



**MATTER 8: Housing land supply, viability, delivery and monitoring**

**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**

<b>Project reference</b>	GP 006	<b>Date</b>	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 LPP2 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 8.1

*Do the provisions of the LPP2 make the necessary contribution towards a five year supply of deliverable housing sites against the stated housing requirement for the District as a whole and the Science Vale ring fence area?*

- 2.1 VWH has published a Housing Land Supply Statement for the Vale of White Horse (April 2018). It supersedes the April 2017 version. It is complicated by the sub-division of the District into the 'Science Vale Ring Fence' (figures for which are included in the SE Vale sub area, but are not the whole of the sub-area), the rest of the District, and a total. It is further complicated by utilising the 'Liverpool method' for Ring Fence Area, 'Sedgefield' for the rest of the district then 'combined' for the whole of the District.
- 2.2 However, a fatal flaw is to base the figures on LPP1 (20,560) when the submitted LPP2 should be the starting point. The reason for that is that LPP2 increases need by 2,200 of Oxford's unmet need thus arriving at a figure of 22,760 in CP 4a. This extra housing is allocated to the Abingdon/Oxford sub area, but because it is universally recognised that occupancy cannot be just restricted to 'Oxford' then obviously some completions thus far in the plan period are already serving Oxford, which is boosting the supply side. If that is boosted, then the need side needs to do so also. Although VWH may claim that this higher figure is not yet approved, it is its final bid on numbers so should be used in the calculation. This is supported by an appeal decision<sup>1</sup> in similar circumstance in Central Bedfordshire where it was found that Luton's unmet need was included in a Pre-Submission Plan, so it was the Plan figure which should be used.
- 2.3 For simplicity, the following Table illustrates the whole District housing land supply position, without the complications described above.

**Table GPL1 M8**

LPP2 requirement	22,760
annual requirement	1,138
completions 2011/12- 2017/18 (7 yrs)	6,300
shortfall (7x1,138=7,966 - 6,300)	1,666
5 year requirement	5,690
added shortfall	7,356
added 20% for persistent under-delivery	8,827
5 year supply	9,121
%	103%
<b>supply in years</b>	<b>5.15</b>

<sup>1</sup> Appendix 1 to this Statement. APP/P0240/W/17/3181269, 20.3.18. Relevant paras 51,53,56,63,64

- 2.4 Whilst this is borderline (and not the claimed 6.8 years in the Supply Statement), it does demonstrate a 5 year supply can currently just be provided. However, that situation may decline. The trajectory (Supply Statement) shows that only 15 of the 18 LPP1 sites will deliver housing in the period up to 2022/23 providing just 2,024 homes.
- 2.5 A 'Housing Trajectory Paper Update' (Feb 18)<sup>2</sup> provided estimated future completions for the LPP2 sites. There seems to be no specific trajectory for the LPP1 sites but they are included in the 2017 trajectory. In our Matter 5 Statement we have argued that there will be a maximum of 400 dwellings delivered from mid-2027 at Dalton Barracks, not the 1,200 claimed in LPP2.
- 2.6 This further undermines the VWH case in LPP2 (and as further 'described' in the response to the Inspector's letter of 27.3.18) to reduce the LPP1's housing numbers. The logic is the reverse of that - by following the figures in LPP1 (even if that produces a small numeric 'surplus') then, as I demonstrated in the Matter 3 Statement that there is a shortfall in LPP2 housing numbers of some 400 - 900 homes, which should now be allocated, and sustainable sites are ready to make a contribution (e.g. Radley South located near to the only railway station in the Abingdon/Oxford sub area).

