

SOUTH OXFORDSHIRE CORE STRATEGY (CS)

INSPECTOR'S CONCLUSIONS ON CHANGES TO THE CS TO BE ADVERTISED FOR PUBLIC REPRESENTATIONS

These are my conclusions on the matters that should progress to formal advertisement for public representations. This note follows-up my draft conclusions, dated 30 November, on some matters to be tested through revised sustainability appraisal (SA).

The Council's subsequent revised SA (also covering other soundness-related changes resulting from the November hearings) was dated 22 December.

Alongside the revised SA the Council also submitted a 'fact check' response, the content of which, it transpired, was considerably wider than the terms of a 'fact check'. In addition, I have received comments from the promoters of sites B and E at Wallingford and a number of other bodies and persons in that area. Although I have read these I do not consider it appropriate for me to make significant alteration to the content of the material to be formally advertised for public comment on the strength of this unsought 'informal' post-hearings stage. The forthcoming advertisement of proposed changes will offer the appropriate full formal opportunity for representations to be made on the soundness or otherwise of all the proposed changes put forward since the post-Exploratory Meeting changes and for any necessary hearing session(s) to be arranged at which these matters can be discussed.

Having said this, I have made a small number of relatively minor changes to my draft conclusions set out on 30 November, mostly dealing with factual or technical matters. Some of these do arise from the Council's 'fact check'. The soundness or otherwise of these changes will again be open to comment by any interested parties when the advertised changes are published.

Appendix 1 to this note comments on a few matters in the SODC draft schedule of proposed soundness changes, including the matter of referencing in relation to the recent changes to S20-23 of the Planning & Compulsory Purchase Act.

Topic area 1 The South East Plan/Central Oxfordshire

Discussion

The SA identifies no significant effects from these changes.

Conclusion

Proposed changes/main modifications should proceed to be advertised as set out below (ie, with no change from 30 November draft conclusions)

1.1 Para 7.4 Delete the first sentence (referring to the abolition of the South East Plan) in the submission and post-submission versions of the CS

1.2 Footnote 54 to the post-submission changes Delete

1.3 Table 7.3 [See the footnote proposed to be added to the post-submission version of table 7.3 below.]

Topic area 2 The distribution of housing development, including SOSDA

Discussion

The SA describes the changes/main modifications in relation to SOSDA (para 7.6) as explanatory in that they indicate the way in which scope is allowed for further consideration of the housing needs of Oxford City with other Oxfordshire authorities if this proves necessary. The changes relating to paras 7.8 and 7.9 are also identified as mainly explanatory. The effects of the changes concerning table 7.3 are identified as contingent on the sites selected by the SADPD.

Turning to para 7.16 (and related sentences in para 3.14), the SA fears that ‘removal of this sentence may mean that large greenfield schemes that are successful at appeal before the adoption of the core strategy could be built out at Wallingford alongside the core strategy allocation of 555 homes’ and goes on to identify certain negative effects that could result from that. However, what has to be considered now is the content of the CS on adoption. Retention of these sentences would be incompatible with the certainty that should be conferred by an allocation in an adopted DPD under a plan-led system of development management. That certainty would require that (once a DPD has been adopted) it would be inappropriate for planning permission for an allocated site to be withheld on the grounds that planning permission had been granted on another site. The Council accepted the logic of this at the hearings but was reluctant to lose the perceived protection afforded by the sentence pre-adoption. Whatever relevance these sentences may have had during the evolution of the CS will cease at adoption and the text of the strategy should reflect the post-adoption position.

Conclusion

Proposed changes/main modifications should proceed to be advertised as set out below in tracked-change form (ie including some small-scale changes for the sake of clarification).

2.1 Below para 7.6 Insert the following text:- ‘The South East Plan proposes a ‘South of Oxford Strategic Development Area’ of 4,000 dwellings within this District, adjoining the City boundary. This proposal was subject to a legal challenge acceded to by the Treasury Solicitor on the grounds that insufficient sustainability appraisal had been undertaken of possible alternative locations for meeting the wider housing needs of the City. In the absence of a completed consent order, the precise outcome of the challenge has remained unresolved, in particular whether or not the 4,000 dwellings would be deducted from the Central Oxfordshire sub-regional total.

