

Cherwell Local Plan 2011-2031:

Matter 3 – Spatial Strategy

Representations on behalf of
Cherwell Development Watch Alliance (“CDWA”)

SPATIAL STRATEGY - MATTER 3

Cherwell Development Watch Alliance has liaised with its Members (the Begbroke & Yarnton Green Belt Campaign; GreenWayOxon; Harbord Road Area Residents' Association; Kidlington Development Watch; and the Woodstock Action Group) which were each asked to limit their submissions to 2,000 words per Matter, and is speaking on their behalf in respect of Matter 3.

Accordingly, its submission which is 4,878 words long stands for all.

Cherwell Local Plan 2011-2031 Part 1 Partial Review - Oxford's Unmet Housing Need

Cherwell Development Watch Alliance Pre-Hearing Statement

MATTER 3 - SPATIAL STRATEGY

Cherwell Development Watch Alliance has liaised with its Members (the Begbroke & Yarnton Green Belt Campaign; GreenWayOxon; Harbord Road Area Residents' Association; Kidlington Development Watch; and the Woodstock Action Group) which were each asked to limit their submissions to 2,000 words per matter, and is speaking on their behalf in respect of Matter 3. Accordingly, its submission which is 4,800 words long stands for both.

If the 'working assumption' of 4,400 homes remains the correct apportionment of Oxford's unmet need to Cherwell, is the strategy of directing the majority of the development designed to meet that need to land that is currently in the Green Belt soundly based?

1. We have already explained that new evidence we have submitted under Matter 2 makes clear that the working assumption is incorrect as it is based on an out of date, and incorrectly founded, objective assessment of need.
2. Our pre-hearing statement to the Preliminary Hearing put forward a number of arguments for why this strategy is not soundly based, which can be summarised as follows:
 - A deliberate choice by Cherwell District Council to provide for many more houses than required to meet objectively assessed need cannot constitute a sound reason to justify building on Green Belt in circumstances where suitable non-Green Belt al-

ternatives are available. This argument is reinforced by the new information we have now provided for matter 2.

- Most of the reasons cited as justification for Green Belt development are opportunities, not exceptional circumstances.
- Cherwell has failed to seriously examine all other reasonable options. Just 14% of Cherwell lies within the Green Belt, and within that area the land-take has not been kept to a minimum.
- Building on Green Belt contravenes both national policy and Cherwell's existing adopted Local Plan Policies including Policy ESD14 (Oxford Green Belt) and Policy Villages 1.
- The duty to cooperate is not a duty to agree and is mutual, so that Oxford should have a Local Plan which supports protection for the wider Oxford Green Belt by not giving undue priority to employment-generating uses over housing in the City.

We shall not repeat the detail of these arguments here, but wish to add the following.

The strategy of directing development to the Green Belt is not soundly based because the factors used to justify it are either not valid or do not constitute exceptional circumstances

3. The matters relied upon as constituting 'exceptional circumstances' justifying the allocations in the Green Belt are set out at paragraph 5.17 of the supporting text in the Submission Draft of the Local Plan Review (p.66), numbered from 1 to 12, Circumstance 1 ('urgent and pressing need to provide homes for Oxford' is not valid. Additional information has now been published giving further evidence that the working assumption is wrong and grossly overestimates Oxford's unmet need. (See our statement on Matter 2 and the accompanying independent report).
4. This new evidence has been presented in our response to Matter 2. In summary, Oxford's annual objectively assessed need is

shown to be either 776dpa (in its own 2018 SHMA Update) or 746dpa (as given by the new Standard Methodology using 2014-based household projections) rather than the 1400dpa from which the working assumption of unmet need has been derived. Taken together with Oxford's own capacity to meet its own need (which is almost certainly under-estimated), the unmet need falls dramatically and quite possibly to zero.

