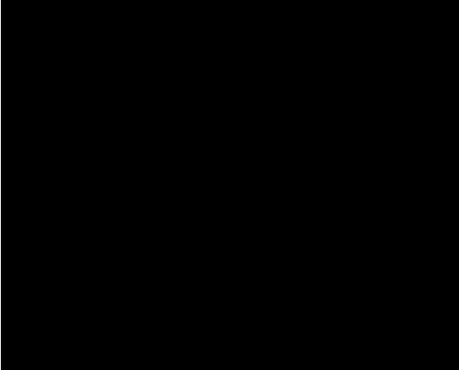


Emerging South Oxfordshire Local Plan Proposed Main Modifications Consultation

Part A - contact details

Q1. Are you responding as an:
Agent

Agent contact details

Q3. Due to statutory planning regulations, a name and means of contact is required for your representation to be considered. As you are acting on behalf of another organisation, you need to provide their details in the first box but your company name and contact details thereafter.	
Organisation representing	Wates Developments Limited
Agent business name	Andrew Black Consulting
Contact name	Andrew Black
Agent address line 1	
Agent address line 2	
Agent address line 3	
Agent postal town	
Agent postcode	
Agent telephone number	
Agent email address	

Part B - your comments

Q5. You can provide your comments on the Emerging South Oxfordshire Local Plan Proposed Main Modifications in this section. The list of documents you can comment on are: Schedule of Proposed Main Modifications as amended by Erratum Schedule of Policies Map Changes Sustainability Appraisal Addendum Habitats Regulations Assessment Addendum If you wish to provide comments on more than one proposed main modification or document, you will be given the option once you have completed this section. Please select the document you wish to comment on using the drop-down menu below:
Schedule of Proposed Main Modifications

Q6. Which Main Modification number or consultation document are you commenting on? If you are commenting on the Main Modification document, please provide the main modification number (for example MM1) in the box below. If you are unsure of the 'modification number', please click here to view the Schedule of Proposed Main Modifications. If you are commenting on any of the other consultation documents (for example the Sustainability Appraisal Addendum), please provide the relevant section, paragraph or page number in the box

MM26

Q7. Please provide your comments in the box below. If your comments are over 500 words it would be really helpful if you could also provide a summary of your comments using the text box in the next question. You will also be able to upload any supporting documents using the button below.

Please refer to attached covering letter

Q8. If your comments are more than 500 words long, please use the space below to provide a summary. You are not required to summarise your comments, but a summary would help us in our reporting.

The key points made within this consultation response can be summarised as follows:

- The main modification changes to policy H4, in relation to the Larger Villages, with specific reference to Goring, is a significant departure from the Local Plan as submitted and examined throughout the hearing sessions.
- The change in approach to the housing supply from the Larger Villages is not logical and does not follow any concerns raised by the Inspector or others at the hearing sessions themselves.
- The result of these changes is that Goring is the only one of the Larger Villages which is not meeting its housing requirement as established through the Spatial Strategy of the Plan.
- The changes being sought through main modifications are substantial enough to require consideration within the Sustainability Appraisal Addendum as confirmed by the consultants carrying out the addendum.
- The Sustainability Appraisal Addendum then directly contradicts this recommendation by carrying out no further review of the substantial change.
- As a result, the Local Plan, as amended with main modifications, is not considered to be Positively Prepared, Justified or Effective against the tests of paragraph 35 of the NPPF and cannot be considered sound on that basis.
- It is suggested that further changes are made to policy H4 in order for it to be considered sound.
- The Inspector is subsequently invited to reopen the hearings in specific relation to policy H4 in order to hear evidence from previous participants of the hearing sessions in relation to the Larger Villages.

Q9. Please upload any supporting documents below:

- File: Goring Main Mods Reps Final Version 02.11.20.pdf

Attachment 1



ABC/0042/07.02
By E-mail only

South Oxfordshire District Council
Freepost
South and Vale Consultations

26 October 2020

Dear Sir/Madam,

South Oxfordshire Local Plan Proposed Main Modifications Consultation

I write in relation to the Proposed Main Modifications Consultation of South Oxfordshire District Council (SODC) Local Plan. I represented Wates Developments Limited on several matters at the hearing sessions for the Local Plan. My client is in control of an omission site known as Land East of Gatehampton Road in Goring-on-Thames and representations were made throughout the preparation stages of the Local Plan in addition to matters statements in the lead up to the examination itself.

