



The Planning Inspectorate

Report to West Oxfordshire District Council

by Malcolm Rivett BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Date: 24 August 2018

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the West Oxfordshire Local Plan 2031

The Plan was submitted for examination on 14 July 2015

The examination hearings were held between 23 and 26 November 2015, 9 and 18 May 2017 and 11 and 20 July 2017.

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Abbreviations used in this report

AA	Appropriate Assessment
AAP	Area Action Plan
AONB	Area of Outstanding Natural Beauty
CPO	Compulsory Purchase Order
DCLG	Department for Communities and Local Government (now Ministry of Housing, Communities and Local Government)
Doc	Document
DtC	Duty to Co-operate
FMM	Further Main Modification
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LTP4	Local Transport Plan 4
MoD	Ministry of Defence
MM	Main Modification
NPPF	National Planning Policy Framework (March 2012)
OAN	Objectively-Assessed Need
PPG	Planning Practice Guidance
RAF	Royal Air Force
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SDA	Strategic Development Area
SHELAA	Strategic Housing and Employment Land Availability Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WHS	World Heritage Site

Non-Technical Summary

This report concludes that the West Oxfordshire Local Plan 2031 provides an appropriate basis for the planning of the District, provided that a number of Main Modifications [MMs] are made to it. West Oxfordshire District Council has specifically requested the appointed Inspector to recommend any MMs necessary to enable the plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal and Habitats Regulations Assessment of them. The MMs were subject to public consultation in line with the Statement of Community Involvement. I have recommended their inclusion in the plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Increasing the 2011 - 2031 housing requirement to 15,950 new dwellings, including 2,750 in respect of Oxford City's needs and setting out a "stepped" approach to meeting this need during the plan period;
- Increasing the planned-for number of dwellings at North Witney, East Witney and East of Chipping Norton Strategic Development Areas (SDAs), allocating a new SDA at West Eynsham and identifying North Eynsham as a strategic location for growth to be planned in detail through an Area Action Plan;
- Allocating 11 other new sites for housing development;
- Altering employment land requirements to reflect the most up to date evidence;
- A range of other alterations to the plan to ensure that it is positively-prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the West Oxfordshire Local Plan 2031 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the Duty to Co-operate. It then considers whether the plan is compliant with the other legal requirements and whether it is sound. Paragraph 182 of the *National Planning Policy Framework* (NPPF) of March 2012 makes it clear that in order to be sound, a Local Plan should be positively-prepared, justified, effective and consistent with national policy.
2. In July 2018 a revised *National Planning Policy Framework* was published. However, paragraph 214 of this document makes clear that the previous Framework (ie that of March 2012) will apply for the purpose of examining plans submitted on/before 24 January 2019 (ie West Oxfordshire Local Plan 2031). Consequently, references in this report to national policy/the NPPF are to the document of March 2012.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The West Oxfordshire Local Plan 2031, submitted July 2015, is the basis for my examination. It is the same document as was published for consultation in March 2015.
4. Simon Emerson BSc DipTP MRTPI was initially appointed to undertake the examination and Stage 1 hearing sessions were held in November 2015. Mr Emerson published Preliminary Findings in December 2015 (Appendix 1) and in the light of these, in January 2016, agreed to a request to suspend the examination in order for the Council to undertake further work and to propose main modifications to the plan to address his concerns. During this period of suspension Mr Emerson retired as an Inspector and I was appointed to continue the examination.
5. In November 2016 the Council published for consultation a number of proposed modifications to the plan. These were submitted to the Planning Inspectorate on 10 March 2017 at which point the examination resumed and Stage 2 and Stage 3 hearing sessions were held in May 2017 and July 2017 respectively.

Main Modifications

6. In accordance with section 20(7C) of the 2004 Act the Council has requested that the appointed Inspector recommend any main modifications [MMs] necessary to rectify matters that make the plan, as originally submitted for examination in July 2015, unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in Appendix 2.
7. During the suspension of the examination the Council prepared a schedule of main modifications (MMs) which was the subject of Sustainability Appraisal (SA) and public consultation in accordance with the Council's Statement of Community Involvement in November/December 2016. Following the

subsequent Stage 2 and Stage 3 hearings it prepared, subjected to SA/HRA and consulted on (February – April 2018) a schedule of further main modifications (FMMs), some of which alter in whole or in part the previously-proposed MMs. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

8. The existence of two separate schedules of modifications (MMs and FMMs) has the potential to cause significant confusion, particularly given that some of the FMMs wholly or partly modify the MMs. With this in mind a single consolidated list of main modifications to the plan, as originally submitted in July 2015, has been prepared (Appendix 2). This has resulted in the renumbering of the modifications as originally consulted on but, other than in respect of the detailed wording amendments I have made in the light of consultation comments, their content and effect is unchanged.
9. In adopting the plan the Council can also make additional modifications to the plan so long as they do not, alone or in combination, materially alter the policies of the plan. Such changes are likely to include alterations to the supporting text consequential to the main modifications, minor factual updating and the correction of typographical errors etc. Adopting a very cautious approach, the Council consulted on a number of minor factual updates and consequential alterations to the supporting text as main modifications. However, I am satisfied that these alterations to the plan do not in fact constitute MMs and, therefore, I have not recommended them as such. As part of the consultation on the MMs a number of suggestions have been made to further update the supporting text and to address minor inconsistencies. Insofar as it considers it to be necessary the Council can address these through other additional modifications.

Policies Map

10. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprised the following set of plans: Overarching Policies Map (CD11); Inset Maps 9.6, 9.10, 9.14, 9.15, 9.16 and 9.18; and Other Plans and Figures 4.1, 5.1, 8.2, 8.3, 8.4, 8.6, 9.3, 9.4, 9.5, 9.8, 9.9, 9.12 and 9.13.
11. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the recommended MMs to the plan's policies require further corresponding changes to be made to the policies map. These further changes were published for consultation alongside the MMs in 2016 and in 2018 (*Schedule of Policy Map Changes*, February 2018).

12. When the plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the set of plans listed above and the further changes published alongside the MMs which result in the policies map consisting of the following set of plans: Overarching Policies Map (CD11); Inset Maps 9.6, 9.10, 9.14, 9.15bi, 9.16 and 9.18; and Other Plans and Figures 4.1, 5.1, 5.3, 8.2, 8.3, 8.4, 8.6, 9.3, 9.4, 9.4a, 9.4b, 9.5, 9.8, 9.8a, 9.8b, 9.9, 9.12, 9.13, 9.15a, 9.15b, 9.15c, 9.15d, 9.15e, 9.15f, 9.15g, 9.15h and 9.16a.

Scope of the Report

13. This report details my assessment of the Duty to Co-operate, other aspects of legal compliance and, through consideration of 12 main issues, the soundness of the plan. The report takes account of all the representations, the written evidence, the discussions which took place at the examination hearings and what I saw on numerous site visits across the district. However, it deals only, and proportionately, with the main matters of legal compliance and soundness and does not seek to respond to every point raised by the Council or representors.

Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that the appointed Inspector considers whether the Council complied with any duty imposed on it by section 33A in respect of the plan's preparation.
15. The Duty to Co-operate applies during the period of plan preparation – ie up to the point at which the Council submitted the plan for examination in July 2015. Compliance with the duty was considered at Stage 1 hearings in November 2015 and Mr Emerson, as the appointed Inspector at that time, concluded in paragraphs 8.1 – 8.3 of his published Preliminary Findings Part 1 (Appendix 1) that the Council had fulfilled the Duty. Based on all that I have read and heard I have no reason to disagree with this conclusion and, overall, I am satisfied that, where necessary, the Council engaged constructively, actively and on an on-going basis in the preparation of the plan and that the Duty to Co-operate has therefore been met.

Assessment of Legal Compliance

Nature and extent of modifications to the plan

16. On a number of counts it has been argued that the plan, as proposed to be modified, is not legally compliant bearing in mind the extent of change to it since it was originally submitted for examination. The modifications I am recommending in order to make the plan sound would significantly alter it, particularly in terms of the housing requirement figure and the inclusion of more and larger sites for housing and employment development. However, many parts of the plan would remain substantially unaltered. There is nothing in law which limits the extent of change which an Inspector can recommend to a plan through main modifications. The *Planning Practice Guidance* indicates that where the changes recommended would be so extensive as to require a virtual re-writing of the document, the Inspector is likely to suggest that the local planning authority withdraws the plan. However, in this case, whilst the

changes would be significant, I conclude that they would not constitute the "virtual re-writing" of the plan.

17. It is the case that the plan as modified would not accord with the *Local Development Scheme* (LDS) in place at the time the plan was submitted for examination, in terms of the approach to be taken to addressing Oxford City's unmet housing needs. However, the plan as submitted was in accordance with the adopted LDS at that time. Since then a revised LDS has been adopted by the Council and the plan, as proposed to be modified, accords with the revised LDS. Consequently, there is no legal compliance failure in this respect.
18. It is argued that the Council's adopted *Statement of Community Involvement* (SCI) does not envisage the amount of change to the plan proposed by the main modifications I am recommending. Whether or not this is so, the modifications have been consulted on in line with the SCI. An exception to this is that some of the supporting evidence for the main modifications was not made available until well into the consultation exercise which commenced in November 2016. However, I am satisfied that significant prejudice was not caused by this. Consultees were fully aware of the proposed modifications to the plan and had the opportunity to raise concerns about the late emerging supporting evidence if they so wished through hearing statements and at the Stage 2 and 3 hearing sessions.
19. It has also been argued that, in view of the extent of change proposed to the plan, an 'Issues and Options' style consultation should have been undertaken before main modifications were proposed and consulted upon. However, the Act and Regulations do not require, or provide for, such a consultation post-submission of a plan for examination. In any case, through the Regulation 19 consultation undertaken on the originally submitted plan, the discussions at the Stage 1 examination hearings and Mr Emerson's Preliminary Findings, the range of issues and options of relevance to securing a sound plan for West Oxfordshire were clearly aired.

