



GERALDEVE

Objection to the 'Final Publication Version 2nd South Oxfordshire
Local Plan 2034 – January 2019'

On behalf of Donnington Hospital Trust

February 2019

RJLD/G6661

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1. Introduction/Background

1.1. We write to set out an objection to the South Oxfordshire Local Plan 2011-2034 Final Publication Version 2nd Consultation Document (“The Plan”), on behalf the Donnington Hospital Trust (“The Trust”).

1.2. The Trust own and control land to the west of the A4074 at Sandford-on-Thames, including land immediately adjacent to the boundary with Oxford City Council.

1.3. This representation is a formal objection to the Council’s approach to the Local Plan process on the following basis:

- The approach to housing is fundamentally flawed and unsound; the Plan is not positively prepared; justified; effective; or consistent with national policy. This approach is in direct conflict with the National Planning Policy Framework (The Framework);
- Delivering a wide choice of high quality homes; the Plan fails to identify available land in its draft site allocations. This is contrary to the Framework;
- The preferred strategy results in an unsustainable pattern of development. This is due to the fact that a number of the proposed strategic housing allocations are less sustainable and appropriate than un allocated alternatives; and
- Sites including the Trust’s would provide the opportunity for more sustainable options for development. This is due to the clear locational/sustainability advantages of the land, being immediately adjoining the built up urban area of Oxford City, and close to existing facilities and employment in the form of retail at Heyford Hill and significant employment at Oxford Science Park, both of which are walking distance from the Trust’s land. The complete absence of meaningful assessment of the Site is fundamentally flawed which has led to the incorrect conclusion that the land is not available for development, and the sites that have been selected by the Council through this process have not been properly considered in terms of either meeting the District Council’s housing needs and requirements or those relating to Oxford City’s own unmet need.

2. The Principles of Plan making

2.1. The Local Plan should be progressed in accordance with the National Planning Policy Framework 2018 (The Framework) and in particular;

“be prepared with the objective of contributing to the achievement of sustainable Development; and

be prepared positively, in a way that is aspirational but deliverable;”¹

2.2. The Framework states that, crucially Local Plans should be sound. They are “sound” if they are:

Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.²

3. The Plan’s approach

3.1. The Plan fails in its approach to housing for the following reasons:

3.2. **STRAT2: Positively prepared:** The Housing requirements of the Plan should be set out as minimum in order to significantly boost the supply of homes³.

¹ NPPF paragraph 16

² NPPF paragraph 35

- 3.3. **STRAT2 Meeting Oxford City's needs.** The Draft Plan seeks to meet the City's needs by providing 495 homes per year to 2031. However, the Plan period is to 2034. From this approach it would seem there is a shortfall of some 1,485 homes by failing to be consistent with the plan period, preferring the inconsistent lower figure of the Growth Deal. It fails to deliver homes to meet Oxford's unmet housing need in appropriate locations. It fails to significantly boost the supply of housing. The Draft Plan is also materially deficient as it fails to be monitorable. There is no indication of which sites or homes in the District are proposed to be identified in order to meet Oxford's unmet housing need. As such, and in the absence of an alternative policy approach, the District's contribution to meeting part of Oxford's unmet housing need will not be monitorable.
- 3.4. **Windfall sites:** In addition to this the draft Plan assumes a "windfall" provision of 1,300 homes. Windfall permissions should not form part of the housing. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply⁴.
- 3.5. Whilst there are references to a windfall assessment in the SODC evidence base, this appears to be no up-to-date compelling evidence to support the figure of some 1,300 windfall units.
- 3.6. **STRAT6 Green Belt.** As set out elsewhere within this submission, policies including STRAT6 should identify sites adjacent to the built up area of Oxford sufficient to meet an the agreed apportionment of Oxford's unmet housing need within the part of South Oxfordshire as close as possible to Oxford's built up area in order to minimise distances travelled and carbon emissions.
- 3.7. **Policy H9 Affordable Housing** is not consistent with Oxford's AH policy; it should apply to homes that deliver Oxford's unmet housing need. The policy refers to sites "adjacent to Oxford City" which is open to interpretation and ambiguity at the development control stage. It should specifically identify the sites that are delivering South Oxfordshire's contribution to meeting Oxford's unmet need, and therefore allow for a monitorable figure and consequent approach. This approach should also carried forward and identified in the Strategic Site

³ NPPF paragraph 59

⁴ NPPF paragraph 70

policies.

