WEALDEN CORE STRATEGY EXAMINATION

MATTER 3: HOUSING (WCS1, WCS2, WCS5)

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PPG Ref: BNL.0385

Date: December 2012

MATTER 3 – HOUSING (WCS1, WCS2, WCS5): Whether the overall level of housing provision and its distribution are justified and appropriate.

a) Does the overall scale and distribution of housing provision accord with the requirements of the South East Plan (SEP) having regard to policies relating to infrastructure and the environment as well as those for housing? Is the Core Strategy in general conformity with the SEP in this regard?

Plainly, the overall housing provision proposed by the Core Strategy Policy WCS1 (equivalent to an average of 400 dwellings per annum over the plan period) does not meet the headline annual requirement of 550 dwellings set out in Table 1b of the South East Plan (SEP). Indeed, it represents only 73% of the annual average dwelling provision stipulated by the SEP. SEP Policy 1 makes clear that plans, strategies and programmes should ensure the delivery of this annual average net additional dwelling requirement. As an indication, this level of variation is vastly in excess of the 10% allowance advised by the Inspector in relation to the South Oxfordshire Core Strategy Examination[1]. Furthermore, the Core Strategy significantly underprovides against the SEP requirement for the Sussex Coast Sub-Region of 350 dwellings per annum, proposing only 5,197 dwellings over the plan period, equivalent to 217 per annum (62% of SEP requirement).

Policy H2 of the SEP brings together the requirement for local planning authorities to provide for the housing requirement while ensuring appropriate regard is had to environmental and infrastructure issues. The first paragraph provides a potential remedy for a situation where the environmental or infrastructure issues facing a district are so acute that it cannot identify a Strategy which ensures the provision of its housing requirement. That is, to work together with other local authorities to deliver the full requirement across a wider area. Wealden has not, it would appear, initiated such joint working.

Policy CC7 of the SEP acknowledges that infrastructure could be a constraining factor on the scale and pace of development delivery. The Wealden IDP (BP11) identifies transport infrastructure and education infrastructure as two out of four key issues however it is unclear from that document and from the „Development of Core Strategy' document (BP1) exactly

[1] South Oxfordshire Core Strategy: Inspector's Conclusions After Exploratory Meeting: 23rd May 2011. Paragraph 3 on page 4 (Appendix C).

how these issues have specifically prevented the local planning authority from producing a Core Strategy which is able to have general conformity with the SEP requirements for housing provision in the district as a whole and for the Sussex Coast Sub region. Indeed, in respect of both education (Figure 6, p25 of BP11) and transport (Fig 3, p17, BP11) there are no settlements identified where infrastructure is required and where no monies are available to provide it. Whilst current waste water treatment infrastructure is identified as a constraint in some areas, this only relates to a small proportion of the District as a whole.

With reference to environmental constraints it is recognised that the District contains habitats protected by the Conservation of Habitats and Species Regulations 2010, including Ashdown Forest SPA/SAC. In this context the Council has produced an Appropriate Assessment of the submission Core Strategy proposals (BP9). However, this Assessment does not examine the likely impact of any alternative level of housing development. Whilst the response of WDC and SDNPA (Document X4) suggests that any greater level of development in Uckfield, Crowthorne and Maresfield would have a likely significant effect from Atmospheric Pollution on the Ashdown Forest SAC this would appear to be an overly simplistic and inappropriate interpretation of the methodology set out in the DMRB which relates to *scoping* of a study.

Should such an exercise conclude there is a non-neutral impact, further modeling and impact assessment would still be required to discern whether or not such an impact would have a likely significant effect on the biodiversity interest in question. Therefore atmospheric pollution has not been sufficiently justified in terms of the tests of soundness to be identified as a constraint on the level of development. Indeed, the majority of roads identified in the study would have only around half the Annual Average Daily Trips increase that would be required to have any more than a neutral impact on local air quality. Furthermore, Natural England's response to a recent application for 173 dwellings at Maresfield (WDC reference 11/0366) states that "subject to the avoidance measures being fully implemented ... Natural England's view is that, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the Ashdown Forest SAC/SPA" (see Appendix B). This response suggests that the level of development proposed for the Uckfield/Maresfield/Crowthorn area should not necessarily be viewed as the maximum deliverable under the constraints of the Habitats Regulations 2010.

Given the disparity between the overall housing rate required by the SEP and that proposed in the Core Strategy, it is submitted that the Core Strategy could only be considered to be in

general conformity with the SEP if it was supported by robust evidence to demonstrate that, with reference to SEP Policy CC7, critical infrastructure could not be delivered or environmental constraints could not be avoided or mitigated. There is insufficient evidence to support either argument in this instance.

