

Vale of White Horse Local Plan Deposit Draft 2031 (the “Plan”)

Part 2 Examination

Matter 9. Development and Management Policies

Statement by Daniel Scharf MA MRTPI Ref. 826174

1.0 Introduction

1.01 The Foreword makes no mention of the greatest challenge for land use planning to address, that will be how to reduce carbon emissions by about 60% while proposing 40% growth in housing, employment and associated infrastructure. This absence sets the tone for the Plan and the Sustainability Assessment that points out that,

"No proposed LPP2 Development Policies are focused on climate change mitigation / low carbon development, recognising that a strong policy framework is provided by Core Policy 40 (Sustainable Design and Construction) and Core Policy 41 (Renewable Energy). ... Significant effects are not predicted, recognising that climate change is a global issue (and hence local actions can have only limited effect)."

This Appraisal does not draw out the crucial difference between adaptation (ie CP40) and the absence of mitigation policies. Even these policies are worded in a discretionary or permissive manner that would have no real effect. But AECOM says that this does not matter as local actions don't matter in the context of the global problem. On this basis, the Plan cannot claim to have been properly or adequately assessed, but the SA is right in pointing out that essential mitigation policies are missing from the Plan (see 'legal requirements' considered under Matter 1).

1.02 It is indicative of how unsound the Plan is on sustainability grounds that the Didcot Garden Town delivery plan, the Oxford City draft local plan (for which some overspill housing is being proposed), and the London Plan, have higher environmental standards than appear in the VWH Plan.

- 1.03 In the Executive Summary 20 policies are listed including those relevant to “Protecting the Environment and Responding (sic) to Climate Change: DP 20: Public Art, DP 21: External Lighting, DP 22: Advertisements, DP 23: Impact of Development on Amenity, DP 24: Effect of Neighbouring or Previous Uses on New Developments, DP 25: Noise Pollution, DP 26: Air Quality, DP 27: Land Affected by Contamination, DP 28: Waste Collection and Recycling, DP 29: Settlement Character and Gaps, DP 30: Watercourses, DP 31: Protection of Public Rights of Way, National Trails and Open Access Areas, DP 32: The Wilts and Berks Canal, DP 33: Open Space, DP 34: Leisure and Sports Facilities, DP 35: New Countryside Recreation Facilities, DP 36: Heritage Assets, DP 37: Conservation Areas, DP 38: Listed Buildings, DP 39: Archaeology and Scheduled Monuments. All these might be important to protecting the environment but it is hard to avoid the conclusion that even a ‘response’ to climate change is missing from the Plan let alone effective mitigation policies.
- 1.04 2.58 says that, ‘Garden Villages are ambitious and locally-led proposals for new communities that should have high quality and good design hard-wired in from the outset. The Town and Country Planning Association (TCPA) have developed principles to help inform the creation of Garden Villages and the Council is keen to explore how these principles can inform the opportunity for development at Dalton Barracks.’ These ‘ambitious’ principles should apply to all new larger scale development in the District (see NPPF para 52 and the Green Infrastructure Strategy) and to include the market garden zones the Plan has omitted from its list of principles. The necessary research into food supply systems has not been carried out (See NPPF paras 160 & 161).
- 1.05 Extracts from the LPA response to the initial representations are included in italics.

2.0 Policies

- 2.01 **CP8b** applies to the development at Dalton Barracks referring to ‘ii. the development is in accordance with and makes the necessary contributions to

a comprehensive landscape plan for the whole site, including the provision of a Country Park of at least 80 hectares’, but fails to refer to any allocation of land for market gardening in accordance with Garden City principles.

