

**CPRE RESPONSE TO VALE of WHITE HORSE DISTRICT LOCAL PLAN – Final draft 12.12.14**

**Summary of Core Policies/Paragraphs that CPRE Oxfordshire representation relates to:**

- **Core Policy 1: Presumption in favour of sustainable development and all others that flow from it, in particular, Core Policies 4, 7, 8, 13, 15, 20 & 44**
- **Core Policy 7: Infrastructure**
- **Core Policy 13: Oxford Green Belt**
- **Core Policy 44: Landscape – North Wessex Downs Area of Outstanding Natural Beauty**
- **Core Policy 47? and Appendix H: Delivery and Contingency**
- **Paragraph 1.33 and Consultation report to VWHD Council, October 2014  
Unsoundness of Consultation**
- **Paragraph 1.25, Paragraph 1.35 and Core Policy 1 : Unsoundness of  
Sustainability Appraisal**

**Core Policy 1 (Presumption in favour of sustainable development) and all others that flow from it, in particular, Core Policies 4, 7, 8, 13, 15, 20 & 44**

**These policies are *unsound*. There can be no presumption of ‘sustainable development’ based on the exceptionally high projections of housing need proposed in the Oxfordshire Strategic Housing Market Assessment, which is itself unsound and unsustainable and should not be relied upon. The high housing projection is largely the consequence of a mistaken view of Oxford’s national role in generating high technology employment. Oxford’s primary national role is as a ‘seed-bed’ for innovation. Trying to make it also the ‘plantation’ where such innovations are exploited on a nationally significant scale is mistaken. Oxford and environs are not of a scale to accommodate a nationally significant centre of high-tech employment, and there is no possibility of new housing provision on a scale to change this. The attempt to do so risks undermining its ability to attract and retain the best global talent, which is central to its true role. In brief:**

- **the economic growth strategy has not been subject to any form of independent review;**
- **its implications have not been balanced against environmental and social aims as required by the NPPF;**
- **the employment effects of this strategy are grossly overstated (as set out in the report to CPRE by Alan Wenban-Smith, summarised below)**
- **the strategy itself is mistaken.**

**We 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 of its districts up to 2031.’ This statement is incorrect: the SHMA figures are largely based on hypotheses about future job creation in, and migration into, Oxfordshire which are evidence free, untested ‘policy-on’ assumptions which have no place in a housing needs forecast, They are inflated and unsustainable, and do not constitute an objective assessment of the housing needs of the Vale.

**The outcome of this flawed process cannot be accepted as an ‘objective assessment of housing need’.**

- ***Intrinsic Unsustainability and Unsoundness of the Oxfordshire SHMA***

CPRE Oxfordshire commissioned an independent review of the SHMA by Alan Wenban-Smith<sup>1</sup>. This report - ‘*Unsound & unsustainable – why the SHMA will increase greenfield use but not meet housing needs*’ (May 2014)<sup>2</sup> concludes that the SHMA estimates for Oxfordshire are not compliant with the National Planning Policy Framework (NPPF) and do not provide a basis for an objective assessment of housing needs in Oxfordshire or in its component districts.

The conclusions of the report may be summarised in this way:

1. The present SHMA is not in accordance with current planning policy, which allows ‘*adjustment of the Government’s published household projections, while the SHMA proposes a wholesale replacement*’ (2.7). The SHMA figures are in fact more than 2.5 TIMES greater than the official projections.
2. The SHMA replaces the direct national statistics for migration in and out of Oxford City over the last 10 years with a local estimate extrapolated by a method of questionable reliability from total population and births/deaths. This is projected forward another 20 years and mostly assigned to extra international migration into the County. Any estimate centred on net migration gains must necessarily be volatile because of the large population movements in and out of Oxford, and thus unreliable. This ‘tweak’ adds a hypothetical 13,000 houses (2.12).
3. The authors of the SHMA have ‘adjusted’ the projected average household size for Oxfordshire (2.52 in 2011) from the DCLG trend (a decline to 2.47 persons per household by 2031), to a revised (pre-credit crunch) trend figure of 2.41. This alone adds 7,600 houses to the ‘forecast’ (2.18).

---

<sup>1</sup> Alan Wenban-Smith M.A. MRTPI MSc, an independent consultant in urban and regional policy who has led regional and metropolitan planning for the West Midlands local authorities, was a special adviser to the Commons Select Committee Inquiry into SE Growth Areas, is a member of the Royal Town Planning Institute’s Policy Committee and a former visiting professor of planning at both Newcastle upon Tyne and Birmingham City Universities.

<sup>2</sup> See full report, Appendix 1

4. The SHMA adds the ‘deficiency in housing delivery’ for the period 2006-2011 to the forecast total of housing need, effectively assuming that future growth (‘business as usual’) will wipe out all the effects of the global economic crisis. This adds a further 3,500 houses (2.19).
5. The SHMA draws on plans drawn up by the unelected and therefore unaccountable Local Economic Partnership. Its committed economic growth strategy forecasts 85,000 new jobs in Oxfordshire over the period, and a consequent need for 27,600 houses above the economic baseline scenario. This is in any case a use of ‘policy-on’ forecasts which should not be included in a SHMA. Further, on examination the *committed growth scenario is essentially a catalogue of unquantifiable development proposals. It confuses economic development with property development*, by making the unproved assumption that jobs will be created as a direct result of new development. This assumption takes no account of the dynamic processes of job losses and gains that go on in the much larger existing stock of firms and premises. For example, it assumes that new shops increase trade and jobs rather than simply moving them around. What is more it brushes aside known future job losses such as, for example, the departure of JET from Culham (2.29).
6. In attempting to match numbers of homes with numbers of jobs created, the SHMA assumes a reduced economic activity (jobs per household) to current rates in the County. 100K homes are to be provided for 88K jobs; less than 1 job per home - however, the average is currently 1.4. This increases the theoretical number of houses needed to fill the jobs. It also means that the needs for affordable housing increases because the people who come to the County to fill these expected jobs will not have enough income to afford to buy a house without help. Therefore, the SHMA adds on even more houses to the total to cater for affordable housing needs, which will further reduce economic activity. Also, no account is taken of existing residents who might like a second income for their household.
7. The SHMA proposes another 15,000 houses as the means of getting more ‘affordable housing’ as by-product, through Planning Obligations. However it is irrational, let alone counter-intuitive, to attempt to build additional houses over and above demographic or economic needs already set at the extremes of probability, simply to secure provision of affordable housing. If such additional housing could be sold, it would be because it was meeting such needs itself.
8. The SHMA does suggest that house building on the scale it proposes would decrease house prices, and thus assist affordability and increase sales in another way. However, *‘the 2004 Barker Report estimated that even a 50% increase in building would price only 5000 additional households (nationally!) into the market after ten years’* (3.8). What is more Figure 7 of the consultant’s report shows that *even if outputs more than double recent levels were achieved, housing would still become less affordable and not more so.*
9. This is partly because house prices are set not by new build but by the sale of existing properties (known as ‘churn’) and because *much of the land market takes the form of option agreements between landowners and builders and incorporates a house price expectation* (3.21).
10. For all these reasons the SHMA is grossly overstated, by a multiple of over 2. Allocations of housing land made in response to it *will have the effect of giving builders carte blanche in their choice of which sites to develop* to meet actual levels of demand (3.30).
11. Builders will choose to develop only the easiest and most profitable sites. Green field sites are easier to develop and therefore preferred by builders, so a *large increase in*

*provision inevitably means changing the successful brownfield first policy to 'Greenfield First' (3.31a last sentence). This is not only environmentally harmful but flies in the face of sustainability.*

The Oxfordshire Strategic Economic Plan (SEP), on which the economic base line and the associated adjustment for planned jobs growth are based, has not been subject to public consultation or any independent scrutiny, and is therefore not an appropriate basis on which to make policy decisions.

The jobs projection is a statement of what is *possible* rather than what is *expected*. According to the Wantage and Grove Campaign Group (WAGCG) submission on Core Policy 4, individual employers have provided anecdotal evidence of being asked to forecast likely growth and then being asked to increase this figure to what is their highest possible growth figure. The figures in the economic forecast state that jobs in the Vale will increase by 22,982 by 2031. We endorse the WAGCG submission that 'even as a calculation of what the highest possible projection of future employment might be, these figures are unsound.'

In a recent decision letter (S62a/2014/0001) in relation to a case in Leicestershire, Inspector Jonathan King stated that a FOAN (SHMA) must be 'policy-off', rejecting a SHMA which contained estimates of potential housing need arising from LEP assumptions of jobs growth (exactly analogous to the situation here). Assumptions of jobs growth can be added by the Local Council AFTER the SHMA has been prepared.