Sustainability Appraisal

20. The following documents summarise the Sustainability Appraisal (SA) work undertaken in connection with the preparation of the plan and the formulation of the modifications proposed to it:
 - Doc CD2 (*Final SA Report*, February 2015) which appraises the plan as submitted for examination in July 2015 and was the culmination of work ongoing since 2010.
 - Doc CD10 (*SA Addendum Report*, October 2016), which appraises the main modifications proposed by the Council following suspension of the examination.
 - Doc CD12 (*SA Further Addendum Report*, October 2017), which considers a number of additional reasonable alternatives, refreshes appraisals of number of proposed allocations and includes a comparative assessment of options for strategic development area sites in the main towns.

- Doc CD17 (*SA Further Addendum Report*, February 2018), which appraises the further main modifications proposed following the Stage 2 and Stage 3 hearing sessions.
21. Throughout all four documents a consistent framework of 16 objectives has been used to assess the emerging plan. These were developed following a scoping and consultation exercise and are relevant and appropriate to the scope of the plan, local context and national policy. Assessment of the plan against the objectives was undertaken by independent and experienced assessors, with input from Council officers particularly in relation to factual information. I am satisfied that this overall approach is adequate.
 22. Doc CD2, supporting the plan as originally submitted for examination, appraised the plan's 'three towns focus' spatial strategy against identified reasonable alternatives of (i) a focus on Witney and (ii) more dispersed development. During the suspension of the examination the spatial strategy options were re-assessed (Doc CD10), in the light of an increased housing requirement figure, along with assessment of two further options: (iii) concentration along transport corridors and (iv) a new village. To my mind the assessment of reasonable alternatives at this strategic, spatial strategy, level is robust. For the reasons detailed in CD10, the plan, as proposed to be modified, is based on a continuation of the 'three towns focus' spatial strategy together with a new village, the latter in connection with Oxford City's unmet housing needs. In contrast to the assertion of some, the concept of a new village was not a "given" but was proposed by the Council in the light of SA assessment of four distinct spatial alternatives designed to deliver the increased housing requirement.
 23. Doc CD10 also reconsidered earlier assessments and conclusions on 'directions of growth' at Witney, Carterton and Chipping Norton. For each town a number of growth options were appraised, in effect reasonable alternatives to the strategic development area allocations included in the plan as proposed to be modified. Doc CD10 also appraised directions of growth at Eynsham (sites to the north and west, both proposed for allocation in the modified plan) and 15 non-strategic housing allocation sites (all proposed for allocation in the modified plan). The development sites selected for appraisal reflect the conclusions of the *Strategic Housing Land Availability Assessment (SHLAA)* (2014) and the *Strategic Housing and Employment Land Availability Assessment (SHELAA)* (2016) considered in detail in Issue 4 below.
 24. It has been argued that doc CD10 is inadequate, primarily in (i) not assessing reasonable alternatives to the Eynsham sites and the 15 non-strategic housing allocation sites; and (ii) not undertaking a comparative assessment of the sustainability of all strategic sites at the three main centres. Whilst contending that, in respect of most of these criticisms, the SA was not inadequate, the Council, nonetheless, commissioned further SA work in response to the main points raised.
 25. To this end Doc CD12 appraises (as reasonable alternatives to the allocations/location for growth proposed in the plan as proposed to be modified) Barnard Gate Garden Village, land to the north of the A40 at Barnard Gate, land adjacent to Hanborough Station (in two combinations), and 13 non-strategic sites identified in the SHELAA (2016) as potentially suitable

for development. Sections 4, 5 and 7 of Doc CD12 explain the conclusions that the strategic and non-strategic sites included in the plan (as proposed to be modified) are appropriate in the light of the assessment of these reasonable alternatives.

26. At Appendix B, Doc CD12 also sets out a comparative assessment of all the strategic development site options appraised in the three main towns. However, the plan's spatial strategy (which itself was the subject of comparison with reasonable alternatives as detailed above) provides for growth to take place at all three of these towns. In this context I concur with the Council that it would be inappropriate to use the Appendix B assessment to allocate or not allocate in the plan a strategic site in one of these settlements on the basis of its 'performance' against a site in another town.
27. In practice there is an almost limitless number of combinations of comparative assessments which could be undertaken across the full breadth of options for the plan's overall spatial strategy, for broad directions of growth at the main settlements and for strategic and non-strategic site allocations. However, that this appraisal work could, in theory, be undertaken does not mean that it is necessary for the SA to be legally compliant. Ultimately, I conclude that, in respect of the overall spatial strategy, strategic development areas and non-strategic allocations, the SA proportionately and adequately assesses reasonable alternatives to the policies and allocations included in the plan.
28. The SA does not seek to aggregate the individual assessments of effects against each objective through a formal scoring or weighting system and there is no legal compliance failure in this respect. To my mind such a system is not necessarily a more objective approach to SA and has the potential to oversimplify or obscure complex planning judgements, in which the weight given to various criteria may appropriately vary from issue to issue or from one location to another. SA is intended to inform plan preparation but it is not a "sausage machine" into which data on sites can be entered, settings can be selected and from which a chain of sites to be allocated in the plan will be produced. It is reasonable (and thus legally compliant) for the Council to conclude that a site which is likely to have many positive impacts, but one significant adverse effect, should not be allocated in the plan, whilst one that has a number of adverse effects but one significant beneficial effect should be allocated. Furthermore, it is not unusual that some reasonable alternatives are appraised to have very similar effects as the chosen site allocations. Nonetheless, as required by law, the reasons for selecting the chosen sites are clearly, if briefly, explained (paras 3.9 – 3.13, 4.14 – 4.15 and 5.13 of the October 2017 Further Addendum Report (doc CD12)) and these explanations are, in my view, reasonable ones.
29. The assessment has been undertaken at a relatively strategic level. Such an approach is commonplace and, in principle, I am satisfied that it is appropriate and proportionate to inform preparation and examination of a local plan. Crucially, the assessment of the plan's policies and allocations has been undertaken at the same level of detail as that of the reasonable alternatives. Nonetheless, it has been argued that the specific assessment of effects of a number of the plan's policies, allocations and reasonable alternatives ignore relevant factors, are incorrect, unjustified or inconsistent and/or are not supported by sufficiently detailed information.

30. That many people disagree with the assessment of specific effects is unsurprising and almost inevitable given that, although supported by relevant technical evidence, many of the assessment conclusions involve a significant element of planning judgement. More widely, as detailed below, having considered a number of specific examples (which raise themes common to many of the individual criticisms of the SA), I am satisfied that the conclusions reached are reasonable ones and that any omissions, errors or inconsistencies which do exist do not result in the SA being fundamentally or substantially flawed.
31. In relation to air quality impacts of strategic sites at Witney and Chipping Norton, I concur with the Council that the technical evidence, in this particular regard, is not "black and white" and there is, thus, a role for planning judgements in assessing likely effects. Moreover, in the context of the overall volume of assessment work undertaken in the SA of the plan, any inconsistencies or even errors in these matters (assuming they were to be definitely shown to amount to such) do not fundamentally undermine the process.
32. The SA identifies the West Carterton site as being 0.8km from the town centre and the West Eynsham site as being 1km from the village centre but nonetheless, seemingly counter-intuitively, concludes that the latter is well-located in relation to services whilst the former is not. However, it is the case that the West Carterton site is around 0.8km from the town centre at its nearest point and the middle of the site is around 1.5km distant. In contrast, the 1km measurement is to the middle of the West Eynsham site and at its closest point the site is around 0.6km from the village centre. Whilst the inconsistency in measurements adopted in the SA is unfortunate, such an occurrence is unsurprising given the overall volume of appraisal evidence and the number of individuals likely to have been involved in its preparation/collation. Crucially, having regard to consistent measurements, the SA's conclusions on these sites are justifiable ones.
33. A different point has been argued in relation to distances from the South Witney and North Witney site options to Witney town centre. Whilst it could be appropriate to measure the distance from the South Witney site from a location which is nearer the town centre than the 2.3km stated in the SA, the same approach would need to be applied to the North Witney site, reducing the comparable distance below the 1.5km indicated for this site in the SA. Furthermore, the SA's assumption as to what constitutes the central point of the town centre is, to my mind, entirely reasonable, it being a key junction, pretty much at the central point of the plan's defined town centre boundary.
34. In relation to the appraisals of site options near Hanborough Station it is reasonable for the SA to conclude that, notwithstanding the presence of the station, development at Hanborough would have a minor adverse effect on traffic, whereas the West Eynsham site would have a positive effect because of wider benefits of the relief road proposed as part of the latter development. Moreover, given the proximity of designated ecological sites to the Hanborough Station site options, the SA's minor negative (with some uncertainty) biodiversity assessment is reasonable, in comparison with the neutral (with some uncertainty) assessment for site options not in close proximity to protected sites. On this basis the SA assessment is not

undermined by (or even strictly inconsistent with) subsequent evidence, commissioned by the promoter of the Hanborough Station site which contends that biodiversity harm would be unlikely. It is a legal requirement that SA of effects between reasonable options is undertaken at the same level of detail and it is not a requirement, nor would it be proportionate in connection with a local plan, for that level of detail to be akin to that required in connection with an application for planning permission.

35. In terms of the Kilkenny Farm site it is argued that in assessing the effect on health, well-being and reducing inequalities as "minor positive with some uncertainty" insufficient weight has been given to new sports, country park, walking and cycling facilities and landscaping enhancements. Whilst it is not completely unfeasible that this effect could have been judged to be a major positive one, (assuming the site could be shown to specifically resolve an existing sustainability problem) this is substantially a planning judgement and to my mind the SA's assessment is entirely reasonable. Moreover, in my view, the "uncertainty" element of the assessment (which is common to the SA's assessment of most of the strategic development area site options for this particular objective) reasonably reflects uncertainties about the actual effects of facilities such as sports and country park provision on health, well-being and reducing inequalities.
36. In respect of the appraisal of the Oxfordshire Cotswolds Garden Village and the reasonable alternatives to it, it has been argued that many of the conclusions reached, including in relation to Park and Ride provision, the envisaged new footbridge, the existing concrete recycling facility and heritage assets impacts, are inappropriate or unreasonable in the light of the available evidence. However, I am satisfied that the nature, coverage and level of detail of the evidence is proportionate to an SA intended to inform local plan preparation and that the conclusions and planning judgements reached in the light of it are within the bounds of reasonableness.
37. It is the case that the SA work has been, to some degree, complicated by the overall length of the examination and the suspension of it in 2016. Furthermore, significant additional appraisal work has been submitted at a relatively late stage in the examination as a result of the Council's willingness to commission work to respond to criticisms of the SA, even where it believed this not to be strictly necessary for legal compliance. However, although now set out across four main documents, the overall approach taken to SA is consistent and the reasons for the additional work and the conclusions of it clearly explained at each stage. Whether or not all the additional work prepared in response to criticisms was strictly necessary for the SA to be legally compliant, it and the overall level of scrutiny the SA work has received, strengthens its value in informing the policies and allocations of the plan. Furthermore, whilst it is not a legal requirement, that the SA work has been led by experienced, professional consultants, independent of the Council supports its objectivity.
38. Overall, I conclude that the Sustainability Appraisal work undertaken in connection with the plan is adequate.

