



Stage 1 of the Examination Hearings

Hearing Statement

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

On behalf of: Greenlight Developments (879102)

Tuesday 22nd September 2015, AM

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1. QUESTION 1.1

Has the Council satisfactorily discharged its Duty to Co-operate to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters, including in particular minerals and waste and housing? (see also Matter 4)

1.1. No.

1.2. Our interest is confined to housing, and we support the submissions that were made on behalf of Oxford City Council at the pre-submission stage of the plan as to why there has been a failure to discharge the duty to co-operate.

1.3. The DtC requires a plan to cater for the full objectively assessed needs of the SHMA, working on a cross-boundary basis. There must be constructive, active and on-going engagement to address strategic issues, which clearly includes the issue of how the housing needs of the SHMA as a whole are to be met. It is clear from communications between Oxford City Council and VoWH that are in the public domain, and from the representations submitted by Oxford City Council in respect of this and other plans, that VoWH Council has failed to engage with the City Council in a manner that can be described as constructive, active and on-going.

1.4. The inability of the City Council to meet its needs within its own boundaries has been known to VoWH from the very early stages of the evidence gathering and plan-making process. Yet it has chosen to continue to pursue a plan that simply fails to address those unmet needs, despite repeated requests by the City Council for it to engage with the issue. This case represents the archetypal example of a failure to co-operate in the way that the Government expected adjoining authorities to co-operate when it introduced the duty.

2. QUESTION 1.2

Are the likely environmental, social and economic effects of the plan adequately and accurately addressed in the Habitats Regulations Assessment and the Sustainability Appraisal (SA)? Does the SA test the plan against all reasonable alternatives in terms of the overall requirement for land for housing and employment (see also Matters 2 and 4) and its broad spatial distribution (see also Matter 3)?

- 2.1. The SA fails to test all reasonable alternatives in terms of the overall requirement for housing. As set out in Oxford City's representations to the pre-submission version of the plan, a reasonable alternative or alternatives would have been to test the impacts of meeting various proportions of Oxford City's unmet need. This was especially so given that it was a known fact before the SA was concluded that VoWH will inevitably have to accommodate some of that need. It cannot credibly be suggested that testing a higher housing provision designed to meet unmet needs arising from outside the district is not a reasonable alternative. This fact, taken together with the fact that no such alternative was tested, means that the plan cannot lawfully be adopted.

3. QUESTION 1.3

It is appropriate for the plan to include only Strategic Policies and Site Allocations and for detailed planning policies and non-site strategic site allocations to be devolved to a Part 2 Local Plan document? Is there a clear justification for this and does it accord with national policy?

3.1. No Comment.

4. QUESTION 1.4

Is the plan compliant with:

(a) The Local Development Scheme?

(b) The Statement of Community Involvement?

(c) The 2004 Act and the 2012 Regulations?

- 4.1. For the reasons set out above, the plan is not compliant with the 2004 Act and the 2012 Regulations because there has been a failure to discharge the DtC and/or to carry out a SA that considers all reasonable alternatives.

Word count excluding text in bold: 415