



**TOWN AND COUNTRY PLANNING ACT 1990**

**OBJECTION IN RESPONSE TO THE VALE OF  
WHITE HORSE – CONSULTATION ON PART  
ONE SITE ALLOCATIONS:**

**CLOSING DATE 19TH DECEMBER 2014**

**LAND EAST OF WOOTTON**

**ON BEHALF OF:  
CATESBY ESTATES LTD**

**DECEMBER 2014**

**REF: PJF/GM/3700(1073)**

## 1.0 INTRODUCTION

- 1.1. Catesby Estates Ltd control the land edged red as shown on the enclosed plan.
  
- 1.2 The land in question is presently undeveloped and forms part of the Oxford Green Belt. The Council undertook a comprehensive green belt review in 2013/4, by external consultants, to identify land which does not contribute fully to the five purposes of the green belt, detailed in para 80 of the Framework. The land in question at Wootton was considered at this stage as suitable for release from the Green Belt and further assessments were undertaken.
  
- 1.3 However in autumn 2014, the LPA choose not to take the site forward in the Part 1 strategic site allocations, published in November 2014.
  
- 1.4 The proposed modifications do not allocate the site for a *strategic* allocation due to its considered contributions to the perception of a rural landscape and views to and from Lamborough Hill and Boars Hill. This representation dissects and refutes this claim. Crucially, the LPA have chosen a threshold of 200 units to define “strategic”, irrespective of their location inside or outside the GB. However, whilst Catesby accepts the need to define a level at some point, this does however represent a missed opportunity to deliver housing at the critical early stage in the plan period; namely the first five years.

- 1.5 In choosing a threshold of 200, the LPA have, by virtue of the nature of the terrain in the Vale, eliminated from the strategic search the scores of otherwise acceptable locations for housing, merely on the basis that the fields in question are smaller than around 6-7Ha (allowing for 200 units at a density of 30 DPH).
- 1.6 Failure to undertake a comprehensive site selection at this stage in local plan, based on such an arbitrary stipulation, will clearly colour the opinion of the LPA when determining such allocations. This deep concern is echoed by the LPAs lack of public commitment to a further round of GB release as part of a Part 2 allocations phase at future date. This brings further uncertainty to both the overall Part process but also our clients land and indeed the Village of Wootton, who may, for example, be preparing a village plan during 2015.
- 1.7 Officers have confirmed this threshold appears to have been chosen on the basis of the ease with which the Vale policy officers can *combe* the district for suitable sites and the need to prepare a local plan in a timely fashion. Whilst the latter motive has the right intentions, to curtail a thorough search in the interests of such considerations is not sound.
- 1.8 There appears therefore to be an error in planning judgment on the part of senior management in the LPA, since many sites (including our clients) are capable of supporting sustainable forms of development but have been denied the chance due to such a judgment. Noting that the VoWH only consists of five larger settlements

and scores of villages (who may be proximate to Oxford for example) that could be suitable for 100-150 new homes. This representation therefore constitutes an objection to the LPAs broad spatial strategy, as well as the Abingdon inset plan.

1.9 Such a choice has two effects;

1) This strategy halts the delivery of a larger number of “smaller” sites which could deliver the same quantum of development consistent with a more distributed delivery

2) In accomplishing the above the LPA also limits growth only to certain settlements that;

1) Are located with fields of 6-7Ha (to ensure natural enclosure) adjacent;

2) Can contain 6-7Ha of urban growth whilst not unduly impacting on the village morphology. This point is key, whilst it is tempting to claim that this is a “sustainable” approach, (larger settlements ought attract more growth) such a choice 200 precludes, for an undisclosed amount of time, any growth that could approach this number in a large number of otherwise acceptable villages, such as Wootton.