The key points made within this consultation response can be summarised as follows:

- The main modification changes to policy H4, in relation to the Larger Villages, with specific reference to Goring, is a significant departure from the Local Plan as submitted and examined throughout the hearing sessions.
- The change in approach to the housing supply from the Larger Villages is not logical and does not follow any concerns raised by the Inspector or others at the hearing sessions themselves.
- The result of these changes is that Goring is the only one of the Larger Villages which is not meeting its housing requirement as established through the Spatial Strategy of the Plan.
- The changes being sought through main modifications are substantial enough to require consideration within the Sustainability Appraisal Addendum as confirmed by the consultants carrying out the addendum.
- The Sustainability Appraisal Addendum then directly contradicts this recommendation by carrying out no further review of the substantial change.
- As a result, the Local Plan, as amended with main modifications, is not considered to be Positively Prepared, Justified or Effective against the tests of paragraph 35 of the NPPF and cannot be considered sound on that basis.
- It is suggested that further changes are made to policy H4 in order for it to be considered sound.
- The Inspector is subsequently invited to reopen the hearings in specific relation to policy H4 in order to hear evidence from previous participants of the hearing sessions in relation to the Larger Villages.

Overall Spatial Strategy

Following the examination of the plan, SODC has sought to make a further adjustment to the principal figures under *Policy H1: Delivering New Homes* to reflect the additional completions since the plan was submitted for examination. The change to the strategy has not been requested by the inspector and is in direct contradiction to the strategy submitted by the Council for examination. It is also in direct contradiction to the original findings of the Sustainability Appraisal (SA) and the Addendum Version of the SA prepared alongside the Main Modifications. Further comments on this are set out within subsequent sections of these representations.

The differences in the figures are set out below:

Supply of New Homes	Submitted plan (to 2034)	Main Mods (to 2035)	Diff
Completions	4,364	7,178	+2,814
Commitments (under construction, with planning / allocations carried through from Core Strat / Local Plan	11,362	9,182	-2,180
New Strategic Allocations	10,372	11,785	+1,413
Outstanding Market Town Allocations to be made through NPs	519	454	-65
Outstanding Larger Village Allocations to be made through NPs	499	211	-288
Nettlebed Allocations	46	46	0
Windfall	1,300	1,200	-100
TOTAL	28,465	30,056	+1,591

The Council has not provided a clear explanation, reasoning or background to the changes in housing supply under policy H1. The council has clearly sought to use the substantial increase in completions and supply from the new strategic allocations to reduce the requirement from existing settlements within the district.

Whilst it is recognised that the revised total increase in dwellings would be compliant against the agreed overall housing requirement and trajectory, it is considered that the approach to reduce supply from Larger Villages is at odds with the general strategic objectives of the plan as follows:

OBJ 1.1 *Support the settlement hierarchy, the growth and development of Didcot Garden Town, the delivery of new development in the heart of the district, the growth of our market towns and the vitality of our villages.*

OBJ 1.2 *Support rural communities and “their way of life”, recognising that this is what attracts people to the district.*

OBJ 1.3 *Meet identified housing needs by delivering high-quality, sustainable, attractive places for people to live and work.*

The approach is also considered to be contrary to the principles of plan making as set out within the NPPF. Paragraph 15 states clearly that Local Plans should provide *a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings*. It is not considered that the modifications to the plan would be in accordance with this requirement.

The proposed change represents a significant departure from these objectives which is a matter that goes to the heart of the soundness of the plan, especially in light of it not being considered through the Examination and the Inspector finding the submitted approach ‘sound’.

Market Towns

Of key relevance is the content of the Inspector’s Preliminary Conclusions Letter 280820 (IC20) in relation to Market Towns (Wallingford, Henley-on-Thames, and Thames) where the conclusions reached at paragraph 34 are as follows:

Against that background, a starting point of 15% growth to the 2011 existing housing stock plus the requirements from the Core Strategy, to be delivered through the neighbourhood plans, is a reasonable approach which will result in proportionate growth depending on the existing size of the town. However, paragraph 5.16 appears to allow neighbourhood plans to deliver below 15%, whereas there is no convincing evidence that this is necessary to avoid harm to any of the towns, the surrounding landscape, the AONB or other designations. Moreover, Table 5d and Policy H3 are written in such a way as to appear that neighbourhood plans only need to cater for relatively small residual requirements (zero in the case of Wallingford) and this could be seen as a cap on development.