Other Aspects of Legal Compliance

39. I conclude that the plan meets all other legal requirements:

- the plan as proposed to be modified is in accordance with the Council's *Local Development Scheme* (March 2017), other than in respect of the timetable for the examination and adoption which does not represent an inherent legal compliance failure;
- the *Statement of Community Involvement* was adopted in December 2014. I recognise that consultation on the plan, which has taken place over a number of stages, has been for some people somewhat confusing. However, the Council has made efforts to explain the situation at each stage. Overall, consultation on the plan and the MMs has complied with the requirements of the *Statement of Community Involvement*;
- building on earlier 'rounds' of Habitats Regulations Assessment work, the *Habitats Regulations Assessment incorporating Appropriate Assessment* report (June 2018) concludes that the plan, as proposed to be modified, will not have an adverse effect on the integrity of any European designated site. Consultation on the report accorded with Reg 105 of the Conservation of Habitats and Species Regulations 2017 and Natural England has confirmed that it is satisfied with the report;
- the plan complies with national policy except where indicated and MMs are recommended;
- the plan includes policies (in particular policies T1, T3, EH4 and EH5 in respect of public transport, cycling, walking, low carbon energy development and flood risk) designed to ensure that the development and use of land in the plan area contributes to the mitigation of, and adaptation to, climate change; and
- the plan complies with all other requirements of the 2004 Act and the 2012 Regulations.

Assessment of Soundness

Issue 1 – whether or not the plan's strategy for new homes is positively-prepared, justified, effective and consistent with national policy

Objectively-Assessed Need for New Housing

40. The Council, together with its partner Oxfordshire authorities, commissioned the April 2014 *Oxfordshire Strategic Housing Market Assessment* (SHMA). Taking account of migration, commuting flows and house prices the assessment identifies that the majority of Oxfordshire forms a sub-regional housing market area. Consequently, and bearing in mind that there is no convincing evidence to the contrary, the county is an appropriate basis on which to assess housing need. Alongside Oxfordshire-wide figures, the SHMA identifies an analysis of housing need for each constituent district.

41. The SHMA was prepared in line with the *Planning Practice Guidance* (PPG) and uses as its starting point the, then, most up to date, 2011-based DCLG household projections. These have been appropriately adjusted having regard to more recent migration data, calibrated to census data. Consistent with the advice in the PPG the SHMA then assessed the number of new households which would be required to provide the labour force necessary to meet the likely economic growth in West Oxfordshire over the plan period and, finally, slightly uplifted this figure to 685 dwellings per annum (dpa), the number of new dwellings necessary to meet the identified affordable housing need, assuming 40% of new homes are affordable. Table 90 of the SHMA summarises the work undertaken and concludes that the plan period (2011-2031) objectively-assessed housing need (OAN) for West Oxfordshire is in the range 635-685 dpa, The range appropriately reflects the inherent uncertainties in the formulation of the figure.
42. Nonetheless, as originally submitted for examination, the plan contended that the objectively-assessed need for new housing in the district is 525dpa. There was much discussion of this figure at the Stage 1 hearings and Mr Emerson's conclusions on the point are set out in sections 2 – 6 and 10 of his Preliminary Findings Part 1 (Appendix 1). Based on all that I have read and heard I concur with his conclusion that the contended OAN of 525 dpa (10,500 dwellings for the plan period) is not justified by the submitted evidence.
43. During the suspension of the examination the Council commissioned two partial updates of the SHMA. Using a similar, but not identical, approach to assessing housing need as the 2014 document, the second *Partial Update* (which is based on the, by then, most up to date 2014-based demographic projections) concludes that the OAN for West Oxfordshire is 592dpa, but makes clear that this figure would need to be uplifted in order to ensure that all identified affordable housing needs are met. That the 592dpa figure is lower than the range indicated in the 2014 SHMA is primarily explained by forecasts of a higher number of working age households in the district and a consequent reduction in the likelihood of in-migration of people to take up employment. This assumption is supported by some but is roundly criticised by a number of others and I find the evidence on this particular point to be largely inconclusive.
44. In the context of this conflicting evidence the Council has now concluded that the appropriate OAN for the district is 660 dpa – the mid-point of the range indicated in the 2014 SHMA. Bearing in mind that forecasting housing requirements is not an exact science, I consider that this is a soundly-based conclusion for three main reasons. Firstly, even if the more recent forecast of a higher numbers of working age households is correct, providing for only 592 dpa would potentially result in a substantial shortfall in the provision of affordable homes to meet the identified need of 274 such dwellings per year. Secondly, OANs in accordance with the 2014 SHMA have been found sound through the examinations of the Cherwell and Vale of White Horse Local Plans, the latter by me. Given that all the Oxfordshire districts comprise a single housing market area, there would be much sense in planning for housing on the same basis. This is because potentially under-supplying housing in one district would have knock-on effects for the others and for the housing market area as whole. Thirdly, the SHMA identifies the OAN for the district as lying within a range, specifically to reflect inevitable uncertainties in its formulation.

Given that there is no convincing evidence to resolve these uncertainties, it is entirely logical to take the mid-point of the range as the OAN on which the plan is based.

45. In concluding that the 660 dpa OAN figure is sound I have had regard to the various criticisms of the 2014 SHMA. Although the forecasts of economic growth on which the SHMA is based are ambitious, I consider that they are not unrealistically so and the *Planning Practice Guidance* makes clear that employment forecasts are a key consideration in determining future housing needs. Moreover, it is notable that the uplift to reflect economic growth of around 22% in West Oxfordshire is significantly less than the economic growth uplifts already found sound through examination of the Cherwell and Vale of White Horse Local Plans. Mr Emerson set out his views on many of the other criticisms of the 2014 SHMA in his Preliminary Findings Part 1 (Appendix 1), many of which are essentially challenges to national policy, and I have subsequently read and heard nothing which leads me to disagree with his conclusions to any material degree.
46. The revised *National Planning Policy Framework* of July 2018 indicates that the assessment of local housing need should, in most circumstances, be undertaken using a standard method set out in national planning guidance. I understand that, using this method which does not take account of forecast economic growth, the housing need figure for West Oxfordshire would be significantly lower than the 660dpa indicated by the SHMA and set out in the plan as proposed to be modified by the Council. However, as detailed in the Introduction to this report, the March 2012 version of the NPPF, not the revised version, applies to the examination of this plan. In any case, the new element of the PPG which details the standard method, makes clear that the calculation is a minimum local housing need figure. Consequently, notwithstanding the standard method, I conclude that the 660 dpa figure is a soundly-based assessment of West Oxfordshire's housing requirement for the plan period.

Oxford City's Unmet Housing Needs

47. It has been known for some time that Oxford City is unlikely to be able to provide within its own boundaries for its full objectively-assessed need for new housing, based on the 2014 SHMA. Through its membership of the Oxfordshire Growth Board, West Oxfordshire Council recognised that it might be appropriate for some of this unmet housing need to be provided for in its area, although the plan as submitted made no provision for this. As indicated in its Local Development Scheme at the time of submission of the plan, the Council envisaged a plan review as the appropriate mechanism for dealing with this matter – an approach found sound in respect of both the Cherwell and Vale of White Horse Local Plans.
48. During the suspension of the examination the Oxfordshire Growth Board formally agreed that a 'working assumption' figure of 15,000 represents Oxford City's unmet housing need and that West Oxfordshire will accommodate 2,750 of these homes in the period 2021-2031. The 2,750 figure is based on extensive joint work on both capacity within Oxford City and on potential options for meeting the city's housing needs beyond the city boundary. The latter work includes a Green Belt study, a Spatial Options

Assessment, a Transport Infrastructure Assessment and an Education Assessment.

49. I consider the merits of the specific site/location for growth proposed in the plan to provide for this need in Issue 8 below, but based on the Growth Board's work I conclude that the 2,750 requirement figure is, in principle, soundly-based. I note the criticism of the paucity of public consultation and involvement in the Growth Board's work. However, the extent of consultation was fundamentally a judgement for the Board, I am not aware that there is any legal compliance failure in this respect and the outcome of the Board's work will be (and has been in the case of West Oxfordshire) the subject of full public consultation through each relevant local plan examination.
50. The 2,750 figure is, of course, only a 'working assumption' and could change over time dependent on the outcome of the examinations of other districts' plans and plan reviews and/or new evidence which may come forward in the future. Distributing housing needs amongst a number of authorities each with their own local plan timetable will, inevitably, be an iterative process. However, as the first authority in a position to make provision for the agreed distribution of Oxford City's unmet needs, it is entirely appropriate for the West Oxfordshire plan to do so. Should the evidence point to the need to significantly alter the 2,750 figure in due course, a review of the plan would be the most appropriate way to achieve this. However, bearing in mind the statutory requirement for plans to be reviewed at least every five years, there is not a need for the plan to include a specific policy in this respect.
51. It has been argued that the Oxford City unmet housing needs requirement should apply immediately rather than being provided for only in the last ten years of the plan period (ie 2021-2031). However, this timescale is supported by all the local authorities and it reflects the realities of delivery in the light of the strategy and lead-in times for the specific sites deemed most appropriate to meet these needs. Moreover, nothing in the plan prevents delivery of housing to contribute towards the city's unmet housing needs before 2021. Indeed, notwithstanding the theoretical need that they are provided to meet, in reality, all homes built in the Eynsham – Woodstock sub-area (the part of West Oxfordshire closest to Oxford) will be as much available for households who would be considered to be an Oxford City housing need as to households who would be considered to be a West Oxfordshire need.

