Our ref: TR/JCW/6717

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8th May 2015

Planning Policy,
West Oxfordshire District Council
Elmfield
New Yatt Road
Witney
Oxfordshire
OX28 1PB

Dear Sirs,

West Oxfordshire Local Plan: Publication Stage Consultation (May 2015)
Representations Submitted on Behalf of Messrs Clients of Fairlie Real Estate

Introduction

We refer to the above consultation paper and write on behalf of our client, setting out our comments upon certain of the policies and proposals contained within the document. This includes in relation to the following matters:

- The total housing requirement to be met during the plan period (Policy H1);
- The proposed spatial distribution of housing development (Table 9.1); &
- The role of Land to north of Springfield Oval, Witney in meeting defined housing needs (Omission Site).

Our clients have interests in land to the north of Springfield Oval, Witney. This offers a sustainably located and deliverable site that could be delivered within a 5 year period.

We note that the site has not been assessed within the 2014 version of the Strategic Housing Land Availability Assessment and request that it is assessed in advance of the Local Plan being submitted to the Secretary of State for examination.

The National Planning Policy Framework (NPPF) and the Tests of Soundness

The NPPF sets out the principal components to be included in local plans. Paragraph 182 requires that in order to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
In order to be justified the DPD must be founded upon a robust and credible evidence base and represent the most appropriate strategy when considered against the reasonable alternatives.

Effective means the document must be deliverable, flexible and be able to be monitored. The positive preparation test requires plans to be objectively assess development and infrastructure requirements from neighbouring authorities. This includes a legal duty to cooperate with neighbouring authorities including allowing for unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Policy H1 – Amount and Distribution of Housing**

**National Policy Context**

The NPPF requires LPA’s to ‘use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework (para 47)’.

The NPPF makes it clear at paragraph 47 that in significantly increasing the supply of housing Local Planning Authority (LPAs) should meet the full requirements for market and affordable housing. The NPPF states that when determining the local level of housing provision LPAs are required to take into account evidence of current and future levels of need and demand for housing and affordability levels. Further the NPPF requires LPA’s to ‘prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries’ (para 159).

Paragraph 47 thus requires LPAs to ‘boost significantly the supply of housing’ and identify a five year supply of deliverable housing land. Finally the NPPF requires LPA’s to ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land’ (para 47).

Recently, the Government has referred to the existence of a nationally identified housing crisis. The appropriate guidance to the derivation of a “Sound” evidence underpinning the assessment of an objectively assessed housing requirement is set out at paragraphs 47, 50, 154, 156, 157, 158 and 159 of the NPPF and requires as follows:

- Ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing in the HMA (Para 47).

- Plan for a mix of housing based on current and future demographic trends, market trends and needs as well as identifying the range of housing that is required (Para 50).

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1 In the House of Commons Debate on 24 October 2013, the Planning Minister, Nick Boles, reaffirmed that there is a national housing crisis.
• Local Plans should address the spatial implications of economic and social change (Para 154).

• The Local Plan should set out the strategic priorities and policies for the area, including in relation to the homes and jobs needed (Para 156).

• Crucially Local Plans should plan positively for the development required in the area to meet the objectives, principles and policies of this Framework (Para 157).

• Each LPA should ensure that the Local Plan is based on adequate, up to date and relevant evidence about economic matters (Para 158).

• LPAs should have a clear understanding of housing needs in their area and should prepare a SHMA to assess their full housing needs. The SHMA should, inter alia, meet household and population projections taking account of migration and demographic change and address the need for all types of housing (Para 159).

• The plan should include allowance for unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development (Para 182).

The guidance set out in the NPPF in so far as it relates to the identification of an objectively assessed housing requirement is supplemented by that set out in the more recent advice contained in the National Planning Policy Guidance (NPPG) (March 2014).

The Local Plan section of the NPPG confirms that:

'The Local Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered'.

In all of the circumstances the need to provide for and address housing delivery is an issue which must be viewed both positively and urgently by LPAs.

