



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

Ref:

(For official
use only)

Name of the Local Plan to which this representation relates:

Vale of White Horse Local Plan

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

This form has two parts –

Part A – Personal Details

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

Part A

1. Personal Details*

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

2. Agent's Details (if applicable)

Title

Dr

First Name

Nicholas

Last Name

Perkins

Job Title

(where relevant)

Organisation

(where relevant)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone Number

E-mail Address

(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation : Dr Nicholas Perkins

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

Paragraph	<input type="text"/>	Policy	<input type="text" value="The policy as a whole"/>	Proposals Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text" value="X"/>
4.(2) Sound (Positively Prepared, Effective and Justified)	Yes	<input type="text"/>	No	<input type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>

Please mark as appropriate.

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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There has been totally inadequate consultation and community involvement in the development of these plans. For example, in the initial phase, the Vale demanded that parish councils deliver leaflets about the plan with much too little time adequately to consult local people, contrary to the statements in the SCI. The information presented by the Vale has been misleading and tendentious, and the processes for people to be consulted have been designed to put people off. This is contrary to the legal framework governing the establishment of local plans.

One example of the lack of adequate consultation processes is that the four 'information' meetings recently held about the plans were all scheduled at the same hours of the day – 6pm–8pm – making it impossible for those working at those times or with the care of young children in the evening to attend.

The Vale's 'Consultation guidance notes', p. 2 state that 'your comments should be on the proper form'. This form (which I am using here) is cumbersome and difficult to navigate. For many people, especially those who are busy or not confident with electronic documents, the use of 'should' and the offputting language of the guidance have the effect of excluding people from the consultation. This is contrary to the SCI, p. 13, which states that the council will accept representations on the form or as a letter. The process is therefore not legally compliant.

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Signature:

Date:

17/12/14

Part B – Please use a separate sheet for each representation

Name or Organisation : Dr Nicholas Perkins

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

Paragraph Policy Proposals Map

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Core Policy 1: Presumption in favour of sustainable development, with a knock-on effect on many other policies.

The SHMA

It is obvious that the SHMA figures are a gross overestimate of the housing need, with laughably inaccurate assumptions compounding for many years to produce nonsense. No 'presumption in favour of sustainable development' can be made when the policy rests on such shaky foundations. For the Vale to then insistently describe the figures as an 'objectively assessed housing need' is also inappropriate and undermines the basis of the plan as a whole.

I urge the inspector to take full account of the following:

1. The SHMA methodology has been fatally undermined by the report written by Alan Wenban-Smith. The figures are based on greatly exaggerated forecasts, and the overall SHMA total is the maximum of all these figures. The response from the CPRE gives more detail on this, but clearly shows that many of the figures have been inflated or not adjusted in the wake of the financial crash. The Vale's recent public information document 'The Future of the Vale: Local plan Part 1: consultation on the draft plan' states that 'We have to base our Local Plan on the best available evidence'. This has not happened, and so I believe that the plan is invalid from the outset.

2. The SHMA report itself states that the overall figures should be subject to modification by taking into account environmental and other factors. Paragraph 2.7 of the SHMA non-technical summary states:

'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. These considerations are taken into account in the preparation of the local plan itself, in drawing together various evidence and testing development options as the local plan is prepared.'

The Vale has failed to take these factors into account, or to test and scrutinize the SHMA figures. Therefore the plan is not legally compliant.

3. The SHMA figures rely on something called the Strategic Economic Plan, which itself is a document never exposed to proper public scrutiny and based on a number of highly questionable assumptions. It should not therefore form part of a democratic and consultative process and helps to invalidate the process by which the plan has been arrived at.

4. Since the initial preparation of the SHMA, actual figures are available for growth in housing need, which are nowhere near the numbers suggested in SHMA. The Vale's plan does not seem to take this into account anywhere, and so fails the test of supporting sustainable development.

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The SHMA figures should not be taken as an inflexible target, but as part of a process. They need serious adjustment, scrutiny, and modification in the light of recent figures and the critique provided by Wenban-Smith and others. The inspector will also be failing in her/his public duty if a proper scrutiny of the basis of the SHMA figures is not required as part of the inspection process.

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Paragraph

Policy

4

Proposals Map

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4.(1) Legally compliant

Yes

No

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

Yes

No

X

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

Yes

No

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Core Policy 4: Spatial Strategy – and see also core policies 7 (Infrastructure), 8, 15, 20 (sub-area spatial strategies)

The NPPF sets out clear requirements for sustainability of development. The plan fails to meet these requirements, for example by assuming that infrastructure development can come after housing development, whereas the infrastructure has to be improved in tandem with any further housing. By infrastructure I mean the road network, public transport and medical and educational facilities.

The inflated SHMA figures have not been scrutinized by the Vale, and so the plans do not meet the NPPF's requirement that areas of Green Belt land, AONB land and other green field sites should not be allocated for development, and that brownfield sites should be explored to the maximum first. The NPPF requires that plans for development contribute to protecting and enhancing the natural, built and historic environment. This plan signally fails on this count, attempting to allocate numerous sites in the Green Belt, and severely affecting the North Wessex Downs AONB.

