

South Oxfordshire Local Plan Proposed Main Modifications Consultation Comment Form

Please return by midnight on Monday 2 November 2020 via email planning.policy@southoxon.gov.uk or post to Freepost SOUTH AND VALE CONSULTATIONS (no stamp is needed and no further address is needed)

This form has two parts:
Part A – contact details
Part B – your comments

Part A

Are you responding as an: (please tick)

Individual

Business or organisation

Agent

A name and contact details are required for your comments to be considered.

1. Personal Details

2. Agent Details (if applicable)

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Sharing your personal details

Your name, contact details and comments will be shared with the Planning Inspector and a Programme Officer, who acts as a point of contact between the Council, Inspector and respondents.

This means that you may be contacted by the Programme Officer or the Council with updates and in relation to any necessary consultations on the Local Plan. This is in accordance with Regulation 19 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 and Regulation 102 of The Conservation of Habitats and Species Regulations 2017.

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.

Comments submitted by individuals will be published on our website, alongside their name. No other contact details will be published. Comments submitted by businesses and/or organisations will be published, including contact details.

Please refer to our Privacy Notice regarding how your personal data is used for this consultation, available on our website southoxon.gov.uk/newlocalplan. If you would like to know more about the councils data protection registration or to find out about your personal data, please visit: southoxon.gov.uk/dataprotection

Future contact preferences

As explained above, 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 consultation 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

Part B – Please use a separate sheet for commenting on each proposed main modification or consultation document

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
- Schedule of Policies Map Changes
- Sustainability Appraisal Report Addendum
- Habitats Regulations Assessment Addendum

Please note we are inviting comments on the Proposed Main Modifications and documents listed above only - this is not an opportunity to make comments on any other part of the Plan.

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 refer to 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 below:

Modification Number or
Document, section, paragraph or page
number

MM2 Strategic Objectives Objective
8.2 23

Please provide your comments 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.

If you wish to include any supporting documents, please attach them to this comment form.

Suggested new wording (underlined): Reduce the district's carbon emissions and other greenhouse gases to net-zero by 2050 in all sectors including construction: STET
Minimise...

(Continue on page 5 if necessary)

Modification Number or
Document, section, paragraph or page
number

MM4 The overall Strategy : the New
paragraph following 4.10

- *The spatial strategy supports growth in locations that help reduce the need to travel such as the focus at Science Vale, Towns and larger villages as well as allocations adjacent to the City of Oxford. Appendix 16 of the Local Plan highlights all elements of the Local Plan where the Plan helps to minimise carbon emissions, lower energy use, and help to reduce the need to travel.*

Comment

The new paragraph about the spatial strategy is not sound because there is no evidence base to support the assertion that growth in the locations mentioned 'help[s] reduce the need to travel'. This is particularly the case for *the allocations adjacent to the City*. The paragraph should be struck out for the following reasons.

In his letter of preliminary conclusions and post hearing advice to the council (28 August), the Inspector justifies the location of the three strategic allocations close to Oxford in order to meet its unmet housing need and 'allow for short journey distances to workplaces and social facilities as well as having the potential to strengthen retail, social and transport facilities within adjacent parts of Oxford'. There is no evidence to the effect that these potentials can be realised. None of the local authorities have provided any assessments to demonstrate that development at South of Grenoble Road, Northfield and Land North of Bayswater Brook can deliver policies for reducing trips by car and thereby lower carbon emissions.

The available evidence indicates just the opposite.

Oxfordshire County Council's *ETI Stage 3* stresses that the eastern bypass A4142 is already overcapacity and *repeatedly* points out that Land north of Bayswater Brook, Northfield and South of Grenoble Road (in all 6000 new homes with at least 12,000 new residents) will generate more traffic and more carbon emissions than currently exists in that corridor *if nothing is done*: the ETI Stage 3 offers no solutions to reducing car use from these three sites and to thus alleviate congestion on the eastern bypass A4142; the ETI stage 2&3 only addresses mitigation of traffic *east-west* through Headington Roundabout, not north south on the A4142. Furthermore the existing transport policy and Infrastructure Delivery Plan for STRAT13/ LnBB only covers impacts from this site on the A40/Headington Roundabout, not its impact on the eastern by-pass, where none of the LPAs have an updated assessment that could underpin a policy for mitigating the increase of congestion from all three sites.

