

Cherwell Local Plan 2011-2031 (Part 1)
Partial Review – Oxford’s Unmet Housing Need
Regulation 19 Consultation - Proposed Submission Documents July 2017
Representation Form

The Proposed Submission Documents are available for inspection and comment from Monday 17 July 2017 to 5pm on Tuesday 10 October 2017.

Representations received after this date and time may not be considered.

The documents are available online at www.cherwell.gov.uk/planningpolicyconsultation and at the locations specified in the Statement of Representations Procedure.

How to use this form

Please refer to the accompanying Guidance Notes.

Please complete **Part A** in full.

Then complete **Part B for each part of the document you wish to comment on.**

As well as the proposed Local Plan (Partial Review) this form can also be used to comment on the sustainability appraisal and other supporting documents.

PLEASE NOTE THAT ANONYMOUS OR CONFIDENTIAL COMMENTS CANNOT BE ACCEPTED. YOUR NAME AND COMMENTS WILL BE PUBLISHED WHEN THE CONSULTATION IS COMPLETE, BUT PERSONAL INFORMATION (SUCH AS YOUR ADDRESS OR EMAIL ADDRESS) WILL REMAIN CONFIDENTIAL.

Please return completed forms:

By Email to: PlanningPolicyConsultation@cherwell-dc.gov.uk

Or by post to: Planning Policy Consultation, Planning Policy Team, Strategic Planning and the Economy, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA.

If you have any questions about completing the form, please telephone 01295 227985.

Your details will be added to our mailing list which means that you will be automatically notified of the submission of the local plan for independent examination, of the publication of the recommendations of the person appointed to carry out the examination, and of the adoption of the local plan. If you subsequently wish to be removed from our mailing list please contact us.

PART A

	Details of the person / body making the comments	Details of the agent submitting the comments on behalf of another person / body (if applicable)
Title		
First Name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)	CPRE Oxfordshire	
E-mail Address	campaign@cpreoxon.org.uk	
Postal Address	20 High Street Watlington Oxon	
Post Code	OX49 5PY	
Telephone Number (optional)	01491 612079	

Please state how many Part B forms are submitted with this representation	3
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PART B – Please complete a separate Part B form for each part of the document you wish to comment on

Name (to ensure the comments are correctly recorded from each form)	CPRE Oxfordshire
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1. To which document does this representation relate?

Proposed Submission Plan	YES
Policies Map within the Plan	PLEASE SELECT
Sustainability Appraisal Report	PLEASE SELECT
Other Document <i>(please specify)</i>	

2. To which part of the document does this representation relate?

Paragraph <i>(please specify)</i>	
Policy <i>(please specify)</i>	Policy PR3 - the Oxford Green Belt, and all related policies ie: Policies PR6a/b/c - North Oxford Policies PR7a/b - Kidlington Policy PR8 - Begbroke Policy PR9 - Yarnton
Table <i>(please specify)</i>	
Appendix <i>(please specify)</i>	
Other reference in document <i>(please specify)</i>	

3. Do you consider the Proposed Submission Plan to be:

Legally & Procedurally Compliant?	PLEASE SELECT
Compliant with the Duty to Cooperate?	PLEASE SELECT
<i>The ‘tests’ of Soundness:</i>	
Positively Prepared	NO
Justified	NO
Effective	NO
Consistent with National Policy	NO

4. Please provide the reasons if you have selected ‘NO’ to any part of Question 3 and consider the Plan to be uncompliant and/or unsound. Please make reference to the part of the document you have identified. Alternatively, please explain why you consider the Plan to be compliant and/or sound.

GREEN BELT

SUMMARY

Government Policy requires development in the Green Belt to be the very last resort, only to be considered if there is no alternative. Cherwell has stood that Policy on its head by making building in the Green Belt its very first choice, rejecting what it accepts were reasonable alternatives.

Cherwell says that building as close to Oxford as possible trumps all other considerations. Since Oxford is surrounded by Green Belt, that has led them to select not just Green Belt sites, but the very closest Green Belt sites to the City, at the Kidlington Gap, where the Green Belt is most fragile, just a few fields wide.

It is those few fields the Council plans to build on, flatly contrary to Green Belt policy, and the known wishes of the overwhelming majority of its electorate.