- 2.02 **CP13a** on the Oxford Green Belt is unsound as it seeks to justify changes to the boundaries to accommodate unmet housing need as an ‘exceptional circumstance’. This overlooks the overestimate of the need for new housing by relying on the 2014 SHMA in respect of both the VWHD and Oxford City overspill, as well as the unexplored potential for custom-splitting. The latter must be investigated as a ‘reasonable alternative’ to developing in the Green Belt. The Green Belt could and should be protected in order to play an unacknowledged role in local food systems.
- 2.03 The discussion from 2.76 and at **CP12a** is about new road building. This suggests that the analysis of the LPA and the resultant Plan are out-of-date and divorced from the wealth of recent evidence and information about changes taking place in the transport system which are around the power-shift from ICEs to EVs and a likely move towards automatic and shared vehicles. A sound Plan would include policies designed to encourage and secure these changes and would not be looking backwards and attempt to lock-in and accommodate the growth of out-dated travel patterns based on the dependency on privately owned cars.
- 2.04 The Plan says at 2.126 ‘The announcement by the Department for Transport to explore an Oxford – Cambridge Expressway could have major benefits in relieving strategic traffic from the A34 and bringing further investment to the Science Vale area. The NIC have been looking at the Expressway and possible synergies with the East West Rail.’ The latest NIC report, *Congestion, Capacity and Carbon* reached the unsurprising conclusion that new roads (the Expressway meets this NIC description perfectly) are self-defeating as a means of increasing access and reducing congestion. As the A34 & A420 would become feeder roads to the Expressway, drawing traffic from the south and west, traffic and congestion would only increase. There would be no synergy between the road and rail links; even continuing to advocate for a new road could threaten the building and/or viability of the rail link.

Highways England have no evidence that congestion on feeder roads (eg A34 and A420) would not actually increase, no evidence of the impact of AVs and EVs, and no evidence of the impact on the completion or viability of the East West rail.

- 2.05 There is nothing in **Development Policy 1: Self and Custom-Build** to require developers to reserve plots for self/custom building, and planning applications that make no provision would not be refused as being contrary to the Plan. The statutory register is said to already have 174 people (a neighbourhood plan survey in one village found 145 people out of 600 replies were interested, and the National Custom & Self Build Association estimate the scale of demand or desire is about half of all households). The Government expects self/custom building to increase from about 7% to 20% that would be a sixfold increase in absolute terms. This suggests that the registers have not been properly or adequately advertised and even the current modest demand will simply not be satisfied unless development plan policies are aligned with and positively support the increase expected by Government.
- 2.06 A sound self/custom building policy would reserve substantial areas of all allocated and permitted sites (20% would be a good start) with all the provisos about being developed by a housing association or the developer in default. A failure to meet demand for serviced plots would result in frustrated self/custom builders serving injunctions on the LPA or applying/appealing on less suitable sites. If the supply of plots does not increase in line with demand the law (Self-building and Custom Housebuilding Act 2015 (as amended) will be brought into disrepute and housing supply will remain under the control and constraints of the volume builders. An additional policy could enable further self/custom building to be used to maintain building rates by building-out sites where the main developer chooses not to.
- 2.07 An alternative to building on a serviced plot would be custom-splitting of existing houses that would enable people with space to spare they would be able and willing to share to split a house and garden with a custom builder. If

this were made subject to a green refit (the whole housing stock has to be occupied without net carbon emissions by 2050) then the result would mean that each household would have the space that they need both inside (ie heating the space they occupy) and outside, and the whole building would be properly insulated, avoiding fuel poverty. Custom splitting would meet the need for smaller homes for both new and older households, the latter being able to downsize-in-place¹. These and other material planning benefits (making use of existing social and physical infrastructure) justify full and explicit policy support for custom splitting that would complement an upgraded self-build policy.

‘Flexibility’ is very unlikely to secure the increase expected by Government and the 2015 SCHA and prescriptive/proscriptive policies are required.

