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CPRE Oxfordshire response to Pre-Hearing Matters **Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's** **Unmet Need (CLPPR)**

1. Working through the 'working assumption' that Oxford has an unmet need of 15,000 homes (which became 14,850), based on an overall housing requirement for the city to 2031 of 28,000, is the apportionment of 4,400 homes of Oxford's overall unmet need to Cherwell soundly based?

1. It is self-evident that Oxford's housing requirement should be satisfied to the greatest extent possible within the City itself, for reasons of sustainability. It is self-evident too that if space within the City is inadequate to provide the homes needed to satisfy its employment growth ambitions, that the City should cease and desist from its employment growth strategy, which only serves to ramp up housing demand further, and use land instead for housing.
2. Since there is no evidence this has been seriously assessed by either the City or the Growth Board, much less tested at EIP, the "working assumption" of 15,000 (14,850) homes is unsound.

First Step should have been an Oxford Local Plan

3. Before neighbouring authorities were asked to accommodate an "unmet need", Oxford itself should have prepared a Strategic Housing Market Assessment (SHMA) based plan and had it properly examined. This is surely what the Inspector who examined the now adopted Cherwell Plan meant when he noted that there might be a requirement to address Oxford "unmet need" *once those needs have been fully clarified/confirmed.*

SHMA is “ambition” not need and public have been deceived

4. The SHMA is not “need” in any ordinarily understood sense. Neither is any “unmet” need that arises from it. Indeed, to have used the word “need” in public consultations, without elaboration, is arguably deception as a public consultee would not unreasonably suppose that “need” meant people without houses, or at least the future identifiable needs of families already resident in the County.
5. In fact, the SHMA “need” arises from a report commissioned by the Growth Board from Cambridge Econometrics who overlaid Baseline Growth of 7% (actual “need”) to 21%, with a series of hypothetical uplifts.
6. The result was that Oxford’s “need” was determined to be for 28,000 dwellings, a more than 50% uplift on the then existing housing stock.
7. It is relevant that the Government’s new OAN formula which more accurately reflects actual need, has more than halved the SHMA figure.

Oxford’s Capacity

8. Of this total of 28,000 new dwellings “needed” Oxford City claimed to be able to provide only 6,000, within its boundaries, based on an outdated Strategic Housing Land Availability Assessment (SHLAA) compiled in other circumstances, which had included only a very limited call for sites.
9. This was challenged by three neighbouring authorities including Cherwell, in the CUNDALL report which identified further sites within the City considered to be capable of providing almost twice the housing numbers the City claimed.
10. In particular Cundall recommended that the City should:
 - a. Launch a Local Plan review to reconsider restrictive policies (e.g. blanket protection of public open space/ allotments/ open air sports facilities/ key protected employment sites, view cones, densities) and make substantial further housing allocations within the city.
 - b. Send the August 2014 residential ‘Call for Sites’ correspondence to the full list of stakeholders, not just a select list of 15 !! (our emphasis)
 - c. Add in sites which have previously been considered for development;
 - d. Properly assess employment sites and identify those poorly located sites which would be better used for housing;
 - e. Revisit density assumptions to seek to achieve more capacity, particularly in city centre locations.
11. To arbitrate, the Growth Board engaged Fortismere.

They were instructed to treat the SHMA numbers as a given - although that did not prevent them writing that they noted that these ***did not take account of the 2012 DCLG Household Projections published in February***

2015, the 2011 Census Travel to Work Area data (published in July 2014) and the ONS mid year estimates 2014 published on 25 June 2015.

12. They referred to a recent Inspector's requirement at Brighton and Hove, where there was a significant shortfall in the provision of new housing, that she *"would need to be satisfied that the Council had left no stone unturned in seeking to meet as much of this need as possible"*.
13. They cited opportunities to consider redeveloping employment sites for housing and identifying particular areas of the City where densities could be viably increased, and a wider call for sites than the fifteen landowners to whom it had so far been made.
14. Having regard to the constraints placed on them, and that they had had no opportunity to pursue their own recommendations regarding use of employment land or densities, they suggested Oxford's actual unmet need was between 14,200 and 16,500. Subsequently a team appointed by the Growth Board hit on the 15,000 figure.
15. The consistent thread through both Cundall and Fortismere, is that ring-fenced employment sites should be reconsidered and that densities should be improved. Either or both would significantly reduce if not eliminate SHMA based "unmet need".