The inspector goes on to recommend a main modification in this regard as follows:

To ensure that the plan takes a positive approach towards sustainable development opportunities in the market towns, the housing requirements for the market towns, and the outstanding requirement for neighbourhood development plans, should be expressed as minima. The policy should also indicate that NDPs should seek to meet demonstrable local needs, for example for specialist or affordable housing, even where this would result in housing provision in excess of the minimum outstanding requirement.

SODC has rightly added further wording within the supporting text of paragraph 5.17 in line with the inspector’s recommendations to ensure that the policies are ‘minimum’ requirements.

It is considered that the Local Plan and associated modifications are sound in this regard. However, this is in stark contrast with the approach of the Council in regard to Larger Villages.

Larger Villages

Main Modification (MM) MM26 relates to Policy H4: Housing in the Larger Villages. Within this revised wording the council is seeking to reword the policy as follows:

A housing requirement of ~~257~~⁴⁹⁹ homes will be collectively delivered through Neighbourhood Development Plans and Local Plan site allocations at the Larger Villages as follows:

- ~~27~~ homes at Cholsey
- ~~233~~ homes at Goring-on-Thames
- 46 homes at Nettlebed
- ~~96~~¹⁰⁸ homes at Sonning Common
- ~~115~~¹³¹ homes at Woodcote

If a Neighbourhood Development Plan has not adequately progressed with allocating sites to meet these requirements within 12 months of adoption of this Local Plan, planning applications for housing in the larger villages will be supported provided that proposals comply with ~~the overall housing distribution strategy as set out in Policy STRAT1~~ remainder of the policies in this Development Plan.*

The 'Reasoning' for this change as set out against MM26 states that this is to *update to the housing requirement and allocations to larger villages, supporting text will be updated in accordance with this update and at matter 5 examination.*

A review of the SODC matter 5 statement shows no concern was raised by SODC that would provide justification for the change being made. Paragraph 3 of the SODC matter 5 statement in response to the question from the inspector on 'is the spatial strategy sound?' states that:

We [SODC] have combined the most sustainable elements of the options to create a spatial strategy which unlocks the economic growth potential of Science Vale, protects the vitality and sustainability of the market towns and larger villages and seeks to limit the amount of development in the Green Belt.

Furthermore, the council submitted a *Note on Growth of the Towns and Larger Villages* during the examination hearings and this is attached with these representations for reference. Two separate tables are included in the note which demonstrate the planned growth and actual growth of the towns and larger villages. The explanatory text in the note states that:

1. *The Plan does not overlook the sustainable settlements (market towns and larger villages). There is high percentage growth here, but it is less visible in the Plan because it is being delivered through neighbourhood plans and not Plan allocations (except for Didcot, Nettlebed, Berinsfield, Chalgrove and Wheatley).*

It is noted that Goring is not one of those settlements listed for Plan allocation, nor is its housing need being delivered through the made neighbourhood plan. Therefore, the proposed changes to Policy H4 do in fact overlook Goring as a sustainable settlement which is at odds with the Council's spatial strategy and approach to every other market town and larger village. This is further evidence of a marked departure from the strategy presented by SODC

both preceding, and during the examination and the strategy now being proposed through main modifications.

Additionally, no matters statement was submitted by Goring Parish Council nor were any concerns raised on this aspect of policy H4 by the Inspector at the hearing itself. It is therefore unclear of the rationale for this change to be made.

The reduction in housing requirement from Neighbourhood Plans in the Larger Villages from 499 to 257 dwellings represents a 48% reduction in the requirement from this level of the settlement hierarchy.

Policy H4 (including the supporting text and figures), as worded within the submitted plan, was considered as sound by the inspector. No modifications to this policy were requested by the inspector and removal of the specific parts of this policy have not been considered by the inspector nor have other participants of the local plan examination been given an opportunity to put their opinions forward at specific hearing sessions. This is a substantial shift in strategy which is not considered justified or effective.

Table 5f which sets out the *provision of homes at larger villages* remains in place in the supporting text of policy H4 and is illustrated below.

Larger Village	Core Strat + 15% growth	Completions and Commitments	Diff – surplus/shortfall	Outstanding Requirement in NP
Benson	383	831	+448	0
Chinnor	594	947	+353	0
Cholsey	612	690	+78	27
Crowmarsh Gifford	312	571	+259	0
Goring on Thames	329	180	-149	233
Sonning Common	377	281	-96	96
Watlington	262	363	+101	0
Woodcote	225	110	-115	115

As a result of the proposed modification, Goring will be the only Larger Village in the entire district which is not meeting its housing requirement.

