8th May 2015

Representations to West Oxfordshire Local Plan 2013 Pre-submission Consultation May 2015

Tank Farm, East Chipping Norton Strategic Development Area.

Introduction

These representations are submitted on behalf of Cala Homes (Chiltern) in relation to land east of Chipping Norton, identified in the pre-submission West Oxfordshire Local Plan 2013 as Land East of Chipping Norton Strategic Development Area and to which draft policy CN1 relates. These representations consider the “soundness” of the proposed submission document with reference to the provisions of paragraph 182 of the NPPF which requires a plan to be positively prepared; justified; effective; and consistent with national policy.

Summary of Main Issues

From the outset it should be made clear that Cala Homes (Chiltern) supports the proposed allocation of this land for the purposes identified in the Plan but has concerns relating to the detail of the proposed wording of Policy CN1. Concerns are also raised in relation to the proposed annual housing delivery target of 525 dwellings, set out in Policy H1, and from which the proposed allocation of 600 dwellings for land to the East of Chipping Norton Strategic Development Area is derived.

In this regard, these representations conclude that:

- The proposed housing target is substantially below the full Objectively Assessed Need (OAN) figure set out in the SHMA and no provision is made for un-met need arising from Oxford City. There is a high risk that the Inspector will postpone the examination to require the Council to meet the full OAN figure, in a similar manner to that which happened at the Cherwell Examination.

- Land East of Chipping Norton Strategic Development Area can accommodate up to 700 dwellings at up to 35 dph without undue harm to the landscape. An increased allocation will help West Oxfordshire District Council meet it’s identified housing need over the plan period.

- Policy CN1 makes no reference to a comprehensive approach to the development. There is a risk that the objectives of Policy CN1 will not be secured and that the delivery of a sustainable development will not be achieved without such an approach.

- The inclusion of a landscape buffer on the proposed allocation plan is unnecessary for the strategic site allocation plan and will prejudice the proper, comprehensive masterplanning of this site.

For the above reasons, and with reference to NPPF paragraph 182, these representations conclude that the West Oxfordshire District Council Local Plan Pre-submission document, as currently drafted, is not positively prepared, effective or consistent with national policy and therefore not sound.

To address the concerns identified above, these representations make detailed suggestions as to how the wording of Policies H1 and CN1 should be amended.
Detailed Representations

These representations are made in support of the proposed allocation of Land East of Chipping Norton Strategic Development Area, and comments are therefore focussed on Policies H1 and CN1 of the submission draft Local Plan.

The comments provided below relate to the need to deliver more housing in West Oxfordshire; the capacity of Land East of Chipping Norton Strategic Development Area; the need for a comprehensive approach to development on the site; and the inclusion of a landscape buffer on the proposed allocation plan. In relation to the last point these representations are accompanied by a Landscape Statement, prepared by Lockhart Garrett (May 2015). This is in addition to the technical information submitted with a capacity analysis at the draft Local Plan stage (copy attached for information).

The pre-submission consultation invites comments in relation to the “soundness” of the document. The NPPF sets out the criteria against which the a Local Plan will be assessed for soundness at paragraph 182:

“The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

Housing Delivery in West Oxfordshire

The National Planning Policy Framework is considered in Section 4 above. The NPPF, at paragraph 47 requires Local Planning Authorities to ensure that their Local Plan meets the “full, objectively assessed needs for market and affordable housing in the housing market area” and 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% to ensure choice and competition in the market for land”. The NPPF requires that this buffer be increased to 20% where there is a persistent record of under delivery.

The importance the Government attaches to ensuring councils meet their full objectively assessed needs was underlined in a speech by former Planning Minister, Nick Boles MP on 10th January 2013 in a speech given at an event hosted by the Policy Exchange, where he commented:

“....Many councils are embracing this duty [to identify sites to meet the five year housing land supply] with energy and imagination. But some are dragging their feet and a few are looking for ways to evade their responsibilities or slough them off onto their neighbours because politics of housing building is just too difficult. Well, this is not acceptable. Councils which do not produce credible plans to meet local housing need will find that the presumption in favour of sustainable development will trump local decisions....”