CPRE Assessment

16. CPRE has submitted evidence to the Oxford City emerging plan consultation that, based on a more fundamental approach to the two issues of employment land and densities, Oxford could accommodate (more than) all of the "need" in the SHMA (and obviously far more than any actual need).
17. On Employment Land, Oxford's Emerging Local Plan, though long on opinion, is short on numbers. We have relied on the October 2016 Housing & Economic Land Availability Assessment (HELAA), though recognising that a short list of further sites under review in the Local Plan draft may yield more.
18. The City argues that there is a high demand for employment land, and that is no doubt the case; Oxford is as attractive a place to create new employment as it is to live. But there is no need for new employment in a City with an unemployment rate of 3.7%, compared to a National Rate of 6%, and where 86% of the economically inactive are not looking for a job. Anything less than 5% unemployment is generally considered full employment as there is natural coming and going between jobs. In that respect Oxford's employment figure is very high and stable.
19. The HELAA lists 164 hectares of employment land which, if used for housing at the low 39 d.p.h. (dwellings per hectare) average density calculated from sites wholly allocated to housing in the City, would provide a further 6,396 homes.

20. At the much higher “bye-law” densities (which are found in some of the City’s most desirable established areas like Jericho) that could be up to 12,300.
21. These 12,300 houses alone would be over 80% of the “unmet need” presently allocated to neighbouring authorities.
22. On Densities, Paragraph 47 of the NPPF requires authorities to *set out their own approach to housing density to reflect local circumstances*.
23. Oxford’s local circumstances are self-described by the City Council as being a severe shortage of homes, specifically of homes that are affordable by local people. To address these twin issues the City should use available land for housing, not further employment which will only aggravate any housing shortage that may exist. As the late Denis Healey might have said, the City should recognise it is in a hole, and stop digging.
24. It should also use higher densities.
PPG3 encouraged *housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net)*. At 39 dph, based on current Plan assumptions, the City would be just below mid-way on that scale. However PPG3 continued that Councils should *seek greater intensity of development at places with good public transport accessibility such as cit(ies)*.
25. In *Housing for a Compact City*, Lord Rogers wrote: *Even in Central London we are still building at an average density of 78 dwellings per hectare (!). This is around half the density of the Georgian terraces of Islington and Notting Hill, built 200 years ago, or of contemporary European developments shown in this book.*
26. Given that Lord Rogers example is of relatively low rise high density development, there is clearly considerable scope for Oxford to increase densities very significantly without using high rise with consequent damage to City view cones.
27. If Oxford increased density to even the 78 d.p.h which Lord Rogers found so inadequate, it would double the capacity of allocated housing land from 7472 to 14,944 and the capacity of available employment land if switched to housing would be 12,300. This would be a total capacity of over 26,000 dwellings, almost all of the SHMA “unmet need”.
28. Taken with the concerns expressed in both the Cundall and Fortismere reports that density and ring-fencing employment land required review, this certainly suggest that the 15,000/14,850 number for “unmet need” is far from robust and certainly no basis on which to be allocating land (especially Green Belt land) to meet it.
29. Oxford’s “unmet need” has not been clarified or confirmed as the Inspector into the adopted Cherwell Plan required nor has the City left “no stone unturned” to meet it as the Brighton and Hove Inspector required.

30. Since the overall figure is as we have shown very far from robust, it follows that its apportionment to neighbouring Districts cannot be robust either. Neither was the process that determined the distribution.

How the Growth Board determined the distribution of “unmet need”

31. For this, the Growth Board commissioned Land Use Consultants (LUC) to determine the capacity of each District to accommodate part of the then agreed 15,000 houses worth of “unmet need”.

32. Their method was not to review the capacity of the whole of Oxfordshire from first principles, as might have been expected, but to consider the relative merits of 36 particular sites put forward by Local Authorities.

33. It is instructive that, despite the previous recommendations of Cundall and Fortismere, LUC worked on very low density assumptions, down to only 25-35 dwellings per hectare. They thus wastefully maximised land take whilst minimising the likelihood that the housing would be the low cost accommodation Oxford actually requires.