5. Even if there is a small residual amount of unmet need, Cherwell is not under an obligation to plan for it as made clear in planning practice guidance which states that "*local planning authorities are not obliged to accept the unmet needs of other planning authorities if they have robust evidence that this would be inconsistent with the policies set out in the NPPF, for example policies on the Green Belt*" (Planning Practice Guidance, para 021 (9-021-20140410)).
6. In this plan, however, Cherwell has made a deliberate choice to plan for much more than Oxford's objectively assessed need and to locate the great majority of it in the relatively small part of its area that is Green Belt. If such a choice is to be permissible as an exceptional circumstance, then an authority could justify almost any development it chose to remove Green Belt, effectively ending Green Belt policy.
7. Circumstance 2 ('clear inability for Oxford City Council to fully meet its own [housing] need' is invalid because Oxford may well be able to meet its own needs given that (a) its overall need is much lower than assumed and (b) its capacity is likely to have been underestimated. We have addressed this in our evidence on Matter 2.
8. Circumstance 3 (alternatives would cause 'unacceptable harm to the existing Cherwell development strategy') is invalid because the proposed Plan Review allocations themselves cause harm, and indeed run totally counter, to the existing strategy.

9. Circumstances 4 and 5 (proximity to and relationship with Oxford) are merely statements that there is development 'potential' in these areas, if they were not in the Green Belt. By definition, areas on the inner margin of a Green Belt will be proximate to the city that it circumscribes. This cannot be a reason for undermining the designation.
10. Circumstance 6 highlights four employment areas. Three are existing employment sites within Cherwell's own administrative area, and it is difficult to see the direct relationship between these and Oxford's unmet housing need. The fourth (Northern Gateway) is a large as-yet undeveloped employment site within Oxford. The priority given to employment is a prime example of Oxford City Council's promotion of employment-generating development at the expense of housing and illustrates its own failure to co-operate with its neighbouring authorities.
11. Circumstance 7 refers to 'unique place shaping potential', again highlighting development potential if the land was not in the Green Belt. By definition, the place-shaping potential of any piece of land is unique. It is unnecessary to locate housing adjacent to the Science Park and had this been necessary, it would have formed part of previous local plans. Furthermore, if and insofar as the Science Park has unique potential for growth which must be accommodated, it would be more logical to safeguard the adjacent land for science-park uses rather than for housing.
12. Circumstance 8 (Woodstock's constraints related to its World Heritage Site) are not a positive reason for releasing Green Belt.
13. Circumstance 9 refers to transport improvements (without saying these have already been undertaken or planned). They are already needed to meet existing over-capacity network conditions and are not an exceptional circumstance for releasing Green Belt.

14. Circumstance 10 (strengthening Kidlington's village centre) might apply to any village overwhelmed by Green Belt.
15. Circumstance 11 refers to an opportunity to provide new or improved public open space and green infrastructure. This is a goal of existing Green Belt policy (NPPF paragraph 81) and such development would be appropriate within the Green Belt (paragraph 89, second bullet-point). It is not a good reason for taking areas out of Green Belt protection for housing.
16. Circumstance 12 ('holistic vision') simply reflects the opportunity that arises when new urban extensions are proposed to design their layout in an integrated way. It is not a justification for extending the city into the Green Belt.
17. Many of the claimed exceptional circumstances are therefore, in reality, opportunities to respond to development pressures, the very thing that the green belt was designed to resist. This principle is stated well in paragraph B256 of Cherwell's adopted Local Plan Part 1 : "*Green Belt was designated to restrain development pressures which could damage the character of Oxford City and its heritage through increased activity, traffic and the outward sprawl of the urban area*".
18. We consider that 'exceptional circumstances' may be demonstrated for development that can only reasonably be located in the Green Belt. For example, the Oxford Parkway railway station could only have been located in the Green Belt, because that is where the existing railway line and Park and Ride are. However, it is wrong to claim, as this plan does, that because there is potential for development that would occur if it were not for the Green Belt, this represents an 'exceptional circumstance'.

