

Vale of White Horse Local Plan Part 2 Examination

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Dear Mr Duffield

VALE OF WHITE HORSE LOCAL PLAN 2031 PART 2 (LPP2): EXAMINATION

1. Following consideration of the LPP2 and the various matters raised at the hearings, and in accordance with your request that I recommend any modifications necessary to ensure the plan can be adopted in due course, I am now able to advise as to how the examination of the LPP2 could proceed. Whilst satisfied that the preparation of the plan has met the duty to co-operate, I have concluded that the plan does not meet the tests of soundness without some modification. As an initial step, the proposed allocation of the Dalton Barracks/Abingdon Airfield site (hereafter Dalton Barracks) needs further consideration. Following this and depending on the outcome, there are a number of other matters where modifications to the LPP2 will be required but these will be set out in due course.

Background

2. In order to assist the Council and other interested parties, it would be helpful to confirm a number of matters in relation to the LPP2 following the extensive debate at the hearings. The full reasons for these conclusions will be set out in my final report.
3. Importantly, the LPP2 is a follow up plan to the LPP1 which will remain in force. The LPP2 must therefore be consistent with it. The LPP1 sets, in Core Policy 4 (CP4), an objectively assessed need (OAN) for 20,560 dwellings for the Vale of White Horse District (hereafter the Vale) during the plan period 2011-31, an average of 1,028 pa. CP5 earmarks 11,850 of these for the 'Science Vale' ring fence area, leaving 8,710 to be provided in the 'rest of the district'. There is no remit for the LPP2 to revisit these figures which are monitored for housing land supply purposes.
4. The LPP1 also sets the overall planning strategy and settlement hierarchy for the district with separate roles identified for three distinctive sub areas, Abingdon & Oxford Fringe, South East Vale and Western Vale. Although not monitored by these sub areas, indicative housing requirements for each area are included in CP8, CP15 and CP20. However, these add up to 21,061 rather than the OAN for the Vale as a whole. The Council rightly propose to correct this anomaly but their suggestion, a pro-rata reduction between the LPP1 and LPP2 figures for each sub-area, fails to do so. The South East Vale is only slightly larger than the Science Vale ring fence area but the indicative housing requirement is 600 more. To maintain the spatial strategy of the LPP1 there is no justification for a reduction in the figures for the Abingdon & Oxford Fringe or Western Vale sub areas, which should therefore remain 5,438 and 3,173 respectively. The figure for South East Vale should instead be reduced to 11,949, only

slightly higher than the Science Vale figure, and more appropriate considering the character of Blewbury, a small village within the North Wessex Downs Area of Outstanding Natural Beauty¹. This adjustment does not affect the LPP1 housing requirements for the two areas used for monitoring housing land supply.

5. The housing needs of Oxford City which cannot be met within the City boundaries, the amount of this to be met within the Vale and the spatial strategy for doing so were not however settled by the LPP1. Unusually for a follow up plan, these matters were left for the LPP2 in accordance with the commitments set out under CP2. Due to its timing the Oxford City Local Plan has not yet been examined, but the Oxfordshire Growth Board has overseen an objective and robust process to determine both the quantum of this unmet need and its apportionment between the relevant districts. The resulting figure of 2,200 dwellings should therefore be used as the basis for meeting the housing needs of Oxford City within the Vale, but this figure has the status of a working assumption at this stage to be confirmed or adjusted through examination of the Oxford City Local Plan and Oxfordshire Joint Spatial Strategy. Added to the OAN of 20,560 dwellings for the Vale's own needs, the total housing requirement to be provided in the LPP2 should therefore be 22,760. In accordance with the provisions of CP2, these 2,200 dwellings should be provided during the remainder of the plan period, 2019-31².
6. The strategy of the LPP2, which is fully supported by Oxford City Council, is to accommodate the unmet housing needs of Oxford City within the area closest to Oxford, namely the Abingdon & Oxford Fringe sub area. Didcot and some other parts of the South East Vale, and even parts of the Western Vale, have good transport links to Oxford and are therefore likely in practice to accommodate some of its open market housing needs. However, much of Oxford's housing needs are for affordable housing, particularly social rented housing, which is to be provided on specific sites in the Vale by agreement between the two Councils. Such occupiers should have the opportunity of accommodation in locations particularly closely connected to Oxford.
7. In any event, the pattern of development should minimise the need to travel overall. This supports a distribution of the 2,200 dwellings skewed towards Oxford compared to the distribution of the housing allocations to meet the needs of the Vale established by the LPP1. For these reasons, the principle set out in the LPP2 that the additional dwellings should be provided in the Abingdon and Oxford Fringe sub area is sound. This increases the overall requirement in that area to 7,638 and in the 'rest of the district' monitoring area to 10,910³, the extra dwellings to be delivered between 2019-31.

