



Vale of White Horse Council

Local Plan Examination in Public

Inspector's Matters, Issues and Questions

Matter 3 – Spatial Strategy and Housing Supply Ring Fence

Submission by Natural England

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1. Introduction

1.1. Natural England is responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils are protected and improved. It also has a responsibility to help people enjoy, understand and access the natural environment. Natural England was established by the Natural Environment and Rural Communities Act 2006.

1.2. We received the powers of the founder bodies e.g. awarding grants; designating Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest; managing certain National Nature Reserves; overseeing access to open country and other recreation rights; and enforcing the associated regulations.

1.3 Under Regulation 4 (1) of the *The Environmental Assessment of Plans and Programmes Regulations 2004*, Natural England is a Consultation Body in relation to every plan or programme to which these Regulations apply: In this case, the Sustainability Appraisal of the Plan

1.4 Natural England has a duty to give advice where any Minister or local authority consults it about proposals for development of land or the preparation of any development plan in an AONB. This includes proposals located outside, but affecting the enjoyment or natural beauty of, an AONB. Natural England is also a specific consultation body on local plans under the Town and Country Planning (Local Planning) (England) Regulations 2012. The National Planning Policy Framework affords these places the highest protection.

1.5 We confirm that we intend to appear at the session on 29th September 2015.

2. Legal Requirements for Sustainability Appraisal

2.1 Legal Framework for Sustainability Appraisal

2.1.1 Natural England is a statutory consultee for SEA and Sustainability Appraisal (SA) and for all Local Plans and supporting Sustainability Appraisals. Natural England views SA as a tool to assess the sustainability of policies and proposals in plans and any significant effects on the environment of those policies or proposals, which should inform and underpin plan preparation. Natural England normally only provides advice to on a SA relates to designated nature conservation sites or designated landscapes which are likely to be significantly affected.

2.1.2 Section 19(5) of the Planning and Compulsory Purchase Act 2004 (as amended) requires an Authority to carry out an appraisal of the sustainability of the proposals in each Development Plan Document and prepare a report of the findings of the appraisal. The National Planning Policy Framework (NPPF) paragraph 165 states this should be integral part of plan preparation. NPPF paragraphs 158 and 165 regarding adequate, up to date, relevant information are relevant also.

2.1.3 The need for SEA of all Plans was transposed into UK legislation by the Environmental Assessment of Plans and Programmes Regulations 2004. Schedule 1 of those regulations specifies the criteria for determining the likely significance of effects on the environment and Schedule 2, covers the required contents of the environmental report.

2.1.4 Schedule 2 of The Environmental Assessment of Plans and Programmes Regulations 2004 requires the Environmental Report to include certain elements:

- ☐ The environmental characteristics of Areas likely to be significantly affected
- ☐ An assessment of those effects
- ☐ Mitigation measures to off-set those effects
- ☐ Alternative way of meeting each policy objective

2.2 Protected Landscapes and the Vale of White Horse (VoWH) Local Plan

2.2.1 The VoWH Local Plan Area contains one Protected Landscape, the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The NPPF(para 115) accords the highest status of protection to these Areas in relation to landscape and scenic beauty and states that planning permission should be refused for major development in these areas, except in exceptional circumstances and where it can be demonstrated they are in the public interest. Natural England has consistently raised concerns relating to the landscape impacts of two proposed allocations – 12 and 13, namely at Harwell Campus, which lie entirely within the North Wessex Downs AONB.

2.3 Development of Policy in Local Plan and examination through SA

Harwell Campus Landscape Assessment

2.3.1 Additional landscape assessment work was undertaken to understand the landscape capacity of the allocations. However, although described as a landscape and visual appraisal (para 1.1.1), the assessment only considered the visual impact of the allocations, and did not consider the landscape impact per se. The allocation sites contain many of the characteristic landscape features of this portion of the AONB, namely large open arable fields, crossed by open, un-bordered historic track ways, albeit influenced by neighbouring built development. These allocations will permanently and fundamentally change the landscape character of this part of the AONB.

2.3.2 We note that para 12.4.2 of the landscape study says (referring to option 2 i.e. areas A, B and G, but can largely be applied to the preferred option) *the character within the [option] would change, but the overall character [of Parcel 1, now site 13] would be consistent with the landscape character of the wider landscape to the west of the campus. The character of the AONB would change, but these changes would be compatible with the management plan, and would not constitute significant harm to the wider AONB landscape.* We disagree with this conclusion for the reasons set out above and do not see how such changes would be compatible with the AONB management Plan 2014 – 2019

2.3.3 We also note that no attempt has been made to consider how the allocation sites would affect the landscape and scenic beauty of the NWD AONB in this part of the designation.

2.3.4 This conclusion underpins the SA site assessment (para 13.3.3 of SA report/p, 177 of SA Appendix), namely that the preferred option has a 'minor negative landscape impact'. We disagree with this conclusion and advise that allocating these sites will result in a major adverse effect on the special qualities of the AONB and amount to significant harm to the AONB on the grounds that the substantial scale of development entirely within the AONB (1400 dwellings), in combination with the presence of the existing Harwell Research facility, would have the effect of bringing the urban influence of Didcot, and beyond, to the foot of the down. The scale of development will be of particular significance to people using the Ridgeway National Trail (NT) and surrounding public rights of way network.