If the Council gets away with this plan, it will also, again contrary to Green Belt policy, cause the merger of Yarnton and Begbroke into Kidlington; expose Kidlington itself to being engulfed by the predatory City Council which has sought to subsume it for at least thirty years; and also, by declaring that proximity to Oxford is itself an exceptional reason to build on the Green Belt which surrounds the City, fundamentally undermine its very purpose, risking opening the whole Green Belt to development.

CPRE POSITION

CPRE is opposed in principle to the release of Green Belt land – as is national planning policy.

A very strong case therefore has to be made to establish the exceptional circumstances required for the release of Green Belt land. The Cherwell Plan goes nowhere near making such a case; Cherwell’s electorate strongly supports retention of Green Belt land as does Government Policy.

There are a number of reasonable alternatives. The houses to satisfy Oxford’s ‘unmet need’ targeted at the Cherwell Green Belt could not only, on the Council’s own admission, be sustainably built elsewhere in the District on other sites, or by increasing the density of build on existing sites, but also, at least to a considerable extent, within the City itself. Failing that, if there were genuinely no available option other than release of Green Belt, national policy indicates that Cherwell would be expected to decline to do so and require other Councils to co-operate in meeting the unmet need Cherwell itself cannot satisfy.

Additionally, during the course of the consultation, the Government published a revised Objectively Assessed Need (OAN) calculation, showing a total Oxford need of half that identified by the Oxfordshire Strategic Housing Market Assessment (SHMA). If adopted the new formula would make it certain that Oxford could accommodate all of its own housing need, and therefore there would be no “unmet need” for Cherwell to meet. The proposed OAN also reduces Cherwell’s own need by a third, meaning that even if there were any Oxford unmet need to be covered, it could be met within the surplus the new OAN creates in Cherwell’s adopted plan. This review is therefore premature and should be suspended at least until new “need” figures are crystallised.

PUBLIC OPINION

The primary duty of a Local Authority must be to the people it represents.

In an independent market research exercise, with a very high sample size, conducted across

Oxfordshire by Alpha Research of Thame in April 2015 respondents were specifically prompted that there was considered to be a need for more housing, and of the extent and purpose of the Green Belt, before being asked whether the Green Belt, should be developed for that, or indeed any other, purpose. Their answers were therefore fully informed by recognition of housing need.

76% of respondents considered that the Green Belt should remain undeveloped; 66% considered housebuilding the greatest threat. Although polls have something of a tarnished reputation, this has resulted from situations where marginal inaccuracy can lead to wholly incorrect forecasts in narrow binary decisions. In this case the sample size was so large and so representative, and the outcome so conclusive, that whilst there might be up to a 5% margin of error, this would not be capable of affecting the result, or its scale.

Further, this is in line with previous polls, adding to confidence that it accurately reflects public opinion.

The same exercise showed that in North Oxfordshire – closely correlating to Cherwell - the outcome was hardly less conclusive, with 71% of respondents supporting the proposition that the Green Belt should not be developed for housing or any other purpose. This was despite years of constant media campaigning by the City Council that Oxford has “no option” but to spread over the Green Belt unless people are to go homeless (a wholly fallacious claim).

Despite the City's campaigning, 73% of non-homeowners, and 74% of C2DEs agreed that the Green Belt should not be developed for housing. In other words, the people who would be expected to have been the most responsive to the City's campaigning rejected Green Belt development almost as strongly as the general population. Indeed 73% of the City Council's own constituents rejected it.

There can be no doubt that the people both of Oxfordshire, and of Cherwell itself, reject Green Belt development in principle, and this must be given great weight in any consideration of doing so.

GOVERNMENT POLICY

The NPPF states that one of its Core Planning Principles (para 17) is to take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, and noting (at para 79) that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

Paragraph 83 states that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

The recent Housing White Paper, clarifies what the steps before a finding of “exceptional circumstances” should be, when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their identified housing requirements.

Amongst these “reasonable options” which Local Authorities must demonstrate they have considered before there can be the “exceptional circumstances” required for review/release of Green Belt land are:

- making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;
- the potential offered by land which is currently underused, including surplus public sector land where appropriate;
- optimising the proposed density of development; and
- exploring whether other authorities can help to meet some of the identified development

requirement.

