

Vale of White Horse Local Plan 2031 Part 2

Examination Hearings

**Written Statement by Vale of White Horse
District Council in relation to**

**Matter 1: Duty to Co-operate and other legal
requirements**

June 2018

1.1 What are the strategic matters relevant to the LPP2 and which other authorities/organisations are affected?

- 1.1.1 The strategic matters relevant to Local Plan 2031 Part 2 (the Part 2 plan) are set out in Topic Paper 1: Duty to Cooperate (Publication Version) (**TOP01.1**)¹ and the Statement of Compliance with the Duty to Cooperate (**CSD04**)².
- 1.1.2 Since the introduction of the duty in 2011³, the Council has engaged constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation.

Role of Local Plan 2031 Part 1

- 1.1.3 The Part 1 plan⁴ was adopted in December 2016 and provides a policy framework for the delivery of sustainable development across the district up to 2031. It sets the spatial strategy and contains policies to address the strategic priorities for the area, in accordance with paragraph 156 of the NPPF⁵. A brief summary of the key strategic policies is presented below.
- 1.1.4 Core Policy 2: Cooperation on Unmet Housing Need for Oxfordshire recognises that Oxford City is unlikely to be able to accommodate the whole of its housing requirement for the plan period up to 2031. It commits Vale of White Horse District Council to allocate sites within two years of adoption of the Part 1 plan which contribute towards Oxford's unmet housing need in the Part 2 plan.
- 1.1.5 Core Policy 4: Meeting our Housing Needs sets the district's own housing requirement (20,560 dwellings) for the plan period. The policy allocates strategic sites to meet this need.
- 1.1.6 Core Policy 6: Meeting Business and Employment Needs allocates sufficient sites to deliver the district's employment needs in full to 2031.
- 1.1.7 Core Policy 7: Providing Supporting Infrastructure and Services sets the strategy for delivering infrastructure necessary to accommodate planned growth in the district, including the provision of leisure, health, security, community and other local facilities.
- 1.1.8 Core Policy 32: Retail Development and Other Main Town Centre Uses sets the strategy for meeting retail and other commercial development needs in full for the district to 2031.
- 1.1.9 Core Policies 37 to 46 set criteria that mitigate against and adapt to climate change; conserve and enhance the natural and historic environment, including landscape matters.

¹ **TOP01.1** Topic Paper 2: Duty to Cooperate (Publication Version)

² **CSD04** Statement of Compliance with the Duty to Cooperate

³ The Duty to Cooperate was introduced in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004

⁴ **ALP02** Local Plan 2031 Part 1: Strategic Sites and Policies

⁵ CLG (2012) The National Planning Policy Framework, (in particular paragraph 156), available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 1.1.10 During the preparation of these strategic policies for the Part 1 plan, the Council engaged with a wide range of bodies under the duty to cooperate. Through this process, a number of strategic matters specific to the district were identified and these are presented in Section 3 of Topic Paper 1: Duty to Cooperate (Publication Version) (**TOP01.1**)⁶. Many of these strategic matters continue to be relevant to the role of the Part 2 plan.
- 1.1.11 With respect to the duty to cooperate, the Inspector's Report to the Part 1 plan (**ALP03**)⁷ concluded that "*the Council has engaged constructively, actively and on an ongoing basis with all relevant organisations in order to maximise the effectiveness of the preparation of the plan. It has therefore met the Duty to Cooperate*".
- Role of Local Plan 2031 Part 2*
- 1.1.12 In line with the policy requirements of Core Policies 2 and 4 of the Adopted Part 1 plan, the Part 2 plan sets strategic policies and locations for new housing to meet the Vale's proportion of Oxford's housing need. It also includes additional housing allocations to support strategic economic growth in Science Vale.
- 1.1.13 Following the Government's decision to award Garden Town status to Didcot in December 2015, the Part 2 plan includes a policy for the part of Didcot Garden Town that lies within the Vale of White Horse District.
- 1.1.14 The Part 2 plan also contains development management policies to complement the strategic policies as set out in the Part 1 plan, and where appropriate replacing the remaining saved policies of Local Plan 2011.

Strategic Matters for Local Plan 2031 Part 2

- 1.1.15 Paragraph 4.3 of Topic Paper 1: Duty to Cooperate (Publication Version) (**TOP01.1**)⁸ lists all of the strategic matters relevant to the Part 2 plan along with who the Council has engaged with on these matters. Appendix 1 of the same Topic Paper adds detail to each of these, including evidence of how the duty has been met and how this has informed the preparation of the Part 2 plan. Of these, the Council has identified four key strategic matters which are most relevant to the Part 2 plan. These are presented in Paragraph 4.4 of Topic Paper 1: Duty to Cooperate (**TOP01.1**)⁹ and are listed below:

Strategic Matter 1 - Oxford's unmet housing need: Working with other Oxfordshire authorities within the Housing Market Area (HMA) to plan for the agreed apportionment of the 'working assumption' figure for housing need that is unlikely to be met within Oxford City's boundaries;

Strategic Matter 2 - Didcot Garden Town: Working collaboratively with South Oxfordshire District Council, Oxfordshire County Council and other key stakeholders to prepare a masterplan for Didcot Garden Town;

⁶ **TOP01.1** Topic Paper 1: Duty to Cooperate (Publication Version), (in particular paragraph 3.)¹