The Housing requirement figure and policies H1 and H2

52. In the light of my conclusions above, the plan as submitted is consequently not sound in assuming an OAN of 525 dpa and in not making provision for West Oxfordshire's, now agreed, share of the likely unmet housing needs of Oxford City. Moreover, my conclusions elsewhere in this report, on the sites and policies the Council now proposes to provide for the higher housing need figure, indicate that there are not constraints in the district which would justify not seeking to fully meet the objectively-assessed need for housing. Consequently, **MM7, MM8, MM9 and MM10** are necessary for the plan to be positively-prepared and justified. These make clear in policies H1 and H2 that the plan will provide for at least 15,950 new dwellings in the 2011-2031 period, comprising 13,200 dwellings for the district's own needs (reflecting the

OAN of 660 dpa) and 2,750 dwellings (for the period 2021-2031) in respect of unmet needs from Oxford City.

53. The "at least" wording of the policy as proposed to be modified reflects the presumption of national policy that identified housing needs will be met. It also allows for the fact that some additional housing development may come forward which, whilst not specifically provided for in the plan, is entirely acceptable (eg windfall development within the urban areas).
54. Policies H1 and H2 also address the distribution of housing development across the district and over the plan period which are considered in Issues 3 and 10 respectively.

Policy H3 - Affordable Housing

55. In accordance with NPPF paragraph 50, policy H3 sets out requirements for the provision of affordable housing as part of residential developments. Although the requirements have been challenged on a number of counts, the rates set in the policy reflect the need for 274 affordable homes, identified in the 2014 SHMA, and the findings of the February 2015 *Local Plan and CIL Viability Study*. Other than in relation to sheltered and extra-care housing, discussed below, there is no detailed and convincing evidence to the contrary. It is of course the case that a specific scheme may not viably be able to provide for the standard affordable housing requirement and the policy appropriately provides for reduced provision in such cases. However, it would not be in accordance with the aim of national policy that affordable housing needs are met, to set the standard affordable housing requirement at a rate at which every single development could viably achieve.
56. Whilst the policy's affordable housing requirements are shown to be viable for most schemes, it is, of course, the case that reducing them would improve the economics of market housing development, potentially further increasing the likelihood of it taking place. This is one aim of the minimum thresholds for requiring affordable housing set out in national policy with which Policy H3 accords. Nothing in national policy requires authorities to go further in this respect and, I conclude that, in general terms, the plan's affordable housing requirements appropriately balance the identified need for both market and affordable housing in the district, bearing in mind that the total housing requirement figure includes an uplift specifically intended to ensure that affordable housing needs are met.
57. The amount of affordable housing required by the policy varies by area, there being high (50% affordable housing), medium (40%) and low (35%) value zones. As permitted by national policy, there is also a lower threshold for its provision (six dwellings rather than the normal 11) in the Cotswolds Area of Outstanding Natural Beauty.
58. However, a more recent update of the viability evidence (December 2016 *Local Plan and CIL Viability Assessment – Second Update*) identifies that sheltered accommodation can now viably provide the standard requirement for affordable housing but that Extra-Care housing can only viably provide for reduced levels of 45% (high value zone), 35% (medium value zone) and 10% (low value zone). For the policy to be justified **MM11**, which adjusts the affordable requirements to accord with the most recent evidence, is therefore

necessary. This modification also ensures consistency with national policy in respect of off-site affordable housing provision in the AONB. However, for the plan to be sound there is not a need for it to specifically refer to "rent to buy" properties.

59. It has been argued that different affordable housing requirements should apply to the Oxford City housing needs which are to be provided for in West Oxfordshire. However, taking account of both need and viability, there is not any specific evidence to justify different requirements to those set out in policy H3. Nonetheless, it is appropriate for this matter to be kept under review, particularly in the preparation of the Area Action Plan proposed for the Oxfordshire Cotswolds Garden Village as detailed in Issue 8.

Policies H7 and H8 - Travelling Communities

60. As originally submitted for examination the plan (policy H7), in respect of the accommodation needs of gypsies, travellers and travelling showpeople, simply stated that identified needs would be met through the safeguarding and extension of existing sites and the provision of new sites subject to a number of criteria. During the suspension of the examination an updated *Gypsy and Traveller Accommodation Assessment* (2016) was prepared which, based on the current national planning definition of gypsies, travellers and travelling showpeople, identifies a need for five pitches and five plots from 2016 to the end of the plan period.
61. In the light of this evidence, and thus for the plan to be justified and consistent with national policy, **MM13** and **MM14** are necessary. **MM13** indicates the evidence-based accommodation requirement for the 2016 – 2031 period. It also identifies that to provide for a five year supply of such accommodation, one to two pitches will be provided as part of the expansion/intensification of existing sites, that consideration will be given to the scope for such provision in strategic development areas and that three plots (out of a total of up to six) will be provided at an expansion of the existing Cuckoowood Farm showpeople's site. Consistent with this, new policy H8 (**MM14**) allocates land at Cuckoowood Farm and sets out appropriate criteria with which its development for up to six plots for travelling showpeople should accord. Concern has been expressed at the allocation of additional land at Cuckoowood Farm and at the potential for accommodation for travelling communities at the strategic development areas. However, there is an identified need for such accommodation and there is no convincing evidence that the plan's requirements in this respect are not soundly-based.
62. Through the 2016 assessment it is clear that there are plot and pitch requirements for people who ethnically identify themselves as being part of travelling communities but who do not fall within the current national planning definition of gypsies and travellers. In the light of the Public Sector Equality Duty and to ensure that the plan is justified, these needs are provided for through policy H4 (as proposed to be modified) as detailed below.

Policies H4 and H5 - Type and Mix of Housing and Custom and Self Build Housing

63. Policies H4 and H5 are, in principle, positively-prepared approaches to ensuring an appropriate mix of dwelling types in the district, in line with the requirements of paragraph 50 of the NPPF. However, **MM12** is necessary to

provide for the housing needs of people who identify themselves as being part of a travelling community but who are outwith the national planning definition of these communities.

64. Policy H4 also sets out requirements that a minimum of 25% of new homes should be accessible and adaptable housing and that at least 5% should be wheelchair adaptable dwellings. In effect these are the optional Building Regulations requirements M4(2) and M4(3) respectively. Following discussion at the hearings the Council prepared a paper (doc HOU22) to explain in more detail its justification for these requirements. The paper references relevant data from four Oxfordshire County Council documents on the housing needs of older people and people with disabilities. Whilst these do not provide direct and specific justification for the 25% and 5% requirements, in the light of this evidence the requirements are broadly reasonable. I reach this conclusion bearing in mind that the Public Sector Equality Duty is of relevance to this matter and that the requirements were appraised in the most recent plan viability assessment (doc VIAB6) and would not undermine development viability. Moreover, where viability is not compromised, I see no reason why new housing development should not seek to address the existing lack of provision of accessible/adaptable homes. Indeed, such an approach aligns with that for affordable housing. Different conclusions on this issue may well have been reached in other local plan examinations but they will have reflected the specific evidence in each case.
65. Nonetheless, as the viability assessment tested the requirements on developments of 50 units or more (as opposed to 11 units as set out in the plan as submitted), **MM12** is necessary for the plan to be justified, altering the threshold accordingly. For clarity, and thus effectiveness, this also rewords the policy to refer specifically to the M4(2) and M4(3) requirements.
66. Other than where it can be demonstrated to be unviable/not achievable, policy H5 requires that 5% of plots on residential developments of 100 units or more should be serviced and made available for custom or self-build housing, a type of accommodation encouraged in paragraph 50 of the NPPF. The Council's register of those seeking to acquire such plots numbered 183 people in November 2016 and 276 by April 2017. This already equates to 1.1% rising to 1.7% of the overall housing requirement figure and there is more than 12 years of the plan period left to run. I accept that some self/custom builders may prefer bespoke sites, but there is not any convincing evidence to indicate that some would not wish to develop plots on 'mainstream' housing developments. Given these figures and, in particular the rapid increase in demand for self-built housing, the 5% figure is a reasonable and soundly-based plan period requirement, bearing in mind the policy's viability/achievability clause and that it only applies to developments of more than 100 units.

Policy H6 - Existing Housing

67. Policy H6 sets out appropriate criteria with which changes to existing housing in the district should accord, in the interests of maintaining sustainable communities and a high quality environment. As such the policy is sound.

Conclusion

68. In conclusion, and subject to the above-mentioned modifications, the plan's strategy for new homes is positively-prepared, justified, effective and consistent with national policy.