Although not yet law, the White Paper illustrates how high the hurdle for exceptional circumstances must be, given that the NPPF’s “fundamental aim is keeping Green Belt land permanently open”, and the need to show there are no “reasonable options” before considering Green Belt release.

OXFORD'S 'UNMET NEED' AND REASONABLE OPTIONS FOR MEETING IT.

1. Is the Oxford unmet need real or realistic?

Cherwell argues that an “exceptional circumstance” exists in the Inspector approving the adopted plan having added a requirement for “a formal commitment from the Council, together with other relevant Councils, to undertake a joint review of the boundaries of the Oxford Green Belt, “once the specific level of help required by the city of Oxford to meet its needs that cannot reasonably be met within its present confines, IS FULLY AND ACCURATELY DEFINED”. (Our emphasis)

It was our view at the time that the Inspector could have exceeded his remit as there was no evidence before him suggesting that further development in Cherwell was impossible without breaching the Green Belt, nor of the precise quantum of Oxford’s unmet need (if any existed) or the capacity of other Districts to accommodate it.

However it is relevant that he proposed a Review only AFTER Oxford’s unmet needs were fully and accurately defined.

They still are not, and a review is therefore premature even on the Inspector’s terms. According to the City Council in a report to Scrutiny Committee (12th June), the agreed unmet need allocation, is used as a working basis for current local plans in Oxfordshire which will be updated when the Oxford Local Plan is completed.

In other words it is presently neither fully nor accurately defined, as the Inspector had required it should be.

Oxford has only now started its own Local Plan process to reflect the Oxfordshire Strategic Housing Market Assessment (SHMA), three years after it was published, and long after Oxfordshire’s other Districts. Its draft Local Plan gives no figure for unmet need, or for the City’s capacity to meet it.

However, taking Oxford’s overall “need” to be for 28,000 houses over the plan period, CPRE argues that at least 26,000 could be provided inside the City itself by switching employment sites – the use of which for employment would only exacerbate the housing need the City Council describes as being its Number One priority to overcome – to housing, and increasing densities on all sites to compact city levels. That is even before the outcome of a review of further sites to which the City refers in its plan. (See Oxford/Densities paper attached)

Consequently the Inspector’s condition, that Oxford’s unmet need should first be “fully and accurately defined” is nowhere near met, and, further, there would be little or no “unmet need” for other Authorities to consider. In any event, a “working assumption” of need cannot be an exceptional circumstance justifying Green Belt release, especially when it is likely to be extremely inaccurate.

Finally, during the course of this consultation the Government has proposed a new OAN formula to replace the SHMA (on which all the Review numbers are based). This new formula, if adopted, would reduce Oxford’s total annual housing need from a SHMA mid-point of 1400 per annum to 746, that is

by 47%. This would in turn reduce “unmet need” by two thirds, even before taking into account that the City should use employment land to satisfy existing housing need rather than exacerbate it and build at densities appropriate to cities. The new OAN is at the very least further evidence that the level of unmet need this review seeks to satisfy is neither fully nor accurately defined.

2. If Oxford’s unmet need were realistic could it be met elsewhere in Cherwell than in the Green Belt?

a. Yes, it could be met on non-Green Belt sites. Cherwell found that the required number of houses could sustainably be built elsewhere, outside the Green Belt, at Junction9 M40, Arncott, Bicester and surrounding area, Upper Heyford, Junction 10 M40, Banbury and surrounding area.

They rejected these alternative sites because they might upset the evolution of the current adopted plan – although why competent planners would not be able to deal with that problem, if real, is not apparent; because there might be shortfalls, although why these should be greater for Oxford’s unmet need than for Cherwell’s own need was not explained; and more dispersed options provided less opportunity for strategic infrastructure investment (e.g transport and education), although why this would be the case for, for example, Upper Heyford which is already targeted and developed, or for other centres which already benefit from services, is not explained.

The overriding reason for their rejection however was clearly that they were less well situated (than the Green Belt sites) to build communities associated with Oxford, to assist with the delivery of the Oxford Transport Strategy, to provide affordable transport options, and more likely to involve commuting.

It is significant that even Green Belt sites like the previously developed Shipton Quarry, were rejected as Development here would relate to Shipton-on-Cherwell, not Oxford. Therefore the parcel plays no role with respect to this purpose (Oxford’s unmet need).