Any provision of a Strategic Development Area on the scale identified in the South East Plan would require joint work and sustainability appraisal of reasonable alternative options involving a number of Districts bordering the City. The current adopted Oxford Core Strategy makes no reference to any wider growth needs beyond the City boundaries. However, if it became necessary to address this matter on an inter-authority basis the established County/District mechanisms provide a means of pursuing the ‘duty to cooperate’.

2.2 Paras 7.8 & 7.9 Redraft to read:- ‘Outside Didcot, the rest of the District will be a single area for housing land supply. About 60% [1730] of the balance of the total of new housing allocations to be provided through this strategy in that area is directed to the market towns of Henley, Thame and Wallingford. A high proportion of South Oxfordshire residents (about 60%) currently live in rural areas, so the urban focus of the strategy, directing new allocations primarily towards Didcot and the other 3 towns will significantly rebalance the present urban/rural mix in South Oxfordshire, especially taken in context with the substantial number of existing commitments at Didcot [3780]. However, about 40% of the balance of new allocations to be made outside Didcot [1154 homes], or about 28% of new allocations including those at Didcot [1154/4060] is directed towards the 12 larger villages because it is an important aim of this strategy to provide growth to support the maintenance of services and facilities at this identified network of key rural centres.

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The starting point for the strategy was to distribute the homes allocated to Henley, Thame and Wallingford generally in proportion to their relative sizes (40%/35%/25%). However, a cap of 400 has been imposed at Henley because of the lack of identifiable certain capacity for physical growth due to constraints posed by the Thames flood plain and the Chilterns Area of Outstanding Natural Beauty. This results in the diversion of a total of just under 350 or so homes proportionately to Thame and Wallingford. The distribution of the growth allocated to the larger villages will be decided through the Site Allocations DPD on the basis of the principles set out in para 7.18.’

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2.3 Table 7.3 An asterisk to be placed next to the figure ‘1154’, referring to a footnote to read:- ‘These allocations should be divided so that at least 500 are provided at Larger Villages in the Central Oxfordshire area. This will secure general conformity with the South East Plan. The larger villages in Central Oxfordshire are Benson, Berinsfield, Cholsey, Crowmarsh Gifford and Wheatley. Part of this Central Oxfordshire provision may also be met by an appropriate allocation at Bayswater Farm.’

2.4 Para 7.16 Delete final sentence.

2.5 Para 3.14 Delete the fourth and fifth sentences.

Topic area 3 Green Belt review

Discussion

The SA notes some possible negative effects of not having a green belt review at Wheatley (ie, making allocating housing in this part of the District more difficult and possible adverse effects on the viability of village services and the London Road Industrial Estate). These points were well debated at the hearings. Moreover, the SA does not clearly recognise or weigh in the balance (a) the purposes of green belt as set out in national policy in PPG2, (b) the fact that the essential characteristic of green belts is their permanence and (c) that exceptional circumstances are required to alter green belt boundaries. This decreases the weight to be attached to the SA as fully informative.

Conclusion

Proposed changes/main modifications should proceed to be advertised as set out below (ie, with no change from 30 November draft conclusions)

3.1 Paras 7.19 to 7.20 Redraft as follows to exclude reference to review of the Green Belt at Wheatley, leaving it as follows:- ‘Policy CSEN2 provides for a local review of the Green Belt at Berinsfield, a planned post-war village built on the site of a Second World War airbase. The village is currently entirely within the Green Belt. The exceptional circumstances which justify this review are as follows: *[include the four bullet points below para 7.19]*

The review will be undertaken in consultation with the local community in the context of a new vision for the village prepared through the medium of the Site Allocations DPD.’

3.2 Policy CSEN2 Redraft the second sentence as follows: ‘A local review of the Green Belt will take place at Berinsfield.’

3.3 Para 14.6 Redraft to read: ‘Section 7 of this strategy explains the exceptional circumstances warranting a local review of the Green Belt at Berinsfield to be undertaken in the Site Allocations DPD. Apart from this, we will maintain the Green Belt and apply national policy guidance as set out in PPG2.’