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<sup>2</sup> HOU03.1

### 3.0 QUESTION 8.2

*Do the provisions of the LPP2 make the necessary contribution towards meeting the stated housing requirement for the District as a whole and the Science Vale ring fence area over the full plan period to 2031?*

- 3.1 The point has already been made in Q2.1 and the Statement for Matter 3, that the housing requirement for LPP2 is below that envisaged in LPP1. Furthermore, there is doubt about the number of homes which can be delivered in the plan period. Even if all sites fully delivered in the plan period there would be a shortfall of some 400 - 900 homes in the Abingdon/Oxford sub area when compared to figures derived from LPP1.
- 3.2 The various trajectories can be combined to present a full picture for the whole District as shown in the Table overleaf.

**Table GPL2 M8**

Column 1: The April 2017 version projects annual completions up to the end of the plan period.

Column 2: which can be used to supplement the April 2018 trajectory which only runs up to 2022/23.

Column 3: The Trajectory HOU03 is for LPP2 sites.

Column 4: Taking the partial trajectory of April 18 plus the LPP2 sites, then reverting to the April 17 trajectory for post 2023/24 plus the LPP2 sites gives Column 4.

Column 5: revises the LPP2 sites to accord with the more realistic trajectory for Dalton Barracks.

Column provides the target if the full LPP2 figure (including unmet need), adds the current shortfall for up to Mar 17 plus 20% for the 5-year period up to 2022, then reverts to the normal requirement + 5% up to the end of the plan period 2031.

Column 7: is for the VWH LPP2 trajectory without discounting Dalton Barracks' delivery.

Column 8 is the VWH based shortfall

Column 9 is the GPL based shortfall

	1	2	3	4	5	6	7	8	9
	VWH	VWH	VWH	VWH	GPL	GPL	GPL	GPL	VWH
	Apr-17	Apr-18	LPP2 Oct 17	combined	LPP2	combined	target	shortfall	shortfall
2011/12	346	346		346		346			
2012/13	578	268		268		268			
2023/14	578	578		578		578			
2014/15	740	740		740		740			
2015/16	1133	1133		1133		1133			
2016/17	1615	1615		1615		1615			
2017/18	1447	1620		1620		1620			
2018/19	1996	1285		1285		1285	1765	-480	-480
2019/20	2400	1929	45	1974	45	1974	1765	209	209
2020/21	1920	2224	210	2434	210	2434	1765	669	669
2021/22	1671	2053	265	2318	265	2318	1765	553	553
2022/23	1381	1631	200	1831	200	1831	1765	66	66
2023/24	1088		250	1338	250	1338	1012	326	326
2024/25	888		300	1188	250	1138	1012	126	176
2025/26	839		350	1189	250	1089	1012	77	177
2026/27	828		400	1228	200	1028	1012	16	216
2027/28	659		300	959	150	809	1012	-203	-53
2028/29	593		350	943	250	843	1012	-169	-69
2029/30	358		575	933	350	708	1012	-304	-79
2030/31	208		375	583	350	558	1012	-454	-429

**3.3 Whether taking this Statement's figures, or the VWH figures, this Table illustrates that there will be a shortfall of delivery, even assuming the LPP1 and LPP2 will come on stream, for 2018/19, then continuously from 2027/28 to the end of the plan period. From 2018/19 to 2022/23 a 20% buffer has been added (as in the 2018 trajectory) which totals 1,462. If this is clawed back from the last 8 years of the plan period it reduces the annual target from 1,195 to 1,012. The total of Column 4 up to 2017/18 (actual) and Column 2018/19 on (target) is 23,221 which is about the correct amount in LPP2 CP4a, but with 461 extra which meets the 'at least' requirement.**

#### 4.0 QUESTION 8.3

*Are the figures for completions and known commitments (both overall and in each sub-area) accurate? Should any allowance be made for the non implementation of commitments?*

- 4.1 There is no confidence they are accurate. I raised this for Matter 3, but copy that section into this M8 statement for convenience. There should be an allowance for non-implementation of commitments, this is common practice elsewhere. I also raise a point about delivery on LPP1 sites taken from the trajectory in paras 2.4, 2.5 above. LPP2 Policy 4a also has a typo in that completions are to Mar 2017, so the next line should be supply from Apr 2017, not Apr 2016.

