
From: Pause Forthought
Sent: 15 November 2017 11:54
To: Planning Policy Vale
Subject: Part 2 Local Plan
Attachments: Vale of White Horse Local Plan Deposit Draft 2031.docx

Dear Sir or Madam

I attach my objections to the draft Local Plan Part 2

Regards

Daniel Scharf

Vale of White Horse Local Plan Deposit Draft 2031 (the “Plan”)

Response/Objections from Daniel Scharf MRTPI

This response uses extracts from the Plan and adds comments in italics.

1. Commentary
2. Summary of objections
3. Unsoundness

1. Commentary

1.01 *The Foreword makes no mention of the greatest challenge for land use planning to address, that will be how to reduce carbon emissions by about 60% while proposing 40% growth in housing, employment and associated infrastructure. This absence sets the tone for the Plan and the Sustainability Assessment that points out that,*

"No proposed LPP2 Development Policies are focused on climate change mitigation / low carbon development, recognising that a strong policy framework is provided by Core Policy 40 (Sustainable Design and Construction) and Core Policy 41 (Renewable Energy). ... Significant effects are not predicted, recognising that climate change is a global issue (and hence local actions can have only limited effect)."

This Appraisal does not understand the difference between adaptation (ie CP40) and the absence of mitigation policies. Even these policies are worded in a discretionary or permissive manner that would have no real effect. But AECOM says that this does not matter as local actions don't matter in the context of the global problem. A Plan cannot claim to be properly or adequately assessed but the SA is right in pointing out that essential mitigation policies are missing.

1.02 *It is indicative of how unsound the Plan is on sustainability grounds that the Didcot Garden Town delivery plan and Oxford City draft local plan, for which some housing is being proposed, have higher environmental standards than appear in the VWH Plan.*

1.03 *In the executive summary 20 policies are listed including those relevant to “Protecting the Environment and Responding to Climate Change”.*

DP 20: Public Art, DP 21: External Lighting, DP 22: Advertisements, DP 23: Impact of Development on Amenity, DP 24: Effect of Neighbouring or Previous Uses on New Developments, DP 25: Noise Pollution, DP 26: Air Quality, DP 27: Land Affected by Contamination, DP 28: Waste Collection and Recycling, DP 29: Settlement Character and Gaps, DP 30: Watercourses, DP 31: Protection of Public Rights of Way, National Trails and Open Access Areas, DP 32: The Wilts and Berks Canal, DP 33: Open Space, DP 34: Leisure and Sports Facilities, DP 35: New Countryside Recreation Facilities, DP 36: Heritage Assets, DP 37: Conservation Areas, DP 38: Listed Buildings, DP 39:

Archaeology and Scheduled Monuments. *All these might be important to the planning of the district but it is hard to avoid the conclusion that even a 'response' to climate change is missing from the Plan.*

1.04 2.10 The Local Plan 2031 (Parts 1 and 2) seeks to fully meet the objectively assessed need for housing arising from the Vale of White Horse district (20,560 homes) and from neighbouring authorities (2,200 homes) and seeks to deliver an additional 1,400 homes within the South-East Vale Sub-Area. *The 2014 SHMA was and is a flawed and unreliable assessment of genuine housing needs,*

- *conflating the 'need' for smaller houses to live in with the 'demand' for larger houses as investments,*
- *seriously underestimating the need for houses suitable for the elderly,*
- *relying up up-scaling to meet the demand for larger houses more than down-sizing that would meet the need for larger houses by people moving to smaller dwellings.*
- *Failing to understand that addressing the demand for down-sizing would reduce under-occupancy and reduce the total number of new houses required to meet genuine housing needs.*

The Government has now suggested that the 'OAN' in the 2014 SHMA is an over-estimate and South Oxfordshire have got closer to an understanding that the figures will need to be reviewed. If the Plan continues to rely on the 2014 SHMA it will also fail to address the need for down-sizing estimated by the All Party Parliamentary Group for Care and Housing of the Elderly at 8 million (see the 2016 HAPPI 3 report¹) and crucially, fail to provide sufficient and attractive down-sizing options – including custom splitting. The Plan as evaded the evidence relating to community-led housing, co-housing and community land trusts and not made any references to these forms of housing.