Conclusion: The assertions in this paragraph cannot be evidenced and are not sound. The paragraph should be omitted.

Modification Number or Document, section, paragraph or page number

MM5: Housing, n/a 35

Comment: the quantum of unmet housing need for SODC and for the district's share of Oxford's unmet need is unsound because it is based on out-dated statistics: the LPAS have refused to use up to date statistics for assessing unmet housing need and that policy preference can be interpreted as inconsistent with NPPF guidelines about plan preparation and justifications for releasing land from the Green Belt for development.

The Spatial Strategy is based on the outdated 2014 Oxfordshire SHMA which, in turn, is based on 2012 data. The Council's calculation comes up with 4950 units as the district's contribution to Oxford's unmet housing. Oxford City Council, however, commissioned an updated SHMA 2018 based on 2016 data. Using the same methodology, its consultant Hearn revealed that the city's unmet housing need is 1004 dpa, 28 percent less than the current figure of 1400 dpa for the City's unmet housing need. If the contribution from each district to the city's unmet need were reduced proportionately, then SODC's contribution would be cut by 1386 units to 3564 units for the planning period.

According to the SODC Housing topic paper, if the same 2016 ONS data were used to calculate the district's housing need, the figure would be not be 775 dpa but 556 dpa or 13344 over the planning period 2011-2035 (the Housing Topic Paper referred to 12788 units in 2011-2034).

NPPF para 31 is clear that in local plans, *the preparation and review of all policies should be underpinned by relevant and up-to-date evidence*. SODC (and the other LPAs in the county) have preferred not to comply with this guidance; their agreement to adopt inflated housing figures may be politically convenient but it is incontrovertibly an unsound policy because the evidence base is now years out of date.

Suggested change of wording: South Oxfordshire Minimum Housing Requirement- 13344 between 1

April 2011 and 31 March 2035; 3564 homes addressing Oxford's unmet housing need; Total housing requirement for the plan period 16908 homes.

The annual requirement is as follows:

- 2011/12 to 2025/26- 642 homes per annum.
- 2026/27 to 2031/32- 789 homes per annum
- 2032/33 to 2034/35- 789 homes per annum.

Modification Number or Document, section, paragraph or page number

MM8 Densities : the New paragraph following 4.10

The decision-making process involved in altering the densities is not legally compliant because there has been neither a Reg 18 nor a Reg 19 consultation on this change policy that has massive design implications for the strategic allocations.

The minimum density guidelines were developed through assessments of strategic sites in the previous iterations of the local plan. All of these appraisals conducted during site selection and available during public consultations (and the council vote on submitting the plan) were based on minimum densities for each site. That evidence base is being swept away through this MM and the densities will only be fixed at masterplanning in theory between the planners and the developer. This makes a nonsense of the local plan consultation process.

Statutory consultees, rate payers and elected officials might have taken a very different view of the council's promotion of sites to be released from the Green Belt if they had been aware that a later modification of policy would remove the densities and stress

the need to fully exploit the potential of a site as if there were a genuine shortage of land for development.

NPPF para 123 states that *Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.*

If SODC and Oxford had calculated unmet housing need on the basis of up to date ONS information, they could not possibly argue that there was such a shortage of land (especially brownfield sites) to meet housing need that they had to seek release of land from the Green Belt for satisfy that unmet need. On the basis of 2016 data, a realistic estimate of unmet housing need does not require construction in the Green Belt nor the total elimination of housing densities.

A site such as STRAT 13 LnBB which had a minimum 45 dpa as a guideline now has neither a minimum nor a maximum given the stress on exploiting full potential. Once released from the Green Belt LnBB could end up with 5000 units or more by 2050. So much for the original LP 2034 limit of 1100 dwellings without any increase beyond 2034.

Furthermore, MM8 *for the first time* suggests that it could be appropriate for developers to create a 'new character' instead of respecting local character when designing housing estates. That is inconsistent with and undermines the protection of local character as stated in *Policy DES2: enhancing local character*. Thanks to this and another modification (see below) LnBB will probably end up resembling adjacent Barton Park with its urban-style black and tan brickwork rather than the houses in nearby villages composed of fieldstone and red brick.

There is only one option in order to redress the overstated housing need and the disrespect for public consultation on the original densities which this modification represents.