34. Their overall objective was specifically not to determine which of these particular sites was appropriate but, based on considering them, simply ascertain the general capacity of each District to accommodate “unmet need”.

35. Consequently, whilst the conclusion of the 309 page report was that there is more than enough capacity within the 36 sites offered, there is no allocation of “unmet need” to Districts.

36. A Growth Board Working Group then considered LUC’s reports and selected a smaller number of the 36 sites investigated. Their deliberations also resulted in the 15,000 “unmet need” figure being reduced to 14,850, that happening to be the sum capacity, at the low densities used, of the sites selected.

37. Additionally, it was noted in the Growth Board report that other, “better”, sites might come forward during the Local Plan process and for that reason amongst others the particular sites identified to establish a District’s capability to accommodate “unmet need” should not be taken to be those which should be used in its subsequent plan.

38. The logic of that methodology would be that should a large unexpected site come forward in District A, that should affect the allocation of “unmet need” to all Districts, not just A. This is however not the case. Allocations are intended to remain fixed despite circumstances varying.

39. In fact just such a situation has arisen with Dalton Barracks in the Vale. Although not considered, or mentioned, in the LUC report, Dalton Barracks, between Abingdon and Oxford, has unexpectedly been released by the Ministry of Defence. It is capable of accommodating up to 4500 homes at even the modest densities used by the Vale, that is at least 30% of the quantum of Oxford’s notional “unmet need”, or all of the allocation to Cherwell.

40. The process of determining Oxford “need”; the assessment of Oxford’s own capacity to meet it; and the allocation of the “unmet need” to Districts are all deeply flawed and unreliable.
41. It is instructive that the Districts have been eager to strike a Growth Deal with Government in which they receive funding for making best efforts to build 100,000 houses across Oxfordshire (a 30% increase against current stock) and that in the Deal the Government specifically recognises that these are above the County’s Objectively Assessed Need (OAN).

2. Assuming that figure of 4400 is soundly based, and bearing in mind paragraph 83 of the (previous version of the) NPPF, can Oxford's unmet housing be an 'exceptional circumstance' that justifies an alteration to Green Belt boundaries?

Public Support for Green belt principles

42. The Green Belt is popular, and its purpose is easily understood and appreciated.
43. Opinions about it are also well-informed.
44. In opinion research commissioned by CPRE, but conducted by an independent research company¹, as recently as 2015 (the very time the location of Oxford's "unmet need" was being considered) a large sample of respondents across the County were asked whether, given that many people thought that the Green Belt was an appropriate location for needed new housing, it should remain open and undeveloped.
45. Three quarters of the sample considered it should not be built on, even in those circumstances, and this was true equally of City and country dwellers and of home owners and non-home owners.
46. Recognising this, the LUC report for the Growth Board stated, at 2.8, *The balancing act between providing sufficient homes to meet growing demand and economic aspirations for Oxfordshire, and the constraints to development presented by the Green Belt, has proved to be a constant challenge for the five local planning authorities in Oxfordshire. The political popularity of the Green Belt also results in resistance to development within each of the four neighbouring districts.*
47. They are right about the political popularity but their "balancing act" is false. Land outside the Green Belt is available to accommodate any "Oxford unmet need" that might exist and equally to accommodate the deliberate employment growth strategy which generates it.

Sustainability

48. It is argued - by Cherwell particularly - that since the land nearest to Oxford is all Green Belt, the Green Belt must be the most sustainable place to accommodate "unmet need".
49. On this argument, assuming for the moment Oxford was already "full" each increase in City housing demand would remove more Green Belt land until it was effectively eroded.