As such it is submitted that the Core Strategy does not exhibit „general conformity' to the South East Plan, a legal requirement of s20(5)(a) of the Planning and Compulsory Purchase Act 2004 which as of December 2011 has not yet been repealed by the provisions of the Localism Act 2011.

In order to have general conformity with the RS, Policy WCS1 (and consequential revisions to WCS2 and WCS5) would need to be amended to provide for an annual average of at least 550 dwellings per annum in the district to 2026.

b) Is there evidence since the SEP was adopted that would support a different level of housing provision in the Core Strategy from that in the SEP?

Since the adoption of the SEP in 2009 the government's Office for National Statistics has published updated household projection figures, the most recent being the 2008 based household projections which were published in 2010 (see response to sub question (C) below). East Sussex County Council has also produced projections for household growth also assessed below. Both projections indicate that future requirements for housing within Wealden will exceed the annual rate proposed by the submission Core Strategy.

As discussed under (a) above, the evidence the local planning authority has produced is not considered to sufficiently justify a reduced level of housing across the District from that set out in the SEP.

c) How does the overall level of housing provision in the Core Strategy relate to the need for both market and affordable housing in the District?

The housing requirements of the SEP were prepared having regard to the Office for National Statistics' 2004 based household projections. Since its preparation the government's Office for National Statistics has published updated household projection figures, the most recent being the 2008 based household projections which were published in 2010. In addition, East Sussex County Council (ESCC) has also produced a demographic projection model

which includes a migration led forecast for Wealden District. These figures are set out at Appendix A.

Over the plan period to 2030 these figures forecast an increase of between 13,212 (ESCC) and 15,040 (ONS) new households within the District. Translating these forecasts into housing demand requires taking account of vacancy and second home rates. WDC in its analysis (Document Y10) assumes that all existing vacant properties which are not second homes can be utilised to meet demand and reduces demand accordingly. It is our belief that, whilst reducing the amount of long term vacant properties is a valid objective, zero vacancies at any time is an unrealistic expectation as there will always be some vacant property due to the cycle of the market. However, where the current rate represents 3.2% of all property it is considered that a realistic target would be to reduce this to 2.5%. Taking this into account, in order to meet the full requirement for housing as forecast, a total of between 13,500 and 15,400 dwellings would be required in the period 2006-2030.

In addition to not meeting the full housing requirement of either the SEP or as indicated by more recent locally or nationally derived projections, the Submission Core Strategy fails to identify a specific strategy to *fully* meet Wealden's identified affordable housing need (SEP Policy H2 and H3) and the *full range of existing and future needs by housing type* (SEP Policy H4, echoed in paragraph 109 of draft NPPF).

SEP Policy H2 requires local planning authorities to address any backlog of unmet housing needs within the housing markets they relate to, in the first ten years of the plan. This is echoed by SEP Policy H3 which pledges to bring about the delivery of "*a substantial increase in the amount of affordable housing in the region"* and SCT6 in the context of the Sussex Coast sub-region. WDC has stated that affordable housing need at 2010 stood at 812 dwellings per annum (Document X4 para 2.1). At August 2011 the Council reported that 2,161 households were on the housing register and that each of these were in current need ("Development of the Core Strategy, August 2011, para 5.16). It also indicated that this was likely to be an underestimation of total levels of need. It is clear that the level of housing need across the Borough is acute.

In its response to the Summary of Inspector's Concerns (Document X4) WDC and SDNPA refer to a variety of mechanisms by which to meet this need, not just through the provision of new affordable houses. Such mechanisms include bringing empty homes back into use and addressing under-occupation. WDC and SDNPA refer to the lack of guidance from regional

level as the reason for why no more specific details are given on the delivery from these mechanisms. Whatever the reason, there is insufficient detail to be able to have confidence that the Core Strategy will be able to meet the requirements of Policy H2 and H3 in relation to the provision of affordable housing and meet the tests of soundness in terms of its *Effectiveness*. By way of example, in relation to bringing empty homes back into use, the methodology for assessing „housing demand' in Document Y10 assumes that all vacant homes in the District (totaling 1,091 dwellings at 2011) could also be occupied to address *future* household demand, thus double counting a source of supply unlikely to be fully realised in any event.

In summary, the overall level of housing provision in the Core Strategy significantly under-provides in relation to the need for both market and affordable housing. This places the Core Strategy at odds with SEP Policies H1, H2, H3 and SCT6. It also places the Core Strategy at odds with emerging guidance contained in the Draft NPPF which, at paragraph 109 proposes that:

> *"To boost the supply of housing, local planning authorities should use an evidence base to ensure that their Local Plan meets the full requirements for market and affordable housing in the Housing Market Area…"*

In order to make the Core Strategy sound it is considered that Policy WCS1 should be amended to provide for a figure of 15,400 dwellings over the plan period to 2030.

d) Has the distribution of housing between the different types of settlement been justified by the evidence base and does it accord with national and regional policy?