Restore the original policy that went out for the Reg 18 and Reg 19 consultations and introduce a new point: local people should be consulted about the design, densities, and maximum height of buildings in new developments within or adjacent to their communities prior to masterplanning.

Modification Number or Document, section, paragraph or page number

MM9 Green Belt:

Comment: It is not legally compliant with the NPPF to release more land from the Green Belt than is justified by exceptional circumstances. The exceptional circumstances for building on Green Belt sites are grounded in the calculation of unmet housing need for the city and for the district which has been inflated by close to 10,000 dwellings. SODC is likely to face a legal challenge because it cannot justify the release of land from the Green Belt on the basis of an overstated unmet housing need.

Nonetheless, if this plan is forced through, then the amount of land released for housing should only be for housing and not for any of the green spaces around the housing.

Para 2 p42 suggested additional wording for point 2. The Green Belt boundary has been altered to accommodate strategic allocations at STRAT8, STRAT9, STRAT10, STRAT11, STRAT12, STRAT13 and STRAT14. The new boundary should only define the area for housing whereas green corridors, parks and landscaping associated with new development should remain in the Green Belt. ~~where~~ ~~€~~The development should deliver compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land, with measures supported by evidence of landscape,

biodiversity or recreational needs and opportunities. The boundaries of the reviewed Green Belt are identified on the proposed changes to the Green Belt boundary maps (see Appendix 4).

para 5 (p20-23 , Pdf page 22-24) Suggested new wording: Where land has been removed from the Green Belt, new development should be designed to preserve the existing visual character of the landscape, to reduce flood risk, to achieve net biodiversity gain, and ensure net zero carbon emissions.

Para 4.59, p.43 point 5 (pp21-22, pdf pages 24-25) Suggested new wording for the last sentence of the MM in order to better reflect ENV2 (SSSIs) and ENV3 policies: Evidence on Species and Habitats, flood risk, landscape and recreational demands with site specific recommendations and opportunities will provide recommendations for enhancements that would deliver compensatory improvements on remaining Green Belt.

Modification Number or Document, section, paragraph or page number

MM10 (Chalgrove STRAT 7) point 2 (ix) c :

Comment: STRAT 10 is unsound because there is no evidence that this site is sustainable in terms of transport. Not only is there no rail link but the prospects are extremely poor for regular bus service from the site to Oxford (see the Bus operators letter to SODC, 28 September 2020). It should be taken out of the local plan because it will be an overwhelmingly car-based development which goes against the objectives of sustainability, reducing carbon emissions and mitigating Climate change impacts.

The only way to make the site somewhat sustainable and manage Climate Change impacts would be a coordinated effort by SODC and the County Council to secure funding for electric powered buses to and from the site.

Point 2 (ix)c: suggested additional wording: a public transport strategy agreed with the SODC, Oxfordshire County Council and local bus companies to deliver improvements to the Public Transport network: significant developer contributions will be required to new or improved services to include but not limited to increased frequency on the Chalgrove to Oxford bus route of up to 4 buses per hour to be supported by highway improvements on the B480 corridor, and support for an east west bus service linking Chalgrove to Didcot (and where appropriate feasible other significant employment and growth areas) with a target frequency of 2 buses per hour;

Modification Number or Document, section, paragraph or page number

MM12 (Culham STRAT 8):

Comment: This strategic allocation is inconsistent with the NPPF and with LP 2034 objective 5.2 about promoting development that respects the scale and character of our towns and villages.

The quantity of housing (3500 dwellings) is disproportionate in relation to the neighbouring villages of Culham and Clifton Hampden which together have less than 300 dwellings. They cannot possibly be characterised as 'larger villages' where development should be located.

STRAT 8 is not sustainable in terms of public transport for 3500 dwellings and their residents. NPPF para 138 states, *Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.*

This is not at all the case at Culham. The council has exaggerated the advantages of the Culham Railway station and its potential for expansion. It has only 4 trains a day and only two tracks which cannot be readily converted to a four-track line. The limited train service is fine for a very small village but not for a huge new development. Bus service is skeletal and the prospects for increased bus routes is unpromising as the Save Culham Green Belt and Culham Parish Council have emphasised in their Hearing Statement for the EiP.

In conflict with NPPF the Council is not giving sufficient weight to the heritage value of the Culham Railway station which is a Grade II listed building. It is not clear what is meant by a new station building. Any modification should make explicit that the existing station will be preserved, that any new rail station building would be in the same style as the existing one and that it would only be constructed in the event that rail capacity is increased to four tracks.