⁷ **ALP03** Inspectors Report on the examination into Vale of White Horse Local Plan 2031 Part 1, in particular paragraph 17

⁸ **TOP01.1** Topic Paper 1: Duty to Cooperate (Publication Version), (in particular paragraph 4.3)

⁹ **TOP01.1** Topic Paper 1: Duty to Cooperate (Publication Version), (in particular paragraph 4.4)

Strategic Matter 3 - Transport Infrastructure: Working jointly with South Oxfordshire District Council and Oxfordshire County Council to agree an approach to delivering strategic highway infrastructure across the Science Vale area, including Didcot Garden Town; and

Strategic Matter 4 - Oxford Meadows SAC: Working as part of the Oxfordshire Growth Board and Natural England to undertake strategic studies to investigate transport scenarios and air quality effects within Oxford Meadows SAC in light of the growth planned across Oxfordshire.

1.1.16 The Council's response to questions 1.2 and 1.3 below expand on these strategic matters and demonstrate how the duty has been met for the Part 2 plan. The Council's response to question 1.9 includes further detail on the strategic matter of Oxford Meadows SAC. The Council's response to Matters 2, 4 and 5 are also relevant to the strategic matter of unmet housing need from Oxford City. The Council's response to question 6.2 expands upon the strategic matter of Didcot Garden Town.

1.2 How has the engagement been carried out? What has been the outcome and how has this addressed the strategic matters?

- 1.2.1 The Council has engaged using a variety of methods in accordance with the adopted SCI (**OCD10**)¹⁰. In addition to the formal engagement processes such as the Regulation 18 consultation and Regulation 19 publicity period, the Council has used a number of informal engagement processes to progress strategic matters.
- 1.2.2 Detail of the various engagement processes undertaken, alongside key actions and outcomes are set out in the Regulation 22 Statement (**CSD02**)¹¹, Topic Paper 1: Duty to Cooperate (Publication Version) (**TOP01.1**)¹², the Statement of Compliance with the Duty to Cooperate (**CSD04**)¹³ and through a number of Statements of Common Ground prepared with relevant bodies.
- 1.2.3 **Appendix 1** of this statement presents a short summary table of how engagement has been carried and what key outcomes and agreements have been made for the key strategic matters. This draws upon the more detailed evidence presented within Appendix 1 of the Statement of Compliance with the Duty to Cooperate (**CSD04**)¹⁴. Where relevant, the appendix to this statement also provides evidence of key outcomes and agreements made since the submission of the Part 2 plan to the Secretary of State.
- 1.2.4 This engagement is reflective of the NPPF which states that Local Planning Authorities should work collaboratively with other bodies to ensure that cross boundary issues are properly addressed and reflected in local plans. It also highlights the importance of joint working to meet development requirements that cannot wholly be met within a single local planning area¹⁵.
- 1.2.5 Engagement for the Part 2 plan is also reflective of the Planning Practice Guidance which further expands on the extent to which Local Planning Authorities should cooperate. This includes an emphasis to make every effort to secure the necessary cooperation on strategic cross boundary matters before submitting their local plans to the Secretary of State for Examination¹⁶.

¹⁰ **OCD10** Statement of Community Involvement

¹¹ **CSD02** Regulation 22 Consultation Statement, including Appendices 1 and 2

¹² **TOP01.1** Topic Paper 1: Duty to Cooperate (Publication Version)

¹³ **CSD04** Statement of Compliance with the Duty to Cooperate

¹⁴ **CSD04** Statement of Compliance with the Duty to Cooperate

¹⁵ CLG (2012) The National Planning Policy Framework, (in particular paragraph 179), available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

¹⁶ National Planning Practice Guidance, (in particular Section: Duty to Cooperate. Paragraph: 001 Reference ID: 9-001-20140306), available at: <https://www.gov.uk/guidance/duty-to-cooperate>

1.3 Has the Council engaged constructively, actively and on an ongoing basis with the relevant bodies in maximising the effectiveness of the LPP2?

1.3.1 The Council has engaged constructively, actively and on an ongoing basis with the relevant bodies in maximising the effectiveness of the Part 2 plan. Evidence of this is set out in the Regulation 22 Statement (**CSD02**)¹⁷, Topic Paper 1: Duty to Cooperate (**TOP01.1**)¹⁸, and Appendix 1 of the Statement of Compliance with the Duty to Cooperate (**CSD04**)¹⁹. **Appendix 1** of this statement provides a short summary table of how the Council has demonstrated constructive and active engagement with the relevant bodies on the key strategic matters for the Part 2 plan.

1.3.2 The Council considers the lack of outstanding objection from other duty to cooperate bodies on the grounds that the duty has not been met for the Part 2 plan is evidence that the requirement has been satisfied and that issues have been resolved through effective engagement. The Council has prepared a number of Statements of Common Ground (SoCGs) with relevant duty to cooperate bodies which add clarity to this, and is summarised in the table below:

Table 1.1: SoCGs with relevant bodies demonstrating compliance with the duty to cooperate

