



Vale of White Horse Local Plan Part One: Strategic Sites and Policies Publication Stage Representation Form

Ref:

(For official
use only)

Name of the Local Plan to which this representation relates:

Vale of White Horse Local Plan

Response form for the Vale of White Horse strategic planning policy document, the Local Plan Part one. Please return to Planning Policy, Vale of White Horse District Council, Benson Lane, Crowmarsh, Wallingford, OX10 8ED or email planning.policy@whitehorsedc.gov.uk no later than Friday 19 December 2014 by 4.30 pm precisely.

This form has two parts –

Part A – Personal Details

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

Part A

1. Personal Details*

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

2. Agent's Details (if applicable)

Title	Mrs	
First Name	Judy	
Last Name	Roberts	
Job Title (where relevant)	District Councillor	
Organisation (where relevant)	Vale of White Horse DC	
Address Line 1	1, Stone Close	
Line 2	Botley,	
Line 3	Oxford	
Line 4	Oxon	
Post Code	OX2 9SQ	
Telephone Number		
E-mail Address		

Part B – Please use a separate sheet for each representation

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

Paragraph

Policy

1

Proposals Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

4.(2) Sound (Positively Prepared, Effective and Justified)

Yes

No

4 (3) Complies with the Duty to co-operate

Yes

No

Please mark as appropriate.

5. 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.

These comments (see next page) refer to Core Policy 1 (Presumption in favour of sustainable development) and all others that flow from it, in particular, Core Policies 4, 8, 13, 15 & 20

Unsoundness and unsustainability of Oxfordshire SHMA

- These policies are *unsound*. *There can be no presumption of 'sustainable development'* based on the exceptionally high forecasts of housing need proposed in the Oxfordshire Strategic Housing Market Assessment, which is itself unsound and unsustainable. I believe these policies are therefore *unjustified* and will be *ineffective* in achieving their desired outcomes.
- The Plan states that 'the housing target reflects the Objectively Assessed Need for the Vale of White Horse District as identified by the up-to-date Strategic Housing Market Assessment (SHMA) for Oxfordshire. The SHMA sets out how many new homes are required across Oxfordshire and for each district up to 2031.' This statement is invalid: the SHMA figures are inflated and unsustainable, and do not in any way constitute an objective assessment of the housing needs of the Vale.

- The SHMA relies on the Oxfordshire Strategic Economic Plan (SEP), to provide the economic base line and the associated adjustment for planned jobs growth on which its predictions are based. The SEP has not been subject to public consultation or any independent scrutiny, and is therefore not an appropriate basis on which to make these decisions. I understand that in a recent assessment of a SHMA in relation to a case in Leicestershire, Inspector Jonathan King questioned the adoption of “aspirational employment growth” figures put forward by the Local Enterprise Partnership and stated “*how essential it is that evidence such as SHMAs must be rigorously tested in order to establish that it is robust*”. The figures used for the Oxfordshire SHMA have not been subjected to any such a test.

SHMA failure to meet the sustainability requirements of the NPPF

- It is essential that plans are realistic but the Plan neither justifies the figures used nor explains how any shortfall would be ameliorated.
- The NPPF requires the economic, social and environmental aims to be pursued ‘jointly and simultaneously’. The SHMA is heavily influenced by the Oxfordshire SEP. Because this has not been subject to any public consultation there has been no opportunity to assess the economic, social and environmental aims.
- Builders’ preferences for green field land will lead to a more dispersed pattern of development and will fail to encourage urban investment and regeneration.

6. 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 at 5 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.

The SHMA figures can be taken into account, alongside the figures derived from published government household projections thereby using the most probable values for all input parameters rather than extreme figures.

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

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

☐

Yes, I wish to participate at the oral examination

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Signature:

Date:

17/12/14

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Paragraph

Policy

4

Proposals Map

4. Do you consider the Local Plan is :

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Yes

No

4.(2) Sound (Positively Prepared, Effective and Justified)

Yes

No

X

4 (3) Complies with the Duty to co-operate

Yes

No

Please mark as appropriate.