Higher density multi-storey housing next to the rail station would be visually incongruous compared to the existing local character of a fine mid-Victorian station with open space around it.

Point 4 (ii-iii)[new] 54: suggested edit of wording: ii) a layout that delivers ~~higher density development (a minimum of 50 dph)~~ housing along the principal internal transport corridors and adjacent to the local centre ~~and adjacent to the railway station~~, provided it does not adversely impact local character and any existing heritage assets.

Modification Number or Document, section, paragraph or page number

MM15 (South of Grenoble Road STRAT 11)

Comment: There is no evidence base that a sustainable transport policy can be delivered at SGR and therefore the transport policy for this strategic allocation continues to be unsound.

Modifications normally propose an improvement on existing policy but this one does not even recognise that SGR will increase congestion on the A4142 and does not address mitigation of its impacts on the road network.

It is bizarre that SODC is not explicitly prioritising active travel and sustainable transport at this site in the same way that it has done at LnBB. Indeed, all three sites require a transport strategy that gives equal weight to active travel, public transport (bus) and highway improvements in order to mitigate cumulative traffic impacts on the A4142 as well as the Headington Roundabout/A40.

Point 2 ix), 64 suggested additional wording: A sustainable transport strategy agreed with SODC, Oxford City Council and Oxford City Council to mitigate traffic impacts on the adjacent road network. All necessary transport infrastructure improvements through direct mitigation or contributions to new and improved infrastructure, as set out in the Infrastructure Delivery Plan, which is likely to include:...

Modification Number or Document, section, paragraph or page number

MM16 (Northfield STRAT 12)

Comment: As is the case at South Of Grenoble Road and LnBB, the transport policy is not sound because even though the county's *ETI Stage 3* recognises that the road network adjacent to the site is at capacity, neither the county nor SODC has considered at all how to mitigate the increase in congestion from Northfield that its condition will be aggravated by the combined influx of vehicular traffic from all three strategic allocations. There needs to be a comprehensive policy that applies to all three developments with a balance of active travel, additional bus routes as well as the highway improvements identified by the Infrastructure Delivery Plan.

Point 2 vi) 63: suggested additional wording: A sustainable transport strategy agreed with SODC, Oxford City Council and Oxford City Council to mitigate traffic impacts on the adjacent road network. All necessary transport improvements through direct mitigation or contributions to new and improved infrastructure, as set out referring to in the Infrastructure Delivery Plan, which is likely to include:...

Modification Number or Document, section, paragraph or page number

**MM17 (STRAT13 LnBB)
Transport policy in Point 2 (vi) Page 71, Point 3 (iii) 72, & Paragraph 4.115 page 69**

Point 2 (vi) Page 71

Comments

The revised transport policy as described in this modification is neither sound nor legally compliant because it lacks an adequate evidence base to demonstrate deliverability and it does not capture the the recommendations of the Inspector to align the transport policy at the site with those of the city:

- Point 24, **A modification is required to STRAT13 to align the transport requirements for the site, as far as possible, with Oxford City's planning policies concerning reduced car use and sustainable transport priorities, which may assist in reducing the need for extensive highways infrastructure. The suggested wording has been agreed with the County Council and site promoters and can be taken forward for consultation as a main modification.*

(Inspector's letter of preliminary conclusions 28 August 2020)

The new wording is vague and avoids the stringent transport requirements of Oxford City. Lets consider for example what the city's car parking policy would mean for LnBB

- Oxford LP 2036 policy M3 and Appendix 7.3 state that: *In Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development* that is car-free .*

- So if residents of LnBB were within a 400 metre walk to buses departing from Barton every 15 minute and if there were a supermarket within 800 metres of the housing midpoint, LnBB would have to be a car free development.
- Denying home owners the right to a parking place (and hence a car) would reduce the market value of the site and its deliverability
 - The most recent viability update for LnBB (June 2020) indicated that the developers would make £52 million even if they had to contribute up to £70 million towards highway improvements.
 - The viability assessment already showed that compliance with zero carbon technology for the houses made LnBB unviable. Car restrictions would further deepen the viability deficit and pose a significant risk to the deliverability of all policies (especially the 50 percent affordable housing requirement) at LnBB

This is a very clear example of why the developer is unlikely to deliver on aspirations to do with low car use such as parking restrictions and why the council has avoided a clear commitment to align with Oxford's restrictive planning policies.

