

Examination of West Oxfordshire Local Plan 2031

Matters and Questions

STAGE 2

Matter 5 – Legal Compliance

- 5.1 Has preparation of the plan complied with the 2004 Planning and Compulsory Purchase Act and the relevant Regulations?
- 5.2 Has the plan been prepared in accordance with the Council's Local Development Scheme?
- 5.3 Has consultation, undertaken in preparing the plan been adequate and carried out in accordance with the adopted Statement of Community Involvement?
- 5.4 Is the Habitats Regulations Assessment Screening Report (including the Main Modifications Assessment, Doc SD13) adequate and persuasive in its conclusion that the plan would have no likely significant effect upon a European designated site?
- 5.5 Does the extent and nature of change proposed to the plan as set out in Doc CD5, in comparison with the original submission draft (Doc CD1), in itself raise any legal compliance issues?
- 5.6 Is the Sustainability Appraisal of the plan (including the Addendum Report, Doc CD10) adequate in terms of (i) the objectives selected; (ii) the appraisal of the plan's policies and reasonable alternatives; and (iii) has the Sustainability Appraisal appropriately informed preparation of the plan? [Note: there is overlap with Qu 6.1 and 6.2 below and, thus, the potential for the continuation of the discussion at the hearings under that Matter.]

Matter 6 - the Settlement Hierarchy, the Spatial Strategy and preliminary questions on the Housing Site Selection Process and Five Year Supply

(Policies OS1 and OS2)

- 6.1 Is the proposed settlement hierarchy (Table 4.1 of the plan) based on robust evidence and, in principle, justified and effective? And in particular:

- Is West Oxfordshire Garden Village appropriately designated as a Rural Service Centre?
- Is Long Hanborough appropriately designated as a Village?
- Is Ascott under Wychwood appropriately designated as a Village?
- Are there other settlements which should be designated as Villages?

6.2 Is the proposed overall distribution of development in the district (policy OS2) (i) based on robust evidence, (ii) in accordance with the plan's Vision and Core Objectives and (iii) otherwise justified and effective? And in particular:

- Is policy OS2 justified and does it provide sufficient clarity in stating that:
 - Woodstock is suitable for a "reasonable scale of development"?
 - Bampton, Burford and Charlbury are intended to accommodate a "modest level of development"?
 - The villages are suitable for "limited development"?

6.3 In broad terms are the general principles for all development, set out in policies OS1 and OS2, positively prepared, justified, effective and consistent with national policy? [Note: detailed policy requirements which stem from these principles are considered under other Matters]

Note: the merits of individual housing allocations, their deliverability and, thus, the existence or otherwise of a five year supply of deliverable housing land across the district will be considered in Stage 3 of the Examination. However, to inform that discussion I would welcome comment, at this stage, on the following overarching questions:

6.4 Have the strategic and non-strategic housing allocations included in the plan been chosen on the basis of a robust and objective site-selection process?

6.5 Is the proportion of the overall housing requirement proposed to be delivered through large strategic sites appropriate?

6.6 I have yet to consider all the relevant evidence and reach conclusions on the matter, but if I were to determine that a 5 year supply of specific, deliverable housing sites does not exist what would be the most appropriate way forward for the plan?

Matter 7 – Providing New Homes

(Policies H1, H2, H3, H4, H5, H6, H7 and H8)

Note: in relation to housing for the settled community this matter focuses on the objectively-assessed need for new dwellings in the district (policy H1 in part) and on the proposed policy requirements (H2, H3, H4, H5 and H6) which would apply to all new housing development. The merits of specific housing allocation sites (the Strategic Development Areas and non-strategic housing allocations, detailed in the supporting text of policy H1 and in the 'Strategy at the Local Level' section of the plan) will be considered in Stage 3 of the Examination.

