

## 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](mailto: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)

Title	Mr	
Full Name	James Plunkett	
Organisation (if relevant)	Elsfield Parish Meeting	
Job Title (if relevant)	Chair	
Address Line 1		
Address Line 2		
Address Line 3		
Postal Town		
Postcode		
Telephone Number		
Email Address		

### 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](https://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](https://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

MM17and MM8

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.

## MM17

2 (vi) section of Major Modification 17 should be removed since it is neither legal nor 'Sound' and replaced with the original wording.

2 (vi) This policy change is **not legal** because it does not follow the Inspector's reason for it- to align to the Oxford Plan on low-car Housing.

Inspector's letter of preliminary conclusions says "*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.*

To align to the Oxford Local Plan<sup>1</sup> 2036 all of LnBB would need to be a 'no-car development' with no parking at all on the site since all the housing will be within 400m of the frequent bus transport promised or the current Barton 8 service with a 15min frequency, and be within 800m of a local supermarket provided at the central point of the development site. Even if there is some of the site further than 400m from a frequent bus service, all houses of any size will need to be provided with only one car parking space- either on the plot or through a resident parking permit.

MM17 in contrast has no rules on car parking at all.

Alternatively MN17 2 (vi) is **not legal** because the Inspector has acted ultra viries- outside his powers.

The Planning Inspectorate's Guide to the role of the Inspector makes it clear he/she is not allowed to suggest improvements to policies- his/her role is limited to assessing whether the policies are 'Sound' or legal. The Inspector's letter of preliminary conclusions, quoted above, does link the changes in MM17 to improving STRAT13 "*A modification is required to STRAT13 .....which may assist in reducing the need for extensive highways infrastructure*"

MM17 2 (vi) is **not 'Sound'** since it does not meet the NPPF requirements to be evidence-based.<sup>2</sup>

The lack of evidence is admitted to in the policy, was evident at the Hearing and submitted council and developer documents, and in the lack of details of the costs and timings of the new policy created by the MM17 in the Infrastructure Plan and Viability Assessment. The County Council did not agree to this policy option at the Hearing.

The lack of evidence is clearly admitted in the policy itself, where it says "*If, having taken the impact of these measures into account, significant residual impacts on the highway network **are still predicted**, new highway infrastructure will be required to mitigate those impacts.*" The emphasis is ours. MM17 is totally reliant on evidence that has not been yet collected- detailed modelling using the County Council's model that has yet to include the impact of sustainable transport provisions and public transport on motor vehicle traffic levels. Currently SODC and the Inspector have no evidence that Sustainable transport movement measures could reduce the need for major road infrastructure. Worse still the policy exposes the lack of evidence on what sustainable measures such as bridges across the A40 are either possible or necessary.

<sup>1</sup> Oxford Local Plan 2036 Adopted Version June 2020 Policy p169 M3 Motor vehicle Parking; residential development and Appendix 7.3 p245 Residential parking maximums

<sup>2</sup>PPG Local Plans Para 038 Ref ID 61-038-20190315

Further lack of evidence is shown in 2 (vi) of STRAT13 MM17 by incompleteness of the description of what is required to deliver sustainable transport improvements “ *including (but not limited to) the links to and across the A40 Oxford Northern Bypass and a new pedestrian and cycle bridge across the A40 which will require a suitable landing point outside of the allocated site;*” Again the emphasis is ours.

The papers submitted to the Inspector and the hearing also yielded **no evidence that these sustainable transport improvements would make a significant difference to car use, nor did the developer or the Council show that they are deliverable.** The average reduction in car use for no-car developments is 25%<sup>3</sup> and 20% across Europe<sup>4</sup>, nowhere near the level required to replace a grade separation on the A40 roundabout. The only evidence of agreement with the County Council and third part landowners was supplied for two links into Oxford 2.2km apart: for one cycle and pedestrian ‘tree-top’ cycle bridge along-side the Marston junction access (800m from any Housing on LnBB), the other for a cycle path along Bayswater Road dumping cyclist at the A40 roundabout and lights system. Neither are in anyway ideal. The County Council have assured us that they did not agree to any details for this policy, contrary to the Inspector’s letter of Preliminary Conclusions. Their representative did concede that **theoretically** traffic infrastructure requirements can be reduced by sustainable transport facilities increasing non-car trips.