The active travel and restrictive car use scheme loosely described in this modification has no evidence base to indicate that it can work and what evidence is available suggests that

it will not:

- After two years of scoping reports, the developers show no signs of overcoming the barrier to connectivity posed by the A40 with clear plans for several safe and attractive crossings for pedestrian/cyclists
- And the developer has made virtually no progress in creating permeability between LnBB and Barton Park where there is the only at grade crossing with traffic lights of the A40.
- So the provision of 'high quality pedestrian, cycle and public transport connections into Oxford' is not likely to be delivered, thus rendering the site unsustainable in terms of transport.

The lack of evidence base for the new scheme at LnBB does not comply with NPPF 9, para 102, which states that 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that... d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.'

By contrast, the original transport policy for LnBB had 'identified, assessed and taken into account environmental impacts and transport infrastructure' through modelling by the County Council and assessments related to the Infrastructure Delivery Plan. This modified policy seeks to scrap all reference to the IDP and to replace an evidenced policy with a purely aspirational and unsubstantiated one.

There is no evidence that the scheme can deliver on infrastructure to facilitate active travel.

Bridges: the newly worded policy calls for only one new pedestrian/cycle bridge and remodeling of the Marston interchange. So, in this respect, the new policy adds nothing to the existing policy which requires one pedestrian/cycle bridge and an upgrade of the Marston interchange.

- After two years of scoping studies, the developer cannot indicate where a single pedestrian/cycle bridge might go. It could possibly run alongside the Marston Interchange, but the developers appear not to have secured the rights for landing a ramp on terrain within the city boundaries. Its feasibility has not been evidenced.
- Furthermore, it seems likely that at least one more bridge would be necessary to make active travel safe and attractive for LnBB residents. To be useful, it would have to be close to the middle of the site to optimize access from the housing. It

would have to traverse the flood plain on either side of the Bayswater Brook, get over Barton Park and then land somewhere on terrain within city boundaries, possibly St Dunstan's Park which might not be politically palatable to Northway residents.

- There is no evidence on the part of the council or the developer that they have explored this second bridge option in the past 2-3 years.

Point 3 (iii) 72 – permeability

For active travel to work, there has to be permeability between LnBB and Barton Park. LnBB residents ideally should have the right to go through Barton Park and use the *at grade* crossing at Barton Park to traverse the A40 into Northway. As Inspector Bore pointed out during the hearings on LnBB, *it is often said in urban design terms it is best to cross at grade.*

Bizarrely the modified policy does not even mention the need for *at grade crossings* on the A40. Nor are there signs of progress on permeability between LnBB and Barton Park.

- The developers offer no evidence that they can secure a right of way between LnBB and Barton Park for LnBB residents to reach *on foot or on bicycle* the level crossing on the A40.
- The developers provide no indication that they are discussing with the City and County Council the possibility of another level crossing along the A40 on the edge of Barton Park. That would also entail permission for LnBB occupants to pass through Barton Park to reach that additional level crossing.
- There is no evidence that the developer is negotiating with the city (as landlord of Barton Park) about creating *several* bridges for pedestrians/cyclists over the Bayswater Brook to ensure permeability between LnBB and Barton Park.

Conclusion: The new wording about 'high-quality' active travel 'connections' and permeability is purely aspirational: as there is no evidence that this connectivity is deliverable, the modified policy is not sound.

para 4.115 p 69

Comments: this part of MM 17 is unsound because it fails to meet the criterion set by NPPF 16 d) that policies should be 'clearly written and unambiguous'. The wording echoes that of the original policy about the infrastructure options for highway improvements but the new phrases are ungrammatical and obscure.

First Phrase: *Residual trips made by car arising from the development on the surrounding highway network, including on the A40 and Headington Roundabout, could include improvements to the Headington roundabout and its approaches (including bus priority measures); grade separation of the Headington Roundabout; or a new link road between the A40/ B4150/ Marsh Lane junction and the A40 between the Thornhill Park and Ride junction and the Church Hill junction for Forest Hill.*

- The sentence makes no sense: *trips* is the subject, *could include* is the verb, *improvements* the direct object – how can a trip include an improvement such as a new link road? This sentence reveals just how rushed and unsound the planning process has become.
- *Residual* implies that active travel measures will achieve such a reduction in trips by car that only a *minority* of all trips in and out of the site will be by vehicle. There is no evidence, however, for this presumption: SODC has not conducted an up to date *sustainable transport assessment* for any of the strategic allocations next to Oxford and the County Council has not done any modelling to estimate the effects of active travel measures on relieving congestion.