Whilst we do not have any objection to the distribution of development between the higher tiers of the settlement hierarchy, it is submitted that the distribution of housing between different settlement types under-utilises the capacity of suitable sites which have potential for accommodating a proportion of the District's needs in the more rural settlements of the District, the subject of Core Strategy Policy WCS6. This is evidenced by the sites identified within the Strategic Housing Land Availability Assessment as potentially suitable within these settlements. The fact that neither of the top two tiers of settlements in the proposed hierarchy are represented within the District illustrates the rural nature of Wealden. With

reference to paragraph 4.32 of PPS12 it also demonstrates, combined with the transport and environmental constraints to Hailsham, Crowthorne and Uckfield, a „local circumstances' justification for a more dispersed distribution of development across the tiers.

Therefore, as part of an increased overall level of development it is submitted that the smaller centres subject to Policy WCS6 should accommodate around 30 per cent of new housing development.

e) Have reasonable alternatives to the distribution and location of housing development been considered? Has it been demonstrated that there are no reasonable options that would avoid the infrastructure and environmental constraints in the Core Strategy?

It appears to have been the local planning authority's consistent position since the announcement of the proposed revocation of Regional Strategies in May 2010, that the preparation of the Wealden Core Strategy, notwithstanding the requirements of the adopted South East Plan, and in isolation from the commissioned studies in relation to infrastructure constraints, should not have an overall level of housing provision greater than an annual average of 400 dwellings.

Indeed, this position was set out in the Council's report to Cabinet LDF Sub-Committee on 19th October 2010, where, in paragraph 4 the Council confirms that its preparation of the Core Strategy relies upon the post revocation flexibility (particularly on housing targets and plan periods).

The 2009 Spatial Options consultation considered the advantages and disadvantages of concentrating development in different parts of the district in relation to the full SEP requirement. Various aspects of infrastructure have been identified as potential constraints including the transport network in Uckfield town centre and the A27 west of Polgate, the capacity of waste water treatment works north of Hailsham, the capacity of education provision in various settlements across the district, and also the environmental capacity of areas around the Ashdown Forest SAC/SPA, the Pevensey Levels RAMSAR and the Lewes Downs Special Area of Conservation.

However there is no evidence that at any time since May 2010 have studies sought to identify a maximum constrained level of housing development which would exceed the 400 dwellings per annum rate. Indeed, the commissioned infrastructure studies were only completed to support the Submission Core Strategy as well as the Infrastructure Delivery Plan (IDP) itself (document BP11) and thus they only examine the capacity of infrastructure to deliver the 400 dwellings per annum requirement.

With reference to the submitted IDP Figures 2-6 it is not apparent how these infrastructure elements are absolute constraints on the overall level of development as there are very few examples of where infrastructure is a constraining factor and no monies are available to mitigate it.

The Appropriate Assessment report completed as part of the evidence base to the Core Strategy (BP9) only assesses the distribution and level of development proposed in the submission Core Strategy and there is no evidence that any alternative distribution which could achieve a higher level of development across the district has been considered.

By way of example the impact of the proposed development around the Ashdown Forest SPA/SAC on atmospheric pollution and local air quality has been assessed within the appropriate assessment (see section (a) above). The Council has indicated that the level of development proposed by the Core Strategy around the Ashdown Forest area (in settlements of Uckfield, Maresfield, Crowthorne) is at the maximum level which could be accommodated without having a significant effect in terms of the Habitat Regulations 2010 on the Ashdown Forest SPA/SAC from increased atmospheric pollution. As expanded under (a) above This suggests that the level of development proposed for the Uckfield/ Maresfield/ Crowthorne area should not necessarily be viewed as the maximum deliverable under the constraints of the Habitats Regulations 2010.

It is thus submitted that the Core Strategy is unsound as it fails to demonstrate that the overall level of development equivalent to 400 dwellings per annum is the most appropriate when considered against reasonable alternatives. It is therefore not sufficiently *'justified'* in PPS12 terms.

f) Does the Core Strategy assist in the providing a continuous supply of deliverable sites so that the housing requirements of the next 5 years can be delivered?

No evidence has previously been submitted in respect of this matter.

g) Is the Core Strategy likely to result in an adequate supply of developable sites in the plan period beyond 5 years?

No evidence has previously been submitted in respect of this matter.

h) Is there an adequate strategy for bringing previously developed land into housing use? Should there be a local previously developed land trajectory?

No evidence has previously been submitted in respect of this matter.