5. 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.

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These comments refer to the Vale District Council's use of the SHMA figures [Core policy 4: Spatial Strategy – see also core policies 7 (Infrastructure), 8, 15, 20 (sub-area spatial strategies)]

Unjustified Prematurity

- The Vale District Council produced a Housing Update based directly and uncritically on the SHMA figures, before the full SHMA Report itself had been published. In doing so, it failed to meet the requirement of the NPPF for the social, economic and environmental elements of sustainable development to be considered together.
- The SHMA does not set housing targets. It provides an assessment of the future need for housing. Government guidance and advice is explicit that the SHMA itself must not apply constraints to the overall assessment of need, such as environmental constraints or issues related to congestion and local infrastructure. They are very relevant issues in considering how much development can be sustainably accommodated and where new development should be located.' Among the issues that were thus overlooked is the shortfall in existing infrastructure (for example in roads and education support) that calls into question the delivery of infrastructure

to support the Plan.

- the need to test SHMAs to ensure they are robust was recently confirmed formally by an Inspector at an Inquiry in Leicestershire (Mr Jonathan King)
- Such a review should have been conducted. It would have allowed an assessment of the interaction of economic, social and environmental considerations envisaged by the NPPF. It would have provided an opportunity to test the overall level of housing provision to be planned for, taking account of environmental constraints and issues related to transport, school places, health provision and other necessary local infrastructure in considering how much development can be sustainably accommodated. Moreover, given the Government's repeated emphasis on the need to protect existing Green Belts and AONBs, the Vale could and should have used the prior review of the SHMA to reduce its housing target so as to avoid any incursion into these protected areas.

Impracticability

- The comments about the lack of reality in the SHMA figures made under Core Policy 1 above apply with full force to the Vale numbers. The target construction figure looks inflated when set against the number of homes a year actually completed in the three years 2011-2014 (despite the easing of planning constraints introduced during the period by the implementation of the NPPF). The programme is over-optimistic, although developers will secure the newly identified development sites with planning consent for construction, they will not complete houses if they cannot find purchasers for them.
- The Council accepts that it cannot make up the backlog of the five-year housing supply within the time span, so it has subscribed to an economic plan that generates an implausible need for even greater construction. It is an unsound premise that it will not be regarded as in default throughout the planning period as the figures appear to be unachievable

Unsustainability

- The National Planning Policy Framework identifies three requirements for sustainable development – economic, social, and environmental

Economic

- The NPPF requires plans to identify and coordinate development requirements, including the provision of infrastructure. The Plan identifies infrastructure requirements in its nominated sites, but offers inadequate assurance that they will be carried out in a timely and coordinated way.
- Road capacity is a case in point with well-documented overloading on the main roads in the District and on many of the minor roads at the points where they join them. To quote from the Oxfordshire Local Economic Partnership's SEP itself:

“Oxfordshire currently suffers from capacity issues exacerbated by in-commuting. These in turn create constraints to economic productivity and growth in the county. The A34 and A40, in the heart of Oxfordshire, suffer from poor journey times that will prove a significant constraint as the economy grows. The delays caused by congestion are a cost borne by businesses and can lead to less productive employees.”

- The recent announcement of £50m funding for improvements to the A34 is welcome, but it is widely recognised as a palliative measure for easing the pain of congestion. In the long-term there will remain capacity issues on

the A34 and much more substantial improvements will be needed in the long-term.

