Dear Helen

SOUTH OXFORDSHIRE LOCAL DEVELOPMENT FRAMEWORK
CORE STRATEGY EXAMINATION

On behalf of our client, Sainsbury’s Supermarkets Ltd, we write in respect of the South Oxfordshire District Council Core Strategy in response to the opportunity to make further representations in light of the recent publication of the National Planning Policy Framework (NPPF), in response to the Inspector’s request that you sent on 23 April 2012.

This letter should be read in conjunction with the representations to the South Oxfordshire Core Strategy already made on behalf of our client.

Under the heading ‘Ensuring the vitality of town centre’, the NPPF (paragraph 23) states that:

“Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.”

In this context, paragraph 23 goes on to state that in drawing up Local Plans, the local planning authority should, *inter alia*, ensure that the needs for retail, leisure, office and other main town centre uses are met in full.

Notably, the NPPF reflects PPS4 in highlighting that Local Plans should seek to fully meet the needs of the local population through ensuring local needs are fully met and there is consumer choice and a competitive retail sector. As the Practice Guidance to PPS4 has not been revoked by the NPPF, any assessment of retail need should continue to include full consideration of quantitative and qualitative issues.

In line with our representations submitted to date, the NPPF reconfirms that it is important for local planning authorities to full assess the needs of the local population and that this should be informed by a robust evidence base.
The approach adopted in the evidence base that has informed the Core Strategy (South Oxfordshire District Council Retail and Leisure Needs Assessment (RLNA)) does not reflect these objectives. Accordingly, following the publication of the NPPF, it remains our view that the evidence base that has informed the Core Strategy (i.e. the RLNA) does not provide a sound and robust evidence base to inform the Core Strategy.

In addition, we continue to have significant concern with regard to the Core Strategy’s approach to dealing with the Cattle Market site in Thame. We believe that these concerns have been further strengthened by the publication of the NPPF.

Paragraph 11.11 of the emerging Core Strategy (following Examination and Proposed Modifications) states that:

“The study [RLNA] recommends the site should be developed as mixed use. It did not identify a need for a large food store and Local Plan policy THA1 excludes development of food supermarkets on the Cattle Market site.”

Notwithstanding our significant concerns with the methodology adopted in the RLNA, it is notable that the Council is relying on an existing local plan policy in order to inform the Core Strategy. We have considerable concerns with the Council in adopting such an approach. The supporting text to Policy THA1 of the Local Plan (paragraph 12.3), which was adopted in January 2006, sets out that:

“The limitation on the amount of retail floorspace that may be provided and the exclusion of food retail supermarket uses are based on recommendations contains in the South Oxfordshire Shopping Study 2000.”

Clearly, the evidence base that informs this policy is out-of-date and cannot be relied upon to inform future planning policy. Whilst it is acknowledged that this policy was ‘saved’ in November 2008 by a Direction from the DCLG, the associated letter from the Government Office stated that: “policies have been extended in the expectation that they will be replaced promptly.”

We very much doubt that the DCLG envisaged that saved policies would be replaced by new policies that still heavily rely on an out-of-date policy and evidence – as currently proposed by South Oxfordshire District Council in the emerging Core Strategy.

The Cattle Market site allocation (Policy THA1) was brought forward and informed in light of the South Oxfordshire Shopping Study 2000, with the first deposit Local Plan published in June 2002, second deposit in September 2002 and the Local Plan Inquiry in 2004.

In this context, Saved Policy THA1 is **clearly not up to date.**

The simple reference to the saved Local Plan policy with the emerging Core Strategy causes this development document (in its current form) to be almost out-of-date before it is even adopted.

It is evident by the proposed changes to the Core Strategy that the Council is placing weight on the Cattle Market site being considered by the Thame Neighbourhood Plan or in the Site Allocations DPD,
rather than making site allocations, or at least a clear policy intent, through the Core Strategy. Instead, the Core Strategy simply makes reference to an out-of-date Local Plan Policy.

The NPPF (paragraph 184) states that:

“Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies...”

In this context, we question the Council’s approach of not specifically addressing the Cattle Market Site as part of their strategic policy approach given that, as acknowledged by the Council (paragraph 11.11), it represents the main town centre site for development. The proposed approach is the opposite to that advocated in the NPPF of the Local Plan setting out the strategic policy approach to inform the neighbourhood plan.

The Core Strategy, by making reference to out-of-date policies and evidence, does not reflect the approach advocated in the NPPF of providing an up-to-date Local Plan. Critically, the Core Strategy fails to set out clearly up-to-date strategic policies for the area.

In light of the publication of the NPPF, the Council should be taking a fresh look at the Cattle Market Site, including paragraph 11.11 of the proposed Core Strategy. This fresh look should be based on the fundamental principles of plan making set out in paragraphs 14 and 20 of the NPPF. This requires local planning authorities to positively seek opportunities (and to plan proactively) to meet the development needs of their area.

Notably, the NPPF (paragraph 14) states that:

“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change”

Furthermore, the main thrust of the NPPF (paragraph 19) is to ensure that the planning system operates to encourage sustainable economic growth. We do not believe that this is reflected in the emerging Core Strategy.

Given that the NPPF is placing great emphasis on local planning authorities having up-to-date plans in place (paragraph 12) to ensure that planning is genuinely plan-led (paragraph 17) it is critical that the Local Plan is consistent with national policy and sound, being informed by an appropriate evidence base, and clearly sets out the strategic policies for the area.

We believe that the proposed Core Strategy does not comply with the NPPF and needs to be reviewed accordingly. Whilst the potential inclusion of the ‘model policy’ will partly help ensuring consistency with national policy, given that any future planning application will be assessed against the relevant Local Plan, we believe in its current form applications will be considered against an unsound and out-of-date Local Plan, which is not fully in accordance with national policy.
As reflected in our previous representations, it is fundamental that the Local Plan (and the evidence base that informs it) is sound and up-to-date and reflects national policy. This is even more important given the publication of the NPPF. The emerging Core Strategy (in its current form) fails to meet these criteria.

Whilst we consider there is some benefit of including a model policy, we believe that it would lead for an internal conflict with parts of the Core Strategy, as written, which we consider to be out of date and continues to be based on out-of-date evidence. Therefore, at least in respect of retail matters, the Core Strategy should be re-considered afresh in light of up to date evidence.

We trust that this additional representation will be taken into account during the continued examination of the South Oxfordshire Core Strategy. However, should you have any queries please do not hesitate to contact Christopher Turner or Adrian Fox at these offices.

Yours sincerely

Turley Associates