1.10 Potentially these settlements would be prevented from accommodating growth by reason of a policy restriction (which is arbitrary in nature). This would appear contrary to the Government’s intentions for Neighbourhood Plans in the Localism Act and para 182 of the Framework since such communities may choose to grow, via referenda, over the limits imposed by the LPA. The circumstances of Wootton are unusual and require a bespoke solution, specifically, that;

- The village is in a sustainable location, being close to Abingdon and the A420 and therefore;
- It is within a short 23 minute bus journey to Oxford city or a 20 minute car journey;
- Such journeys cross the A34, part of the national strategic network allow for ready access to large local employment locations such as Harwell and the “Science Vale UK”.

1.11 By placing such arbitrary limitations on a settlement growth in the next five year (assuming the site is allocated for a smaller quanta in 2015) cannot be considered *positively prepared* as a list of exceptions can be considered restrictive and negative when the emphasis of Government Policy is to deliver sustainable *growth*. Using this approach may mean appropriate growth options, and their exceptions, are prevented from occurring due to an arbitrary policy requirement that is not

supported by empirical evidence, nor the sustainability credentials of a particular site. This is contrary to the Government's objectives and would disadvantage the local economies and investment.

1.12 To ensure that the proposed local plan is positively prepared, effective, justified and consistent with National Policy, Catesby seek to explore and challenge the rationale which drives such a strategic threshold to 200, rather than, say 100 at the Examination in Public in 2015. At 100, the quantum of delivery could be increased by distributing growth across a larger number of smaller sites which will undoubtedly be easier to assemble, process, determine and construct than larger sites.

1.13 The gains associated with a lower threshold reach further the LPA and its applicants. The overall housing market becomes more fluid and competitive simultaneously due to a larger number and wider range of house builders being involved in the delivery of housing. A lower threshold, favoring smaller house builders, will also favours more sub-regional and local builders, who are more likely to use locally sources trainees, apprentices and materials suppliers bringing more inward investment per home that a large scale national house builder would typically bring.

1.14 Whilst it is accepted that such allocations could take place through the Part 2 process, no binding timetable has (or will be) published for the

consultation/adoption process from VoWH policy officers. The to avoid allocated a site capable of supporting a large quantum of development as early in the plan process as possible is not considered to be proactive and positive town planning. Equally, there are inherent risks associated with placing more control over housing delivery to fewer house builders on the part of the LPA.

1.15 For example, in 2006, against the concerns of the LP Inspector, the Vale persisted in locating nearly all growth for the district at the Grove Airfield site. Nine years later, no new homes have been delivered and no legal agreement engrossed. The risks associated with larger allocations are of no benefit to the LPA, the housing market and are less favorable to the local economy.

1.16 The Vale has thus far been the only Oxfordshire District to formally acknowledge it is willing to co-operate with Oxford's unmet housing needs. Clearly it has taken its duty to cooperate on face value and this is noted. To meet the principles of sustainability, new homes which are intended to meet the needs of Oxford, (presently a deficit of up to 32,000 homes to 2031 (Source; Oxford City SHMA)) will need to be within a short commute to the City itself, rather than the more rural fringes of Vale such as Shrivenham. Sites, therefore, towards the north of Vale ought to be given special consideration in this regard. Wootton in general and our clients land in particular are highly suitable for such a purpose.

1.17 Turning to Wootton as a settlement specifically, the allocation of the land at the Part 1 stage will:

- assist meeting the District’s housing need, including a diversity of housing stock for both market and affordable housing in the critical early part of the local plan;
- assist in the vitality and viability of small businesses and services within Wootton and Abingdon;
- deliver new public open space on presently private land;
- enhance the biodiversity credentials of the site;
- retain and enhance existing vegetation on the site;
- provide a new strong eastern fringe to the site.

1.18 By screening sites based solely upon a “200+ unit” threshold the LPA have ruled out all development, even where it can be demonstrated to be desirable, sustainable, deliverable and appropriate (in terms of the relevant settlement capacity) thus denying many green belt sites and settlements the chance to deliver housing. Sites that are outside the GB do not carry this burden. This opportunity should be grasped

as early as possible and not be delayed until a Part 2 (“smaller sites”) process, which may run to several years.