Evidence for a Strategic housing site allocation policy should be, and is for the other sites, presented in the Transport Infrastructure Plan. With the changes proposed under MM17 mean **the ‘appropriate evidence’ is missing from the Infrastructure Plan.** The **Viability Report has not been updated** to reflect the lower house values with no-car developments, and the high cost of cycle and pedestrian access across the flood plain and A40, and the ransom strips of land needed.

MM17 2(vi) is not ‘Sound’ because it does not conform to PPG on Local Plans, and the need to have evidence on infrastructure and Viability of strategic sites policies and the recommendation to have a highways Infrastructure Plan as evidence. The change in policy, by severing the link to the Infrastructure Delivery Plan, has not been justified.

The Government puts great emphasis on the need to have sufficient evidence on transport infrastructure based on forecast demands: “[Local Plans] will need to assess the quality and capacity of infrastructure, **and its ability to meet forecast demands.**”<sup>5</sup> PPG Local Plans The emphasis is ours.

However STRAT13 as amended by **MM17 2(vi) is not based on forecast demands-** there is no evidence on the type of infrastructure and service costs of the sustainable transport proposals, and no information on the resulting level of demand on the highways infrastructure from the Sustainable Transport policies.

The PPG on Local Plans is clear about the need to have the costs of the required Infrastructure, the expected contribution from the developer, and the impact of the transport solution to the Viability of the development “*Policy requirements for developer contributions should be informed by proportionate evidence of infrastructure and affordable housing need and be assessed for viability at the plan-making stage in accordance with guidance*”.<sup>6</sup>

**MM17 2(vi) lacks the detail and costings to assess the impact of the policy on the site’s viability.**

Evidence on house prices shows that parking spaces can add up to 10% to the value of the property,

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<sup>5</sup> PPG Local Plans paragraph: 059 Reference ID: 61-059-20190315

<sup>6</sup>PPG Local Plans Paragraph: 048 Reference ID: 61-048-20190315

and a second parking spot by a further 9%. If the whole development was restricted to the no-car policy of Oxford City Council, there would be a reduction of yield by 19% or £60 million. If you add the high cost of the ransom strips to give 5 extra links across the A40 and into Barton Park, along with the long bridges needed to cross the road and the flood zone, costs could rise by £15 million. Effective no-car settlements need very good public transport links- adding an on-going £2million a year to get frequent bus service to the County's employment hot spots. Together they would leave the site unviable.

MM17 2(vi) is singled out by the Council as a strategic site policy without a link to the government recommended Infrastructure Plan; The PPG on Local Plans says *"The government recommends that when preparing a plan strategic policy-making authorities use available evidence of infrastructure requirements to prepare an Infrastructure Funding Statement. This should set out the anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used. At examination this can be used to demonstrate the delivery of infrastructure throughout the plan-period"*<sup>7</sup>

MM17 2(vi) is not 'Sound' because the severance of the link to the Infrastructure Plan has not been justified. Neither the Inspector nor the Council have given any justification for leaving out a link to the Infrastructure Plan- which undermines the rest of the Infrastructure Plan which is not incomplete. The PPG on Local Plans says *"Policies need to be justified"*<sup>8</sup>

MM17 2(vi) is not 'Sound' since it is not deliverable: because of the lack of description and costings of what is required, the lack of clarity when and what is the trigger for road transport infrastructure is needed, and the lack of consideration of the timing and phasing. The NPPF is very clear about the need for plan policies to be deliverable *"Plans should: b) be prepared positively, in a way that is aspirational but deliverable;"*<sup>9</sup>

MM17 2 (vi) lacks adequate description of what is required, and the corresponding lack of costings in the Infrastructure Plan and Viability report make it **impossible to know when the policy has been met**, or needs to be enforced. **This leaves the policy not 'Sound**. The use of phrases 'but not limited to' is only acceptable when the policy has already set out the criteria for deciding the developers have met the policy, which is not the case here.

