

## Vale of White Horse Local Plan Examination in Public Stage 2

### Sunningwell Parishioners Against Damage to the Environment (SPADE)

#### Matter 5 – Proposed Revision of Green Belt Boundaries (including CP13)

SPADE is an established campaigning group, which for over a decade, has responded to strategic planning processes, at local, district, and county level on behalf of Sunningwell Parish residents. **We work closely with the Sunningwell Parish Council which has fully endorsed the points made in this response and wish the Inspector to consider it as if it were a Parish Council Submission.**

SPADE believes in the permanence of the Green Belt (GB). We accept the need for housing developments and infrastructure but believe that brown field sites should be used before green and certainly before long established and valued GB. We believe that local people should have a true voice in establishing planning policy.

- SPADE objects to the 2 Part, 2 stage structure of the EIP as it fails to address limiting factors to the adoption of the OAN and the SHMA figures contrary to the NPPF
- The Council's Sustainability Assessment, commissioned to underpin the Vale Local Plan fails to take account of NPPF para 14 footnote. The appraisal asserts (para 11.8.6) the housing target was adopted because it meets the 'OAN in full, in accordance with national policy' without acknowledging the restrictions to that policy. It fails to consider whether the Council should initially have tested the SHMA number against those restrictions, and only then applied the policy and criteria for excluding environmentally sensitive areas. The assessment therefore wrongly accepts the inroads into the GB, AONB etc. as being sanctioned by the NPPF, when the opposite is the case
- We believe the SHMA numbers are grossly overstated. Justification for developing substantial tracts of GB appear to be that the Vale, faced with the numbers required by the SHMA contends that it has exhausted all alternatives and that it therefore meets the "very special circumstances" test in the NPPF. This approach is fundamentally flawed as the NPPF clearly states "unmet housing need... is unlikely to outweigh the harm to the GB and other harm to constitute the very special circumstances justifying inappropriate development in the GB".

#### Summary

- No "exceptional need" has been demonstrated. The fact that, prior to Stage 1, the Inspector called for a submission from the Vale setting out its claims lends weight to this contention.
- The GB in North Abingdon is being threatened by multiple development proposals (A34 southbound slip-roads, OCC park and ride, lorry park, driver facilities freight transfer station and further housing to meet Oxford's needs) none of which apparently consider their combined detrimental effect on the North Abingdon GB, the environment, the local communities or importantly Government GB Guidance.
- Simon Bird QC on behalf of VWHDC in Stage 1 asserts "that strategy (Building on our Strengths) has flexibility and there is **simply no basis for an assertion [by Oxford City Council] that further GB release within the District is either inevitable or likely.**" (HEAR 02 summary Note on Matters 4 & 1 - 22 September 2015). SPADE believes that the current proposals create an unacceptable precedent for future GB releases to meet Oxford's unmet need. This is critical due to the widely anticipated and apparently universally accepted requirement to further revise the Vale Local Plan within 2 years from adoption to meet Oxford's unmet need.
- CP13 is not sound as the policy acknowledges that a further GB Review may be necessary to meet Oxford's unmet need under the duty to cooperate. GB policy must recognise that one of the core principles of GB is its permanence and ability to be sustained beyond the Plan period. A policy containing a commitment to ongoing review cannot be fit for purpose nor comply with the NPPF para 85.

<p>5.1 Do the exceptional circumstances, as required by the NPPF (paragraphs 79-86), exist to justify the plan's proposed revision of the boundaries of the GB, having particular regard to:</p> <p>5.1a) Housing Allocation Sites 1,2,3 &amp; 4?</p>	<p>SPADE believes that the Local Plan was developed and submitted on the basis that the Strategic Site land parcels were no longer GB as the Vale's Local GB Review had proposed their removal. The Vale then appears to fall back on a supplementary different argument that even if the land in question were GB, they have met the threshold for justifying the required "exceptional circumstances" to allow revision of the boundaries as set out in their submission to the Inspector in Stage1.</p> <p>SPADE believe that the Strategic Site parcels still meet the purposes of the GB and that the Vale have not provided sufficient justification to meet the "exceptional circumstances".</p> <p><u>GB Review</u></p> <p>None of the recent GB reviews, including the Vale's, have identified any significant changes to the landscape parcels which were previously considered to be demonstrating one or more of the purposes of the GB and which apparently now no longer meet those very same purposes. The methodology used by the non-independent consultants in the Local Review is highly subjective. As no specific instances of changes have been identified there can be no objective basis for the claim that the land parcels "no longer meet the purposes of the GB."</p> <p>Longstanding local knowledge of the Strategic Sites has been called on to attempt to identify any changes to the land use, development or other factors that the Vale could reasonably cite as evidence of the land parcels "no longer meeting the purposes of the GB." Simply put, there are none. <b>Before the general public, or Inspector on their behalf, can be expected to accept the subjective assessment the Vale must be required to evidence the changes over preceding years.</b></p> <p>All GB reviews agree that the land parcels meet one or more of the 5 purposes. There is no guidance on how many of the 5 criteria are considered necessary for a land parcel to be considered GB. As they all meet one or more purposes as set out in the reviews they must, by default, be GB.</p> <p><u>Exceptional Circumstances</u></p> <p>The Vale's late submission of its paper to Stage 1 fails to provide any convincing argument. Examining the 3 criteria:-</p> <p>1. The need to meet the OAN in full</p> <p>Government guidance reasserts that GB boundaries should only be altered in exceptional circumstances and that <i>"unmet housing need is unlikely to outweigh the harm to the GB and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the GB."</i></p> <p>NPPF Para 14 clarifies that <i>"Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, <u>unless</u>: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted."</i> <b>Relevant policies include GB as identified in the footnote.</b></p>
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NPPF Para 159 identifies the duty to draw up a SHMA and also a SHLAA “to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period”. The Vale have not given sufficient consideration of the constraints created by the presence of GB.