The Council has failed adequately to consider alternative locations for meeting Oxford's assumed Unmet Housing Need

19. Cherwell District Council published a draft HELAA on 25 August 2017, over a month after the Local Plan Partial Review proposed submission consultation had commenced. The late delivery of the HELAA suggests that the Council has not properly assessed land availability in order to meet their recommended apportionment of Oxford's unmet housing need.
20. Cherwell District Council defined nine search areas across the whole District for development in order to meet Oxford's unmet housing need. The search areas were initially assessed in the Initial Sustainability Appraisal (iSA) that formed part of the Options Consultation (Nov 2016). The iSA stated that Cherwell identified areas of search across the whole district to help identify the most sustainable locations for accommodating housing for Oxford. It acknowledged that although the housing need arises from Oxford, the whole district was examined because both Oxford and Cherwell fall within the Oxfordshire Housing Market Area (HMA) (iSA, 7.11).
21. The iSA concluded that all nine areas of search were considered to make a significant positive contribution to meeting Oxford's unmet housing need. Given their size, they all have the potential to accommodate a substantial amount of the residential development required (7.17).
22. However, the iSA favoured search areas A & B, narrowly interpreting iSA objective 16, "To ensure high and stable levels of employment so everyone can benefit from the economic growth of the district and Oxford", as spatial proximity to the northern edge of Oxford, together with an assumption that travel to employment would be quicker via road or public transport (7.19).
23. Areas of search C, D, E, F, G and I were scored lower against objective 16 on the basis that these areas lie further away from Oxford, and thus having to travel further to employment within Oxford (7.20). In assigning these scores the iSA is assuming prox-

imity to Oxford is spatially-related only, and does not take into account temporal proximity (whereby, for example, it may be quicker to reach Oxford by public transport from an area further from Oxford than via the road network from either area A or B).

24. Area H (Banbury) scored a significant negative effect against SA objective 16. This was because the town of Banbury lies a significant distance from the City of Oxford in the northern half of Cherwell District (7.21). However, the iSA took no account of the relatively good public transport links between Banbury and Oxford (area H is scored lower than any other search area, even those rural areas with poor public transport).
25. Having established a number of the search areas had an overall positive effect on the iSA objectives (whether relating to Oxford or Cherwell) the iSA then assesses growth options (in effect, <4,400, 4,400 or >4,400): “Each growth option was appraised against the SA Framework on the assumption that the growth would all be located within areas of search A and B. This was because, following consideration of the potential effects for all area of search on Cherwell District and the City of Oxford, areas of search A and B were identified by the Council to be the most sustainable locations for accommodating additional housing growth” (8.6). We contend that the iSA does not validate the conclusion that only areas A & B are the only sustainable locations for accommodating additional housing growth. Areas C, E, F, and H remain viable, especially if existing policies such as Green Belt, and public transport, are sufficiently taken into account.
26. The iSA concluded with an appraisal of 38 site options limited only within search areas A & B. The Statement of Consultation (p.109ff) lists a significant number (~65) of site representations relating to search areas other than A & B that were not assessed within the iSA.

27. The final Sustainability Appraisal (SA), that forms part of the Submission Plan, re-reruns the evaluation of the nine areas of search but, as with the iSA, only considers specific sites within search areas A & B (“The Council considers that only Option A (Kidlington & Surrounding Area) and Option B (North & East of Kidlington) are suitable for meeting Oxford’s unmet needs” (SA 1.108). The list of reasons focus on spatial proximity to Oxford, reduction in reliance on the private car and relationships within Oxford.
28. The SA (para 7.38) states, “Areas of search A, B, E and H are considered to have a significant positive effect on SA objective 10. This is because all contain or lie adjacent to Cherwell District’s main settlements of Bicester, Banbury and Kidlington and therefore have good access to their good range of facilities and services without the need to travel by private car encouraging new residents in the District to travel via more sustainable modes. Areas of search A, E and H also score a minor negative effect against this objective in acknowledgement of the fact that these areas contain or lie in close proximity to Air Quality Management Areas (AQMAs) known to have high levels of air pollution associated with concentrations of road traffic. Significant increases in new residents in these locations could increase the number of private cars on the road and the number of local receptors suffering from the effects of air pollution.”
29. In connection with SA objective 10 we would note that the transport strategy report commissioned from Railton TPC Ltd that accompanies our submission makes it clear that, “the proposed Spatial Strategy [...] will lead to a severe adverse impact on the A44 and A4260” (Railton, 4.4). The ‘significant positive’ score for areas A & B therefore seems clearly wrong and indeed perverse. Our response relating to transport matters addresses the inherent

flaws in the SA objectives relating to sustainable transport infrastructure.