Duty to Cooperate body	SoCG Document Ref	Reference
Oxford City Council	SCG18	Paragraph 3.1 – 3.3
South Oxfordshire District Council	SCG08	Paragraph 3.1 – 3.3
Cherwell District Council	SCG19	Paragraph 3.1 – 3.3
West Oxfordshire District Council	SCG12	Paragraph 3.1 – 3.3
Oxfordshire County Council	SCG20.4	Paragraph 16 -17
Swindon Borough Council	SCG09	Paragraph 3.1 – 3.3
Natural England	SCG14	Paragraph 3.1 – 3.2
Historic England	SCG03	Paragraph 3.1 – 3.2
Environment Agency	SCG15	Paragraph 3.1
Highways England	SCG02	Paragraph 2.1 – 2.2
Oxfordshire Clinical Commissioning Group	SCG16	Paragraph 2.1 – 2.2

¹⁷ **CSD02** Regulation 22 Consultation Statement, including Appendices 1 and 2

¹⁸ **TOP01.1** Topic Paper 1: Duty to Cooperate (Publication Version)

¹⁹ **CSD04** Statement of Compliance with the Duty to Cooperate

1.4 Overall, has the Council satisfactorily discharged its duty to co-operate to maximise the effectiveness of the LPP2?

1.4.1 As set out in our response to questions 1.1, 1.2 and 1.3 above, the Council has satisfactorily discharged its duty to cooperate. Evidence of this is set out in the Regulation 22 Statement (**CSD02**)²⁰, Topic Paper 1: Duty to Cooperate (**TOP01.1**)²¹, the Statement of Compliance with the Duty to Cooperate (**CSD04**)²² and **Appendix 1** of this statement. As demonstrated through a number of Statements of Common Ground prepared, there are no outstanding objections to the Part 2 plan from neighbouring authorities or other duty to co-operate organisations on the grounds that the duty has not been met.

1.4.2 In accordance with its duty, and via cooperation with other relevant bodies, the Council has maximised the effectiveness of the Part 2 plan through the inclusion of Core Policies which address a number of strategic matters which are summarised below.

Strategic Matter 1: Oxford's unmet housing need

1.4.3 Core Policy 4a: Meeting our Housing Needs provides an update to Core Policy 4 of the Adopted Part 1 plan²³ and sets out how the Council will address the agreed quantum of unmet housing need for Oxford City to be addressed within the Vale of White Horse District. In particular, the Council worked with Oxford City Council and the other Oxfordshire authorities to progress this policy.

Strategic Matter 2: Didcot Garden Town

1.4.4 Core Policy 16b: Didcot Garden Town supports the implementation of the Garden Town initiative through seven masterplan principles. The Council worked with South Oxfordshire District Council to align the principles of Core Policy 16b with a similar policy in the emerging South Oxfordshire Local Plan 2033²⁴. As set out in the Local Development Scheme for both Councils, there is also a commitment to the preparation of a joint development plan document for Didcot Garden Town.

Strategic Matter 3: Transport Infrastructure

1.4.5 Core Policies 12a and 18a safeguard land for strategic highway improvements within the Abingdon-on-Thames and Oxford Fringe and South-East Vale Sub-Areas respectively in accordance with other Oxfordshire wide strategic planning, including the Local Transport Plan²⁵ and Oxfordshire Infrastructure Strategy²⁶. These will assist in delivering the necessary highways infrastructure alongside planned growth in the Part 2 plan. The Council worked with Oxfordshire County Council and South Oxfordshire District Council to progress these policies.

²⁰ **CSD02** Regulation 22 Consultation Statement, including Appendices 1 and 2

²¹ **TOP01.1** Topic Paper 1: Duty to Cooperate (Publication Version)

²² **CSD04** Statement of Compliance with the Duty to Cooperate

²³ **ALP02** Local Plan 2031 Part 1: Strategic Sites and Policies, (in particular Core Policy 4)

²⁴ South Oxfordshire Emerging Local Plan 2033, available at: <http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/emerging-local-plan>

²⁵ Oxfordshire County Council Local Transport Plan, available at: <https://www2.oxfordshire.gov.uk/cms/content/ltp4-policy-and-overall-strategy>

²⁶ OxLEP Oxfordshire Infrastructure Strategy, available at: <https://www.oxfordshirelep.com/about/our-strategies/infrastructure-strategy-oxis>

Strategic Matter 4: Oxford Meadows SAC

- 1.4.6 The Council has worked with neighbouring authorities and Natural England to better understand air quality issues at Oxford Meadows SAC. The Council's HRA (June 2018) (**CSD08.2**)²⁷ addresses this strategic matter and an updated SoCG with Natural England confirms that growth proposed as a result of both Local Plans will not have an adverse effect on the integrity of Oxford Meadows SAC.

Other Strategic Matters

- 1.4.7 Core Policy 14a: Upper Thames Strategic Storage Reservoir provides an update to Core Policy 14 of the Adopted Part 1 plan²⁸, replacing the area safeguarded for a possible future reservoir between the settlements of Drayton, East Hanney and Steventon in accordance with the recommendations of Thames Water.
- 1.4.8 Core Policy 19a: Re-opening of Grove Railway Station updates the existing policy in the Adopted Part 1 plan, in line with the most recent evidence on site suitability. This work, being prepared in partnership with Oxfordshire County Council, has identified the need to safeguard a wider area for the provision of a new station until detailed feasibility work is completed and a preferred location identified.

²⁷ **CSD08.2** Habitats Regulations Assessment (HRA) of Vale of White Horse District Local Plan 2031 Part 2, June 2018

²⁸ **ALP02** Local Plan 2031 Part 1: Strategic Sites and Policies, (in particular Core Policy 14)

1.5 Has the preparation of the LPP2 complied with the 2004 Planning and Compulsory Purchase Act and the relevant regulations?

