

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

Our response to Matter 1 is submitted on behalf of our clients Taylor Wimpey UK Ltd. They have land interests across the Vale of White Horse, including land to the north of the A420 and to the east of Fernham Gate, Faringdon. An outline application for up to 67 dwellings has recently been submitted in relation to this site (ref: P18/V1362/O).

Our Client has a number of concerns relating to the LPP2 which focus on the different and reduced role envisaged for the Western Vale, when compared to the LPP1. In particular, they are concerned that the LPP2 seeks to revisit matters which, as defined by the LPP1 (para. 1.1 refers) are beyond its scope. This has resulted in a sub-standard spatial strategy when considered against the LPP1 and cannot be the most appropriate when considered against reasonable alternatives.

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

The new Development Plan for the Vale is intended to comprise several Development Plan Documents, with the principal elements being the LPP1 and 2, the roles of which are defined in the LPP1.

Specifically, para. 1.1 and Policy CP3 of the LPP1 confirms that it would:

- Establish the spatial strategy for the District;
- Identify the number of new homes and jobs to be provided in the area over the Plan period to meet the Vale's own development needs in full;
- Set out the strategic policies to deliver sustainable development; and
- Allocate large-scale, strategic sites. In the case of housing, the minimum threshold was 200 dwellings.

Para. 1.1 of the LPP1 also confirms the role of the LPP2 as being:

- To establish policies and locations for housing to meet the Vale's proportion of Oxford's housing need, unable to be accommodated within the City's boundaries;
- Policies relating to the Didcot Garden Town;
- To allocate additional development sites for housing and other uses; and
- Other detailed development management matters.

Despite these clearly defined roles, the LPP2 has sought to revisit settled matters, including the spatial strategy for the District and how the Vale's own housing needs are to be met over the Plan period. This has been to the advantage of the Abingdon and South Eastern sub-area and at the detriment of the Western Vale.

As the LPP1 has been subject to a full Sustainability Appraisal process and found to be sound at an Independent Examination, it must be considered to be the most appropriate strategy when considered against reasonable alternatives. It follows that any alternative strategy, including the new strategy provided within the LPP2, cannot be either as, or more appropriate.

We discuss this further in relation to Question 1.8 and Matters 2, 4, 6 and 8.

1.4 Overall, has the Council satisfactorily discharged its duty to co-operate to maximise the effectiveness of the LPP2?

We acknowledge that the Council has discharged its duty to co-operate requirements in general terms. However, we have a number of concerns relating to unmet housing needs within the housing market area. These concerns include:

1. Oxford City's unmet housing needs have not been subject of independent examination. They therefore may increase as the emerging Oxford City Local Plan progresses. There is no flexibility in the LPP2 to respond to any potential change in the level of unmet need from Oxford City.
2. Other Authorities in the housing market area have disagreed over how the unmet housing need from Oxford City is to be distributed over the housing market area. Accordingly, despite best efforts, it appears an element of the unmet need from Oxford City will still not be met.

These concerns are explained in full in our response to Matter 2.

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?

We do not believe that the LPP2's Sustainability Appraisal adequately addresses the environmental, social and economic effects and certainly does not test the plan against reasonable alternatives.

As indicated above, the LPP1 establishes tightly defined roles for both the LPP1 and 2. These roles are identified above in our response to Question 1.1.

Accordingly, the LPP2 was required, in accordance with the clearly defined scope outlined in para. 1.1 of the LPP1, to allocate additional housing sites required to meet the Vale's own needs and any additional land required to meet the unmet housing needs from elsewhere in the housing market area. With regard to the former, the LPP1 clearly outlined the number of houses required to be found on new housing allocations within each sub-area.

On this basis, the LPP1 has established both the spatial strategy for the District and a strategy for meeting the Vale's own housing needs. These are issues which are beyond the scope of the LPP2 and should be considered settled matters.

It is therefore fundamentally wrong as a matter of process and procedure for the LPP2 to propose a new and different strategy as that is at odds with its defined role. All development to be met in the LPP2 should be distributed in accordance with the LPP1's strategy. Having been through Examination and found to be sound, it must, given the NPPF's test of soundness, be the most appropriate strategy when considered against reasonable alternatives. Consequently, no other strategy could be as, or more appropriate.

This means that any residual requirement associated with the Vale's own housing needs to be met in the LPP2 as identified in the LPP1 should not be re-examined at this stage, as has happened. Moreover, any additional unmet housing needs from neighbouring authorities should also be met in and distributed in accordance with the spatial strategy of the Adopted Local Plan.