In addition to the above, Planning Practice Guidance (Paragraph 2a-007) notes that: ‘Local planning
authorities should assess their development needs working with the other local authorities in the relevant housing market area or functional economic market area in line with the duty to cooperate. Paragraphs 2a 014 to 029 of the PPG set out a detailed methodology for calculating housing need. These paragraphs set out that the starting point for the production of an objectively assessed need should be the Household Projections published by the Department for Communities and Local Government. The paragraphs highlight that this base data should then be adjusted in relation to demographic evidence, changes in job numbers, market signals and affordable housing requirements, to result in an accurate assessment of the need for the Housing Market Area.

The Oxfordshire Strategic Housing Market Assessment was carried out over the whole of Oxfordshire and was published in April 2014. The document was a jointly commissioned study by all of the Local Authorities in Oxfordshire. It is considered to be the most up to date objective assessment of housing needs in the County.

In relation to West Oxfordshire the SHMA (April 2014) highlights a range of between 635 – 685 dwellings per annum as the objectively assessed need with a mid-point of 660 dwellings identified as an appropriate figure for the District.

Following the publication of the Oxfordshire SHMA West Oxfordshire District Council commissioned further studies to analyse housing need in the District including the Keith Woodhead report (June 2014) and a subsequent study by the Cambridge Centre for Housing and Planning Research “Validation of an objectively assessed housing need (OAN) for West Oxfordshire – January 2015” (the Cambridge Study). As a consequence of these studies West Oxfordshire District Council has decided that the delivery of 525 dwellings per annum will be sufficient to meet the full objectively assessed housing needs in the District.

It is considered that the conclusions of the subsequent studies, particularly the Cambridge Study, should be treated with caution when considering future housing needs for the District, especially when the authors of the Cambridge study themselves state that the findings of their study are “modest, compared with the OAN in the SHMA”. It should also be noted that the authors of the Cambridge study do not state that their figures should be seen as a new OAN to supersede that within the SHMA and, significantly, they note that that findings of their report do “not necessarily mean that the OAN is less informative for local housing and planning purposes. Rather, it contains a wealth of bespoke evidence for planning information and possible impacts on the local housing market. For example, the Committed Economic Growth Scenario...and initiatives related to Oxfordshire City Deal and other infrastructure plans”.

It is considered that the additional evidence utilised in the SHMA is essential to identification of an accurate objective assessment of housing need. Housing need cannot be considered in isolation from projected economic growth and the Committed Economic Growth Scenario and Oxfordshire City Deal, in particular, are likely to have a direct impact on economic growth in the County. In this context, it is noted that the District Council has commissioned a further study titled “West Oxfordshire Economic Snapshot” (January 2015). The objective of this study is to provide robust evidence and advice on current and future economic development needs and priorities in West Oxfordshire to help inform the pre-submission draft Local Plan. The report states that “The study should provide the evidence necessary to inform key issues that are likely to be debated at the Local Plan examination, such as the balance between jobs and housing and the allocation of employment land” (page 5).

The housing growth projections contained in the West Oxfordshire Economic Snapshot are based directly on the figures contained in the Oxfordshire SHMA and the report concludes, on page 52, that “The high growth ambitions of the Oxfordshire LEP are backed by the Oxfordshire SHMA, which sets out high housing targets intended to match the hoped for growth in employment”. The Economic Snapshot goes on to highlight that the SHMA mid-point figure for West Oxfordshire of 660 dwellings per annum is “virtually the same as the 661 per annum set out in the Committed Economic Growth scenario” Having regard to the above, it is considered that the economic ambitions contained within the Plan are not compatible with the proposed reduced housing target and the Plan is therefore not effective.
The figure of 525 dwellings per annum, selected by the District Council, is at the very lowest end of the range of figures identified within the various studies commissioned by the Council, and especially far away from the range identified in the SHMA.

