

# South Oxfordshire Local Plan 2034

## Page 3: Part A - contact details

Q1. Are you responding as an:

Individual

## Page 4: Individual contact details

Q2. Due to the plan-making process including an independent examination, a name and means of contact is required for your comments to be considered:

Title	Mr
Full name	John Watson Calder
Business / Organisation name (if relevant)	-
Job title (if relevant)	-
Address line 1	██████████
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Postal town	██████
Postcode	██████
Telephone number	██████████
Email address	██

## Page 7: Part B - your comments

Q5. For comments on the Local Plan, please provide the paragraph or policy to which your comments relates. You can view a list of policies here. If you wish to comment on one of the evidence documents or the policies maps, please state the document title as well as the paragraph or policy reference.

Document / Policy / Paragraph: Local Plan 2034: Policy STRAT2 and paragraphs 4.15 to 4.24

Q6. Do you consider the Local Plan and supporting documents:

	Yes	No	Don't know	Not answered (OPTION HIDDEN FROM LIVE SURVEY)
are legally compliant?		X		
are sound?		X		
comply with the Duty to Co-operate?	X			

Q7. Please provide further information in relation to the previous question. e.g. why you do or do not consider the Local Plan to be legally compliant or sound.

Policy STRAT2 quantifies the District housing requirement as 22775 homes, made up of 17825 for South Oxfordshire plus 4950 for Oxford City's unmet need. These numbers are based on the April 2014 Oxfordshire SHMA, which overlaid household projections based on the DCLG's interim 2011 figures with a further housing requirement reflecting extremely optimistic economic growth assumptions. Since 2011, the DCLG have produced household projections significantly lower than those used in the SHMA. Government guidance requires planning authorities to use the latest available figures in their planning policy formation, but no attempt has been made to recalculate the SHMA requirement using these more up to date and accurate projections. Paragraph 4.16 acknowledges that if the standard method of assessing housing need proposed in the latest government guidance were used, the housing need for South Oxfordshire would be 556 homes a year, or 12788 over the plan period. This is some 5000 less than the LP2034 requirement. The plan does not quantify the extent to which Oxford City's SHMA-based housing requirement exceeds its housing need calculated by the standard method, but the excess appears to be even greater than in the case of South Oxfordshire, so that use of the standard method would significantly reduce the unmet Oxford City need allocated to South Oxfordshire, probably to less than 3000. The total excess of the LP2034 housing requirement over housing need if calculated by the standard method is therefore likely to be at least 7000 homes. Paragraph 4.24 says that the commitment to build 100000 homes under the Growth Deal agreed with the government along with the SHMA provide sound justification for uplifting the South Oxfordshire housing requirement to 775 homes per year. But paragraph 4.20 acknowledges that the aspirational target of the Growth Deal was itself derived from the SHMA, which was based partly on obsolete figures and on an out of date methodology. Insofar as the SHMA and Growth Deal are based on realistic projections of economic growth, it may be argued that they provide sound justification for uplifting the housing requirement beyond the need calculated by the standard method, but insofar as they are based on out of date and inaccurate demographic household projections, they cannot possibly provide a sound justification for doing so.

Q8. Please set out any modifications you consider necessary to make the Local Plan legally compliant or sound, having regard to your comments above. (NB - any non-compliance with the duty to co-operate is incapable of modification at examination). It will be helpful if you could put forward your suggested wording of any policy or text as precisely as possible.

The SHMA housing requirement should therefore be adjusted to reflect the latest DCLG demographic projections and any later evidence available on likely economic growth.

Q10. Would you like to participate at the oral part of the examination, which takes place as part of the examination process?

Yes

Q11. Would you like to comment on another policy or paragraph?

Yes

## Page 9: Part B - your comments

Q12. For comments on the Local Plan, please provide the paragraph or policy to which your comments relates. You can view a list of policies here. If you wish to comment on one of the evidence documents or the policies maps, please state the document title as well as the paragraph or policy reference.