Dalton Barracks

8. In the Abingdon & Oxford Fringe sub area, the most far reaching proposal of the LPP2 in CP13a is to delete a large area at Dalton Barracks together with the adjacent settlement of Shippon from the Oxford Green Belt in order to designate a strategic housing allocation. CP4a and CP8a allocate this area for 1,200 dwellings during the plan period, but the plan makes clear the site has capacity to deliver more housing beyond 2031 subject to the provision of appropriate infrastructure. Paragraph 2.63 states the potential of the overall site is in excess of 4,000 dwellings, whilst the masterplanning carried out by the site promoter puts the figure at 4,500 dwellings. A new settlement described in the plan as 'a highly sustainable mixed-use development incorporating garden village principles' is envisaged on the site.

¹ The South East Vale comprises the Science Vale ring fence area plus the parish of Blewbury.

² An additional 183 pa over 12 years increasing the district wide requirement to 1,211 pa over that period.

³ 5,438 + 2,200 and 8,710 + 2,200.

9. The National Planning Policy Framework makes clear that the essential characteristics of Green Belts are their openness and their permanence and, once established, their boundaries should only be altered in exceptional circumstances through a local plan. In this case the opportunity for a strategic housing allocation in the area arises from the unexpected announcement of the Ministry of Defence in November 2016 that the Dalton Barracks site would be fully released in 2029 with land outside the secure operational area available for development earlier.
10. The LPP2 proposal as currently drafted is to remove Green Belt designation from an area large enough to accommodate a new settlement of up to 4,500 dwellings but only to allocate the site for 1,200 dwellings at this stage with policy criteria to judge any larger proposals which might come forward. No mechanism is proposed to limit development on the site to 1,200 dwellings and indeed, this is not intended. Furthermore, the location of the initial 1,200 dwellings is flexible as far as the LPP2 is concerned and not specifically allocated.
11. Without exceptional circumstances for this proposal in the Green Belt being demonstrated the LPP2 cannot be found sound, and these exceptional circumstances cannot exist unless there is a sufficient body of evidence that the site is actually developable and able to satisfactorily accommodate a new settlement of up to 4,500 dwellings in due course. A series of criteria setting out the tests which would be applied to determine whether this quantum of housing could be provided, however carefully formulated, leaves open the possibility that the criteria may not be met. In those circumstances the proposed alteration to the Green Belt would have been abortive and with hindsight, not justified.
12. Therefore, for the current LPP2 proposals to be demonstrated to be sound the evidence base must support an unambiguous proposal at Dalton Barracks for a new settlement of up to 4,500 dwellings, albeit on the basis that only an estimated 1,200 dwellings would be completed during the current plan period⁴.
13. Whilst the evidence base for the proposal on the Dalton Barracks site comprises a number of substantive documents including Green Belt studies, a Landscape and Visual Impact Appraisal, Outline Drainage Strategy, Heritage Statement, Ecological Appraisal and Tree Constraints Plan/Schedule, other parts of the evidence base are currently inadequate to fully justify the development of a new settlement of up to 4,500 dwellings. These are:

- (i) An adequate assessment of the transport impacts of the proposal

The Atkins 'Evaluation of Transport impacts – Stage 2' report for Oxfordshire County Council provides a high level assessment of the capacity impacts of the combined LPP2 housing allocations as at 2031 including 1,200 dwellings on the site. However, this provides no evidence of the impact of further development on the site up to 4,500 dwellings and is too strategic a document to identify any off-site improvements that may be required to mitigate the impact of 1,200 dwellings. Meanwhile the Paul Basham Associates report for the site promoter and Delivery Document describe the potential for exemplar walking, cycling and public transport strategies but do not assess traffic generation, trip patterns or any off-site infrastructure, improvement or mitigation works that may be required to accommodate either 1,200 or 4,500 dwellings. It is appreciated that the proposal is at a relatively early stage and that, for inclusion in a local plan, only proportionate evidence is required. However, in this case a new

⁴ Without prejudice, for the purposes of this letter the Council's estimate of completions in the plan period is used.

settlement of up to 4,500 dwellings is proposed in a location severed from Abingdon by the A34 and linked to the strategic road network by relatively minor roads.

In these circumstances more detailed evidence of the potential transport impacts of the initial 1,200 dwellings is required together with the potential impacts of the ultimate garden village settlement of up to 4,500 dwellings. This should include estimated traffic generation, trip distribution and the identification as far as possible of any off-site highway infrastructure, improvement or mitigation measures that might be required. This could usefully be informed by more detailed walking, cycling and public transport strategies if available, and may lead to the identification of more specific policy constraints or requirements which ought to be included in modifications to the LPP2 to ensure the plan is effective in achieving its aims.