It is considered that the SHMA mid-point figure of 660 dwellings per annum should be used as the basis for housing land supply calculations. Indeed, the use of the SHMA OAN figures for West Oxfordshire has been supported locally at a recent appeal at Land at West End Farm, off Churchill Road, Chipping Norton (PINS REF: APP/D3125/W/14/2213853). Here the Inspector noted that, in the absence of an adopted Local Plan based upon a full assessment of Housing Need (which allowed for mitigation for local circumstances) the full OAN identified in the SHMA should be used. In this context it is worth noting that West Oxfordshire District Council participated and agreed to the methodology adopted in the SHMA (along with the other Authorities), yet it is the only Oxfordshire Authority outside the City to adopt a housing delivery figure that is not comparable to that identified in the Oxfordshire SHMA in their emerging plan:

- Cherwell District Council Submission Local Plan (February 2015) – 1142dpa (SHMA mid-point 1140)
- Vale of White Horse District Council Submission Local Plan (March 2015) – 1028dpa (SHMA mid-point 1028)
- South Oxfordshire District Council Refined Options Local Plan (February 2015) – c750dpa (SHMA mid-point 775)

It is considered that there is no reasonable or robust justification for the Council to deviate to such a substantial degree from the findings of the Oxfordshire SHMA and in these circumstances the utilisation of a housing delivery target which is substantially below the levels identified in the SHMA would be inconsistent with the NPPF and the PPG. In this context it is relevant to note that the examination of Cherwell District Council’s Local Plan was suspended by the Inspector last year after concerns were raised that the proposed housing targets fell below the targets identified in the Oxfordshire SHMA. Cherwell District Council has subsequently revised its Local Plan to include housing targets which are wholly consistent with the findings of the SHMA. Having regard to this recent experience of an adjacent Oxfordshire authority it is considered that there is a reasonable likelihood that the examination of West Oxfordshire District Council’s 2013 Plan could also be suspended by the Inspector for a similar reason.

In addition to the above the pre-submission plan makes no provision to accommodate any overspill of housing from Oxford City Council. West Oxfordshire District Council acknowledges in it’s Duty to Cooperate Statement (para 3.14) that there is a big problem of a housing shortfall in Oxford City, yet the Plan makes no provision for any allocation and instead refers to a possible early review of policy H1 to “take account of any 'unmet' housing need from Oxford City that is apportioned to West Oxfordshire through joint working being co-ordinated by the Oxfordshire Growth Board”. The Oxfordshire SHMA makes clear that Oxford City is facing a shortfall of some 15,000 dwellings when measured against the midpoint of the range. The problem of the housing shortfall in Oxford City is known now and there is little justification to delay plans to accommodate any overspill in West Oxfordshire and to do so is incompatible with the duty to cooperate and paragraph 181 of the NPPF, which requires local planning authorities to:

"demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination".

Adoption of the Oxfordshire SHMA mid-point figure of 660 dwellings per-annum will enable West Oxfordshire District Council to plan better to accommodate it’s own housing needs and provide a better starting point to begin to address any unmet need from Oxford City which might need to be accommodated in the District.

Having regard to the above it is considered that the proposed submission document fails to meet the full objectively assessed needs for housing and that it is therefore not positively prepared, and
not consistent with national policy. In addition, the inconsistency between the housing assumptions underlying the economic policies of the Plan, and the proposed housing target will mean the Plan the Plan is not effective. Furthermore, given the omission of any allocation to accommodate unmet need from Oxford City, despite clear evidence indicating that some over spill will need to be accommodated, and the acknowledged need for a likely ‘early review’ of Policy H1 to accommodate the increase will not be effective. For these reasons it is considered that the pre-submission plan is not sound.

- In order to overcome the above concerns it is recommended that Policy H1 should be amended to make provision for 660 dwellings per year.

Housing Allocation for Land East of Chipping Norton Strategic Development Area

Policy CN1 of the pre-submission Plan makes provision for up to 600 dwellings in the Land East of Chipping Norton Strategic Development Area. Cala supports this as a minimum level for the site. However it is considered that the land could readily accommodate substantially more houses without impacting adversely on the character or appearance of the area, merely making most efficient use of the land.