The only Villages left with a residual requirement for housing within Neighbourhood Plans are Sonning Common (96 dwellings) and Woodcote (115 dwellings). This is despite the fact that a shortfall of 149 homes has also been clearly identified within Goring on Thames. Both the Sonning Common Neighbourhood Plan and Woodcote Neighbourhood Plan are currently being reviewed, whilst the Goring neighbourhood plan which only allocated 94 dwellings (hence the shortfall of 149 dwellings) was made in July 2019. It is clear that SODC is still seeking for those NPs which are not yet adopted to meet their need by forcing Sonning Common and Woodcote to meet their full identified need take additional dwellings. This proposed modification results in every Larger Village neighbourhood plan meeting its need identified in the local plan with the exception of Goring on Thames.

Whilst justification has not been provided, it can only be assumed this is because of the recently adopted Goring Neighbourhood Plan (July 2019) and the fact it is in the AONB. However, that simply does not follow as both Sonning Common and Woodcote are in exactly the same circumstance with regards to AONB and having a made neighbourhood plan and yet they are being held to meet their need. It cannot be the case that Goring is getting preferential treatment simply because its neighbourhood plan was 'made' later than those of Sonning Common and Woodcote. This is an inconsistent and unjustified approach which represents a different spatial strategy for Larger Villages than the submission local plan.

Under the Local Plan, as proposed with modifications, it is unclear what will occur at the point when Neighbourhood Plans other than Woodcote or Sonning Common come to be reviewed. It cannot possibly be logical that those Villages with recently made Neighbourhood Plans will no longer require to take additional housing growth for the rest of the lifetime of the SODC plan.

The Schedule of Minor Modifications, published alongside the Main Modifications, shows that the supporting text for policy H4 at paragraph 5.25 remains mostly unchanged as follows:

Eleven of these twelve villages are either in the process of preparing a Neighbourhood Development Plan, or already have a "made" plan. The Local Plan's proposed strategy for housing distribution in the larger villages is for each settlement to grow proportionally by around 15% from the 2011 base date, plus any housing allocated to that village through the Core Strategy.

It is therefore it is only Goring where the strategy for each settlement to grow by 15% of the Core Strategy target has not been reflected in the targets for housing delivery within each settlement as set out within table 5f. The council has not provided justification for this departure from this strategy and it is not considered that there is a sound basis for adopting this approach.

In relation to development in The Villages (all categories) the Inspector makes the following conclusions at paragraph 36:

The plan is proportionate in its approach towards the amount of development expected of the villages. The dispersal of substantial amounts of development to the villages would not provide the opportunity for the kind of comprehensive transport, social and community facilities that can be achieved by the strategic site allocations.

It is not considered that the Inspector has recommended any reduction in the level of supply within the Larger Villages such as Goring and that the proposed changes are disingenuous and unjustified departure from what was considered to be a sound approach in the run up to, and during, the examination process into the Local Plan.

Sustainability Appraisal

For the reasons set out below, there is a clear procedural flaw in the Council's approach to the sustainability appraisal against the proposed revised wording of Policy H4. There is a lack of

consistency between the findings and recommendations of the sustainability appraisal addendum and the actual strategy which is now being presented by the council as part of the Local Plan with the Main Modifications now being consulted upon.

An Addendum to the Sustainability Appraisal Report of the Submission Version of the Local Plan – Appraisal of Proposed Main Modifications 2020 was carried out and is published alongside the Main Modifications as a consultation document.

Paragraph 3.2 of the SA Addendum sets out the *Identification of potentially significant modifications* with a summary set out in Table 3.1. The table identifies the amendment under policy H4 to the policy wording regarding housing requirements in the larger villages as a *proposed modification considered significant*. In the column setting out *why this change is considered significant for the SA* the table states that *amendments to the policy wording re housing requirements should be considered in the SA*.

Section 3.8 of the SA Addendum then focuses on the specific elements of the proposed changes. Paragraph 3.8.30 then sets out the list of likely effects of the Major Modifications against which no changes to the SA have been made and specifically lists MM26. The requirement to undertake an assessment of the proposed change to policy H4 through the SA Addendum has clearly been highlighted, yet the requirement to do so has been subsequently disregarded by SODC with no apparent justification for doing so. This is at odds with paragraph 3.2 as listed above and inconsistent with the approach to changes to other policies such as policy H3 on Market Towns.