He also noted: 'how essential it is that evidence such as SHMAs must be rigorously tested in order to establish that it is robust'. As we have shown the figures used in the SHMA (even apart from the 'policy-on' assumptions) are debatable to say the least. The figures used for the Oxfordshire SHMA have not yet been subjected to any such test which, it is submitted even at this stage, is likely to fail when realistic and credible evidence is adduced at EIP.

### **The SHMA fails to meet the sustainability requirements of the NPPF**

The lack of realism in the SHMA can be demonstrated by reference to the national track record in house building. The DCLG national household projection for 2011-2 gives a net increase of 220,000 pa, on the same basis as Oxfordshire's 1,825 pa. Applying the adjustments from the Oxfordshire SHMA that are equally relevant at national level would imply a multiplier of 2.0, or provision of 440,000 additional dwellings per annum. The highest level of net national provision in any one year since WW2 was about 250,000 (achieved in 1953 and 1968). The Oxfordshire SHMA is thus disproportionate and unrealistic.

We endorse the WAGCG submission on Core Policy 4, which states: 'The feasibility of trebling the maximum build rate achieved in the last 20 years and maintaining this rate for the next eight years is untested. To assume that this can be achieved sustainably without contributing to increasing congestion and capacity problems in local infrastructure in the short to medium term is worthy of Lewis Carroll (a local author). This is not sustainable and will place an undue burden on the existing local infrastructure in the Vale (already at breaking point in many areas).'

The figures for house growth in the SHMA are unsustainable because:

- a) The effect of seeking to maintain a 5-year supply calculated on the basis of an unrealistic overall requirement is an ever-increasing backlog of under-performance because of insufficient *effective* demand, leading to ever-increasing target (like an unaffordable pay-day loan). The local authority will thus lose control of *where* new housing is built, with concomitant effects on travel demand and infrastructure and service costs. The higher the underlying target figures, especially when they are grossly inflated, the more marginal (ie. Green Belt/AONB) the land that will need to be released. Since developers can choose which land to utilise, and because designated land will be more attractive to buyers (because of its beauty) and builders (because as greenfield it will be cheaper to develop) the effect will be that the land which should least have been released will be the first to be built on. What is more, if actual demand falls far short of forecast – as we predict it will – the urban sites which should have been the first to be developed may be left untouched.
- b) The NPPF requires its economic, social and environmental aims to be pursued ‘jointly and simultaneously’. The SHMA is heavily influenced by the Oxfordshire Strategic Economic Plan that has not been subject to any public consultation. The growth targets have therefore been effectively excluded from the local planning process, and there has been no opportunity to consider the trade-offs between economic, social and environmental aims. Nor, particularly any consultation with residents as to whether a high growth strategy is their own vision for their County.
- c) The risk of serious harm from over-allocation is very great. Builders’ preferences for greenfield land will lead to a more dispersed pattern of development, will put unnecessary and inappropriate pressure on rural Oxfordshire and will fail to encourage appropriate urban investment and regeneration. This will be damaging to Oxfordshire as an attractive business location and as a place to live. In particular, the damage to the countryside will be irreversible.
- d) The emphasis on new build ignores the fact that the vast majority of new households cannot afford to buy or rent new houses at market prices. More thought must be given to changing current housing market and industry structures to provide genuine solutions to those in need of affordable housing.

The SHMA therefore fails to meet the requirements of the NPPF that its conclusions should be sustainable. It is therefore not legally compliant, justified, or effective.

**Modification:** A new SHMA must be prepared that avoids the errors of the current SHMA, by producing figures credibly derived from, rather than replacing, published government household projections, and using most probable values for all input parameters rather than extreme figures.

- *Unsustainability of 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))*

### 1. *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. By rushing to adopt the SHMA figures it cut out a crucially important stage in the process, identified in para 1.12 of the Oxfordshire SHMA Key Findings document itself, 'to test whether [the assessed housing need] can be accommodated, to identify where housing should go, and to plan for the supporting infrastructure investment which will be needed to ensure that growth is sustainable. This further work will refine the overall level of housing provision which needs to be planned for...?'

The full SHMA report, published after the Vale had rushed to adopt its figures as a target, is still more explicit (para 4.11): '**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. This does not mean that these issues are not important. **They are very relevant issues in considering how much development can be sustainably accommodated and where new development should be located**' (emphasis added). Among the issues that were thus overlooked is the shortfall in existing infrastructure (for example in roads and education support) that calls into question much of the ambitious claims now being made by the Council about the delivery of infrastructure to support the Plan.

The SHMA itself and Planning Policy Guidance both expect that environmental constraints will reasonably prevent Councils meeting the full assessments of the SHMA (even supposing these were realistic). Few Districts have greater constraints in terms of Green Belt and AONB than the Vale, but it has nevertheless failed to modify the SHMA figures at all.

As noted above, 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 not have been by-passed. It would have allowed an assessment of the interaction of economic, social and environmental considerations envisaged by the NPPF (see above). 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 Council could – and, we believe, should – have used the prior review of the SHMA to reduce its housing target so as to avoid any incursion into these protected areas.**

Under the *Countryside and Rights of Way Act, 2000*, the Vale Council and its individual officers have a statutory duty to have regard for the purposes for which the North Wessex

Downs were designated an AONB, that is to conserve and enhance the natural beauty of the landscape, and this duty covers ALL their official functions, not just planning. The commissioning and assessment of the SHMA comes within the ambit of that duty, but apart from a brief mention of the existence of AONBs (of which there are parts of three in Oxfordshire) the report is silent as to what effect these nationally important environmental constraints pose on the environmental capacity of the district to absorb the level of housing envisaged.

## 2. *Impracticability*

The comments about the lack of reality in the Oxfordshire SHMA figures made above apply with full force to the Vale numbers. The target construction figure of 1,030 homes a year, derived without qualification from the SHMA, looks unrealistically, not to say absurdly ambitious when set against the 400 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 obviously over-optimistic, given that many of the sites have only been recently identified as available for development, and given the ownership, legal, planning and other matters that need to be settled before construction can start. Moreover, although developers may, and in all probability will rush to secure the newly identified development sites and establish planning consent for construction, they will not hurry to complete houses if they cannot find purchasers for them.

Having failed for years to plan construction on a large enough scale to secure a five-year supply, the Council has subscribed to an economic plan that generates an implausible need for even greater construction. It now accepts that it cannot make up the backlog within the five-year time span, and is planning on the basis of an uncertain precedent that it will not be regarded as in default throughout the planning period. But the figures are so far beyond the bounds of credibility or practicability (a construction rate of 1,030 per year without a buffer and, we understand, of at least 1,300 per year if a 20% margin is added) as to make it impossible to believe.

## 3. *Unsustainability*

The National Planning Policy Framework identifies three requirements for sustainable development – economic, social, and environmental. The Plan fails to comply fully with any of the three for the following reasons:

### **1. Economic – infrastructure needs (see also Core Policy 7)**

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. Indeed, at a Vale public meeting on the Housing Supply Update, Spring 2014, Councillor Michael Murray accepted explicitly that infrastructure would lag behind development and that there was a risk that this would lead to some degradation of services.

That attitude represents a serious and unacceptable departure from good planning practice, which is all the more deplorable because of existing inadequacies – to which it may have contributed.

Road capacity is a major 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.

These (and other) capacity restrictions limit business efficiency and investment, and the ability for communities to access the full range of services....The **A34** is at capacity and suffers from severe journey time reliability problems which in turn cause major delays to users....Businesses cite the A34 and A40 as having a significant impact on business and it is identified as the key piece of infrastructure restricting innovative growth.’ (emphasis added)

Apart from the A34 and A40, there are major traffic problems on the A420, the A415, the A338 and the A417.

Regarding the A417, we note in particular that the support road necessary to avoid complete gridlock in the Wantage area – the Wantage Eastern Link Road – will not be started until the Crab Hill site is well into construction. There is already unacceptable congestion in the area at peak hours, and that will become worse if the phasing proposed is approved.

We endorse the WAGCG submission on Core Policy 7, which states: ‘All the plans are for studies and investigations – there are no specific plans to improve the A417 between Wantage and Featherbed Lane, to provide funding for bus services, to re-open Grove Station or to do anything except preserve the land for the Wantage Western Relief Road. The land required for the Grove Northern Relief Road (clearly identified in earlier drafts of the Local Plan, has disappeared completely from the plan. No comprehensive plan of cycle route improvements is proposed and no agreement has been made with the County Council for funding of any transport improvements.

