (March 2012) elaborates in paragraphs 178 - 181, which state as follows:

*178. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.*

*179. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. 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 this Framework. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.*

*180. Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should cooperate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise Partnerships and Local Nature Partnerships. Local planning authorities should also work collaboratively with private sector bodies, utility and infrastructure providers.*

*181. Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.*

2.13 Two of the tests of soundness<sup>14</sup> relate to DTC (emphasis added):

- *Positively prepared – the plan should be prepared based on a strategy which **seeks to meet objectively assessed development and infrastructure requirements,***

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<sup>14</sup> The Framework para 182

**including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;**

- **Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities**

2.14 Topic Paper 1 ‘Duty to Cooperate and cross boundary issues’ (November 2014) (TP1) seeks to demonstrate that the Plan has been prepared in a manner which satisfies these requirements as follows:

*4.10. The Local Plan 2031 Part 1 makes provision for 20,560 new homes to be delivered during the plan period (2011/12 to 2030/31; Core Policy 4). This reflects the Objectively Assessed Need for the Vale of White Horse District Council as identified by the up-to-date Strategic Housing Market Assessment (SHMA) for Oxfordshire.*

*4.11. If or when required, any needs arising elsewhere in the Housing Market Area, will be addressed by timely and effective cooperative working in accordance with Core Policy 2 (see Chapter 1).*

2.15 Core Policy 2 is as follows:

*The Council will continue to fulfil its statutory ‘duty-to-cooperate’ by working effectively with all the other Oxfordshire local authorities in accordance with the Oxfordshire Statement of Cooperation to seek to jointly meet, in full, the objectively assessed need for economic and housing growth across the Oxfordshire housing market area.*

*The 2014 Oxfordshire Strategic Housing Market Assessment (SHMA ) identifies a significant level of housing need in Oxfordshire. The Council recognises that Oxford City may not be able to accommodate the whole of its new housing requirement for the 2011-2031 period within its administrative boundary.*

*Whilst the extent to which Oxford City can meet its own needs is robustly tested and agreed, the Council will first seek to meet its own housing needs in full, to help ensure that the needs of both the district and the housing market area as a whole are met as quickly as possible.*

*In tandem, the Council will continue to work jointly with all of the other Oxfordshire local authorities to address any unmet housing need. This will include assessing all reasonable spatial options, including the release of brown field land, the potential for new settlements and a full strategic review of the whole of the Oxford Green Belt. These issues are not for the Council to consider in isolation. These options will need to be undertaken in accordance with national policy, national guidance, the Environmental Assessment of Plans and Programmes Regulations, and the Habitats Regulations Assessment to establish how and where any unmet need might best be accommodated within the Oxfordshire Housing Market Area.*

*If, following this joint work, it is identified and agreed, either through the Oxfordshire Growth Board or through an adjoining local plan examination, that any unmet housing need is required to be accommodated within this district, the Council will either:*

- *undertake a full or focused partial review of the Local Plan 2031, or*
- *allocate appropriate housing sites through a subsequent development plan document in conformity with the Spatial Strategy set out in the Local Plan 2031.*

*The appropriate approach will depend on the scale of the unmet need to be accommodated.*

2.16 Paragraphs 1.18 and 1.19 of the Plan attach weight to cooperation through the Oxfordshire Growth Board, and the Oxfordshire Statement of Cooperation. This document is reproduced as Appendix 2 of TP1 and although undated (and unsigned) paragraph 3.13 of TP1 states that it was agreed in September 2013 by all council leaders.

2.17 For the purposes of strategic planning the specific content is as follows (emphasis added)

*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.*

2.18 The Joint SHMA was published in March 2014, and the impacts on the Oxfordshire authorities is set out in Table GP1 above. The Plan side steps the key sentence of the agreement: *“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.”* The frustration of Oxford City Council is recorded above and despite carrying out a detailed study, which demonstrates that it cannot accommodate the majority of its needs, the Plan requires that this be *“robustly tested”*. Despite a clear agreement to cooperate, VWHDC has unilaterally published a Plan which makes no accommodation for Oxford’s unmet needs. It puts off any action until after a *“full strategic review”* and then proposes to either

- *undertake a full or focused partial review of the Local Plan 2031, or*
- *allocate appropriate housing sites through a subsequent development plan document in conformity with the Spatial Strategy set out in the Local Plan 2031.*

### **Housing Land Supply**

2.19 The latest report on housing land supply in the District is August 2013<sup>15</sup>, and the Council web site states as follows

*Housing Supply Statement:*

*Following the collation and analysis of housing completions, the Vale has now published its annual report [August 2013] on housing delivery, including the pipeline of housing planning application consents and allocations, which make up the five year housing land supply for the district. ...*

*The report states that we have now achieved a supply of 3,470 homes deliverable within the next five years. This demonstrates a five year housing land supply against our current housing-need numbers including a five per cent buffer. Unfortunately the Vale has persistently under performed in its housing delivery in the past, so we are currently required to provide a 20 per cent housing buffer (reflecting a 4.4 year housing land supply). This shows we have made significant progress, but unfortunately does not yet mean that local plan policies take priority over the NPPF presumption in favour of residential development.*

*We are closely monitoring housing planning consents as they are processed and issued after planning committee or planning appeal, as to how they add to our housing land supply. Unfortunately consents are generally granted in outline, leaving the developers with*

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<sup>15</sup> VWH DC Five year housing land supply statement

*significant work to do before any construction can start. In some cases this can take more than a year.*

***In addition to this, larger consents will be typically delivered over a number of years, (up to 10 or even 15 in some cases) due to market sales rates, and it is this delivery rate that we are judged upon in terms of whether we can demonstrate a five year land supply.***

***This lag, and the apportionment of housing over the years, means that the impact of providing consent for development on our immediate housing land supply may be far lower than the headline number of houses stated in the planning consent.***

***It is also this consent-to-delivery time-lag and phasing of housing completions over an appropriate site delivery timescale that means that we now have to make difficult decisions on housing planning consents.***(emphasis added)

2.20 Topic Paper 3 states that:

*Following the publication of the Draft Local Plan Consultation (Feb 2013), work was undertaken to prepare an up-to-date Oxfordshire Strategic Housing Market Assessment (SHMA). The SHMA identified a new 'objectively assessed need' for housing, which meant the council needed to **identify sites for 7,430 more homes during the plan period 2011 to 2031, over and above those set out in the Draft Local Plan (Feb 2013). 4,025 of these homes would need to be delivered within the first five years of the plan to ensure a five-year housing land supply is achieved and maintained.** [emphasis added]*

2.21 Both the 5 year supply statement (August 2013) and Topic Paper 3 are out of date. The 7,430 is obviously wrong as the Core Policy 3 figure for new allocations is 13,960 and 4,025 figure is no longer correct.