1.05 2.28 The SHMA mix favours 3 bedroom properties a little more than the Oxford City evidence suggests (45 % vs. 39 %). This is consistent with the Oxford City 'Preferred Options' Local Plan 2036, which states a need for more 3 bedroom properties, rather than smaller dwellings. *It is clear that both estimates of housing need are wrong as the average household size is close to 2.5 and would suggest a need for more two (and even one) bedroomed properties. Even ignoring the existing imbalance that could be addressed by providing new smaller housing, the over-estimate of housing in the SHMA based on an average household size 4.18 is about 35%. When land, labour and materials (all with implications for carbon emissions) are all scarce, and there are further implications for space heating, this overestimate of housing need is material to a sound development plan.*

1.06 Core Policy 4a: Meeting our Housing Needs *is actually based on an assessment of the 'demand' for new housing and is over-estimate of the need for new building.*

¹ <https://www.housinglin.org.uk/Topics/type/Housing-our-Ageing-Population-Positive-Ideas-HAPPI-3-Making-retirement-living-a-positive-choice/>

1.07 2.58. Garden Villages are ambitious and locally-led proposals for new communities that should have high quality and good design hard-wired in from the outset. The Town and Country Planning Association (TCPA) have developed principles to help inform the creation of Garden Villages and the Council is keen to explore how these principles can inform the opportunity for development at Dalton Barracks. *These 'ambitious' principles should apply to all new larger scale development in the District (see NPPF para 52 and the Green Infrastructure Strategy) and to include the market garden zones the Plan has omitted from the list. The necessary research into food supply systems has not been carried out (See NPPF paras 160 & 161).*

1.08 CP8b *applies to the development at Dalton Barracks referring to ii. the development is in accordance with and makes the necessary contributions to a comprehensive landscape plan for the whole site, including the provision of a Country Park of at least 80 hectares, but fails to refer to any allocation of land for market gardening in accordance with Garden City principles.*

1.09 CP13a *on the Oxford Green Belt is unsound as it seeks to justify changes to the boundaries to accommodate unmet housing need as an 'exceptional circumstance'. This overlooks the overestimate of the need for new housing by relying on the 2014 SHMA in respect of both the VWHD and Oxford City overspill, as well as the unexplored potential for custom-splitting. The latter must be investigated as a 'reasonable alternative' to developing in the Green Belt. The Green Belt could and should be protected in order to play an unacknowledged role in local food systems.*

1.10 *The discussion from 2.76 and CP12a is about road building, suggesting that the analysis of the LPA and the resultant Plan are out-of-date and divorced from the wealth of evidence and information about changes taking place in the transport system. These are around the power-shift from ICEs to EVs and a likely move towards automatic vehicles and the sharing of vehicles. A sound Plan would include policies designed to encourage and promote these changes and would not be looking backwards and attempt to lock-in and accommodate the growth of out dated travel patterns based on the dependency on private cars.*

1.11 *There is no reason why the principles set out at Fig 2.7 including 'green living and 'innovative habitat planting and food growing zones' should be limited to Didcot and not be generally applicable (see NPPF paras 14 & 52).*

1.12 2.126 The announcement by the Department for Transport to explore an Oxford – Cambridge Expressway could have major benefits in relieving strategic traffic from the A34 and bringing further investment to the Science Vale area. *The NIC have been looking at the Expressway and possible synergies with the East West Rail. The latest NIC report, 'Congestion, Capacity and Carbon' seems to have reached the unsurprising conclusion that new roads (including the Expressway) are self-defeating as a means to reduce congestion. As the A34 & A420 would become feeder roads to the Expressway, drawing traffic from the south and west, traffic and*

congestion would only increase. Continuing to advocate for a new road could threaten the building and viability of the rail link.

1.13 *There is nothing in Development Policy 1: Self and Custom-Build to require developers to reserve plots for self/custom building and applications that make no provision would not be refused as being contrary to the Plan. Given that the register is said to already have 174 people (a neighbourhood plan survey in one village found 145 people out of 600 replies were interested, and the National Custom & Self Build Association estimate of demand is about half of all households). The Government expects self/custom building to increase from about 7% of <150,000 to 20% of <250,000, a five-fold increase. This suggests that the registers have not been properly or adequately advertised and even the current modest demand will simply not be satisfied unless development plan policies are aligned with and positively support the increase expected by Government.*

1.14 *A sound self/custom building policy would reserve substantial areas of all allocated and permitted sites (20% would be a good start) with all the provisos about being developed by a housing association or the developer in default. A failure to meet demand for service plots would result in frustrated self/custom builders serving injunctions on the LPA or applying/appealing on less suitable sites. If the supply of plots does not increase in line with demand the law will be brought into disrepute and housing supply will remain under the control of the volume builders.*

1.15 *An alternative to building on a serviced plot would be custom-splitting of existing houses that would enable people with space to spare they would be able and willing to share to split a house and garden with a custom builder. If this were made subject to a green refit then the result would mean that each household would have the space that they need both inside and outside and the whole building would be properly insulated, avoiding fuel poverty. Custom splitting would meet the need for smaller homes for both new and older households, the latter being able to downsize-in-place². These and other material planning benefits (making use of existing social and physical infrastructure) justify full and explicit policy support for custom splitting that would complement an upgraded self-build policy.*