Issue 2 –whether or not the plan's strategy for economic growth is positively-prepared, justified, effective and consistent with national policy

Policy E1 – Land for Employment

69. Whilst earlier evidence suggested a higher need figure, the 2015 *West Oxfordshire Economic Snapshot* indicates a requirement for around 27ha of additional employment land, during the plan period, to meet the committed economic growth scenario on which basis the district's (and wider housing market area's) housing needs are based. Whilst some scepticism has been expressed about the figure, there is no detailed and convincing evidence to counter this document.
70. The *Economic Snapshot* forecasts job creation figures and related employment land requirements for each of the plan's sub-areas - 3ha each for the Carterton, Chipping Norton and Burford-Charlbury areas, 8ha for the Eynsham – Woodstock area and 10ha for Witney. Moreover, the document recommends that the plan should allocate new sites, in particular in the Eynsham – Woodstock area, "to capture growth in the Oxford City Region".
71. As submitted for examination policy E1 provided for 20ha of employment land to the west of Witney, 10ha in Carterton, up to 7.3ha in Chipping Norton and at least 7ha elsewhere in the district. However, following the suspension of the examination, the Council proposed modifications to the policy reducing the provision at Witney, Carterton and Chipping Norton to 18ha, 6ha and 5ha respectively, to reflect realistic delivery. Whilst this is reduced provision, it still exceeds the evidence-based requirements for these towns. In particular the Council argues that the additional provision at Carterton and Chipping Norton, over and above the identified (in the *Economic Snapshot*) 3ha requirement, reflects local aspirations for increased employment. For Carterton the policy (as proposed to be modified) also states that further consideration will be given to additional employment sites in appropriate locations, which provides even greater support for local employment aspirations. In the light of this, and my findings below, I conclude that it is not necessary for soundness for the policy to include a higher specific employment land requirement/allocation figure for the town.
72. The modified plan also provides for a 40ha campus-style science park at the proposed Oxfordshire Cotswolds Garden Village, as a response to the *Economic Snapshot* recommendation that new employment sites should be allocated in the Eynsham – Woodstock area. This also aligns with the Council's aspiration for a campus-style science park in the district and would provide for longer term employment land requirements for beyond the plan period.
73. Supported by an independent economic view by SQW (*The Case for Growth at Carterton*, February 2017) arguments have been strongly made that the plan does not adequately or appropriately provide for new employment development in Carterton and is, thus, not positively-prepared. The SQW

report emphasises the employment impacts of the designation in 2012 of RAF Brize Norton as a 'Super-Base', including the transfer of some 2,500 jobs from RAF Lyneham to Brize Norton. It is stated that employment in 'off-base' contractors and suppliers has also expanded since 2012, and in January 2017 an MoD contract with Airbus was announced to support the A400M Atlas aircraft fleet, securing 200 jobs at the base and 200 elsewhere. The report argues that the anticipated increase (from 12 to 22 by 2019) in the number of such aircraft based at Brize Norton will require more jobs at Carterton to fly, maintain and service the fleet along with multiplier effects for the local economy and a consequent demand for more housing.

74. Providing the land for employment and housing to support this growth at RAF Brize Norton is argued by SQW to be of national significance. The *Economic Snapshot* recognises the importance of the base to the economy of Carterton and refers to the implications of its possible future expansion or contraction, although it makes clear that the extent of the former is unknown at the present time and there is no suggestion that the latter is likely. However, there is no clear evidence that, in reality, the expansion of the base which has taken place since 2012 has been hampered by the availability of employment land or housing in the Carterton area. Moreover, looking to the future, there is no suggestion from the RAF or MoD themselves that they envisage any future expansion at the base could be so constrained. Indeed, the RAF/MoD have not raised any concerns about the plan. In the light of all this I conclude that, at the present time, the plan is not unsound in relation to its response to the role of RAF Brize Norton.

75. The *Economic Snapshot* identifies a need for 3ha of additional employment land for Carterton although, notwithstanding this and as detailed above, in support of local aspirations, the plan, as proposed to be modified, provides for 6ha - double the objectively identified requirement. The *Economic Snapshot* also recommends that Carterton is identified as a priority area for economic regeneration and environmental enhancement. It states that, in practical terms, this may require the adoption of a masterplan for Carterton town centre "to deliver high quality urban realm and assemble attractive employment sites to encourage additional business activity to the town". Based on all that I have read, heard and seen on my visits to Carterton, it is clear that the town is in need of regeneration and, as detailed in Issue 6, the plan includes a policy to boost and enhance Carterton town centre. However, whilst it refers to the problem of an oversupply of old and poor quality industrial buildings in Carterton, the *Economic Snapshot* does not suggest that the provision of additional employment land, in excess of the 6ha which the plan provides for at Carterton, is necessary to achieve the regeneration it indicates is required in the town.

76. In the light of the above, and for policy E1 to be positively-prepared and justified, **MM15** is necessary. This includes in the policy reference to the campus-style science park at the Oxfordshire Cotswolds Garden Village and adjusts the employment provision at Witney, Carterton and Chipping Norton to reflect the realities of likely delivery. It is appropriate not to include a reference in the policy to the long term development potential of land to the west of Downs Road because there is not, at this stage, evidence to show that there are not other as, or more, suitable locations for this local employment growth in the Witney area. As proposed to be modified, the policy provides for

significantly more than the indicated 27ha requirement for employment land in the district. However, much of this is unlikely to be available until towards the end of, or even beyond, the current plan period and there is no persuasive evidence that the theoretical over-supply would be likely to cause any harm. Nonetheless, it is clearly important that the success of the plan's policies in securing regeneration of Carterton is kept under close scrutiny. Moreover it cannot be ruled out that review of the plan to respond to future expansion or changes at RAF Brize Norton will be necessary. However, at the present time, I conclude that the plan, subject to **MM15**, is sound in terms of the overall provision made for employment land and its distribution across the district including at Carterton.

Policies E2 – E6

77. Consistent with guidance in the NPPF (paragraph 28) policies E2 and E3 are, in principle, positively-prepared approaches to supporting the district's rural economy, including the re-use of non-residential buildings. Nonetheless, **MM16 and MM17** are necessary for the policies to be justified. The former requires that new buildings for rural economic uses are suitable in terms of their location and effect on the character and amenity of the area and the latter seeks to avoid the removal of features of historic interest in the re-use of buildings. Policy E4 sets out an appropriate strategy for promoting sustainable tourism in the district. The policy's aim to locate new tourism facilities in towns, service centres or villages is soundly-based, having regard to the NPPF principle of directing development to locations which are sustainable. However, the policy also appropriately identifies circumstances in which an alternative location may be acceptable and, in this regard, **MM18** is necessary for the policy to be justified. This allows an exception to the requirement for a town, service centre or village location where the tourist/visitor facility could not reasonably be located in such a settlement.
78. Policy E6 identifies five town centres in the district: Witney as the principal centre, Carterton and Chipping Norton as primary centres and Burford and Woodstock as town centres with a significant tourist role. Consistent with guidance in the NPPF, primary and secondary shopping frontages are identified for the principal and primary centres and appropriate requirements are set in terms of the uses which will be permitted in each. However, in the interest of clarity and, thus, effectiveness **MM20, MM21 and MM22** are necessary. These provide clearer statements on how development proposals will be assessed by the Council and include a cross-reference to policy T4 concerning parking provision.
79. It has been argued that the policy E6's stated resistance to the loss of shops and town centre uses in Burford and Woodstock should also apply to Charlbury. However, Charlbury is not formally designated by the plan as a town centre and there is not the evidence to indicate that it should be so. Moreover, policy E5, which seeks to retain and support the development of local services and community facilities, does apply to Charlbury. Subject to **MM19**, I am satisfied that policy E5 provides the same commitment to the retention of such facilities in Charlbury (and in indeed in the other Rural Service Centres) as is provided by policy E6 for Burford and Woodstock. **MM19** requires both (rather than one or other) of the policy's criteria to be met for a proposal which would result in the loss of a local service/community

facility to be permitted. **MM20** explains the application of this to the Rural Service Centres. It is not necessary for soundness for the policy itself to refer to the NHS Disposal Strategy and proposals arising from this strategy will not necessarily conflict with the policy. Moreover, if they do, it is appropriate that they are considered against the justified requirements of the policy and any other relevant plan policies to assess whether or not they accord with the plan as a whole.

Conclusion

80. In conclusion, and subject to the above-mentioned modifications, the plan's strategy for economic growth is positively-prepared, justified, effective and consistent with national policy.

Issue 3 – whether or not the settlement hierarchy and spatial strategy are justified, effective and consistent with national policy

Settlement Hierarchy

81. Table 4.1 details the settlement hierarchy for the district which influences policies in the plan concerning the location of development. As originally submitted for examination, three Main Service Centres are identified (Witney, Carterton and Chipping Norton) along with six Rural Service Centres (Bampton, Burford, Charlbury, Eynsham, Long Hanborough and Woodstock). Some 32 named villages are also listed and the lowest tier of the hierarchy comprises un-named small villages, hamlets and the open countryside. The hierarchy is based on the *Settlement Sustainability Report*, originally of 2013 but updated to November 2016. This scores the 41 main settlements in the district against twenty or so "positive indicators" of sustainability, reflecting the presence or otherwise of various services.
82. Appropriately, the nine highest scoring settlements are identified as either a Main Service Centre or a Rural Service Centre. The Main Service Centres of Witney and Chipping Norton are the two highest scoring settlements. Whilst Carterton, in fourth place, scores slightly lower than Eynsham, the plan appropriately designates Carterton at the district's third Main Service Centre. This reflects that, in terms of population, it is the district's second largest settlement and that there are aspirations for significant enhancement of its town centre/services. The lower scoring settlements are categorised as villages.
83. Following the suspension of the examination, the Council proposed modification to the hierarchy to include the Oxfordshire Cotswolds Garden Village as a Rural Service Centre and to 'downgrade' Long Hanborough to a village. Although the garden village does not yet exist, its development, to be led by an Area Action Plan, is a key element of the plan's approach to addressing a share of the unmet housing needs of Oxford City. I consider in Issue 8 the principle of the garden village and its relationship with Eynsham. However, it is intended that this settlement would provide facilities to cater for many of the day to day needs of its residents and, as such, it is appropriate that it should be planned to operate as a Rural Service Centre. Its designation as such is therefore soundly-based.

84. With the emergence of the garden village the Council has argued that Long Hanborough should be designated as a village rather than a Rural Service Centre because, otherwise, there would be four Rural Service Centres relatively close together in the Eynsham – Woodstock sub-area of the district. However, the basis of the settlement hierarchy is the facilities that each settlement has or is intended to provide. There is no reason why the development of the garden village should affect the existing facilities at Long Hanborough and, therefore, it is appropriate for it to continue to be designated as a Rural Service Centre.
85. Consequently, modification to the plan as originally submitted is not necessary in respect of Long Hanborough. However, for the plan to be justified by the evidence, **MM1** is necessary to include the Oxfordshire Cotswolds Garden Village as a Rural Service Centre. This modification also includes Ascott under Wychwood as a named village, which was omitted in error from the plan as submitted for examination. It has been argued that some of the other named villages should instead be designated as Rural Service Centres (eg Middle Barton) and that others still should not be named villages at all. However, bearing in mind the scores the settlements achieve in the *Settlement Sustainability Report*, I conclude that their designation as villages is sound.