The process used by the Vale in firstly containing Strategic Site 2 to the west of the Oxford Road and then belatedly, through a subjective reassessment, to spread it eastwards, demonstrates the Vale is more interested in meeting its OAN than following principle, transparent policy or meeting its stated intentions to protect the GB.

2. The ability to release land designated as GB with no harm to the purposes of the GB

It is not credible, using the information supplied by the Vale, that the Strategic Site Land Parcels no longer meet the purposes of the GB.

Even if this were not the case, the Growth Board GB Study (Para 5.2) identifying it as the “Master Study,” identifies that all GB Land Parcels meet purposes 1 and 5. In our view the Vale cannot now seek to rely on its earlier review stating that the land parcels no longer meet the purposes of the GB.

The Growth Board Study also states in Para 5.4 that that the “*relatively poor performance of land against GB purposes is not, of itself, and exceptional circumstance that would justify the release of the land from the GB.*”

3. The need to deliver sustainable development through sustainable patterns of growth supported by the necessary infrastructure

NPPF Para 14 allows a Local Authority whilst plan-making to take into account inherent restrictions including GB, preventing that same Authority from using a sustainability argument to advance a case for demonstrating “exceptional circumstances”. Even if this were not so, the fact that the Vale in proposing the Housing Ring Fence policy, identifies that the majority of employment opportunities in the Vale will be in the far south. North Abingdon cannot be considered to be a sustainable location for supporting employment 15 miles away.

#### Housing Allocation sites 1, 2, 3 & 4

The Local Plan “Part” and “Stage” based EiP approach prevents a holistic view of the effect of multiple proposals on GB. North Abingdon is currently proposed for multiple developments. In addition to the four strategic sites these include:-

1. A34 southbound slip roads at Lodge Hill
2. Park and Ride
3. Lorry Park and driver rest facilities
4. Freight Transfer Station
5. Proposals on the potential to facilitate Oxford’s unmet housing need.

The County and Vale have been updating the Local Plan Safeguarding maps for items 1-4 demonstrating they are relevant for consideration during the EiP.

5 is of fundamental importance and relevance as it is acknowledged that the area at North Abingdon is one of three favoured areas the City has identified to part meet its unmet housing needs and one that the Vale has identified as its preferred site in its Cabinet Papers.

	<p>We therefore consider that sites 1-4 need to be considered with all the development proposals for the area.</p> <p>We are concerned that should the Examination find that that “exceptional circumstances” have been met for sites 1-4, future reviews of the GB as proposed in the preamble to CP13 will use the proposed presence of other development, which in themselves may be “permitted developments” in the GB (NPPF 90) to re-evaluate land parcels so as to remove them from the GB and then allow a self-sustaining wholesale removal of the GB which then allows further development in areas that local residents feel should retain the valued GB designation. <b>SPADE therefore seeks to highlight the need for an Examination outcome and Plan adoption that reduces the opportunity for such rolling GB development.</b></p> <p>The Abingdon peripheral road creates a defined boundary to the current GB. In future this will be replaced to the west by the A34. To the north and west no distinct boundaries are identifiable. Defined boundaries are essential to be in accordance with NPPF para 85 and to minimise the potential for further creeping GB reassignment and inappropriate development.</p>
5.1b) The land between sites 1 and 2, to the east of the A34?	<p>The NPPF (para 69-74) allows and promotes the provision of sporting and recreational facilities in GB. It does this without presumption that the land will be removed from GB. We are bemused as to the Vale’s motive in promoting removal of this land (Vale EiP Stage 1 “Summary Note on Changes to the Oxford GB”).</p> <p>Bemusement is enhanced as the eastern end of Site 2, earmarked for sports and recreational purposes, is to be retained in GB, despite it forming part of the Strategic Site. For consistency we believe that either both land sub-parcels should remain in, or be taken out, of the GB.</p> <p><b>SPADE strongly believes that consistency should prevail and both land parcels should be retained in the GB</b>, even if partially developed for sports or recreation. To do otherwise will minimise the provision of such facilities and potentially allow for further removal of land from the GB based on the apparent urbanising nature of such facilities which is not the intent of the NPPF.</p>
5.1c) The land to be removed from the GB but not allocated for any particular use?	<p>The Vale justifies “exceptional circumstances” on 3 grounds. However:-</p> <ol style="list-style-type: none"> <li><b>1 As there are no allocations made, it cannot be proposed that it is associated with “the need to meet the OAN in full”</b></li> <li><b>2 Again as no allocation is proposed, it cannot be associated with “the need to deliver sustainable development”</b></li> <li>3 The third argument “the ability to release land presently designated as GB with no harm to the purposes of the GB” is not accepted.</li> </ol> <p>As every parcel of land concerned meets, according to the local review, some purpose of the GB this argument cannot be valid. Even if this were not the case, <b>the most current review commissioned by the Growth Board indicates that poor performance against the GB purposes is itself not and “exceptional circumstance” (para 5.4).</b></p> <p>Despite claim and counter claim (as evidenced in HEAR 6, 6A, 6B) between Oxford City and the Vale on both the intention and the potential for these sites to meet a future Oxford Housing need, CP13 indicates that a further review would be proposed should it be needed, “to contribute to meeting any identified unmet housing need within the Oxfordshire Housing Market Area” <b>thus clarifying that they are not currently released for this purpose.</b></p>