CONTENTS:

Page No:

APPENDIX A: PPG ANALYSIS OF WDC SUBMISSION ON HOUSING DEMAND/NEED 11

APPENDIX B: EXTRACT FROM WEALDEN PLANNING COMMITTEE NORTH REPORT TO MEETING ON 22 SEPTEMBER 2011 PLANNING APPLICATION REF 11/0366 13

APPENDIX C: SOUTH OXFORDSHIRE CORE STRATEGY INSPECTOR'S CONCLUSIONS AFTER EXPLORATORY MEETING 17TH MAY 201 16

APPENDIX A: PPG ANALYSIS OF
WDC SUBMISSION ON HOUSING DEMAND/NEED

Appendix A: PPG Analysis of Wealden Housing demand 2006-2030 compared with WDC Position

	2006-2026									2006-2030								
	Projection / Policy Requirement			WDC Position			PPG Position (w Vacancy/2nd home rate (+2.5%))			Projection / Policy Requirement			WDC Position			PPG Position (w Vacancy/2nd home rate (+2.5%))		
	North (59%)	Sussex Coast (41%)	Total	North (644 vac)	Sussex Coast (447 vac)	Total (1091 vac)	North (59%)	Sussex Coast (41%)	Total	North (59%)	Sussex Coast (41%)	Total	North (644 vac)	Sussex Coast (447 vac)	Total (1091 vac)	North (59%)	Sussex Coast (41%)	Total
Core Strategy Submission	3,669	4,331	**8,000**							4,403	5,197	**9,600**						
South East Plan (550dpa)	4,000	7000	**11000**							4,800	8,400	**13,200**						
ONS Housing projections 2004	8,319	5,781	**14,100**	7,675	5,334	**13,009**	8,527	5,926	**14,453**									
ONS Housing Projections 2008	7,209	5,009	**12,218**	6,565	4,365	**11,127**	7,389	5,135	**12,523**	8,874	6,166	**15,040**	8,230	5,719	**13,949**	9,095	6,321	**15,416**
ESCC Migration Led	6,810	4,733	**11,543**	6,166	4,089	**10,452**	6,981	4,851	**11,832**	7,795	5,417	**13,212**	7,151	4,970	**12,121**	7,990	5,552	**13,542**
WDC Extrapolation of previous trends	4,904	3,408	**8,312**	4,260	2,764	**7,221**	5,027	3,493	**8,520**	5,907	4,105	**10,012**	5,263	3,658	**8,921**	6,055	4,208	**10,262**
WDC Mid-point calculation	5,858	4,070	**9,928**	5,213	3,426	**8,837**	6,004	4,172	**10,176**	6,851	4,761	**11,612**	6,207	4,314	**10,521**	7,022	4,880	**11,902**

APPENDIX B:

EXTRACT FROM WEALDEN PLANNING COMMITTEE NORTH
REPORT TO MEETING ON 22 SEPTEMBER 2011
PLANNING APPLICATION REF 11/0366

contaminated land.

All surface water from roofs shall be piped direct to an approved surface water system using sealed down pipes. Open gullies should not be used.

Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground.

Water containing silt should never be pumped or allowed to flow directly into a river, stream, surface water drain, or direct to groundwater. Silty water can arise from dewatering excavations, exposed ground, stockpile, plant and wheel washing, site roads.

County Archaeologist NO OBJECTION

The proposed development is of archaeological interest due to the scale of the development and the proximity of a number of archaeologically sensitive areas. Current evaluation excavation taking place on the adjacent site to the east (WD/07/526) is recording evidence of Iron Age, Roman and medieval features and activity. In close proximity to the site is a post-medieval furnace complex and a farm complex (Park Farm) that formed in the medieval period, which contains a number of listed buildings.

In the light of the potential archaeological significance of this site, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.

Natural England NO OBJECTION

The application site lies within the 7km zone of influence to habitats which form part of the Ashdown Forest Site of Special Scientific Interest (SSSI). This SSSI is part of the Ashdown Forest Special Area of Conservation (SAC) Special Protection Area (SPA), Having regard to the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Natural England has no objection to the proposed development., subject to the following avoidance measures included in the application detailed below being fully implemented:

- Provision of 4.97 ha of SANGS and a financial contribution to be agreed with the Council for access management and monitoring of Ashdown Forest SAC/SPA

Subject to the above avoidance measures being fully implemented, with appropriately worded conditions or a Section 106 agreement prepared to secure their delivery, Natural England's view is that, either alone or in combination with

Agenda Item 6
For: Planning Committee North
Date: 22 September 2011

other plans or projects, this proposal would not be likely to have a significant effect on the above site(s) and the permission may be granted under the terms of the Conservation of Habitats and Species Regulations.

Natural England has considered the landscape and visual impacts of this proposal and concluded that this application does not meet our criteria for involvement with casework. We would stress that this should not necessarily be taken to indicate that the effects on landscape and visual amenity are appropriate, but are a matter for the Local Planning Authority to consider.

Natural England would advise that any landscaping/planting schemes use native species of local provenance and that existing wildlife habitats and corridors are retained.