7.1 Is the identified objectively assessed need (OAN) for new housing for West Oxfordshire of 660 homes per year for the plan period (paragraph 5.8 of the plan) convincing and based on robust and up to date evidence? And in particular:

- Does the OAN figure take appropriate account of the Partial Update (July 2016) and Second Partial Update (November 2016) of the Oxfordshire Strategic Housing Market Assessment?
- Does the OAN appropriately reflect affordable housing need?
- Does the OAN figure appropriately reflect the housing implications of the around 60ha requirement for employment land set out in para 6.18 of the plan? [note also question 8.2]

7.2 Is there robust evidence to demonstrate that it is appropriate to seek to accommodate in West Oxfordshire during the plan period 2750 homes which reflect “unmet needs” of Oxford City? And in particular:

- Does the plan incorporate sufficient flexibility to reflect the potential for Oxford City’s unmet needs to change in the future?
- Is it appropriate for the plan to seek to provide for Oxford City’s unmet housing needs only after 2021?

7.3 Should the plan’s housing requirement figure be clearly identified in the plan as a minimum requirement?

7.4 Are the locational criteria set out in policy H2, by which new housing development would be determined, clear and unambiguous and are they (i) justified (ii) effective, and (iii) consistent with policy OS2? And in particular:

- Is the policy (third bullet point of part 1) sufficiently clear as to how it will be determined whether a not a proposed development is necessary to meet identified housing needs?
- Is it justified to only permit a housing development on non-high environmental value, undeveloped land within the built-up area

(and which accords with other plan policies) if it is necessary to meet identified needs?

- 7.5 Is policy H3 soundly based in relation to affordable housing? And in particular:
- Are the policy provisions clearly expressed and consistent with national policy?
 - Is there robust evidence to demonstrate the need for the policy's provisions?
 - Having regard to the proposed variation in requirements by value zone and by type of residential development, is there convincing evidence that the policy requirements would not undermine the viability of development proposed in the plan?
 - Should there be a separate affordable housing requirement for Oxford City's unmet housing needs to reflect the city's affordable housing needs?
 - Does the policy provide sufficient clarity about requirements for schemes of 6 – 10 units in the AONB?
 - Is a reference in the policy or its supporting text to Rent to Buy and other specific tenures necessary for the plan to be sound?
- 7.6 Is policy H4, in relation to the type and mix of new homes, supported by robust evidence and is it justified, effective and consistent with national policy? And in particular:
- Are the policy's requirements in respect of (a) accessible and adaptable housing and (b) wheelchair adaptable dwellings consistent with national policy and based on robust evidence demonstrating need and likely viability?
 - Does the policy (and the plan more widely) provide adequate guidance on the density of residential development?
- 7.7 Is policy H5, in relation to Custom and Self-Build housing, supported by robust evidence and is it justified, effective and consistent with national policy?
- 7.8 Is policy H6 soundly based in relation to existing housing?
- 7.9 Is there robust and up to date evidence to indicate that the 19 pitches and 5 plots to be provided for gypsies and travellers and travelling show People (policy H7) is appropriate in relation to the objectively-assessed need for such accommodation?
- 7.10 Are the provisions and criteria set out in policies H7 and H8 (a) justified; (b) consistent with national policy; and (c) likely to be effective in providing for the objectively assessed need for accommodation for gypsies

and travellers and travelling show people in the next five years and across the plan period as a whole?

Matter 8 – Sustainable Economic Growth

(Policies E1, E2, E3, E4, E5 and E6)

Note: this matter will not consider the merits of the specific employment land allocations set out in policy E1 which will be considered in Stage 3 of the Examination.

- 8.1 Is the requirement for 'around 60ha' of land for employment development (para 6.18 of the plan) supported by up to date and robust evidence?
- 8.2 Does the 'around 60ha' requirement appropriately align with the assumptions about employment in formulating the objectively assessed need for housing? [see also question 7.1]
- 8.3 Whilst the merits of the individual named employment sites/allocations in policy E1 will be considered at Stage 3, is the total envisaged employment land provision which would result from these sites/allocations appropriate in relation to the 'around 60ha' requirement?
- 8.4 Are the provisions of policy E1 in relation to Existing Employment Sites and of policy E2 justified, effective and consistent with national policy? And in particular:
 - Is policy E2 sufficiently flexible in relation to farm diversification?
- 8.5 Is policy E3 soundly-based in relation to the re-use of non-residential buildings and, in particular, does it provide sufficient flexibility?
- 8.6 Is policy E4 soundly-based in relation to sustainable tourism?
- 8.7 Is policy E5 positively prepared, justified and effective in relation to local services and community facilities and are its requirements appropriately unambiguous?
- 8.8 Is policy E6, in relation to Town Centres, positively-prepared, justified, effective and consistent with national policy? And in particular:
 - Is the designation of Charlbury as a town centre necessary for plan to be sound?
 - Does the policy provide sufficient clarity as to what uses will and will not be permitted in town centres?
 - Is the policy sufficiently flexible as to the changes in use which will be permitted in town centres? And is there up to date and robust evidence to support the approach proposed in the policy?