(ii) Assessment of cumulative air quality implications

There are Air Quality Management Areas (AQMAs) relatively close to Dalton Barracks at central Abingdon and Marcham with a third further away at Botley, all three of which arise from elevated levels of nitrogen dioxide due to road traffic emissions. Air quality issues may therefore arise from the traffic generated by development at Dalton Barracks and the other allocations in the LPP2. Air quality concerns in relation to the Marcham allocation were discussed at the hearings and the note I requested (HEAR04.5) seeks to address the cumulative impact of all the LPP2 allocations on the Marcham and Abingdon AQMAs. However, the analysis in relation to Abingdon appears to be solely based on comments from the Council's Environmental Health team and the basis of the Dalton Barracks traffic distribution used by the supporting RPS report for Marcham is unclear. In neither case are the implications of a development of up to 4,500 dwellings at Dalton Barracks considered.

The evidence base in relation to air quality should therefore be revisited with the implications of traffic generation from both 1,200 and 4,500 dwellings on the Dalton Barracks site and the other LPP2 allocations assessed comprehensively in relation to the Abingdon, Marcham and, if necessary, Botley AQMAs. This should also explain how any adverse effects can be resolved and if any modifications are required to the plan.

(iii) Habitats regulations assessment

The AECOM report of June 2018 provides a habitats regulation assessment (HRA) of the LPP2 and incorporates an appropriate assessment of the potential impact of the plan on the Cothill Fen and Oxford Meadows Special Areas of Conservation. However, the report is based on the development proposed in the LPP2 up to 2031 including 1,200 dwellings at Dalton Barracks. It also concludes that Policy CP8b provides the necessary protection by ensuring that proposals at Dalton Barracks would be subject to project level HRA to demonstrate that there would be no adverse impact on nearby wildlife sites. However, this is not the same as a positive conclusion that development of up to 4,500 dwellings on the site would meet that test. Further evidence to address this issue should therefore be provided.

(iv) A sustainability appraisal (SA) of the new settlement proposal for up to 4,500 dwellings – at present the SA only considers the proposal for 1,200 dwellings.

(v) The Council may wish to prepare or update other relevant evidence.

14. I am therefore inviting the Council, in discussion with the site promoter, to prepare the additional evidence set out in paragraph 13 for consideration by the examination.

There can of course be no guarantee at this stage that the evidence will satisfactorily justify the Dalton Barracks proposal in the LPP2 but this does provide a potential way forward. Should the Council wish to pursue this approach please advise the likely timescale for the preparation of this evidence.

15. I also have soundness concerns in relation to the effectiveness of CP8a as currently drafted in guiding the development of the Dalton Barracks site. Whilst CP4a and CP8a allocate the site for only 1,200 dwellings, CP8b requires proposals to contribute to a comprehensive development of the whole site by being in accordance with a comprehensive development framework to be prepared in the form of a supplementary planning document (SPD). This will include the need for a travel plan for the whole site to minimise car usage and a comprehensive landscape plan including provision of a large country park. It appears that the SPD will provide guidance for the development of the whole site, not just the allocation for 1,200 dwellings, and thus go beyond the proposals in the LPP2. CP8b also appears to be delegating policy requirements to a future SPD and elevating this to the status of development plan policy, which is not possible. Instead, to be effective in achieving its aims, policies which are intended to guide the determination of planning applications should be included within the LPP2. The Council's current approach could exceed the remit of an SPD set out in the regulations⁵ and hence be open to challenge.

16. This problem could be avoided if, as suggested above, the LPP2 unambiguously allocates the site for up to 4,500 dwellings on the basis that only an estimated 1,200 dwellings would be completed during the current plan period. Another approach would be to prepare an Action Area Plan for the whole site rather than an SPD.

17. Should the Council not wish, for whatever reason, to pursue the proposals for Dalton Barracks on the basis of paragraphs 12-16 above, an alternative approach which may achieve soundness could be to allocate a specific site (or sites) at Dalton Barracks for the housing proposed during the plan period, with Green Belt designation deleted from the site(s) concerned and no more. In this case there would be no presumption that any further development would take place on the wider site unless brought forward and justified in a future local plan. Under this option the evidence would need to be reworked to demonstrate that the proposal would comprise suitable standalone sustainable development in its own right.

18. Alternatively, the Council could suggest the deletion of the Dalton Barracks proposal from the LPP2 altogether and put forward replacement allocations elsewhere to provide the necessary housing, or some combination of this with a reduced area of land at Dalton Barracks. There may also be other options the Council would wish to consider.