**Document / Policy / Paragraph:**

Local Plan 2034; Policies STRAT6 and STRAT4 – 8; paragraph 5.11 including table 5.c.

Q13. Do you consider the Local Plan and supporting documents:

	Yes	No	Don't know	Not answered (OPTION HIDDEN FROM LIVE SURVEY)
are legally compliant?		X		
are sound?		X		
comply with the Duty to Co-operate?	X			

Q14. Please provide further information in relation to the previous question. e.g. why you do or do not consider the Local Plan to be legally compliant or sound.

Table 5.c at paragraph 5.11 sets out the planned supply of homes over the plan period. This comprises 15726 "committed components of housing supply" and 12739 "new components of housing supply in this Local Plan", giving a total supply of 28645 homes. All the figures in the "new components" are supported by specific plan policies, with the exception of an estimated 1300 windfall allowance. Paragraph 5.5 says that windfall has been conservatively projected at 100 homes a year, which gives a figure of 1500 over the plan period, not 1300, and correcting this error increases the total proposed supply to 28845. This exceeds the assessed housing requirement of 22775 homes by more than 6000 – a 25% oversupply against a requirement that, as discussed earlier, is itself substantially overstated. This massive oversupply is not justified by economic growth assumptions, since optimistic growth assumptions are already built into the SHMA-based housing requirement. The only justification for it is set out at paragraph 5.12: "This provides additional flexibility to enable the management of our housing land supply trajectory going forwards and to respond to changing circumstances." A similar justification was given for much smaller oversupply figures proposed in the 2012 Core Strategy and earlier drafts of the Local Plan, and there is no explanation of why such a huge increase is now required to provide the desired "additional flexibility". I acknowledge that plans are expected to meet the assessed housing requirement as a minimum, but in the case of South Oxfordshire the excess of planned supply over requirement is so large that it necessitates substantial modifications of Green Belt boundaries, as stated in policy STRAT6, to accommodate the strategic allocations in policies STRAT8 - 14. The NPPF requires "exceptional circumstances" to justify modifying Green Belt boundaries. The failure to base the housing requirement on the latest available figures and the massive planned oversupply against that requirement surely do not constitute the sort of exceptional circumstances needed to justify the modifications proposed. These modifications have, furthermore, not been subject to adequate public consultation, since previous consultative documents did not say that a huge increase in housing supply in the Green Belt was needed for the sake of providing flexibility.

Meeting this excessive supply target may also require development of AONB and flood risk sites, again contrary to NPPF guidance, but these topics are discussed separately below.

Q15. Please set out any modifications you consider necessary to make the Local Plan legally compliant or sound, having regard to your comments above. (NB - any non-compliance with the duty to co-operate is incapable of modification at examination). It will be helpful if you could put forward your suggested wording of any policy or text as precisely as possible.

The housing supply targets set out at table 5.c should be substantially reduced to bring them broadly into line with a sound, evidence-based housing requirement. If this provides insufficient flexibility, then reserve sites should be identified, to be developed if, and only if, a planned site cannot in practice be delivered or sound evidence emerges to justify increasing the housing requirement.

Q17. Would you like to participate at the oral part of the examination, which takes place as part of the examination process?

Yes

Q18. Would you like to comment on another policy or paragraph?

Yes

## Page 11: Part B - your comments

Q19. For comments on the Local Plan, please provide the paragraph or policy to which your comments relates. You can view a list of policies [here](#). If you wish to comment on one of the evidence documents or the policies maps, please state the document title as well as the paragraph or policy reference.

**Document / Policy / Paragraph:**

Local Plan 2034; Policy H4; paragraphs 5.18 to 5.20 and 5.29 to 5.32 including table 5.f.