‘There is no sound infrastructure planning for any improvements to roads, cycle routes or bus services for the current and future residents of Wantage and Grove.’

Similarly, the touted 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 grossly overloaded for much of the day already.

We are also particularly concerned about the impacts of the Plan on the already seriously congested A420. The Plan proposes 1,650 homes in the Western Vale, of which 1,450 would be adjacent to Shrivenham and Faringdon close to the A420. This is in addition to the 8,000 houses allocated in the Swindon Borough Local Plan 2026 Submission Document, June 2013, as part of a mixed use development to the east of the A419 and north and south of the A420. In its Evaluation of Transport Impacts Stage 2 and 3a Report, the Vale rightly identified that the proposed strategic sites are likely to lead to some impacts on the A420, particularly around Faringdon. The plan makes no realistic attempt to provide for employment growth in the immediate area to counter the inevitable out-commuting that will result. It seems to rely

almost entirely on existing available employment land at Faringdon which has been available for over 10 years without any interest from either developers or occupiers despite various initiatives from Government and Local Bodies to stimulate development.

From a market perspective this is not surprising as Faringdon is not and never has been a viable commercial centre as envisaged and simply building large quantities of new housing will not change this. There is no employment expansion potential at Shrivenham and with the considerably more prime opportunities emerging only a few miles away in Swindon and to the east with the Science Vale growth initiative, it is inevitable that businesses will prefer to locate in these areas, particularly when the main arterial route serving Faringdon and Shrivenham, the A420, is so notoriously congested.

The plan proposals are therefore simply not sustainable without a clear and unequivocal commitment, as a precondition to development, to the essential upgrading of the A420 ( as well as the other main routes through the Vale- A34/A417/A338) as outlined in the document attached at Appendix 2 prepared by Hindhaugh Associates following on from their TIA produced in the Spring of 2014; and the recognition of and a plan to deter, the potential for “ratrunning” through the Vale villages with the enormous environmental damage that will result.

In recognition of the adverse impact that these various housing developments would have on the Western Vale, Swindon Borough Council, the Vale District Council, Oxfordshire County Council and the Western Vale Villages - comprising of a group of affected parishes, entered into a Statement of Common Ground in April 2014. This statement sets out the common ground between the parties with regard to the Swindon Borough Local Plan and outlines all the Councils’ commitments to upgrading and improving road capacity on the A420. We are aware that until very recently no meaningful attempt has been made by any of the authorities to advance this understanding and turn it into policy.

We are aware that Oxfordshire County Council has committed to producing a Route Strategy for the A420 as part of its development of its new Local Transport Plan, but understand that this will not be finalised until the Spring of 2015. There is clearly therefore an obvious disconnect in that the urgently required modifications and improvements to the A420 will not be addressed until after the consultation on the Vale Local Plan closes. How can the housing allocations possibly be considered sustainable without an understanding of the infrastructure proposals in the Transport Plan?

It is obvious that essential improvements to the A420 should be a precondition to any housing development in the Western Vale. We therefore endorse the Western Vale Villages submission on Core Policy 7 of the Plan, which outlines modifications and improvements to the A420.

Rail capacity is another case in point with already inadequate rail services for more commuting to the London area. One of the reasons for imposing growth on the County is to meet growth pressures spilling out from London so it will inevitably increase pressure to commute back into London and Heathrow. The lack of a station for Wantage does not help as Didcot parking is virtually at capacity, is rationed by price and is putting pressure on parking elsewhere in the town (in South Oxfordshire District), although we note the expenditure planned in the Infrastructure Delivery Plan to enlarge the Didcot car park. Local rail/tram

services for Abingdon need to be developed especially if Abingdon, Didcot and Wantage are to take the brunt of development pressures. As this is years away, growth on this scale is unsustainable.

While it is welcome that the Council is now showing a greater sense of urgency and purpose in its approach to the funding and timing of infrastructure improvement, its failure to acknowledge existing shortfalls – and especially the start from a negative base – makes the deliverability of its proposals improbable, and offers a bleak and chaotic future to the residents in affected areas.

The recent announcement of £50m funding for improvements to the A34 was welcome, but it is widely recognised as a ‘stop gap’ measure for solving congestion. In the long-term there will still be capacity issues on the A34 and much more substantial improvements will be needed in the long-term.

## **2. Social**

### **Social infrastructure such as education, health facilities, social services, emergency services and other community facilities such as libraries and cemeteries:**

The NPPF requires plans to provide accessible local services that reflect a community’s needs. The Plan identifies a number of new sites for home building near communities with only limited existing local services. In particular, retail facilities are scarce and frequently distant from the new developments. The Infrastructure Delivery Strategy ignores this problem and the inevitable addition to traffic that will be generated as a result.

As noted by WAGCG in its submission on Core Policy 7: ‘The plan does include provision for some new primary and secondary schools on major development sites such as Crab Hill and Grove Airfield but the timing of delivery has not been agreed and there is no evidence that the timing will take account of other sites being developed within the catchment areas.’

Outline permission for a development of 3,300 houses at Western Park, Didcot, was granted in 2008, and the first residents moved in in 2011, however, there continues to be a serious lack of facilities; residents are currently living a 'dormitory existence', since much of what was promised, has not been delivered (BBC News Oxford, 8 December 2014). We are concerned that the Western Park experience could be replicated across the County if infrastructure does not accompany development.

We note 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). It should not be approved until the NHS has provided the necessary information to confirm that appropriate medical resources will be budgeted for.

There is no sound infrastructure planning for health and emergency services.

### **Green Infrastructure such as parks, allotments, footpaths, play areas and natural and amenity green space:**

There is no sound infrastructure planning for footpaths, play areas and natural and amenity green space.

The Vale has produced a report which gives details of the facilities in the towns and villages in the Vale. But as WAGCG state: ‘this study makes no attempt to assess the current state and capacity of the facilities or the impact that the Local Plan may have on the use of the facilities.’

We agree with the WAGCG conclusion: ‘We therefore believe that the plan does not meet the criteria of being “Effective” as we must be able to foresee that the policies and proposals in the Local Plan can actually happen and are deliverable. It should therefore include sound infrastructure delivery planning and ensure that delivery partners are on board and signed up.’

### 3. Environmental

In the section on plan-making the National Planning Policy Framework para. 152 states:

‘Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued.’

Para. 7 of the NPPF defines the environmental dimension of sustainable development as ‘an environmental role – contributing to protecting and enhancing our natural, built and historic environment...’ While para. 152 goes on to indicate what should happen if adverse impacts are unavoidable, the clear implication is that such effects should as far as possible be eliminated at the plan-making stage, not by application of policies later on. Indeed, para. 157 makes this abundantly clear stating:

‘Crucially, Local Plans should... identify land where development would be inappropriate, for instance because of its environmental or historic significance.’ The NPPF requires plans to contribute to protecting and enhancing the natural, built and historic environment. Furthermore, the SHLAA study for the Vale of White Horse clearly outlines Government guidance on these matters as follows:

7.5 ‘Government guidance indicates that land can only be regarded as totally unsuitable for housing development in a SHLAA if it is subject to intrinsic constraints such as flooding, national nature/built environment conservation interests or AONB designation. The intrinsic constraints, which prevent the development of sites, are set out in the table below. Sites which are subject to ‘policy’ constraints, such as valuable public open spaces, have to be considered in the SHLAA as potentially suitable housing sites given that the policy constraints can be revisited in the process of producing the LDF.’

**Table 3: Intrinsic reasons for excluding sites**

<b>Intrinsic Reasons for excluding sites</b>	<b>Justification</b>
To accord with government guidance in the Framework, which aims to direct	Sites where the majority of the land is within Flood Zones 2 and 3
National and European designations including: Sites of Special Scientific Interest, National Nature Reserves, Special Areas of Conservation and Scheduled Ancient	development away from these zones

Monuments	
Listed Buildings	To accord with government guidance in the Framework, which aims to prevent harmful development on these sites
Area of Outstanding Natural Beauty (AONB)	To accord with government guidance in the Framework, which aims to prevent development harmful to these buildings and their setting
Inalienable National Trust land To recognise that the development of such sites is not possible	To accord with government guidance in the Framework, which prohibits major development in AONBs
Vehicular Access	To recognise that it is physically impossible to gain access to some sites

7.6 ‘When considering whether sites without intrinsic constraints could be suitable for development, government guidance needs to be taken into account. In particular, paragraph 47 of the National Planning Policy Framework (the Framework). This states that there should be sufficient specific **deliverable** sites to deliver housing in the first five years and that a further supply of specific **developable** sites for years 6-10 and, where possible, sites for years 11-15 should also be identified. The guidance then states that to be considered **developable** sites should be in a suitable location for housing development.’