- 2.08 The process of custom splitting could also increase the mobility standards of existing dwellings to enable downsizing in place if such a requirement was included in Development Policy 2: Space Standards.
- 2.09 **Development Policy 3: Sub-Division of Dwellings** is a permissive policy with restrictions that should be applied with care, but would be inadequate as a means of increasing the scale of custom splitting. Prescriptive and/or proscriptive policies are necessary to raise the level of sub-divisions in order to secure the real benefits described in Plan paras 3.22 and 3.23. The Plan should signal the making of LDOs that would enable sub-divisions including custom-splitting at scale without the need for express permission, but subject to adequate access arrangements, noise/thermal insulation and mobility upgrades.
- 2.10 The benefits of residential annexes are identified at para 3.29 but are being underestimated in the role that they could play in housing older relatives, lodgers and returning children. A prescriptive policy is needed to require all larger houses to be designed so as to be easily and cheaply subdivided as family circumstances change. Designing in flexibility at the start substantially

¹ The APPG on Housing and Care of the Elderly received evidence in 2016 that there are 8 million households looking for attractive opportunities to down-size

reduces the costs and increases the likelihood that properties will be used in this way.

This response does not acknowledge the above material benefits of designing in flexibility at the start.

- 2.11 A policy is needed to apply conditions to new residential developments to bring extensions under planning control in order to both maintain the supply of smaller dwellings, their affordability and thermal efficiency.
- 2.12 The Plan lacks any policies in respect of community led housing, co-housing or community land trusts, all playing a growing role in meeting the supply of housing throughout the country. These forms of housing are likely to be needed to maintain a supply of truly affordable housing, to provide examples of how housing can meet social needs and to 'deliver' the choice in accordance with para 50 of the NPPF.
- 2.13 It is clearly Government policy to promote community led-housing which is reflected at NPPF Para 53 that requires a 'proactive and positive approach to Right to Build Orders'. However, many if not most community-led schemes are proposed in more conventional ways and a change to policies in the Plan is required for these to succeed.
- 2.14 The strength of support and scale of Government ambition for this sector of housing is reflected in the speech given by the (then) Housing and Planning Minister Alok Sharma MP on 27 November 2017 that is found on the Gov.uk web site. The Minister is anxious to see community led housing delivered at scale because, "...it's not just the people in those homes who benefit...your work raises the bar for the entire housing market." That means that LPAs should investigate and remove the current barriers so that this especially desirable form of housing can be delivered. From having lived abroad the Minister is aware, "...that homes built by local communities are a normal part of the landscape...yet in Britain the term 'community-led housing' is likely to be met with blank looks...I want community-led housing to be a realistic option not just for the exceptional but for all people." That will not be the case unless prescriptive policies are included in development plans to enable community-led housing to flourish, and "...play a much bigger role in

delivering the houses our country desperately needs." Community led housing, "...currently accounts for a few hundred units a year - under half a percent of total housing output...there is no reason why those hundreds cannot become thousands.". In fact one very good reason for this very low provision is the absence of prescriptive policies in development plans.

2.15 The NPPF is being reviewed and para 62 of the consultation draft states that, "Within this context, policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, ...people wishing to commission or build their own homes)." The assessment of demand for different types of housing would be a good first step, that the LPA has not undertaken, and the demand is unlikely to be met without clear development plan policy guidance. The Minister concluded that he, "... want[s] to make the idea of communities building the homes they need not a radical departure but an everyday reality." but this would mean that community-led housing must, have more specific and effective support in development plan policy.

2.16 The Plan should be required to include prescriptive policies to have land/sites reserved (often as part of allocations or permitted larger sites) for uses that the development industry is unlikely to deliver voluntarily (ie co-housing, and plots for self/custom builders). The planning system must intervene by privileging and securing adequate provision of desirable forms of housing lying outside the business models of the main providers and owners/purchasers of land for house-building. They should not be left to rely on 'difficult sites'.

'Flexibility' and NDPs have been shown to be ineffective in raising the level of these forms of housing (recognised by the Minister as being of wider public benefit).