Relevant site specific matters

19. To assist the Council's consideration of the Dalton Barracks site in the light of the above, it is also necessary to set out my conclusions in relation to certain relevant site specific issues which were discussed at the hearings. Further explanation may be provided in my final report.

20. Firstly, in relation to the detailed boundaries of the area proposed for deletion from the Green Belt, and without prejudice to my future findings on the overall proposal, I have

⁵ The remit of an SPD is restricted to the matters in Regulation 5(1)(a)(iii) of The Town and Country Planning (Local Planning) (England) Regulations 2012 and excludes the matters in Regulation 5(1)(a)(i)(ii) or (iv) and 5(2)(a) or (b). Relevant case law includes [2012] EWHC 1411 (QB), [2013] EWHC 751 (Admin), [2013] EWHC 1476 (Admin), [2013] EWHC 2834 (Admin).

concluded that the removal of two specific sites from the Green Belt would not be justified in any event. These are marked on the attached plan taken from page 36 of the LPP2. These sites could however remain within the boundary of the strategic housing allocation which also includes complementary uses such as a country park.

21. Site (a) lies immediately to the rear of the L shaped range of buildings which include Starveall Farm, which itself lies close behind the ribbon development along Whitecross. Whilst separated from Starveall Farm by a strong hedgerow boundary and arguably previously developed land as part of the old airfield, the site constitutes an important area of openness around the settlement of Whitecross. This should be protected from encroachment by any new garden village in order to maintain their separate identities and avoid any danger of coalescence.
22. Site (b) forms part of the operational Dalton Barracks site but comprises a playing field with pavilion in one corner. As such the site does not meet the definition of previously developed land. Although separated from the farmland to the east by a strong hedgerow and brook, the site is characterised by openness and forms a contiguous and integral part of the open land separating the built up settlement of Shippon from the A34 and Abingdon which is otherwise to be retained in the Green Belt.
23. Whether or not I find there are exceptional circumstances justifying an alteration to the Oxford Green Belt to facilitate a new settlement at Dalton Barracks I can already conclude that there are no exceptional circumstances to warrant removal of the designation from these two specific sites. Both lie outside the secure operational area within the overall Dalton Barracks site which may affect the area available for housing development during the plan period to 2031. If the new settlement proposal is pursued by the Council this factor would need to be taken into account. The overall long term capacity of the site may also be affected.
24. Secondly, in relation to sustainable transport initiatives CP12a safeguards land for two potential Park and Ride sites at Cumnor on the A420 and Lodge Hill on the A34. These proposals are included in Oxfordshire County Council's new Park and Ride strategy for an 'outer ring' of sites to intercept car trips before they reach the ring road and to act as interchanges for feeder services and rapid transit routes linking to Oxford city centre and other key employment areas. With morning peak congestion approaching Oxford from the south along the A34 land is also safeguarded for a northbound bus lane between Lodge Hill and the Hinksey interchange.
25. The May 2016 'Oxford Park & Ride Future Strategy Development' report by Atkins selects the two sites from amongst the alternatives along the corridors concerned and includes feasibility design drawings from which the extent of the safeguarded site in each case is derived. The route safeguarded for the Lodge Hill to Hinksey bus lane is the only feasible one to serve the purpose concerned. There is thus sufficient evidence at this stage to justify safeguarding the land for these proposals in the LPP2. This would not prejudice the outcome of future more detailed studies and the necessary approval processes. The Marcham interchange is suggested by some as a preferable location to Lodge Hill for the A34 Park and Ride site but this would not be so effective in serving the Abingdon area as a whole or so operationally efficient.
- 26. CP12a also safeguards a pair of routes from the Dalton Barracks site to the potential Park and Ride site at Lodge Hill for public transport and cycle links to serve the new settlement. However, there is no evidence that public transport services would be viable along these routes even in the long term nor that the routes have emerged from

the preparation of a comprehensive cycling strategy for the development. These routes are not therefore justified and should be deleted from the plan.

Concluding remarks

27. I am not inviting comments from other participants on the contents of this letter but it should be placed on the examination website for information. I will consider when others should have the opportunity to make further representations in due course.

28. There are a number of other matters where modifications will be required to achieve the soundness of the plan. However, at this stage I am seeking the Council's response as to how it wishes to proceed with regard to the Dalton Barracks proposal in the light of this letter. The three options are essentially set out in paragraphs 12-16, 17 and 18. Please reply via the Programme Officer if possible within 21 days, after which I can consider the next steps and the future timetable for the examination.

Yours sincerely

David Reed

INSPECTOR