Spatial Strategy

86. As a relatively large district, with its population dispersed across a number of Main Service Centres, Rural Service Centres and villages, it makes sense for the plan to be based on five sub-areas. The Witney, Carterton and Chipping Norton sub-areas comprise the three designated Main Service Centres and their hinterlands. The Burford – Charlbury sub-area consists of the majority of the part of the Cotswolds Area of Outstanding Natural Beauty (AONB) which lies within the district and includes the Rural Service Centres of Burford and Charlbury. The Eynsham – Woodstock sub-area comprises the parts of the district closest to Oxford. There is little to suggest that these sub-areas are not an appropriate basis for the plan.
87. In preparing the plan as originally submitted for examination three main options for the strategic distribution of new development were considered and appraised: (i) the concentration of development at Witney; (ii) the concentration of development at Witney, Carterton and Chipping Norton (the three Main Service Centres); and (iii) the dispersal of development across a large number of towns and villages. Concentration of development at the three main towns, with limited dispersal elsewhere, was identified as the most appropriate approach and one which commanded a broad level of support. Reflecting this, policy OS2, as originally submitted for examination identifies that new homes and jobs will be primarily focussed in Witney, Chipping Norton and Carterton, that Rural Service Centres will be suitable for a scale/type of development to reinforce their existing role, that villages are suitable for limited development to maintain their vitality and that elsewhere development will be restricted other than in connection with specific exemptions. Supporting this policy, and having regard to the plan's, then, housing requirement figure of 10,500 dwellings, policy H2, as originally submitted, detailed the following housing distribution by sub-area: Witney (3,700), Carterton (2,600), Chipping Norton (1,800), Eynsham – Woodstock (1,600) and Burford – Charlbury (800).

88. As detailed in Issue 1, during the suspension of the examination the Council proposed that the plan should provide for a significantly increased housing requirement figure for West Oxfordshire itself and for 2,750 dwellings in respect of Oxford City's housing needs. In the light of this, options for the strategic distribution of new development were necessarily reconsidered including, in addition to the original three options, the concentration of development along transport corridors and the option of a new village. Subsequently, the Council has proposed the modification of the plan such that it reflects a combination of the three main towns/limited dispersal strategy and the provision of a new village, designed primarily to provide for Oxford City's unmet housing needs. In terms of the new village it makes sense for this to be located in the Eynsham – Woodstock area, the part of the district closest to Oxford. I consider the new village in more detail in Issue 8 and arguments that the housing needs it is intended to accommodate could be better catered for elsewhere in this sub-area in Issue 4.
89. Reflecting this approach the Council has proposed modification of policy OS2 to, in summary, identify that:
- A significant proportion of development will be located within/on the edge of Witney, Carterton and Chipping Norton;
 - Eynsham will make a significant contribution towards meeting the needs of both the district and Oxford City;
 - Woodstock is suitable for a reasonable scale of development;
 - Burford, Charlbury, Bampton and Long Hanborough are suitable for a modest level of development;
 - The villages are suitable for limited development; and
 - Elsewhere development will be limited to that which requires and is appropriate in a rural location.
90. In line with this approach policy H1 (as proposed to be modified) indicates that it is anticipated that the new homes will be distributed as follows: Witney sub-area – 4,702 ; Carterton sub-area – 2,680; Chipping Norton sub-area – 2,047; Eynsham – Woodstock sub-area – 5,596 and Burford – Charlbury sub-area – 774. The total figure for the Eynsham – Woodstock area includes the 2,750 dwellings to be provided for in this area in respect of Oxford City's housing needs. The figures total 15,799 dwellings, 99% of the overall plan period housing requirement. Given that there are more than 12 years of the plan period left to run and that the plan will be reviewed before then, the plan is not unsound in not quite providing for 100% of the overall housing requirement at this stage. The NPPF does not require that a plan allocates specific sites to meet the housing requirement for the full plan period.
91. The above figures are not definitive sub-area housing requirements but are indicative distribution figures based on dwellings already constructed during the plan period, existing commitments, compelling (conservative) estimates of future windfall housing developments and housing site allocations proposed in the plan which reflects those deemed suitable and deliverable through the site selection process. The policy makes clear that the figures are not to be taken

as an absolute target or a maximum ceiling. In particular the indicative numbers of windfall dwellings set out in paragraph 5.34a of the supporting text are just that and are, in no way, a cap on plan-compliant windfall housing development; nor would they be likely to justify otherwise unacceptable housing schemes. The indicative figure for the Burford – Charlbury sub-area is considered in detail in Issue 9.

92. In the absence of any evidence to indicate housing requirement figures for each sub-area, this “bottom up” approach is a sensible starting point for determining the distribution of housing across the district. Although others disagree, it is the Council’s view that it results in a distribution which accords with the ‘three main towns/limited dispersal plus a new village’ spatial strategy.
93. The indicative figures would result in 71% of West Oxfordshire’s own housing needs being located in the Witney, Carterton and Chipping Norton sub-areas. The majority of this would be within or immediately adjoining the Main Towns themselves. The remaining 29% would be spread across the Eynsham – Woodstock and Burford – Charlbury sub-areas.
94. I consider the soundness of development proposed within each sub-area, and also the appropriateness of the 774 indicative housing figures for the Burford – Charlbury sub-area, as part of the consideration of the sub-area strategies in Main Issue 5 – 9. However, in my view the 71%-29% split is consistent with a spatial strategy of focussing the district’s own development needs in the main towns with limited dispersal elsewhere. Moreover, the plan’s intention that the 2,750 dwellings to cater for Oxford City’s needs should be accommodated in the Eynsham – Woodstock area, predominantly at the Oxfordshire Cotswolds Garden Village, aligns with the “new village” element of the plan’s overall spatial distribution.
95. Concern is also expressed at the proportion of new housing provided for through the plan in each of the Main Town sub-areas. In particular it is argued that more housing should be located in Carterton and less at Chipping Norton and Witney. However, as already indicated there is no specific evidence to indicate housing needs below the district level and the proposed distribution reflects the allocation of sites for housing deemed suitable and deliverable through a site selection process which, as detailed in Issue 4, I conclude is robust. In any case, the distribution between these three sub-areas appropriately results in the Witney sub-area (which has the highest population) having the highest indicative housing figure and the Chipping Norton sub-area (which has the lowest population) having the lowest indicative housing figure. It is the case that, relative to the existing population of the towns, proportionately more new housing is proposed in Chipping Norton than in Carterton, but for the plan to be sound it is not necessary for it to exactly correlate new housing with existing population. It is also notable that the *Settlement Sustainability Report* indicates that Chipping Norton scores more highly in sustainability terms than Carterton.
96. More housing in the Carterton sub-area has also been argued as necessary in the light of expansion of employment at Brize Norton RAF base and, more generally, to assist in the regeneration of the town. In this context there has also been debate about the extent of out-commuting from Carterton. I have

dealt with implications of the Brize Norton RAF base in Issue 2 and conclude that this does not currently justify the provision of additional housing in Carterton beyond what is proposed in the plan. Moreover, whilst the *Economic Snapshot* emphasises the importance of regenerating Carterton, it recommends achievement of this through improvements to the town centre and the public realm and does not indicate that the provision of more than the 2600 dwellings already provided for in the plan in the Carterton sub-area would be the appropriate approach in this respect. I have found the evidence on the extent of out-commuting to be inconclusive but, either way, it does not suggest to me that the plan's provision for housing in Carterton is unsound.

97. On the other hand it is argued that the indicative housing figure for the Eynsham – Woodstock area reflects inappropriately high housing provision in Woodstock. However, so long as it is appropriately sensitive to the setting of the nearby Blenheim Palace World Heritage Site (considered in detail in Issue 8), I consider that Woodstock is suitable for a reasonable scale of development. It has a good range of facilities and achieves the same unweighted and weighted score as Carterton in the most recent *Settlement Sustainability Report*. Moreover, amongst the ten Main and Rural Service Centres, it is second only to Eynsham in its proximity to the jobs and services of Oxford and is connected to it by frequent, high quality bus services. It is also important to note that provision for some new housing in settlements other than the three main towns is a fundamental aspect of the plan's spatial strategy. It is not the case that the plan should only propose new housing in other settlements where it cannot be accommodated in the main towns. Policy's OS2's statement that there should be a modest level of development at Long Hanborough is justified by the *Settlement Sustainability Report*, its sustainability score being similar to that of Bampton (also proposed for modest level development) and materially below that of Woodstock and Eynsham.
98. In conclusion on this point, and in the light of the need to increase the plan's housing requirement figure (Issue 1), it is also necessary, for the plan to be positively-prepared, justified and effective, to modify the distribution of development across the district as set out in broad terms in policy OS2 (**MM2 and MM3**) and in terms of the indicative housing numbers in policy H1 (**MM8**): Witney 4,702, Carterton 2,680, Chipping Norton 2,047, Eynsham – Woodstock 5,596 and Burford – Charlbury 774.

Application of the Spatial Strategy

99. Policy H2 sets out the application of the spatial strategy in relation to housing. It indicates the circumstances in which new dwellings will be permitted: (i) on sites allocated for such development, (ii) on unallocated sites within Main Service Centres, Rural Service Centres and villages, and (iii) in small villages, hamlets and the open countryside. Having regard to the settlement hierarchy and spatial distribution of development and the aim of national policy to actively manage patterns of growth to make fullest possible use of public transport, cycling and walking (NPPF para 17), the criteria of policy H2 are broadly justified. However, where not in conflict with other plan policies, there would, in most instances, be little justification to permit new dwellings on undeveloped land within the built-up area only if it is necessary to meet identified housing needs. **MM9 and MM10**, which remove the housing needs requirement in this case, are therefore necessary for the plan to be justified.

These modifications also appropriately allow for new dwellings on previously-developed land adjoining the built-up area, again subject to compliance with other plan policies; arguably such land would form part of the built-up area in any case. I recognise that in the AONB it is possible that development compliant with these criteria could, nonetheless, cause harm to the area's landscape or scenic beauty. However, such development would be contrary to policies OS2 and EH1a and could, thus, be appropriately resisted.