Third phrase: *The provision of any additional highway capacity should be suitably phased to meet the increase in traffic demand arising from the Land North of Bayswater Brook*

site as and when it is likely to impact on the highway network, so as to discourage a general increase in car usage (including from the development) through the early provision of significant levels of additional traffic capacity.

- There is no such thing as *suitably phasing* highway capacity on a major trunk road like the A40 which is the principal part of the road network near LnBB. Infrastructure projects have to be agreed, designed, costed, and scheduled years in advance. It is impossible to 'phase' in infrastructure in bits and pieces over time in the way that you can gradually add shrubs in a garden or new classes to a new school.

Fourth phrase: *If more detailed evidence indicates that the required mitigation is a new link road, land will need to be identified and secured for delivery of this in consultation with the landowners and the County Council.*

This is too vague and ambiguous to inspire any confidence in the sustainable transport policy.

- What are the criteria and timing for deciding to proceed with a new link road? How will planning officers measure the effects of the active travel measures and decide whether they work? How and when will they assess whether vehicular traffic from the site is having an unacceptable impact on the road network?
 - For example, lets imagine that a third of the development has been built and occupied in 2028-2029; so is this the point when the council would assess whether the active travel policy is working? and if it is not working, would the Council then decide to conduct assessments about traffic mitigation 'improvements' on the A40?
 - Why would the preferred option necessarily be a new link road instead of the A40 flyover, both of which have been identified by the County Council in its ETI stage 3 study?
 - Why should either option necessarily be preferred over some other as yet unidentified solution to traffic mitigation on the entire road network. LnBB along with Northfield and So. of Grenoble Road will have cumulative impacts on the A4142 Eastern bypass. Perhaps the Ring Road rather than the Headington Roundabout should be the focus of traffic mitigation policy.
 - And why would the consultation be limited to the landowners and county council? Why not include SODC ratepayers and adjacent Oxford communities?

Conclusion: The council should maintain the current transport policy for LnBB as written in LP2034.

The Inspector did not conclude that the evidence base of the existing policy was unsound: he introduced the new policy only to make the site more viable for the developer by trying to get rid of 'extensive highway infrastructure' which he felt posed a risk to the site's viability and deliverability. That is just not enough of a justification to replace an evidenced and clearly written policy with one that is unsubstantiated and poorly worded.

The existing policy makes explicit that the developer must contribute towards highway improvements for mitigating traffic, improving safe road access, and providing safe ways to traverse the A40. The modified policy weakens that link to a budget and introduces uncertainty about how to make the developer contribute to highway improvements. It does not make the case that the active travel measures and 'connections' are deliverable.

The current policy calls for two infrastructure options grade separation at the Headington Roundabout (£50mn) and a linkroad/bypass from the site to a point on the A40 east of the Roundabout (£70 mn). But these options should not be treated as definitive. If an application were made, a thorough and robust assessment of traffic impacts would be required not only about mitigating east-west congestion along the A40 and Headington Roundabout but the north-south congestion on the A4142 leading up to the roundabout.

This road network is already at capacity and congestion will be aggravated not only by LnBB but by Northfields and South of Grenoble Road: taken together there will be up to 6000 homes with at least 12,000 residents who will have to travel. When applications are made for these three allocations, SODC and Oxfordshire County Council should look at a comprehensive strategy for alleviating their cumulative traffic impacts. Ideally a transport policy for all three sites would give equal weight to active travel, public transport, and highway improvements for mitigating private vehicular traffic.

This holistic approach probably would identify significant highway improvements for the A4142 to which the developers of all three strategic allocations would contribute their share. £70mn from the LnBB developers might set an upper limit on the amount from the developers of each strategic allocation for highway infrastructure to alleviate congestion on the eastern ring road.