1.5.1 The Part 2 plan has been prepared in compliance with the Planning and Compulsory Purchase Act 2004 (TCPA 2004 Act)²⁹, and the relevant regulations.

1.5.2 In considering legal compliance, the Council has had regard to the Local Plan Checklist prepared by the Planning Advisory Service (PAS)³⁰ and the following table summarises the most relevant statutory provisions that have been complied with:

Table 1.2: Summary of compliance with the TCPA 2004 Act and relevant regulations

Act	Relevant Sections
Town and Compulsory Purchase Act 2004 (as amended)	<p>Section 15(2) and 19(1): The Part 2 plan prepared in accordance with the Local Development Scheme (LDS)</p> <p>Sections 13 and 19: Preparation of the Part 2 plan; including consistency with national policy, the gathering of evidence and engagement</p> <p>Section 20: Independent Examination of the Part 2 plan</p> <p>Section 33A: Duty to Cooperate and the Part 2 plan</p> <p>Section 35: Monitoring framework for the Part 2 plan</p>
Regulations	Relevant Sections
Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012	<p>Regulation 4: Duty to Cooperate and the Part 2 plan</p> <p>Regulation 8: Form and content of the Part 2 plan</p> <p>Regulation 9: Form and content of the adopted policies map, including submission policies map</p> <p>Regulation 10: Regard to other matters, including planning policy statements and regional and local strategies.</p> <p>Regulation 17: The Part 2 plan and supporting documents submitted for examination</p> <p>Regulation 18: Public consultation on the 'Preferred Options' Part 2 plan</p> <p>Regulation 19: Publication of the Part 2 plan</p> <p>Regulation 20: Representations relating to the Part 2 plan</p> <p>Regulation 22: Submission of the Part 2 plan and supporting evidence to the Secretary of State, including the Sustainability Appraisal and Consultation statement</p> <p>Regulation 34: Annual Monitoring Report</p> <p>Regulation 35: Availability of documents</p>
Environmental Assessment of Plans and Programmes Regulations 2004	Regulations 9, 12, 13 and 17: Sustainability Appraisal

²⁹ Planning and Compulsory Purchase Act 2004 (TCPA 2004 Act), available at: <https://www.legislation.gov.uk/ukpga/2004/5/contents>

³⁰ Planning Advisory Service (PAS) Local Plan Checklist, available at: <https://www.local.gov.uk/pas/pas-topics/local-plans/local-plan-checklist>

1.6 Has the preparation of the LPP2 complied with the Statement of Community Involvement?

1.6.1 The Part 2 plan has been prepared and submitted in compliance with the Council's Statement of Community Involvement (SCI) (**OCD10**)³¹. The Council's SCI comprises of three Parts:

- Part 1 – Getting Involved in Shaping our Future
- Part 2 – Getting Involved in the Preparation of the Local Plan and Planning Policy
- Part 3 – Getting Involved in Planning Applications

1.6.2 Part 2 of the SCI provides information on how the Council engages with the community to influence new Planning Policy documents, including the Local Plan.

1.6.3 The National Planning Policy Framework (NPPF) states that, in preparing a Local Plan, local authorities should carry out "*early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses*"³². This is reflected in the SCI which sets out the Council's principles in consulting with the community. The Council has undertaken a number of engagement exercises in the lead up to and during public consultation events. Examples of such engagement include:

- Informal consultation with statutory bodies, prescribed bodies and other key stakeholders;
- Parish Briefings (Reg 18 & Reg 19);
- Public meetings for each area (Reg 18 and Reg 19);
- Meetings with parishes affected by additional site allocations (Reg 18 and Reg 19); and
- Engagement with parishes for Harwell and Dalton SPDs.

1.6.4 Evidence of the various publicity methods used to support the preparation of the Part 2 plan and which demonstrate compliance with the Council's SCI is presented in Appendix 2a-s of the Consultation Statement (**LPP01**)³³ and Appendix 2a-t of the Regulation 22 Statement (**CSD02**)³⁴.

1.6.5 Appendices 1a, 1b and 3 of the Regulation 22 Statement (**CSD02**)³⁵; **CSD02.1**)³⁶ lists which parties were consulted for the Publication Version of the Part 2 plan, and those who responded.

³¹ **OCD10** Statement of Community Involvement

³² CLG (2012) The National Planning Policy Framework, (in particular paragraph 155), available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³³ **LPP01** Consultation Statement, including Appendices 1 and 2 (Preferred Options)

³⁴ **CSD02** Regulation 22 Consultation Statement, including Appendices 1 and 2

³⁵ **CSD02** Regulation 22 Consultation Statement, including Appendices 1 and 2

³⁶ **CSD02.1** Regulation 22 Consultation Statement, Appendix 3 – Summary of Representations