2.22 The current position is that the supply as at April 2015 is at best 3,169 homes (although it is not known whether all can be delivered within 5 years) and the annual rate of delivery is 1,028 p.a. in the Plan<sup>16</sup>, although disputed in this Report. The Housing Land Supply Statement states:

*The 20 percent housing supply buffer required by the National Planning Policy Framework [paragraph 47] currently applies to this district because our past housing delivery has not achieved the target rate.<sup>17</sup>*

2.23 This results in a delivery target of 1,234 p.a.. In addition completions between April 2011 and March 2015 total 2,031 dwellings which is a shortfall of 2,081 against a target of 4,112 (1,028 x 4) which must be made up within 5 years by the widely accepted 'Sedgefield' method, not the 'Liverpool' method of spreading the shortfall over the Plan period which is favoured by the

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<sup>16</sup> Core Policy 4

<sup>17</sup> Housing Land Supply Statement 2013 para 5

Council . This adds 416 (2,081/5) to 1,234 which becomes a target of 1,650 p.a.. This means **the housing land supply is 1.9 years** (well below the 5 year requirement) and that **8,250 homes must be delivered by March 2020, or 5,081 on new sites** in addition to the commitments, *even on the Plan's figures*.

### Conclusion on Duty to Cooperate and Housing Numbers

- 2.24 The approach of the Plan to make provision only for the District rather than for a share of housing needs of the Housing Market Area, and defer full and proper provision to a review or a future another development plan document is fatally flawed. It does not include the “unmet requirements from neighbouring authorities” (positively prepared) nor is it based on “effective joint working on cross-boundary strategic priorities” (effective).
- 2.25 The Duty to Cooperate has not been meaningful. After setting up a framework and jointly commissioning a SHMA for the Housing Market Area in 2013, when that was published in March 2014 there is no record of joint action to address the findings of a substantial housing shortfall, much of it in Oxford. Oxford City Council has rightly been critical of this inaction for most of 2014.
- 2.26 By examining the figures of housing need identified in the SHMA compared to likely capacity in the HMA (including the very constrained urban area of Oxford) there is a current shortfall in provision of over 30,000 homes in the period up to 2031<sup>18</sup>. Whilst the Plan may accommodate the Objectively Assessed Need of the District in isolation, it makes no provision whatsoever for the unmet needs of Oxford. This is unrealistic, and the Plan must be considered unsound.
- 2.27 There is an urgent need to identify sites which can deliver some 5,000 homes in 5 years, yet the Plan and supporting documents make no attempt to identify how, or if, the sites will be able to do this.

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<sup>18</sup> Table GP1 above

### 3 SITE SELECTION PROCESS

3.1 The Framework states that for a Local Plan to be sound on the basis that it is **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence*;

3.2 This Report finds that the Plan is not ‘sound’ - it is not justified as being ‘the most appropriate strategy’ in three respects:

- it is an inappropriate strategy by making no contribution to the overall housing needs of the Housing Market Area
- as a consequence of the first point more sites are required
- the sites that are in the Plan are not the most appropriate.

3.3 Whilst there is a substantial objection to the housing number under-provision in the Plan as detailed above, there is also objection to the site selection process.

3.4 The Plan makes provision for new sites with a housing capacity of 13,960 in the three sub-areas set out in Core Policy 4:

Abingdon-on-Thames and Oxford Fringe Sub-Area:	1,990
Western Vale Sub-Area	1,650
South East Vale Sub-Area:	10,320
Total	13,960

3.5 Because this Report is an objection to the Plan which culminates in the objective to obtain inclusion of the Radley South site<sup>19</sup> as a strategic allocation, this Section focusses on the allocations for the Abingdon-on-Thames and Oxford Fringe Sub-Area.

3.6 Topic Paper 3 sets out the ‘Revised site selection methodology’<sup>20</sup>, summarised as follows:

<sup>19</sup> Topic Paper 3 site ref TPS 079/ Site 54

<sup>20</sup> Topic Paper 3 Table 3.2 p8

Stage	Description of process
Stage 1	Identification of potential sites <ul style="list-style-type: none"> <li>• Informed by Strategic Housing Land Availability Assessment (SHLAA)</li> <li>• Investigation of land around main settlements and at employment locations</li> </ul>
Stage 2	Initial Site Filters <ul style="list-style-type: none"> <li>• Site size threshold (200 homes)</li> <li>• Exclusion of sites with planning status</li> </ul>
Stage 3	Identification of key constraints/ opportunities and further site sift <ul style="list-style-type: none"> <li>• Fit with spatial strategy, supporting Science Vale and main settlements</li> <li>• Constraints (AONB, Flood Zone, Green Belt, and others)</li> <li>• Level of facilities and services available at site locations</li> </ul>
Stage 4	Detailed evidence testing, informal consultation and sustainability appraisal <ul style="list-style-type: none"> <li>• Landscape Capacity Study</li> <li>• Transport Modelling</li> <li>• Viability Assessment</li> <li>• Historic Landscape Character Assessment</li> <li>• Green Belt Review</li> <li>• Informal consultation with infrastructure providers and key stakeholders</li> <li>• Sustainability Appraisal (SA)</li> </ul>
Stage 5	Identification of Preferred Sites <ul style="list-style-type: none"> <li>• To meet objectively assessed housing need in the Oxfordshire Strategic Housing Market Assessment</li> <li>• Sites which can deliver homes in the first five years identified to contribute towards the five year housing land supply</li> <li>• Preferred sites included in February 2014 Local Plan Part 1 Consultation Document</li> </ul>

3.7 Topic Paper 3 Appendix A is confusing because it seems to show that sites have been assessed under three methodologies: 2007 - 2012; 2013; 2014. Only the 2013 methodology is presented in the Topic Paper at Table 3.2 reproduced above. Appendix A adds to the confusion because it can be assumed that an 'orange score' indicates rejection, and 'green' means it progressed. However some sites included in the Plan<sup>21</sup> were scored orange at various stages, even as late as 'ASSM Stage3'. Other sites which scored orange did not appear on the final list (including Radley South which seem to fall at 'ASSM Stage 4 & 5). There appears to be a lack of clarity and transparency in this whole process.