Modification Number or Document, section, paragraph or page number

MM17 Para 3

Para 3 point 3 : It is unsound to postpone so many planning policies to the masterplan stage. To improve the prospects of an effective masterplan, 'agreed' should be restored so that the sentence reads, 'masterplan must be prepared in collaboration *and agreed* with the Local Planning Authority, Oxford City Council and Oxfordshire County Council.' This site has more difficult transport problems than any other strategic site. Therefore, it is essential that Oxfordshire County Council, as highways authority, is closely involved and agrees to the masterplan.

Para 3 point 9 : The small hamlet of Elsfield faces the same prospect as the villages of Culham and Clifton Hampden that it will be overwhelmed by new development within its parish boundaries. In both case, the planners disregard the protections offered by NPPF para 134 'to preserve the setting and special character of historic towns'; they also are ignoring the objectives in STRAT5 for densities to be informed by:

- *the need to achieve high quality design that respects local character ...*
- *local circumstances and site constraints, including the required housing mix, and the need to protect or enhance the local environment, Areas of Outstanding Natural Beauty, heritage assets, and important landscape, habitats and townscape;*

This modification increases the likelihood that LnBB will have the same 'new character' as Barton Park with higher density housing (far more than 45 dph) to the south of the site close to Bayswater Brook.

The local character of Elsfield Parish (in which LnBB is situated) should prevail in the design of LnBB, not the modern urban character of adjacent Barton Park.

Suggested wording (underlined): 'Densities on both sites will gradually reduce towards the northern landscape buffer and on the main site, densities will be lower close to the

landscape buffer by Sidlings Copse and College Pond SSSI and densities will also reduce towards the western edge of the site to avoid interference in the view cone.'

Modification Number or Document, section, paragraph or page number

MM17 Para 4.111 : Sydlings Copse & College Pond SSSI

Comment: The inclusion of the policy on the SSSI in the local plan is not sound nor legally compliant.

The NPPF para 177 specifically states that *The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.*

That appropriate assessment has not been conducted: there is no detailed appraisal of the SSSI that conforms with Strategic Environment Assessment regulations.

SODC is relying on an Ecological Report on the SSSI by AECOM which was submitted in March 2019– too late to be available for public consultation on the plan and for the council when it voted to submit the plan to the Inspectorate. The council did not even bother to consult the statutory consultee Natural England about the AECOM study, which clearly raised concerns about procedure with Inspector Bore during the EiP.

The AECOM report is a desktop study that focusses primarily on potential recreational impacts but does not have a reliable evidence base about visitor numbers to the site. As an evidence base for determining policy on a nationally significant environmental asset, it is wholly inadequate:

- It does not look at the potential significant impact on birds and bats and other priority action species.¹
- It fails to draw on all available data about the SSSI and so does not satisfy the requirement to take account of all existing knowledge².
- It ignores relevant research and methods which would quantify the vulnerability of the SSSI and the magnitude of the effects likely, as required by the SEA regs³.
- In short, the AECOM report does not make the case that the SSSI can be protected from the adverse effects of development and there was no new evidence introduced at the EiP to contradict the informed view of the Council's ecologist, Natural England and BBOWT (site manager) that the habitats in the SSSI would not be subject to degradation.

Conclusion: Inspector Bore has no evidence to substantiate his preliminary conclusions (letter 28 August 2020) that

- *40. As regards protected sites, the scale of the allocations provides the space and opportunity to provide adequate mitigation, for example in providing adequate*

1 Schedule1, Paragraph 2 Information for environmental reports need to take into account 5. Environmental protection objectives ...member state level The Environmental assessment of Plans and Programmes Regulations . UK Government 2004

2 Part 3 on information required taking into account current knowledge and methods UK Government 2004

3 Schedule 1 Criteria for determining likely significance e) Magnitude and spatial extent of effects, f) Value and Vulnerability of special natural characteristics. UK Government 2004 *ibid*

buffers to, and relieving public pressure on, nearby SSSIs and limiting landscape impact.

- *24. In the case of STRAT13: Land North of Bayswater Brook, there is plenty of land to incorporate a buffer and alternative greenspace between the site and the adjacent SSSI.*

The absence of an appropriate assessment about the impact of development on the SSSI renders STRAT13 unsound and illegal. The failure of the council to gather adequate environmental information about the SSSI in a timely fashion also has the effect of making the consultation on the draft plan ineffective.

Reliance on incomplete and retrospective evidence in the report does not change the legal position: the development of LnBB is not sound and not legally compliant.

This Strategic allocation should be removed from the local plan.