4. The justification for the Plan

4.1. There is also a question over if the current, to be submitted plan, should have gone back through a Regulation 18 consultation. It is clear from the background evidence that assumptions have been used for the purposes of strategic site selection, where further information could have come out of an assessment of these sites in more detail. The Regulation 18 stage, providing greater certainty to the process could have achieved this. As a result sites have been dismissed on the basis of false assumption by the Council.

5. The effectiveness of the draft Plan

5.1. In this section we identify the flaws in the strategy allocations and the reasons why the housing applications of the Plan are not effective as significant questions remain over the deliverability of the strategic sites. We also consider why the alternative selection of strategic sites is unsound. This is tested against the Councils own Strategic Site Selection Background Paper (SSSBP).

5.2. The following Green Belt strategic Sites are contained in the draft Plan. They all have significant issues to their deliverability: and are in any event less suitable and deliverable than other sites, particularly those immediately adjacent to the District boundary with Oxford City.

STRAT 7 Land at Chalgrove

Weaknesses

- Continued and sustained material objections from Martin-Baker Aircraft Company Limited (letter dated 13 December 2018 enclosed as part of papers to Cabinet December 2018)(papers to Cabinet 10 May 2018) which make clear that they will fight the proposed allocation with maximum energy as a result of the impact upon this unique leading business;
- Continued objections from Oxfordshire County Council regarding the cost of infrastructure and sustainability;
- Affordable housing: can only accommodate 40% (SSSBP page 363); and

- Site delivery signalled “Red”, unknown issues in CPO process (SSSBP page 395).

STRAT 8/9 Culham Science Centre

Weaknesses

- Significant mitigation required: High risk of surface water flooding Green belt very sensitive to eastern edge (SSSBP page 233);
- Policy requirement to provide pedestrian/cycle bridge across Thames to Abingdon (papers to Cabinet December 2018); and
- Sensitivities to Culham brake SSSI (papers to Cabinet December 2018).

STRAT 10 Berinsfield

Weaknesses

- Infrastructure requirements risk the delivery of the site and there is added risk through the need to provide access on third party land, which is currently unsecured (papers to Cabinet December 2018);
- Significant environmental harm (SSSBP page 264);
- Relatively high risk of flooding (SSSBP page 264); and
- Delivery issues in respect of highway capacity (SSSBP page 264).

STRAT 11: Grenoble Road

Weaknesses

- Affordable housing: can only accommodate 40% (50% required adjoining OCC) (SSSBP page 233);
- Requires a Park and Ride facility- cost implication (SSSBP page 233);
- Officer concern re proximity to and impact from Sewage Treatment Works and the necessary mitigation required (SSSBP page 233);
- Moderate harm to the Green Belt (SSSBP page 233); and
- Part Food risk 2/3 (SSSBP page 223).

STRAT 13 Land North of Bayswater Brook

Weaknesses

- “There is significant risk about the ability of us being able to demonstrate the deliverability of this strategic site” (papers to Cabinet December 2018);
- Significant road infrastructure improvements required (papers to Cabinet December 2018); and
- Located with Flood Zone 2 and 3 (papers to Cabinet December 2018).