1.19 Imposing any arbitrary threshold to allocations (units or percentages) on a strategic level document is not considered to be sound. Failing to respond to a deliverable and compelling site at this stage risks any growth during the remainder of the plan period since the Part 2 process has no guarantee of being undertaken. The Local Plan Part One has been a significant focus for some years for Vale, however once a Core Strategy is adopted, a Part 2 may not necessarily have the same political and managerial focus as the Plan enjoys at present. This could hypothetically result in a settlement not experiencing growth for many years. Clearly this would result in a lack of investment in the settlement which would harm all services, employment and other benefits of growth.

1.20 The Taylor Report (The Taylor Review of Rural Economy and Affordable Housing) indicate growth that is proportionate and appropriate to a settlement can have many benefits and may sustain services which is highly desirable in rural areas which have limited services in comparison to higher order settlements. Failure to act on sustainable sites, where such sites are within the Green Belt, brings no benefits whatsoever.

1.21 In the balance of planning considerations it is submitted the planning advantage lies firmly in the allocation of the Land East of Wootton for housing in part 1 of the

Plan, to enable a comprehensive planned development to be achieved to deliver new housing.

## 2.0 THE ROLE OF THE LOCAL PLAN

- 2.1 The purpose of the planning system is to contribute to the achievement of sustainable development (National Planning Policy Framework 2012 (the Framework) paragraph 6). For plan making this means that local planning authorities should positively seek opportunities to meet the development needs of the area. Local plans should meet objectively assessed need, with sufficiently flexibility to adapt to rapid change (the Framework paragraph 14).
- 2.2 One of the core objectives of the Framework, as set out in paragraph 47, is to “*boost significantly the supply of housing.*”. Where clear evidence exists from both the LPA and promoter that a site can accommodate new homes without undue impact on the 5 principles of the greenbelt whilst delivering much needed new housing, such considerations must be given due weight.
- 2.3 The core land-use planning principles require the planning system to ‘proactively’ drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local communities the country needs. As stated in the Framework (paragraph 17): “*every effort should be made objectively to identify and meet the housing business and other development needs to the area, and respond positively to wider opportunities for growth.*” Plans therefore should take account of market signals and set out a clear strategy for

allocating sufficient land which is suitable for development in their area (Framework paragraph 17).

- 2.4 Furthermore, the Framework requires Local Planning Authorities to “*ensure that the Local Plan is based on adequate up-to-date evidence and relevant evidence about the economic, social and environmental characteristics and prospects of the area.*” Such evidence includes all LP evidence base work, specifically the GB review published in Feb 2014, which supports the sites release.
- 2.5 As established at Gallagher Estates high court challenge of Solihull’s choice to not allocate housing in the Green Belt (para 125(ii)(b)), the policy test for GB boundary revision remains that circumstances will not be exceptional unless they necessitate revision. The risk in a strategy that does not commit to a 2<sup>nd</sup> GB release nor consider smaller sites in the first-wave of releases is that when the LPA are faced with the political, media and local lobby pressure to desist such an undertaking, there appears to be little compelling urge to persevere, except in the interests of *comprehensive planning*, which however sincere such an ambition may be, has no guarantee of ever taking place.
- 2.6 Equally, drawing from the Gallagher conclusions, (para 125 (iv)) it is accepted that soundness is clearly a matter to be judged by the SoS, and whilst Framptons accept that cases surrounding the release of are fact-sensitive, what amounts to “*exceptional circumstances*” is a matter of law; specifically that once established

(or altered) review requires more than just general planning concepts to justify its alteration. In the Wootton case, a site which has been independently identified as suitable for new housing (ergo GB release) in light of a housing shortfall, may not been considered necessary once said housing requirement appears to be met. Such a position supports the treatment of all GB smaller sites to not be subjected to the same non-GB site capacity thresholds.