1.16 *The process of custom splitting could also increase the mobility standards of existing dwellings If a requirement was included in Development Policy 2: Space Standards*

1.17 *Development Policy 3: Sub-Division of Dwellings is a permissive policy with restrictions that should be applied with care, but would be inadequate as a means of increasing the scale of custom splitting to a level that the benefits described in paras 3.22 and 3.23 would be realized. The Plan should signal the making of LDOs that would enable custom-splitting at scale without the need for express permission, but subject to adequate access and noise/thermal insulation.*

² The APPG on Housing and Care of the Elderly received evidence in 2016 that there are 8 million households looking for attractive opportunities to down-size

1.18 *The benefits of residential annexes are identified at para 3.29 but are being underestimated in the role that they could play in housing older relatives, lodgers and returning children. A prescriptive policy is needed to require all larger houses to be designed so as to be easily and cheaply subdivided as family circumstances change.*

1.19 *A policy is needed to apply to new houses to bring extensions under planning control in order to both maintain the supply of smaller dwellings and their thermal efficiency.*

1.20 *The Plan lacks any policies in respect of community led housing, co-housing or community land trusts, all playing a growing role in meeting the supply of housing throughout the country. These forms of housing are likely to be needed to maintain a supply of truly affordable housing, to provide examples of how housing can meet social needs and deliver the choice in accordance with para 50 of the NPPF.*

1.21 *DP6 addresses the case for rural workers dwellings. This reflects the advice at NPPF para 55 and the evidence of 'essential need'. The Plan does not acknowledge the need to plan for an increase in the agricultural workforce and that the main barriers (see NPPF paras 160 and 161) are the availability of affordable land and associated housing. A policy is required in order to secure a supply of suitable/affordable land and associated housing through NDPs and through the use of planning obligations attached to permissions for all residential developments on the edge of towns and villages.*

1.22 *A land use plan without any policy addressing the quality of the agricultural land and soils should not be found to be sound. A viable agricultural industry is dependent on the quality of the soils and this should be protected through conditions when applications are determined.³*

1.23 *The concept of Development Policy 11: Community Employment Plans is excellent but should be expanded into land based work including agro-ecology, and forest gardening and permaculture. A sound Plan looking 14 years ahead, during which the importance of these activities is likely to increase, should have permissive or even prescriptive policies covering these issues in order to help and not hinder these developments. A plan without such policies would be out-of-date on its adoption.*

1.24 *A plan that acknowledges 'equestrian development' as part of the future (ie DP12) of the District but makes no mention of agro-ecology, forest gardening or permaculture is looking in the wrong place for evidence of what would constitute sustainable rural development in terms of employment, local food systems, transport, bio-diversity, flood alleviation and the health of the soils.*

³ <https://www.thecrownestate.co.uk/our-business/stewardship-programme/projects/project-soil/>

1.25 Development Policy 17: Transport Assessments and Travel Plans...*'The Transport Assessment and Travel Plan should consider opportunities to support the take up of electric and / or low emission vehicles, in accordance with latest best practice, and in particular if part of mitigation identified in line with Development Policy 25: Air Quality should be one of the most important policies in the Plan but, as worded would not prevent development that proposed 3 parking spaces per dwelling for ICEs and no EV charging points – as is the current practice, even though the evidence of the need for a rapid transition to an electrified transport system is already well established. It is not the purpose of a development plan to 'consider opportunities' offered by developers. To be adjudged sound the Plan should positively encourage the take up of EVs and put a stop to the dependency on the ICE. Private car ownership and use must be reduced on the basis that the road network cannot support the growth implied by 20,000 more houses unless there is a very substantial power-shift and modal shift, both directed and enabled by the Plan. A Transport and Travel Plan would require the provision of a number of EVs (probably one per 20 dwellings), charging points, electric bicycles and some visitor parking, also equipped with charging points. This necessary and reasonable contribution would represent a very small cost to the developer compared to the land saved in private parking provision.*

1.26 *The Plan should also signal (amending Development Policy 18: Public Car Parking in Settlements) that town centre parking and all other developments where parking is being proposed will be required to privilege the parking of EVs and severely limit the parking of other vehicles. The Plan should demonstrate that it is dealing with and not sanctioning the situation where 1000s are dying prematurely and children's brains and lungs are being damaged/poisoned irreversibly.*

1.27 3.132 The Part 1 plan identifies a number of strategic policies (Core Policies 37 - 46) that help to maintain and achieve a high quality environment across the district. These policies set out how the Council will seek to respond to climate change. *Suffice to say that the Sustainability Appraisal of the Part 2 carried out by AECOM noted the absence of mitigation policies in the Plan but seemed to think that the adaptation policies in the Part 1 would be sufficient. This cannot be the case under s19 of the Planning and Compulsory Purchase Act or the Planning Act 2008 requiring development plans to mitigate against climate change. The fact that AECOM then stated that, "...Significant effects are not predicted, recognising that climate change is a global issue (and hence local actions can have only limited effect)." effectively confirms that the Plan is unsound, being deliberately contrary to the law and NPPF (section 10) relating to necessary local actions and policies.*