The above is clear in setting out that a Local Plan should:

• Prepare a SHMA to assess full housing needs;
• Provide a delivery strategy that is clear in terms of where, when and how housing needs will be delivered over the full plan period;
• Meet full, objectively assessed housing needs for market and affordable housing;
• Meet the legal duty to cooperate and incorporate allowances for unmet requirements from neighbouring authorities where it is reasonable to do so; and
• Boost significantly the supply of housing and ensure a deliverable five year housing land supply with an appropriate buffer can be maintained at all times.

Ensuring the Local Plan meets full, objectively assessed housing needs

The consultation document proposes a housing target of at least 10,500 dwellings (525 dwellings per annum) over the plan period 2011 to 2031.
Oxfordshire SHMA (March 2014)

The SHMA comprises the core evidence base document that is to underpin any housing requirement contained in the Local Plan. The importance of the SHMA in developing a Local Plan is referred to at paragraph 159 of the NPPF.

The March 2014 Oxfordshire SHMA forms this document and assesses housing needs across Oxfordshire through to 2031. Figure 15 of the Summary document identifies an objectively assessed housing need in West Oxfordshire comprising **between 635 and 685 dwellings per annum** over the period 2011 to 2031. Further there is acknowledgement at Figure 14 of the same document that there is a **need for 685 homes a year** if the full affordable housing backlog is to be cleared.

The Local Plan refers to two reports that have been carried out following the publication of the SHMA that consider the respective demographic and employment based inputs into the SHMA and re-model housing needs for West Oxfordshire at differing mid-points of 506 and 558 homes per year. The Council then go onto conclude that he objectively assessed need for West Oxfordshire is 525 homes per annum. It is noted that this figure is not consistent with either of the recent studies or the SHMA and consequently it forms an arbitrary figure.

The mentioned reports refer to inconsistencies within the SHMA itself. If this is the case, then the SHMA needs to be revised and updated. This document is the key evidence base document and a failure to comply with its conclusions represents an unsound approach. A failure to meet the needs of the SHMA, will result in further pressures upon neighbouring authorities to deliver unmet needs.

In summary, any level of proposed housing growth below the SHMA’s conclusions is set to fail the tests of soundness not least having regard to paragraph 47 of the NPPF and the positive preparation test. Any intention to re-assess the District’s objectively assessed need must be conducted through this process not via independent studies carried out solely by West Oxfordshire District.

**Duty to Cooperate**

The need to meet the legal duty to cooperate requirement as enshrined in the Localism Act 2011 and the NPPF is fundamental to any Local Plan housing requirement being found legally compliant. In May 2014, Oxford City Council undertook an ‘Investigation into the potential to accommodate urban extensions in its green belt’. This document was produced in response to the significant level of housing need that was identified in the Oxfordshire wide SHMA. This found that Oxford City Council had an objectively assessed housing need of between 24,000 and 32,000 dwellings over the SHMA period, 2011 to 2031. The Investigation concluded as follows:

‘The Oxfordshire wide SHMA has shown that Oxford needs an estimated 24,000 to 32,000 new homes over the period to 2031 (17 years). Oxford does not have the capacity to meet all this housing need within the constraints of its administrative boundary. The City Council will need to discuss with all the Oxfordshire districts (through the Oxfordshire SPIP) the best approach to delivering this additional housing need. However, this assessment has suggested that there is potential for urban extensions to be developed to meet Oxford’s housing needs and that on balance, the areas to the north and south of the City, and north of Abingdon, have
The City Council’s Investigation did not collaborate with neighbouring authorities but confirms that Oxford City cannot meet its own housing needs without help from adjoining authorities. The West Oxfordshire consultation document acknowledges that there is likely to be a need to undertake an early review of this Local Plan in order to address the issue of unmet housing need arising from Oxford City. In summary, solutions will have to be identified elsewhere in the County but the location and form remains undecided.