- 2.7 The Framework at para 84, highlights the need to filter and direct growth in the GB toward the more sustainable locations in the district. The NPPG supports Framptons argument that the meeting of OAN constitutes *exceptional circumstances*. Both areas of policy are clearly a matter for planning judgment, however, both areas lend further support to a *revised treatment* of allocated site thresholds within the GB than the approach senior policy planners at VoWH are presently endorsing.

### **3.0 THE MERITS OF THE SITE - LAND EAST OF WOOTTON**

3.1 It is submitted that an allocation of the land at Wootton is necessary in order to deliver housing in areas of strong demand within Vale. It is noted that the overwhelming majority of allocations in the Part 1 plan are along the A34 corridor, on sites identical to our clients. This is a choice supported by our client, sites close to transport and employment invariably create a more sustainable pattern of development than the converse. #

3.2 A comprehensive Delivery Document has been compiled and can be found attached to this representation. The purpose of the document is to draw on the strong sustainability merits of the scheme. The document is summarised below.

#### **The Site and Surroundings and Landscape**

3.3 The area of land proposed for allocation for housing is shown in the accompanying delivery document. The land is available, suitable and achievable for housing to form a sustainable development as advocated by the Framework. The land is undeveloped and is presently arranged as a series of paddocks. It can, however, be developed in a viable manner; and does not have significant development costs associated with it such as contamination or noise mitigation.

- 3.4 There are no third party land ownership or access matters to complicate the site's delivery. It would therefore be well positioned to contribute to developer contributions if they are proven to be necessary to offset the impact of development.
- 3.5 The site is 12.6 hectares in size and is located to the east of main village. The site is situated within Wootton Parish and lies adjacent to the south east of existing settlement, by wrapping around the existing village, lending itself well to its morphology. The site is not classified as 'a significant gap'. The key barrier to date for development of this site has been the GB status.
- 3.6 The critical eastern edge of the site, constitutes a defensible boundary to the development and also acts as a visual barrier, softening any development, from longer views of the site. Such wide views from Boars Hills, amongst other factors, have led the LPA to reduce the Net Developable area of the site, to around 1/3<sup>rd</sup> of the overall area.
- 3.7 The site can be accessed easily by pedestrians and cars alike off existing public highways. Two PROWs transverse the site, which would remain, albeit not necessarily in their current guise.
- 3.8 The listed buildings nearest the site are described as the Grade II listed Manor Farmhouse. Its location is not considered to be a determining factor in the delivery of housing, provided proposals respond and respect its special character.

3.9 We concur with the LPA's GBs that the site is sensitively located, and must be masterplanned respecting and reflecting the constraints and setting of Wootton. Options 1 and 2 in the attached Landscaping Concept document responds to this and allows for housing to be delivered in a sensitive way. The EDP analysis concludes;

“... it is considered that a sensitive approach to the eastern boundary, combined with high quality residential design, will mean ... views will not be adverse compared to the existing views, any may actually represent a beneficial change when mitigation has matured and the development softened.”

3.10 In summary the site is capable of creating a sustainable form of development, which can respond to its constraints and deliver new housing for Oxford. The findings of the LPAs own GB review support our view that development of the site, will not bring coalescence issues with/between Wootton, Abingdon or Whitecross. Such matters are explored in more detail by EDP consultants in their enclosed document.

### **Accessibility**

3.11 The site is well located for residents to benefit from walking and cycling. Oxfordshires County Council's walking and cycling map of the area highlights the public rights of way that allow access to the wider area and its connections.

- 3.12 The closest bus stop to the site is located on Lamborough Hill, directly opposite the site, and offers services to Abingdon and Oxford, and onward to wider destinations such as London.
- 3.13 Oxford Railway Station is a 20-25 minute bus journey away and connections to the capitol last one hour an approx. 70 mins to Birmingham.