Topic area 4 Henley

Discussion

The SA identifies that easing the cap would enhance the existing positive effect on objective 1 (providing residents with homes) but that in the absence of information about how far the cap would be eased it would be difficult to appraise impacts on other factors. Upon reflection, I consider that the words ‘a minimum of’ should not

be included in the advertised change because it is normally the case that such numbers are anyway minima. The change suggested by the Council (ie: reference in policy CSHEN1 to 400 - 450) is unnecessary because the CS only 'requires' land for 400 homes to be found via the SADPD. The proposed change to para 10.9 is one of a 'permissive' nature which simply provides the SADPD with limited scope to ease the cap to 450 if this were to be found feasible in the circumstances prevailing at the time. This number (450) is the maximum subjected to SA during the evolution of the CS.

Conclusion

Proposed changes/main modifications should proceed to be advertised as set out below (ie with some relatively small variations as set in tracked-change form).

4.1 Policy CSHEN1 Reword first bullet point to read 'identify land for 400 new homes' Deleted: a minimum of

4.2 Para 10.9 Reword the final two sentences as follows:- 'It is difficult to identify suitable sites for housing around Henley because of the strong constraints of the Thames floodplain and the town's position, flanked by the Chilterns Area of Outstanding Natural Beauty. Our strategy therefore caps the level of growth that the town would otherwise take on a proportional basis, requiring the Site Allocations DPD (SADPD) to identify land for 400 homes. A capacity study in September 2011 indicated a reasonable prospect that this is achievable, although the margin of contingency may be limited. However, in view of the level of need in Henley, the SADPD will explore the possibility of easing the capped growth of the town by allocating up to 50 additional dwellings (ie a total of 450) if it proves to be possible to identify suitable land free of constraints in the circumstances then pertaining.' Deleted: a minimum of
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Windfalls will not normally be deducted from the allocations to be made in the Site Allocations DPD. However, this will not apply to any early planning permissions which may be granted before adoption of the SADPD on land included in the September 2011 capacity study.

Topic area 5 Thame

Discussion

The SA scores reliance on the Neighbourhood Plan (NP) less positively than the CS (as proposed for change through the Post Exploratory Meeting Changes). This is on the grounds that housing delivery could be jeopardised if the NP were not to be adopted in time to ensure the maintenance of a 5-year supply in step with the annualised target. The SA suggests that this negative effect could be mitigated by incorporating a contingency/reserve allocation in the CS.

In other respects the SA effectively states that the comparative effects of delegating allocations to as-yet unknown sites, rather than making an allocation at site F, cannot be assessed at this time.

According to the current programme and expectations, Thame Neighbourhood Plan (TNP) should be adopted in plenty of time to avoid a hiatus in land supply even if adoption is considerably delayed. I am inclined to agree with SODC that the core strategy needs to contain sufficient contingency on this point, but have not found it demonstrated as sound for as many as 600 homes to be located on Site F. Consequently that land should not be identified as a reserve site for any more than the minimum number of homes necessary to guarantee an effective 5 year supply from 2016 (said to be 400). Moreover, the CS needs to be clear that (a) site F should only come into effect as a strategic allocation if TNP has not been adopted by 1 April 2014 and (b) TNP otherwise remains free to distribute the town's overall allocation among such sites as it deems most appropriate and sustainable. In other words it is not obliged to allocate any particular number at site F.

Conclusion

Proposed changes/main modifications should proceed to be advertised as set out below (ie with the variations set out in tracked-change form).

5.1 Policy CSTHA1 Reword 8th bullet point as follows:

Identify land for 775 new homes through a Neighbourhood Plan (see policy CSTHA2)

5.2 Policy CSTHA2 Reword as follows:- 'New allocations at Thame

The Neighbourhood Plan for Thame will allocate land for 775 new homes on land selected through that process as the most appropriate and sustainable.

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If Thame Neighbourhood Plan (TNP) has not been adopted by 1 April 2014 the reserve site shown on map 11.1 would be released for 400 homes and the balance of Thame's allocation of 775 homes would then be identified either through the Neighbourhood Plan or a Site Allocations DPD.'

5.3 Footnote to CSTHA2 Add a footnote as follows:- 'The reserve site referred to above is intended only as a contingency measure to ensure a 5-year housing supply if the TNP is not adopted by 1 April 2014. Unless it becomes necessary to invoke this provision TNP will be free to distribute the required number of allocations at Thame among such selected sites as may be deemed most appropriate and sustainable.'

5.4 Paras 11.14 to 11.16 Reword as follows:-

'11.14 Provision of additional housing will help to support the town centre's attraction in relation to nearby centres and maintain Thame's services and facilities. The overall strategy is to provide 775 additional houses to 2027 on sites selected by a neighbourhood plan.