7.7 ‘The implication of this guidance is that sites, which would be unsuitable under extant planning policy, cannot be considered to be suitable sites for housing within the SHLAA. Relevant policies include sites within the Green Belt; public open space where there is a shortage of provision; employment allocations retained following the employment land review. However, land where the only constraint is that it is outside a development boundary of a settlement cannot be considered unsuitable on just that basis; as such, boundaries have to be revised when new allocations are made. Nevertheless, sites that are in use but are not specifically protected by a policy such as community uses and some small employment uses can be suitable for development but are not available for development because they are in active use and there is no indication that the use will cease.’

7.8 When we have completed the survey, we will assess whether it is necessary to review any of the policy exclusions applied.’

**Table 4: Policy reasons for excluding sites**

<i>Policy reasons for excluding sites</i>	<i>Justification</i>
<i>Green Belt</i>	<i>As set out in the Framework the development of Green Belt land is only allowed in exceptional circumstances</i>
<i>Conservation Areas</i>	<i>As set out in the Framework and Local Plan policy development which would be harmful to open areas within Conservation Areas should not be permitted</i>
<i>Protected Employment Sites</i>	<i>To accord with the provisions of the Local Plan and the conclusions of the Employment Land Review</i>
<i>High Value Public Open Spaces</i>	<i>As set out in the Framework and Local Plan policy development which would result in the loss of important public open spaces including cemeteries, playing fields and other recreation land (except if this has been identified as surplus by the leisure study)</i>
<i>Effects of adjacent development</i>	<i>As set out in national guidance and Local Plan policy</i>

	<i>sensitive development such as housing should not be permitted adjacent to sources of pollution</i>
<i>High Value Community Facility</i>	<i>It is not considered that a site can be regarded as deliverable where there is an existing high value community facility</i>
<i>Existing Employment Sites &amp; Commercial Premises</i>	<i>It is not considered that a site can be regarded as deliverable while there is an existing commercial use in operation</i>
<i>Land in open countryside and adjacent to smaller less sustainable settlements</i>	<i>To accord with government guidance in the Framework and Local Plan policy which aims to direct development to larger more sustainable settlements</i>
<i>Existing Housing Areas and sites of less than 10 house capacity</i>	<i>We will not examine the potential for piecemeal redevelopment of housing and gardens, unless the sites have been submitted, as it is not considered that the developability and capacity of such areas can be established with any accuracy.</i>

When viewed against these criteria the site allocations put forward, which include very large development in the AONB, within the setting of Listed Buildings, and Green Belt land, are patently contrary to the specific guidance on how NPPF requirements for strategic planning of housing is to be carried out.

The Housing Delivery Update plans the piecemeal addition of houses on 20 greenfield sites (many in places where they will permanently impact on the character of existing country villages), a major encroachment into the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and building on four 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 – at best – disregard for the environmental requirements of the NPPF and recent Government guidance (October 2014).

In the context of the ‘great weight’ NPPF requires to be given to securing the objectives of the AONB, the Plan, as drafted, demonstrates a failure both by the Council and its individual officers to fulfil properly their statutory obligations under the CROW Act 2005. This is evident, not merely because of the proposal to build large numbers of houses within the AONB, but more specifically because the SA fails entirely to show EITHER

- a) that any attempt has been made to assess the strategic environmental capacity of the Vale to absorb the amount of development envisaged
- OR
- b) that serious consideration has been given to finding alternative, less environmentally sensitive locations or means of delivering those homes (even if the need were justified which, as noted above, has not been established).

The same applies to the great weight to be attached to Green Belt policy.

The result is that not a shred of evidence is presented to suggest that the Vale lacks environmental capacity to absorb the development supposedly required without serious encroachment into protected landscapes. This is entirely contrary to the plan-making requirements of NPPF and Government guidance on site allocation outlined above.

**Modification:** The Council should:

- a) Critically review the figures emerging from the SHMA and revise them to avoid the unsound aspects of failing to identify the real need for environmental capacity to absorb development;
- b) In the light of such revised figures undertake a proper environmental capacity study of the district to identify in particular all the most environmentally sensitive areas, especially to identify those landscape heritage and ecological designations (AONB, Conservation Area character and appearance, Listed building settings and SAC and SSSI) where there is a statutory requirement to preserve or enhance their environmental qualities, and to include the Green Belt in this process where policy similarly requires that great weight is given to furthering its purpose to prevent in appropriate development;
- c) With the most sensitive areas identified – in line with NPPF para. 157 and Government housing allocation guidance – as not being suitable for development, the capacity of the remainder of the district to absorb development **without** serious environmental harm should be assessed, and development sites allocated accordingly;
- d) **Only** if such capacity is demonstrably lacking should any consideration be given to how areas in or adjacent to areas designated under national legislation and Green Belt be reviewed for absorbing limited development that would NOT cause harm to their environmental significance.

***Core Policy 13: Oxford Green Belt (& as it relates to the Sustainability Appraisal)***

**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, proposed in 1958, but not formally approved until 1975, the Vale Council has been at the forefront of defending it against inappropriate development and protecting the unique character and landscape / rural setting 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.

The Plan represents a complete change in direction on the Green Belt from one which, only two years ago, was protective of the Oxford Green Belt and supportive of its purposes to one which proposes to take several sites out of the Green Belt for development in Part One of the Plan and threatens 18 other sites in Part Two which is to follow if the former is adopted.

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.’

This essential purpose of the Government's Green Belt policy was affirmed by the Planning Minister, Nick Boles, in a letter dated 10 March 2014 which is attached at Appendix 2. The Minister said:

‘We have carefully listened to representations from colleagues in recent Parliamentary debates. In particular, to help councils with their Local Plans, we are:

- Re-affirming the importance of Green Belt protection and ensuring its robust safeguards are not undermined when assessing unmet housing need.’

The Planning Minister also wrote to the Chief Executive of the Planning Inspectorate on 3 March 2014 on the issue of Green Belt policy. The Minister said:

‘Alongside these reforms we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt. The National Planning Policy Framework met this commitment in full. The Framework makes clear that a Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt.’

In addition, the final version of the National Planning Practice Guidance was published online on 6 March 2014. Under the headings *Housing and economic land availability assessment*, and *Methodology – Stage 5: Final evidence base*, paragraph 34 of the Guidance says:

‘Can unmet need for housing outweigh Green Belt protection? Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.’

Of particular note in the Government’s published changes to the National Planning Practice Guidance of 6<sup>th</sup> October, is the following statement:

‘The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs **unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.** Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as **Green Belt**, Local Green Space, **an Area of Outstanding Natural Beauty**, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion’ (emphasis added).

The Government’s position on Green Belt policy, therefore, 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.

The Council – and the Sustainability Assessment (SA) commissioned to underpin the Plan – both fail to take proper account of the footnote to para. 14 of the NPPF on which the Guidance quoted above 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 FIRST have tested the SHMA number

against those restrictions, and SECOND applied the policy and criteria for excluding environmentally sensitive areas with rigour. The sustainability assessment therefore wrongly accepts the inroads into the Green Belt, AONB, the setting of Listed Buildings etc as being sanctioned by the NPPF, when the opposite is the case.

It is a measure of the dislocation between the decision makers in the Council who have approved these attacks on the Green Belt and their constituents that a survey carried out by the Liberal Democrats in North Abingdon recently showed that 85% of respondents opposed the plans for building in the nearby Green Belt and 75% were opposed to any building on Green Belt land.

**The threat to the Green Belt proposed by the Vale District Council flies in the face of the Government's aims, and the protection of environment and amenity, and would have been rendered unnecessary if EITHER the SHMA housing figure had been tested properly and reduced in the light of social and environmental considerations (see above) OR the Sustainability Appraisal had been conducted in a manner that sought – as required by the SEA Directive and National Policy – to avoid environmental harm at source instead of expecting policy to be applied to lessen impacts at a later stage (by when the actual effect may prove much more serious than the arbitrary criteria in the SA would suggest) – see below. The Plan is therefore unsound and unsustainable and should be annulled. Whether or not the SHMA figures are pruned to correct the errors we have demonstrated, it is clear from Government Policy that they should be reduced if necessary to avoid loss of Green Belt land.**

**Modification:** The sites in the Oxford Green Belt that have been identified for housing should be withdrawn from the Plan and if necessary the total programme reduced accordingly. All sites currently proposed for removal from the Green Belt should be left as they are.