With the above context in mind, it is quite possible that one solution will be that larger towns around Oxford will be required to meet part of this need. Such towns would logically include those located in West Oxfordshire, in particular Witney. Given the likely need for an early review, we would suggest wording to the following effect is inserted into policy:

‘If following partnership working with the Oxfordshire Growth Board, additional housing is required in West Oxfordshire, a review of the scale of housing provision in the Local Plan will be undertaken immediately’.

For the above reasons, the proposed housing requirement would not meet full, objectively assessed housing needs as required by paragraph 47 of the NPPF. The SHMA identifies a more appropriate figure of between 635 and 685 dwellings per annum and it is acknowledged that the higher figure would be required if the District’s affordable housing needs are to be met. We therefore object to the approach set out in Policy H1 for the following reasons:

1. The Plan as drafted does not meet the true assessment of objectively assessed needs set out in the SHMA (the determining strategic housing document) and in turn defined affordable housing needs.

2. There is an acknowledgement across the County that Oxford City cannot meet its own needs and they will need to be delivered elsewhere. A clear commitment to a review of Policy H1 must be included in upper case policy to account for this likelihood.

3. There is a need for smaller sites to be identified within the Local Plan document to ensure flexibility in delivery terms and the ability to demonstrate a 5 year housing land supply.

Proposed Change:

Local Plan housing target to be revised to account for an objective assessment of housing needs as required by the NPPF. This should reflect the findings of the SHMA. These changes result in a requirement to plan for a minimum of 13,700 dwellings over a plan period to 2031. In addition, a clear commitment to a review of the Policy must be included if such an outcome results from partnership working with the Oxfordshire Growth Board.

The Plan needs to identify additional site allocations in order to meet this identified need. A number of these sites must be deliverable within 5 years so to ensure a 5 year housing land supply can be demonstrated.

We broadly acknowledge that development at the three identified service centres of Witney, Carterton and Chipping Norton represent the most sustainable locations for development in the
District. This is on the basis that Witney should take the majority of this development given it is the largest settlement in the District and offers a considerably better employment and service offer when compared to the other two settlements.

The need to deliver at Witney is especially relevant when the District’s spatial context is considered whereby a significant proportion of the District comprises part of the Cotswold Area of Outstanding Natural Beauty. In this regard paragraph 14 of the NPPF states:

‘Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- 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.*

*This includes a footnote as follows:

* ‘For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion’.

Further to the above and in respect of national policies the NPPF 7th and 8th Core Planning Principles state:

“Allocation of land for development should prefer land of lesser environmental value, where consistent with the other policies in this framework.

Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

In addition paragraph 115 of the NPPF states:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads”.

Our clients have a controlling interest in land at to the north of Springfield Oval, Witney that is located outside of protected land and comprises previously developed land. Having regard to the highest status of protection for AONB land referenced in the NPPF, urban sites should be favoured first; followed by unconstrained previously developed land sites on the edge of the District’s largest settlements second; and greenfield sites on the edge of the District’s largest settlements third, with AONB sites considered only in the last instance.

| Table 9.1: Anticipated housing delivery in the Witney sub-area |

For the reasons set out in our earlier responses regarding the overall housing requirement, there
is a need for an increased overall housing requirement for West Oxfordshire. This will require a respective increase in the overall level of housing scheduled to take place at Witney.

We do not wish to comment in detail upon the two strategic allocations proposed on the eastern and northern sides of Witney except to note that both sites are less well related to Witney's town centre and associated services than our client's site. Further our client's site represents previously developed land rather than greenfield land.

It is also relevant that the proposed strategic sites will inevitably have long lead in times given their size. As discussed in earlier sections, there is a need for smaller sites with reduced lead in times that can deliver within the 5 year period. The present strategy is too focused upon strategic sites such that there is a likelihood that there is insufficient flexibility in the strategy to account for a delay on any of the proposed strategic sites. Accordingly it is essential that smaller sites are also allocated to ensure a deliverable 5 year housing land supply can be maintained throughout the plan period.