MM17 2(vi) is also unenforceable because there is **no timing for the judgement that the transport infrastructure needs to go beyond the sustainable transport measures**. The wording implies that the **modelling needs to be done before the planning application process**, but it is not clear. If it is a matter of waiting until the level of car trips generated from the housing built is such that extra road infrastructure is required, this lack of trigger in the policy is likely to cause major differences in opinion between the Council and developers.

If MM17 2(vi) means waiting until the level of car trips generated from the housing built is such that extra road infrastructure is required, **by the time it happens the developer could be able to use viability issues to not deliver the very high cost road infrastructure**. It could also result in the developer building the high value housing with lots of parking, and switching to no-car parking for the low value housing to avoid the road infrastructure costs- leading to other policies not being delivered.

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<sup>8</sup> PPG Local Plans Paragraph 038 Reference ID: 61-038-20190315

<sup>9</sup> NPPF 2019 paragraph 16

MM17 2(vi) is also **not deliverable because of the lack of clear description on phasing**. If the option to build the major infrastructure of a link road is to be kept open then **from the start of building houses the Marston junction needs to be rebuilt in situ with two bridges and an elevated ring road-suitable for significant portion of the A40 traffic to leave and join the A40**. The policy needs to say this clearly.

MM17 3. **The first paragraph must be reinstated to say that the Masterplan needs to be agreed with the County Council-** to ensure that at a policy level the site does not have a negative impact on the surrounding road system. SODC lacks both the expertise and the responsibility for the transport network. It should read: 'The masterplan must be prepared in collaboration with the Local Planning Authority, Oxford City Council and Oxfordshire County Council, and agreed with the Local Planning Authority and Oxfordshire County Council as Highways Authority'

MM17 3 (ix) new .This **needs to be reviewed for clarity** alongside policies on character and how much of the strategic sites are to be developed, and then consulted on. **Any new policy should specify the density at the North and Western margins so that these can be guaranteed to be sufficiently low.**

It is just too confusing to have a clear view on what will result on STRAT13 LnBB. As it stands it makes mandatory for STAT13 LnBB to have a density of at least 45 dph across the whole of the site area set for development (and not the whole site). Given the limited area suitable for development because of environmental factors this is likely to create a uniform density across the site to get all the 1100 houses in. If the policy is seeking to give greater flexibility, it has failed.

We think the intention is that over an area set aside for development (because of limits set by impact on the Green belt, SSSI and Oxford historic view), development can be up to 60 dph on the South and East boundary, and then needs to reduce to a low density along the western and northern boundaries, with an average of 45 dph over the whole of the site. Is that correct? A clearer policy will then have to be consulted on again.

#### MM17 Explanatory text

MM17 Explanatory text 4.111 **The Council's 'Ecological Assessment' NAT14 should be removed as it is not 'appropriate evidence' for a Local Plan**, and therefore makes the Local Plan not 'Sound' To be 'appropriate evidence' of Environmental Assessment resulting in Mitigations, the 'Ecological Assessment would need to meet the requirements of the SEA regulations.<sup>10 11</sup>

NAT14 does not meet the requirements. The report is unclear about its purpose (it does not claim to meet the SEA regs and in the Introduction says it will not give mitigations). It does not look at the potential significant impact on birds and bats and other priority action species.<sup>12</sup> It relies on uncorroborated professional opinion and one site visit (and does not draw on all available data about the SSSI), not meeting the requirement to take account of existing knowledge<sup>13</sup>. 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 regs<sup>14</sup>. The report's assessment crucially does not consider the

<sup>10</sup> Paragraph 32 of the National Planning Policy Framework 2019

<sup>11</sup> Schedule 2 7. Information for Environmental Reports. The Environmental assessment of Plans and Programmes Regulations . UK Government 2004

<sup>12</sup> 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

<sup>13</sup> Part 3 on information required taking into account current knowledge and methods UK Government 2004

