

## Comment

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Event Name	Vale of White Horse Local Plan 2031 Part One - Publication
Comment by	Joel Dothie
Comment ID	LPPub666
Response Date	17/12/14 14:00
Consultation Point	5.108 Paragraph ( <a href="#">View</a> )
Status	Submitted
Submission Type	Email
Version	0.3

**Q1 Do you consider the Local Plan is Legally Compliant?** Yes

**Q2 Do you consider the Local Plan is Sound (positively prepared, effective and Justified)** No

**If your comment(s) relate to a specific site within a core policy please select this from the drop down list.** N/A

If you think your comment relates to the DtC, this is about how we have worked with the Duty to Cooperate bodies (such as neighbouring planning authorities)

**Q3 Do you consider the Local Plan complies with the Duty to Co-operate?** Yes

**Q4 Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.**

Paragraph 5.108: ?The conservation and enhancement of the North Wessex Downs AONB together with its Management Plan will be supported (as required by the Countryside and Rights of Way (CROW) Act 2000). Section 85 of the Countryside and Rights of Way Act 2000 places a general duty on public bodies to:

? In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty? A relevant authority for the purposes of this section includes any (a) Minister of the Crown; (b) any public body (c) any statutory undertaker. 3(a) Any public body includes a county council, borough council, district council (c) a joint committee appointed under section 102 (1) (b) of the Local Government Act 1972. ? To meet the requirements of Section 85 of the CROW Act, South East Regional Assembly is statutorily obliged to take into account the objectives and purposes of AONBs in its policy formulation and decision-including the South East Plan submission draft. By proposing two large strategic housing allocations within the North Wessex Downs AONB, the VWHDC are not abiding by its legal duty to ?conserve and enhance the natural beauty of the area of outstanding natural beauty?. Not only that, the decision by the VWHDC to propose such unprecedented numbers of housing to the North Wessex Downs AONB prevents Chilton Parish Council, Harwell Parish Council and the Hendreds Parish Council from fulfilling their legal obligations under the CROW Act 2000 to conserve the natural beauty of the area. The North Wessex Downs AONB is a sparsely populated landscape with a population density of 72 people per square kilometre (compared to an average for West Berkshire of 205 people per square kilometre). The open, uninhabited uplands retain a strong sense of remoteness and tranquillity ? a very special perceptual characteristic within this densely populated part of southern England.

([http://www.northwessexdowns.org.uk/uploads/docs/manplan/NWD08\\_Development.pdf](http://www.northwessexdowns.org.uk/uploads/docs/manplan/NWD08_Development.pdf) Further to this, the North Wessex Downs AONB clearly state that the most pressing issues adversely affecting the North Wessex Downs AONB include: Key Issues affecting the North Wessex Downs AONB: ? Expansion of the main urban areas just outside the AONB creating urban fringe pressures on the boundaries of the AONB. ? New large free-standing houses as replacement dwellings in open countryside and insensitive farm diversification activities and associated signage. ? Unsympathetic incremental expansion of the settlements of and adjacent to the AONB, detracting from the surrounding countryside. ? Potential for major development to intrude onto open downland, including masts, pylons, major wind turbine developments, and mineral extraction and waste management, threatening the senses of remoteness and tranquillity. ? The future use of redundant ?brown field? sites within the AONB, especially redundant airfields and military sites (as at Wroughton), and the impact upon landscape. ? The pressure for new developments at junctions of the M4 and A34. ? Lack of knowledge about the boundaries of the current pools of tranquillity and dark night skies within the AONB and the implications of light spillage from development in and around the AONB.

This matter is covered in the introduction to the AONB's statutory Management Plan 2009-2014 that the Local Authority, the Vale of White Horse District Council, is a partner of

The allocation of 850 houses at the East Harwell Campus site represents the single largest greenfield housing site that the North Wessex Downs AONB Management Board are aware of in any nationally protected landscape at this point in time. Unlike West Berks, much of which lies within AONB, the single strategic allocation of 1,400 houses into an AONB within the Vale of the White Horse is unnecessary since most of the District lies outside the AONB (77% outside).

The proposed allocation of 1,400 houses across two sites at the East Harwell Oxford Campus and the North West Harwell Oxford Campus is without precedent in any National Park or AONB within the UK. To put the scale of proposed development at the Harwell Oxford Campus into context with regards to other proposed developments within the North Wessex Downs AONB, a general summary of other proposed housing allocations in the AONB is provided below (SOURCE: North Wessex Downs AONB):

Wiltshire ? Marlborough ? 220 dwellings to Salisbury Road ? There are other houses into both the Pewsey and Marlborough Areas ? we believe these can be accommodated mostly on brownfield sites or the odd small greenfield edge of village location. ? A small scheme for about 50 houses on a well located site at Burbage.

West Berks 2000 houses into the whole AONB ? this is actually a residual of about 400 homes which will be divided up between Compton (brownfield site) and mostly to Hungerford, Pangbourne and Lambourn. ? Essentially of the 2000 houses allocated into the AONB (74% of West Berks is in the AONB) most of these have already been delivered into existing settlements, brownfield, conversions etc. without new greenfield site releases. ? Therefore there are only actually about 400 new homes now needed of the original 2000. This was also an area based policy not a single site allocation. Of the remaining 400 these will again be mostly brownfield, within settlement with the odd small greenfield site (perhaps 20 to 50 houses if required at all). ? The phrase we had included in the West Berks Core Strategy to reduce the potential level of greenfield housing was: ?If preparation of the Site Allocations

and Delivery DPD indicates that there are insufficient developable sites to provide the balance of the 2,000 dwellings whilst adhering to the landscape priority of the policy, any shortfall will be provided on sites allocated outside the AONB. The North Wessex Downs AONB Management Boards' preference remains small scale brownfield or the odd small greenfield where acceptable in landscape terms. There is provision in the Core Strategy to move housing out of the AONB if the residual requirement cannot be met by suitable sites. (We have undertaken landscape work on all relevant Wiltshire/West Berks villages in the NWD AONB.)

