

16th September 2019

Dear Councillor

Re Scrutiny Committee 19th September/Agenda Item 6/Local Plan Part 2/Adoption

CPRE say that the Local Plan Part 2 is unsound, and it should be withdrawn, or at least that consideration of adoption should be deferred until after the Oxford Local Plan has been examined and the quantum of the City's unmet need (if any) properly determined.

Green Belt land should not be sacrificed - especially when it is as open, and as close to designated environmental areas and precious villages as it is at Abingdon airfield - without unchallengeable evidence - "exceptional circumstances" - for doing so. There is none.

Oxford's unmet need is little better than a guesstimate.

All that exists to substantiate the unmet need is a "working assumption" - which specifically means a hypothesis expected to be incorrect - of Oxford's unmet need made by the Growth Board.

Despite the Inspector calling their process robust, even the consultants the Growth Board hired to produce the unmet need figure - Fortismere - stated in their own report that it was not, due to the inadequacy of the City's evidence base, density assessments and search for sites.

In any case it has not been quantified by the City although that is an NPPF requirement

Although the NPPF at Para 137 makes it explicit that unmet need must be defined by the Authority claiming to suffer it - that is, in our case, Oxford - and that before unmet need can be claimed to exist that Authority must have examined the extent to which it can accommodate its whole need by higher densities, or by ensuring it has properly considered all land available, and that its conclusions must then be examined. None of these things has occurred.

On the contrary, the City did not properly engage with the Growth Board's unsound process, and vital information the City did provide - its own housing capacity - was promptly refuted by SODC.

The SHMA on which the unmet need is based is out of date and unreliable

On top of which the City's total need was based on the SHMA, acknowledged to be out-of-date, the robustness of which is questioned by the Inspectors now examining the SODC Plan.

In all these circumstances the Oxford unmet need figure on which the whole LPP2 is based is unsound and incapable of justifying the housing numbers proposed in LPP2 or particularly the release of land and villages from the Green Belt to accommodate them.

Oxford's unmet need when finally evaluated could range between a much higher figure or more likely a very much lower one, or nothing.

When properly evaluated in the course of the Oxford City EIP the potential outcomes range from being even higher (if the City convinces the Inspector that its need has increased, and its capacity has reduced) to there being no unmet need at all.

However, if the requirements of NPPF Para 137 were met Oxford could accommodate all of its own housing need, even on the basis of the over-inflated SHMA, through increased densities and use of land ring-fenced for yet more growth.

What is more CPRE argue that unmet need can only be a reason for releasing Green Belt land if it is determined on the basis of the Government's own standard method - in which case, again, the unmet need would disappear, as Oxford's total real need as assessed by the Government is only half the out-of-date SHMA figure.

An Unmet Need guesstimate is far too unsound to form "exceptional circumstances" for releasing Green Belt land

The wide range of potential outcomes from a proper evaluation of the extent of Oxford's unmet need - if any at all - and the unreliable nature of the SHMA that underpins it - only underlines just how insecure the "working assumption", on which LPP2 is founded, is, and therefore how unsound it is as a basis for adopting the Plan.

The barrier to prove "exceptional circumstances" to release Green Belt land is high. It cannot be met on the basis of a "hypothesis" of need which may be wildly inaccurate.

It would be incautious and unjustifiable to adopt this Plan at least until the exact extent of unmet need, if any, is established.

No "Duty to Co-operate" exists

There can be no "duty to co-operate" to meet a City unmet need which has not been properly defined by the City itself, as Para 137 of the NPPF requires.

What should happen next?

There is of course pressure to adopt a Plan approved by an Inspector "quickly"; but "quickly" is not defined in the regulations. It cannot be meant to require a Council to adopt a Plan irresponsibly, or a Plan without a rock-solid evidence base. It cannot be meant to bind a new Council to rush willy-nilly to accept a Plan developed by its predecessor or the whole purpose of democratic elections would be overturned.

The realistic meaning of "quickly" can only be as speedily as reasonable, and it is not reasonable to move quickly to adopt a Plan where the numbers are not just a guesstimate, but a guesstimate which it is known could be wildly wrong either way.

Withdraw the Plan now or defer until unmet need - if any - is properly established?

CPRE say that LPP2 should not be adopted at all and that this Committee should recommend it be withdrawn. Failing that, an adoption decision should be deferred until the quantum of unmet need has been properly determined at the Oxford City EIP.

Although not described in your officer's report as an option, other Councils, for example Guildford, have deferred adoption in similar circumstances, and deferral is therefore a course open to you.

For the same reasons, that withdrawal or deferral are both reasonable in planning terms due to the unsoundness of the unmet need figures, neither should open the door to successful hostile applications or challenge the Council's five-year supply on the Government's standard method.

Sincerely

Michael Tyce

Michael Tyce

Trustee, Campaign to Protect Rural England (Oxfordshire)