These deficiencies in the LPP2 are most obviously illustrated in the Western Vale, where the LPP1 identified that the sub-area had a role and function of delivering a housing supply in excess of what the Local Planning Authority considered was necessary to meet housing needs derived from the area. The over provision was considered necessary to meet the Vale's overall need for housing in full. This strategy was considered against reasonable alternatives within the iterative Sustainability Appraisal process, assessed through Independent Examination and found to be sound (para. 137 and 138 of the Inspector's Report refers).

In addition, given the Western Vale's role in meeting the Vale's own needs, it would be expected that it would have made a proportional contribution to meeting Oxford's unmet housing need. Any deviation from that distribution would result in a different strategy being followed, which would be at odds with the LPP1 and extend beyond the scope of the LPP2.

However, despite this, the LPP2 seeks to reduce the contribution the Western Vale sub-area will make to meeting the housing requirements outlined in the LPP2 and significantly, in terms of its requirement, when assessing the Vale's own housing needs in isolation (i.e. the contribution the Vale makes to the LPP1 requirement). This is both in actual and proportional terms.

The implications of the amended strategy are shown in Table 1 below.

Table 1 – Western Vale Requirement and Supply Comparison

Category	Dwellings	Percentage of Overall No.s for VoWH
LPP1 Requirement	3,173*	15.1
LPP1 Supply	3,704	16.9
LPP2 Requirement	3,098	13.6
LPP2 Supply	3,816	15.4

Had all housing needs to be met through both the LPP1 and 2 been made in accordance with the LPP1's strategy, it would have had the following implications for the Western Vale.

Table 2 – Apportionment of the Vale’s Housing Needs and Oxford’s Unmet Needs in Accordance with the Part 1 Plan’s Spatial Strategy

Category	Dwellings	Percentage of Overall No.s for VoWH	Comparison to Part 2 Plan
LPP2 Requirement	3,428	15.06	+330
LPP2 Supply	4,182	16.9	+366

To date, despite the LPP1’s clear and robust strategy, it is somewhat surprising that the LPP2’s Sustainability Appraisal only assesses a reduced housing requirement and role for the Western Vale, rather than the higher requirement and role envisaged by the LPP1. No assessment of the sustainability credentials of this reduced role for the Western Vale, is provided, both in terms of the reduced requirement and its reduced role in meeting the Vale’s unmet housing needs. Consequently, it is difficult to understand the environmental, economic and social effects of the revised and reduced role.

To remedy the deficiencies in the LPP2’s spatial strategy, there is a need for it to focus additional growth in the Western Vale, in accordance with the LPP1’s spatial strategy and distribution of growth and to identify additional housing allocations in the sub-area, including at Faringdon, which is the preeminent settlement within the sub-area. In this regard, we draw attention to my Client’s outline application on land at Fernham Gate, Faringdon (Ref: P18/V1362/O).

In addition to the above, we are also concerned that the proposed allocations in the LPP2, together with existing commitments and allocations in the LPP1, are unlikely to deliver in the manner envisaged by the Council (this is discussed further in our participant statements to Matters 3 and 8).

In this regard, we note that the summary findings and conclusions of the consultation LPP2’s Preferred Option Sustainability Appraisal identifies that the most positive option for the delivery of housing is for the least reliance on large sites, whilst option 2 (less reliance on large sites) performed well in overall terms. Given these findings, it is highly surprising to note that the Publication Version of the Sustainability Appraisal now identifies a strategy which promotes larger sites as performing the best of three options. The consideration of alternative options, including land in the Western Vale may well have improved the conclusions of allocating a greater number of smaller sites further and we note that there wasn’t a consideration of the deliverability of the strategy taken into consideration.

We discuss this further in our response to Matter 8.

Our other concerns with the Sustainability Appraisal include:

- **Assessment of East Hanney** – The Part 2 Plan proposes to allocate two housing sites in the Village, despite the conclusions of the Sustainability Appraisal which state that East Hanney

is remote from both Oxford and the Science Vale (para. 10.4.6 refers). We also note that there are only 326 households in the Village. The proposed development would therefore represent an increase in size of nearly 40% for East Hanney.

- **Assessment of Kingston Bagpuize** - The LPP2 proposes to allocate one housing site at the Village (600 dwellings). There are currently only 935 households in the Village, which means that the allocation would increase the size of it by **nearly 65%**. Again, the Sustainability Appraisal notes that Kingston Bagpuize is ***"is relatively distant from a higher order centre"*** (para. 10.3.3 refers). It also indicates that contributions for health care provision from the proposed allocation will be spent in Faringdon (para. 10.3.3) demonstrating Faringdon's important role and function for Kingston Bagpuize.

We discuss this further in our response to Matter 4.

LRM Planning
June 2018