<sup>21</sup> Shown in TP 3 Apx A and Plan Core Policy 3

- 3.8 Moreover, the Plan is not legally compliant in relation to the Sustainability Appraisal/Strategic Environmental Assessment Report (SA/SEA). The submission Plan is subject to the Strategic Environmental Assessment Directive, 2001/423/EC Art 3(2), because it sets the framework for future development consent of projects. The directive is implemented in England by the Environmental Assessment of Plans and Programme Regulations 2004 (the SEA regulations). The SEA process is defective for failure to consider "reasonable alternatives taking into account the objectives and geographic scope of the plan" as required by SEA Reg 12(2)(b).
- 3.9 This SA/SEA is lawfully defective for failure to properly consider alternatives, specifically:
- in relation to meeting the needs of the Housing Market Area as a whole rather than just those of the District
  - the inconsistencies over many stages of assessment culminating in the failure to include the Radley South site as a strategic site the exclusion of the site means a reasonable alternative has been excluded and this breaches the SEA Directive and the Regulation 12(2)(b).
- 3.10 TP3 Appendix A shows that of 121 sites assessed only 5 are listed as being included in the 'Draft Local Plan (March 2013)'. For the current Publication Local Plan 22 sites are identified, which include the original 5.
- 3.11 Stage 1 began with looking at 300 sites submitted as part of the Strategic Housing Land Availability Assessment (**SHLAA**), together with other sites within the Science Vale Oxford Area<sup>22</sup>. It appears that if a site were not submitted it would not even reach Stage 1.
- 3.12 Stage 2 deleted all sites of less than 200 homes and 3 other sites with major constraints. The remaining sites then went forward to Stage 3 which assessed sites under a number of considerations listed in Topic Paper 3<sup>23</sup>. Site progression was also informed by responses to the consultation on the Draft Plan (Feb 2013) and the Housing Delivery Paper (Feb 2014). The reduced list of 22 sites are listed in TP3 Appendix A as being assessed in Stage 4. Curiously at least four sites<sup>24</sup> seem to have fallen at ASSM Stage 3 but still included in the 22 in the Plan.

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<sup>22</sup> Topic Paper 3 para 3.8

<sup>23</sup> Topic Paper 3 para 3.11

<sup>24</sup> TPS 005 NW of Abingdon-on-Thames, TPS 071 Milton Heights, TPS 085 Shrivenham, TPS 111 Crab Hill

3.13 At Stage 3 the sites were assessed against the following factors, supported by relevant studies<sup>25</sup>:

- **Landscape Capacity Study:** Kirkham Landscape Planning to undertake a landscape capacity assessment of each of the 38 sites. The study includes recommendations as to which sites, or parts of sites, may be able to accommodate development without significant harm to the landscape.
- **Transport Modelling:** in partnership with Oxfordshire County Council, consultants were commissioned to undertake transport network capacity modelling to help inform the site selection process.
- **Viability Assessment:** HDH Planning and Development to undertake a high level viability assessment.
- **Historic Landscape Character Assessment:** Oxfordshire County Council provided initial information in advance of the publication of the county-wide historic landscape character assessment.
- **Green Belt Review:** Kirkham Landscape Planning to undertake a Green Belt review.
- **Informal Consultation:** informal consultation with infrastructure providers including Environment Agency, Natural England, English Heritage, Thames Water and Oxfordshire County Council.
- **Sustainability appraisal (SA):** URS to undertake a sustainability appraisal to considers the likely effects of development at each site on each of eleven sustainability objectives, which cover social, economic and environmental aspects of sustainability.

### Housing Delivery

3.14 In order to address the current severe housing delivery shortfall (some 5,000 homes required on new sites within 5 years in addition to existing commitments<sup>26</sup>) it is necessary that some assessment is made of delivery 2015 - 2020 from each of the identified sites, but there is none. There must be serious doubt that such delivery can be achieved so that the Framework's requirement<sup>27</sup> will not be satisfied.

### Green Belt Review

3.15 The Plan proposes to release land in the Oxford Green Belt at selected settlements<sup>28</sup> Oxford is clearly a major settlement where new growth could be expected, but also has a Green Belt

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<sup>25</sup> Supporting Paper para 78

<sup>26</sup> see this Report para 2.7

<sup>27</sup> the Framework para 47

<sup>28</sup> Plan Core Policy 9

around it. The Framework allows Green Belt boundaries to be established and reviewed by Local Planning Authorities through Local Plans: (emphasis added)

*Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, **Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.***<sup>29</sup>

- 3.16 As part of the site selection process VWHDC undertook a Green Belt Review of potential development sites on the edge of settlements which are currently within the Green Belt. The Phase 3 Report<sup>30</sup> proposed changes to Green Belt boundaries at sites around eight villages: Abingdon, Appleton, Botley, Cumnor, Farmoor, Kennington, Radley, and Wootton.
- 3.17 These boundary changes are generally reflected in the identification of Green Belt strategic sites in Core Policy 3. An exception is to the sites around Radley, which is a matter dealt with below.