Basingstoke and Deane Whitchurch, Hampshire ? 150 houses

Test Valley, Swindon, South Oxfordshire ? no housing allocations into the NWD AONB.

Moreover, a number of misleading or inaccurate statements have also been issued by the VWHDC with regards to the scale of proposed development within the North Wessex Downs AONB. The future of the Vale Local Plan 2031: consultation on the draft plan, November 2014? leaflet that was sent to every household states, with regard to the Green Belt and AONB, that:

'In the Housing Delivery Update to the Local Plan that we published earlier this year, we included a number of housing sites in the Oxford Green Belt and the North Wessex Downs AONB. You told us that this was an area of real concern to you. We have taken into account recent changes in guidance and listened to the feedback from organisations like Natural England and the Campaign for the Protection of Rural England and have adjusted the number of sites and the total number of houses being allocated in these areas?.'

Whilst the number of sites and the number of houses have been reduced for the Oxford Green Belt, this is not true for the North Wessex Downs AONB. Instead, the North Wessex Downs AONB now has two strategic housing sites compared to the original one, and the number of houses that have been allocated to the AONB remains at 1,400, albeit now spread across two sites on opposite sides of the A4185.

Whilst the East Harwell Campus site has been reduced from 1,400 to 850 houses. The North West Harwell Campus site, from the 2011 Local Plan with an original capacity for up to 400 homes, has been reinstated with the addition of another 150 homes, bringing its total housing allocation to 550 houses. As such, the total number of houses allocated to the North Wessex Downs AONB is still 1,400 homes; the largest strategic housing allocation in any National Park or AONB within the UK. Furthermore, no reference is made to listening to the guidance and feedback from the North Wessex Downs AONB Management Board.

Indeed, the VWHDC seem to be giving greater consideration to preserving the Oxford Green Belt rather than the North Wessex Downs AONB. This fact is further illustrated by the comments made by senior planning officials at the Council Meeting on 15th October 2014, where Councillors voted in favour of the Local Plan. The Head of Planning was asked the question 'Which has the greater level of protection, the Oxford Green Belt or the AONB?'. They could not readily answer this question, and two further questions were submitted to the council and answered, before they wrongly confirmed that the Oxford Green Belt had greater levels of protection than the AONB. Senior Councillors present at the meeting, did not correct this. If the senior planning officials at the VWHDC do not readily know that the North Wessex Downs AONB has a greater level of legal protection than the Oxford Green Belt, then the soundness of the decision to allocate an unprecedented number of houses to two greenfield sites within the AONB has got to be questioned. The minutes from this meeting were not available at the time of writing, but should be available to the Inspector at the time of review. I trust the minutes will accurately reflect the discussions of that evening.

Indeed, the North Wessex Downs AONB has a greater level of protection against development than the Oxford Green Belt:

'An AONB is in law equal to a National Park and a Local Authority (down to Parish Council level) are legally responsible for conserving and enhancing an AONB. There is no such legal protection for Green Belt. Green Belts are purely a form of local planning designation ? they do not indicate the particular quality of a landscape. As such, Green Belt boundaries can be adjusted by Local Authorities to accommodate development if deemed necessary. AONB boundaries cannot be adjusted by Local Authorities given their national designation and legally protected status. Therefore AONB status is higher than Green Belt, it is the reason that AONB Units exist, and they have Management Plans as another requirement of the CROW Act 2000?. (SOURCE: North Wessex Downs AONB Management Board)

It is clear that the Local Plan 2031 does not comply with paragraph 5.108 and, as such, the Local Plan 2031 does not follow legal guidelines and is unsound.

**Q5 Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

Summary: It is clear that the Local Plan does not comply with its paragraph 5.108 ? ?The conservation and enhancement of the North Wessex Downs AONB together with its Management Plan will be supported (as required by the Countryside and Rights of Way (CROW) Act 2000).? - and, as such, the Local Plan does not follow legal guidelines and is unsound. In order to make the Local Plan sound and legally compliant, the following modifications are necessary: ? Remove the entire allocation of 850 homes from the Harwell East Campus. ? Remove the additional allocation of 150 homes from the North West Harwell Campus (eg reduce the number of houses from 550 to 400( including the 125 already given outline permission)). ? Include provision of up to 400 new homes at the North West Harwell Campus( including the 125 already given outline permission), provided that all development is contained within the perimeter of the Harwell Oxford Campus and is controlled by the Harwell Oxford Campus. ? Reallocate the 850 homes from the Harwell East Campus and the additional 150 houses from the North West Harwell Campus (1,000 houses in total) to other sites already identified by the Vale of White Horse, for example: ? (a) Valley Park (which has already been assessed as having additional capacity for up to a further 1,200 homes) ? (b) Didcot A (capacity for 425 houses), or ? (c) Land West of Steventon (capacity for 350 houses), or ? (d) Distributed throughout the West Vale in order to encourage and support economic growth and prosperity more equally across the district. ? Or reduce the total SHMA allocation for the District by 1000

? Remove the North Wessex Downs AONB entirely from the Science Vale ?Ringfence? in order to protect it from future speculative development should the Science Vale fall behind in delivery of its housing targets.

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

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

**Q6 If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?** No - I do not wish to participate at the oral examination