2.17 **Development Policy 6** addresses the case for **rural workers dwellings**. This reflects the advice at NPPF para 55 and the evidence of 'essential need'. The Plan does not acknowledge the need to plan for an increase in the agricultural workforce and that the main barriers to this (see NPPF paras 160 and 161) are the unavailability of affordable land and associated housing. A

policy is required in order to secure a supply of suitable/affordable land and associated housing through the Plan and/or NDPs and through the use of planning obligations attached to permissions for all residential developments on the edge of towns and villages. The absence of a policy will result in planning applications for residential smallholdings in remote and otherwise unsuitable locations that lead to unpredictable and sometimes conflicting interpretations of 'essential need'. Sound policies would ensure that these developments took place in sustainable locations without the costs of time and money to the LPA, aspiring rural workers and the inspectorate in making and deciding ad hoc applications.

- 2.18 The Council published a Draft Design Guide that at para 3.4.4 recognised 'local food' as a material planning consideration which impacts on the sustainability of development. It is clear that the necessary reductions in GHGs cannot be achieved without the planning system addressing the question of local food and enabling the growth of opportunities for growing, processing and distributing local food. The RTPi now also sees this as a material consideration, "At the same time, planners and others will need to learn from and also respond to communities, who may in some cases be ahead of both policy-makers and professionals in reacting to these challenges or changing behaviours (such as supporting more local food produce or reducing car use)."
- http://www.rtpi.org.uk/media/1025151/rtpi_planning_horizons_2_futureproofing_society_june_2014.pdf?dm_i=1L61,2L0GQ,A2M5B8,9FIQ6,1
- A development plan to 2031 cannot claim to be sound and contributing to the achievement of sustainable development if it is silent on the question of supporting local food and fails to plan positively for this system to be enhanced. The LPA say that "Local food production and habitat creation is encouraged within the Green Infrastructure Strategy." but there are no policies that would be effective in delivery (see soundness). Taking the experience of the village of Drayton as just one example², there is clearly a need to secure allotment land with the grant of permission and not to rely on

² 200 households expressed an interest in being involved in smallholding (more than an allotment)

later trying to buy land with s106 money from reluctant landowners. The LPA claim that DP6 is a sound policy indicates that it is not inclined to engage with the complexities raised by the question of 'local food systems' despite their growing importance.

- 2.19 A land use plan without any policy addressing the quality of the agricultural land and soils should not be found to be sound. A viable agricultural industry is dependent on the quality of the soils and this should be protected through conditions when applications are determined.³ The rate of depletion of soils through industrial farming methods will mean a steady reduction in yields which will mean arable farming could be unviable in 60 years. The Plan should include policies that support agro-ecology (including access to affordable land and affordable housing) and support the change of agricultural developments away from unsustainable industrial methods.
- 2.20 The concept of **Development Policy 11: Community Employment Plans** is excellent but should be expanded into land-based work, including agro-ecology, forest gardening and permaculture. A sound Plan looking 14 years ahead, during which the importance of these activities is likely to increase, should have permissive or even prescriptive policies covering these issues in order to help and not hinder these developments. A plan without such policies would be out-of-date on its adoption. The LPA say that its approach is flexible enough to apply to rural enterprises but experience suggests that positive and prescriptive policies are required.
- 2.21 A plan that acknowledges 'equestrian development' as part of the future (ie **Development Policy 12**) of the District but makes no mention of agro-ecology, forest gardening or permaculture is looking in the wrong place for evidence of what would constitute sustainable rural development in terms of employment, local food systems, transport, bio-diversity, flood alleviation and the health of the soils. Again, the response that, *The Council consider that the policy is sufficiently flexible to support all forms of rural diversification*, is not borne out by the difficulties experienced by people working in these sectors.