¹ <http://www.cpreoxon.org.uk/news/item/2447-cpre-survey-shows-majority-don-t-want-to-build-on-green-belt?highlight=WyJncmVlbGlzImdyZWVuJyIsIidncmVlbGlzImJlbHQiLCJiZWx0JyIsImJlbHQnLCIsImJlbHQnLiIsImJlbHQncyIsInN1cnZleSIsImdyZWVuIGJlbHQiLCJncmVlbGlzImJlbHQgc3VydmV5Ii0=>

50. This is to turn on its head the founding principle of the Green Belt, that urban sprawl is itself unsustainable - particularly for historic cities like Oxford with medieval hubs - and should be prevented by designation.
51. It is also argued (by agencies like Land Use Consultants) that since not all Green Belt land performs all the purposes of the Green Belt to the same degree, then to the extent some land performs worse it can be released, whether or not there is any housing need for it. It is easy to see that this argument would lead eventually to just two fields remaining of which one would be “worse” than the other. The Vale advanced exactly that argument for releasing Green Belt land in its part one plan, for it to be defeated on CPRE representations at their EIP.

Fitness for Purpose

52. In fact every piece of Green Belt land performs at least two Green belt functions - preventing encroachment and encouraging urban regeneration. Additionally all Green Belt land contributes to the setting of Oxford, not necessarily directly through views, but also by providing a rural approach to the historic City.
53. The nearer Green Belt land is to the City, the more it prevents urban sprawl - the founding principle. The Green Belt release proposed by Cherwell at the strategic and long fought over Kidlington Gap would directly cause the merger of the neighbouring towns of Kidlington and Oxford. (It may be argued that Kidlington is a village not a town, but it is larger than Thame and has all the characteristics and facilities of a town. For that matter Oxford is not a town either, but a City).

Policy

54. Paragraph 83 of the original NPPF clearly allows for Green Belt review in “exceptional circumstances” which must by definition be circumstances where there is no reasonable alternative.
55. This is elaborated in 136 of the new NPPF as requiring proposals to be “fully evidenced and justified”.
56. Paragraph 137 describes the steps required to establish whether all reasonable alternatives have been considered. These include:
57. *making as much use as possible of suitable brownfield sites and underutilised land;*
58. *optimising the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.*

59. These would be steps for Oxford to have taken prior to asking neighbouring authorities for help. As we have shown, Oxford did not take these steps, and, as we have also shown, there is every reason to suppose that, if it had done, the “unmet need” would have ceased to exist.
60. Should any “unmet need” have existed, the same steps would be required of neighbouring authorities in determining how to meet it.
61. There is no evidence in the LUC study or elsewhere that they were, and particularly that serious attention was given to the potential to uplift densities.
62. Furthermore Cherwell had identified, in its own plan-making process, sites outside the Green Belt capable of accommodating its allocation of “unmet need”.
63. There has therefore been no demonstration of “exceptional circumstances” as required by the NPPF, not least as none exist.
64. Turning to the requirement in the NPPF that any change which might be made to Green Belt boundaries could endure beyond the plan period, requires consideration not just of the circumstances of the current plan but also what is over the horizon.
65. The Government is targeting Oxfordshire as part of the Ox Cam Growth Corridor which in the NIC’s Partnering for Prosperity Report of November 2017 envisages a doubling both of the Corridor’s population and housing stock.
66. Through the Growth Board, Local Councils are setting up a Joint Strategic Spatial Plan process to accommodate the extra 300,000 houses the Government’s plans imply for Oxfordshire. The Corridor Development is planned to begin in 2031, within the present Plan period, though little reference is made to it in Local Plan submissions.
67. It is therefore a known development, not just beyond but within the Plan period, which any realignment of Green Belt boundaries must be capable of accommodating.
68. It implies a potential further doubling of Oxford’s housing stock.
69. It is clear that if the same policy (of accommodating unmet need on Green Belt land) were to be pursued to accommodate this level of expansion, that the Green Belt would be fatally eroded.
70. To avoid this, it is necessary to consider whether Oxford can be allowed to continue generating unrequired employment within its boundaries, and the consequent explosion of “unmet need” that would result.
71. CPRE say that it should not. SQW, who were partners with Cambridge Econometrics in the Growth Strategy have informally agreed with us that spin-off growth from the City’s academic institutions does not need to be accommodated within the City itself. A constrained City like Oxford should not define itself as a County shopping centre, creating more employment as well as traffic on unsuitable roads.
72. We advocate that Oxford should be required to use the land it has to accommodate its own housing need, rather than for employment which will

exacerbate it, and further employment growth should be directed elsewhere in the County together with the housing it will require.

73. We suggest that that is the appropriate way to interpret advice in the NPPF.