- Is the policy's requirement in relation to car parking adequate? [see also question 9.5]

Matter 9 – Transport and Movement and Supporting Infrastructure

(Policies OS5, T1, T2, T3 and T4)

- 9.1 The specific impacts on transport and other infrastructure of the individual allocations for development included in the plan will be considered at Stage 3 of the Examination. However, in broad terms, have the implications of the plan's proposals on transport and other supporting infrastructure been robustly assessed and is there evidence to show that, allowing for mitigation measures, the development proposed in the plan as a whole would not be likely to cause unacceptable adverse impacts on transport and/or other infrastructure?
- 9.2 Is policy OS5 (Supporting Infrastructure) justified and consistent with national policy and would it effectively provide for securing the infrastructure necessary to support new development?
- 9.3 Are policies T1 (Sustainable Transport) and T3 (Public Transport, Walking and Cycling) justified and effective? And in particular:
- Do they provide sufficient clarity about the quality/level of sustainable transport infrastructure/services which is required and how it will be delivered?
- 9.4 The merits of the seven strategic highway infrastructure schemes listed in policy T2 (Highway Improvement Schemes) will be considered at Stage 3 of the Examination as part of the discussion of the relevant urban extension/garden village proposals. Aside from these schemes is policy T2 justified and effective? And in particular does the policy adequately provide for improvements to the A40?
- 9.5 Is policy T4 (Parking Provision) justified, effective and consistent with national policy? And in particular:
- Does the policy strike an appropriate balance between seeking to prevent parking problems and the objective of increasing the use of alternatives to the private car?

Matter 10 – Environmental and Heritage Assets

(Policies OS3, OS4, EH1, EH2, EH3, EH4, EH5, EH6 and EH7)

10.1 Is policy OS3 (Prudent Use of Natural Resources) justified, effective and consistent with national policy? And in particular:

- Is there specific evidence to demonstrate the need for, and likely viability of, the maximum 110 litres per person per day water requirement for new housing development?

10.2 Taken together are policies OS4 (High Quality Design), EH1 (Landscape Character), EH2 (Biodiversity), EH3 (Public Realm and Green Infrastructure), EH4 (Decentralised and Renewable or Low Carbon Energy Development) and EH7 (Historic Environment) justified, effective and consistent with national policy? And in particular:

- Do policies OS4 and EH1 provide appropriate guidance on how all relevant aspects of landscape character are to be protected or enhanced?
- Do policies OS4 and EH7 provide an appropriately positive strategy for the protection and enhancement of heritage assets whilst enabling them to be put to viable uses?
- Does policy EH3 give sufficient protection to woodland and is the policy (and the plan more widely) based on an adequate assessment of open space/sports/recreations facilities?
- Does policy EH4 accord with national policy with specific regard to:
 - its requirements in respect of wind turbines and the defining of “more” and “less” suitable areas for such development, bearing in mind the *Local Planning (Wind Farms)* Written Statement to Parliament of 18 June 2015?
 - its requirements in respect of an assessment or strategy which considers decentralised energy systems, bearing in mind the *Planning Update* Written Statement to Parliament of 25 March 2015?

10.3 Is policy EH5 (Flood Risk) justified, effective and consistent with national policy? And in particular is its approach to sustainable drainage systems appropriate?

10.4 Is policy EH6 (Environmental Protection) justified, effective and consistent with national policy? And in particular:

- is a dark skies policy necessary for the plan to be sound?
- Does the policy appropriately reflect the role of the District Council in relation to minerals and waste management?