

West Oxfordshire Local Plan 2031 Examination

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Dear Mr Hughes,

Examination of the West Oxfordshire Local Plan

Introduction

Following the Stage 2 and Stage 3 hearing sessions, and the completion of consultation on the additional technical evidence which the Council commissioned, I write to set out my thoughts on the plan at this stage and on the way forward with the Examination. My comments are based on all that I have read, heard and seen to date, although I emphasise that the Examination is not yet concluded, consultation on further main modifications is yet to take place and, consequently, these comments are without prejudice to my final conclusions on the plan.

In the light of the discussions at the Stage 2 and 3 hearing sessions the Council published on the Examination website a Schedule of Suggested Further Main Modifications (September 2017) and has subsequently proposed some additional Further Main Modifications in Appendix 1 of its response to the consultation on the additional technical evidence.

Other than in respect of the strategy/site allocations for the Burford – Charlbury sub-area, my concerns about which I detail below, I conclude that, subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound. I will set out my reasoning for this conclusion in my final report on the Examination. In the meantime I intend to liaise with the Council in respect of the precise wording of some of the suggested further modifications with a view to them then being subject to Sustainability Appraisal and Habitats Regulations Assessment (insofar as is necessary) followed by full public consultation.

Burford – Charlbury Sub-Area

The majority of the Burford – Charlbury sub-area forms part of the Cotswolds Area of Outstanding Natural Beauty (AONB). The *National Planning Policy Framework* (NPPF) makes clear that great weight is to be given to conserving landscape and scenic beauty in AONBs and the designation is specifically identified by the NPPF as a constraint which, in effect, may mean that identified housing needs cannot be appropriately met.

However, equally there is not a national policy embargo on new housing in AONBs, the AONB in West Oxfordshire already has a significant population and it is generally common ground that some new housing in the AONB is appropriate to ensure the area's communities thrive and remain sustainable in the long term. There is also evidence that there are specific affordable housing needs in the AONB and I recognise that the most feasible way of delivering this may, in some circumstances, be as part of market housing schemes of moderate size.

In response to discussion at the Stage 2 and 3 hearings the Council commissioned evidence (the Peter Brett report) on housing and demography in the Burford – Charlbury sub-area. This identifies a "broadly indicative minimum housing need" for the area of 834 dwellings for the 2015-31 period and states that if 1,060 new homes were built and occupied in this period the area's population would grow by around 1,800 people and its labour force by around 8%.

Whilst this is useful evidence as a starting point, it merely indicates the likely implications of various levels of housing growth for the sub-area's population and resident labour force. Neither it nor any other substantive evidence before the Examination identifies a housing requirement figure for the Burford – Charlbury sub-area which appropriately reflect needs, constraints, relevant national policy and the key issues for Development and Transport detailed in the Cotswolds AONB Management Plan (2013-2018).

Completions and current commitments in the Burford – Charlbury sub-area amount to 774 dwellings¹. Taken together with completions and anticipated future supply in the rest of the district², the total supply is 15,869 – 99.5% of the plan period district-wide housing requirement figure. Consequently, there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford – Charlbury sub-area simply to ensure that the district-wide housing needs are met.

In addition to the 774 dwelling commitments, the plan (doc CD5), as proposed by the Council through the previously-consulted on main modifications, provides for 175 dwellings across three allocated sites in this sub-area and a fourth allocation for 44 dwellings is already a commitment. Additionally, it assumes

¹ Table 9.5 of the plan, as updated to September 2017.

² Policy H1 of the plan, as updated to September 2017.

that 264 dwellings will come forward on 'windfall' sites in the remainder of the plan period in the Burford – Charlbury area. As indicated above, these dwellings (439 in total) are unlikely to be necessary to ensure that district-wide housing needs are met. Moreover, in the absence of a specific housing need figure for the sub-area, it is not possible to identify that they are, as a matter of principle, necessary specifically in the context of the AONB or the Burford – Charlbury area.