Major Development Test

2.3.5 It is not Natural England's role to advise on the merits of the case in relation to the need for development at this location, nor on alternative development solutions, the first two of the bullet points in NPPF paragraph 116. However, it is important for us to take into account these matters insofar as they set the context for our advice on the environmental effects, and are likely to be a key consideration for the Inspector. In this respect we find the scoring of alternative allocation options within the Sustainability Appraisal to be unclear.

2.3.6 We advised in our April 2014 response that additional evidence or reasoning should be produced to support the assertion that the allocation at Harwell Campus will have significant positive economic and transport impacts, both to meet the requirements of the Sustainability Appraisal, but more particularly to ensure that any development on this site meets the 'major development test' in the NPPF (para 116). Paragraphs 13.3.4 to 13.3.6 of the SA provide Vale of White Horse's further justification for the major development test. It is not readily apparent from the SA what the impact of permitting, or refusing the allocations, are upon the local economy. The Harwell Campus site's importance does not in and of itself provide any exceptional circumstances to justify supporting further development.

2.3.8 The Sustainability Appraisal (appendix p176/177) covers the socio economic reasons for allocating housing at Harwell Campus. However, we suggest that this level of information falls short of being an assessment in terms of NPPF para 116, and we query the relationship between distance of housing and the attractiveness of the area for prospective businesses and employers due to the availability of high quality and affordable housing in the vicinity for employees. While there is a prima facie reason to believe that there is a positive relationship, it is unclear as to the scale of the benefit, and how that benefit changes with distance from the employment site, and thus the weight to be attributed to the benefit.

2.3.9 The Sustainability Appraisal says at para 13.3.2 that all four Options were appraised to result in significant positive effects in terms of meeting housing needs and the Vale's economy. We have queried the economic impact above. We also query the significant positive effects in terms of meeting housing needs. The SA justifies this in appendix p.175.

2.3.10 To state the developments are in a suitable location prejudices the matter in hand, namely the assessment of whether the site within the AONB is suitable for residential development. We suggest that the matter of access to employment opportunities is a matter to be considered under the transport objective, not housing. Finally, we query whether assessing this objective against how many houses the site can deliver is appropriate, prejudicing the assessment in favour of larger sites. Indeed if this

method was appropriate, it would be more transparent to state what housing numbers were required to achieve a given score. We also note that the original Sustainability Appraisal for this site assessed the site as significantly positive for transport. This has now been reduced to minor positive, for the reasons set out in the SA appendix p.175. This reduces the appropriateness of this site in comparison to the earlier assessment.

2.3.11 Given the national significance of this landscape designation and the weight afforded to it in national planning policy, Natural England does not consider the evidence outlined in the SA to be to be sufficiently robust to justify the scale of impact of 1400 homes on the North Wessex Downs AONB. As such, the evidence presented undermines the sites assessments for allocations 12 and 13 and on this basis Natural England advises that it fails to meet the tests of soundness set out in the NPPF, particularly the “justified” test and the “consistency with national policy” test.

Alternatives

2.3.12 The vision for the Local Plan (page 29) outlines that new residential and economic growth will be focussed on the Science Vale area. This overall vision for the area filters down to the preferred strategic approach (Option G) and the implementation of a Ring Fence Policy (Core Policy 5), which outlines that the Science Vale Area will be treated as a separate sub-area with a housing requirement of 11,850 homes in the plan period. By focussing development to a particular location, a significant part of which is of high environmental sensitivity, being wholly/mainly in the North Wessex Downs AONB we are concerned that reasonable alternatives are limited. This is of even greater concern following the increase in the housing target to approximately 20,560 homes. Whilst the original vision and strategic approach might have been reasonable under a lower housing growth scenario, we are concerned that with higher housing numbers in this locality, the environmental limits will be breached with regard to impacts on the AONB.

2.3.13 In Natural England’s opinion, when housing numbers were substantially increased, the proposed distribution should have been reappraised, given the environment constraints of the area. Topic paper 2 Spatial Strategy (2014) outlines under Para 3.46 that the up to date Strategic Housing Market Assessment (SHMA), published in 2014, formed the basis for the housing target for the Vale of White Horse Local Plan. As a result of the SHMA the housing target was increased in comparison to earlier versions of the Plan and as a result more strategic site allocations were added.

2.3.14 Paragraph 11.8.5 covers conclusions about Option G with respect to the appraisal of alternative approaches. As discussed elsewhere in this response, we advise that even with mitigation, significant ‘environmental’ effects remain. Indeed, a development on this scale in this location is unlikely to be mitigated. Given the significance of this landscape designation, which is reinforced by para 115 of the NPPF that ‘great weight’ be attached to the landscape and scenic beauty, Natural England does not consider the evidence outlined in the SA to be sufficiently robust. As such, the evidence presented undermines the assessments of alternative approaches and the approach is not justified and hence unsound.