### **Local Facilities**

- 3.14 The site is well positioned in a sustainable location within the wider context of Vales eastern A34 corridor.
- 3.15 The site is accessible to a number of facilities that lie within a short bus journey such as secondary schools, shops and leisure opportunities. There is also a small number of local retail and employment locations such as a Motorcycle garage and a parade of local shops.
- 3.16 The plan below shows the site in relation to key existing local facilities and provides an indication of walking distances to the facilities. The following facilities, amongst others are within a 5 minute walk of the site:
- Parade of shops including a Co-op
  - Primary school

- 2 bus stops
- Open space

3.17 Despite its more rural setting, the village does benefit for above-average facilities and it is these facilities which may expand and take on new staff a result of development at our clients land.

3.18 Combining the local facilities *and* the wider ranging facilities of Abingdon and Oxford, illustrates that the site is sustainable and accessible.

### **Proposed Layout**

3.19 A Concept Masterplan has been prepared which show how a development of 120-160 family homes could be accommodated on the site.

3.20 The Concept Masterplan shows a gross density of between 20-26 dwellings per hectare. Various types of open space have been designed, as can be seen from the concept plan. These will be in the form of landscaped areas, ecological areas and Sustainable Urban Drainage (SuDS) features, and inclusion of formal play space benefitting both residents and the community. The play space will be located so as to be ‘naturally’ overlooked by new properties and on site pedestrian links. The scheme would provide informal on site open space, and Local Area of Play (LAP).

3.21 There is adequate space within the site to accommodate the proposed number of dwellings, alongside the necessary roads, parking, landscaping and open spaces, to safeguard the residential amenities of the occupiers of nearby residential properties and future residents of the development.

### **Heritage**

3.22 The site is not within a Conservation Area and does not contain any Listed Buildings.

3.23 The nearest Listed Buildings to the site is approx. 200m north of the site. The indicative concept plan indicates how the site could be developed to preserve and enhance the setting of this heritage asset.

3.24 A heritage assessment would form part of a planning application.

### **Archeology**

3.25 An Archaeological Desk Based Assessment will form part of a planning application to ensure that any remains of interest are extracted, documented and preserved suitably.

## Site Access

- 3.26 Site access will be from Lamborough Hill at a location to be agreed with the LHA. Two metre wide footways will be provided either side of the carriageway and these will tie into the existing footway network. The site access will also provide a connection to the public footpath which currently runs through the site, including signage as agreed by the PROW officer at OCC.
- 3.27 A Transport Statement will consider in detail the implications of the proposed development and concludes that the proposals would not prejudice highway safety or have any detrimental impact upon the surrounding highway network. It will also confirm that there are no cumulative transport impacts which will result from the proposed development.
- 3.28 The proposed scheme would accord with current local parking standards.
- 3.29 There are one public right of way across, an opportunity exists to integrate the public footpaths into development proposals, ensuring longevity of this route as part of a green infrastructure network.
- 3.30 A fully compliant site access junction design is achievable and deliverable. There are no highway safety or traffic capacity issues associated with the development of the site.

## Ecology

- 3.31 The ecological interest at the site was investigated by EDP during 2014 through a desk-based records search, Extended Phase 1 survey and detailed bat activity, great crested newt and reptile surveys. The surveys covered additional land to the north of the main site area likely to come forward for development.
- 3.32 The desk study has confirmed that there are no statutory or non-statutory designated wildlife sites sufficiently close to the site as to be at risk of development impacts or pose a constraint to the development layout. The site primarily comprises closely grazed horse paddocks containing species-poor grassland of very limited ecological interest. Additional habitats present within and around the site include scattered trees and limited hedgerow, rough grass and scrub, all of which are of local value or lower.
- 3.33 Owing the paucity of valuable habitats, opportunities for protected or notable species within the site are generally very limited. A small population of great crested newt was recorded in a pond to the north of the main site area, and a small population of grass snake was recorded in the rough grass beside this pond.
- 3.34 Bat activity surveys recorded low numbers of common and widespread species and some of the mature trees require further investigation regarding bat roosting if their

removal is required. In addition the woody vegetation around the site is likely to support small numbers of nesting birds. Impacts on protected species could be avoided or mitigated, and enhancements achieved, through sensitive construction measures and new habitat creation as part of sensitive masterplan and green infrastructure strategy.