³ <https://www.thecrownestate.co.uk/our-business/stewardship-programme/projects/project-soil/>

2.22 **Development Policy 17: Transport Assessments and Travel Plans...** ‘The Transport Assessment and Travel Plan should consider opportunities to support the take up of electric and/or low emission vehicles, in accordance with latest best practice, and in particular if part of mitigation identified in line with **Development Policy 25: Air Quality.**’ This should be one of the most important policies in the Plan but, as worded would not prevent development that proposed 3 parking spaces per dwelling for ICEs and no EV charging points – as is the current practice, even though the evidence of the need for a rapid transition to an electrified transport system is already well established. It is not the purpose of a development plan to ‘consider opportunities’ offered by developers. To be adjudged sound the Plan should, through prescriptive and proscriptive policies, make it clear that the failure to provide for EVs would be contrary to the Plan. Private car ownership and use must be reduced on the basis that the local and strategic road network cannot support the growth implied by 20,000 more houses unless there is a very substantial power-shift and modal shift, both directed and enabled by the Plan. A Transport and Travel Plan should require the provision of a number of EVs (probably one per 20 dwellings), shared charging points, electric bicycles and some visitor parking, also equipped with charging points. This necessary and reasonable contribution would represent a very small cost to the developer compared to the land saved from the current private parking provision. The Plan would be unsound if it continued to permit a high level of private parking that would lead to unsustainable levels of congestion and do nothing to facilitate the transition to EVs that is Government policy.

to be considered... The transition will depend on local plans being far more proscriptive and prescriptive to ensure that the changes are both beneficial and rapid.

2.23 The Plan should also signal (amending Development Policy 18: Public Car Parking in Settlements) that town centre parking and all other developments where parking is being proposed will be required to privilege the parking of EVs and car club vehicles and severely limit the parking of other vehicles. The

Plan should demonstrate that it is dealing with and not sanctioning the situation where 1000s of people are dying prematurely and children's brains and lungs are being damaged/poisoned irreversibly.

- 2.24 The LPA claim that at, "3.132 the Part 1 plan identifies a number of strategic policies (Core Policies 37 - 46) that help to maintain and achieve a high quality environment across the district. These policies set out how the Council will seek to respond (sic) to climate change." Suffice to say that the Sustainability Appraisal of the Part 2 carried out by AECOM noted the **absence** of mitigation policies in the Plan but seemed to think that the adaptation policies in the Part 1 would be sufficient. This cannot be the case under s19 of the 2004 Planning and Compulsory Purchase Act or the Planning Act 2008 requiring development plans to mitigate against climate change. The fact that AECOM then stated that, "...Significant effects are not predicted, recognising that climate change is a global issue (and hence local actions can have only limited effect)." effectively confirms that the Plan is unsound, being deliberately contrary to the law and NPPF (section 10) relating to necessary local actions and policies.
- 2.25 Under **Protecting the Environment and Responding to Climate Change** there are 20 policies none of which even 'respond' to climate change, when a sound plan would require mitigation policies. As worded, it is hard not to conclude that the Plan has been prepared by climate change deniers; if not the phenomenon, the urgency. The VWH might not be alone in using the 'defence' that a Written Ministerial Statement of 25 March 2015 (and the Inspector of the Part 1 Plan) can be relied on to breach the duty set out in the 2004 and 2008 Acts, but a number of councils are seeking to mitigate against climate change (ie London Boroughs and Oxford City and see Foreword and section 10 of 2012 NPPF). To be sound the Plan should be modified so as to include policies that mitigate against climate change (see examples in representations on Matter 1 relating to legal requirements). The approach of the Plan (and SA) to the most challenging issue for land use planning is both inadequate and unsound.