- 1.6.6 The Regulation 22 Statement (**CSD02**)³⁷, Topic Papers (**TOP01 – TOP06.1**)³⁸ accompanying the plan, and the Schedule of Proposed Additional Modifications (**CSD03**)³⁹ evidence how the Council has responded to the representations received and where this has resulted in changes (including proposed changes) to the plan.
- 1.6.7 The Council notes paragraph 3.9 of the Regulation 22 Statement (**CSD02**)⁴⁰ which identifies how a small number of representations were not included in the summary of consultation responses set out in the consultation statement (**LPP01**⁴¹; **LPP01.1**)⁴² following the Preferred Options consultation. These have been considered and included for completeness alongside the summary of consultation responses to the Publication Version (Regulation 19) of the Part 2 plan.
- 1.6.8 Since the submission of the Part 2 plan, the Council has identified a small number of representations which have been attributed to the incorrect categories, or omitted from, Appendix 3 to the Regulation 22 Statement (**CSD02**)⁴³. The Council has reviewed these errors and consider that these issues have already been appropriately considered in Chapter 5 – Summary of Main Issues, of the Regulation 22 Statement (**CSD02**)⁴⁴.
- 1.6.9 The Council believes that, through the plan’s preparation and consultation, it has continued to work collaboratively with organisations, local communities and individuals to ensure that its planning policies reflect a collective vision and have provided a number of opportunities for the community to comment and shape the emerging plan.

³⁷ **CSD02** Regulation 22 Consultation Statement, including Appendices 1 and 2

³⁸ **TOP01 – TOP06.1** All topic papers prepared to support Local Plan 2031 Part 2 up to submission.

³⁹ **CSD03** Local Plan 2031 Part 2: Detailed Policies and Additional Sites (Publication Version), Schedule of Proposed Additional Modifications

⁴⁰ **CSD02** Regulation 22 Consultation Statement, including Appendices 1 and 2

⁴¹ **LPP01** Consultation Statement, including Appendices 1 and 2 (Preferred Options)

⁴² **LPP01.1** Consultation Statement, Appendix 3 (Preferred Options)

⁴³ **CSD02** Regulation 22 Consultation Statement, including Appendices 1 and 2

⁴⁴ **CSD02** Regulation 22 Consultation Statement, including Appendices 1 and 2 (in particular chapter 5)

1.7 Is the LPP2 compliant with the Local Development Scheme?

- 1.7.1 The Part 2 plan was submitted in compliance with the Local Development Scheme (LDS) 2018 – 2020 (**OCD09**)⁴⁵ and Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by Section 111 of the Localism Act 2011)⁴⁶. The timescales for delivering the Part 2 plan are detailed in the LDS (**OCD09**)⁴⁷ and demonstrate how the plan has been prepared in accordance with this published timetable. In summary, the key stages are set out below:

Table 1.3: Key stages of the Part 2 plan as set out in the LDS 2018 – 2020

Stage	When
Countywide agreement of unmet need apportionment	Autumn 2016
Preferred Options of the Part 2 plan (Regulation 18 consultation)	March 2017
Publication Version of the Part 2 plan (Regulation 19 consultation)	October 2017
Submission of the Part 2 plan to the Secretary of State	February 2018
Examination of the Part 2 plan	Summer 2018
Estimated date for adoption and final publication	December 2018

- 1.7.2 As the Local Plan examination progresses, the Council will continue to update the LDS where considered necessary.

⁴⁵ **OCD09** Local Development Scheme 2018 – 2020

⁴⁶ Localism Act 2011 (in particular Section 111), available at: <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

⁴⁷ **OCD09** Local Development Scheme 2018 – 2020

1.8 Have the likely environmental, social and economic effects of the LPP2 been adequately addressed in the Sustainability Appraisal? Does the appraisal test the plan against reasonable alternatives for the spatial strategy of the plan and the distribution of housing?

- 1.8.1 The Council considers that the Sustainability Appraisal (SA) (**CSD09**)⁴⁸, incorporating Strategic Environmental Assessment (SEA) has adequately addressed the likely environmental, social and economic effects of the Part 2 plan, and reasonable alternatives.
- 1.8.2 The SA has been carried out in accordance with the relevant requirements of the EU Directive 2001/42/EC (SEA Directive), which were transposed into UK law by the Environmental Assessment of Plans and Programmes Regulations, 2004 (SI2004/1633)⁴⁹. Compliance with the SEA Regulations is set out within Appendix I of the final SA Report (**CSD09**)⁵⁰.
- 1.8.3 A Scoping Report was produced in October 2016 and consulted on with the relevant bodies⁵¹. This scoping exercise produced a set of Sustainability Objectives, forming a framework for appraising the likely environmental, social and economic effects of the emerging Part 2 plan and reasonable alternatives. The scope of the SA is summarised in Chapter 4 of the final SA Report (**CSD09**)⁵².
- 1.8.4 The SA has been an iterative process, undertaken alongside the preparation of the Part 2 plan. An Interim SA Report (**LLP07**)⁵³ accompanied the Regulation 18 consultation 'Preferred Options'. The final SA Report (**CSD09**)⁵⁴ was published alongside the Publication Version of the Part 2 plan and takes account of updated evidence and feedback received through the 'Preferred Options' consultation, including the consideration of new sites promoted at that time. The final SA Report (**CSD09**)⁵⁵ describes all the stages of the process in detail.
- 1.8.5 Chapter 3 of the final SA Report (**CSD09**)⁵⁶ identifies what the Part 2 plan is seeking to achieve. Paragraph 3.1.3 notes *"in respect of site allocations, LPP2 must allocate sites in accordance with the broad spatial strategy and objectives established by LPP1"*.

