Dear Mrs Wilson

Implications of the National Planning Policy Framework for the Soundness of South Oxfordshire District Council Core Strategy

We are writing in response to the Programme Officer’s e-mail dated 3 April that invited comments on the publication of National Planning Policy Framework (NPPF) and any matters of ‘soundness’ it raises in relation to the South Oxfordshire District Council Core Strategy. The comments made in this letter are on behalf of the Magdalen Development Company and Kennet Properties Ltd (Magdalen / Kennet) who have participated in the Core Strategy examination in relation to their joint proposals for the South Oxford Strategic Development Area (SOSDA).

Magdalen / Kennet made submissions previously to the examination that the Submission Core Strategy is ‘unsound’. The contents of the NPPF serve to reinforce this position, particularly with respect to:

1. paragraph 159: in relation to the requirement for joint working with neighbouring authorities to establish an appropriate housing requirement in a Housing Market Area (HMA);
2. paragraph 178: in relation to the ‘duty to co-operate’ with neighbouring authorities in order to address identified strategic priorities; and
3. paragraph 182: in relation to the requirement for plans to be ‘positively prepared’, based on a strategy that seeks to meet objectively assessed development requirements, including ‘unmet requirements from neighbouring authorities ...’.

As has been consistently maintained in the submissions of Magdalen / Kennet, the failure of the Core Strategy to address the housing requirement that arises from the adjoining authority of Oxford City is a strategic failing. The NPPF confirms the importance of this issue and the fact that it is not addressed adequately in the Core Strategy is sufficient in itself for the plan to be ‘unsound’. These key elements of the NPPF are discussed in detail below.

Paragraph 159: Failure to have Regard to Central Oxfordshire Housing Market Area

Paragraph 159 of the NPPF (first bullet) requires Local Planning Authorities to prepare a Strategic Housing Market Assessment (SHMA) to assess the full housing needs, “working with neighbouring authorities where housing market areas cross administrative boundaries”. The paragraph goes on to state that the SHMA should identify an appropriate scale and mix of housing that meets household and population projections and that addresses the need for all types of housing and which ‘caters for housing demand ...’.

Both Magdalen / Kennet and Oxford City Council have highlighted in their evidence to the Examination that the relevant Housing Market Area for South Oxfordshire is the Central Oxfordshire sub-region. This was confirmed in the evidence base for the South East Plan (SEP). Indeed, the SEP states that the sub-region:
‘…exhibits a high degree of coherence representing a relatively self-contained labour market area and a single Housing Market Area’

The Core Strategy in its assessment of the housing requirement does not make reference to the Central Oxfordshire sub region or draw on the evidence base insofar as it relates to the requirement for housing in adjoining authorities. Nor has the Core Strategy been informed by evidence of housing demand and the scale of housing supply necessary to meet that demand. In light of the content of NPPF paragraph 159 the Core Strategy is therefore ‘unsound’.

**Paragraph 178 – Failure to comply with the Duty to Co-operate**

A common thread throughout the NPPF is the preparation of Local Plans in co-operation with neighbouring authorities; the objective being to achieve sustainable development. Paragraph 178 makes it clear that public bodies now have a “duty to co-operate” on planning issues that cross administrative boundaries, particularly those that relate to strategic priorities.

In their statement prepared for Day 1 of the Core Strategy Examination, Oxford City Council confirmed that the housing need in Oxford and the Central Oxfordshire sub-region has been thoroughly researched and established. The City Council highlighted that the Oxfordshire Housing Market Assessment concludes that there is a need for 64,189 new dwellings in Oxford over the next 10 years in order to meet demand. This equates to an annual average demand of 6,418 dwellings. The City Council’s evidence stated that current number of dwellings in Oxford is 54,546 and that therefore to meet demand would mean at least doubling the size of Oxford, which clearly cannot be achieved within the present boundaries of the City.

