

VALE OF WHITE HORSE LOCAL PLAN 2031

(Part 1 Strategic Sites and Policies) EXAMINATION

INTRODUCTION

Sunningwell Parishioners Against Damage to the Environment (SPADE) is an established campaigning group, which for over a decade, has responded to strategic planning processes, at local, district, and county level, with, and on behalf of the residents of Sunningwell Parish. We work closely with the Sunningwell Parish Council which endorses the points we make in this submission. We believe in the permanence of the Green Belt. We accept the need for housing developments and infrastructure but believe that brown field sites should be used before green field and certainly before long established and valued Green Belt. We believe that local people should have a true voice in establishing planning policy and welcome the opportunity to contribute to the scrutiny of the Vale's Local Plan.

- SPADE has a fundamental objection to the 2-stage structure of the EIP as it fails to address limiting factors to the adoption of the Objectively Assessed Need (OAN) and the SHMA figures which is contrary to the National Planning Policy Framework (NPPF)
- The Council's Sustainability Assessment (SA), commissioned to underpin the Vale Local Plan (LP) fails to take proper account of the footnote to para. 14 of the NPPF. 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 initially have tested the SHMA number against those restrictions, and only then applied the policy and criteria for excluding environmentally sensitive areas with rigor. 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
- We believe the SHMA numbers on which the housing requirement is based, are grossly overstated. The justification for developing substantial tracts of Green Belt in the Vale, given in the SA, appears to be that the Vale, faced with the numbers required by the SHMA contends that it has exhausted all alternatives and that it therefore meets the "very special circumstances" test in the NPPF. However, this approach is fundamentally flawed as the NPPF clearly states "unmet housing need... is unlikely to outweigh the harm to the green belt and other harm to constitute the very special circumstances justifying inappropriate development in the green belt." This lack of challenge of the SHMA has led to the Vale taking the easy option in order to build quickly, which can be more easily achieved on greenfield sites, rather than adopting the brownfield/previously developed land options first
- This situation is further compounded by the apparent fact that, as the Vale considers "exceptional circumstances" exist to justify the alterations to the Green Belt and AONB, the Inspector has requested a paper, to be received by 21st August, to clarify what in each case the Council considers the exceptional circumstances are
- The date given for receipt of the Vale response precludes participants in the EIP from assessing the contents of the Vale's "exceptional circumstances" justification in Stage 1 of the EIP at which time the SHLA / OAN will be examined. Delay in the availability of the Vale justification, coupled with the intended later assessment of its contents and green

belt and AONB matters is considered unsound and prejudicial to the outcome

- SPADE contends that the result of the failure of process above, coupled with the intended structure of the EIP, where Core Policy 13 covering green belt is relegated to Stage 2, after the spatial strategy and strategic site selections are already approved by the Inspector, makes the EIP inadequate
- SPADE believes that Stage 1 of the EIP must cover not just Core Policy 13 but all aspects of Vale policy that have a direct bearing on the apparent blind acceptance of the SHMA figures
- In addition we understand that the Vale has failed to fully comply with the SEA regulations 2004 in that it failed to submit the SHMA to an adequate strategic environmental assessment and sustainability appraisal

STAGE 1 - MATTERS AND QUESTIONS

Matter 1 – Duty to Co-operate and other Legal Requirements

1.1 Has the Council satisfactorily discharged its Duty to Co-operate to maximize the effectiveness of Local Plan preparation in the context of strategic cross boundary matters, including in particular minerals and waste and housing? (see also Matter 4)

- SPADE does not consider that the Vale has discharged its duty to co-operate. Despite some effort by the Vale and other district councils via the Oxfordshire Growth Board, to seek that the City of Oxford reviews Oxford's Unmet Housing Needs (OUHN) it is clear that, at this stage, this is unforthcoming. As a result, in an attempt to meet its statutory duty to cooperate, the Vale is belatedly adopting a Cabinet Policy (Vale Cabinet report 7th August "Planning to address the Oxford unmet housing need in the Vale of White Horse") including a preliminary assessment of the quantum, share and potential locations within the Vale to meet OUHN
- The approach is crude at best with an apparent acceptance, reluctant or otherwise, to accept one quarter share of the OUHN mid-point of the Objectively Assessed Need (OAN). No consideration is given of the specific locations of the employment and nearby landscape capacity which apparently created the original Oxford OAN. This does not recognise that, to ensure sustainability, the allocations should be based on proximity of suitable housing sites to the employment opportunities. The failure of the Growth Board to ensure that Oxford City meets its duty to co-operate by reviewing its LP, and the fact that neither the Vale nor the Growth Board seemingly can advocate a more sophisticated mechanism than equal shares for the remaining districts, indicates that the overarching arrangements to ensure effective co-operation between the respective parties are unsound and ineffective preventing the Vale, irrespective of its intentions or individual efforts, to meet its duty
- To reiterate, SPADE believes that the Vale's arrangements and LP do not fully meet the duty to co-operate. More importantly, as addressed in our response to matter 4, it significantly alters the spatial strategy, policies and allocations proposed by the Vale LP to meet the district's own housing need

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 (see also Matters 2 and 4) and its broad spatial distribution (see also Matter 3)?