#### **Site specific comments:**

Part One of the Plan seeks to build 1,510 dwellings in the Green Belt, spread over four sites. A Green Belt Review was carried out in 2013 to guide the choice of sites, some of which were set out in the Vale's draft Local Plan. Further changes have been made since then, leading to these four sites being put forward in the submitted Plan, and with the prospect of many more to follow in a later Part Two of the Plan as stated above.

The normal practice in a Green Belt review appears to be to examine sites, suggested by, or to, the local authority, against the five basic purposes of Green Belt as set out in the National Planning Policy Framework and the earlier PPG.2. Sites chosen for possible development by the consultants carrying out the review are ones which, in their view, no longer meet the purposes of the Green Belt. We endorse the Oxford Green Belt Network submission on Core Policy 13 which challenges these assumptions 'as lacking a sufficient degree of objectivity', and also the conclusions which the local authority derives from them.

In the case of the Kennington and Radley sites, it is argued that development here would not represent encroachment into the countryside since they are contained within the existing built form and are less a part of the wider countryside. We disagree. The sites are partially contained by roads or, in the case of Kennington, by the railway, but this is not 'built form', and developing these sites would unquestionably represent encroachment into the

countryside contrary to one of the five basic purposes of Green Belt policy. This was the view of the Inspector in his comments on the Oxford Fringe and Green Belt Local Plan, adopted in 1991, who stated clearly that development on the Radley site, north of Foxborough Road, would represent 'a very real encroachment' of the built up area of Radley into open countryside (para.5.19).

Another basic purpose of the Green Belt is to prevent the merging of nearby settlements. This purpose would undoubtedly be compromised by allowing development as proposed on the North Abingdon site, narrowing the already small gap that separates the northern edge of Abingdon from Radley. The importance of protecting this gap was stressed in the 1991 report referred to above, which advised against allowing development in the direction of Lodge Hill. It stated: 'The gap of open countryside between Abingdon and Radley is considered by the District Council to be very important and must be firmly maintained. Any possibility of unrestrained extension of the built up area towards Lodge Hill must be resolutely avoided - as with Oxford, it is important to protect the rising ground which forms the landscape rim of the town' (para.5.22). More recently, by the Vale's own Green Belt consultants who, in their review of February 2014, stated that the 'open landscape [around Radley Park] with long views is important in maintaining the separation of Abingdon and Radley' (p.41). The consultants went on to say that 'the openness of the area is important to the physical and visual containment of Abingdon', and that 'the existing perimeter road provides a clear change from built form to extensive open countryside' (p.41). This rising ground is part of the landscape setting of Abingdon, an historic town, the protection of the setting of which is another of the reasons for which Green Belts exist.

Not only have the Vale chosen to ignore this advice but the local authority has arbitrarily extended its designated Abingdon North site to the east of the A4183 (Oxford Road) at Peachcroft, without any warning or opportunity to consult local residents or others. This parcel of Green Belt land was *not* identified for release from the Green Belt in the Vale Green Belt Review.

This proposed development of North Abingdon not only disregards in part the advice of the Vale's own Green Belt consultants, but it ignores one of the important pieces of government advice on Green Belts, (para. 85 of the NPPF), that they should have easily recognisable boundaries in order to assist in ensuring permanence. What is described by the local authority as a sustainable urban extension is, in fact, unsustainable in its rejection of a firm boundary, the existing Abingdon perimeter road, and the proposed use of no more than hedgerows and trees as limits to the development that is intended.

CPRE endorses the North Abingdon Local Plan Group (NALPG) submission on the Plan and its concluding statement:

'The Council has not demonstrated the 'exceptional need' required for releasing the site from the Oxford Green Belt. In their hurry to identify sufficient housing land they have overridden Government advice, including previous Planning Inspectors decisions, their own previously tested planning policies, the advice of national organisations such as the CPRE, and strong and substantiated local concern. Additionally, the late inclusion of part of the site to the east of the A4183 (Oxford Road), contrary to their consultants advice, confirms the strongly held belief that this is a desperate manoeuvre by the Council to fulfil their housing requirement' (para. 5.1).

The inclusion of the Green Belt review as part of the Plan is also UNSOUND because by casting doubt on the robustness of the Green Belt – without even being part of a Review of the whole Oxford Green Belt or being subject to strategic environmental assessment or SA – it potentially opens the door to speculative development in areas identified as possible sites for development but NOT adopted in the Plan and in some cases explicitly taken out after consultation.

In summary, we contend that Policy 13 is unsound in its disregard of the fundamental rules on Green Belts, in particular the need to maintain the separation of settlements, the need to prevent encroachment into the countryside, and the need for sustainable boundaries.

### ***Core Policy 44: Landscape - Area of Outstanding Natural Beauty***

The assertion in this Policy that ‘high priority will be given to conservation and enhancement of the natural beauty of the North Wessex Downs AONB’ has the hollow knell of hypocrisy in the light of the proposal – unjustified and unsound as it is – in the AONB. Under the *Countryside and Rights of Way (CROW) Act, 2000*, the Council and its individual officers have a statutory duty to have regard for the purposes for which the North Wessex Downs were designated an AONB, that is to conserve and enhance the natural beauty of the landscape. It is therefore improper that the Council has chosen to set aside all the international and national designations and legal protections in respect of this AONB and attempted to justify the proposed development in its draft Local Plan.

Paragraph 2.14 states that ‘the high quality and rural nature of the Vale is borne out by the many designations that cover the district, including AONB, and that it is important that development protects and maintains the special characteristics of the built and natural environment.’

Paragraph 6.111 states: ‘The conservation of the intrinsic character and beauty of the countryside is a core planning principle of the NPPF stating that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.’

Rather than striving to protect and enhance valued landscapes, the Plan allocates the largest strategic housing allocation within any National Park or AONB in the whole UK. The single allocation of 850 houses within the North Wessex Downs AONB in itself is unprecedented in scale. However, the VWHDC have allocated a further 550 houses to the North Harwell Campus bringing the total number of houses allocated to the North Wessex Downs AONB to 1,400.

The Framework (NPPF 2012) places AONBs into the highest category of landscape protection and affords it ‘great weight’ in the decision making process. Further to this the NPPF confirms that AONBs are one location where restrictions apply to development and accordingly that: ‘Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.’

The changes published by the Government in the National Planning Practice Guidance in October and quoted in the comments on the Green Belt (point 6 above) codify this protection.

Paragraph 5.62 of the Plan identifies proximity to the Harwell Campus as justification for encroaching on the AONB. Convenience is not an exceptional circumstance. Taken with the failure noted above to modify the SHMA housing requirement to avoid encroaching on the Green Belt, the proposal is unsound.

It has already been noted that the Council – and the Sustainability Assessment commissioned to underpin it – both fail to take proper account of the footnote to paragraph 14 of the NPPF on which the Guidance quoted above is based. As mentioned above: ‘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 Area of Outstanding Natural Beauty as sanctioned by the requirements of the NPPF, when they quite clearly are not.

We support the view of the North Wessex Downs AONB Management Board and the Save Chilton Village submission that the Vale have neglected their legal responsibilities under the NPPF, paragraphs 115 and 116, the CROW Act 2000, Section 85, and the North Wessex Downs AONB’s statutory Management Plan 2009-2014, and that the proposal for building 1,400 houses at the two sites in the AONB by the Harwell Science site should be struck from the Plan and **the Inspector instruct the Council to withdraw this proposal for encroaching on the AONB.**

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

We further request the removal of the North Wessex Downs AONB entirely from the Science Vale ‘Ringfence’ in order to protect it from future speculative development should the Science Vale fall behind in delivery of its housing targets.

### *Core Policy 47 and Appendix H: Delivery and Contingency*

The Vale's proposed approval of housing construction, long before it is clear whether the jobs are there to be filled, is exceptionally vulnerable to the consequences of a shortfall in economic growth targets. There is a huge risk that housing approvals will outpace the market as it emerges in reality rather than on paper. If jobs lag behind forecasts, the developers may delay the pace of construction, leaving half-completed developments as eyesores, and an even higher proportion of the houses that are completed will go to people travelling to work elsewhere, providing added pressure to the already overstretched transport infrastructure, if they can be sold at all.

It is therefore deplorable and irresponsible that in seeking to demonstrate the Plan's ability to respond to change (a key test of effectiveness) the Council has focussed entirely on the actions to be taken if housing starts or other key measures fall short against programme. It has failed to notice the elephant in the room - the likelihood, if not the certainty, that the economic growth which the Plan is designed to meet does not materialise (even though the Infrastructure Delivery Plan itself indicates a measure of doubt when it refers to the SEP as an 'ambition'). It is irresponsible not to monitor the economic forecasts underlying the SHMA so as to avoid allowing more housing applications than are needed. **The proposals for monitoring fulfilment of the Plan and taking corrective action are concerned only to correct a shortfall in housing production; no arrangements are proposed for slowing down the development of new housing if the economic forecasts on which they are based prove over-optimistic. The Plan therefore fails the test of effectiveness.**

Furthermore, while the Vale is clear about proposing ways of monitoring the completion of new homes it has not proposed any means of ensuring that infrastructure is developed in line with homes to ensure sustainability.