#### **The Abingdon-on-Thames and Oxford Fringe Sub-Area**

- 3.18 This Section of the Report focusses on the allocations for the Abingdon-on-Thames and Oxford Fringe Sub-Area which are as follows<sup>31</sup>:

	site ref TPS	site ref Feb 14 Apx 5	homes
North of Abingdon-on-Thames	004	1	800
North West of Abingdon-on-Thames	005	42	200
South of East Hanney	038	-	200
South of Kennington	064	25	270
East of Kingston Bagpuize with Southmoor	065	48	280
North West of Radley	077	28	240
			1,990

- 3.19 Appendix 1 to this Report compares the entries for the non - Abingdon sites when assessed in February 2014<sup>32</sup>. In summary, each have comments which indicate possible objections, as follows:

<sup>29</sup> The Framework para 83 extract

<sup>30</sup> Amendments To Boundaries Of The Green Belt Around Inset Villages And New Inset Village At Farmoor (February 2014)

<sup>31</sup> Core Policy 4 p38

<sup>32</sup> Local Plan Consultation Draft February 2014 Appendix 5

<p>South of Kennington</p>	<p><u>Access</u> - Sandford Lane is likely to need improvements for any access. <u>Water supply and wastewater capacity</u> - Waste water service upgrade would be required. However no 'show stoppers' identified.</p>
<p>East of Kingston Bagpuize with Southmoor</p>	<p><u>Ecology</u> - This site is adjacent to Kingston Bagpuize Millennium Green which contains a pond. The pond contains a population of Great Crested Newts (GCN). The presence of GCN may have an impact on the potential layouts and capacity. <u>Transport</u> - There are capacity and performance constraints associated with the A420 route corridor. However, the site is located within easy walking distance of bus stops on route 66 from Swindon to Oxford. There is an opportunity to enhance this service with improved frequency and level of service. Development likely to impact on Public Rights of Way on the site and in the vicinity. <u>Historic environment and cultural heritage</u> - The north-western part of this site is adjacent to Appleby Cottage, which is listed grade II. Archaeological features are present on the site. <u>Other</u> - The site is adversely affected by road noise from the A420. An appropriate buffer would be required in association with mitigation</p>
<p>North West of Radley</p>	<p><u>Access</u> - Access likely to be difficult to achieve off Whites Lane and Church Road: further investigation required. <u>Water supply and wastewater capacity</u> - Waste water service upgrade required however no 'show stoppers' identified. <u>Flooding</u> - The south west corner of the site is prone to surface water flooding. <u>Ecology</u> - The arable parts of the site have few constraints. Other areas would need surveys to determine whether there are ecological constraints. <u>Transport</u> - There are capacity issues with the wider transport network and development may lead to worsening conditions. However, Radley is well connected to public transport with opportunities for increased usage. Radley has a railway station with good connectivity between Oxford to the north and Didcot and Reading to the south and east. A small</p>

	<p>allocation would limit the impact on the wider network.</p> <p><b>Other</b> - No viability issues. Potential impact on Radley and Abingdon-on-Thames air quality must be considered. Potential contamination issues and impact on ground water sources will need to be explored due to the site's proximity to Whites lane landfill site.</p>
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3.20 Radley South<sup>33</sup> is examined more closely in the next section of this Report but in summary the 'orange' and 'red' comments are:

<u>landscape</u> - potential for development subject to more detailed study, major tree planting along eastern boundary would be 'in keeping'	
<u>water supply and wastewater capacity</u> - significant infrastructure required	Not a 'show-stopper' for NW Radley.
<u>flooding</u> - although in Flood Zone 1 (low probability, no constraint on development) "seasonal variations in groundwater are known in the vicinity of the site"	Anecdotal accounts of 'seasonal variations' is not a constraint and in any event can be accommodated in detailed design.
<u>Transport</u> - <ul style="list-style-type: none"> <li>capacity issues with the wider transport network and development may lead to worsening conditions.</li> <li>site is ideally located adjacent to the Abingdon-Kennington-Oxford Premium Bus Route.</li> <li>there are various level crossing in close proximity to the site and Network Rail have raised concerns about safety.</li> <li>development likely to impact on Public Rights of Way.</li> </ul>	These matters are addressed in the next section of this Report but it is noteworthy that these same concerns did not prevent the allocation of NW Radley (and there is no mention of the level crossings).
<u>Access</u> (red) Principle accesses to the site would be from Goose Green and Thrupp lane. Goose Green could support some additional development but Thrupp Lane is narrow and not suitable to sustain a large amount of development.	These matters are addressed in the next section of this Report which shows that Thrupp Lane is suitable for the scale of development proposed.
<u>Historic environment and cultural heritage</u> - The site lies directly between two Scheduled Ancient Monuments. Site shows evidence of	These matters are addressed in the next section of this Report

<sup>33</sup> site TPS079 Topic Paper 3, site 54 Local Plan Draft Feb 14 Appendix 5

Roman and undated cropmarks, Neolithic to Bronze Age flakes and cores.	which shows that the SAMs and archaeology are not real constraints on development.
<u>Social and community</u> - Primary school expansion would be required. Development may require the relocation of key community facilities such as the village hall and recreational areas that are currently in active use.	The expansion of the primary school is not mentioned as a constraint on NW Radley but would surely equally apply. Relocation of the playing fields (which are subject to a short-term letting agreement) is achievable. The village hall site is unaffected.

3.21 The objections raised in Stages 4 and 5 for rejecting the site, and comments are:

<i>the cumulative impact of more suitable strategic sites in the vicinity (North West Radley, South Kennington and North Abingdon) and the impact this would have on the local infrastructure and services</i>	this 'impact' is not specified but would surely apply equally to any of the sites
<i>removal of this [recreational] area from the strategic site would leave it below the minimum area required for the provision of 200 dwellings.</i>	the next section of this Report demonstrates that the site capacity is some 250 homes
<i>located immediately between two ancient monuments and may be of archaeological significance.</i>	this is addressed in the next section of this Report but the records show that the SAMs are entirely sub-surface and thus unaffected by development.

### Conclusions on the Site Selection Process

3.22 Topic Paper 3 presents a confusing picture of site selection with several methodologies seemingly employed over a long period<sup>34</sup>, such that sites seem to have been assessed and selected using different and changing criteria. There does not seem to be a single process for assessment of sites which logically leads to their identification in the Plan.

3.23 The assessment which is presented often seems subjective and lacks consistency. This Report and Appendix 1 identifies criticisms made of the Radley South site which are unjustified and

<sup>34</sup> Topic Paper 3 Appendix A

inconsistent with comments and concerns about those sites which have been identified - similar concerns have not prevented site allocation. Fuller examination of the relative merits of Radley South is the subject of the next Section of this Report.

