



MATTER 1: Duty to Co-operate and other Legal Requirements

HEARING STATEMENT on behalf of Arnold White Estates Ltd

Examination of Vale of White Horse Local Plan 2031: Part 2 - Detailed Policies and Additional Sites

Project reference	GP 006	Date	9 June 2018
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1.0 INTRODUCTION

- 1.1 This is a Hearing **Statement** submitted to the Inspector holding the Part 2 Examination of the Vale of White Horse **Local Plan (LPP2)** 2031 in July 2018. It is submitted by Gardner Planning Ltd (**GPL**) on behalf of Arnold White Estates Ltd (**AWEL**) which is a development promoter with land interests in The Vale of White Horse (**VWH**) District. GPL/AWEL made a detailed response to the LP2 Publication Version on 20.11.17.
- 1.2 This Statement responds to the Inspector's List of Matters and Questions (15.5.18) which are a starting point for the round-table hearing session.

2.0 QUESTION 1.1

What are the strategic matters relevant to the LPP2 and which other authorities/organisations are affected?

- 2.1 The **first** matter is to allocate sufficient residential sites, in addition to those allocated in the adopted Local Plan Part 1 (**LPP1**), to serve the housing needs of the District, the sub-areas and the unmet needs of Oxford.
- 2.2 In this instance the Housing Market Area (**HMA**) comprises of a large urban area (Oxford) surrounded by Districts (including VWH District) . Oxford's needs cannot be met within its boundary and these unmet housing needs should be absorbed by the surrounding Districts through the mechanism of the Duty to Cooperate (**DTC**), which the National Planning Policy Framework (**NPPF**) requires as a replacement for the regional/local planning approach which previously existed.
- 2.3 The DTC is first set out in Section 110 of the Localism Act 2011, and the Framework (March 2012) elaborates in paragraphs 178, 181, 182.
- *local planning authorities to work together to **meet development requirements which cannot wholly be met within their own areas***
 - Plans should be "**Positively prepared ... including unmet requirements from neighbouring authorities**"
- 2.4 The Authorities which make up the HMA are identified as:
- Cherwell
Oxford
South Oxfordshire
Vale of White Horse
West Oxfordshire
- 2.5 The housing numbers are set out VOWH Response to Planning Inspector's Questions dated 27th March 2018, and will be dealt with in Matters 2 - 5. But matters are in a state of flux.

- South Oxfordshire has already decided not to meet its ‘apportionment’ of the total need and in March 2018 SODC postponed submitting its Local Plan because proposals for 3,000 homes to be built at Chalgrove Airfield have proven to be unreliable.
- VWH Council on 14.2.18 noted the Government/Oxfordshire proposed “Growth Deal”, which includes an extra 100,000 homes in Oxfordshire, and in April 2018 the joint authorities (as part of the Oxfordshire Housing and Growth Deal) agreed the Oxfordshire Joint Statutory Spatial Plan Draft Statement Of Common Ground.
- The NIC ‘Cambridge/MK/Oxford Growth Arc’ for Oxfordshire expects housing delivery to grow by 132,000 homes above the current known supply of 240,000 homes, or by 55%¹.

2.6 Thus, the LPP2 is being examined at a time of uncertainty and change and that must be acknowledged.

2.7 The **second** strategic matter is the inherent conflict with the need to allocate housing according to principles of sustainability (including access to rail services) against the 1950’s Green Belt policy. The Green Belt (**GB**) around Oxford is the best location for housing growth. VWH has chosen to allocate non-GB sites in the Abingdon/Oxford sub-area when more sustainable sites are available elsewhere, albeit in the GB. Dalton Barracks is within the GB, and will be examined under Matter 5, but VWH has sought to allocate a high proportion of housing there, when there are issues about availability and deliverability.

¹ Cambridge, Milton Keynes and Oxford Future Planning Options Project Final Report November 2017 p21



4.0 QUESTION 1.2 - 1.7

4.1 This Statement has no comment on these questions.

5.0 QUESTION 1.8

Have the likely environmental, social and economic effects of the LPP2 been adequately addressed in the Sustainability Appraisal? Does the appraisal test the plan against reasonable alternatives for the spatial strategy of the plan and the distribution of housing?

5.1 The short answer to the second question is no. The SA does not test reasonable alternatives.

The Local Plan process, and importantly the Sustainability Appraisal, needs to demonstrate that it is:

***Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.²*

5.2 The Sustainability Appraisal (September 2017) (SA) Non-Technical Summary (NTS)³ sets out 3 levels of appraising the ‘reasonable alternatives’ on p5. The first is ‘examine high levels issues options’, but the NTS says no more about this stage, which is telling.

5.3 The detailed SA⁴ at para 6.2 p12 firstly refers to a ‘higher-level’ appraisal in its Section 3. This involves a starting point of LPP1’s Core Policies 2 and 4, and the emergence of an unmet need figure for Oxford of 2,200. This is all about housing numbers, not spatial strategy choices.

5.4 Table 4.1 (pp6,7) lists 11 ‘sustainability objectives’ including “8. *Protect the cultural heritage and provide a high-quality townscape and landscape.*” Then asks the question “Does the proposal...Protect and enhance archaeology and heritage assets, and areas of sensitive landscape including AONB and Green Belt?”. GB is not a landscape policy, so irrelevant to this objective.

5.5 Objective 3 is “Reduce the need to travel and improve provisions for walking, cycling and public transport and reduce road congestion.”

5.6 The application of the ‘reasonable alternatives’ test to the Abingdon/Oxford Fringe Sub-Area is dealt with in Matter 2 questions

5.7 **In conclusion**, the SA has not, therefore, properly considered reasonable alternatives. The most appropriate way of assessing an alternative strategy would be to fully consider what the strategy

² The Framework para 182

³ CSD09.1

⁴ CSD09

could be against a range of factors which include sustainability of location including non-car transport, of which rail is prominent, and the level of services offered by the host settlement. These should then be balanced against the GB factor. This is the approach of LPP1 CP8.

- 5.8 Furthermore, the SA and LPP2 are not legally compliant in relation to the Sustainability Appraisal/Strategic Environmental Assessment Report (SA/SEA). The LP process is subject to the Strategic Environmental Assessment Directive, 2001/423/EC Art 3(2), because it sets the framework for future development consent of projects. The directive is implemented in England by the Environmental Assessment of Plans and Programme Regulations 2004 (the SEA regulations). The SEA process is defective for failure to properly consider "*reasonable alternatives taking into account the objectives and geographic scope of the plan*" as required by SEA Reg 12(2)(b).