- 3.35 Therefore the site is considered to be deliverable for housing purposes, with Ecology not posing a prohibiting factor, subject to fuller surveys during the preparation of a planning application.

### **Flood Risk and Surface Water Drainage, Utilities and Ground Investigation**

- 3.36 Due to the scale of the proposed development, a Flood Risk Assessment has been undertaken and submitted as part of the application. The site is located within Flood Zone 1 as defined by the Environment Agency's Flood Map. Flood Zone 1 is defined as a low flood risk zone with a risk of flooding less than 1 in 1000 years or 0.1%.
- 3.37 The drainage for the development will be designed in line with current legislation including Sustainable Urban Drainage Systems (SUDS) such as permeable paving attenuation swales/basins which will drain into an attenuation pond and will be

utilised to attenuate surface water back to Greenfield Runoff Rates, ensuring that the risk of flooding does not increase.

3.38 The Utilities assessments work undertaken to date conclude that the site is suitable for development and can be serviced by utilities.

3.39 Initial Ground Investigation work for the site indicates that there are no contamination issues on the site.

### **Constraint Conclusions**

3.40 It is considered that the site has the capacity to accommodate change and could support a residential development as part of an appropriate extension to Wootton, adhering to emerging urban design guidelines and at a scale which is proportionate to the locations sustainability credentials, noting its proximity to Oxford.

3.41 It is acknowledged that the release of land would result in the encroachment of hitherto undeveloped land. Such a consequence is almost inevitable with development on greenfield land surrounding an existing settlement.

3.42 In conclusion, the enclosed delivery document and EDP landscaping document conclude that, when read alongside this planning submission, that the allocation of

the land for housing will help to meet housing needs and that site should be allocated for housing and removed from the Green Belt.

## 4.0 CONCLUSIONS

4.1 The spatial strategy is considered to be unsound. Different thresholds for Part 1 allocations should be deployed within the GB, to allow sustainable rural settlements to grow in quanta below 200 as early in the plan phase as possible. To overcome this objection the Wootton site should be allocated, as per Part 1 consultation, for new residential development. The exact quantum can then be determined by a process of pre-application negotiation to reflect the site constraints and opportunities. This step will ensure that the LPA retains full control of the quantum, shape, scale and style of the homes and their masterplanning.

4.2 Development on this site is;

- Necessary to accommodate the Vale and Oxford City's housing shortfall, estimated to be 24,000-32,000 new homes over the next local plan period. Most significantly, this site is within a 20 minute bus ride to the city centre.
- A more timely means of delivering housing, particularly within the first five years of the LP period, helping to address the Vales present shortfall. The SHMA has identified a need for 1028 new homes per year to be delivered within Vale.

- A lower risk strategy than relying on a future (part 2) allocation process, which is likely to be post general election, and within a different political context. The site is deliverable now, and agreed as capable of removal from the GB; deferment of a decision to allocate serves no purpose.
- Necessary to provide much needed housing within the Vales own local housing market including of a range and mix of dwellings to meet its needs, including affordable provision. The scheme will provide a wide range of high quality housing will contribute to existing communities and enhance local facilities;
- of sufficient scale to secure the delivery of new infrastructure including public open space, and upgraded linkages (vehicular and pedestrian);
- will increase public access through the formation of areas of open space, public footpaths and a Local Area of Play (LAP) and areas of ecological enhancement are proposed;
- achieve development in a sustainable location, with easy access to pedestrian routes, local facilities and amenities and close to public transport including bus routes;

- assist in the vitality and viability of small businesses and services within the immediate area;
- enhance the ecology of the site including an increase in tree planting, the ecological enhancements will support a range of species, in particular bats, birds and invertebrates;
- the public footpaths shall be retained on-site to improve existing permeability; and
- able to bring benefits, as set out in the draft S106 heads of terms include contributions to local social infrastructure, such as; education, leisure and green infrastructure and affordable housing.