- 3.24 The five year housing land supply position in the District is in crisis but no attempt has been made to analyse the contribution that the identified sites will make to this very serious situation.
- 3.25 The first case that this Report highlights to demonstrate that the Plan is unsound is the lack of any contribution to unmet needs in the HMA. This must result in an uplift in housing numbers and the need for more sites to be identified now, not in a Plan review or in a supplementary document. There should be a more transparent and objective process to guide site selection in the future.

## 4 THE CASE FOR RADLEY SOUTH

### Introduction

- 4.1 The following Section examines the suitability of Radley South as a ‘strategic site’ for inclusion in Core Policy 4. Even as the Plan stands there is insufficient justification for rejecting the site in favour of others in the Sub Area. But with the requirement to accommodate some of Oxford’s ‘unmet housing need’ in order to satisfy the requirement that the Plan is “positively prepared”<sup>35</sup> and thus “sound”, the Plan must identify more housing sites. Moreover, the Plan must allocate sites which can collectively deliver at least 5,000 homes (or more if Oxford’s needs are to be accommodated) in the next 5 years in order to meet the need for an adequate 5 year housing land supply.
- 4.2 As demonstrated above, there are notable inconsistencies in approach between the rejected Radley South and the allocated Radley North-West.
- 4.3 Radley is described as *“one of the Vale’s most sustainable villages with a good range of services and facilities, and is close to additional facilities in Abingdon-on-Thames”*<sup>36</sup>. It is served by a railway station (Oxford and Paddington) and a good bus service (Oxford and Abingdon) both in walking and cycling distance from the site.
- 4.4 The Radley South site (also known as Gooseacre Farm) lies immediately to the south of Radley. Attached to this Report are two appendices
- Appendix 3 Access Appraisal by Stuart Michael Associates Limited
  - Appendix 4 Appraisal and Design Concept by Built Form Resource
- 4.5 The site has an area of 8.93 ha and could accommodate up to 250 homes. The current sports pitches are let on a short term arrangement and would be located to the south of the development area on land in the same ownership. Even if the sports pitches (some 1.5 ha) were to remain the site could accommodate over 200 homes at the 30 hpa density of Policy 23. The site is open with very little vegetation and extensive planting, including boundaries,

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<sup>35</sup> The Framework para 182

<sup>36</sup> Draft Local Plan Supporting Paper Feb 2014 p34

would enhance its character and define the urban area. Vehicular access would be from Thrupp Lane, then onto Foxborough Road.

4.6 The 'Key Challenges and Opportunities' in the Plan include:

- *Ensuring that employment and housing growth is located to reduce the need to travel by car and encourage walking and cycling for short journeys.*
- *Supporting improvements to public transport, cycling and walking to provide attractive alternatives to travelling by car and to help minimise traffic congestion, particularly between the district's main employment and service centres.<sup>37</sup>*

4.7 The site is well located for access by sustainable transport, Radley having an excellent bus and train service. This would be compliant with Core Policies 33 and 35 - see below.

4.8 One of the main points of this Report is that VWHDC have taken no account of the shortfall of the Oxford's unmet housing needs, as clearly stated in the SHMA and Table GP1. There is a Duty to Cooperate with Oxford City Council and cater for at least some of this shortfall (Core Policy 2). If a contribution to Oxford's needs is to be made then Radley South becomes not just another site to consider, but one of the **prime** sites in the area which is ready to be developed.

## Background

### Green Belt Review

4.9 Radley South was identified as suitable for release in the Green Belt Review<sup>38</sup> and the Supporting Paper<sup>39</sup>, Appendix 2 is an extract from the Review. Radley South (Site 14) was shown as a 'red star' ('areas suggested for release') in the Draft Plan 2014<sup>40</sup>.

4.10 The Plan states as follows:

*Some of the sites identified as strategic allocations within this plan have been historically located within the Oxford Green Belt. We have considered the impact of allocating these sites carefully and this has been informed by the local Green Belt Review. **The sites all fall within land that has been identified through the local Green Belt Review to no longer meet the purposes of the Green Belt.** For this reason, the development of these sites*

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<sup>37</sup> The Plan p26

<sup>38</sup> Green Belt Review Phase 3 Report February 2014

<sup>39</sup> Housing Delivery Update Supporting Paper Feb 2014

<sup>40</sup> Plan Fig 4.12 'Proposed Changes to the Oxford Green Belt' p43

*will not harm the purposes of the Oxford Green Belt, which will continue to be protected in accordance with Core Policy 13.* <sup>41</sup>(emphasis added).

4.11 This is not true. The eastern part of the North of Abingdon site<sup>42</sup> ('Peachcroft Farm') was not identified for release from the Green Belt<sup>43</sup> which is also noted in the Topic Paper. This is another example of inconsistency - a detailed Green Belt review accepted Radley South for release - but the site is rejected in the Plan, another nearby site was rejected for release but included in the Plan.

#### **SHLAA (February 2014)**

4.12 The SHLAA is a 'stock take' of available sites, but only those submitted for assessment by interested parties are included. Two areas of the Radley South Site were submitted for assessment as follows (RADL06 - west, RADL07 - east)<sup>44</sup>:



4.13 The entry for site RADL06 is as follows:

Settlement	Radley
SHLAA site reference	RADL06
Site submission number	
Site address/location	Land east of Thrupp Lane

<sup>41</sup> The Plan para 52

<sup>42</sup> Topic Paper 3 site TPS 004

<sup>43</sup> Green Belt Review Phase 3 Report February 2014

<sup>44</sup> SHLAA Update February 2014 Appendix 18 Radley

Planning history	None
Site size (hectares)	2.66ha
Site description and current uses	Agricultural, sports.
Surrounding land uses and character of surrounding area	Residential and Agricultural.
<b>Suitability for housing</b>	
Policy constraints	Green Belt.
Physical constraints	None
Accessibility	Potential- via hall at present
Overall suitability/developability	Site is suitable in principle subject to appropriate access to the site. A green belt review would be required to justify any development here.
<b>Availability and Achievability</b>	
Availability	Unknown
Achievability	Achievable
<b>Overall assessment of site deliverability</b>	Developable

The following options apply in determining the accessibility of sites:

- Site has a suitable and safe access point / new development would relate well with existing development and offer routes for easy pedestrian access to town centre.
- Site has an access point but would need a reasonable amount of mitigating works to make it suitable and safe / mitigation would be required to relate new development to existing and to improve pedestrian links to the town centre.
- Site has no obvious access point / would be difficult to relate new development to existing.