2.3.15 This is perhaps illustrated by noting that Option B delivers approximately the same quantum of development, and scored similarly (one less major positive and one less major negative) to Option G. They both scored the same for their landscape impact (major negative). Given the great weight to be attached to the AONB designation, and our views on the landscape impact of the Harwell Campus allocations, we suggest there is a clear difference to be drawn in terms of the landscape impacts of these options, which is not reflected in the SA.

2.3.16 We note that a number of allocations have been dropped or had numbers reduced from the plan since the February 2014 consultation. Excluding the reduction at Harwell Campus, these appear to total some 2600 dwellings, including 1000 in the (revised) South East vale sub area, at a site (Milton Heights) less than 5km from the Harwell Campus with minimal if any impact on the AONB. Whilst it is not our role to promote alternative sites, in terms of the major development test, it would appear that there are alternatives which were deemed viable in the February 2014 consultation, which would cater for the bulk of the allocation at Harwell Campus. We note that Milton Heights was reduced due to an objection from Oxfordshire County Council (OCC) on highway grounds, but there has been no discussion as to how fundamental that objection is compared to the “great weight” to

landscape and scenic beauty afforded by national policy to the AONB and the exceptional circumstances that must be demonstrated in order to permit major development within it..

Natural England's Assessment of the Landscape

2.3.17 Natural England visited the site on the 12th May and 24th November 2014. Our observations are as follows:

Impact on Landscape Character

2.3.18 The allocations, in combination with the presence of the existing Harwell Research facility would have the effect of bringing the urban influence of Didcot, and beyond, to the foot of the down. This combined, with the new development planned for the south of Didcot, would form a new feature in the existing landscape which would be of a scale to change landscape character in a way contrary to the purpose of the AONB designation. This effect would be particularly pronounced when seen from the car park located on the Ridgeway NT to the west of the lane leading from the A34 southwards towards West Ilsley.

Impact on Visual Receptors

2.3.19 We are concerned that there are likely to be sequential effects i.e. repeating views of the allocated site along the NT extending over a considerable distance, which we estimate this would be for some 3km. Natural England advises that the scale of the allocation site would lead to repeated at sight of the development, which would be sufficient to adversely affect these users and limit their enjoyment of the recreational opportunity offered by the NT. Users of the extensive network of public rights of way which pass through the site and surrounding landscape will also be affected.

Natural England Advice on the Likely Effect of Mitigation Measures

2.3.20 It is our advice that mitigation of the landscape and visual impacts will be unable to reduce the impact of the allocations to acceptable levels. This is due to;

- ☐ The prominent sloping nature of the site (in particular the way the site presents itself to the open down land to the south) and the scale of development proposed.
- ☐ The time lag of around 20 years between mitigation planting and the modelled height used in the landscape study. This period of time over which the visual impact will be largely unmitigated is sufficient to render the mitigation ineffective. This is supported in the recent appeal decision APP/U2235/A/14/2224036, Waterside Park in Kent.
- ☐ The residual visual impact as viewed at maturity, where some of the development would still be visible, as illustrated in the landscape study, and the changing of the character of the landscape from open farmland to one where large blocks of wood would be a defining feature.
- ☐ The impact upon visual receptors, in particular users of the very well-used Ridgeway NT and public rights of way which pass through the sites, who will have their immediate surroundings and (for site 13) views southwards radically impacted both pre and post mitigation.

3. Matter 3 – Inspectors Questions

3.3 Is it feasible that a significantly different distribution of housing development from that proposed could be delivered?

It is Natural England's opinion that alternative strategies to those proposed in the Plan have not been given full consideration and the spatial distribution is insufficient to be considered as an assessment of alternatives. This is a significant failing of the current SA.

3.4 Is the "housing supply ring fence" approach of policy CP5 to the delivery of housing in the Science Vale area (a) adequately explained in terms of its practical operation, (b) justified, (c) likely to be effective and (d) in accordance with national policy?

Natural England's role and responsibilities as regards Development Plans are set out in our Standard, "Responding to Development Plans".

<http://publications.naturalengland.org.uk/publication/6740631103733760>

It is not Natural England's role to comment on housing numbers and we will only comment on the deliverability of housing targets and Plan Policies and allocations where these significantly impact on the natural environment. In this case, we have concerns about whether the draft plan:

- ☐ is based on a robust and up to date environmental evidence base, and.
- ☐ sets out a clear strategy for the protection and enhancement of the natural environment.

Natural England has consistently advised that the Plan has not been accompanied by a sufficiently robust evidence base. Our arguments regarding a lack of a sufficiently robust evidence base to inform the spatial distribution of housing within the Local Plan have been set out in our submission on the Sustainability Appraisal above and are not repeated here.

We are of the opinion that the "housing supply ring fence" it is not justified, and is not in accordance with national policy for the protection of AONBs as set out in the National Planning Policy Framework.