100. As submitted for examination policy H2 allows for new housing on undeveloped land adjoining the built-up area only where it accords with other plan policies and is necessary to meet identified housing needs. The more restrictive approach to housing outside settlements and its limitation to land adjoining built-up areas is justified by the NPPF's core planning principle of recognising the intrinsic character and beauty of the countryside. However, in order that this policy would not undermine the overall spatial strategy, it is necessary to require that such development also accords with the distribution of development set out in Policy H1 (**MM10**). It has been argued that policy H1's indicative number of dwellings in each sub-area would, in effect, stifle otherwise appropriate windfall development. However, this is unlikely to be the case as policy H1 makes clear that the indicative distribution is not to be taken as either an absolute target, or a maximum ceiling on development in any of the sub-areas. Refusal of permission for a windfall housing scheme on the basis of conflict with this aspect of policy H1 would only be likely if a single, extremely large windfall development or the cumulative effect of numerous smaller ones were to substantially alter the overall distribution of housing between the sub-areas.
101. **MM9** is also required to explain in broad terms what is meant by the policy's reference to "identified housing needs", both within the AONB and the rest of the district. This paragraph and policy H2, read together with policies OS2 and BC1 and their supporting text (as proposed to be modified), are clear that there is not an embargo on windfall housing in the AONB, but that, reflecting the great weight that must be given to conserving the area's landscape and scenic beauty, robust justification will be required to be demonstrated for new housing. However, I have slightly altered **MM7** from that consulted on in order to ensure consistency with other parts of the plan in respect of development in the AONB. If, as has been suggested, these policies were to be more prescriptive (either in permissive or restrictive terms) they would lack appropriate flexibility and would run the risk of either acceptable development being prevented or unacceptable schemes being permitted. Moreover, the plan must be read as a whole and, thus, the policies of relevance to the AONB do not need to repeat each element of each other. These policies and supporting text reflect the local context of the AONB in West Oxfordshire and, whilst they add to the content of paragraphs 115 and 116 of the NPPF, they are not inconsistent with them.
102. Finally, policy H2 also requires the delivery of all new dwellings to be consistent with a number of general principles. In the interests of clarity, and thus effectiveness, these principles are appropriately moved from policy H2 to policy OS2 in the Overall Strategy section of the plan. **MM3 and MM10** provide for this.

103. In conclusion, subject to the above-mentioned modifications, the settlement hierarchy and spatial strategy are justified, effective and consistent with national policy.

Issue 4 – whether or not the sites allocated for new housing in the plan have been selected through a proportionate, objective and robust process

104. The housing sites allocated in the plan, as originally submitted for examination, were, in the first instance, informed by the *Strategic Housing Land Availability Assessment* (SHLAA) of June 2014. The SHLAA appraised all sites which had emerged through a "call for sites" exercise and which could potentially accommodate 10 dwellings or more. However, at that stage, the plan sought only to allocate strategic development areas (SDAs) for housing and the SHLAA appraised nine potential SDAs in terms of availability, suitability, achievability and deliverability in line with the *Planning Practice Guidance*. The assessment considerations cover a wide range of factors including policy constraints, flood risk, accessibility, and amenity and of likely landscape, ecology and heritage impacts. Additionally, the SHLAA considered the potential for constraints to development to be overcome. It is notable that many of the sites appraised are beyond the existing built-up area and, thus, a degree of harm to the landscape is, in most cases, inevitable. In this context the SHLAA appropriately considered, having regard to the potential for mitigation, whether or not such harm would be acceptable or unacceptable.

105. The SHLAA was informed by more detailed evidence including a comprehensive *Assessment of Strategic Site Options*, focussing on the district's three main towns, originally prepared in October 2012 but updated in June 2014. This document itself is based on a wide range of evidence, including transport appraisals, landscape assessment work, consultation responses from statutory bodies and information submitted as part of planning applications.

106. During the suspension of the examination, and in the light of the increased housing requirement figure subsequently proposed, the Council undertook a further "call for sites" and then prepared the *Strategic Housing and Economic Land Availability Assessment* (SHELAA) of December 2016. This is similar in approach to the 2014 SHLAA but considers sites with the potential to accommodate five or more dwellings and also for use for employment purposes. Appropriately, it also reconsidered density assumptions and the potential to expand a number of sites. The SHELAA report details the approach adopted and summarises the results of the assessment. The main report is supported by a weighty appendix containing a two-page assessment and conclusion in terms of suitability, availability and achievability for development of nearly 300 sites. Brief, yet specific, justification is given for the conclusion on each site, with references included to more detailed evidence. As with the SHLAA, the SHELAA is appropriately informed by the conclusions of the *Assessment of Strategic Site Options*, which had been further updated to February 2015.

107. In view of the increased housing requirement, and based on the 2016 SHELAA, the Council has proposed modification of the plan to allocate an additional Strategic Development Area, to identify a Strategic Location for Growth, to increase the indicative number of dwellings on the three SDAs

originally included in the plan and to allocate 15 non-strategic sites for residential development. Around 40 other sites were identified in the SHELAA as being potentially suitable for housing development, but were not proposed by the Council for allocation in the plan. Table 6 of the *Housing Site Selection Paper* (doc EXAM 007), prepared following the Stage 2 hearings, details the reason why each of these sites were not included in the plan. The reasons include permission already having been granted for housing on the site, the site being too small to warrant a formal local plan allocation and questionable deliverability. I am satisfied that this is robust reasoning.

108. The increased housing requirement for the district includes 2,750 dwellings to meet a proportion of the housing needs of Oxford City as agreed by the Oxfordshire Growth Board. The sites proposed by the Council as modifications to the plan in respect of this housing (ie to the north and to the west of Eynsham) were appraised and deemed suitable through the December 2016 SHELAA. However, the Growth Board's decision that 2,750 dwellings is an appropriate contribution for West Oxfordshire to make towards Oxford City's housing needs was influenced by the conclusion of the September 2016 *Oxford Spatial Options Assessment*. As part of an assessment of sites in each of the five Oxfordshire districts, this appraised the suitability of six sites in West Oxfordshire to provide for some of the city's housing needs. The *Spatial Options Assessment* was supported by transport and education assessments. The *Housing Site Selection Paper* (doc EXAM 007) details at Table 7 the reasoning for the conclusions set out in the September 2016 officer report to the Growth Board recommending the suitability of the North and West Eynsham sites and the rejection of the other four West Oxfordshire sites.
109. The six sites appraised by the *Spatial Options Assessment* were themselves a short list of ten possible sites initially considered, one of which was subsequently taken forward by Cherwell Council. The rejection of three of the ten, at a "Check and Challenge" workshop in October 2015, on the basis of their distance from Oxford (sites in Carterton) and insufficient individual site size (sites in Long Hanborough, including land to the south west of the station) was, to my mind, reasonable. Whilst there could potentially be some advantages (eg earlier delivery) in providing for Oxford's unmet housing needs across a greater number of smaller sites in West Oxfordshire, the decision that in West Oxfordshire the needs would be best met in a smaller number of larger sites is not unjustifiable, bearing in mind NPPF paragraph 52's statement that the supply of new homes can sometimes be best achieved through planning for larger scale development. Moreover, the fact that the Council chose to submit to Government an expression of interest for garden village status for the North of Eynsham site before the Growth Board had reached its conclusions does not, in itself, mean that the site selection process which informed the preparation of the Local Plan is not robust.
110. It is inevitable that many of the conclusions reached in the site selection evidence detailed above are ones of planning judgement, both in relation to specific impacts (eg on the landscape) and in terms of the weight given to the various, and sometimes competing, appraisal considerations. It is therefore not surprising that some people disagree with a number of the conclusions reached. However, in addition to all the housing sites allocated in the plan as proposed to be modified, I have visited a number of the sites rejected through

the site selection process, in order to audit the robustness of the site selection process.

111. In terms of the strategic sites rejected as SDAs in Witney and Carterton (land at South Witney, West of Downs Road and North East Witney and at West Carterton and North Carterton) my visits to all these confirm as reasonable the Council's judgements, in particular that development of these sites would not be well-related to the existing built-up area, in terms of either character/appearance or accessibility. Moreover, notwithstanding that some of these sites may 'perform' better in terms of certain appraisal considerations (eg impact on heritage assets) than sites identified by the SHLAA to be suitable for development, the stated reasons are ultimately reasonable bases on which to deem them unsuitable for development.
112. It also has been argued that the plan modifications proposed by the Council following the suspension of the examination, which increase the number of dwellings envisaged at the North Witney, East Witney and East of Chipping Norton SDAs, run counter to conclusions on landscape impact in the site selection evidence which informed the plan as originally submitted for examination. I consider this matter in the detailed assessment of each of these sites in Issues 5 and 7 below but conclude that the sites, at the modified scale, have not been inappropriately allocated in the plan.
113. Moreover, in terms of the sites identified to meet a proportion of Oxford City's housing needs, and having regard to the detailed appraisal evidence in the *Spatial Options Assessment* and my visits to the possible alternative locations, I see no reason to conclude as being unreasonable the officer advice to the Growth Board (detailed in Table 7 of the *Housing Site Selection Paper*) on the specific sites in the district to be pursued, and which were subsequently included in the plan as proposed to be modified.
114. I recognise that at least one site deemed as unsuitable for development in the SHLAA/SHLAA has secured permission for housing development at appeal. Land adjacent to Hanborough Station is judged unsuitable for housing development in the SHLAA on the basis of landscape harm, including its effect on an informal green gap, and because of the site's distance from the services and facilities at the centre of the village. In determining the appeal the Inspector identified harm in respect of the landscape, including the loss of the green gap. However, in the context of there not being, at that time, a five year supply of deliverable housing land in the district, he concluded that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. This demonstrates application of the "tilted balance" required by paragraph 14 of the NPPF in the particular circumstance of this appeal. However, this is not the appropriate basis on which to undertake the initial appraisal of sites for inclusion in a local plan. Moreover, effects on landscape are inevitably matters of judgement. Thus, even had the Inspector identified no harm to the landscape in this case it would not, as a matter of course, mean that the Council's judgement that harm would result had been an unreasonable one.
115. From the evidence I have seen it appears that the Council and appellant were, in this case, agreed that there are a range of services and facilities within walking and cycling distance of the site. The appeal decision notes that the

centre of Long Hanborough is about 1.5km away. Whilst this was not judged to be good reason to refuse permission for the particular development which was the subject of the appeal, I nonetheless conclude that the Council's judgement that it was a factor, together with others, warranting rejection of the site for allocation in the plan was a reasonable one. Of relevance here is the *Planning Practice Guidance's* statements that, whilst a land availability assessment should not be constrained by the need for development, should it result in insufficient suitable sites being identified to meet the area's needs it is necessary to revisit the assessment and, in particular the constraints which have resulted in sites being deemed unsuitable. In West Oxfordshire the SHELAA identified sufficient suitable sites to meet the need and, thus, a revisiting of the constraints considered in the assessment was not necessary.