The previous representations by Cala Homes to West Oxfordshire in relation to Land East of Chipping Norton Strategic Development Area were accompanied by a detailed Capacity Assessment (see attached). The Capacity Assessment demonstrated that the site could accommodate up to 700 dwellings at up to 35 dwellings per hectare without any undue harm to the landscape. In light of the concerns raised above in relation to the supply of housing within the District, an increased allocation for Land East of Chipping Norton Strategic Development Area would represent a simple, and straightforward way to help West Oxfordshire District Council meet it’s identified housing need.

- To ensure that Policy CN1 of the West Oxfordshire Local Plan is sound and that it is positively prepared it is considered that criterion (a) of Policy CN1 should be reworded to state:

  “Upto 700 homes with a balanced and appropriate mix of residential accommodation to meet identified needs, including affordable housing”

The suggested revision to the wording provides flexibility for the final number of houses to be guided through the preparation of a comprehensive masterplan, as discussed later.

Comprehensive Development

The NPPF at Paragraph 6 highlights that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies contained in Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. Paragraph 57 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 58 is more specific in relation to what this means for local plan preparation:

“Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping”.

It is considered that for a strategic site such as East of Chipping Norton Strategic Development the best way to ensure the sustainable development objectives outlined in the NPPF, and reflected in the detailed criteria of Policy CN1, are achieved is to require a comprehensive approach to the planning of the site.

It is acknowledge that that wording of Policy CN1 as presently drafted sets out detailed requirements for the development of the site however it makes no requirement for any future development to be planned in a comprehensive manner. There is nothing in Policy CN1, as presently drafted, to prevent separate applications for smaller parcels of the site coming forward that individually meet some of the criteria, but cumulatively, fail to secure the key infrastructure requirements (such as schools, access routes, drainage and landscape protection/enhancement) in a satisfactory manner. As a consequence of this there is a significant risk that Policy CN1 will fail to deliver a sustainable development in accordance with the NPPF, particularly the requirements of paragraph 58.

To achieve the objectives of paragraph 58 it is essential for development to be planned in a comprehensive and co-ordinated manner. For strategic development sites such as Land East of Chipping Norton Strategic Development Area this means establishing the direction, and approach to the development in the development plan. Without the co-ordination between different landowners that would be required to achieve a comprehensive development it is not at all clear how all the objectives of Policy CN1 would be satisfied or significantly how the proposed Policy would be consistent with the requirements of the NPPF (paragraph 58) as set out above.

To ensure the development at Land East of Chipping Norton Strategic Development site is connected, and integrated to the own in the best possible manner it is considered that Policy CN1 should require investigation of a through road being provided to connect London Road with Burford Road, and for the development to maximise connectivity to existing services and facilities including the school. The provision of access routes and connectivity networks is essential to good urban design and can only be planned in a satisfactory manner at a strategic level and would be an appropriate and essential starting point for the master plan, which should be approved by West Oxfordshire District Council before any planning applications are considered.

The simple allocation of a strategic site in a local plan will not ensure the effective delivery of a sustainable development and as such it is considered that the Policy CN1 fails to satisfy the test in paragraph 182 of the NPPF as it is not positively prepared, and not consistent with national policy. For these reasons it is considered that the pre-submission plan is not sound.

In order to overcome the above concerns it is recommended that Policy CN1 should be amended to make clear that a comprehensive approach to development of the site will be required to ensure that all of the objectives of the Policy are achieved. The following changes are proposed:

- An additional criterion should be inserted into Policy CN1 stating: “The development of the site shall be in accordance with details contained in a comprehensive master plan framework document which shall have been submitted to, and approved in writing, by the Local Planning Authority before the submission of any planning application for development on the site”.
Landscape Buffer

The plan accompanying Policy CN1 (Figure 9.12 on Page 169 of the Plan) contains a substantial area of landscape buffering to the southern side of the site. This is an unusual inclusion for a strategic site allocation and it is clear from the accompanying Landscape Mitigation Report prepared by Lockhart Garrett (May 2015) that such an expansive area is entirely unnecessary. It is noted that the Landscape Mitigation Report concludes that “a narrow ‘buffer’ area combined with the retention of existing vegetation features will be sufficient to reduce landscape impacts to an appropriate level, and that the open space provision within the development should be used to enable a green infrastructure-led landscape design process with green corridors permeating the entire development. This can be addressed at the masterplanning stage”.