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11.15 The selected sites will need to have a form and character which meet identified needs and be planned comprehensively in accordance with agreed design

briefs reflecting policies CSQ1-4 and other relevant policies in the Local Development Framework. The developments should avoid building on areas of land within flood zones 2 and 3, provide safe pedestrian and cycle links to the town centre, and make provision (or provide contributions towards) such necessary supporting infrastructure as is set out in the infrastructure delivery plan.’

5.5 Maps 11.1 and at p165 of the CS The above change would necessitate appropriate changes to both of these,

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Topic Area 6 **Wallingford**

Discussion

The SA notes changed effects of site E on various objectives as follows:

Objective 3 - Improving access to health, education and community facilities – The SA notes that a new northwards link improves the score of this site, bringing it into line with site B (‘major positive’). Access to the Hithercroft Employment Area and Sports Park would be improved, although the precise location of the link could impact on its effectiveness. Access to a new school on the site would be improved although residents in either Barley Close or Brookmead Drive would have to ‘double back’.

Objective 5 - Reducing harm to the environment/reducing pollution – the SA notes that the new link could improve pedestrian and cycle links and reduce the need for travel, although the location of the link could have an impact on the effectiveness of this.

Objective 6 - Improving travel choice and accessibility/reducing need for travel and shortening journeys – The SA notes that sites A, B and E all scored positively against this objective. The location of the proposed link could have an effect at site E.

Objective 8 - Protecting and enhancing open spaces, the countryside and designated areas of landscape importance – The SA notes that all options scored negatively against this objective and that direct loss of countryside cannot be mitigated, although intrusion can be reduced by provision of a landscape buffer. It notes that sensitive treatment of site boundaries and the Bradfords Brook corridor could go some way to reducing the impact but could not overcome the loss of the highly distinctive landscape.

Objective 11 - Reducing flooding and its impacts – The SA notes that all options scored positively. It refers to the small area of flood zone at the brook which will ‘need to be considered’ when establishing a link across the brook. It does not suggest that this is an overriding factor against development at site E. At the hearing session the flood zone was said to be confined within the banks of the brook.

Objective 13 - Improving efficiency in land use etc – The SA notes that all sites score negatively as their development would result in loss of agricultural land of similar grade, including some grade 2.

The SA therefore accepts that the creation of a northwards link from site E results in it scoring equally with site B in terms of objectives 3-6 inclusive. However, qualified remarks are made about the effectiveness of the proposed link in terms of improving access from the site to Hithercroft Employment Area and the Sports Park, dependent upon its location. It has now been clarified that the proposed link to the north is via Barley Close. Comments about the effectiveness or otherwise of this link will be able to be made in the context of the forthcoming advertised changes.

In terms of landscape (objective 11) the SA continues to score site B as a 'minor negative' and site E as a 'major negative'. It states that loss of the highly distinctive landscape of site E could not be overcome although sensitive treatment of site boundaries (including the Bradfords Brook corridor) could go some way to reducing this impact. However, it is open to question whether and to what extent the landscape of site E merits the description 'highly distinctive'. Appeal Inspectors' conclusions on the quality of the landscape of site E do not lend support to its identification in such terms. On my visit to site E it was apparent that the line of trees along the western edge of Winterbrook from Winterbrook Lane southwards to the proposed new roundabout would remain unaffected by development and open to view by users of the lane, the proposed open space to the south of it, and the access road across the space. Most of the development at site E would also be at some distance from the bypass. Where it is nearer, it need not be apparent to view, subject to appropriate landscaping. The part of the site ascribed most value in the Machin Bate report is that in the north-east corner (ie that part particularly commented upon by recent Appeal Inspectors). This area is not clearly visible from public vantage points except, in part, from a short undeveloped length of the otherwise developed portion of Winterbrook Lane. The land in question consists of grassland pasture and the fragmentary remnants of a former orchard. A band of recent planting has also taken place along the eastern edges of the main part of the site. While the boundaries of this land will require appropriate contextual treatment (as should be the case with any new development), there would be opportunities to enhance the existing vegetation in this zone.

Conclusion

At this stage it is appropriate only to consider whether or not the SA identifies, describes and evaluates likely significant effects of allocating site E as against reasonable alternatives and points to a conclusion that such an allocation could potentially be questionable on sustainability grounds. I have not concluded that its contents reliably support such a conclusion. However, as the Council states, the SA can only assess sites at a relatively high level against the set of standard objectives provided for the CS and the detailed individual advantages and disadvantages of sites need to be weighed up as a whole.

