
VALE OF WHITE HORSE DISTRICT
LOCAL PLAN 2031
EXAMINATION IN PUBLIC

RESPONSE OF BARTON WILLMORE
(ON BEHALF OF RADLEY COLLEGE & KIBSWELL HOMES)

TO MATTER 1: DUTY TO COOPERATE AND
OTHER LEGAL REQUIREMENTS

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CONTENTS

Page

Responses of Barton Willmore (On Behalf Of Radley College & Kibswell Homes)
To Matter 1: Duty to Cooperate And Other Legal Requirements

1

Matter 1: Duty to Cooperate and Other Legal Requirements

1.1 Has the Council satisfactorily discharged its Duty to Cooperate to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters, including in particular minerals and waste and housing?

- 1.1 Yes, Radley College and Kibswell Homes are broadly satisfied that the Council has satisfactorily discharged its Duty to Cooperate.
- 1.2 Core Policy 2 of the Local Plan addresses the Duty to Cooperate, explaining that the Council will continue to fulfil its statutory Duty to Cooperate by working effectively with all the other Oxfordshire local authorities in accordance with the Oxfordshire Statement of Cooperation to seek to jointly meet, in full, the objectively assessed need for economic and housing growth against the Oxfordshire HMA. Core Policy 2 explains that while the extent to which Oxford City can meet its own needs is to be robustly tested and agreed, the District Council will first seek to accommodate its own housing needs in full, while working jointly with all the other Oxfordshire local authorities to address any unmet housing need. The report to Cabinet dated 7th August 2015 makes it clear that this work is already underway and that the Council are proactively taking the correct steps to ensure that this critical issue is appropriately addressed, identifying potential high level solutions to ensure that the location of (yet to be precisely quantified) unmet housing need arising from Oxford City is properly assessed and ascertained as part of a future Local Plan process.
- 1.3 PPG explains at paragraph 002 Reference ID: 9 -002 -20140306 that the Duty to Cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans, and that it is separate from but related to the Local Plan test of soundness. In terms of whether the Council has 'satisfactorily discharged' its Duty to Cooperate, the approach taken represents a legally compliant approach to the Plan making process, with Core Policy 2 being very clear that the Council intends to fulfil its statutory duties under the Localism Act 2011. It is relevant to note that the Duty is intended to be an ongoing and collaborative process.
- 1.4 With regard to the Council's Duty to Cooperate in respect of the strategic cross boundary issue of housing need, the Council's position fully accords with the guidance set out at paragraph 007 Reference ID: 2a-007-20140306 of the PPG which states that local planning authorities should *"...assess their development needs working with the other local authorities in the relevant housing market area or functional economic area in line with the duty to cooperate."* The approach taken by the Council is considered fully compliant with PPG guidance and we have no further comment to make in this regard.

1.2 Are the likely environmental, social and economic effects of the plan adequately and accurately addressed in the Habitats Regulations Assessment and the Sustainability Appraisal (SA)? Does the SA test the plan against all reasonable alternatives in terms of the overall requirement for land for housing and employment and its broad spatial distribution?

1.5 Yes, the environmental, social and economic effects of the Plan are adequately and accurately addressed in the Habitats Regulations Assessment (HRA) and the Sustainability Appraisal (SA).

1.6 The SA incorporates a careful analysis of the spatial options for housing and employment land with thorough consideration of all reasonable alternatives and an identification of alternatives that have not been considered, and why. Reasoned justification is provided as to why the preferred approaches have been selected with reference to the social, environmental and economic effects of each. In terms of the broad spatial distribution of housing, paragraph 10.3.2 of the SA explains that the overall pattern of development included six reasonable alternatives, which were followed by the development of refined options. Paragraph 10.4.1 goes on to confirm that alternatives have been considered for housing distribution and quantum due to the requirement of paragraph 47 of the NPPF to address objectively assessed need (OAN) and that the options tested covered reasonable alternative housing locations based on the Vale's settlement and development pattern, the location and capacity of land potentially suitable for development and various evidence of housing need available.

1.7 The SA appropriately recognises at paragraph 6.1.6 that without the sites in the Local Plan 2031 Part 1 there would likely not be sufficient housing delivered to meet objectively assessed housing needs: and housing that is developed may occur away from where it is needed to support economic growth and address affordability issues.

1.8 We have no specific comment to make in respect of the HRA. We are satisfied that SA requirements have been properly fulfilled and the Council has accurately assessed the Plan with careful regard to all reasonable alternative options for the spatial distribution of growth.

1.3 Is it appropriate for the Plan to include only Strategic Policies and Site Allocations and for detailed planning policies and non-site strategic allocations to be devolved to a Part 2 Local Plan document? Is there a clear justification for this and does it accord with national policy?

1.9 Yes it is appropriate for the Plan to include only Strategic Policies and Site Allocations, and for detailed planning policies and non-site strategic allocations to be devolved to a Part 2 Local Plan document.

- 1.10 Paragraph 153 of the NPPF is clear that additional Development Plan Documents should only be used where clearly justified. The Council's Local Plan Part 1 has been prepared setting out only the strategic policies and site allocations, with the intention that Part 2 of the plan bring forward details planning policies and non strategic site allocations.
- 1.11 Radley College and Kibswell Homes are satisfied that the Council's approach to delivering its Local Plan is appropriate, particularly given the quantum of development being proposed through the Plan and that to deliver that level of development there is a clear need for the release of Green Belt land and for land within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) to be allocated for development. This approach also allows for a proportion of unmet need from Oxford City to be accommodated, should the extent of that need become apparent during the preparation of the Local Plan Part 2.
- 1.12 The complexity of the current planning issues in the Vale of White Horse justifies the division of the Local Plan into two parts, with an initial focus on strategic matters and ensuring these are adequately addressed before then focussing on the non-strategic matters, which will fit within the broader framework set by Part 1.

1.13 Is the plan compliant with:

- (a) the Local Development Scheme?***
- (b) the Statement of Community Involvement?***
- (c) the 2004 Act and the 2012 Regulations?***

(a) Local Development Scheme

- 1.13 The Council's Local Development Scheme (LDS) was revised as recently as March 2015. Figure 2 deals with the Production Timetable for the development plan documents. The LDS notes that hearings for the Local Plan Part 1 will take place in July 2015 with adoption in November 2015. There has clearly been some slippage in the timetable and adoption will necessarily slip, given that the hearings have now been split into two categories to separate strategic matters from the site specifics, but not to a significant degree. Radley College and Kibswell Homes have no further comment to make in respect of the LDS.

(b) Statement of Community Involvement

- 1.14 Radley College and Kibswell Homes have no comment to make in respect of the Statement of Community Involvement.

(c) the 2004 Act and the 2012 Regulations

- 1.15 Radley College and Kibswell Homes are satisfied that the Local Plan is legally compliant with the requirements of both the 2004 Act and the 2012 Regulations, and have no further comment to make in this respect.