<sup>14</sup> 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*

on-going duration of visits from residents of the housing, and therefore the impact of even a few extra recreational visits each year without time for habitats and species to recover.<sup>15</sup> NAT14 also fails to conform to the SEA regulations by not looking at the impacts of recent planning permissions and likely permission for more housing on the site after it is taken out of the green belt (Instead it restricts its remit to 1100 houses proposed)<sup>16</sup>The mitigations are not assessed in terms of the residual harmful impacts after their implementation.<sup>17</sup> No evidence is given to their likely effectiveness, and a Director of AECOM said at the Hearing, after agreeing there would be significant negative impact on the SSSI without mitigations, that the mitigations had been accepted as measures to protect other high wildlife sites, but proffered no examples or evidence of their effectiveness.<sup>18</sup>

SODC- the Council- has failed to work with the statutory consultee in commissioning and reviewing the recommendations of NAT14- counter to the SA regulations.<sup>19</sup>

MM17 Explanatory text 4.115 This text was and should be part of the Policy not part of the Explanatory text. Its function as explanatory text is at odds with its level of detail, which is needed in the policy. The explanatory text should be used to explain the thinking of the policy and what it is meant to achieve, not details of implementation only needed because the policy is incomplete.

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<sup>15</sup> Schedule 1 Criteria for significance 2. Character of the effects a) Probability, duration, frequency and reversibility, and b) cumulative nature of effects. UK Government 2004 ibid

<sup>16</sup> Schedule 2 para 6 cumulative impacts, and the potential housing is a consequence of the Plan and should be assessed. The potential housing comes from implementing the Plan and therefore covered by the Part 3, 12. The report shall identify significant „effects... of a) Implementing the Plan. UK Government 2004 ibid

<sup>17</sup> Schedule 1 e) requiring magnitude to assess significance, Schedule 2 Info for Env. Reports paragraph 7. ..The measures envisaged to prevent, reduce any significant adverse effects, UK Government 2004 ibid

<sup>18</sup> Matters 16 of Hearings by Planning Inspectorate on the SOLP July 2020

<sup>19</sup>Part1 4.Consultation UK Government 2004 ibid



## MM8

This needs to be reviewed for clarity alongside policies on character and how much of the strategic sites are to be developed, and then consulted on.

It is just too confusing to have a clear view on what will result on STRAT13 LnBB. As it stands it makes mandatory for STRAT13 LnBB to have a density of at least 45 dph across the whole of the site area set for development (and not the whole site). Given the limited area suitable for development because of environmental factors this is likely to create a uniform density across the site to get all the 1100 houses in. If the policy is seeking to give greater flexibility, it has failed.

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2. bullet point 3, This policy needs to be removed as unnecessary, or made comprehensive to cover designated sites. If kept the 3<sup>rd</sup> bullet point needs to include designated biodiversity and heritage sites (SSSIs, Graded buildings and scheduled archaeological sites etc)

(Continue on page 5 if necessary)

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:

**Thank you for your comments.**

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# Elsfield Parish Meeting comments on the Main Modifications of the South Oxfordshire Local Plan 2034

2<sup>nd</sup> November 2020

## 1 MM8

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## 2 MM17

2.1 2 (vi) section of Major Modification 17 should be removed since it is neither legal nor 'Sound' and replaced with the original wording.

2.1.1 2 (vi) This policy change is **not legal** because it does not follow the Inspector's reason for it- to align to the Oxford Plan on low-car Housing.

Inspector's letter of preliminary conclusions says "*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.*"

To align to the Oxford Local Plan<sup>1</sup> 2036 all of LnBB would need to be a 'no-car development' with no parking at all on the site since all the housing will be within 400m of the frequent bus transport promised or the current Barton 8 service with a 15min frequency, and be within 800m of a local supermarket provided at the central point of the development site. Even if there is some of the site further than 400m from a frequent bus service, all houses of any size will need to be provided with only one car parking space- either on the plot or through a resident parking permit.

MM17 in contrast has no rules on car parking at all.

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2.1.2 Alternatively MN17 2 (vi) is **not legal** because the Inspector has acted ultra viries- outside his powers.