⁴⁸ **CSD09** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Publication Version)

⁴⁹ The Environmental Assessment of Plans and Programmes Regulations 2004, available at: <http://www.legislation.gov.uk/uksi/2004/1633/contents/made>

⁵⁰ **CSD09** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Publication Version), Appendix I

⁵¹ Environment Agency, Historic England and Natural England

⁵² **CSD09** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Publication Version) (in particular chapter 4)

⁵³ **LLP07** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Preferred Options)

⁵⁴ **CSD09** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Publication Version)

⁵⁵ **CSD09** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Publication Version)

⁵⁶ **CSD09** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Publication Version) (in particular paragraph 3.1.3)

- 1.8.6 Chapter 6 of the final SA Report (**CSD09**)⁵⁷ explains the process for determining reasonable alternatives. A series of steps were undertaken in order to establish the reasonable alternatives and this is summarised in Figure 6.1 of the Report.
- 1.8.7 Section 6.2 discusses the examination of high-level issues and options. It considers the remit set by the Part 1 plan for meeting housing needs, the adopted spatial strategy, and looks in more detail at the opportunities and constraints associated with each of the three sub-areas in the district.
- 1.8.8 Section 6.3 discusses the examination of larger site options. This relates to sites capable of delivering 200 or more dwellings, an approach consistent with the site selection process of the Part 1 plan.
- 1.8.9 Section 6.4 then discusses the examination of smaller site options, which considers sites capable of delivering between 50 and 200 dwellings.
- 1.8.10 Section 6.5 provides further analysis on the larger and smaller site options identified in previous sections. It considers each sub-area in turn, having regard to new evidence and feedback received through formal and informal consultation before establishing a district-wide set of reasonable alternatives for appraisal. Table 6.3 of the Report presents the three reasonable alternatives.
- 1.8.11 The first option focuses on the delivery of larger sites. The second option adds three additional smaller sites, while the third option adds six additional smaller sites, including sites within the Green Belt. The Council considers these options are consistent with the broad spatial strategy of the Part 1 plan, albeit offering reasonable alternatives to how that strategy could be delivered through the Part 2 plan.
- 1.8.12 Chapter 7 of the final SA Report (**CSD09**)⁵⁸ presents a summary appraisal of the reasonable alternatives. Table 7.1 of the Report includes a high-level conclusion on significant effects associated with the alternatives, and more generally their relative merits. Further detail on the appraisal is included in Appendix VI of the Report. Chapter 8 of the final SA Report (**CSD09**) presents the Council's response to the appraisal of alternatives, and reasons for developing the preferred approach in light of this.
- 1.8.13 Part 2 of the final SA Report (**CSD09**)⁵⁹ presents the appraisal of the Part 2 plan as a whole, drawing on the sustainability objectives in order to evaluate the likely environmental, social and economic effects of the plan.

⁵⁷ **CSD09** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Publication Version) (in particular Chapter 6)

⁵⁸ **CSD09** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Publication Version) (in particular Chapter 7)

⁵⁹ **CSD09** Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan 2031 Part 2 (Publication Version) (in particular Chapter 8)

1.9 Does the Habitats Regulations Assessment identify likely significant effects of the LPP2 on European nature conservation sites and, if so, put forward appropriate mitigation measures?

- 1.9.1 The Habitats Regulations Assessment (HRA) (**CSD08**)⁶⁰ accompanying the plan was prepared in accordance with the terms of the Habitats Directive (92/43/EEC), the Conservation of Habitats and Species Regulations 2010 (as amended), relevant guidance⁶¹ and case law.
- 1.9.2 Since the Council submitted the Part 2 plan to the Secretary of State, a recent judgement of the Court of Justice of the European Union in *People over Wind, Peter Sweetman v Coillte Teoranta* (Case C-323/17)⁶² and subsequent Planning Inspectorate Guidance (PINS Note 05/2018)⁶³ has resulted in the need to review the HRA assessment and ensure legal compliance. The implications of the judgement mean that mitigation measures cannot be considered at the screening stage of the HRA but should be considered as part of the Appropriate Assessment.
- 1.9.3 The Council has worked with its consultants, AECOM, to carry out and prepare a Habitats Regulations Assessment (incorporating Appropriate Assessment) (**CSD08.2**)⁶⁴ for the Part 2 plan in accordance with the above judgement. That report includes a likely significant effects analysis covering all relevant European sites and then an appropriate assessment of effects on Oxford Meadows SAC and Cothill Fen SAC. The mitigation measures are taken into account during the latter. The assessment also includes new traffic and air quality analysis for both these sites which was requested by Natural England and includes Natural England's correspondence confirming their agreement with that new data.
- 1.9.4 Sections 5 and 6 of the new HRA (**CSD08.2**)⁶⁵ presents the likely significant effects on Hackpen Hill SAC and Little Wittenham SAC respectively. For these sites, the new HRA concludes that likely significant effects will not occur as a result of development proposed in the Part 2 plan, and no mitigation is required.
- 1.9.5 Section 7 of the new HRA (**CSD08.2**)⁶⁶ presents the Appropriate Assessment of Cothill Fen SAC. The new HRA finds that it is possible that additional housing in proximity to Cothill Fen SAC could, prior to mitigation, lead to likely significant

⁶⁰ **CSD08** Habitats Regulations Assessment (HRA) of the Vale of White Horse District Local Plan 2031 Part 2 (Submission Version)

⁶¹ European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive; CLG (2006) Planning for the Protection of European Sites, Consultation Paper; Dodd A.M., Cleary B.E., Dawkins J.S., Byron H.J., Palframan L.J. and Williams G.M. (2007) *The Appropriate Assessment of Spatial Plans in England: a guide to why, when and how to do it*. The RSPB, Sandy.