STRAT 14 Wheatley Campus

The District Council has recently refused planning permission (13 December 2018),
Reasons for refusal include:

- Paragraph 145 of the NPPF allows for development in the Green Belt where it would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land. The residential development extends beyond the predominantly developed limits of the campus onto the western area of the site, which is currently undeveloped land in the Green Belt. The encroachment of development into this area would significantly harm the openness and visual amenity of the Green Belt, and result in loss of undeveloped land which contributes positively to the open character of the site and wider setting within the Green Belt. There are insufficient public benefits provided by the development to amount to very special circumstances for development in the Green Belt. The development therefore conflicts with paragraph 145 of the NPPF, policy CSEN2 of the South Oxfordshire Core Strategy 2027 (Adopted 2012) and saved policy GB4 of the South Oxfordshire Local Plan (2011).
- Paragraphs 193 and 196 of the NPPF (July 2018) set out that great weight should be given to the conservation of historic assets and even where the development will lead to less than substantial harm, this harm should be weighed against the public benefits. By reason of the encroachment onto the western, undeveloped area of the site, the development would significantly compromise the historic relationship of Holton Park with its former deer park, and erode the understanding of the open setting and rural context of the Scheduled Monument. The development provides little public benefit to offset this harm. The development fails to conserve the historic setting of the parkland and the scheduled monument and therefore conflicts with paragraphs 193 and 196 of the NPPF (July 2018), policy CSEN3 of the South Oxfordshire Core Strategy 2027 (Adopted 2012) and saved policies CON5 and

CON15 of the South Oxfordshire Local Plan (2011).

- Paragraphs 92, 102, 108 and 110 of the NPPF (July 2018) emphasises the need for pedestrian and cycle links within the site and to neighbouring areas, as well as shared spaces, community facilities and local services. In light of the lengthy walking distances between the development site and facilities in Wheatley, and the poor connectivity with Holton, the development would represent a detached and poorly integrated neighbourhood where future occupants would be highly reliant on private transport. The mitigation, in the form of pedestrian and cycle link improvements, would be insufficient to reduce distances to the extent that they would become attractive alternatives to private transport. The development therefore conflicts with the paragraphs 92, 102, 108 and 110 of the NPPF (July 2018), policies CS1, CSS1, CSM1 and CSM2 of the South Oxfordshire Core Strategy and saved policies T1, T2, T7 of the South Oxfordshire Local Plan (2011), and Policy 17 of the Local Transport Plan 4 (2015 - 2030).
- In the absence of a completed Section 106 legal agreement, the proposal fails to secure infrastructure necessary to meet the needs of the development. As such, the development would be contrary to the NPPF, policies CSI1 and CSM2 of the South Oxfordshire Core Strategy and policies R2, R6 and T1 of the South Oxfordshire Local Plan 2011.
- In the absence of a completed Section 106 legal agreement, the proposal fails to secure affordable housing to meet the needs of the District. As such, the development would be contrary to the NPPF and policy CSH3 of the South Oxfordshire Core Strategy.

5.3. The above shows that most of the Strategic allocations have real and significant issues to their delivery. This will not only impact on delivery and timescales, but will also affect the realistic delivery of affordable housing and, significantly, housing that ought to be identified to meet Oxford's unmet housing needs as close and accessible to employment opportunities in and around Oxford, including Oxford Science Park.

6. Land at Sandford-on-Thames as an alternative site

6.1. In contrast to the above the land owned and controlled by the Trust at Sandford on Thames site is available for development, free from constraints and there is a clear commitment to provide housing that would assist with Oxford's growing housing crisis. The delivery of this site is more certain than other sites selected given that:

- the land is in a single ownership;
- it has immediate and appropriate existing access to the main highway network, footpaths and cycleways;
- it is free from significant constraints or factors which would give just to additional, abnormal development costs;
- it is located adjoining Oxford City;
- the land is not of any particular outstanding quality;
- would not impact upon the strategic purposes of including land within the Green Belt if released; and
- has proximity to key employment and services provision at Oxford Science Park and Heyford Hill respectively.

6.2. The allocation of Green Belt sites for housing confirms the principle that the release of Green Belt Land to meet the defined need for housing in the local plan is a “very special circumstance”. It follows that if this is to be acceptable the chosen sites for release must be the most appropriate in all circumstances.

6.3. The sites owned and controlled by the Trust are located in sustainable locations at which to meet, at least in part, the housing needs of Oxford City. They are also immediately adjoining the existing built up boundary of Oxford.