4.14 The entry for site RADL07 is as follows:

Settlement	Radley
SHLAA site reference	RADL07
Site submission number	
Site address/location	Land at Goose Acre Farm
Planning History	None
Site size (hectares)	1.63ha
Site description and current uses	Agricultural
Surrounding land uses and character of surrounding area	Agricultural, residential and common
<b>Suitability for housing</b>	
Policy constraints	Green Belt.
Physical constraints	None visible , slight overshadowing to neighbours
Accessibility	Unknown (merge with adjacent site 6?)

Overall suitability/developability	Site is unsuitable due to access issues but could potentially develop with RADL07. A green belt review would be required to justify development on this site.
<b>Availability and Achievability</b>	
Availability	Unknown
Achievability	Unknown
<b>Overall assessment of site deliverability</b>	Undeliverable

*The following options apply in determining the accessibility of sites:*

- *Site has a suitable and safe access point / new development would relate well with existing development and offer routes for easy pedestrian access to town centre.*
- *Site has an access point but would need a reasonable amount of mitigating works to make it suitable and safe / mitigation would be required to relate new development to existing and to improve pedestrian links to the town centre.*
- *Site has no obvious access point / would be difficult to relate new development to existing.*

4.15 Only two small parts of the Radley South site were submitted in response to the ‘call for sites’ for consideration in the SHLAA. However a larger site is available and has been assessed by the Green Belt Review Phase 3 (2014) as ‘Area 14’ (shown in Appendix 2 to this Report). That site has an area of some 9 ha. With allowance for areas not to be developed this could accommodate some 250 homes. Because it was not submitted in a ‘call for sites’ it was not considered in the SHLAA (even though it was by the Green Belt Review - which is curious) so ruling it out of consideration.

4.16 The SHLAA ‘analysis’ is that the two South Radley sites are suitable for development, but site reference numbers seem to be mixed up - under RADL07 it probably means ‘but could potential develop with RADL06’. It does ‘flag up’ the need for a Green Belt review (which subsequently ‘released’ the site) and access which is dealt with below.

### **The sustainability appraisal issues**

4.17 As set out in Section 3 above, the objections to the site can be identified from Topic Paper 3 November 2014 and Appendix 5 of the Draft Local Plan February 2014.

4.18 In Topic Paper 3<sup>45</sup> the site was rejected in the final stages of the Plan’s preparation for the following reasons:

<sup>45</sup> site ref TPS 079 p67

- cumulative impact of more suitable strategic sites in the vicinity (North West Radley, South Kennington and North Abingdon)
- below the minimum area required for the provision of 200 dwellings
- location between two Scheduled Ancient Monuments (SAMs)

4.19 The **'cumulative impact'** point is not explained. It could mean either landscape, transport or pressure on services (all of which would be refuted) but as it stands it is too vague to have any real meaning.

4.20 The second comment is that if the playing field were to remain where it is then the site is **too small to accommodate 200 homes**. The site including the current playing field is some 9 ha, so a capacity of some 270 homes at Policy 20's density of 30 per hectare. The current playing field is some 1.5 ha which could accommodate some 45, so its exclusion would result in a capacity of some 230. It is therefore factually incorrect to say that the site without the current playing field would have a capacity of less than 200 homes. However the playing field would be relocated to the south of the development, together with allotments, so that the Appraisal and Design Concept<sup>46</sup> so that the capacity is around 250 homes. A related concern is that 'development may require the **relocation of key community facilities such as the village hall** and recreational areas that are currently in active use'. The village hall is outside the Radley South site so would not be relocated.

4.21 Thirdly the need for **Primary school expansion** would be required. Any development is likely to generate the need for additional education facilities and this is normally addressed at planning application stage through a Section 106 agreement often by way of contributions, as would be the case here.

4.22 The **two SAMs** do not constrain development of the site (even though it is a 'maybe' in Topic Paper 3). Their status has been examined and is referred to in the Design Concept<sup>47</sup>. The conclusion is that these are entirely sub-surface archaeological remains of former settlements only visible as cropmarks and that development of the site would not result in any harm.

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<sup>46</sup> Appendix 4 to this Report fig 3.1 p 12

<sup>47</sup> Appendix 4 to this Report paras 2.43 - 2.44 p 11

## Transportation and access

4.23 Core Policy 33 Promoting Sustainable Transport and Accessibility includes:

*The Council will work with Oxfordshire County Council and others to:*

- ii. ensure that developments are designed in a way to promote sustainable transport access both within new sites, and linking with surrounding facilities and employment*

4.24 Core Policy 35 Promoting Public Transport, Cycling and Walking includes:

*The Council will work with Oxfordshire County Council and others to:*

- i. encourage the use of sustainable modes of transport and support measures that enable a modal shift to public transport, cycling and walking in the district*
- ii. ensure new development is located close to, or along, existing strategic public transport corridors, where bus services can then be strengthened in response to increases in demand for travel*
- iii. ensure that new development is designed to encourage walking as the preferred means of transport, not only within the development, but also to nearby facilities and transport hubs*
- iv. ensure that new development encourages and enables cycling not only through the internal design of the site, but also through the provision of cycle friendly infrastructure to link the new residents with nearby services, employment areas, educational facilities and public transport hubs where interchange can be provided for longer distance travel*
- v. seek to support the provision of new cycling routes where the proposals are consistent with the other policies of this plan*

4.25 Buses depart to Oxford every 15 minutes<sup>48</sup> and direct trains every hour throughout the day - both modes which Radley South can access on foot and cycle. The site offers the potential to make up some of Oxford's shortfall and sustain its economic viability by providing homes for Oxford workers which will not require them to commute by car on the roads and will not add to the parking pressure within Oxford itself. Very few other potential sites of this size offer that connectivity.