The Planning Practice Guidance sets out the approach to the Sustainability Appraisal process if the draft plan is modified as follows:

The sustainability appraisal report will not necessarily have to be amended if the plan is modified following responses to consultations. Modifications to the sustainability appraisal should be considered only where appropriate and proportionate to the level of change being made to the plan. A change is likely to be significant if it substantially alters the plan and/ or is likely to give rise to significant effects.

Further assessment may be required if the changes have not previously been assessed and are likely to give rise to significant effects. A further round of consultation on the sustainability appraisal may also be required in such circumstances but this should only be undertaken where necessary. Changes to the plan that are not significant will not require further sustainability appraisal work.

Paragraph: 021 Reference ID: 11-021-20140306

Revision date: 06 03 2014

It is considered that the proposed changes to policy H4 would represent a significant change which does substantially alter the plan, as acknowledged by SODSC in table 3.1. A 48% reduction in the requirement from larger villages, representing almost half of the total requirement, can certainly be said to be 'significant'. The proposed wording would see a shortfall in Goring of 233 dwellings which would remain unmet for the lifetime of this plan. It

is considered that this would have an adverse effect on the primary Sustainability Objectives of the SA as set out below.

1. *To help to provide existing and future residents with the opportunity to live in a decent home and in a decent environment supported by appropriate levels of infrastructure.*

The SA Addendum scores policy H4 as having a *Significant Positive Effect* and sets out the commentary of likely significant effects against this SA objective as follows:

Policies H1, H2, H3, H4, H8, H10, H12 and H13 all set out the requirement for new housing developments, which would directly contribute to this SA objective through the provision of new homes including entry level and specialist housing and enable affordable housing provision. A significant positive effect is therefore identified.

3. *To improve accessibility for everyone to health, education, recreation, cultural, and community facilities and services*

The SA Addendum scores policy H4 as having a *Significant Positive Effect* and sets out the commentary of likely significant effects against this SA objective as follows:

The policies support the creation of new, high quality housing, allow for the extension and improvement of existing property, provide and safeguard Gypsy and Traveller sites and set requirements for the mix and type of housing and affordable housing and encouraging the re-use of rural buildings. This would result in improved access to essential services located throughout the District. A significant positive effect is therefore identified.

6. *To improve travel choice and accessibility, reduce the need to travel by car and shorten the length and duration of journeys*

The SA Addendum scores policy H4 as having a *Minor Positive Effect* and sets out the commentary of likely significant effects against this SA objective as follows:

Policies H1, H2, H3, H4, H8, H10, H12, H13, H14, H16 and H20 would all result in the creation of new housing, Gypsy and Traveller sites or houses to meet the needs of older people or to create or re-use dwellings and buildings in a rural area. The policies will contribute to this objective by providing the basis for planning transport infrastructure. Policies INF1 'Infrastructure Provision,' TRANS4 'Transport Assessments, Transport Statements and Travel Plans and TRANS5 'Consideration of Development Proposals' would require new developments to improve local transport. A minor positive effect is therefore identified.

As set out, it is not considered that a reduction of 48% of supply from Larger Villages would mean that a significant positive effect from the housing under policy H4 would continue and reassessment of this change in approach against the SA objectives is required.

Conclusion

For the reasons set out within this consultation response, it is not considered that the proposed main modifications represent a plan which is Positively Prepared, Justified or



Effective against the tests of paragraph 35 of the NPPF and can therefore not be considered sound on that basis.

As set out, the submission plan in respect of policy H4 and the approach to the larger villages was considered sound by the Inspector and no modifications were required in this regard. It is disingenuous of the council to now seek to make fundamental change to the spatial strategy in this regard after the examination into the plan has formally closed.

It is not considered that the main modifications reflect the initial conclusions reached by the Inspector or the discussions at the hearings itself. As a result, the resultant main modifications in relation to policy H4 are inconsistent and contradictory to other policies and supporting documents (including the Sustainability Appraisal Addendum).

In order to make the plan sound, it is considered that changes are required to policy H4 and the supporting text. It is considered that the most logical approach would be for the council to revert to the wording of the policy and supporting text of the submission version of the plan. At the very least it is considered that the residual figure of 233 for the Goring Neighbourhood Plan remains in place. The council may consider that a change is made to the explanatory text to allow for a longer period for this shortfall to be met, rather than the year as worded within the submission text.

These representations have been sent to the programme officer so that the inspector can keep informed of the key issues raised and we will invite him to reopen to the hearing sessions on this matter in the interests of fairness to all participants.

Yours Sincerely



Andrew Black



Comment again, or finish?

Would you like to comment on another main modification or supporting document?

No, I'm ready to submit my comments now and finish the survey