6.4. The sites are not of high landscape value and any development would be distant from heritage assets in the area. The only material policy constraint is their inclusion within the defined Green Belt. The new Local Plan should be addressing housing need for Oxford in terms of a full and proper review of sites and the Green Belt around this part of Oxford in particular.

6.5. Sustainable and appropriate locations at which to meet the housing needs of Oxford City should not be disregarded solely for their Green Belt location, nor their ability (in isolation, rather than combination) to provide an arbitrarily defined number of homes in order to comprise a strategic site. The Plan should positively review the Green Belt boundaries, and as such the discounting of sites at page 78 of the SSSBP at Sandford-on-Thames that cumulatively could materially contribute to meeting Oxford’s

unmet housing need, close to Oxford, is not justified. The draft Plan has failed to review the Green Belt boundaries in the context of sites that are deliverable because of this. This is neither justified nor an effective approach. Multiple sites, and hence outlets, provide the opportunity for more promptly addressing Oxford's urgent housing and affordability crisis. Providing for a broader basket of sites would be only justified and effective. The Community Infrastructure Levy would provide the opportunity for pooled contributions from a number of component sites.

- 6.6. The land at Sandford-on-Thames, along with a material number of other different approaches and/or sites are simply not assessed within the Sustainability Appraisal as reasonable alternatives. The Sustainability Appraisal itself provides no statement as to why a material number of sites have failed to be considered, particularly in the context of being able to meet Oxford's unmet housing need within South Oxfordshire. The same is noted in respect of other elements of the evidence base, e.g. the LUC Spatial Options Assessment (2016).
- 6.7. Additionally, the Sandford-on-Thames Neighbourhood Plan has not been published or consulted upon at this stage. Paragraphs 1.11 and 5.4-5.7 of the Draft Plan leaves decisions on housing to Neighbourhood Plans, despite noting (5.4) that smaller sites are expected to deliver homes faster. This is relevant in considering and meeting existing unmet housing need.
- 6.8. Furthermore, from discussions with the Parish Council, they have no intention of allocating or identifying land for new homes within the Parish. This is not pro-active good planning for helping meet Oxford's unmet housing need as close to where the need arises as possible.
- 6.9. The Local Plan is the appropriate mechanism to review and amend the green belt and identity sites, particularly to meet Oxford's unmet need.

7. Conclusions

7.1. The conclusion to the above analysis is that the draft Plan is unsound. The District Council has entirely failed to properly grapple with key considerations in delivering a sound, effective and justified Plan.

7.2. The sites owed by the Trust have completely failed to be analysed appropriately by the Council in the context of delivering Oxford's unmet housing need as close to Oxford as possible.

7.3. The Trust is committed to providing housing to support Oxford's unmet needs, as has been shown in the recent sale of its landholding nearby, to the south of Sainsbury's

supermarket and the north of Oxford Science Park (to the east of the A4074, within the jurisdiction of Oxford City Council) which was allocated and achieved planning permission for 140 units. The delivery of this housing will make a valuable contribution to the unmet needs of Oxford in a sustainable location in close proximity to the City. The supporting infrastructure has already been built including works by Thames Water and the installation of a new signalised junction in advance of delivery of the homes themselves.

7.4. We consider that our client's sites represent an excellent opportunity to deliver further meaningful supply of housing in the right location for Oxford. As demonstrated in our representations to the Preferred Options consultation in May 2017; again in our response to the Publication Version (December 2017) and in this response, the site does not have any significant constraints preventing its development potential and should therefore be considered again for inclusion within the final Local Plan Site Allocation list either on their own or in combination.

7.5. More fundamentally, we consider that there are key failings in respect of the deliverability, appropriateness and hence soundness of the selected sites and overall strategy within the January 2019 Plan which render the Plan deficient in many regards. Whilst the District Council and Growth Board have committed to the submission of the Plan as part of the Growth Deal, this cannot be utilised as justification for an ill-judged and poorly considered Plan in respect of one of the core elements – namely the identification and delivery of housing.