- Apart from the A34 and A40, I am aware of major traffic problems on the A420 and A338 and understand that there are similar problems on the A415 and the A417.
- The proposed improvements to access to the A34 through slip roads at Chilton and Lodge Hill and the doughnut roundabout at the Milton roundabout may make it easier to get on to the trunk road but ignore the fact that it is already grossly overloaded for much of the day.
- The Plan does not consider improvements to the A420. I understand that Oxfordshire County Council will not be finalising its A420 transport strategy until after the end of the Vale consultation period (19 December). OCC is also reported as saying that the A420 'corridor issue' must be considered in partnership with Swindon Borough Council as together they 'own' the A420. Thus all the critical issues affecting the Western Vale Villages, i.e. infrastructure and housing numbers - will remain uncertain for months to come.
- There is a complete absence of reassurance about the availability of adequate medical support in any of the developments in the Plan (Infrastructure Delivery Plan para 11.3).
- The Vale appears to be relying on CIL and LEP funding to provide the necessary infrastructure. However the infrastructure needs to be provided in anticipation of the proposed developments. If the developments do not come forward on the timescale adopted by the Vale there will be serious funding shortfall. The LEP has made no commitments to the Lodge Hill junction and will have many requests for their funding
- The Plan implicitly acknowledges this fact when in Chapter 4 page 40 it writes "*If housing growth does not take place in the ring-fence area, Enterprise Zone and other business growth would be harmed and business prospects rates' contributions to infrastructure provision jeopardised.*"

Surprisingly having recognised this problem, the Vale does not develop the point further.

Environmental

- The NPPF requires plans to contribute to protecting and enhancing the natural, built and historic environment. The Update plans the piecemeal addition of houses on a number of green-field sites, a major encroachment into the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and building on 4 areas currently classified as Green Belt. It also proposes to remove 18 other areas from the Green Belt that 'may be considered for development as part of preparing the Vale Local Plan Part 2' (Housing Delivery Update, February 2014, para.4.23). These plans demonstrate disregard for the environmental requirements of the NPPF and recent Government guidance (October 2014).

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No Plan should be approved until the NHS has provided the necessary assurance that appropriate medical resources will be provided.

Sites should not be included in the Plan unless the Vale is able to demonstrate that the infrastructure can be supplied in a timely manner.

The Vale should critically review the figures emerging from the SHMA to avoid the unsound aspects highlighted above, and to prepare an appropriately revised plan.

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

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17/12/14

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

Paragraph

Policy

13

Proposals Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

X

4.(2) Sound (Positively Prepared, Effective and Justified)

Yes

No

X

4 (3) Complies with the Duty to co-operate

Yes

No

X

Please mark as appropriate.

5. 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.

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These comments refer the Vale District Council's *Core Policy 13: The Oxford Green Belt*

General comments

- The Plan is inconsistent with planning guidance and government policies on the protection of Green Belts.
- Since the approval of the Oxford Green Belt in 1975, the Vale has been at the forefront of defending it against inappropriate development and protecting the unique character and landscape of Oxford by preserving its openness. As a result, the Oxford Green Belt has stood the test of time and, in accordance with Government policy, the land has been kept permanently open and the countryside safeguarded from encroachment.
- Paragraph 79 of the National Planning Policy Framework sets out Government policy on Green Belts:

"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

- The Government's position on Green Belt policy is very clear. The

fundamental aim remains to prevent urban sprawl by keeping land permanently open. Boundaries of Green Belts should only be changed in "*exceptional circumstances*", and unmet housing need is not an exceptional circumstance to justify taking land out of the Green Belt.

- In the Plan the Vale proposes to remove 22 sites from the Green Belt. The proposal is against Government's aims, and would be unnecessary if the SHMA housing figure had been tested properly and reduced in the light of social and environmental considerations.
- The Council – and the Sustainability Assessment (SA) commissioned to underpin it – both fail to take proper account of the footnote to paragraph 14 of the NPPF on which the Government Guidance is based. The SA asserts in paragraph 11.8. 6 that the housing target was adopted because it meets the 'objectively assessed housing need in full, in accordance with national policy' without acknowledging the potential restrictions to that policy cited above. It fails to consider whether the Council should have tested the SHMA number against those restrictions. The sustainability assessment therefore wrongly accepts the inroads into the Green Belt as sanctioned by the NPPF, when they quite clearly are not.
- The plan is therefore unsound and unsustainable and should be annulled.
- More seriously even in areas such as Cumnor, where the immediate threat of a development of houses has been withdrawn, the Vale still proposes to go ahead and remove the areas from the green belt. **This would enable the Vale to sanction building in the current green belt as a two stage process: first remove the areas from the green belt then approve the developments**