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The plan should have a robust and pragmatic understanding about how infrastructure can be improved, without relying totally on the CIL, which will inevitably be after development, and could very well be inadequate.

The SHMA figures must be rigorously challenged so that the projected numbers for housing are not inflated as at present.

The Plan must abide by the wording of the NPPF and avoid tampering with Green Belt sites unless there are exceptional circumstances, which, as government guidance shows, do not include housing estimate shortfalls.

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The plan's reference to Botley and the claim that its ideas for redevelopment meet the aims of policy 11 are incorrect.

The site boundary proposals are inaccurate. The description of the area does not take into account that part of the area indicated on the map is not commercial, but includes important community facilities such as a vicarage and a home for elderly dementia sufferers. There is no need to tamper with these, and their scale is appropriate to the area.

Para 5.29 states that "Botley also functions as a district centre in the Oxford City context". It does not, and this claim must be removed from the plan. Botley is a local service centre, and it is the Vale's financial self-interest in overdeveloping this site that is behind this attempt to change its status.

This part of the plan fails to take into account the views of Oxford City, or the recent decision to build a sizeable supermarket on Botley Road; in these different ways, the plan does not acknowledge what is happening or the interests of Oxford City, and so fails in the duty to cooperate.

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The map and description of Botley centre should be made accurate and not tendentiously grandiose.

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

The plan should take into account the environmental and commercial relationship that Botley has with Oxford.

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Core Policy 13: The Oxford Green Belt

General comments

The Plan is inconsistent with planning guidance and government policies on the protection of Green Belts.

Since the approval of the Oxford Green Belt in 1975, the Vale has been at the forefront of defending it against inappropriate development and protecting the unique character and landscape / 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. This policy reflects deserved credit on the Vale Council.

Paragraph 79 of the National Planning Policy Framework sets out Government policy on Green Belts:

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

The Government's position on Green Belt policy is very clear. The fundamental aim remains to prevent urban sprawl by keeping land permanently open. Boundaries

of Green Belts should only be changed in "exceptional circumstances", and unmet housing need is not an exceptional circumstance to justify taking land out of the Green Belt.

The extensive guidance provided by the Government that supports this conclusion is set out by CPRE in its submission, which I support, including a public letter written by the then minister Nick Boles on 3 March 2014:

'I was very troubled by the media coverage of the recent Inspector's report on the examination into the Reigate and Banstead Local Plan. On reading the report, I was disturbed by the Inspector's use of language, which invited misinterpretation of government policy [...] The Framework [*ie.* NPPF] makes clear that a Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt [...] The special role of Green Belt is also recognised in the framing of the presumption in favour of sustainable development, which sets out that authorities should meet objectively assessed needs *unless* specific policies in the Framework indicate development should be restricted. Crucially, Green Belt is identified as one such policy.'

[italics in original]

It can hardly be clearer that the Vale's plan catastrophically fails to take this 'crucial' part of the NPPF into account, and is therefore both not legally compliant and, in addition, unsound.

In the Plan the Vale proposes to remove 22 sites from the Green Belt. The proposal is against Government's aims, and would be unnecessary if the SHMA housing figure had been tested properly and reduced in the light of social and environmental considerations.

The Council – and the Sustainability Assessment (SA) commissioned to underpin it – both fail to take proper account of the footnote to paragraph 14 of the NPPF on which the Government Guidance is based. The SA asserts in paragraph 11.8. 6 that the housing target was adopted because it meets the 'objectively assessed housing need in full, in accordance with national policy' without acknowledging the potential restrictions to that policy cited above. It fails to consider whether the Council should have tested the SHMA number against those restrictions. The sustainability assessment therefore wrongly accepts the inroads into the Green Belt as sanctioned by the NPPF, when they quite clearly are not.

The plan is therefore unsound and unsustainable and should be annulled.

More seriously even in areas such as Cumnor and Cumnor Hill, where I live, and where the immediate threat of a development of houses has been withdrawn, the Vale still proposes to go ahead and remove the areas from the green belt, without any coherent explanation, let alone justification under 'exceptional' circumstances. It is as if the people drafting the report do not understand the difference in English meaning between 'exceptional' and the much weaker idea that one can 'make an exception' to a guideline.

Green Belt Review

Any review of the Green Belt should clearly take place with all the relevant councils cooperating. This review has not met that clear marker, and so fails in the duty to cooperate. If there were now to be a larger scale review, that in itself invalidates the unilateral review undertaken by the Vale here.

Cumnor and surrounding areas

Eight separate sites are scheduled for removal from the green belt. It has proved impossible, given the presumption of the permanence of the green belt to determine why these areas were selected for removal from the green belt. The only guidance was an oral response to a question suggesting that to the Vale these changes 'rounded out' the built up areas and left the green belt looking more like a green belt. This does not seem to be an acceptable reason for removing areas from the green belt.