⁶² Judgement of 12 April 2018, *People over Wind, Peter Sweetman v Coillte Teoranta* C-323/17 EU:C:2018:244

⁶³ The Planning Inspectorate (2018) Consideration of avoidance and reduction measures in Habitats Regulations Assessment: *People over Wind, Peter Sweetman v Coillte Teoranta*, available at: <https://pinslibrary.org.uk/vufind/Record/22547>

⁶⁴ **CSD08.2** Habitats Regulations Assessment (HRA) of Vale of White Horse District Local Plan 2031 Part 2, June 2018

⁶⁵ **CSD08.2** Habitats Regulations Assessment (HRA) of Vale of White Horse District Local Plan 2031 Part 2, June 2018

⁶⁶ **CSD08.2** Habitats Regulations Assessment (HRA) of Vale of White Horse District Local Plan 2031 Part 2, June 2018

adverse impacts on that SAC from recreational pressure through delivery of the Dalton Barracks development. It concludes that, coupled with effective site management, the provision of a country park of at least 80ha will be able to incorporate sufficient areas of SANG to deter users of Dalton Barracks from using Cothill Fen SAC for recreational purposes.

- 1.9.6 Appropriate mitigation measures are proposed for Cothill Fen SAC through the Part 2 plan. Core Policy 8b requires proposals for new development or redevelopment at Dalton Barracks should “*demonstrate that there would be no adverse impact on Cothill Fen SAC*”. There is also a requirement to provide a Country Park of at least 80 hectares at Dalton Barracks, which will provide suitable alternative natural green space and an appropriate buffer between development on the site and the SAC.
- 1.9.7 Section 8 of the new HRA (**CSD08.2**) presents the Appropriate Assessment of Oxford Meadows SAC. The HRA considers it likely that housing across Oxfordshire will result in an increase in nitrogen deposition and NOx concentration within a small part of Oxford Meadows SAC as it lies adjacent to the A34 and A40. For this matter, the HRA concludes that such mitigation measures as are reflected in the Adopted Part 1 plan⁶⁷ which enables a conclusion of no adverse effect to be reached for the allocations and policies contained within the Part 2 plan.
- 1.9.8 The new HRA (**CSD08.2**)⁶⁸ is currently the subject of consultation with Natural England for a period of three weeks to 25 June 2018. The document is available in the Council’s examination library for the same period and all respondents to the Regulation 19 publicity period of the Part 2 plan have been notified.

⁶⁷ **ALP02** Local Plan 2031 Part 1: Strategic Sites and Policies

⁶⁸ **CDS08.2** Habitats Regulations Assessment (HRA) of Vale of White Horse District Local Plan 2031 Part 2, June 2018

Appendix 1 – Brief Summary of how Vale of White Horse District Council has engaged on the key strategic matters for the Part 2 plan

Strategic Matter 1: Oxford’s unmet housing need			
Issue	Engagement Process	Evidence of Effective Outcomes	Addressed the matter?
Determining a working figure for Oxford’s unmet need and a strategy for delivering a part of this housing need in VoWHDC	<ul style="list-style-type: none"> • Oxfordshire Spatial Planning and Infrastructure Partnership (SPIP), now Oxfordshire Growth Board • Post SHMA working Group • Duty to Cooperate meetings 	<ul style="list-style-type: none"> • Engagement through the Oxfordshire Growth Board resulted in agreement through a Memorandum of Understanding. This included the use of 15,000 homes as a working figure, the quantum to be apportioned and timetable for delivery of unmet housing need. • Engagement through the post-SHMA Working Group and duty to cooperate meetings has resulted in a strategy for delivering this unmet need in VoWH in locations close and accessible to Oxford. • Through duty to cooperate meetings, Statements of Common Ground have been agreed with: <ul style="list-style-type: none"> • South Oxfordshire District Council⁶⁹; • West Oxfordshire District Council⁷⁰; • Oxford City Council⁷¹; • Cherwell District Council⁷²; and • Oxfordshire County Council⁷³ 	<ul style="list-style-type: none"> • The Part 2 plan includes Core Policies 4a and 8a which address the agreed quantum of unmet housing need (2,200 dwellings) in full. • The strategy set out in the Part 2 plan means that contributions towards unmet housing need are made in advance of the timescales specified in the Memorandum of Understanding.

⁶⁹ **SCG08** Statement of Common Ground with South Oxfordshire District Council

⁷⁰ **SCG12** Statement of Common Ground with West Oxfordshire District Council

⁷¹ **SCG18** Statement of Common Ground with Oxford City Council

⁷² **SCG19** Statement of Common Ground with Cherwell District Council

⁷³ **SCG20** Statement of Common Ground with Oxfordshire County Council, 1: Objectively Assessed Need and Unmet Housing Need