In this context, the SEP considered that one of the particular challenges facing the sub-region is to:

“…deliver sufficient decent homes and provide a well integrated mix to meet the needs of the area, including affordable housing for which there is a very high need in this sub-region (40,680 net additional dwellings to be delivered by 2026)”

The Panel Report of the SEP also states that:

“We see no reason why our recommended higher housing levels cannot be accommodated while still respecting the environmental assets of this sub-region, including the character of Oxford and the attractiveness of the countryside.”

On this basis the Panel considered that it was both necessary and appropriate to identify the SOSDA to help meet this need.

The Oxford Core Strategy 2026 contains a target of “at least 8,000 additional dwellings”. The Inspector’s Report into the Oxford Core Strategy states:

“…this figure will not meet the actual housing need from within Oxford City, which is much higher, hence the previous allocation in the RSS of 4,000 dwellings in the SOSDA” and “Even the most optimistic projections in the Strategic Housing Market Assessment show a shortfall of almost 20,000 dwellings between 2006-2016, well in excess of the 8,000 target for new dwellings over the entire plan period”.

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1 South East Plan (May 2009) paragraph 22.2
2 Oxfordshire Housing Market Assessment (Dec 2007) Table 4.1
3 South East Plan (May 2009) paragraph 22.3
4 South East Plan Report of the Panel (August 2007) paragraph 22.53
5 Oxford Core Strategy 2026 (March 2011) Policy CS22
6 Oxford City Council Core Strategy Inspector’s Report (December 2010) part 2, paragraphs 15 and 17
SODC has previously stated that;

“There does not appear therefore to be an urgent need for additional land for housing or employment growth around Oxford.”

In light of the requirements of NPPF paragraphs 159 and 178 this approach is no longer appropriate and the Core Strategy is therefore ‘unsound’.

**Paragraph 182 – Failure to Prepare the Core Strategy Positively**

NPPF, paragraph 182 sets out the tests for soundness for a Core Strategy. In light of the conclusions drawn above, the SODC Core Strategy cannot be considered to be compliant with the relevant tests because it is not:

- **Positively Prepared**: it does not meet objectively assessed development and infrastructure requirements, including unmet requirements from the neighbouring Oxford City local authority area. As a consequence sustainable development will not be achieved;
- **Justified**: in light of the advice provided by the NPPF and evidence of housing need presented by Oxford City Council it does not present an appropriate strategy that has been considered against reasonable alternatives and proportionate evidence;
- **Effective**: it does not show how effective joint working will be used to address strategic cross-boundary strategic priorities and deliver the Plan; and
- **Consistent with National Policy**: the NPPF introduces a new planning policy regime, which for the reasons set out in this letter the Core Strategy is not compliant with.

**Summary**

The NPPF has changed the requirements for the preparation of a sound Local Plan (in this case the Core Strategy). In simple terms, the Core Strategy fails to take account of the requirements of the Central Oxfordshire HMA as established by the evidence base and specifically does not make provision for effective cross boundary working with Oxford City Council in order to address strategic priorities.

Magdalen / Kennet's conclusion is therefore that the Core Strategy fails to comply with the requirements of the NPPF and is therefore ‘unsound’ when assessed against the tests in paragraph 182. The inherent unsoundness of the Core Strategy cannot be remedied by inclusion of the suggested model policy that was circulated by the Programme Officer in an e-mail dated 23 April as the issues raised by the NPPF are more wide-ranging and fundamental than that wording supposes.

To remedy the failings of the Core Strategy, the following measures are required:

- To recognise the Central Oxfordshire HMA and respond positively to the identified need for Oxford City to expand physically; and
- engage with Oxford City Council (and other relevant authorities within the sub-region) in order to establish a meaningful basis on which the relevant authorities can work together in order to address the recognised strategic priorities manifest in the Central Oxfordshire sub-region.

Yours sincerely

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Associate Director

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7 Response to Inspector’s Initial Soundness Concerns (May 2011) (SODC/2) paragraph 1.12