4.26 The other main concern mentioned in the February 2014 appraisal is access, although this is not mentioned in the November 2014 schedule. In response AWEL commissioned an expert report by Stuart Michael Associates which is Appendix 3 of this Report.

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<sup>48</sup> The no. 35 service

4.27 The transport issues raised in the February 2014 appraisal are:

- Principle accesses to the site would be from Goose Green and Thrupp lane. Goose Green could support some additional development but Thrupp Lane is narrow and not suitable to sustain a large amount of development.
- Development likely to impact on Public Rights of Way.
- Capacity issues with the wider transport network and development may lead to worsening conditions.
- There are various level crossings in close proximity to the site and Network Rail have raised concerns about safety.

4.28 The SMA Report demonstrates that Thrupp Lane is able to be widened and improved to provide adequate access to the development<sup>49</sup>:

*The access is kerbed with adequate views along Thrupp Lane. Access sightlines can be enhanced in conjunction with the formation of an improved adoptable residential access road and localised widening of Thrupp Lane (discussed later).*

*It is proposed that primary vehicular access shall be taken from Thrupp Lane and located at and over the position of the existing field access. It will be upgraded to adoptable standards. A preliminary access layout is shown in Appendix 2; drawing 4938.007).*

*There is also scope, within the confines of the public highway boundary at Thrupp Lane, to provide improvements to the corridor (surfacing, kerbing and speed control) in association with localised widening and traffic calming.*

*Thrupp Lane is subject to a 30mph speed limit. It is also designated as being part of the Sustrans National Cycleway Network (Route 5). This is a route currently shared by heavy goods vehicles travelling to and from a minerals extraction site. The corridor from the proposed site access to Foxborough Road varies in width (drawing 4938.007 refers).*

*To enhance safety for cyclists and other users of Thrupp Lane it is proposed to widen the carriageway a minimum 5.5m adjacent to the development site boundary and give consideration to formalising an existing pinchpoint near Drysdale Close and creating a controlled priority pinchpoint.*

*Thrupp Lane connects with the Foxborough Road at a priority junction. There is good intervisibility with approaching traffic and with the nearby junction (opposite) with White Lane.*

4.29 The SMA report also deals with the 'Public Rights of Way' impact. It shows that the cycle and pedestrian links which serve Radley will actually be improved as part of the development. The

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<sup>49</sup> Appendix 3 SMA report paras 2.5 - 2.10

site directly accesses the Sustrans National Cycle Network (Route 5) which is a positive advantage.

4.30 Improvements to cycle and pedestrian links would be of benefit to Radley generally:

*Pedestrian and cyclist links can be provided to Gooseacre. There is also scope to significantly enhance the cycleway network. A shared footway/cycleway from the site's eastern boundary across the promoter's land to the east and link to its access onto Bowyer Close*

*This would provide an attractive recreational corridor and also provide a convenient link for railway commuters to and from the proposed development. Bowyer Close also connects to Stonhouse Crescent and from there to Foxborough Road and Radley railway station.*

*The shared footway/cycleway would effectively provide a connecting route to the National Cycleway Route 5 on Thrupp Lane. Consideration could also be given to making up a track that runs north – south from Bowyer Close to Foxborough Road.<sup>50</sup>*

4.31 The Appraisal demonstrates that the existing junction from Thrupp Lane onto Foxborough Road is perfectly adequate for the increased traffic envisaged. Indeed, the development of Radley South clearly benefits accessibility around the village, in particular for cyclists and pedestrians.

4.32 In passing it is worth noting that the development of Radley North West<sup>51</sup> attracts the comment "Access likely to be difficult to achieve off Whites Lane and Church Road: further investigation required." It is understood this will require the construction of a roundabout or the installation of traffic lights at the junction opposite Thrupp Lane, because this is a blind junction when approached from the north - another example of the inconsistency of appraisal - Radley South attracts an adverse rating on access grounds, Radley North West does not.

### **Delivery**

4.33 It has already been noted above that there is no evidence that the 'strategic sites' of Core Policy 4 will deliver the required 5,000 additional homes in 5 years to make up the necessary housing land supply.

4.34 Radley South is in single ownership with a development promoter now involved and can comfortably deliver over 200 homes in five years.

<sup>50</sup> Appendix 3 SMA report paras 2.11 - 2.13

<sup>51</sup> Site 28 Local Consultation Draft Feb 2014 Appendix 5

## Conclusion

- 4.35 The Radley South Site should be recognised as a 'strategic site' in Core Policy 4, it has clear development potential; it was recognised for Green Belt release and is relatively free from constraints. It is well connected by public transport (train and bus) thus reducing travel by car which is a principal theme of the Plan. It is well located to make a contribution to Oxford's unmet housing needs and can deliver housing quickly so addressing the critical 5 year housing land supply problem. It is a **prime** site which should be added to the strategic sites in Core Policy 4.
- 4.36 Concerns about transportation and access, the SAMs and site capacity have been addressed. The site can make a valuable and early contribution to housing land supply and to the unmet need of Oxford.

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## 5 CONCLUSION

5.1 This Report is the response to the consultation on the Publication Version Local Plan (November 2014). The main objections to the Plan are:

- i. The preparation of the Plan is not legally compliant because the SA/SEA has failed to consider reasonable alternatives including a strategy to provide for the housing needs of the Housing Market as a whole, rather than just for the needs of the District.
- ii. The Duty to Cooperate has not been adequately satisfied.
- iii. The Plan is fatally flawed in making provision for the District's housing needs only and postponing making provision for the wider Housing Market Area.
- iv. The District has a severely deficient 5 year housing land supply and there is no evidence that the strategic sites identified will be able to remedy the situation.
- v. The methodology for selecting the strategic sites is opaque and inconsistent.
- vi. The criticisms of the Radley South site are unjustified and it is noteworthy that it has already been recommended to be taken out of the Green Belt.
- vii. Further studies (appended to this Report) have demonstrated that the site is suitable for inclusion in the Plan, would make a worthy contribution to housing needs and could be delivered in the short-term.

5.2 This Report provides a fuller and more detailed response to the consultation to better assist the Inspector and other parties through the Plan process and specifically the examination. The completion of a prescribed form would be inadequate for this purpose and there is no legal or other requirement to do so. Appendix 5 to this Report provides the essentially administrative information.