From M3 Statement:

- 4.2 This then totals a need for 7,638 homes in the Abingdon/Oxford sub area. However, LPP2 Core Policy 4a states it to be 7,512. The difference of 126 is unexplained. Sources of supply given in LPP2 Core Policy 8a are made up as follows:

	LPP2 (dwellings)	LPP1
Completions Apr 2011-Mar 2017	2,051	LPP1 2011/2016: 1,175 (+876)
Commitments Apr 2017-Mar 2031	1,401	LPP1 2016/2031: 2,011 (-610)
LPP1 allocations	1,790	same as LPP1
windfalls Apr 2017 - Mar 2031	308 (22p.a.)	LPP1 240 so +68, but 1 less year
<b>Sub total</b>	<b>5,550</b>	subtotal in LPP1 5,216 (so +334)
LPP2 allocations:		
North of East Hanney	80	
North-East of East Hanney	50	
East of Kingston Bagpuize with Southmoor (Fyfield and Tubney Parish)	600	
South-East of Marcham	90	
Dalton Barracks	1,200	
<b>LPP2 total</b>	<b>2,020</b>	
<b>Total</b>	<b>7,570</b>	

- 4.3 There are discrepancies between LPP1 (CP8) and LPP2 (CP8a). Completions rose by 876 which should see a similar reduction in commitments, but the drop is 610, meaning that 266 plots have been 'lost'. A small number of completions would have been on windfall sites (average in LPP2 is 22 p.a.) so the difference between completions and commitments reduces to 588. If the whole

difference could be attributed to windfalls then either that would have been 244 extra windfalls (i.e. more than the entire allowance of 240 in LPP1 when even the average has increased to 22 p.a. in LPP2 from 16 p.a. in LPP1) or some completions have been on LPP1 allocated sites (although the figure of 1,790 remains) or LPP2 proposed sites. In either case there would be double-counting. The subtotal of completions, commitments, LPP1 allocations, and windfalls should remain the same, but in LPP2 has increased these by 334.

- 4.4 So, there needs to be explanation by VWH why the 'target' requirement has dropped to 7,512 when it should be 7,638 (+126), and why the delivery number to date (excluding LPP2 allocations) has increased by 334 dwellings.
- 4.5 If the 7,638 number were to stand and delivery was reduced by 334, then LPP2 needs to allocate sites for 2,422 dwellings not 2,020 - **a shortfall of 402 dwellings.**
- 4.6 **Alternatively,** LPP1 CP8 for the Abingdon/Oxford sub area (which identified VWH housing numbers only) underprovided for the 5,438 homes needed and left LPP2 to allocate sites for 722 homes for VWH own needs. To this, an additional 2,200 homes must be added for Oxford's unmet needs, meaning that 2,922 homes must be allocated in LPP2, yet LPP2 CP 8a allocates 2,020 homes - **a shortfall of 902 homes.**
- 4.7 The VWH response to the Inspector's questions of 27.3.18 Table 1 (District-wide)<sup>3</sup> also demonstrates similar discrepancies. Completions have increased (an extra year) between LPP2 and LPP1 by 1,607 but commitments have decreased by 1,407, a loss/difference of 200. Even if windfalls (now 70 p.a.) account for some of that difference there is still a 'loss' of 130 homes. Unless some completions have been on LPP1 or LPP2 sites (in which the corresponding figures should reduce), there is no explanation. Also, LPP2 allocations are 3,420 in CP4a, not 3,450.
- 4.8 However, the Housing Supply Statement (April 2018) says at para 4.6 that "5 [of the LPP1 sites] are under construction" but a brief inspection of Appendix C shows no completions 2011 - 2017,
- 4.9 The VWH 'explanation' for the LPP1 CP4 figure (20,560) not being the sum of the CP8, 15 and 20 figures (which sum 20,971 - a difference of 411 not the 501 stated in the response) is that some

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<sup>3</sup> PC01, PC01.1



extra was added to the sub-areas “*partly reflected the planned supply at the time*” which requires further interpretation/clarification by VWH.