Simply put, this amounts to saying that all reasonable alternatives were unacceptable because they were not in the Green Belt, or, if they were in the Green Belt, were too far from Oxford. It is an argument that urban sprawl into the Green Belt is justified by the fact that only Green Belt sprawl could (by definition) be close enough to the City; in other words it is an argument not just for nibbling at the Green Belt but for undermining its core purpose.

It is clearly unacceptable in its own terms.

Further, the proposed new OAN calculation would reduce Cherwell’s own need by 33%. The effect of this would be that 33% of the housing trajectory in the Council’s adopted plan would be superfluous to Cherwell’s own requirement and therefore available to satisfy any unmet needs of neighbouring authorities that might arise.

b. The unmet need could be met by marginal density increases on generally low density allocated sites.

Policy BSC2 in the adopted plan states New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development.

Yet Policy Bicester 1 allocates 380 hectares to just 6,000 homes which is 16 houses per hectare.

Assuming for these purposes that 30 dwellings per hectare is the average across the District, the sites to which the present 22,800 homes are allocated would need to increase build density by just 5%, to 36%, to accommodate all of the “working assumption” of Oxford’s unmet need.

This would still be less than half the density of Central Paris or Barcelona, or Islington in London. Higher density build would also mean smaller houses, of which 63% of Oxfordshire’s SHMA need is comprised, and thus better meet public requirements. High densities also reduce the need for car travel and create a stronger sense of community.

c. Even if there were no reasonable alternative sites, and even if densities on allocated non-Green Belt sites could not be increased, the release of Green Belt land could be substantially reduced.

The total Green Belt land proposed to be released is 264 ha.

10 hectares is proposed to be released for the station and Park and Ride, which already exist on Green Belt land. There is no obvious rationale for the release.

The net Green Belt land to be released for housing is 254 hectares. However within this area only 153 hectares is proposed to be actually used for housing, with the rest being allocated for sport, nature, agriculture etc., all legitimate Green Belt uses.

On the residual land 3990 houses are proposed at a density of 26 dph (although an average of 34 is claimed in the Plan).

If build densities were increased to urban levels – the Council’s stated Policy is to treat these incursions for Oxford’s unmet need as urban extensions – then 70 houses per hectare, utilising only 37% of the land would be appropriate. This would require only 57 hectares, all of which could be comfortably accommodated on PR8, the least damaging in terms of coalescence and the Kidlington Gap of all these sites.

DUTY TO CO-OPERATE

The SHMA is explicit that Authorities are not expected to meet OAN (Objectively Assessed Need) in full if e.g. it would necessitate Green Belt development. It has been the unforced choice – not the requirement – of Oxfordshire’s Councils to agree to meet the SHMA need in full despite wide swathes of Oxfordshire being Green Belt and AONB.

It is therefore incumbent on Councils to take on each others’ “unmet need” if it would otherwise require Green Belt land to be released. As shown, Oxford’s unmet need is very far indeed from being quantified or crystallised, but, if it were, it would be the duty of other Councils to assist Cherwell in meeting its part of that need without releasing Green Belt land, not least by assisting Cherwell to understand how to do so within its own borders. There is no evidence that this has been attempted.

Finally, the new OAN calculation proposed by the Government during the consultation defines “need” as the figure shown in the Government’s own tables on household projections. This is overlaid in the proposed calculation with an arbitrary (and ill-conceived) uplift intended to reduce house prices. It is also accepted that local authorities may if they wish further inflate their housing targets to provide further economic growth than that already included in the government’s base tables. However, it is submitted that these latter two elements cannot be defined as “need” and neighbouring Councils have no duty to co-operate in meeting them.

THE GREEN BELT STUDY

No great weight should be given to the LUC Green Belt Study.

Its purpose was not to determine whether any of the Green Belt made no, or an insignificant contribution to, the purposes of the Green Belt since clearly all of the Green Belt land contributes,

and the loss of any would be harmful.

Rather, in its own words, the Green Belt Study has been commissioned by Cherwell District Council to assess the suitability of the strategic sites being promoted for development against the five purposes of the Green Belt.

In other words the sites had been pre-selected, as we showed above, in the face of Green Belt policy, and targeting the most fragile point in the entire Oxford Green Belt.