30. SA 1.110 states, “The Council notes that Areas of Search A and B would be inconsistent with the existing Local Plan strategy of mostly avoiding development in the Green Belt. However, it considers that development in the Green Belt does not in itself interfere with the delivery of growth at Bicester, Banbury and Former RAF Upper Heyford or the management of sustainable levels of growth in the rural areas. It notes that the Green Belt in Cherwell has not previously been considered for additional development.” Whilst the Green Belt cannot be ruled out of scope entirely, it is clear that the SA, subsequent to the iSA, did not undertake a more detailed assessment of sites within search areas outside the Green Belt, even where the search areas were generally considered viable and where potential sites had been brought forward. No weighting has been applied in either the iSA or SA to search areas (or sites) constrained by green belt policy.
31. The SA (p.47, chapter 5, Footnote 116) notes: “*The SA Framework does not consider Green Belt.* However, the effects of options on the openness of the countryside and the wider landscape are addressed through the consideration of effects on the landscape (SA objective 8), the effects of options on the setting and special character of historic Oxford are considered under the appraisal of effects on the historic environment (SA objective 9) and the efficient use of land through the consideration of effects on SA objective 13. *The principle of the loss or use of Green Belt as a policy designation is a matter considered by the Council independently from the SA process.*’ [Italics added]. The scoring used when rejecting Areas of Search did not apply any penalty for the harm to the Green Belt and that, as a result, a sequential approach was not adopted, with the result that reasonable non-Green Belt ‘areas of search’ were dismissed at the first stage.

32. The iSA noted that, “Before Submission of the Partial Review further evidence will be collected and public views will be taken into account. This is an Initial SA report and further sustainability appraisal will be required for the Partial Review” (1.13). We contend that the final SA, amongst other matters, did not take sufficient account of public views. The SA report acknowledges that Cherwell received significant concern about Green Belt development in its options consultation (SA 10.18). This is despite the fact that the consultation did not include a specific question about the acceptability of Green Belt development, a serious omission in our view. The SA report also asserted that all reasonable non-Green Belt options must be considered before options within the Green Belt (SA 10.21). However, while the Council went ahead and ignored the consultation response in respect of Green Belt development, it perversely cites “significant number of public objections” as a reason for rejecting other sites.
33. We are therefore of the opinion that the Council did not undertake an adequate appraisal of site options within reasonable search areas other than A & B. The SA report accentuates the positive effect of search areas A & B on the strategic objectives whilst paying little attention of the positive effects of search areas E & C, in particular, also on key objectives. We would have expected the SA report to have placed greater weight on the negative effects of removing land from the Green Belt compared with the relatively minor effects of sites in alternative search areas, outwith the Green Belt.
34. SA 7.73 lists six reasons for rejecting search areas C-I. For the purposes of the written submission we have focussed on three of these reasons:
35. 1. They are less well situated to build communities associated with Oxford. -- The first objective of the SA Objectives related to meeting Oxford’s Needs is to, “ensure that everyone has the

opportunity to live in a decent, sustainably constructed and affordable home” (*All search areas* make an equally positive contribution to this objective (SA Table 7.1: Summary of areas of search effects on the City of Oxford). In turn SA objective 1 contributes equally positive effect to the overall vision, “The Vision focusses on the delivery of affordable, well-designed and well-located (i.e. in close proximity to Oxford) homes to contribute towards fulfilling Oxford’s unmet housing need. Therefore, a significant positive effect has been identified for SA Objective 1 which promotes the building of sustainable and affordable homes” (SA 6.6). The housing is designed to meet Oxford’s unmet need and, in particular, assumes travel to work in Oxford. It should perhaps be noted that the 2011 Census shows a greater number of people commuting to work in Oxford from Bicester than Kidlington. Banbury is also listed as one of the top origins for commutes ending in Oxford.¹ Just as the SA acknowledges that “Although the housing need arises from Oxford, options across the whole District have been examined as reasonable alternatives because Oxfordshire has a countywide Housing Market Area (SHMA, 2014)” (SA 7.12) we might also conclude that even though the employment centres may be in spatial proximity to Oxford City, the whole district, as a housing market with identifiable commuter patterns, has validity for locating housing associated with Oxford for employment (and with district urban centres, such as Bicester and Banbury, for services and facilities).

