

VALE OF WHITE HORSE PLAN

EXAMINATION IN PUBLIC

OXFORD CITY COUNCIL CONCLUDING REMARKS

MATTERS 4 AND 1b

Preliminary

1. Which compromised outcome is the best, or rather, least worst? That in a sense is the question which emerges from the Examination.
2. Much of the debate has understandably centred around the Vale Council's approach and the Vale itself, but it must be remembered that at the heart of these critical issues are the unmet needs of Oxford. There is one HMA, with Oxford as the main economic driver, with its international academic reputation and its substantial commercial presence. If one were undertaking a sub-regional plan-making process, one would start with Oxford's needs.
3. Oxford is, however, being throttled by its constraints. The Green Belt, flood plain, and the many heritage assets. The administrative boundary is drawn so tight around it that Oxford City Council is necessarily reliant on its neighbours. Yet it feels more and more like a drowning man watching his relatives debating on the bank who might want to get wet pulling him out.
4. Oxford has made its criticisms of the Vale's failure to discharge the Duty to Cooperate. There are three other main points which have emerged forcefully from the debate at the Examination.

The guidance

5. In the rush for pragmatism, and for finding the least worst outcome, one must not forget the policy and guidance. Oxford City Council strongly believes that, for the Local Plans system not to disintegrate into an exercise in political expediency, one must base any decision involving the unmet needs of a neighbouring authority on the following:
 - (1) The clear guidance that “every effort should be made” to meet the unmet needs of neighbouring authorities; and
 - (2) A proper reading of the Written Ministerial Statement – it is clear that the support one finds in that document for an ‘early review’ must be seen in the light of the heavy emphasis on the need to meet neighbouring unmet needs. An early review is only appropriate if it would not affect critically the substance of the plan. Here, it would.

Why Oxford’s unmet needs are critical to the Vale’s Plan

6. It is self-evident that if the Vale adopts a Plan (which is aimed to meet needs to 2031) in 2016 but then has to undergo a fundamental review in 2018, there is something basically unsound about the Plan.
7. The Vale appeared to accept – they certainly should accept – that a review to embrace their share of Oxford’s need will necessitate a fundamental review of the Plan. That is the view of almost all who contributed to the debate, including the HBF and the County. So to adopt subject to an early review in those circumstances would not accord with the WMS.
8. The Green Belt would require a further review as part of the exercise in meeting Oxford’s needs. The Vale tried to suggest – without any evidence which could be properly examined – that its unspecified 18 areas released from the GB might have the capacity to meet some of Oxford’s needs; they also suggested that there might be

other locations where some of that need might be met. But they also conceded that meeting that need might need further GB release. That, after all, is what the Strategic GB review being carried out under the aegis of the Growth Board is about. So it would be wholly contrary to the NPPF and involving a ‘critical’ matter – GB review – to adopt this plan and then come back two years later for a new strategy with new GB boundaries.

9. Having to find some thousands of homes to meet part of Oxford’s need – which everyone in the chamber must know is the inevitable outcome here – would give rise to issues going the heart of the Vale’s strategy, its infrastructure requirements and its nascent CIL charging regime. The City Council strongly rejects the notion that the Vale plan is ‘flexible’ to the extent that is required.
10. All the while – whether for three or four, or more, years – Oxford’s needs will be unmet. That is a matter which must be Vale’s responsibility, and one which it has failed to discharge.

Pragmatism

11. The word of the Examination’s first day. A euphemism for ‘politically expedient fudge that might be justified’.
12. However, even using ‘pragmatism’ as a yardstick, the Vale’s Plan should be rejected:
 - (1) It is not pragmatic to adopt a plan for 2 years which will be out of date – in terms of its housing numbers, strategy, GB boundary and countryside/urban boundaries – almost as soon as it is adopted, indeed, perhaps before it is adopted.
 - (2) It is not pragmatic to adopt a plan the objectives of which were apparently framed not to meet the unmet needs of Oxford City – but then to have to recast it 2 years later to meet some of those needs.

- (3) It is not pragmatic to adopt an unsound plan simply to deliver some currently Green Belt housing sites – other sites can be released in line with the NPPF if the Council felt it necessary.
 - (4) It is not pragmatic to adopt a sound plan simply to have a plan in place. There might be a justification for such a course of action in different factual circumstances, for instance, when the identification of further housing numbers was some years away. Here, we will know the number of unmet units and the spatial options within 6 months.
 - (5) In that context, it is not pragmatic to adopt an unsound plan because of the fear of s.78 appeal decisions. Assertions were made about how damaging they have been, but there is no real evidence of that – indeed, the Gladman decision of January 2015 shows the polar opposite: in the Vale, even a severe shortfall against a 5 year supply does not mean planning permission for sites in the country – let alone GB – would be granted permission.
 - (6) It would be pragmatic to adopt a plan – even after a further 12 months’ delay, if that is what the sceptics think – which will actually meet the NPPF and PPG. One that will have a GB which will last until 2031, and will meet needs, including some of Oxford’s needs, across the Plan period. That is the pragmatic way to avoid unnecessary and controversial Greenfield release.
13. There is therefore an opportunity, either by withdrawing the Plan or by deferring it until the Oxford need debate is resolved next March/April, of achieving a plan which works pragmatically to deliver housing in the right place, with the correct infrastructure, and which has been properly considered alongside – not ‘bolted on to’ – the rest of the Vale’s strategy. To allow the Vale to duck away from the issue is not the correct thing to do in principle, and is also not pragmatic – it is in fact only when the Inspector says that the authority must face up to its obligations effectively to co-operate with its neighbours that the intention of Government Policy will be met.

14. Only by forcing the Vale to face up to its responsibilities now will a proper plan be adopted, rather than one which will limp into being already robbed of its force, creating immediate uncertainty.

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