Strategic Matter 2: Didcot Garden Town			
Issue	Engagement Process	Evidence of Effective Outcomes	Addressed the matter?
Ensure proposals for development demonstrate a number of key principles that contribute towards the successful implementation of Didcot Garden Town.	<ul style="list-style-type: none"> • Joint working with South Oxfordshire District Council and Oxfordshire County Council • Duty to Cooperate meetings 	<ul style="list-style-type: none"> • Engagement through joint working has resulted in the publication of the Didcot Garden Town Delivery Plan (OCD06)⁷⁴. <ul style="list-style-type: none"> • This included public consultation events in January/June 2017; • The Delivery Plan was published in October 2017. • Joint working has resulted in a commitment to prepare a joint DPD for Didcot Garden Town, as set out in the Council's Local Development Scheme (OCD09)⁷⁵. • Through duty to cooperate meetings, Statements of Common Ground have been agreed with: Statements of Common Ground have been agreed with <ul style="list-style-type: none"> • South Oxfordshire District Council⁷⁶; and • Oxfordshire County Council⁷⁷. 	<ul style="list-style-type: none"> • Strategic policies are proposed within the emerging Local Plans for Vale of White Horse (Core Policy 16b) and South Oxfordshire District Councils (STRAT4). • The preparation of a joint Didcot Garden Town DPD will build upon the principles set out in Core Policy 16b.

⁷⁴ **OCD06** Didcot Garden Town Delivery Document

⁷⁵ **OCD09** Local Development Scheme 2018 – 2020

⁷⁶ **SCG08** Statement of Common Ground with South Oxfordshire District Council

⁷⁷ **SCG20 – SCG20.4** Statement of Common Ground with Oxfordshire County Council

Strategic Matter 3: Transport Infrastructure			
Issue	Engagement Process	Evidence of Effective Outcomes	Addressed the matter?
To agree an approach to delivering strategic transport infrastructure	<ul style="list-style-type: none"> • Oxfordshire Growth Board • Joint working with Oxfordshire County Council and South Oxfordshire District Council • Duty to Cooperate meetings 	<ul style="list-style-type: none"> • Joint working has resulted in the preparation of evidence supporting the Part 2 plan, including: <ul style="list-style-type: none"> • Oxfordshire Infrastructure Strategy (OxIS) (INF01⁷⁸) • Evaluation of Transport Impacts (ETI) Stage 1 (TRA06⁷⁹; TRA06.1⁸⁰; TRA06.2⁸¹) • ETI Stage 2 (TRA06.3)⁸² • Infrastructure Delivery Plan (IDP) (CSD10)⁸³ • Sustainable Transport Study for the Abingdon-on-Thames and Oxford corridor (TRA05)⁸⁴ • Through duty to cooperate meetings, Statements of Common Ground have been agreed with <ul style="list-style-type: none"> • Oxfordshire County Council⁸⁵; and • South Oxfordshire District Council⁸⁶. 	<ul style="list-style-type: none"> • Land is safeguarded for strategic transport improvements through Core Policies 12a, 18a and 19a of the Part 2 plan. • Appendix A of the Part 2 plan contains general and site-specific transport requirements including contributions towards infrastructure improvements that are necessary to enable development.

⁷⁸ **INF01** Oxfordshire Infrastructure Strategy: Stage 1 Report

⁷⁹ **TRA06** Evaluation of Transport Impacts Stage 1 – Part 1

⁸⁰ **TRA06.1** Evaluation of Transport Impacts Stage 1 – Part 2

⁸¹ **TRA06.2** Evaluation of Transport Impacts Stage 1 – Part 3

⁸² **TRA06.3** Vale of White Horse District Council Local Plan 2031 Part 2, Evaluation of Transport Impacts – Stage 2

⁸³ **CSD10** Vale of White Horse Council Infrastructure Delivery Plan (IDP) of the Vale of White Horse District Local Plan 2031 Part 2 (Submission Version)

⁸⁴ **TRA05** Sustainable Transport Study for the Abingdon to Oxford Corridor

⁸⁵ **SCG20.1** Statement of Common Ground with Oxfordshire County Council, 2: Transport and Safeguarding

⁸⁶ **SCG08** Statement of Common Ground with South Oxfordshire District Council

Strategic Matter 4: Oxford Meadows SAC			
Issue	Engagement Process	Evidence of Effective Outcomes	Addressed the matter?
To undertake strategic studies to investigate transport scenarios and air quality effects within Oxford Meadows SAC	<ul style="list-style-type: none"> Duty to Cooperate meetings with the Oxfordshire authorities and Natural England 	<ul style="list-style-type: none"> Engagement with Cherwell District Council has resulted in the preparation of a memo from Atkins to Natural England regarding air quality effects at Oxford Meadows SAC from growth in Cherwell and Vale of White Horse District Councils⁸⁷. A Habitats Regulations Assessment incorporating Appropriate Assessment (June 2018) (CSD08.2)⁸⁸ has been prepared and takes account of the updated information contained in the memo. Through duty to cooperate meetings, Statements of Common Ground have been agreed with; <ul style="list-style-type: none"> Cherwell District Council⁸⁹; and Natural England*. 	<ul style="list-style-type: none"> Engagement has resulted in the conclusion that the existing policies in the Part 1 plan provide sufficient mitigation measures to ensure confidence that development through the Part 2 plan will not lead to likely significant effects on Oxford Meadows SAC. Therefore, no additional mitigation is proposed in the Part 2 plan.

* It is anticipated that an updated SoCG between Natural England and VOWH will be published ahead of the Examination Hearings

⁸⁷ See Appendix B of the HRA incorporating Appropriate Assessment (June 2018) **CSD08.2**

⁸⁸ **CSD08.2** Habitats Regulations Assessment (HRA) of Vale of White Horse District Local Plan 2031 Part 2, June 2018

⁸⁹ **SO CG19** Statement of Common Ground with Cherwell District Council