36. 2. They are less well situated to assist with the delivery of the Oxford Transport Strategy, in terms of existing sustainable travel connectivity and the opportunity for sustainable commuter travel behaviour. -- The Railton Objection Report provides a detailed assessment of the flaws and biases in the site selection pro-

1 Oxfordshire Insight: Settlement-based Journey-to-Work Destinations, <https://public.tableau.com/views/2011CensusTTWDestinationSettlement/Laleveljourneyorigins?:embed=y&:display_count=no&:showVizHome=no>.

cess. Sites at Yarnton and Begbroke are given a 'green' rating for proximity to sustainable transport with no objective justification (Railton 2.1). Centres such as Bicester and Banbury may be argued to have comparable sustainable public transport availability.

37. 3. They are more likely to result in a higher level of commuting to Oxford by private motor vehicle. -- The Railton transport report makes it clear that the proposed allocations will lead to a significant worsening of transport network performance in a situation where the network is already severely congested. The impact of the seven proposed allocations therefore constitutes a severe adverse impact. It is therefore unreasonable to assume that the excluded search areas will result in a higher level of commuting compared with the preferred search areas.
38. With respect to the remaining three reasons we would note that (reason 5) wherever new homes are built, Community Infrastructure Levy and Council Tax may be collected, and there is scope for obtaining further sums by way of highway agreements or section 106 planning obligations. The new Oxfordshire Housing and Growth Deal will also provide strategic infrastructure funding. Conversely, no funding was allocated from the Housing Infrastructure Fund for the North of Oxford developments relating to this Plan. We would note that sites brought forward in excluded search areas were not assessed within the SA and therefore it seems unlikely it can be simply asserted that either no significant additional development could be built at Bicester, Banbury and RAF Upper Heyford by 2031. The claim that new allocations at areas C to I, but not at areas A or B, would be "unwarranted competition for private and public investment" (SA 7.77, 7.79, 7.80) is totally unexplained and unsubstantiated. Housing development at any of these locations would require investment, but there is no demonstrated basis for concluding that this investment would come at the expense of other plan policies. If demand for housing is as

high as is asserted, then provision of housing at new allocations would not prejudice its delivery at currently allocated sites.

39. We would further note that the SA in stating that search areas C, D, F, G (SA 7.76, 7.78, 7.82, 7.83) as the location of these housing allocations, *“would result in a new growth settlement, disrupt the existing settlement hierarchy, and impact on the rural character of the area (contrary to Local Plan policy ESD13)”*, is surely just as applicable to search areas A & B whereby the villages of Begbroke and Yarnton will be merged, and the rural character of both these villages together with Kidlington, Gosford and Water Eaton will be severely impacted.

40. We note that the Planning Inspector who examined the now adopted Local Plan observed that, *“The plan’s overall strategy sustainably focusses most new development on the two towns of Bicester and Banbury, with about 5,400 new homes in the rural areas, including at Kidlington and the former RAF Upper Heyford to 2031. This is clearly the most sustainable strategy for the district over the plan period and reflects the guidance in paras 17 and 30 of the NPPF.* It properly seeks to alter the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in the smaller settlements, adding to commuting by car and congestion on the road network at peak hours. The number of new homes outside the two towns would be around a quarter of the overall total for the plan period taking into account the significant level of housing land supply already available in the rural areas.” (Cherwell Local Plan 2011-2031, Inspector’s Report, para. 212). Overall, limiting the allocation of housing only to search areas A & B, and excluding other demonstrably viable areas, would (as SA 7.86 itself states with respect to those other areas), *“result in a new growth location which would have a significant impact on the district’s settlement hierarchy (comprising three urban areas and an existing village categorisation) and the*

rural character of the district in that area (contrary to the existing Plan's vision and policy ESD13)." The proposed allocations in Areas A and B also amount to 'new growth locations' contrary to the spatial strategy.