Q20. Do you consider the Local Plan and supporting documents:

	Yes	No	Don't know	Not answered (OPTION HIDDEN FROM LIVE SURVEY)
are legally compliant?		X		
are sound?		X		
comply with the Duty to Co-operate?	X			

Q21. Please provide further information in relation to the previous question. e.g. why you do or do not consider the Local Plan to be legally compliant or sound.

Paragraph 5.18 proposes that Larger Villages should achieve 15% growth of their 2011 housing stock on top of the Core Strategy allocations. Paragraph 5.20 claims that this level of growth will support local services and facilities and result in a balanced and sustainable level of development. Paragraph 5.29 acknowledges that consideration of the availability of suitable and deliverable sites may impact on how much development a settlement can accommodate, and paragraph 5.30 acknowledges that some villages are constrained by factors such as Green Belt, AONB and Flood Zones, and may be unable to fully achieve 15% growth. Paragraph 5.31 then disregards the constraints outlined in paragraphs 5.29 and 5.30 by stating that the number of houses identified in each larger village in the Core Strategy + 15% growth column of table 5.f should be built in the plan period. Policy H4 lists the "outstanding requirement" figures from table 5.f for individual large villages without specific allocations in the Plan (plus the figure for Nettlebed, which does have a specific allocation), and says that a housing requirement of 499 homes should be "collectively" delivered (though the inclusion of Nettlebed means the outstanding requirements listed actually add up to 545). "Collectively" implies that a shortfall in one of these villages can be made up by a surplus in another, but paragraph 2 of Policy H4 says that if a neighbourhood development plan (NDP) does not allocate sites to meet these requirements, planning applications will be supported, which rather suggests that each NDP must meet its individual requirement, as stated at paragraph 5.31. In any case it is not really practicable for different neighbourhood planning groups to plan to meet a collective target.

It is unsatisfactory that these paragraphs are so unclear and contradictory, but a more important point is that the villages with outstanding requirements listed in Policy H4 are all located within the Chilterns AONB (apart from Cholsey, whose outstanding requirement is a very small part of the total), and one of them (Goring) is also to a significant extent located within flood zones 2 and 3. Policy H4 therefore appears to require those villages to collectively meet proportionally based housing targets regardless of AONB and flood risk constraints on their ability to do so. (Of course any shortfall in the villages with AONB and flood risk constraints could in theory be made up by building additional homes in Cholsey, but it would be absurd to require Cholsey to build a large number of homes it did not need – and that the District as a whole did not need – because of those constraints in other villages). In the context of most of these villages, the developments needed to meet the outstanding requirements would be major, but it is far from clear that the exceptional circumstances required by the NPPF for major AONB developments exist. It is also far from clear that there is any local housing need to justify those requirements. The original Core Strategy allocation to the larger villages was said to be what was necessary to "provide growth to support the maintenance of services and facilities" (CS paragraph 7.10). All the villages seem likely to comfortably exceed that level of growth, particularly if the scope for infill development is taken into account, and there is no evidence the level of growth necessary has tripled in the six years since then. These requirements are therefore not justified, and requiring villages to achieve a formulaic growth target irrespective of AONB and flood risk constraints is contrary to NPPF guidance. It is also contrary to Policy Env1 at page 148. This policy states that exceptional circumstances are required to justify major developments in an area of outstanding natural beauty and that development must be appropriate to the economic and environmental well-being "of the area", but the huge increase in these local housing targets compared with the existing Plan has nothing to do with the economic and environmental well-being of the AONB but arises from the combination of Oxford City's unmet need, the SHMA's projections of major jobs growth in Oxford and the Science Vale, and the massive proposed oversupply of homes against actual need. The recent local plans of West Oxfordshire and the Vale of White Horse were modified on examination to exclude allocations made within the AONB, and that precedent should be followed here.



Q22. Please set out any modifications you consider necessary to make the Local Plan legally compliant or sound, having regard to your comments above. (NB - any non-compliance with the duty to co-operate is incapable of modification at examination). It will be helpful if you could put forward your suggested wording of any policy or text as precisely as possible.