It is unnecessary to understand precisely where the following areas are located: they serve only to underscore the lack of any acceptable logic in the Vale's approach.

Area 1 (west of Tilbury Lane Botley Map). The Cumnor portion of this area was not sold because it is located directly under Oxford's 400kV electricity supply line and consequently is unsuitable for development. It is also located next to the A420 which is heavily trafficked and the source of both noise, gaseous and particulate pollution.

Area 2 is a recreation ground and contains a football pitch.

Areas 1 and 2 are joined by a small copse and together form a welcome green spear. Their removal from the green belt would clearly serve no useful purpose.

Area 3: any future development will significantly change the view of the Green Belt when travelling west on the A420. It would severely damage the view of Cumnor Hill as a green wooded environment with low density housing, the very features that the Vale uses to characterize this area in its own design guide. The characteristics of small valleys and copses (Green Belt Review 2, p. 16), agricultural land and views beyond the A420 (which is in a cutting for a significant stretch, and is shielded by trees) to the important sites of Wytham woods and the Farmoor valley would be destroyed. The 'rationale' given for removing Green Belt protection here is that the A420 provides a natural boundary to the Green Belt. This is nonsense: the point of the Green Belt here is to protect the setting of Oxford, and it provides crucial habitats and recreation for wildlife and residents. Only someone who had never been to this location could possibly think that it is suitable for removal. But even without being there, the map shows how crucial this space is in order to stop Botley / Dean Court encroaching towards Cumnor / Cumnor Hill. The Green Belt Review phase 2 document, p. 30, itself provides reasons for not removing this area from the Green Belt: 'The northern area is important as part of the Vale landscape which forms a setting to and links Wytham Hill and the River Thames riparian landscape' – and yet the Vale have ignored this.

Area 4: is a contiguous part of the current Green Belt and its open vista is a major contributor to the views available of the Cumnor Conservation Area. It could not be developed in any way without jeopardising the purpose for which both the Green Belt and the Conservation Area was set up. This was initially recognised by the Vale's officers who said that since this area could not be built on there was no reason to remove it from the green belt. No reason was ever given for the subsequent change of view.

Area 5 is a green area that reaches into the heart of the village and contributes greatly to the village nature of old Cumnor, which is the essential feature that the Conservation Area is designed to protect. The ground to the west is a sports field and recreation area owned by Cumnor Parish Council. This area too was originally recognised by the Vale's officers as offering no reasons for removal from the green belt. The subsequent change of view on this area was never justified.

Area 6 was the area originally identified as being suitable for inclusion in the Vale's proposed building programme. The idea was subsequently dropped though the Area is scheduled to be removed from the green belt; The land involved is high quality agricultural land which includes a field with a Saxon pattern of ridges and furrows bordered by an ancient hedgerow. This parcel of land is of considerable heritage interest, located as it is close to the centre of Cumnor. It would be wanton vandalism to destroy this as part of a housing development.

Area 24 is at the very centre of the Village and largely consists of the existing cricket ground and the grounds of Cumnor Place. As such it is said to contain the remains of the largest unexcavated Elizabethan garden in England. The proposal to remove them from the Green Belt clearly arose because the proposal at Area 6, if approved, would have isolated this area of Green Belt.

The eighth Area is in Farmoor and appears to have already been built up.

Failure of the Consultation Procedure

These changes were not properly consulted upon.

The consultation procedure followed by the Vale was inadequate both in terms of the time and the manner in which it was conducted.

The time allocated did not allow the Parish Council sufficient time to consult with residents and it was only able to respond by holding an Extraordinary Council meeting.

The contents of the leaflet supplied by the Vale were profoundly unsatisfactory. It set out the Vale's case for building houses but failed to cover any of the surrounding issues nor did it mention that the Vale was consulting on a wider range of sites.

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

The leaflet did not make any explicit reference to the advice that the Vale had sought and received, nor did it state that the Vale was simultaneously seeking comments on its additional proposals to remove areas other than the Strategic sites from the Green Belt.

No mention of the extended consultation was made at the meetings which the Vale called to launch the Strategic Housing Consultation process.

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

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

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

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Name or Organisation : Dr Nicholas Perkins

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

Paragraph

Policy

44

Proposals Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

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

Yes

No

X

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

Yes

No

Please mark as appropriate.

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

I fully support the comments made by CPRE.

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

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Policy

47

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5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Delivery and Contingency in the Vale Council's Core Policy 47 and Appendix H

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

The necessary infrastructure and affordable housing can only be provided if the planned rate of construction and associated sales can be achieved and maintained. The Plan does not explain how this fundamental difficulty could be overcome.

The absence of 'reasonable alternatives' (Paragraph 1.25)

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

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB

Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan should be amended to provide:

- for at least biennial confirmation that the expected economic and population growth forecasts are on track
- the capability to amend the programme in the light of these conclusions; especially to revise housing figures downwards if the rate of growth is not as expected.

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

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

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

☒

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

☐

Yes, I wish to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

Date:

17/12/14