The Planning Inspectorate's Guide to the role of the Inspector makes it clear he/she is not allowed to suggest improvements to policies- his/her role is limited to assessing whether the policies are 'Sound' or legal. The Inspector's letter of preliminary conclusions, quoted above, does link the changes in MM17 to improving STRAT13 "A *modification is required to STRAT13 .....which may assist in reducing the need for extensive highways infrastructure*"

2.1.3 MM17 2 (vi) is **not 'Sound'** since it does not meet the NPPF requirements to be evidence-based.<sup>2</sup>

The lack of evidence is admitted to in the policy, was evident at the Hearing and submitted council and developer documents, and in the lack of details of the costs and timings of the new policy created by the MM17 in the Infrastructure Plan and Viability Assessment. The County Council did not agreed to this policy option at the Hearing.

The lack of evidence is clearly admitted in the policy itself, where it says "*If, having taken the impact of these measures into account, significant residual impacts on the highway network **are still predicted**, new highway infrastructure will be required to mitigate those impacts.*"

The emphasis is ours. MM17 is totally reliant on evidence that has not been yet collected- detailed modelling using the County Council's model that has yet to include the impact of sustainable transport provisions and public transport on motor vehicle traffic levels. Currently SODC and the Inspector have no evidence that Sustainable transport movement measures could reduce the need for major road infrastructure. Worse still the policy exposes the lack of evidence on what sustainable measures such as bridges across the A40 are either possible or necessary.

Further lack of evidence is shown in 2 (vi) of STRAT13 MM17 by incompleteness of the description of what is required to deliver sustainable transport improvements "*including **(but not limited to)** the links to and across the A40 Oxford Northern Bypass and a new pedestrian and cycle bridge across the A40 which will require a suitable landing point outside of the allocated site;*" Again the emphasis is ours.

The papers submitted to the Inspector and the hearing also yielded **no evidence that these sustainable transport improvements would make a significant difference to car use, nor did the developer or the Council show that they are deliverable.** The average reduction in car use for no-car developments is 25%<sup>3</sup> and 20% across Europe<sup>4</sup>, nowhere near the level required to replace a grade separation on the A40 roundabout. The only evidence of agreement with the County Council and third part landowners was supplied for two links into Oxford 2.2km apart: for one cycle and pedestrian 'tree-top' cycle bridge along-side the Marston junction access (800m from any Housing on LnBB), the other for a cycle path along Bayswater Road dumping cyclist at the A40 roundabout and lights system. Neither are in

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- 2.1.5 MM17 2(vi) is not ‘Sound’ since it is not deliverable: because of the lack of description and costings of what is required, the lack of clarity when and what is the trigger for road transport infrastructure is needed, and the lack of consideration of the timing and phasing. The NPPF is very clear about the need for plan policies to be deliverable *“Plans should: b) be prepared positively, in a way that is aspirational but deliverable;”*<sup>9</sup>

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<sup>7</sup>PPG Local Plans Paragraph 059 Reference ID: 61-059-20190315

<sup>8</sup> PPG Local Plans Paragraph 038 Reference ID: 61-038-20190315

<sup>9</sup> NPPF 2019 paragraph 16

MM17 2(vi) is also **not deliverable because of the lack of clear description on phasing**. If the option to build the major infrastructure of a link road is to be kept open then **from the start of building houses the Marston junction needs to be rebuilt in situ with two bridges and an elevated ring road- suitable for significant portion of the A40 traffic to leave and join the A40**. The policy needs to say this clearly.

2.2 MM17 3. **The first paragraph must be reinstated to say that the Masterplan needs to be agreed with the County Council-** to ensure that at a policy level the site does not have a negative impact on the surrounding road system. SODC lacks both the expertise and the responsibility for the transport network. It should read: ‘The masterplan must be prepared in collaboration with the Local Planning Authority, Oxford City Council and Oxfordshire County Council, and agreed with the Local Planning Authority and Oxfordshire County Council as Highways Authority’

2.3 MM17 3 (ix) new .**This needs to be reviewed for clarity alongside polices on character and how much of the strategic sites are to be developed, and then consulted on. Any new policy should specify the density at the North and Western margins so that these can be guaranteed to be sufficiently low.**

It is just too confusing to have a clear view on what will result on STRAT13 LnBB. As it stands it makes mandatory for STAT13 LnBB to have a density of at least 45 dph across the whole of the site area set for development (and not the whole site). Given the limited area suitable for development because of environmental factors this is likely to create a uniform density across the site to get all the 1100 houses in. If the policy is seeking to give greater flexibility, it has failed.

