

South Oxfordshire Local Plan 2034

Matter 6 - Green Belt

CPRE Oxfordshire Hearing Statement, June 2020

1. Duty to Cooperate not properly complied with in relation to the Oxford “unmet need” Green Belt sites

Whilst there is considerable evidence in the Growth Board’s LUC and Fortsimere reports of the methodology by which the numerical allocation of Oxford’s unmet need to the various Districts was made, that process was flawed by assessing only the sites which the Districts themselves had offered for consideration, and then, in effect, only their relative negatives, rather than starting from first principles of identifying the characteristics a site would require to be appropriate for the “need” identified. It should clearly also, in respect of identifying the most desirable sites, have given great weight to the views of the City - whose “need” this was - as to the location most suitable for satisfying it. There is no evidence that the process was constructed in that way.

Be that as it may the exercise was not conducted to identify and allocate the correct sites at all - even amongst the limited selection offered by the Local Authorities - but to ascertain that there were more sites than would be needed to accommodate the volume of housing said to be needed, and to divvy up that overall volume between the Local Authorities.

That this was not a site allocation exercise is demonstrated by the fact that the Vale of the White Horse, for example, eventually allocated its portion of the unmet need to a site which had not only not been offered but was not even available at the time of the exercise. It could not therefore be taken to be a response to the Duty to Cooperate between the City and any of the Local Authorities accommodating its need, including South Oxfordshire.

The exercise had been undertaken in 2016 in preparation - in SODC’s case - of the 2033 Plan then emerging which contained no Green Belt sites for Oxford’s unmet need at all.

For the 2034 Plan three City-edge Green Belt sites - Grenoble Road, Northfield and Bayswater Brook - were included to accommodate the “unmet need” but we can find no documentary evidence of an attempt to “co-operate” with the City in selecting these sites as suitable for purpose, or, more particularly, the distribution of unmet need between them. Responses to the Regulation consultations are not relevant. The duty to co-operate is a particular duty which must be shown to have been carried out in a particular way.

If there is no evidence of such dialogue we submit that the duty to cooperate has not been properly fulfilled and that the plan is therefore unsound.

2. It is the Inspector’s decision, not the Councils, whether “exceptional circumstances sufficient to release Green Belt land exist. CPRE sees no Strategic or Local Level justifications for the removal of any Green Belt land as the Plan proposes and to do so would be unsustainable.

The essence of the Green Belt concept as the NPPF notes was that the land should remain permanently open.

Although it has since inception been acknowledged that minor adjustments to Green Belt boundaries could be required where exceptional circumstances existed, given the presumption of permanence these would need to be truly exceptional, and ministers have stated that housing “need” is unlikely to create them. Whether such circumstances existed was left in the first instance to Local Authorities to decide, a view that the Calverton legal decision supported. But since Green Belt boundaries can be released only through a new or revised Local Plan, and the soundness of that Local Plan is the decision of the Inspector, then the decision to release Green Belt boundaries falls to the Inspector(s) involved. In this respect Inspector Rivett at the Vale Plan Part 1 overturned the Council’s decision that exceptional circumstances existed for a string of Green Belt releases, deleting them all.

At this Enquiry no exceptional circumstances are seen for the release of any of the Green Belt sites and to seek to do so is the essence of unsustainability:

a. The release of Green Belt Land at Culham 2.

This site is little but yards, a two-penny bus ride, from the outer edge of the Green Belt where housing development could be accommodated whilst on the other hand it is open green fields with recreational uses beside the River Thames.

b. The dramatic expansion of Berinsfield

Whilst there is an argument that the settlement of Berinsfield should be inset, in principle around the existing envelope but with some minor variations in the boundary to improve the services/housing balance (as the Inspector at the 2012 EIP determined), there are no exceptional circumstances sufficient to justify the taking of an area twice the size of the existing settlement and threatening coalescence with Dorchester.

c. The Wheatley NDP site.

The Wheatley Brookes site granted on appeal has provided more housing than the Local Plan called for; the 2012 Inspector dismissed the South of London site as coalescence; and the evidence to justify release has not yet been demonstrated. Neither as far as can be ascertained have surrounding villages which use the Wheatley service centre been asked to assist in meeting any “unmet need”. It should be reconsidered at a Plan review rather than included in the Local Plan.

e. The City Edge sites

In the case of the three City edge sites - Northfield/Grenoble Road and Bayswater Brook (Elsfield) - whether “exceptional circumstances” could exist is a conflict between two different views of the meaning of sustainability (the golden thread on which the NPPF concept was based) and whether or not sustainability itself creates an exceptional circumstance for the unsustainable release of Green Belt land. It is CPRE’s view that the sustainability argument for keeping the Green Belt intact substantially outweighs any sustainability argument for not doing so.

The Council argues that the only sustainable solution is that Oxford’s unmet need should be satisfied as close to the City as possible and at the expense of the Green Belt. This argument is undermined by the fact that West Oxfordshire has (apparently satisfactorily) met its share of unmet need at Eynsham - some distance from the City - as has the Vale, at Dalton Barracks near Abingdon.

Even if it is accepted that there is some substance in terms of sustainability to the argument that Oxford’s need should be met adjacent to the City through release of Green Belt land, there is a greater sustainability argument that it should not.

3. Release of Green Belt land is by definition unsustainable

The meaning of “sustainability” is almost as hard to nail down as the meaning of “exceptional circumstances” but it is generally defined as “meeting the needs of the present without compromising the ability of future generations to meet their own needs”.