- As stated in the introduction, the SA methodology (failing to take full account of the footnote to para 14 of the NPPF) fails to give sufficient recognition for limiting factors in the adoption of the OAN. This results in a lack of protection for the GB and its intended permanence, contrary to the NPPF and wider government statements
- SPADE in its Publication Consultation response stated that “the Plan is inconsistent with planning guidance and government policies on the protection of Green Belts. The National Planning Policy Framework (NPPF) makes it very clear that a Green Belt boundary may be altered only in ‘exceptional circumstances’. Moreover, recent guidance (6 March 2014) states that: ‘Unmet housing need (including 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”
- We seek to draw attention to Topic Paper 9 covering “The Natural Environment” (Nov 2014) which indicates that the Sustainability Appraisal that accompanies the Publication draft of the Local Plan 2031 Part 1 states that: “In identifying the preferred sites, the council first considered those sites which were not located within the North Wessex Downs AONB or the Oxford Green Belt. However, **given the level of housing required**, sites have been identified within the AONB and Oxford Green Belt. A mix of sites are required that would deliver homes in the short as well as longer term to restore and maintain a five year housing land supply. **Therefore in order to achieve this it has been necessary to consider sites in AONB and Green Belt.**” It goes on to say that “On this basis, in order to meet the housing target set out in the SHMA, **there is no reasonable alternative to releasing sites from the Green Belt**”
- This appears to be the sole justification on which “exceptional circumstances” to alter the Green Belt boundary are based. Further examination of the Vale’s Green Belt Review shows it to be a wholly subjective assessment lacking any detailed assessment against criteria that were clearly identified
- To demonstrate this subjectivity one only has to examine the land in the vicinity of North Abingdon. The North Abingdon Local Plan Group gives a detailed assessment of this in its Topic paper submitted to the Publication Consultation. It states ‘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”
- Meanwhile the City Council in its response to the same consultation¹ states “...the Green Belt is to be further reviewed early in 2015 in the context of the Oxford unmet need. Therefore the approach to Green Belt review and consideration of spatial options here is piecemeal given there may need to be further strategic allocations in this area to address the Oxford unmet need. The strategy is therefore unjustified as it is not the most appropriate strategy, and not effective due to the issues described. The City Council is not wholly satisfied that land to the east of the A4183 is appropriate for development and Green Belt review given it is more constrained in heritage, landscape and visual terms, and until a joint approach to Green Belt review is taken, objects on this basis as it is not justified”
 - Clearly this shows a level of conflict between past Inspectors, the Vale and the City to warrant acknowledgement that the assessment is a subjective one
 - In the “Response to Summarised Representations”² for the Abingdon and Oxford Sub Area the council states “The council has prepared a local Green Belt review in full accordance with the requirements as set out in the NPPF. The Green Belt review has identified a number of parcels which do not well meet the five purposes of Green Belt in the NPPF, all of which are therefore proposed for release. The review will inform any future strategic Green Belt review for the Oxfordshire Green Belt, parts of which outside the Vale have not yet been independently reviewed against the purposes of Green Belt”
 - SPADE considers that this does not reflect an accurate assessment of the situation of the veracity of the Green Belt Review

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 site 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?

- We believe that the Inspector’s approach, which separates consideration of the distribution strategy from consideration of constraints is unsound and likely to lead to an inevitable conflict when in Stage 2 individual sites in the Green Belt or AONB fail to meet their respective “exceptional / very special circumstances” or equivalent considerations yet at the Stage 1 proceedings the overall OAN was endorsed without due regard to the constraints that should have been applied at that time
- If this approach is progressed SPADE, seeks to ensure that later assessments for non-strategic site allocations in Part 2 receive the same level of Public Consultation and Examination in Public as those in Stage 1

¹ As published in the PSD01 Supplement to the Regulation 22 Statement - Council Response to Summarised Representations – PSD01b Chapter 5 Abingdon and Oxford fringe sub area

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