The following changes should therefore be made:

- The overall District housing supply target should be reduced as set out in the previous comment, and the allocation to Larger Villages should be reduced in the same proportion, with the figures in tables 5c and 5f adjusted accordingly.
- The word "fully" should be deleted from paragraph 5.30, since it implies that villages subject to AONB and flood risk constraints must come close to achieving their proportionate share of the larger village allocation regardless of those constraints.
- Paragraph 5.31 should be deleted.
- The first paragraph of Policy H4 should be deleted, and the second paragraph amended to say: "If a Neighbourhood Development Plan has not adequately progressed with allocating sites to meet the requirements at table 5f within 12 months of adoption of this Local Plan and has failed to justify this by sound evidence of constraints such as AONB or flood zone designations, planning applications for housing in the larger villages will be supported provided that proposals observe those constraints and comply with the overall housing distribution strategy...."

Q24. Would you like to participate at the oral part of the examination, which takes place as part of the examination process?

Yes

Q25. Would you like to comment on another policy or paragraph?

Yes

## Page 13: Part B - your comments

Q26. For comments on the Local Plan, please provide the paragraph or policy to which your comments relates. You can view a list of policies here. If you wish to comment on one of the evidence documents or the policies maps, please state the document title as well as the paragraph or policy reference.

**Document / Policy / Paragraph:** Local Plan 2034; Policy H16 and paragraph 5.82

Q27. Do you consider the Local Plan and supporting documents:

	Yes	No	Don't know	Not answered (OPTION HIDDEN FROM LIVE SURVEY)
are legally compliant?		X		
are sound?		X		
comply with the Duty to Co-operate?	X			

Q28. Please provide further information in relation to the previous question. e.g. why you do or do not consider the Local Plan to be legally compliant or sound.

Policy H16 permits infill development, and it is recognised in paragraph 5.5 that windfall development will contribute to planned housing supply. But for the purpose of neighbourhood planning SODC in practice insists that housing targets should be met from new land allocations, ignoring the scope for infill and windfall development. This is inconsistent with paragraph 70 of the NPPF, which encourages support of windfall development through planning policies. It also results in pressure to build on greenfield sites outside existing settlements, which in the case of villages within the AONB results in the unnecessary development of AONB-protected sites, contrary to NPPF guidance.

Q29. Please set out any modifications you consider necessary to make the Local Plan legally compliant or sound, having regard to your comments above. (NB - any non-compliance with the duty to co-operate is incapable of modification at examination). It will be helpful if you could put forward your suggested wording of any policy or text as precisely as possible.

A new paragraph 5.83 should be added as follows: "Neighbourhood planning groups will be encouraged to include reasonable, evidence-based projections of infill or windfall development in Neighbourhood Development Plans, where such development would not cause harm to the local area." This is necessary to enable neighbourhood planning to be carried out on a sound basis in accordance with NPPF guidance.

Q31. Would you like to participate at the oral part of the examination, which takes place as part of the examination process?

Yes

Q32. Would you like to comment on another policy or paragraph?

Yes

## Page 15: Part B - your comments

Q33. For comments on the Local Plan, please provide the paragraph or policy to which your comments relates. You can view a list of policies here. If you wish to comment on one of the evidence documents or the policies maps, please state the document title as well as the paragraph or policy reference.

**Document / Policy / Paragraph:** Local Plan 2034; Policy EP4 and paragraph 8.52

Q34. Do you consider the Local Plan and supporting documents:

	Yes	No	Don't know	Not answered (OPTION HIDDEN FROM LIVE SURVEY)
are legally compliant?		X		
are sound?		X		
comply with the Duty to Co-operate?	X			

Q35. Please provide further information in relation to the previous question. e.g. why you do or do not consider the Local Plan to be legally compliant or sound.