Police (Crime Prevention) NO OBJECTION

The level of crime in this area is average when compared with the rest of Sussex and there are no major concerns with the proposals. Pleased to note that the Design and Access Statement submitted in support of the application clearly indicates that this development will follow the principles of Secured by Design. In addition, a comprehensive assessment of the proposals has been made using the seven attributes of safe, sustainable places.

Parish Council OBJECT

First Consultation

- Number of houses proposed is too great. At 170 it considerably exceeds the allocation of 50 additional homes for Maresfield proposed under the LDF core strategy for the period to 2030. In combination with applications already approved for 80 houses at Park Farm and 9 on Park Farm Drive, it could increase the number of houses in Maresfield by 40% which is disproportionate. The village would no longer be a village. The 9 units proposed at Park Farm Drive constitute part of the allocated 50 under the CS, the remaining housing allocation to 2030 should therefore be no more than 41.
- Site is zoned as green field in the Wealden Non-Statutory Local Plan which should continue in force until replaced by the LDF. Other sites and other areas should have been explored
- Application is premature and should have awaited publication of LDF. Localism Bill might radically alter the planning process and should ideally also have been awaited
- The proposed density of development is too great. Wealden District Council in their Strategic Housing Land Availability Assessment 2010 had assessed this site as only capable of sustaining 140 houses based on a recommended density of 35 dwellings per hectare. The current application had an approximate density of 42.5 per developable hectare
- The development does not meet sustainability criteria. In the SHLAA document Wealden stated that housing on this site would only be

APPENDIX C

SOUTH OXFORDSHIRE CORE STRATEGY

INSPECTOR'S CONCLUSIONS AFTER EXPLORATORY MEETING

17TH MAY 2011

ID/5

South Oxfordshire Core Strategy

Inspector's conclusions after the Exploratory Meeting on 17 May 2011

This note is not a verbatim record of the meeting. It is simply a brief summary of my conclusions about the main topics covered at the meeting.

[I deal with the matters below in a different order from that covered in my initial note or at the Exploratory Meeting (EM) and therefore use a different numbering system.]

1 Unallocated housing sites ('windfalls')

The message conveyed by the CS (para 7.14) is confusing as it appears to suggest that some reliance will be placed on windfalls in 10 of the remaining 17 years of the plan period. In fact, as it has become clear, that is not the case. The CS aims to meet the residual housing requirement during years 1-10 entirely by sites identified in the form of existing commitments and allocations, new CS allocations in Didcot, Thame and Wallingford and other sites to be allocated (through the Site Allocations DPD) in Henley and the identified larger villages. However, some reliance is placed on windfalls in yrs 11-15, with about half that number applied retrospectively in that period from completions that are expected to have taken place in years 6-10. In the submitted CS the reliance on windfalls appears to be 1060, although according to SODC/10 this reduces to 814 under the most recent monitoring information.

Leaving aside until the hearings the question of the delivery assumptions in the CS, the strategy appears, in principle, to satisfy para 59 of national policy in PPS3 Housing by not including windfalls in the first 10 years of supply. Turning to yrs 11-15, para 55 of PPS3 states that (a) authorities should 'where possible' also identify specific developable sites for yrs 11-15 and (b) where it is 'not possible' to identify specific sites in those years, indicate broad locations for future growth.

Even recognising the Green Belt and AONB constraints that affect substantial parts of the District, it does not appear that it would be 'impossible' for the LDF process to identify sites for 800 or so more dwellings, thus ensuring that a continuous delivery of housing can take place entirely in accordance with policy in PPS3. Importantly, the Council's very recently completed Strategic Housing Land Availability Assessment (SHLAA) (March 2011) assesses a substantial number of identified candidate sites at the 17 towns and larger villages as either 'deliverable' or 'developable' in PPS3 terms. Paragraph 5.21 of the SHLAA explains that 'there is such a significant amount of land which has been identified as suitable and available that we do not anticipate problems with allocating suitable deliverable sites'. This comment is made in the context of Henley and the 12 larger villages, but the tenor of the observations in the SHLAA on candidate sites at the 3 other main towns does not suggest that it would be impossible to identify other feasibly deliverable/developable sites. Also, the Council's work on sustainability appraisal does not support the notion that it is 'impossible' to identify additional land with reasonable sustainable credentials.

It is a well-established principle that housing figures in plans are not ceilings but minimum targets which should be firmly planned for, so while a certain level of windfalls is bound to occur throughout the plan period, these are generally to be regarded as bonuses which can sometimes help to make up for delays in planned provision or assist in the provision of affordable housing for which the Council's Housing Needs Assessment identifies a substantial need, beyond that planned for.