Green Belt Review

- It is generally agreed that a review of the greenbelt should normally involve the 5 affected Councils.
- I accept that under exceptional circumstances the Vale would be entitled to carry out a unilateral review. It cannot be too strongly stated that the circumstances surrounding the Vale's review do not meet those recognised by Government.
- It has now emerged that the Vale is currently involved in a general review of the green belt with other local councils. This cannot co-exist with the unilateral review that was conducted by the Vale. The latter review is therefore *ultra vires* and should be annulled.

Cumnor specific comments

Eight separate sites are scheduled for removal from the green belt with no specific reason as to why, apart from filling in the gaps in the village. This does not seem to be an acceptable reason for removing areas from the green belt.

- Area 1 (west of Tilbury Lane Botley Map). The Cumnor portion of this area was not sold because it is located directly under Oxford's 400kV electricity supply line and consequently is unsuitable for development. It is also located next to the A420 which is heavily trafficked and the source of both noise, gaseous and particulate pollution.
- Area 2 is a recreation ground and contains a football pitch.
- Areas 1 and 2 are joined by a small copse and together form a welcome green spear. Their removal from the green belt would clearly serve no useful purpose.

- Area 3' Any future development will significantly change the view of the Green Belt when travelling west on the A420.
- Area 4: is a continuous part of the current Green Belt and its open vista is a major contributor to the views available of the Cumnor Conservation Area. It could not be developed in any way without jeopardising the purpose for which both the Green Belt and the Conservation Area were set up. This was recognised by the Vale's officers who said that as this area could not be built on there was no reason to remove it from the green belt.
- Area 5 is a green area that reaches into the heart of the village and contributes greatly to the village nature of old Cumnor, which is the essential feature that the Conservation Area is designed to protect. The ground to the west is a sports field and recreation area owned by CPC. This area too was originally recognised by the Vale's officers as offering no reasons for removal from the green belt'
- Area 6 was the area originally identified as being suitable for inclusion in the Vale's proposed building programme. The idea was subsequently dropped though the Area is scheduled to be removed from the green belt; The land involved is high quality agricultural land which includes a field with a Saxon pattern of ridges and furrows bordered by an ancient hedgerow. This parcel of land is of considerable heritage interest, located as it is close to the centre of Cumnor.
- Area 24 is at the very centre of the Village and largely consists of the existing cricket ground and the grounds of Cumnor Place. The proposal to remove them from the Green Belt clearly arose because the proposal at Area 6, if approved, would have isolated this area of Green Belt.
- The eighth Area is in Farmoor and appears to have already been built up.

Failure of the Consultation Procedure

- With the possible exception of Area 6 these changes were not properly consulted upon.
- The consultation procedure followed by the Vale was inadequate both in terms of the time and the manner in which it was conducted.

The Vale missed clear opportunities to draw this wider consultation to the attention of residents:

- The leaflet did not state that the Vale was simultaneously seeking comments on its additional proposals to remove areas other than the Strategic sites from the Green Belt.
- No mention of the extended consultation was made at the meetings which the Vale called to launch the Strategic Housing Consultation process.

My conclusion is that the manner in which the Vale carried out its review was entirely unacceptable.

6. 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 at 5 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.

The sites in the Oxford Green Belt that have been identified for housing should be withdrawn from the Plan.

All reference to the green belt review and its conclusions should be removed from the plan.

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

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Signature:

Date:

17/12/14

Part B – Please use a separate sheet for each representation

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

Paragraph

Policy

44

Proposals Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

X

4.(2) Sound (Positively Prepared, Effective and Justified)

Yes

No

X

4 (3) Complies with the Duty to co-operate

Yes

No

Please mark as appropriate.

5. 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.

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The comments in this section refer to the Vale Council's Core Policy 44: Landscape: Area of Outstanding Natural Beauty.