- 4.10 Given that the housing figures in LPP1 and LPP2 are “*at least*”, and according to VWH included a margin, there is no justification for ‘reinterpreting’ the adopted figures in LPP1 and introducing a discount. The correct figure for Abingdon/Oxford sub area is to add the 2,200 from Oxford to the LPP1 figure of 5,438 without any adjustment.

## 5.0 QUESTION 8.4

*Is the revised calculation for windfall sites in the LPP2 (both overall and in each sub area) compared to the LPP1 supported by proportionate evidence and consistent with national policy?*

- 5.1 The Housing Supply Statement April 2017 gives a windfall allowance of 70 p.a., LPP2 (Feb 2018) CP 4a (with the Apr 16 typo corrected to Apr 17) is therefore wrong in having a windfall allowance of 1,100 for the remaining 14 years - it should be 980.
- 5.2 Past windfalls may be high because there has been an out-of-date Local Plan in operation for many years. LPP1 and 2 should adjust that, with fewer windfalls. Subject to the adjustment to CP 4a, this Statement is content with an allowance of 70 p.a.

## 6.0 QUESTION 8.5

*Has the cumulative impact of the policies and standards of the LPP1 and LPP2 together with nationally required standards on the viability of development been appropriately assessed? Would these put the implementation of the plan at risk and would they facilitate development throughout the economic cycle?*

- 6.1 The extensive infrastructure works required for Dalton Barracks are described in LPP2 and addressed by the Statement for Matter 5, there is no further comment in this M8 Statement.

## 7.0 QUESTION 8.6

*Do LPP2 Core Policy 47a and the monitoring framework in Appendix N provide a sound basis for monitoring implementation of the LPP2 and for the necessary action to be taken should the LPP2 not be delivered as envisaged?*

7.1 This Statement offers no comment on this question.



## **Matter 8**

### **VWH Local Plan Examination Part 2**

**Gardner Planning Ltd on behalf of AWEL**

## **APPENDIX 1**

Extract from CBC appeal decision

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## Appeal Decision

Inquiry Held on 13, 14, 15 and 16 February 2018

Site visit made on 12 February 2018

**by P W Clark MA MRTPI MCMI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 March 2018**

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**Appeal Ref: APP/P0240/W/17/3181269**

**Land off Mill Road, Cranfield, Bedfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Central Bedfordshire Council.
  - The application Ref CB/17/01042/OUT, dated 28 February 2017 was refused by notice dated 26 May 2017.
  - The development proposed is the erection of up to 78 residential dwellings with public open space, landscaping, sustainable drainage system (SuDS) and land for provision of a doctor's surgery.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 78 residential dwellings with public open space, landscaping, sustainable drainage system (SuDS) and land for provision of a doctor's surgery on Land off Mill Road, Cranfield, Bedfordshire in accordance with the terms of the application, Ref CB/17/01042/OUT, dated 28 February 2017, subject to the eighteen conditions attached as an appendix to this decision.

### Procedural matters

2. The application is made in outline form with all detailed matters reserved for later consideration. An informal, unaccompanied, site visit was made the day before the Inquiry. The outline nature of the proposal and the nature of the objections to it meant that no matter arose during the Inquiry which required elucidation from a further site visit. Consequently, with the agreement of both parties no further, formal, accompanied site visit was made.
3. The appeal is accompanied by a Unilateral Undertaking which provides for
  - 35% of the dwellings to be provided as Affordable Housing
  - Land for a Doctor's surgery or Medical Centre
  - Financial contributions of
    - Up to £80,884.44p towards the provision of early years places at Cranfield Academy School
    - Up to £269,614.80p towards the provision of lower school places at Cranfield Academy School