Conclusion I have considered all aspects of the Council's responses to my soundness concerns on this issue (ie, those made both prior to and at the meeting), but have reached the conclusion that the CS is inconsistent with national policy on windfalls and that the circumstances in South Oxfordshire do not justify a different approach.

At the EM I asked the Council which of two outcomes they would prefer if I were to reach that view – either to undertake work to make additional or modified strategic allocations, or to commit the CS to increase the numbers of allocations to be made at the towns and larger villages through the future Site Allocations DPD. They indicated that they preferred the latter. A possible third option would be a combination of the above two outcomes.

I therefore invite the Council to address this inconsistency with national policy and undertake any necessary work necessary to resolve it. This is bound to involve relevant consultation and sustainability appraisal. Some of the other topics referred to under 2-9 below will also require further work of various kinds. This is likely to make it impracticable to commence the hearings in July. Although the soundness of some aspects of the CS could be considered independently, the Council will need to consider whether its resources could cope in a situation where some new work streams would occur simultaneously with the necessary concentrated preparatory work on hearings statements, followed by the hearings themselves. In the circumstances, it may be appropriate to consider postponing the hearings for 3 months or so until the beginning of November.

2 South Oxford Strategic Development Area (SOSDA)

According to SODC's summary of the situation in SODC/1, following the procedural failings which led to the successful legal challenge to the SOSDA element of the South East Plan (SEP), the Treasury Solicitor (TS) indicated in an E-mail of 18 February 2010 that, following precedent in the East of England, he was minded to delete both the SOSDA proposal for 4000 houses and the Central Oxfordshire sub-regional total, but not to make any reduction in the overall region-wide total for South East England. Not all the parties to the proceedings were content with that wording and a formal Consent Order has not been concluded. On 12 May 2011 the TS wrote to Sharpe Pritchard, Parliamentary Agents, to indicate his view that, in the light of the passage of the Localism Bill, a Consent Order is unlikely to become necessary and asking the parties not to bear any unnecessary costs while the proceedings are effectively in abeyance.

Conclusion In light of the above, I consider that SOSDA raises no fundamental soundness issues for the CS. The only outstanding issue could be a limited one: whether or not a sound CS needs to commit SO to working with its sub-regional

neighbours to find ways of catering with the situation that could occur if (as suggested by the evidence considered at the SEP examination) the City eventually outgrows its capacity for growth within its own boundaries. However, the recently-adopted City of Oxford CS does not refer to SOSDA and it is currently unclear when the potential future growth needs of the Oxford sub-region would need to be further addressed, or by what mechanism. Consequently, this does not appear to be a current soundness concern, but a potential one for the future which would need to be addressed by any then-current 'duty to cooperate'.

[I note that there is no evidence or suggestion that South Oxfordshire's own 'local needs' require 4000 houses to be located in the Green Belt on the edge of the City Council's area.]

3 Central Oxfordshire (CO)

The SEP identified a CO policy area centred on the City but covering a wider market area including Didcot and the Science Vale area, Wallingford, Witney, Bicester and other smaller settlements. 40,680 dwellings were allocated within CO, including 4,000 at SOSDA (see above), 6,000 at Didcot and 2,240 in the rest of South Oxfordshire's CO area (increased to 2,352 to 2026/27).

At the EM I was asked to rule that the CS fails to meet the requirement of S24 of the Planning and Compulsory Purchase Act 2004 for it to *'be in general conformity with'* the South East Plan because it does not take forward the latter's strategy for CO as expressed in SEP policy CO3.

At 'preferred options' stage the CS did reflect the CO sub-region, but when the SEP was thought to have been 'revoked' the Council decided to adopt a 2-way split of its housing allocation (Didcot/rest of District) rather than the SEP's 3-way split (Didcot/District's share of rest of CO/rest of District). The Council's rationale for this is explained in a number of documents including the following:

- CD08/01 (Strategy Development Background Paper): para 1.6 states that despite the Cala Homes judgement the CS remains on the basis that the SEP 'does not exist', notwithstanding that the CS *'remains in general conformity with the SEP'*. Paras 6.13-6.15 refer to the thinking behind the 2-way split.

- CD08/06 (Housing Background Paper): para 113 talks of 'removing' the CO sub-region, albeit that *'the effect of this is small when taken in the context of the overall number of new homes planned'*.

- SODC/2 and SODC/4 also explain the Council's position in relation to CO, particularly what it sees as the lack of clear evidence supporting the area's indicative boundaries, practical difficulties in accommodating this level of growth at a small number of constrained locations in CO in ways complying with other objectives of the CS, and the additional complexity of long-term monitoring of what may be temporary 3-way split.