Policy EP4 states that the risk and impact of flooding will be minimised through directing new development to areas with the lowest probability of flooding, and for large villages this is supported by the statement in paragraph 5.30 that flood zones may impose constraints on growth in some villages. Paragraph 8.52, however, states that "neighbourhood planning groups considering proposing development within areas at risk of flooding should apply the Sequential Test to the whole neighbourhood area." It is important that the Examiner should understand that in practice SODC interpret this wording as meaning that the Sequential Test must be limited to neighbourhood plan areas, even where these are mere villages. I quote from an email sent by Ricardo Ross, an SODC official, to Goring Parish Council on 12 April 2017, which said: "Government guidance is clear that "Proportionate, robust evidence should support the choices made and the approach taken" within neighbourhood development plans. A key element of the Government's advice is the notion of proportionality. Local planning authorities are not expected to apply Sequential Tests beyond their boundaries. In our view, requiring neighbourhood planning groups to apply Sequential Tests beyond their neighbourhood area boundaries would be disproportionate. We have sought to make our position clear to all neighbourhood planning groups in the district, as set out in paragraph 8.53 of LP33." (The paragraph 8.53 referred to is a paragraph in an earlier draft plan which contained the same wording as paragraph 8.52 now does.)

The restriction of Sequential Testing to neighbourhood plan areas is contrary to NPPG, in which paragraph 7-20-20140306 clearly states that the sequential test should be applied across the whole local authority planning area. NPPG specific to neighbourhood planning say at paragraph 7-063-20140306: "In providing advice, local planning authorities should have regard to flood risk across the whole of their areas. In particular, there may be places outside the neighbourhood planning area at lower flood risk which are suitable and reasonably available for the development proposed." Policy EP4 states "All development proposals must be assessed against the current South Oxfordshire Strategic Flood Risk Assessment." The advice on Sequential Testing in neighbourhood plan areas in that document (at paragraph 4.3.3) quotes the relevant NPPG guidance and states: "If a Neighbourhood Plan is proposing to allocate a site at risk of flooding, the LPA should consider whether it may be more appropriate to develop alternative sites at lower flood risk but located outside of the NDP area." SODC's practical interpretation and application of paragraph 8.52 are thus inconsistent with NPPG, with policy EP4, with paragraph 5.30 and with its own SFRA.

There is an obvious public interest case for avoiding development of flood risk sites wherever possible, which the NPPF sequential principle is clearly intended to support. There is no obvious or reasonable policy justification for treating the introduction of neighbourhood plans as a reason for significantly weakening the sequential principle, with the consequence that many flood risk sites that would not otherwise be developed suddenly become suitable for development merely by virtue of being in a neighbourhood plan area.

Q36. Please set out any modifications you consider necessary to make the Local Plan legally compliant or sound, having regard to your comments above. (NB - any non-compliance with the duty to co-operate is incapable of modification at examination). It will be helpful if you could put forward your suggested wording of any policy or text as precisely as possible.

The following text should be added to the second sentence of paragraph 8.52: "and, if no alternative sites are available, should obtain advice from South Oxfordshire District Council on whether there are places outside the neighbourhood planning area at lower flood risk which are suitable and reasonably available for the development proposed." This wording resolves the conflict between paragraph 8.52 (as interpreted by SODC) and policy EP4, and makes it clear that SODC will apply the Sequential Test in accordance with NPPG.

Q38. Would you like to participate at the oral part of the examination, which takes place as part of the examination process?

Yes

Q39. Would you like to comment on another policy or paragraph?

No



**Page 106: Future contact preferences**

Q354. As explained in our data protection statement, in line with statutory regulations you will be contacted by the programme officer (and where necessary the council) with relevant updates on the Local Plan. South Oxfordshire and Vale of White Horse District Councils have a shared planning policy database. If you would like to be added to our database to receive updates on other planning policy consultations, please tick the relevant district box(es) below:

I would like to be added to the database to receive planning policy updates for South Oxfordshire