51. As it turns out, the Local Plan process has come up with a figure which is enhanced, not constrained, by policy, in order to take account of unmet needs arising from the adoption of the Local Plan for Luton which lies within the same Housing Market Area as Central Bedfordshire. The latest version of the emerging Local Plan was opened to consultation on 11 January 2018. Its publication and content is therefore a new factor, not considered in the previous Claphill and Potton appeal decisions referred to above. It identifies a housing requirement equivalent to 1,968 dwellings per annum. Although the figure in the emerging plan is not yet a tested and adopted housing requirement, it is nevertheless a material consideration in calculating the significance of the benefit which would be provided by the housing proposed in this appeal.
52. Against the Objectively Assessed Housing Need of 1,600 dwellings per annum the Council's January 2018 Five Year Land Supply Statement claims an identified supply of 1,651.4 dwellings per annum (a supply of 5.87 years). If this figure is correct then there would be little disproportionate benefit arising from the housing resulting from this appeal proposal.
53. In making this calculation, the Council has
- Reduced its five-year OAHN by reference to oversupply in a previous five-year period
  - Excluded the unmet needs of Luton from the demand side of the equation without a balancing exclusion from the supply side of the equation
  - Applied a buffer based on historic housing delivery within the period of its own administrative existence rather than within the period of a housing cycle and by reference to disputed targets
  - Made no allowance for the uncertainties of predicting delivery

I consider the merits of each of these points in turn in the following paragraphs.

54. The Council's January 2018 Five Year Land Supply Statement notes a surplus of 469 dwellings when assessed against what was needed to be provided during the 2.75 years prior to the commencement of that five-year assessment. That number is deducted from what would otherwise be a five-year figure of 8,000 (excluding any buffer). In one other, similar, case which was brought to my attention (reference APP/F4410/W/16/3158500) it was pointed out that although the NPPF advises increasing the buffer to deal with under-delivery, it is silent on over-delivery. In that case the Council did not provide a justified rationale for its approach and so it was considered to be flawed.
55. I am not so convinced because, in this case, the OAHN is not even a requirement, let alone a minimum requirement to be exceeded. NPPF paragraph 47 advises that the five-year supply is to be calculated against housing requirements for the whole of the plan period and that the cumulative intent of a succession of five-year supplies is to meet (it does not say exceed) the housing target. The recommended use of a buffer in case of under-delivery is brought forward from a later five-year supply; it is not added to it. Although there is no explicit government policy support for the concept that under or over-delivery in one five-year period is counted against a future five-year's

supply, I do not find that it is prohibited and so the Council's approach in this appeal is not unreasonable.