5.3 The Plan is not legally compliant in relation to the Sustainability Appraisal/Strategic Environmental Assessment Report (SA/SEA). The SEA process is defective for failure to consider "*reasonable alternatives taking into account the objectives and geographic scope of the plan*" as required by SEA Reg 12(2)(b), for failure to properly consider alternatives specifically in relation to meeting the needs of the Housing Market Area as a whole rather than just those of the District, and the inconsistencies over many stages of assessment culminating

in the failure to include the Radley South site as a strategic site. The exclusion of the site means a reasonable alternative has been excluded.

- 5.4 The Duty to Cooperate has not been fulfilled. The housing allocation is inadequate to make a proper contribution to the needs of the Housing Market Area; specifically the unmet needs of Oxford which can only be provided in the Districts surrounding Oxford. Oxford City Council has demonstrated in the new SHLAA<sup>52</sup> that it has an unmet housing need, which it cannot accommodate within its boundary, of some 18,000 homes. For the whole HMA there is a shortfall between need and provision of over 30,000 homes<sup>53</sup>. Oxford City Council has been campaigning throughout 2014 to obtain recognition of its plight in the Plans of surrounding Districts. The Plan has adopted an approach of ignoring those needs now and proposing a future revision to the Plan. This is contrary to the Duty to Cooperate and the requirement to provide for the needs of the HMA; as it stands the Plan fails the “positively prepared” and “effective tests of soundness<sup>54</sup>.”
- 5.5 The District currently has a stock of committed housing sites for 3,169 homes<sup>55</sup>. The Plan’s housing target is 1,028 p.a.. Because of ‘persistent under delivery’ the Council has accepted that a buffer of 20% must be added to the figure<sup>56</sup>. Completions 2011 - 2015 were 2,031 - a shortfall of 2,081 to be made up within 5 years, so adding 416 p.a. and a total annual requirement of 1,650. Thus housing land supply stands at 1.9 years (even on the Plan’s figures), well below the required 5 year supply<sup>57</sup>. The full 5 year supply should therefore be 8,250; committed sites total 3,169 (and it is assumed that all can be delivered within 5 years) so that new allocated sites must deliver over 5,000 homes within 5 years. The Plan has not seemingly carried out these calculations and does not demonstrate that such delivery can be achieved from the sites it identifies. More sites are needed which must be of a scale and free from delivery constraints to fill the gap.
- 5.6 The site selection process which has resulted in the sites listed in Core Policy 4 lacks clarity and transparency. The process seems to be that sites have been assessed under three

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<sup>52</sup> The Oxford Housing Land Availability and Unmet Need Assessment Dec 2014

<sup>53</sup> this Report Table GP1 p5

<sup>54</sup> the Framework para 182

<sup>55</sup> Core Policy 4

<sup>56</sup> Housing Land Supply Statement 2013 para 5

<sup>57</sup> The Framework para 47

methodologies: 2007 - 2012; 2013; 2014<sup>58</sup>. Only the 2013 methodology is currently presented<sup>59</sup>. TP3 Appendix A adds to the confusion because it might be assumed that an 'orange score' indicates rejection, and 'green' means it progressed. However some sites included in the Plan<sup>60</sup> were scored orange at various stages, even as late as 'ASSM Stage3'. Other sites scored orange but did not appear on the final list (including Radley South which seem to fall at 'ASSM Stage 4 & 5').

- 5.7 The Radley South site<sup>61</sup>, identified in Appendix 2, has already been agreed for exclusion from the Green Belt<sup>62</sup>. This Report includes two detailed Appendices which are reports by highways<sup>63</sup> and urban design<sup>64</sup> consultants which address the objections raised. Radley is regarded as *"one of the Vale's most sustainable villages with a good range of services and facilities, and is close to additional facilities in Abingdon-on-Thames"*<sup>65</sup>. It is served by a railway station (Oxford and Paddington) and a good bus service (Oxford and Abingdon) both in walking and cycling distance from the site.
- 5.8 The main reasons for this site not being included in the Plan are given in Topic Paper 3 at stages 4/5 of the assessment. They are - cumulative impact; being below the 200 home threshold; and the location adjoining two Scheduled Ancient Monuments. These objections cannot be sustained - cumulative impact is not defined but, in any event, presumes that other sites in the sub-area are preferable - which is a circular argument. The site has capacity for over 200 homes even with the playing fields remaining, and some 250 with the playing fields relocated; the SAMs are below ground artefacts which would be entirely undisturbed by development.
- 5.9 Previous objections have included access difficulties. The transportation Report appended demonstrates that not only is access capable of improvement to meet modern standards, but the National Cycle Route 5 passing by the site is a positive advantage and that cycling and pedestrian routes can be improved to serve the whole settlement.

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<sup>58</sup> Topic Paper 3 Appendix A

<sup>59</sup> Topic Paper 3 at Table 3.2

<sup>60</sup> Shown in TP 3 Apx A and Plan Core Policy 3

<sup>61</sup> TP3 TPS 079 p67 and 54 TP3 p96

<sup>62</sup> Green Belt Review Phase 3 Report February 2014:

<sup>63</sup> Appendix 3

<sup>64</sup> Appendix 4

<sup>65</sup> Draft Local Plan Supporting Paper Feb 2014 p34

- 5.10 The Radley South Site should be recognised as a ‘strategic site’ in Core Policy 4. It has clear development potential which can be realised in the short term (and it is in single ownership); it was recognised for Green Belt release and is relatively free from constraints. It is well connected by public transport (train and bus) thus reducing travel by car which is a principal theme of the Plan. It is well located to make a contribution to Oxford’s unmet housing needs and can deliver housing quickly so addressing the critical 5 year housing land supply problem. It is a **prime** site which should be added to the strategic sites in Core Policy 4.
- 5.11 Thus, the Plan fails the soundness test of being ‘justified’ in two senses - it is not ‘the most appropriate strategy’ not just because it fails to address the housing needs of the HMA, but also the reasonable alternatives in terms of strategic sites have failed to include Radley South. The Plan is also not ‘positively prepared’, ‘effective’ or ‘consistent with National Policy’. In its current form it is the view of this Report that the Plan is unsound.