No reference is made to the Infrastructure Delivery Plan in the Monitoring and Implementation Framework, yet the NPPF requires plans to identify and coordinate development requirements, including the provision of infrastructure and to ensure that there is sound infrastructure delivery planning.

No linkage is made in the implementation monitoring between the delivery of required infrastructure and delivery of developments – this is counter to the NPPF which requires developments to be sustainable, including necessary infrastructure.

**Modification:** The Plan should be amended to provide for at least biennial confirmation that the economic growth forecasts are on track. The Monitoring and Implementation Framework should be updated to reflect specific targets based on “when” and “how” targets will be achieved and to include monitoring of employment targets and infrastructure delivery in line with housing development.

***Paragraph 1.25: The absence of ‘reasonable alternatives’***

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.

Four ‘reasonable alternatives’ that would be worth exploring are:

1. A programme of construction based in the early years on the initial assumption that the Strategic Economic Plan is realistic, but modified after, say, five years to meet a hypothetical shortfall in economic growth.
2. A programme based on a more cautious view of the deliverability of the SEP, that would not release building consents until there was clear evidence that jobs were coming to the district on the scale hoped for.
3. A careful consideration of the capacity of areas NOT excluded by NPPF and Government criteria to absorb development of different scales and distributions.
4. Better use of inefficiently used space in urban areas (eg: ‘living over the shop’ schemes and other initiatives to free up mixed uses of underused property).

We believe that these assessments would provide a much clearer, more measured comparative picture of the risks to the Vale of over-commitment to the ambitious and probably undeliverable growth aspirations contained in the SEP.

**Modification:** We believe the Council should explore other, new, reasonable alternatives reflecting the probability or otherwise of the economic and population changes underlying its new housing programme.

### ***Paragraph 1.31/Core Policy1: Unsoundness of Sustainability Appraisal***

The purpose of Strategic Environmental Assessment (SEA) is ‘to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development’ (SEA Directive Article 1). It applies to **Plans and Programmes** that facilitate development that falls within the ambit of the EIA Directive covering individual **Projects**.

‘The best environmental policy consists in preventing the creation of pollution or nuisances at source, rather than subsequently trying to counteract their effects; whereas they affirm the need to take effects on the environment into account at the earliest possible stage in all the technical planning and decision-making processes’. (EIA Direct preamble)

These purposes set the general standard of what must be achieved through intergrating SEA into the plan-making process. The fact that the UK Government has chosen to do this through what is called Sustainability Appraisal does not diminish the overriding statutory requirements of SEA.

A review of Strategic Environmental Assessment in England (Therivel et al 2008) found fundamental weaknesses in the Sustainability Appraisal approach, concluding:

‘This research suggests that SA/SEAs of English core strategies, and probably other development plan documents as well as Regional Spatial Strategies, are not achieving the objectives of the SEA Directive.’

One of the suggested reasons for the shortcomings identified was that:

‘The integration of SEA into the SA process may be weakening the environmental focus of SEA in favour of social and economic concerns (eg: Morrison-Saunders and Fischer, 2006; Sheate et al., 2004). One of the interviewed planners noted: ‘SA was invented to neuter EU SEA requirements and it has worked.’

This Sustainability Appraisal is a prime example of such inadequacy.

The Sustainability Appraisal must by law meet the requirements of the SEA Directive as indicated in Table 2.2 of the SA Report. The following assessment sets out whether those requirements are met adequately to demonstrate that the Vale Local Plan meets strategic planning requirements to ensure that development facilitated and promoted by the Plan would be the high standard of environmental protection and sustainable development that EU and UK SEA and plan-making and other statutory environmental provisions require. The framework adopted is what an Environmental Report must contain, but this also reflects on whether the plan-making process has properly applied procedures to ensure that significant environmental effects are as far as possible avoided or prevented at source (see above and item 7 below).

#### **(1) An outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes:**

Comments on the coverage of environmental objectives of the Plan are given below (Item 5).

The requirement to outline the relationship with other relevant plans and programmes is to ensure that cumulative effects with other development plans can be properly understood. Since 2011, this has also included the general duty to co-operate, which not only refers to facilitating development but also ensuring that it is sustainable and environmental protection objectives are met.

According to Table 2.2, this is supposedly covered in Part 1 section 5, but in fact NO mention at all is made of ANY other *plans or programmes*; the section only refers to national planning *policy* as part of the requirement to define the objects of this Plan.

No reference at all is made to:

- National infrastructure plans
- Water Management Plans
- County-wide plans (eg: for minerals and waste, transport etc)
- The Oxfordshire Local Enterprise Plan
- The Core Strategies and LDPs of other neighbouring authorities that encompass adjacent areas of development, strategic routes or shared environmentally sensitive areas such as AONB, Green Belt, SSSIs/SACs Heritage Assets and their settings or natural resources (aquifers watercourses and high quality agricultural land
- The Berkshire and Wessex AONB Management Plan
- Other relevant plans and environmental objectives – eg: Biodiversity plans Oxford’s emerging Heritage Plan.

Yet it is self-evident that much of what this Plan seeks to promote – in terms of all three strands of sustainable development (economic social and environmental objectives) – are all intimately bound up with these other plans in terms of development pressure, infrastructure requirements and environmental protection.

This falls far short of meeting the SEA requirement to consider the environmental effects of the Plan within its wider context. As a result of NOT meeting this requirement the SA failed to identify and address cumulative effects adequately (see 6 below).

This also fails to meet the Duty to Co-operate, that in the context of ensuring that development is sustainable requires efforts to *prevent, reduce and as fully as possible offset any significant adverse effects* can be met (see 7 below) which are further grounds for considering it unsound.

## **(2) The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme:**

Table 2.2 indicates that this requirement is covered in Section 6 of the SA report and the likely evolution in section 7. The very broad-brush description of *the environment* in this section is very superficial; it is almost purely descriptive of content (numbers of sites etc) NOT the state of the environment – eg: the condition, rate of loss, management status, etc.

Almost all the aspects where the current *state* of the district is described relates to the state of population, housing, economy and travel, NOT the aspects of the environment which both the SEA and the SA guidance require to be covered.

The coverage of how the state of the *environment* would be likely to evolve without the Plan is non-existent. This is perhaps inevitable as a consequence of its current *state* not being described; but self-evidently environmentally sensitive areas currently protected by high level policy and statutory protections earmarked for development would be *less* likely to be lost if the great weight that should be given to their protection were respected and not competing against a presumption in favour of development. This applies to large areas of AONB and Green Belt and the settings of many heritage assets currently threatened by several of the proposed areas of development.

This complete failure to meet the SEA requirements matters because it is crucial to weighing up whether the Plan has been developed with a proper consideration of environmental protections that require ‘great weight’ to be given to them, and whether the need for development there rather than somewhere else or in some other form or distribution is really justifiable.

In the past – eg: in Officers’ reports on developments involving designated heritage assets - the Vale Council has severely misconstrued the NPPF definition of sustainable development as if the need for development overrode statutory and policy requirements to give ‘great weight’ to such environmental protection as part and parcel of what makes development sustainable or not. It is claimed that without the Plan there would be a development free-for-all, but this is not the case – at least with respect to the most sensitive areas – if environmental legislation and policy is properly applied.

### **(3) The environmental characteristics of areas likely to be significantly affected:**

Table 2.2 indicates that this requirement is covered in Section 6 of the SA report. This is highly generic description of the area covered by the Plan NOT the ‘areas likely to be significantly affected’. The descriptions are so superficial that it is impossible to glean from this any idea at all of how the environmental characteristics of the areas earmarked for development differ, or even their broad environmental context.

In so far as this is covered at all, it is not in the SA but in some of the development site descriptions, but NOT in a manner that gives any specific indication of the environmental characteristics. For example such descriptions in some cases indicate the presence of listed buildings conservation areas etc, but NOT landscape character, historic character, type age appearance of historic buildings or their setting, conservation area character and appearance in relation to surrounding historic landscape character; presence or character or potential for archaeological remains; habitat and ecological/species interest; interactions between these considerations that could enhance their value.