LUC continue The considerations that will determine the most appropriate scenario, or combination of scenarios, will largely relate to the existing or potential environmental qualities and value of land, and to the sustainability of residential development.

This will enable Cherwell District Council to consider whether there are 'exceptional circumstances' (under paragraph 83, NPPF) to justify altering Green Belt boundaries through the Local Plan process, i.e. to enable existing Green Belt land to contribute to meeting Oxford's unmet housing need.

That is, value is not primarily judged against Green Belt purposes at all, but against environmental ones, and the sustainability of the land for housing development.

LUC found that Release of areas identified as making a low contribution to Green Belt could provide only 5.8ha of potential development land (4.13).

Release of areas identified as making a low or low-moderate contribution to Green Belt could, subject to consideration of cumulative impacts, provide 34.6ha of potential development land(4.14).

Release of areas identified as making a low, low-moderate or moderate contribution to Green Belt could, subject to consideration of cumulative impacts, provide 166.7ha of potential development land (4.15).

Although as noted above, the judgment was largely not on Green Belt grounds, moderate harm was considered acceptable in order to release a larger amount of land.

LUC acknowledge that release of fragile Green Belt 4.16 Green Belt that occupies only a small/narrow area between separate urban settlements will tend to rate highly in terms of its role in preventing settlement coalescence.

This exactly describes the land chosen for release; but LUC went on

However, if environmental assessment determines that this land lacks significant value then a case could be made for accepting the coalescence, or near-coalescence, of settlements in order to maximise the scale of development in one area.

That is the, subjectively assessed low environmental value trumps urban sprawl and severe coalescence, the two founding principles of the Green Belt.

Further, they have targeted the very point at which the Green Belt is already narrowest – the Kidlington Gap between Kidlington and Oxford – for release, directly creating the coalescence of two distinct settlements (It is material that Oxford itself is proposing to breach that same area from the South with a proposed development of St Frideswide Farm).

The sites concerned are all at the exact point in the Green Belt where coalescence of settlements (Oxford and Kidlington) is most threatened, with the built areas separated presently by a few fields. The proposed Green Belt reviews, together with the release of the Parkway Station and Park and Ride would effectively merge the two settlements. Although Kidlington (population 13,000, 2011) is

statutorily a village, it is larger than many towns, notably Thame (11,600) and Henley (11,700) in Oxfordshire.

GREEN BELT: CONCLUSIONS

1. Government Policy and the Public Interest both require the Green Belt to be permanent unless truly exceptional circumstances necessitate consideration of release.
2. Oxford unmet need is not an exceptional circumstance, firstly because it has not been defined and secondly because there are ample reasonable alternatives to accommodate it.
3. The LUC Green Belt study was conducted on flawed principles and should be given little weight.
4. Cherwell have cited no other exceptional circumstances which hold any water – and their primary arguments – proximity to Oxford – is in fact a key argument for Green Belt retention rather than release.
5. If at some future time an Oxford “unmet need” has been shown to exist and satisfactorily quantified, and if that requires any allocation to Cherwell, there are alternatives available to the District other than releasing Green Belt land and therefore none should be released.

(Continue on separate sheet if necessary)

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please provide any suggested wording or re-wording you consider necessary.

In CPRE's view, it is not possible to 'tweak' the current document in order to make it sound and therefore the current version of the Plan should be rejected. Cherwell District Council should re-visit the process, as and when the final numbers for Oxford have been examined, adopting higher densities and prioritising protection for the Green Belt.

(Continue on separate sheet if necessary)

6. If you are seeking a change to the Plan, do you wish to express an interest to participate in the Examination?

I wish to participate at the oral examination	YES
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7. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

CPRE Oxfordshire represents a wide membership across the County, including many parish councils and local organisations, and seeks to influence development to protect and enhance the countryside. As one of the founders of the Oxford Green Belt, we have considerable knowledge about its origins, purpose and ongoing relevance.

(Continue on separate sheet if necessary)

(Continue on separate sheet if necessary)

Please note: *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.*

PLEASE RETURN THIS FORM BY 5PM ON TUESDAY 10 October 2017 BY EMAIL TO:

PlanningPolicyConsultation@cherwell-dc.gov.uk

ALTERNATIVELY PLEASE SEND BY POST TO:

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