We think the intention is that over an area set aside for development (because of limits set by impact on the Green belt, SSSI and Oxford historic view), development can be up to 60 dph on the South and East boundary, and then needs to reduce to a low density along the western and northern boundaries, with an average of 45 dph over the whole of the site. Is that correct? A clearer policy will then have to be consulted on again.

## 2.4 MM17 Explanatory text

2.4.1 MM17 Explanatory text 4.111 **The Council’s ‘Ecological Assessment’ NAT14 should be removed as it is not ‘appropriate evidence’ for a Local Plan**, and therefore makes the Local Plan not ‘Sound’

To be ‘appropriate evidence’ of Environmental Assessment resulting in Mitigations, the ‘Ecological Assessment would need to meet the requirements of the SEA regulations.’<sup>10 11</sup>

NAT14 does not meet the requirements. The report is unclear about its purpose (it does not claim to meet the SEA regs and in the Introduction says it will not give mitigations). It does not look at the potential significant impact on birds and bats and other priority action species.<sup>12</sup> It relies on uncorroborated professional opinion and one site visit (and does not

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<sup>10</sup> Paragraph 32 of the [National Planning Policy Framework](#) 2019

<sup>11</sup> Schedule 2 7. Information for Environmental Reports. [The Environmental assessment of Plans and Programmes Regulations](#) . UK Government 2004

<sup>12</sup> 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

draw on all available data about the SSSI), not meeting the requirement to take account of existing knowledge<sup>13</sup>. 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 regs<sup>14</sup>. The report's assessment crucially does not consider the on-going duration of visits from residents of the housing, and therefore the impact of even a few extra recreational visits each year without time for habitats and species to recover.<sup>15</sup> NAT14 also fails to conform to the SEA regulations by not looking at the impacts of recent planning permissions and likely permission for more housing on the site after it is taken out of the green belt (Instead it restricts its remit to 1100 houses proposed)<sup>16</sup>The mitigations are not assessed in terms of the residual harmful impacts after their implementation.<sup>17</sup> No evidence is given to their likely effectiveness, and a Director of AECOM said at the Hearing, after agreeing there would be significant negative impact on the SSSI without mitigations, that the mitigations had been accepted as measures to protect other high wildlife sites, but proffered no examples or evidence of their effectiveness.<sup>18</sup>

SODC- the Council- has failed to work with the statutory consultee in commissioning and reviewing the recommendations of NAT14- counter to the SA regulations.<sup>19</sup>

- 2.4.2 MM17 Explanatory text 4.115 This text was and should be part of the Policy not part of the Explanatory text. Its function as explanatory text is at odds with its level of detail, which is needed in the policy. The explanatory text should be used to explain the thinking of the policy and what it is meant to achieve, not details of implementation only needed because the policy is incomplete.

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<sup>13</sup> Part 3 on information required taking into account current knowledge and methods UK Government 2004

<sup>14</sup> 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

<sup>15</sup> Schedule 1 Criteria for significance 2. Character of the effects a) Probability, duration, frequency and reversibility, and b) cumulative nature of effects. UK Government 2004 ibid

<sup>16</sup> Schedule 2 para 6 cumulative impacts, and the potential housing is a consequence of the Plan and should be assessed. The potential housing comes from implementing the Plan and therefore covered by the Part 3, 12. The report shall identify significant „,effects... of a) Implementing the Plan. UK Government 2004 ibid

<sup>17</sup> Schedule 1 e) requiring magnitude to assess significance, Schedule 2 Info for Env. Reports paragraph 7. ..The measures envisaged to prevent, reduce any significant adverse effects, UK Government 2004 ibid

<sup>18</sup> Matters 16 of Hearings by Planning Inspectorate on the SOLP July 2020

<sup>19</sup>Part1 4.Consultation UK Government 2004 ibid