### **(4) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC:**

Table 2.2 indicates that this requirement is covered in Section 6 of the SA report and the likely evolution in section 7. This requirement **includes** but is not restricted to EU designated

wildlife site. There is no discussion of other environmental problems affecting national designations; for example although the number of heritage assets ‘at risk’ is suggested as an indicator, the current ‘at risk’ problems are not described anywhere nor is to shown how nor why the Plan would have any effect on them (see also point 9 below).

**(5) The environmental protection objectives, established at international, community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation:**

Table 2.2 indicates that this requirement is covered in Section 6 of the SA report.

In setting out the Sustainability Context (section 5) no mention is made of the statutory duties towards environmental conservation enshrined in national heritage, landscape and wildlife legislation.

Paras 5.2.10 and 5.2.13 make no reference to the ‘great weight’ that NPPF requires to be given to conserving nationally and internationally designated assets and the Green Belt.

Section 5.3 sets out a series of further considerations based on National Planning Practice Guidance. This is a highly selective summary that refers only to economic development, not the full range of sustainability issues that NPPF requires to be considered. No reference is made to guidance on the identification of sites that are NOT suitable for development due to environmental or other constraints.

In the Site Development templates (Appendix A) key environmental objectives do NOT figure in the list of ‘Key Objectives’, nor do the general requirements for all housing site allocations make any reference to the great weight that must be accorded key environmental protection objectives.

While much reference is made to the SHMA and the Duty to Co-operate in respect of achieving those proposals, there is no mention of the LEP and the role of the Joint Planning Board or its Implementation Plan, or the Government’s requirement that LEPs should only promote development that is sustainable. No mention is made of the fact that the Duty to Co-operate does not only apply to promoting development, but also to ensuring that sustainability objectives are met.

As a result –

- NO effort has been made to look at overall environmental capacity of the SHMA/ LEP area to absorb the types and scale of development envisaged;
- NO consideration has been given to whether the overall scale of development is sustainable – ie: can be achieved without significant environmental effects on the most sensitive areas and issue that must be given great weight under planning policy or statute; and
- NO attempt has been made as a joint approach to distribute housing allocation and other development across the LEP/ SMHA area in accordance with environmental capacity and constraints, or with a view to the effects across local authority areas and environmental designations.

**(6) The likely significant effects\* on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage,**

**landscape and the interrelationship between the above factors (\*these effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects):**

*Assessment of different kinds of effect on different topics and their significance:*

The following consideration of compliance with the SEA requirements focuses principally on ‘cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors’ also ‘cumulative’ effects and how far some of the other types of effect that seem relevant are considered. Lack of mention of other environmental topics does NOT mean that they are dealt with any better.

Because of the absence of any adequate description of the environmental characteristics of the areas earmarked for development, or what flexibility of design would be available within the density of development per area that is envisaged for each site – or the typical sources of impact that would typically arise for that type of development it is impossible to give any indication of the nature of environmental effects actually likely to arise for ANY of these topics, let alone whether they are likely to be significant.

Because no attempt has been made to describe the environmental characteristics of the sites earmarked for development or their ‘state’ or likely evolution without the plan, there is no effective baseline against which a considered assessment of likely effects could be carried out – and since no attempt has been made to consider the kinds of effect that typically characterise the different kinds of development in project-based EIAs no impression whatsoever is given in the SA of how the environment of the sites earmarked for development would actually change or how their surroundings and neighbourhoods would be affected in relation to the topics requiring assessment.

The site by development site templates do not systematically assess all the environmental topics, but ‘highlight some of the key requirements for development at each site at the time of writing and do not preclude other requirements being identified at a later date’ but where national designations arise, that may be too late to prevent significant adverse effects, compromising either the achievement of environmental protection policies – or if those were held to carry greater weight – the delivery of the development envisaged.

The Sustainability Appraisal approach of defining environmental objectives in only very broad-brush terms, rolling together landscape archaeology and built heritage into a single objective and then applying only a tick-box approach to assessment of whether effects are likely to be positive or negative – with no indication of why or how effects on these topics actually interact – means that none of the above complex types of effect have been considered for any of the areas earmarked for development. The relative ratings of adverse effects in the tables in Appendix are simply not credible, and by rolling landscape, archaeology and built heritage together seriously downplay the complexity of effects where for example several separate national designations are affected. The approach has actively prevented a proper assessment compliant with the SEA requirements from being done.

*Secondary, Synergistic and Cumulative effects:*

The EU definition of how ‘*Secondary*’ (or ‘*Indirect*’) effects arise is: ‘Impacts on the environment, which are not a direct result of the project, often produced away from or as a result of a complex pathway’.

The EU definition of how ‘Synergistic’ (or ‘Interaction’) effects arise is ‘The reactions between impacts whether between the impacts of just one project or between the impacts of other projects in the areas’.

The EU definition of ‘Cumulative’ effects is ‘Impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project’.

Apart from table 2.2 quoting the SEA requirements the only reference to ‘secondary’ is to schools, one of the only two references to indirect effects is in relation to AONB designation indirectly conserving other designations – NOT an effect of the Plan but of the designation. No attempt has been made to identify secondary effects triggering the need for additional use of minerals waste disposal, etc, arising from the scale of development envisaged.

Two ‘Key potential negative cumulative effects’ are identified, one ‘cumulative, synergistic and indirect effects’ of increase traffic growth on key traffic routes (and the A34 in particular); the other on the AONB, but this is explained only in the very briefest manner.

‘The in-combination effects of housing, employment and infrastructure proposals put forward by the Local Plan 2031 (including at Harwell Campus) and neighbouring authorities’ Core Strategies and Local Plans have the potential to have cumulative effects on the integrity of the North Wessex Downs AONB. This includes through contributing to noise and light pollution, visual effects (including relating to views from the AONB) and through changes in landscape and townscape character.’ But as above, the absence of any description of the existing environmental characteristics; the likely size and visibility of the kinds of development envisaged; which other plans may be relevant and what they are proposing, or the range scale and extent of the sources of effect mentioned, make it impossible to judge the likelihood or significance of the ‘potential’ for such effects to arise. This is not an assessment but a statement of the obvious, disguised and played down as mere potential.

The very limited identification of such effects – both very likely to be significant – in many respects serves to highlight how very weak the coverage of cumulative effects is. No systematic consideration has been given to the overall environmental effects of the most obviously geographically concentrated areas of development pressure on the areas where the Vale of White Horse borders Oxford City Council and South Oxfordshire District Council, plus the Oxfordshire County Council’s plans. No consideration has been given to the cumulative pressures on the Oxford Green Belt and how suburban encroachment of large housing developments into open countryside.

Likewise no attempt has been made to quantify the overall loss of countryside to the combination of housing, industrial, commercial and research developments, reservoir, minerals and the ring-fenced area, or the implications of other potential development arising from the Green Belt Review. Overall, the scale of environmental change that the Draft Plan promotes or opens the way to is very substantial.

More strategically, neither the Oxfordshire LEP nor the SHMA has been subject to SEA or SA screening or reporting (which is of highly questionable legality) and the capacity of the LEP and SHMA area to absorb the scale of development envisaged has never been assessed under the SEA Regulations – yet this the Vale allocation is treated as an absolute given. overall balance of housing to be.

The Vale Plan does not stand in isolation. Just within Oxfordshire the Oxfordshire LEP and SHMA are drivers for plan that have not themselves been subject to sustainability appraisal and the statement that the District does not have capacity to absorb the scale of development without significant encroachment into nationally protected landscape and Green Belt which are listed as areas unsuitable for housing is a serious indictment of the failure to co-operate to ensure that areas of high sensitivity are not allocated for inappropriate development across the LEP/ SHMA area.

**(7) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme:**

The failure to apply properly NPPF policy and statutory considerations to exclude sites that affect some of the most environmentally sensitive landscapes and assets indicates that the most effective measures available to prevent significant environmental effects have NOT been given due weight. This is especially evident in the mapping in the SHLAA of large areas of Green Belt as being ‘in principle’ suitable for development that fly in the face of the criteria set out in the assessment methodology for the appraisal.

The whole process of integrating environmental assessment with site allocations has very substantially failed to apply the SEA core principle ‘to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes.’ The focus of the approach has not been to prevent adverse effects at source but to rely – with no evidence of likely effectiveness – on subsequent policy to salvage inherently unsound site allocations. This is planning by crossed fingers, not proper assessment.

The virtual absence of any identification of the environmental character of areas earmarked for development and the range and nature of impacts upon them (despite much past experience of the typical effects of the kind of development concerned) means that the actual potential to ‘prevent, reduce and as fully as possible offset any significant adverse effects’ is not demonstrated. It is just assumed that the application of policy will be effective. But in fact it is far from clear; for example, no indication is given of how the settings of designated heritage assets affected vary or what makes them sensitive to serious harm – instead a very arbitrary and far too limited test of proximity (eg: being within 25m of a listed building) has been used in the site assessments which unrealistically assumes that any harm can be avoided. This massively reduces the scope of decision makers to exercise with due diligence their full statutory duties towards key designations and national policy.