3.0 Summary of objections

- 3.01 The Plan is unsound due to the failure to have legally compliant policies relating climate change mitigation.
- 3.02 The permissive policy relating to self-building will not be effective in providing the plots necessary to fulfil the statutory duty under the Self-build and Custom Housebuilding Act 2015.
- 3.03 Unless and until the potential of custom splitting has been explored, under-occupancy will continue at unsustainable levels and the Plan cannot rely on the 'OAN' in the 2014 SHMA or claim that reasonable alternatives to building in the Green Belt have been exhausted.
- 3.04 The Plan is drafted to accommodate current transport demands instead of playing a positive role in the transition to an uncongested and low emissions transport system.
- 3.05 There are no policies relating to regenerating local food systems for which there is growing demand and support in the NPPF.
- 3.06 The absence of support for co-housing, community-led housing or community land trusts through reserving parts of sites for these purposes is disappointing, indicative of the lack of positive planning and contrary to the injunction at NPPF para 50 to 'deliver choice'. It is also contrary to the Minister's speech of 27 November 2017 at Gov.uk.

4.0 Soundness

- 4.01 • *has the plan been positively prepared – will the plan meet development needs and infrastructure requirements and is it consistent with achieving sustainable development?*

The proposed policies will continue to be responsible for allowing unnecessarily large numbers of unsustainable forms of housing in unsustainable locations. This is a result of failing to address the under-occupation of the existing dwelling stock and going on to support an unnecessarily large number of new houses, targeted at property investment and not at the real housing needs of increasingly small households. The Plan

acknowledges the need for smaller dwellings but includes no policies to ensure that these are provided in sufficient numbers, or to control extensions into larger, less energy efficient, and less affordable dwellings.

4.02 There are inadequate policies relating to the transition to an electricity based transport system with lower individual car ownership and use.

4.03 By relying on a flawed Sustainability Appraisal the Plan does not make any attempt to mitigate carbon emissions (see Planning and Compensation Act 2004 and Planning Act 2008).

4.04 • *is the plan justified – is the plan based on a robust and credible evidence base?*

The Plan either lacks evidence of the need to regenerate local food systems or is choosing not to accept the findings of its Green Infrastructure Strategy and following the Garden City principles in terms of local food production. The evidence about the transition to low carbon transport is missing or being ignored.

4.05 The Plan does not refer to the 4th and 5th carbon budgets and makes no attempt to play an active role in meeting them. Land use planning (ie the control over the use and development of land and buildings) has an important role to play in reducing carbon emissions, about 50% being caused by sectors for which the Plan is responsible (and see Foreword to the NPPF for the ‘purpose of planning’) and it very disappointing that this evidence has been ignored.

4.06 The Plan has not relied on the evidence available in respect of community led housing, co-housing and community land trusts (including a speech by a housing minister). This has resulted in the production of a Plan that will effectively prevent developments of these kinds which need to be privileged by planning policies if they are take place in a competitive land market. It is no longer sufficient or good enough for planners to be ‘flexible’ and say that they are ‘not against’ this form of housing. Plans must have strong enabling policies.

- 4.07 • *is the plan effective – can the plan actually be delivered and is it able to respond to change?*

By ignoring the evidence in respect of the need for carbon mitigation in housing, transport and agriculture the Plan will not play an active part and could be a hindrance in this transition. The probability that the Plan will be overtaken by events in these areas indicates that it will not be effective in planning for these changes.

- 4.08 The Plan is not compliant with NPPF para 50, or the Self-build and Custom Housebuilding Act 2015 (as amended) in respect of planning positively to meet the demand for serviced plots. By being permissive and not prescriptive the relevant policy will be entirely ineffective and not fulfill its purpose. It will be too late to change the Plan once the opportunity to secure serviced plots on larger and allocated sites has been missed.

- 4.09 • *is the plan consistent with national policy – is the plan consistent with the National Planning Policy Framework?*

The foreword to the NPPF states that, “The purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations.” The Plan does not have sustainable development as its purpose. Neither does it follow the advice at section 10 of the NPPF in respect of climate change or meet the duties under ss19, 33A or 39 of the Planning and Compensation Act to mitigate against carbon emissions, collaborate in this task and contribute to the achievement of sustainable development.