At Para 32 the NPPF requires that “Local plans and spatial development strategies.. should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are **unavoidable**, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

Although expansion of cities had always been seen as the natural route to growth the Green Belt arose from the realisation that there was a far greater public and environmental interest in preventing it, permanently, for all the purposes that the NPPF describes.

Release of Green Belt land is clearly not “unavoidable” as the NPPF requires. In sustainability terms, Green Belt land clearly “meets the needs of the present”. An independent opinion survey with a large and representative sample commissioned by

CPRE in 2015 (about the time SODC were conducting the “Issues and Options” with a self-selected respondent group from which this Plan’s spatial strategy is derived) found that across Oxfordshire, in all localities, within the Green Belt or distant from it, across all age and social groups, 75% of respondents, whilst acknowledging that there was a shortage of housing, nevertheless considered the Green Belt should remain open and undeveloped. 66% saw housing as the greatest threat. This was a County wide opinion survey and thus encompasses all the proposed Green Belt releases.

“Meeting the needs of the present without compromising the needs of future generations” is the essence of sustainability, and development of Green Belt land is inevitably contrary to it. The opinion of the present generation is clear and unequivocal. Given the level of support for the Green Belt across all age groups it is also clear that release of Green Belt land would compromise the needs of future generations too.

For this and the other reasons we give, there is no strategic argument or exceptional circumstances for release of any Green Belt land at all, in any quantity, either at the City edge or elsewhere, other than a minor tidying of the Berinsfield boundary. To do so would be unsustainable and neither is it “unavoidable” as the NPPF requires.

4. Even supposing there were justification in principle for release of Green Belt land there is no justification for release of the quantity of land proposed.

In every case the amount of land proposed for release is very considerably greater than is required for the amount of development proposed, either at Plan STRAT 5 densities or anything approaching them. Para 137 of the NPPF seeks significant uplifts in minimum density requirements as a pre-condition to Green Belt release. This works in two ways, firstly requiring the Local Authority generating the demand to increase its non-Green Belt densities sufficiently to avoid any need for release and secondly to achieve high densities on land released to minimise its extent. We are not satisfied that Oxford has done its duty in respect of unmet need nor that this Local Plan has satisfactorily performed it.

Comparing the site areas proposed for release with the number of houses proposed indicates that each site area is very considerably greater than would be required to accommodate the housing proposed at Plan densities. As an illustration, the land release at Grenoble Road is 153hectares, with a proposed allocation of 3000 houses. That would equate to a density at the City edge of 20 houses per hectare, far lower than either SODC’s or Oxford’s historical performance and less than a third of the STRAT 5 Policy target of 70+ or Oxford’s own HELAA assumptions of 60-70 dwellings per hectare (dph). for gateway or district centre areas.

To put this another way, **any one of the three City centre edge sites in the Plan would be sufficient at Plan densities to accommodate all of the Oxford unmet need allocated to SODC.**

This is partly using land ineffectively and partly because some of the land is being used for purposes for which it would not be necessary to remove it from the Green Belt at all, that is for open space or community woodlands.

It is noted that the Council appears to have relaxed its own density policies somewhat - an action difficult to accept and dealt with elsewhere in these papers - but even this does not remotely imply reductions of the scale apparent from the individual sites, from 70+ dph. to 20.

Since the whole of the site is in each case controlled by a single developer or group, there is no reason why recreational areas or woodland (both entirely appropriate Green Belt uses) could not be provided whilst leaving the land in the Green Belt. Indeed to do so would be a direct way of satisfying the requirements of para 138 for compensatory improvements which are otherwise not addressed in the Plan.

Do the presence of Green Belt and other environmental constraints indicate a need for a reduced housing requirement?

Yes.

In total around 70% of the District is designated as either Green Belt or Area of Outstanding Natural Beauty.

Much of the land in between still falls within the setting of an AONB and therefore development must remain subject to more stringent consideration. For example, this should include assessment of development that generates traffic in or travelling across the AONB, or which increases water abstraction from the chalk aquifer, thereby reducing flow in chalk streams.¹

Given these constraints, it is hardly surprising that the Council has struggled to identify sites that can be considered genuinely sustainable and has had to rely on a highly questionable and selective Sustainability Appraisal.

A better way to phrase the question might be, if the environmental constraints here do *not* indicate the need for a reduced housing requirement, where and under what circumstances might any such reduction be considered?

One must also consider that the housing requirement proposed is significantly over and above what is identified as 'need' and therefore there can be no justification for the environmental harm that would be caused by the increased target.

Irrespective of the final housing requirement, **A new standalone policy on the Chilterns Area of Outstanding Natural Beauty (AONB) is required** to meet the Council's statutory duty under the CROW Act 2000 to have regard to conserving and

¹ See Policy DP4, [Chilterns AONB Management Plan 2019-2024](#)

enhancing the natural beauty of AONBs and the NPPF requirement that great weight be given to conserving and enhancing landscape and scenic beauty in AONBs, noting that *‘they have the highest status of protection in relation to these issues and that major development should be refused’*. This would be in line with Local Plans elsewhere in Oxfordshire, for example the West Oxfordshire District Local Plan in relation to the Cotswolds AONB.

(See CPRE Oxon response to Matter 5 - Spatial Strategy - for further detail)