In my view the silence of the CS in relation to CO is not, of itself, unsound. While it may be a technical deficiency of 'form' against the SEP, it would not necessarily be

one of 'substance' if the overall content of the CS preserves the general scale of South Oxfordshire's contribution to the aims of the SEP strategy for the CO sub-region. To consider that point it is relevant to note what the SEP has to say about CO. Policy CO1 states that the strategy for CO is to *'strive to (make it) a world leader in education, science and technology by building on the sub-region's strengths'*. The reasons for the establishment of CO are described in SEP para 22.1 and its particular challenges in para 22.2. A number of emphases are expressed in para 22.3 in relation to increasing social and economic self-containment at (inter alia) Didcot and Wantage/Grove (known as Science Vale UK), while para 2.11 refers to promoting that area as a new growth point. Para 22.15 states that *'It will be a matter for the relevant LDDs to respond to the figures in policy CO3. While a degree of flexibility is associated with these figures, local authorities must in the first instance seek to deliver their sub-regional allocations within their part of CO. Each relevant (CS) within the sub-region must, therefore, set out a clear distribution setting out where, when, how and in what numbers housing must be developed and, in turn, how this will help deliver this sub-regional strategy as well as any local vision and strategy.'*

Despite its objection to the concept and effects of the CO, the Council claims at SODC/2 (paras 1.5-1.11) that the two-way split has no material effect on the strategic objectives behind the SEP's definition of the CO sub-region. Tables 1&2 of SODC/2, which include a windfall allowance, calculates that the District's non-Didcot share of the SEP CO provision equates to a shortfall of 172, measuring 7% of the non-Didcot share (or 2% of SODC's share of total CO provision, including Didcot, or 0.4% of the whole CO figure).

As I have indicated above, I find the local circumstances inconsistent with national policy on windfalls. Consequently, the above calculation somewhat underestimates the shortfall. If windfalls (at 309) are excluded from the calculation, the position taken from table 2 of SODC/10, based on the most recent monitoring year, is that the shortage is 526 [2352 – 1826]. This equates to 22% of the District's non-Didcot share of CO, or 6% of its total share of CO. However, this would be a 'worst-case-scenario', since my request to the Council to address the windfall issue can be expected to reduce the deficit if further allocations are made through the LDF system in accordance with South Oxfordshire's proposed 'proportional' method.

Conclusion Despite the silence of the CS on CO, and the Council's stated reasons for choosing not to make full provision of the SEP figures, I consider that the CS would be within the bounds of 'general conformity' in terms of its actual respect for, and adherence to, the purposes of the CO sub-region as expressed in the SEP, provided that its proposals (after rethinking of the windfall issue as indicated at 1 above) brought provision in SODC's non-Didcot part of CO to within 10% of the total of 2352 required by SEP of the District's 'rest of CO' (ie firmly planned provision of a minimum of about 2117 dwellings without windfalls). This would represent less than 3% of the District's total CO share. At that level of provision I do not consider that the aims of the SEP would be undermined. Subject to that proviso, I rule that the CS does not fail under S24 of the Act by reason of lack of general conformity. [Of course, this does not necessarily mean that there are no soundness-related questions relating to the distribution of development which may merit discussion at the hearings.]

4

4 Overall quantity of growth planned for

SODC/2 provides a general commentary on successive GLA and CLG household projections for the District, tied back to the content of CD08/06 which indicated the origin of the housing provision in the CS and the Council's view of the continuing validity of the SEP figures.

Conclusion While some people suggest planning for less growth, others point to the very high levels of need that emerged from the Council's Housing Needs Assessment. Overall, I consider that the Council's adherence to the SEP level of growth provides a reasonable robust basis for moving to the hearings and does not raise soundness issues that require further work or justification at this stage.

5 'Proportional growth'

SODC/2 confirms that the distribution of development among the individual towns and larger villages is not based on any bottom-up assessment of factors such as their individual social/economic needs, constraints/opportunities and sustainability credentials. The Council says that growth was distributed roughly in proportion to the existing sizes of the main towns, adjusted by factors such as the availability of deliverable sites, community aspirations and infrastructure and other constraints.

To test some of the outcomes of this proportional approach I asked SODC to prepare notes for Wallingford, Thame and Henley to clarify how far the level of development at each place would exceed/fall short of what would be required for them (a) to maintain their current population by 2027 allowing for the effects of falling household size and (b) to maintain their relative economic positions.

The Council's additional note (SODC/3) shows that in the period 2006-27 the growth at these towns would raise population by 4% at Henley (13% in terms of dwellings) and by about 9-10% at Thame and Wallingford (about 19% in terms of dwellings). Perhaps contrary to the impression that one could gain from comments about 'adjustments' to the proportional approach, in 2017 all would retain more or less the same proportional share of the total number of dwellings in the 3 towns as they had in 2006.

Conclusion These issues can be explored further at the hearings. No additional material needs to be added to the evidence base.