56. The Council's action in excluding the unmet needs of Luton from the demand side of the equation is unquestionably correct, since an OAHN is meant to be objective, excluding any elements of adjustment through policy decisions such as accommodating the unmet needs of another authority. However, a supply side of the equation which is not then adjusted to take account of land releases exceptionally justified as a matter of policy by the unmet needs of Luton as are some components of the Central Bedfordshire supply produces a skewed result. I fully accept that such exceptional releases of land are not and cannot be reserved for Luton residents and are as available to meet the needs of Central Bedfordshire residents as any other but an equation which compares a "policy off" objective assessment of need against a "policy on" supply is an unbalanced assessment.
57. In order to boost significantly the supply of housing, NPPF paragraph 47 advises adding a buffer, moved forward from later in the plan period, to the identified five-year supply. The buffer should be either 5% or 20%, depending on past delivery. The council has examined past delivery only in relation to the period of its existence, ignoring the earlier part of the housing market cycle, although records exist. This gives a misleading picture.
58. Having said that, the relevant passage in the NPPF refers to a "persistent" under-delivery. The records for the complete housing market cycle do indeed show that for the early part of the cycle there was continued under-delivery, year on year. But, the more recent records equally show that the under-delivery has not persisted and indeed that an over-delivery has occurred, though not yet sufficient to make up the shortfall for the early years. Having looked at the records for the complete housing market cycle, my view is that the under-delivery has not persisted and that the Council's use of a 5% buffer is justified. Whether the target figures for the earlier parts of the housing market cycle are correct or not does not alter this assessment.
59. Both parties in this appeal have sought to identify, with finite certainty, the quantity of housing development expected to be delivered within the next five years. I have no disagreement with my colleague's judgement, in the "Potton" inquiry, that the Council's approach, of proactively monitoring and contacting site owners and developers every quarter is a more realistic and pragmatic one than applying an average rate of delivery. It is, however, far more labour-intensive and remains open to criticism of inaccuracy or disagreement on individual sites, as the appellant's evidence demonstrates.
60. I have no information which would permit me to come to a convincing conclusion in favour of either party's expectations of delivery on individual sites. Nor do I regard the effort as fruitful because of the inherent uncertainty and unreliability of forecasts of future events. As the Council acknowledged in response to my question, although adjustments are made to owners' or developers' more unrealistic aspirations, there is no systematic allowance for the uncertainties of prediction up to five years ahead so the result of the laborious effort involved gives a spurious impression of precise accuracy.
61. In practice, as the appellant pointed out without contradiction, the Council's laborious method produces results which have been consistent over-estimates in every five-year supply forecast it has made. The over-estimate has never



been less than 10%. Without endorsing each and every one of the appellant's minute criticisms of the figures for a number of individual sites, I have no reason to believe that the current statement of housing land supply is any more accurate in its predictions than its precursors.

62. Taking all of the above into account, I find that the Council's assessment of its five-year housing need based on OAHN and including a 5% buffer is accurate at about 8,257. But its assessment of housing supply needs to be adjusted downwards by a factor balancing the exclusion of Luton's needs from the equation and by a factor reflecting the inherent uncertainty and unreliability of forecasting future events. The first factor is put by the appellant at about 700 dwellings. The Council's previous over-estimates of supply have never been less than 10%. These two factors are likely to turn the Council's expected five-year surplus of 1,430 dwellings into a small deficit of about 200-250 dwellings.
63. As mentioned earlier, the housing requirement included in the latest stage of the Council's emerging Local Plan is a material consideration. It is untested, and so cannot be taken as sound although it is nearing the point at which the Council can be taken as believing it to be sound.
64. A five year requirement based on that figure would be 9840. Deducting the surplus for 2015-17 would leave a requirement of 9371. Adding a 5% buffer would produce a figure of 10,332. The Council's calculated trajectory is 9687. The requirement includes the unmet needs of Luton and so, no balancing adjustment to the supply side of the equation would be called for. But a 10% reduction in expected supply to reflect the uncertainty of future predictions would still be appropriate, resulting in a figure of deliverability of 8718 and a shortfall of 1,614, or about 300-350 dwellings per annum.
65. Based on either approach, the present shortfall in the five-year housing land supply for Central Bedfordshire can be seen to be either 40-50 dwellings per annum or 200-250 dwellings per annum. Whichever way one looks at it, the contribution from this site, up to 78 dwellings towards making good the shortfall, would be of considerable social benefit.
66. In addition to the contribution which the appeal proposal would make to housing supply in general, the Unilateral Undertaking allows for 35% of dwellings to be provided as affordable housing. Though this does no more than comply with policy CS7, policies exist to seek planning benefits, not just to avoid planning harms, so it is a benefit to be included in the balance nonetheless. I am satisfied that the provision in the Undertaking would comply with the CIL Regulations. There are also economic benefits which would flow from the development both from its construction and from the spending power of those it would house. A further small benefit resulting from the development would be the completion of a footpath link sought in the Cranfield Green Infrastructure Plan 2010.
67. Planning Law requires that applications for planning permission (and hence, appeals) must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration, together with its presumption in favour of sustainable development. For decision-taking, this presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out of date, granting permission unless any