

# South Oxfordshire Local Plan 2034

## Publication Version Representation Form

**Please return by 5pm on Monday 18 February 2019 to:** Planning Policy, South Oxfordshire District Council, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB or email it to [planning.policy@southoxon.gov.uk](mailto:planning.policy@southoxon.gov.uk)

This form has two parts:

**Part A** – contact details

**Part B** – your comments / participation at oral examination

### Part A

Are you responding as an: (please tick)

Agent

Business or organisation

Individual

Due to the plan-making process including an independent examination, a name and contact details are required for your comments to be considered. If you are acting on behalf of another organisation, please provide their details in column one and your company name and contact details in column two.

	1. Personal Details	2. Agent Details (if applicable)
Title	<input type="text" value="Mrs"/>	<input type="text"/>
Full Name	<input type="text" value="Helen"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Marshall"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="CPRE OXFORDSHIRE"/>	<input type="text"/>
Address Line 1	<input type="text" value="20 High Street"/>	<input type="text"/>
Address Line 2	<input type="text"/>	<input type="text"/>
Address Line 3	<input type="text"/>	<input type="text"/>
Postal Town	<input type="text" value="Watlington"/>	<input type="text"/>
Postcode	<input type="text" value="OX49 5AF"/>	<input type="text"/>
Telephone Number	<input type="text" value="01491 612079"/>	<input type="text"/>
Email Address	<input type="text" value="campaign@cpreoxon.org.uk"/>	<input type="text"/>

## Part B – Please use a separate sheet for each representation

For comments on the Local Plan, please provide the paragraph or policy to which your comments relates.

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:

Sustainability Appraisal (& Chap 12)

Do you consider the Local Plan and supporting documents:

(1) are legally compliant

Yes

No

Don't know

(2) are sound

Yes

No

Don't know

(3) comply with the Duty to Cooperate

Yes

No

Don't know

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.

(See also Chap 12 Monitoring & Review)

We are presenting our concerns about the Sustainability Appraisal and Implementation, Monitoring and Review together because they should be closely interlinked to be sound and effective but are not.

### The Sustainability Appraisal

The **Sustainability Appraisal** does not comply with the SEA Regulations in that it does NOT predict the actual likely overall effects on the environment as required under Regulation 12(3) and Schedule 2, especially in respect of:

- landscape quality or character;
- dark skies and light pollution;
- loss of tranquillity
- loss of species and habitats (or habitat creation);
- historic landscape and character;
- loss of or harm to heritage assets and their settings;
- loss of archaeological sites and the implications for local resources to access and curate resultant materials.

Nor does it set out or review policies for what practical measures are proposed to “*prevent, reduce and as fully as possible offset*” the actual on-the-ground effects of development on such environmental assets and characteristics.

All these factors that contribute to peoples’ quality of life are both predictable and capable of being monitored to a reasonably good degree. There are also means by which harm could be remedied reduced or offset where unforeseen effects arise.

This is exacerbated by the monitoring framework in Chapter 12, where the monitoring measures for the Development Management Policies also make next to no reference to actual changes to the environment, only decision-making procedures, with no provision to remedy reduce or offset unforeseen impacts on the ground.

As such the Plan is not compliant with Regulation 17(1) of the SEA Regulations (SI 2004 No. 1633) which requires that:

*The responsible authority shall monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action.*

The Plan as it stands does NOT in particular provide for fulfilling the stated purpose of monitoring.

### **Chapter 12 Monitoring and Review**

CPRE welcomes this chapter in principle and agrees wholeheartedly that: ‘Monitoring the performance of the Development Plan is essential to assess its effectiveness’ (para 12.1). We believe, however, that as drafted the plan falls far short of being sound or effective, and does not properly reflect a balance between the three core strands of sustainable development as set out in the NPPF. The aspiration needs to be supported by an explicit Policy of how what this overall balance means and far more effective, real-world indicators and targets.