This is entirely contrary to the precautionary principle that applies to SEA requirements and shows how the failure to identify the statutory duties and weight to be applied to heritage landscape and ecological designations (see 1 above) has been carried through to demonstrably inadequate provisions to prevent or reduce significant adverse effects.

There are no proposals to offset the overall loss of landscape quality, historic character heritage settings and wildlife by enhancing protection of other areas on a comparable scale.

**(8) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information:**

The coverage of alternatives demonstrates the flaws noted above in relation to the original SLHAA assessment. Section 1.8 states that:

‘There were a number of issues that were not considered in relation to an appraisal of ‘reasonable alternatives’ There are a number of reasons for this including: the lack of any reasonable options being proposed at this stage of plan development, the de facto use of the National Planning Policy Framework as the draft policy, procedural options that have no significant effects or the use of multi-criteria based policies’. These excluded issues include major environmental designations indicating that these have not been key determining considerations.

The potential environmental effects of the scale of development that is envisaged by the Oxfordshire Strategic Economic Plan within the ‘Science Vale Ring Fence (Section 14) have not been properly assessed – Appendix 16 being subject to all the flaws identified above. The assessment of the preferred option C as having a neutral environmental effect for landscape and heritage and positive one for wildlife is not credible.

The consideration of alternative strategies and site options in the SA Appendix does not explain the nature of relative environmental effects.

The SA does not explain at any point any technical difficulties to explain the severe shortcomings of baseline description and assessment of effects in the assessment identified above, and indeed there is no excuse for not making them far more robust and realistic based on readily available knowledge, field observation and experience of the past environmental effects of comparable types of development.

**(9) A description of the measures envisaged concerning monitoring in accordance with Article 10:**

Article 10 requires monitoring of ‘the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action’. It is inevitable that with all the shortcomings related to failing to describe the environmental characteristics of the sites earmarked for development or the nature of how they are likely to be affected, that the proposed monitoring measures are utterly unfit for purpose, having no bearing at all on the purpose defined by Article 10. These measures will NOT monitor significant effects – they propose indicators that for the most part are irrelevant to the impacts of the developments that the Plan proposes.

The issues of ecology and water quality over the whole plan area are substantially within the remit of other agencies NOT how the effects of development within the scope of the SEA Regulations would affect them. The same goes heritage assets at risk. The measures to monitor Conservation Area designation and whether Natural England and AONB planning advice is followed is all about monitoring *procedures* NOT actual effects on the environment. Most ironically of all, the fundamental purpose of monitoring to *undertake appropriate remedial action* is vastly reduced if it monitoring retrospectively checks irreversible planning decisions.

The monitoring proposals for air quality, noise, emissions, water and energy efficiency by contrast ARE aimed at monitoring environmental effects for which some remediation might be possible.

**(10) A non-technical summary of the information provided under the above headings:**

The Non-Technical summary does not provide the required information under the above headings – and in reproducing Table 2.2 refers to where the information can be found in the main report, not the Non-Technical summary.

**Overall likelihood of compliance**

The Sustainability Appraisal Report fails to meet the statutory requirements of the SEA Regulations and Directive on all Schedule 10 criteria for the information to be included in an Environmental Report.

These failings are sufficiently serious as to demonstrate that the whole process of trying to reconcile perceived development needs with environmental objectives has failed to give due weight to the likely serious adverse effects on the environment.

The allocation of large areas of Green Belt and AONB for development contrary to national policy implies – as indicated in section 12.3 that the District does not have the environmental capacity to absorb the development proposed without serious environmental effects the are entirely contrary to national planning policies that must be given ‘great weight’.

The listing of many other options for future housing needs, the review of Green Belt and ring fencing of an enormous area of AONB and identifying a long list of other sites for possible future development indicate a scale of environmental degradation that are clearly possible indirect effects of embarking on a massive development programme that will generate huge demand for additional development. This added potential effect has not been assessed.

***Modification: For the presumption of precedence contained in Core Policy 1 to be valid a revised sustainability assessment addressing the flaws identified above must be carried out.]***

***Paragraph 1.33 and Consultation report to VWHD Council, October 2014: Unsoundness of Consultation***

The consultation process on the Housing Delivery Update has been poor – especially in regard to local communities. The report to the Council about the consultation process seriously understates the extent and degree of challenges and opposition to the proposals voiced both in the many written comments received and at the public meetings convened to discuss the Housing Delivery Update. Some important points were not properly reported; others were mentioned briefly and then ignored; and the sheer intensity of local opposition was bowdlerised. As a result, we believe Council members may have approved the Plan without an adequate knowledge of the outcome of the consultation.

Under ‘New evidence’ paragraph 80 of the report states that of the 2,717 responses to the consultation, ‘the overwhelming majority [were] opposed to an increased housing requirement and the additional sites put forward.’ And yet, when considering ‘How did the consultation comments inform the Local Plan?’ none of the concerns were specifically addressed.

Paragraph 82 outlines some of the comments received on the level of objectively assessed need. Under ‘Housing requirement’ comments include: ‘the SHMA figure of a 40% increase in homes by 2031...should be moderated to reflect sustainability, deliverability and infrastructure limitations’; ‘the SHMA figure for objectively assessed need is over-inflated based on adjustments made to the base demographic projections’ and ‘the SHMA figure for objectively assessed need is over-inflated based on adjustments to address unrealistic or aspirational employment forecasts’.

Under ‘Housing distribution’ comments include: ‘objections to housing development in AONB adjacent to Harwell Campus’; ‘objections to housing allocations in the Oxford Green Belt, both in general and to all of the proposed sites’, ‘increase other sites and remove proposed housing in AONB’, and ‘new housing should be concentrated on brown field sites, close to transport links and employment centres’.

Similarly, under ‘Green Belt’, paragraph 117 of the report states that ‘The majority of comments relating to the Green Belt were objecting to removing sites from the Green Belt.’

And yet, when considering ‘How did the consultation comments inform the Local Plan?’ the report does not reflect these concerns. It merely states in Paragraph 118 that ‘Further changes were made to the wording of the Green Belt policy based on a comment from the February 2013 consultation suggesting that Policy GS3 should not be saved but that there should be one strategic policy for the Oxford Green Belt.’

There is also inconsistency in the report concerning the number of comments received.

For example, the number of comments received relating to ‘Sustainability Appraisal’ is not mentioned, yet the number of comments made relating to the issue of ‘Economic development’ and ‘Housing provision for the district’ are specifically mentioned.

Similarly, under ‘Site specific comments’, the report fails to mention how many comments were received concerning the Harwell Campus, yet the report states that 25 comments were received regarding West of Harwell.

The report states that the Housing Delivery Update Consultation generated 2,717 responses from 1,093 participants. However, in the village of Radley, we understand that 550 letters of protest were deposited and yet were counted as one objection. Consequently, the report states that there were 40 comments received concerning North Radley, rather than 590, and 45 concerning NW Radley, as opposed to 595. If this is not an isolated example the accuracy of the numbers must be open to some doubt.

Throughout the evolution of the Plan, the plan-makers in the Council seem to have been driven by external considerations, and especially by their interpretation of the intentions of Central Government, rather than by a genuine wish to meet the wishes of the Vale community. This disconnection has culminated in a report on consultation to the Council which, we submit, was seriously misleading. We ask the Inspector to review the report against the consultation responses actually received and to consider whether the Council's decision to approve the Plan may have been made on inadequate information and therefore be invalid.

**Modification:** The report should be redrafted to give a fairer impression of the degree of opposition among local communities to the proposed housing numbers and allocations, and resubmitted to the VWHD Council with an invitation to reconsider its approval of the Plan.

**END**

## **APPENDIX 1**

**Unsound & unsustainable – why the SHMA will increase greenfield use but not meet housing needs**

**A critique of GL Hearn's April 2014 Oxfordshire Strategic Housing Market Assessment (SHMA)**

**21 May 2014 - *Urban & Regional Policy***

**See separate file. (To follow)**

## **APPENDIX 2**

**NECESSARY INFRASTRUCTURE REQUIREMENTS ON A419/A420/A415 LINK**

**Produced by Bob Hindhaugh Associates, ON BEHALF OF WESTERN VALE**

**VILLAGES CONSORTIUM OF PARISH COUNCILS LISTED**

**See separate file. (To follow)**