1.28 *Under Protecting the Environment and Responding to Climate Change there are 20 polices none of which even 'respond' to climate change, when a sound plan would require mitigation policies. As worded, it is hard not to conclude that the Plan has been prepared by climate change deniers. The VWH might not be alone in using the 'defence' that a Written Ministerial Statement of 25 March 2015 can be relied on to breach the duty set out in the 2004 and 2008 Acts, but a number of councils are seeking to mitigate against climate change (ie London Boroughs and Oxford City and*

see Foreword and section 10 of 2012 NPPF). The Plan should either not claim that it is responding to climate change or should be modified so as to include policies that mitigate against it.

2. Summary of objections

- 2.01 *As reported in the Sustainability Assessment the Plan does nothing to mitigate against climate change. The reliance on the Part 1 Plan is flawed as the climate policies are about generation and adaptation – not mitigation.*
- 2.02 *The Plan relies on the flawed 2014 SHMA which has not provided an objective assessment of housing needs. The Plan underestimates the need for smaller dwellings including those suitable for the elderly which leads to an over-estimate of the need for new building.*
- 2.03 *The permissive policy relating to self-building will not be effective in providing the plots necessary to fulfil the duty under the Self-build and Custom Housebuilding Act 2015. Unless and until the potential of custom splitting has been explored, under-occupancy will continue at unsustainable levels and the Plan cannot rely on the 'OAN' in the 2014 SHMA or claim that reasonable alternatives to building in the Green Belt have been exhausted.*
- 2.04 *The Plan is drafted to accommodate transport demands instead of playing an active part in the change to an uncongested and low emissions transport system.*
- 2.05 *There are no policies relating to regenerating local food systems for which there is growing demand.*
- 2.06 *The absence of support for co-housing, community-led housing or community land trusts through reserving parts of sites for these purposes is disappointing and indicative of the lack of positive planning.*

3. Soundness

3.01 • *has the plan been positively prepared – will the plan meet development needs and infrastructure requirements and is it consistent with achieving sustainable development?*

The housing policies are unsustainable by failing to address the under-occupation of the existing dwelling stock and going on to support an unnecessarily large number of new houses, not targeted at the real needs of increasingly small households. The Plan acknowledges the need for smaller dwellings but includes no policies to ensure that these are provided in sufficient numbers or to control house extensions.

There are inadequate policies relating to the transition to an electricity based transport system with lower individual car ownership and use.

By relying on a flawed Sustainability Appraisal the Plan does not make any attempt to mitigate carbon emissions (see Planning and Compensation Act 2004 and Planning Act 2008).

3.02 • is the plan justified – is the plan based on a robust and credible evidence base?

The Plan either lacks evidence of the need to regenerate local food systems or is choosing not to accept the findings of the Green Infrastructure Strategy and following the Garden City principles in terms of local food production.

The evidence about the transition to low carbon transport is missing or being ignored.

The Plan does not refer to the 4th and 5th carbon budgets and makes no attempt to play an active role in meeting them. Land use planning (ie the control over the use and development of land and buildings) has an important role to play in reducing carbon emissions, about 50% being caused by sectors for which the Plan is responsible (and see Foreword to the NPPF for the ‘purpose of planning’) and it very disappointing that this has been ignored.

The Plan has not relied on the evidence available in respect of community led housing, co-housing and community land trusts. This has resulted in the production of a Plan that will effectively prevent developments of these kinds which need to be privileged by planning policies if they are take place in a competitive land market. It is no longer sufficient or good enough for planners to say that they are ‘not against’ this form of housing, Plans must have strong enabling policies.

3.03 • is the plan effective – can the plan actually be delivered and is it able to respond to change?

By ignoring the evidence in respect of the need for carbon mitigation in housing, transport and agriculture the Plan will not play an active part and could be a hindrance in this transition. It is also likely to be overtaken by events in these areas.

3.04 • is the plan consistent with national policy – is the plan consistent with the National Planning Policy Framework?

The foreword to the NPPF states that, “The purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations.” The Plan does not have sustainable development as its purpose. Neither does it follow the advice at section 10 of the NPPF in respect of climate change or meet the duty under s19 of the Planning and Compensation Act to mitigate against carbon emissions.

The Plan is not compliant with NPPF para 50, or the Housing and Planning Act 2016 or Self-build and Custom Housebuilding Act 2015 in respect of planning

positively to meet the demand for serviced plots. By being permissive and not prescriptive the relevant policy will be entirely ineffective and not fulfill its purpose.