If nonetheless, LnBB remains in the local plan then a far more rigorous assessment of the SSSI will be required in line with SEA regulations. If it finds that there are significant adverse impacts from development that are unlikely to be mitigated, then LnBB should be removed from the local plan. Otherwise the council could be vulnerable to a legal challenge.

Suggested new wording (underlined) **for Para 4.111**: Prior to masterplanning an ecological assessment compatible with the Strategic Environmental Assessment regulations or a full environmental impact assessment, agreed with the council should be conducted on the basis of the full potential level of development that STRAT13 could facilitate (and not just 1100 dwellings). Masterplanning must take into account the recommendations of these detailed assessments and be agreed with the statutory consultee Natural England.

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MM17 Paragraph 4 Page 73

Comments

- An archaeological assessment of LnBB was undertaken during the first half of 2020: Hundreds of trenches were dug but these did not necessarily cover all the sites mentioned in the BHE03.1 Heritage Impact Assessment 4. This report revealed that LnBB is a significant archaeological site with traces of habitation going back to the Neolithic and Bronze Age eras.
- We do not understand why the Archaeological survey was so delayed that it could not be available during plan preparation and the Reg19 consultation; the report still has not been published. In terms of process, this seems highly irregular.

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number

MM49: infrastructure Point 7.1 147

Point 7.1 147: suggested additional wording (underlined): The challenge is to do this in a way that minimises the impact of the transport system on the environment whilst encouraging development that actively supports walking, cycling and public transport to minimise the need to travel by private vehicle, and provides for necessary improvements in a cost effective way.

Comment: Here and elsewhere the notion of ‘minimising the need to travel’ is absurd. All people need to travel using a car or motorcycle, walking, cycling, and public transport are all modes of travel. Surely what you mean is the *need to travel by private vehicle*. Please add *by private vehicle* to the phrase ‘need to travel’ wherever it occurs in the local plan (including the new Appendix 16), the Sustainability Appraisal

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MM63 n/a 198 vi)

Comment: the wording is not robust enough about flood risk at new developments and it does not give due weight to the Climate Change emergency and policies to tackle it. Several of the strategic allocations have severe surface water flooding and the council has not *adequately* assessed flood risk in light of Climate change from the outset (for the Sustainability Appraisal and site selection) At Strat 13 LnBB in October 2020 there were two major incidents of flooding into the road which will provide the principal access to the new development. The developers have said that they can incorporate flood control measures that will reduce the 1 in 100 flood to zero, thus making the site safe for development. But the real point is that the current 1 in 1000 flood risk (which they can only reduce by 1%) is going to be the new 1 in 100 flood risk due to Climate Change. They have not assessed and mapped the site to take into account the uncertainty over the impact of Climate Change. Please see pictures of flooding at Elsfield in October 2020.



Figure 1 flooding Elsfield road 4 October 2020



Figure 2 Flooding Elsfield Road 21 October 2020

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Appendix 16 on Climate Change CSD 13.1

This Appendix on [How Climate Change is addressed in the Local Plan](#) should have been part of consultation as a main modification as it is an entirely new section of the Local Plan.

n/a 3.4 19 *Design Guide SPD identifies the key design objectives for development that is "sustainable and resilient to climate change and minimises energy consumption and mitigates water run-off and flood risks". This approach is key to addressing climate change in new development.*

Comment: yes, this objective is key but there is nothing in the local plan and supporting documents to show that the council and developers are able to assess flood risk in light of climate change

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Appendix 16 on Climate Change CSD 13.1

STRAT13 3 71 *The policy requires a masterplan to demonstrate how flood events that are likely to occur now, and those anticipated as a result of climate changes, will be managed.*

Comment: There is no analysis in the supporting documents of the council or the developers to show how these flood events will be managed. Postponing such important appraisals

as strategic flood assessment to the masterplanning is wholly inadequate. More needed to be done before selecting the strategic allocations.

If the council takes Climate Change seriously and the need to manage and prevent flooding, there should be an option to withdraw a strategic allocation such as LnBB on the basis of a strategic flood assessment at masterplanning stage.

If your comments cover more than the boxes provided, 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.

Please provide your summary below:

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Thank you for your comments.

Please return by midnight on Monday 2 November 2020 via email planning.policy@southoxon.gov.uk or post to Freepost SOUTH AND VALE CONSULTATIONS (no stamp is needed and no further address is needed)