**Omission Site: Land to the north of Springfield Oval, Witney**

Our client's site extends to approximately 1.8ha, comprising open land with a number of buildings, glasshouses, a caravan and scrub land with some mature trees. The historic use of the site was as a plant nursery. Consequently the site has a sui generis use and comprises previously developed land. As is evident from the West Oxfordshire Local Plan 2011 (adopted 2006) proposals map excerpt below, the site is located outside the 'Policy area to prevent urban sprawl' and the 'Windrush in Witney Policy Area' that abuts the site's northern boundary.

The site is bound on its southern side by the Springfield Oval development that comprises conventional two storey semi-detached housing set around an oval shaped area of public open space. To the west lie agricultural fields, whilst to the north lies open countryside forming the floodplain to the River Windrush. The eastern side of the site is bound by a modern residential estate. A public footpath runs along the site's eastern and northern boundaries. The site is contained from the wider countryside by existing mature trees located on its northern boundary.

The site is sustainably located, lying on the edge of Witney that offers services, facilities and employment opportunities, as well as public transport links. Access into the site would be from Springfield Oval, with Nos. 27 & 28 demolished under the proposals. The site is located approximately 800m northwest of Witney town centre and can be considered sustainable when
compared to alternative greenfield options. The site’s promotion is supported by the following technical documents:

- Concept Masterplan (Ref. CSa/2416/100 Rev A) (CSa Environmental)
- Site Location Plan (Ref. CSa/2416/101) (CSa Environmental)
- Ecological Site Walkover Letter (CSa Environmental)
- Site Access Appraisal Technical Note (i-Transport)

The supporting Concept Masterplan (Ref. CSa/2416/100 Rev A) shows how development of the site could be brought forward. It is anticipated that the site would have capacity to accommodate up to 50 dwellings which is within the 85 unit figure used for testing purposes. The development would be equivalent to around 30 dwellings per hectare. Access to serve the development would be taken from Springfield Oval and a plan showing the proposed access is provided in i-Transport’s Technical Note.

Development Considerations

Based upon the technical team’s thorough contextual appraisal of the site and surrounding area, the site represents an appropriate location for development. The proposed scheme provides an opportunity to meet such needs in an accessible location, adjacent to the District’s largest settlement and outside land protected in the existing Local Plan or by the NPPF.

An initial ecological walkover inspection has been carried out and concludes that ecological issues at this site are likely to be relatively minor. There is no indication of any over-riding ecological constraint. The site appears to be of relatively low ecological value and sensitive development of this area could potentially achieve a number of biodiversity gains. The outcomes of the survey are attached to this submission.

Our clients have commissioned a transport consultant to assess the highway situation surrounding the site. Initial findings are set out in the supporting Technical Note and propose a new simple priority junction onto Springfield Oval. The Technical Note confirms that this access will provide safe and appropriate visibility from the site and can also safely accommodate a large refuse vehicle. The note also confirms that the existing A4095/Springfield Park junction also provides safe and acceptable visibility in accordance with Manual for Street guidance. In addition, the site is located entirely in flood zone 1.

The site is deliverable within 5 years and offers the opportunity to address the Council’s existing 5 year housing land supply deficit. The site could deliver up to 50 dwellings to include both market and affordable housing provision.

Proposed Change:

Land at Springfield Oval, Witney to be allocated for up to approximately 50 residential dwellings within the plan period to 2031.

| Summary |

We trust the above comments are of assistance in producing a sound Local Plan and await confirmation of receipt of our representations in due course. We would also appreciate confirmation that our client’s site will be considered within the SHLAA and assessed prior to the...
Plan being submitted for examination.

We welcome the opportunity to continue dialogue with the Council in order to further proposals for the potential to deliver a sound Local Plan.

Please do not hesitate to contact the writer should you wish to discuss any matter(s) arising.

Yours faithfully

Jeremy C. Woolf MA DipTP MRTP

Enc.