41. The six reasons given for selecting search areas A & B (SA 7.87-88), as the converse of the reasons not to select areas C-I, also do not withstand scrutiny on similar grounds. In particular, reasons 1-3, relating to transport are challenged by the Railton transport report, incorporated within this submission, including the substantial over-estimate of potential use of active transport modes and public transport; and the undermining of the Local Transport Plan by increased congestion on the A44 and on the A4260, which would also interfere with the proposed Rapid Transit system. We have also already observed that the relationship of existing communities to Oxford is county-wide, as are the economic relationships (given the development of the inter-connected Knowledge Spine, from Bicester, through Oxford, to Harwell).
42. The definition of "well-located" as "in close proximity to" (relating to geography) was an artificial constraint on the selection of sites which foreclosed serious examination of alternatives. Search area E (Bicester), for example, scores positively with respect to proximity to sustainable transport links to Oxford and is already an established commuter town for a significant number of Oxford city workers. (See also Local Plan, C.98.).
43. The requirement to fully to consider alternatives before removing land from Green Belt is implicit in the 2012 version of the NPPF which expects Green Belts to endure permanently (para 83) and requires (para.182) the 'most appropriate strategy, when considered against the reasonable alternatives'. It is now included expressly in Para 137 of the 2018 NPPF. This states that "*Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority*

*should be able to demonstrate that it has examined **fully** all other reasonable options for meeting its identified need for development.”* Furthermore, the guidance preceding the 2012 NPPF, Planning Policy Statement 2 : Green Belts, also specifically included a requirement that *“Planning authorities should have considered opportunities for development within the urban areas contained by and beyond the Green Belt.”*

44. The SA 7.89-7.91, in noting that, “development in the Green Belt does not in itself interfere with the delivery of growth at Bicester, Banbury and Former RAF Upper Heyford or the management of sustainable levels of growth in the rural areas. [The Council] notes that the Green Belt in Cherwell has not previously been considered for additional development” is in effect acknowledging that fact that the sites within Areas A & B are in the Green Belt is an afterthought rather than their Green Belt designation being treated as a weighty factor in favour of alternative areas when judging the ‘acceptability’ of building in those areas against the adopted Plan.

The area of land proposed to be removed from Green Belt is well in excess (possibly by 100%) of what is needed for the type of housing development proposed, an issue that is therefore fundamental to the soundness of this plan.

45. Cherwell proposes to remove approximately 154 hectares of Green Belt for housing (not including Policy PR6c, to be reallocated to a replacement golf course or Policy PR10, which is not within the Green Belt). The Proposed Submission Plan included average net dwellings per hectare (dph): Policy PR6a (40 dph); Policy PR6b (25 dph); Policy PR7a (35 dph); Policy PR7b (25 dph); Policy PR8 (45 dph); Policy PR9 (35 dph). The net density figures have been removed entirely, as a focused change.

46. At the density figures given in the submission plan, the total number of dwellings that could be accommodated on Green Belt land is 5,775 (6,255 including non-Green Belt land). This is almost 50% more than the 3900 dwellings required to meet the working assumption of Oxford's unmet housing need (4400 including non-Green Belt land). We are concerned therefore that the Submission Plan is removing excessive Green Belt land for future development outwith the current Plan, and to which infrastructure modelling and other assessments do not relate.
47. Furthermore, the proposed density figures seem low for the type of development proposed. A comparable site in North-West Cambridge (Eddington) for 3,000 dwellings (with 50% provided as affordable housing for University needs) is being developed at average net density of at least 50dph, while including a wide range of densities across the site.² At this average density Cherwell would require only around half the land currently being allocated.
48. The low density development of the Green Belt sites (compounded by the omission of any mention of density in the focused changes), together with the lack of exceptional circumstances, and difficulties identified in the SA, are serious, unexplained inconsistencies in this plan, which must in themselves render it unsound.

² Policy NW5: Housing Supply: "Approximately 3,000 dwellings will be provided (about 1,050 by 2016), with a priority on providing for University needs. An average net housing density of at least 50 dwellings per hectare will be achieved across the development as a whole. A range of densities will be provided following a designed approach, including higher densities in and around the local centre and close to public transport stops, and with development of an appropriate scale and form where it adjoins existing housing. Approximately 2,000 units of student accommodation will also be provided.", *North West Cambridge Area Action Plan: Local Development Framework* (2009), <<https://www.cambridge.gov.uk/media/2710/north-west-cambridge-area-action-plan.pdf>>.