The monitoring process must address real-world changes in the District not just decision-making procedures. Furthermore such a framework needs to entail complete transparency and SODC should commit to producing an annual report on progress against targets which is widely accessible, understandable and discussed. It is inevitable that some of the targets will not be achieved. There must also be a clear mechanism to identify actions needed to achieve the targets or, if it is deemed sensible, to review the targets.

We believe there are a number of essential indicators currently missing and outline these below. In particular, there must be a mechanism for calling a halt to premature development if the current expectations of development growth far in excess of historical trends is not fulfilled.

(Continue on page 4 if necessary)

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 The Plan requires an explicit Policy to commit to an annual review on progress, against the indicators (or targets) outlined, as follows:

**[MON1] The Council will monitor delivery of the plan objectives and the effectiveness of policies on an annual basis to ensure that**

- the Council is fully informed of the progress of development in the area and of provisions safeguarding the environment and social well-being;
- the Council will address effectively any shortcomings, problems or unforeseen issues that may emerge.

To this end the Council will each year collate data on the progress of development environmental protection and social well-being and publish a review highlighting progress and any problems or shortfalls in delivery, against the indicators and targets listed in the monitoring framework. This includes reviewing the environmental effects of implementing the plan to identify any unforeseen adverse effects at an early stage. The indicators and targets will themselves be reviewed every 5 years for effectiveness.

If issues or problems of delivery emerge through monitoring, the Council will

- implement measures to ensure that housing, employment and infrastructure needs are met during the plan period;
- undertake appropriate remedial action to address any social or public health and well-being issues
- undertake appropriate remedial action to address environmental effects that are unforeseen or are not being effectively addressed;
- consider whether a full or partial review of the plan is necessary, and if so take the necessary measures to implement such a review, including measures to curtail premature development if the current expectation of job growth and/or population increases far in excess of historical trends is not fulfilled.

B GENERAL MONITORING of the Plan and of the use of natural resources should be expanded to include:

1. An annual review of people in employment (numbers and also categories eg FT/PT, by sector)
2. A review of traffic across the District and measures taken to ameliorate.
3. Progress on Infrastructure (linked here to the Oxfordshire Infrastructure Strategy).
4. A review on progress with reduction of water consumption.

In terms of ENVIRONMENTAL MONITORING AND INDICATORS, the Plan exhibits no effective linkage between the SA/SEA requirement for environmental monitoring, the actual kinds of change most likely to arise from development and the crucial SEA requirement that monitoring should be aimed at *identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action*

A key flaw in the proposed monitoring measures is that the table does not have a column that links the indicators/targets to specific policies, or a list of policies that shows how they will be monitored.

It is also the case that some indicators and targets are likely to be completely ineffective in monitoring real change arising from implementation of the plan because:

- they are not focussed on the key issues, OR
- they only monitor decision-making not actual change, OR
- they are largely irrelevant to the real issues and drivers of change OR
- they are absent.

This is especially evident in the proposed monitoring indicators for the environment which are weak or lacking in relation to:

- landscape – none;
- dark skies and light pollution - none;
- the historic environment – ineffectual as almost entirely concerned with ‘at risk’ issues that are very seldom affected by development, frequently addressed by other unrelated solutions and entirely unrepresentative of the pressures that DO arise from development.

We therefore propose the addition of the following indicators/targets [please note that these will need reformatting to match the format of the indicators and targets table]:

Overall environment: number of applications approved contrary to external and/or internal technical advice

Landscape, Green Belt, Heritage and Dark Skies:

- ENV1 AONB:
  - number of applications passed contrary to advice of AONB Partnership/Board;
  - number of applications affecting AONB that are Schedule 2 development under EIA regulations and number of screening opinions issued;
  - number of applications classed as 'major development' in AONB and proportion approved;
- ENV1 General Landscape:
  - area over which development-based land-use change would lead to alteration of
    - landscape character type boundaries and
    - historic landscape character (HLC) types;
  - extent of change to or loss of pre-19<sup>th</sup> century HLC types
- ENV12 Dark Skies:
  - number of dark skies designations (discovery sites, areas, communities etc) recognised within or partly within the Council's area;
  - changes to CPRE dark skies qualitative mapping;
  - extent of light pollution reduction measures introduced on roads and housing areas;
  - number of dark skies community events;
  - astronomers' monitoring of visibility of key star clusters on clear nights
- STRAT6 Green Belt:
  - number of applications approved that trigger the test of 'very special circumstances';
  - number of cases where the test of 'very special circumstances' relates to so-called 'fall-back' positions arising from permitted development proposals or options
- ENV6 (Recording and Investigation):
  - number of development applications and permissions resulting in heritage recording action, archives and reports according to heritage asset type;
  - volume of storage space in public repositories required for investigation archives;
  - number of investigations published (by type of publication)
- ENV7 Listed Buildings and locally listed buildings:
  - number of listed building consent applications involving loss of fabric and/or character not offset by beneficial changes;
  - number of applications notifiable to Historic England and amenity societies;
  - number of applications involving harm only justifiable on basis of being clearly outweighed by substantial public benefits;
  - number of applications in which setting issues are an adverse material consideration;
- ENV8 Conservation Areas:
  - number of Conservation Areas and proportion with up-to-date appraisals;
  - number of CA applications that enhance a CA;
  - number of applications that detract from CA character or result in loss of open space that contributes to character;
  - number of cases affecting the setting of a CA by developing countryside immediately bordering historic settlement.
- ENV9 Scheduled Monuments and archaeology:
  - number of applications requiring Scheduled Monument Consent for loss of fabric;
  - number of applications requiring desk studies, field evaluation/survey and full investigation; number of excavations over 20m<sup>2</sup>
- ENV10 Registered Parks and Gardens, Battlefields, historic landscape character:
  - number of applications involving loss of fabric and/or character of Registered Park not offset by beneficial changes;
  - number of Registered Park applications notifiable to Historic England and amenity society;
  - number of applications involving loss of fabric and/or character or setting of of Registered Battlefields not offset by beneficial changes;
  - Overall area and types of change to Oxfordshire's historic landscape character GIS

We note that the proposed Indicators and targets for Wildlife, Water resources, Air quality, Climate change/energy etc are somewhat better, but we believe that much more effective monitoring measures of these and other environmental issues are also required, especially in relation to critical issues such as the ongoing extinction of the Districts rare fauna and flora and the proposed statutory duty to enhance the natural environment. We strongly urge that the Council obtains expert advice on what measures already exist or could be developed to capture the effects of the changes to the environment arising from the development planned.

(Continue on page 4 if necessary)

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

Yes  No

\* **Please note:** the inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the public hearing.

Signature:

(this can be electronic)

Date:

15.2.19

### Sharing your personal details

All comments will be submitted in full to the Secretary of State alongside a submission version of the Local Plan. The Secretary of State will appoint an independent planning inspector, who will carry out an examination of the plan.

Your name, contact details and comments will also be shared with the planning inspector and a programme officer, who will act as a point of contact between the council, inspector and respondents. This means that you will be contacted by the programme officer (and where necessary the council) with updates on the Local Plan. This is required by Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 20 of the Planning and Compulsory Purchase Act 2004.

We have received assurance that the data passed to the planning inspector and programme officer will be kept securely and not used for any other purpose. The inspector and programme officer will retain the data up to six months after the plan has been adopted. South Oxfordshire District Council will hold the data for six years after the plan has been adopted.

Comments submitted by individuals will be published on our website alongside their name only. No other contact details will be published. Comments submitted by businesses and/or organisations will be published on our website including contact details. If you would like to

know more about how we use and store your data, please visit [www.southoxon.gov.uk/dataprotection](http://www.southoxon.gov.uk/dataprotection)

### Future contact preferences

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):

- I would like to be added to the database to receive planning policy updates for South Oxfordshire
- I would also like to be added to the database to receive planning policy updates for Vale of White Horse

**Further comment:** Please use this space to provide further comment on the relevant questions in this form. **You must state which question your comment relates to.**

**Alternative formats of this form are available on request.** Please email [planning.policy@southoxon.gov.uk](mailto:planning.policy@southoxon.gov.uk) or call 01235 422600 (Text phone users add 18001 before you dial).

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