6 Phasing of development

(A) My initial soundness concerns pointed out that policy CSC1 reads like a strict phasing policy, linked to the 'release' of the sites detailed in 18.1. SODC/2 clarifies that this was not the intention and para 1.53 describes changes to policy CSC1 and the title of table 18 that could deal with this point.

Conclusion These changes would be soundness-related and can be advertised along with any changes stemming from my conclusions on windfalls and Central Oxfordshire at 1 and 3 above.

(B) I also drew attention to the final sentence of para 7.16 which can be read as introducing an unpredictable form of rationing capable of cutting the ground from strategic allocations made in the CS with appropriate consultation and SA. This may not be consistent with the certainty that a plan-led system is supposed to engender or the concept that plan figures are not strict ceilings. There should not normally be any expectation of 'alternative sites' emerging outside a sound set of DPDs.

Conclusion While I still have concerns about this sentence, it can be returned to and discussed at a relevant hearing session.

7 Moving around

(A) Referring to the 'justification' aspect of soundness, the examination will need to consider whether the CS seizes the opportunity to distribute the substantial amount of development proposed at Science Vale in a pattern which maximises its overall potential to secure transport advantages, especially public transport improvements, for existing and new residents wishing to travel to destinations within the Vale and to other nearby centres such as Oxford and Abingdon. As part of this consideration it will be helpful to have a better understanding of the frequencies implied by Figure 5 in background paper CD08/04 and whether there is any prospect of creating turn-up-and-go services on the routes described in para 1.65 of SODC/2 (which do not necessarily correlate exactly with those identified in the CS).

Conclusion I invite the Council to address these issues in a paper that could form an appendix to CD08/04.

(B) An administrative issue here (not covered at the EM) is that many of the SCOTS works shown on maps 5.1 and 5.2 of the CS are within Vale of White Horse District (VoWH).

Conclusion While it will be appropriate to look at the principles of the proposed overall transport network for Science Vale, it would be inappropriate for me (in the context of South Oxfordshire CS) to make specific findings on the soundness of the indicative routes shown for schemes outside the District itself. However, it will be helpful if VoWH District Council can be fully represented at the hearings sessions concerning the subject of 'moving around' and its relationship with the location of development.

(C) Turning to delivery questions (ie, the 'effectiveness' of Chapter 5), SODC has indicated the work being undertaken towards seeking DfT funding and breaking down the costs for the SCOTS schemes in Science Vale into shares attributable to different development areas in order to seek developer funding.

Conclusion These 'effectiveness' points can be explored at the relevant session, together with their implications for the timing and delivery of the associated schemes.

(D) With regard to the alleged inconsistency of the CS with neighbouring authorities on the subject of cross-Thames travel, the content of Wokingham CS does not appear to be very deeply developed on this topic. Policy CP10 refers only to 'measures to improve cross-Thames travel which may include a bridge'. Under the heading Cross-Thames travel, para 5.16 of the S Oxon CS states that 'we recognise that alternatives need to be explored and we will continue to work with the local authorities on both sides of the river', albeit that preference is expressed 'in the first instance' for public transport measures.

Conclusion In the circumstances this may not be an unsound position requiring fundamental change to the CS, although it would be helpful if this matter can be explored, and preferably resolved, by further discussion between all the involved authorities before the relevant hearing session.

8 Sustainable design and construction (policy CSQ2)

My initial soundness concerns raised the question whether parts (ii) to (v) of policy CSQ2 are consistent with paras 31-32 of the supplement to PPS1 concerning (a) the need for particular circumstances to be demonstrated for departing from the national timetable for progressing to zero-carbon development and (b) if such circumstances exist, for any local requirements to be focussed on 'development area, or site specific opportunities'.

Conclusion As discussed at the EM, although I recognise the need to seize any viable site-specific opportunities presented by large-scale developments, I do not consider it clearly-demonstrated that local circumstances exist for placing all developments on a mandatory faster-than-national track measured against certain codes that may or may not exactly mesh with the planned progressive tightening of the Building Regulations. For the sake of the clarity and efficiency of the 'development management' system to all its users it is important for the 'justification and effectiveness' of the CS (see first bullet point of para 11 of the PPS supplement) that it avoids any appearance of setting up 'parallel' and possibly conflicting codes of planning and Building Regulations requirements in which the former includes an element of second-guessing the future content of the latter. I therefore invite the Council to look again at the criteria within CSQ2 to ensure that a system is not created which contains unnecessary inherent conflicts.

9 Individual strategic allocations

My note on initial soundness concerns made no reference to the 3 individual strategic site allocations. As explained at the meeting, I have not reached any preliminary views about these because the process by which they were selected from the available options, and the individual merits/demerits of the options, are both complex and controversial. At this early stage it would therefore be premature for me to venture any views/concerns about these sites before having the benefit of the detailed discussions that can take place at the hearings.

Roy Foster
23 May 2011