	<p>The Vale has not met the exceptional circumstances threshold for any, let alone 24/25 sites, and even if this were the case, one could envisage a situation where they would propose that the land parcels would be “safeguarded” not removed as per NPPF para 85. <b>The Vale appear to be inviting a situation whereby, if at a later date they fail to meet a continuing 5 year housing supply, developers would be encouraged to submit speculative proposals focussed on parcels removed from the GB.</b></p>
<p>5.2 Is it soundly based for Housing Allocation site 2 to include an area of land designated as GB?</p>	<p>When Strategic Site 2 was initially identified it spread east of the Oxford Road up to Peachcroft Farm. This site was identified for 390 houses. Now 25% of the land area is to be retained for Sports and Recreational purposes. As a result the housing numbers for the site require a reduction of 100<sup>1</sup>.</p> <p>NPPF para 85 states <i>“When defining boundaries, local planning authorities should not include land which it is unnecessary to keep permanently open.”</i> However, all of Site 2 contributes to the minimisation of urban sprawl and the prevention of merging of neighbouring settlements e.g. Radley. Therefore to remove from the GB the open land parcel used for sports and recreational purposes is contrary to the intentions of the NPPF.</p> <p><b>SPADE believes that the land should be retained in the GB.</b></p>
<p>5.3 Does the plan adequately identify the revisions to the GB boundary that it proposes?</p>	<p>The Vale have not made the proposed changes to the GB sufficiently clear and understandable. It is not clear in the plan where the existing GB boundaries are and what are the overall proposed changes. The fact that the Vale had to submit the “Summary Note on Changes to the Oxford GB” including maps, demonstrates the level of confusion that still exists about the Vale’s ever-changing intentions even amongst the very well-informed group of people engaged in the EiP.</p> <p><b>SPADE believes that the Vale should make clear the detailed changes and communicate these widely to residents.</b> Enquiries reveal that most people, especially those living in proximity to the 24 sites, have little knowledge of the proposals. This is important as the recent CPRE surveys demonstrate the value the public places on retention of GB.</p>
<p>5.4 Is policy CP13 soundly based?</p>	<p>CP 13, is opaque, inadequate, inconsistent with Government advice and unfit for purpose.</p> <p><b>The policy is a travesty, purely a “Trojan Horse” to claim a policy when in reality no such policy exists.</b></p> <p>GB Policy in successive Vale Plans has progressively weakened the protection and support for the GB. The proposed CP13 states <b>“The Oxford GB area in the Vale, as amended following local GB Review, will continue to be protected to maintain its openness and permanence”</b>.</p> <p><b>These 19 words are sum total of the alleged priority and protection that the Vale gives long-standing and highly valued GB. The policy then goes on to use 331 words to explain what developments the policy will permit in the GB in line with the NPPF.</b></p>

<sup>1</sup> SPADE notes that the recent Environmental Assessment Scoping Study submitted by Nexus Planning indicates “up to 900 houses on the site” (not the original 800 nor the reduced assessment of 700).

**CP13 preamble exacerbates this with 264 words used to outline the local GB review asserting 25 locations no longer meet the purposes of the GB and the Vale anticipate a further review in relation to Oxford's unmet need.**

**When only 6% of the words in the policy are "the policy" and the rest outline the policy confines it is questioned if it is a policy at all.**

**With the preamble included, the "policy" is 3% of the relevant text, demonstrating the policy is now solely focused on progressive removal and development of the GB rather than that which it purports to be. The claim that the Vale is a supporter of GB and will follow the Government guidance on the provision and maintenance of GB is not justified. The policy even fails to identify the purposes of the GB despite allowing 331 words to identify permitted development.**

CP 13 also fails to include any wider reference to positively enhancing the beneficial use of the GB, (as advised in NPPF). Nor does the policy accept the concept of replacing land removed from GB with new allocations.

**CP13 is unsound. To claim it is a "policy" recognising GB importance, permanence and its potential enhancement is not supported by the policy wording.**