It is acknowledged that this part of the site has a higher degree of landscape sensitivity but that the detailed design work for the site will be best placed to more accurately identify the extent of mitigation required. For the purpose of these representations there is significant concern that the inclusion of such a buffer on the plan will prejudice the proper, comprehensive and effective masterplanning of the site. Furthermore, there is significant concern as highlighted in the Landscape Mitigation Report that the extent of this buffer is not consistent with the desired number of dwellings and range of uses on the site.

Consequently, there is a real risk that development of the site will be compromised to such an extent that the delivery of all the objectives of CN1 will not be achievable, and that the site will fail to deliver the most sustainable form of development in accordance with the NPPF. Landscaping should be reserved for the masterplanning stage and it is an inappropriate inclusion for a strategic allocation and this is supported by the conclusions of the accompanying Landscape Mitigation Report (paragraph 3.16).

As such it is considered that the Policy CN1 is not positively prepared, and not consistent with national policy. For these reasons it is considered that the pre-submission plan is not sound, and the following amendments are suggested:

- The illustrative landscape buffer shown on the proposed allocation map (Figure 9.12 on Page 169 of the draft document) should be deleted.
- An additional criteria requiring appropriate assessment to be undertaken of the impact of the masterplan on the surrounding landscape should be included in the masterplan framework document proposed, above, should be included in Policy CN1.

Summary and Conclusions

These representations have been submitted on behalf of Cala Homes (Chiltern) in relation to land east of Chipping Norton, identified in the pre-submission West Oxfordshire Local Plan 2013

Cala Homes (Chiltern) generally supports the proposed allocation of this land for the purposes identified in the Plan but has concerns relating to the detail of the proposed wording of Policy CN1. Concerns are also raised in relation to the proposed annual housing delivery target of 525 dwellings, set out in Policy H1, and from which the proposed allocation of 600 dwellings for land to the East of Chipping Norton Strategic Development Area is derived.

In this regard, these representations conclude that:

- The proposed housing target is substantially below the full OAN figure set out in the SHMA and no provision is made for un-met need from Oxford City. There is a high risk that the Inspector will postpone the examination to require the Council to meet the full OAN figure, in a
similar manner to the Cherwell Examination.

- Land East of Chipping Norton Strategic Development Area could accommodate up to 700 dwellings at up to 35 dph without undue harm to the landscape. An increased allocation will help West Oxfordshire District Council meet its identified housing need.

- Policy CN1 makes no reference to a comprehensive approach to the development. There is a risk that the objectives of Policy CN1 will not be secured and that the delivery of a sustainable development will not be achieved.

- The inclusion of a landscape buffer on the on the proposed allocation plan is unnecessary for strategic site allocation plan and will prejudice the proper, comprehensive masterplanning of this site.

For the above reasons, and with reference to NPPF paragraph 182, it is considered that the West Oxfordshire District Council Local Plan Pre-submission document, as currently drafted, is not positively prepared, effective or consistent with national policy and therefore not sound.

To address the above concerns the following alterations are suggested:

- **Policy H1** should be amended to make provision for 660 dwellings per year.
- **Criterion (a) of Policy CN1** should be reworded to state: “Upto 700 homes with a balanced and appropriate mix of residential accommodation to meet identified needs, including affordable housing”
- **Policy CN1** should be re-worded to require a comprehensive approach to the development of the site to ensure a sustainable development.
- An **additional criterion** should be inserted into Policy CN1 stating: “The development of the site shall be in accordance with details contained in a comprehensive master plan which shall have been submitted to, and approved in writing, by the Local Planning Authority before the submission of any planning application for development on the site”.
- **Policy CN1** should require investigation of a through road being provided to connect London Road with Burford Road and for the development to maximise connectivity to existing services and facilities including the school.
- The illustrative landscape buffer shown on the proposed allocation map (Figure 9.12 on Page 169 of the draft document) should be deleted.
- An **additional criteria** requiring appropriate assessment to be undertaken of the impact of the masterplan on the surrounding landscape should be included in the masterplan framework document proposed, above, should be included in Policy CN1.