This note is not the place, because this is not the appropriate context, to revisit all the various detailed suggested advantages and disadvantages which, in combination, need to underpin any judgement about the soundness or otherwise of sites B and E. The appropriate context for doing so is that of the responses to the proposed changes to the CS which are due to be advertised in February. That process will offer a full formal opportunity for representations to be made on all the proposed changes put forward

since the post-Exploratory Meeting changes and for any necessary hearing session(s) to be arranged.

For that reason I conclude that the proposed changes/main modifications should proceed to be advertised as set out below (ie with some small variations set out in tracked-change form).

Policy CSWAL2 Rephrase as follows:

‘Permission will be granted for a new greenfield neighbourhood of 555 homes to the south of Wallingford.....’

Some of the criteria to the policy to be changed as follows:

(iii) vehicular access is provided from a new arm of the White Cross roundabout and (for a limited number of dwellings) via 2 Winterbrook, with a through-route between White Cross and 2 Winterbrook, provided only for buses, emergency vehicles, cyclists and pedestrians.

(vii) sensitive treatment is given to enhancing the landscape and ecological interest of the boundaries of the site and the Bradford’s Brook corridor.

(viii) a pedestrian and cycle link is provided to the residential area to the north and an appropriate contribution made towards improved pedestrian/cycle links to Cholsey.’

and a further criterion to be added as follows: ‘the land south of Winterbrook Lane is left undeveloped as public open space except for the access road across it.’

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Para 12.12 Change the fourth sentence to read:- ‘...to the south of Wallingford...’ and the fifth to read :- ‘This site has been selected as the best able to integrate with the fabric of the town and afford good pedestrian and cycling links to major local destinations, especially the town centre, and Cholsey Station. It will also provide for improvements to the education and public transport infrastructure of Wallingford and a major area of open space.’

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Maps 12.1 and at p164 of the CS The above change would necessitate changes to both of these.

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7 Other soundness related changes resulting from the hearings

Discussion

The SAs of the other proposed changes dating from July (SODC/16) and November (covered in the December SA) identify no material adverse effects arising from those changes.

Conclusion

These proposed changes/main modifications should proceed to be advertised as set out in the SODC draft schedule.

APPENDIX 1

Inspector's comments on the SODC Draft Schedule of Proposed Soundness Changes, dated December 2011.

1 *Referencing*

When the changes are advertised it would be simpler, and more helpful for subsequent reporting purposes, if they are referenced to correspond with the terminology of the recently revised sections of the Planning & Compulsory Purchase Act. All the post-submission soundness changes will be 'main modifications' under the revised terminology of the Act, so the previously advertised PEMC changes 1-34 should be re-titled MM1-34 in the schedule which will ultimately need to be included in the report. The subsequent changes/modifications arising from the hearings (ie all the ones to be advertised in Feb-March) should therefore be referenced MM35 onwards rather than having references to particular stages of the process, ie SCPJ/SCPN/SCPIDC.

The previous category of minor (non soundness-related changes) will now be termed 'other modifications'. As these will no longer be formally endorsed in the report no schedule of such changes will need to be attached to it. However, the Council will of course need to build up such a schedule for its own use prior to adoption.

2 *General note*

Some items on the draft schedule will require editing in order to be consistent with the conclusions of this note about the content of the changes to be advertised.

3 *Other comments*

P47 Re SCPJ2 Clarify that this is a change to the final sentence?

P47 Re SCPJ3 Clarify that this replaces sentences 2-4???

P50 Below 7.6 Typographical error in last line 'pursuing'

P55 7.19 Delete final sentence as it duplicates the new para 7.20?

P63 CST1 The proposed change to the penultimate sentence makes no material difference to the policy and does not achieve the intended 'greater consistency with PPS4'. Consistency would be achieved if the sentence stated 'Proposals for out of centre development will be considered in the light of national policy as set out in PPS4 or as may be set out in the National Planning Policy Framework.'

P65 8.14 Related to the point above, the first sentence is too categorical in the light of national policy. On the other hand, the second sentence does appropriately state the local evidence and view of the situation and the succeeding sentences adequately summarise the national position.