I fully support the comments made by CPRE.

6. 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 at 5 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.

The sites proposed for house building in the AONB should be withdrawn and the total Plan reduced accordingly.

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X

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

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Paragraph

Policy

47

Proposals Map

4. Do you consider the Local Plan is :

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Yes

No

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Yes

No

X

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The comments in this section cover *Delivery and Contingency* in the Vale Council's *Core Policy 47 and Appendix H*

- The Vale's contingency planning is inadequate. It assumes that the rate of house building falling behind programme is the only problem likely to occur. Therefore the only solution offered is to remedy the problem via planning means. This is unsound. If jobs lag behind forecasts, the developers may delay the pace of construction which in turn reduces the rate at which CIL and Section 106 monies will become available. The necessary infrastructure and affordable housing can only be provided if the planned rate of construction and associated sales can be achieved and maintained.

The absence of 'reasonable alternatives' (Paragraph 1.25)

- The Council asserts that it has tested its preferred solution, as required by the NPPF, against 'reasonable alternatives'. The alternatives in question are programmes of house building explored in the Local Plan 2029 Part 1. But those alternatives applied before the publication of the SHMA and are now completely irrelevant. They cannot therefore be described as 'reasonable' and need to be replaced.

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The Plan should be amended to provide:

- for at least biennial confirmation that the expected economic and population growth forecasts are on track
- the capability to amend the programme in the light of these conclusions.

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

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

Paragraph

5.28 -5.31

Policy

11

Proposals Map

5.3

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

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No

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4.(2) Sound (Positively Prepared, Effective and Justified)

Yes

☐

No

X

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Yes

☐

No

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These comments challenge the assertion that redevelopment of the so called "Botley Central Area" supports the aspirations in Core policy 11.

The site boundary proposals are unsound for the following reasons:

- The boundaries of the "Centre" are presented as a red line on a map and a sketchy description is given in paras 5.28-5.31.
- The accompanying description is seriously misleading.
- Nowhere does the plan acknowledge that the total area embraces two quite separate areas. The eastern end is indeed a commercial and retailing area. The western end is essentially residential and is not in need of redevelopment. The western end includes a vicarage associated with the local C of E church next door and an Extra Care facility for the elderly. None of the facilities in the western end remotely require redevelopment.
- The Plan's definition of the "Centre" includes one church and the vicarage to the other church but excludes that second church.
- It is essential to understand that the comments in paragraph 5.38 apply **only to a part of the eastern end of the site; they do not apply to**

Elms Parade which few regard as being in need of redevelopment and assuredly do not apply to the western end of the site.

- No justification for the choice of the “Centres” boundaries has been supplied and they proposed boundaries should be struck from the Plan.

Para 5.29 states that “Botley also functions as a district centre in the Oxford City context” There is no justification for this sentence.:

- As defined by the Local Plan, the population of Botley in the 2011 census was 10,000.
- The populations covered by the district centres in Oxford City range between 24,000 and 40,000. The sizes are simply not comparable.
- There is also ribbon retail development between Oxford City and Botley. This is not the case for the district centres in Oxford City.
- More seriously, the Plan implies that it can only achieve its objectives by attracting trade from the centre of Oxford. A plan that relies on eviscerating the centre of Oxford cannot be regarded as sound.
- The failure to take into account the views of Oxford City means that this aspect of the Plan fails to comply with the duty to cooperate.

Paragraph 5.31 is unnecessary as its contents are already outlined in paragraph 5.30. Further the use of the word “could” renders the comments meaningless. There are a wide variety of outcomes that could flow from the Vale’s Plan.

- In particular a failure to attract a supermarket could render the whole of the Plan null and void
- A Plan that relies on an obviously implausible assumption cannot be regarded as robust.

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The red outline in Figure 5.3 should be removed and the associated rubric in paragraph 5.38 modified to reflect the actual position.

The sentence “Botley also functions as a district centre in the Oxford City context” should be removed.

Paragraph 5.31 should be removed in its entirety.

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