This does not mean that development of some or, indeed, all of these 439 dwellings would necessarily be inappropriate. Specific proposals (whether or not they are major development in the context of paragraph 116 of the NPPF) may well demonstrate overall benefits to the AONB and its communities and consistency with national and local policy for development in this designated area. Moreover, whilst it relates to matters which are substantially ones of planning judgement, I note that the Chris Blandford Associates Landscape and Heritage Advice concludes that, in terms of landscape and heritage a least, the four AONB allocations are potentially suitable for development.

I recognise that to provide a degree of planning certainty it is desirable for a Local Plan to allocate sites for housing wherever possible. However, in the absence of a housing need figure for the Burford – Charlbury sub-area and in the particular housing land supply circumstances of West Oxfordshire as a whole at the present time, I conclude that soundly-based decisions on the balance of the benefits and harms of further housing development in this area can only reasonably be reached based on the detailed evidence submitted as part of specific planning applications. A further factor has added weight to my conclusion in this respect:

- As discussed at the Stage 3 hearing sessions, Oxfordshire County Council has raised significant concerns, in terms of education or accessibility by public transport, about three of the proposed allocations in this sub-area. It is clearly not ideal for children living in a new housing development in a settlement with a primary school to have to travel some distance outside of the settlement to attend a school with sufficient space for them; nor is it ideal for new housing to be located in a village where public transport services are very limited. This does not mean that permission for housing on these sites should definitively not be permitted. However, in determining whether or not such development is acceptable in principle, it is clearly important for the harm likely to result from these matters, bearing in mind any mitigation proposed, to be weighed against the benefits of the specific proposal.

Consequently, for the plan to be sound in the light of the available evidence, I conclude that the four Burford – Charlbury sub-area housing allocations should not be included in the plan and nor should the plan place any reliance on

additional 'windfall' housing sites in this sub-area.³ However, policy H1 should be reworded to make clear that the 774 completions/commitments figure for the Burford – Charlbury sub-area is not a 'cap' and that permission for additional housing in this sub-area may be granted where it is shown to accord with national and local policy in respect of AONBs. The Council will need to consider the requirement for other consequential modifications to the plan, most notably to the Burford – Charlbury sub-area section. However, I am satisfied that the approach to further housing development in this sub-area which I am recommending would not be fundamentally inconsistent with the following policies (as already proposed to be modified):

- Policy OS2's statement that Burford and Charlbury are suitable for a modest level of development to help reinforce their existing roles and its requirement that, in the AONB, great weight is given to conserving landscape and scenic beauty and that major development should comply with national policy.
- Policy H2's provision for new housing development on non-allocated sites including on undeveloped land adjoining the built-up area where, amongst other criteria, it is necessary to meet identified housing needs. However, it may be appropriate to modify the policy's supporting text to make clear that identified housing needs may be district-wide ones or those relating to a sub-area or a specific settlement.
- Policy EH1a's requirements in respect of all development in the AONB.

It will be a matter for the Council to determine in due course whether or not a specific, evidence-based, housing requirement figure for the AONB area is included in a future review of the plan. However, I do not consider that a decision on this now is essential to the soundness of the plan.

Conclusion and Way Forward

Assuming that the Council would be content to adopt the plan subject to these modifications I should be grateful if you and your colleagues would prepare their precise wording for my consideration. In order to expedite the Examination I am very hopeful that these, along with the other already suggested Further Modifications, can be the subject of SA/HRA (insofar as is necessary) and then full public consultation as soon as possible.

Should this not be the case I would be grateful if you would advise me of the Council's position as a matter of urgency. I should also be grateful if you would arrange for this letter to be posted on the Examination website as soon as

³ My recommendation to exclude from the plan the site allocation at Shipton under Wychwood does not in any way mean that I consider that the existing Council resolution to grant permission for housing development on this site, subject to a s106 agreement, is inappropriate. However, should this particular proposal not be implemented, the principle of any other housing development on the site would be appropriately considered through a further planning application.

possible. However, I am not inviting or proposing to accept comments on it from any other Examination participants.

Yours sincerely

Malcolm Rivett

INSPECTOR