116. The evidence on site selection identifies that there is uncertainty in respect of some of the likely impacts of development of a number of the appraised sites. In other cases it is apparent that detailed conclusions in the site selection documents are not supported by other evidence put before the examination. There is also discrepancy between the indicative boundary of the Oxfordshire Cotswolds Garden Village as identified in the plan as a strategic location for growth and the boundaries of the site as appraised through the SHLAA/SHELAA and Spatial Options Assessment. However, such occurrences are almost inevitable when appraising in the order of 300 sites and having regard to a very wide range of considerations. Whilst it would be technically possible to commission more detailed work in an attempt to resolve such uncertainties, discrepancies and competing evidence, this would inevitably take a considerable amount of time, delaying preparation and adoption of the plan, and would, in any case, be unlikely to result in conclusions with which everybody agrees. Moreover, it is an emphasis of both the plan-making section of the NPPF and of the PPG that a local plan should be supported by proportionate evidence. I am satisfied that none of the uncertainties or discrepancies in the site selection evidence fundamentally undermines its robustness.
117. As referred to in Issue 7, more detailed evidence as part of the preparation of a planning application has identified that the East Chipping Norton SDA can appropriately accommodate 1200 dwellings, rather than 1400 as indicated in the SHELAA. However, this does not fundamentally undermine the SHELAA as appropriate evidence to support local plan preparation. Moreover, whilst the SHELAA concludes that sites in the AONB, at one stage proposed by the Council for allocation in the plan, are in principle suitable for housing development, this assessment does not take account of housing need in the AONB. It is the lack of evidence in this particular regard which has been key to my conclusion (Issue 9) that these sites should not be allocated in the plan. Consequently, my conclusion does not undermine the robustness of the SHELAA.
118. In contrast with the approach adopted by some local authorities the Council has not sought to score sites in terms of acceptability for development in the SHLAA/SHELAA. Whilst such an approach is appropriate in the circumstances of some areas and avoids the need for every site to be formally deemed as either suitable or unsuitable for development, it runs the risk of oversimplifying what are frequently complex, balanced planning judgements.

Moreover, the *Planning Practice Guidance* does not indicate that this approach is a prerequisite to a robust site selection process.

119. Concurrent with the SHLAA, SHELAA, *Assessment of Strategic Site Options* and the *Oxford Spatial Options Assessment*, preparation of the plan has also been informed by several iterations of Sustainability Appraisal (SA). In connection with site selection the SA appraised the housing sites allocated in the plan against reasonable alternatives which are those sites of Strategic Development Area size considered in the SHLAA/SHELAA and those, smaller sites, deemed to be potentially suitable for housing in the SHLAA/SHELAA but which were not proposed by the Council for allocation in the plan. In my assessment of legal compliance above I have concluded that the Sustainability Appraisal is adequate and, on this basis, I conclude that it also constitutes a robust element of the site selection process. Moreover, whilst its conclusions are not in all respects identical to those in the SHLAA/SHELAA, there is not inconsistency of such significance as to materially undermine the overall site selection process.
120. In an ideal world the site selection considerations and conclusions informing a local plan would be set out in a single, comprehensive yet concise document. However, that is simply not feasible in the case of West Oxfordshire where the plan has been prepared over a period of more than seven years and has had to be modified to reflect a number of changing circumstances, including a revised OAN figure for housing and agreement by the Oxfordshire Growth Board on the number of dwellings to be accommodated in the district in support of Oxford City's housing needs. However, there is a relatively limited suite of key site selection evidence documents as identified above and the Council's *Housing Site Selection Paper* provides an effective route map through these. In explaining the site selection decisions made by the Council and its partners, this paper includes "copied and pasted" sections of previously-published documents. To my mind this is a positive rather than a negative point, demonstrating that the key evidence in this respect has not been retrospectively formulated. Overall, the site selection evidence is not unmanageable and is able to be satisfactorily interrogated.
121. It is always the case that more wide-ranging or more detailed evidence could be prepared in support of the preparation of a local plan, or that the conclusions on decisions reached could be set out more comprehensively. However, whatever the volume and detail of appraisal work undertaken, as site selection involves planning judgements to be made at a number of different levels it is almost inevitable that some people will disagree with the results. Overall, I conclude that the Council has employed a proportionate, objective and sufficiently robust process in selecting the sites for housing development allocated in the plan.

Issue 5 – whether or not the plan sets out a soundly-based strategy for the Witney sub-area

Policy WIT4 – Witney Sub-Area Strategy

122. Policy WIT4 sets out the overall strategy for the Witney sub-area, appropriately identifying that the main focus for new development will be within/adjointing the town of Witney itself. It details the housing and

employment development proposed for the area and the infrastructure necessary to support this. I deal below with the soundness of each of the housing allocations referenced in the policy, but, in line with my conclusions on the overall housing requirement figure and the district-wide distribution of development (Issues 1 and 3 above) and for the plan to be positively-prepared, **MM49** is necessary to increase to an indicative figure of 4,702 the new homes to be provided for in the sub-area and to reflect the full range of sites now allocated for housing. In order that the policy is justified **MM49** also includes reference to heritage assets (the wording slightly altered from that consulted on for consistency with national policy), transport and green infrastructure and deletes reference to the "particularly vulnerable gap between Witney and Ducklington", there being no clear definition of this gap and there being other plan policies which seek to ensure that development protects the character of the district. The policy is sound in not making reference to west of Down's Road as an area of future long term development potential, because there is not currently the evidence to indicate that at such time it would be the most appropriate direction of growth in comparison with any other possible alternatives.

Policy WIT3 – Witney Town Centre Strategy

123. Policy WIT3 provides a positively-prepared strategy to maintain and enhance Witney town centre as the main shopping and leisure destination in the district. Nonetheless, for the policy to be justified, **MM48** is necessary, which ensures that it provides more clarity in terms of how retail proposals will be considered and appropriately addresses the Witney Conservation Area and other heritage assets. However, planning decisions will routinely involve the balancing of different plan policies and of the likely benefits and dis-benefits of development proposals. For the plan to be sound it is, thus, not necessary for the policy to refer to the need to balance heritage impacts with other effects of development.

Policy WIT2 - North Witney Strategic Development Area

124. Policy WIT2, as proposed to be modified, provides for around 1,400 new homes on around 60ha of land to the north of the existing built-up area of Witney. The size of the site and the indicative number of houses have been increased since the plan was originally submitted for examination, reflecting the increased housing requirement as detailed in Issue 1. The site is relatively close to Witney town centre and the southern parts of it, at least, are within a reasonable walking distance of the district's main centre for shopping and leisure.

125. The site is located in an area of acknowledged high landscape sensitivity and concern has been raised at the intention to provide for around 1,400 dwellings in the light of the 2012 *Kirkham Landscape Study*, which indicates the estimated housing capacity of the site as 750-800 dwellings. However, the report makes clear that capacity recommendations are only estimates and that final numbers will depend on a number of factors including more detailed assessments and housing needs. To my mind this indicates that the conclusions on landscape impacts are not absolute ones and need to be balanced against the need for housing.

126. In common with most of the plan's greenfield housing allocations (and many of the other appraised sites) the loss of countryside associated with the North Witney development would result in some harm to the landscape. The Kirkham report recommendations and estimated housing capacity figure sought to minimise the landscape effects of housing development. However, it does not mean that unacceptable harm to the landscape would inevitably be caused if more than the estimated 750–800 dwellings are accommodated on the site. Notably, the higher number of dwellings proposed since the plan was originally submitted reflects an increase in the size the site (the addition of the land to the west of Hailey Road) and higher density development, together with the context of the significantly increased housing requirement figure for the district.
127. In the light of this, and having visited the site and surrounding area on a number of occasions including from the viewpoints suggested by representors, I conclude that there is a realistic prospect that the overall site (including the land to the west of Hailey Road) could accommodate around 1,400 dwellings without resulting in unacceptable harm to the landscape, when balanced against the advantages of the development. In reaching this conclusion I have noted that the land to the west of Hailey Road has not been the subject of a specific landscape assessment and that development would be likely to take place near, but not higher than, the 100m contour.
128. A relatively small part of the site is in flood zones 2 and 3. Doc ENV5 sets out a sequential test appraisal of the site in this respect and I am satisfied that its conclusions are sound, particularly bearing in mind that there is no objection from the Environment Agency and that it is feasible and intended that built development would not take place outside flood zone 1. It is clear that significant infrastructure will be required in respect of drainage and sewerage and that detailed work in this regard still needs to be undertaken. Policy WIT2, as proposed to be modified, allows for mitigation measures to be offset if necessary. However, it appears to me that the scale of the issues to be addressed are not particularly unusual for a housing development of this size and there is little to suggest that there is not a realistic prospect of them being satisfactorily resolved through the planning application process. Policy WIT2 appropriately requires this.
129. Evidence demonstrates that, to be acceptable in transport terms, development of 1,400 dwellings would require the construction of the West End Link Road, a road which would have significant wider benefits for Witney, helping to reduce existing congestion and air quality problems on Bridge Street. However, given that there is not currently evidence to demonstrate how many dwellings could be occupied without the need for the new road, it is necessary for the policy and supporting text to be modified. **MM45** achieves this by requiring development to be phased in accordance with the timing of supporting infrastructure. This provides for securing the link road at the appropriate time (to be evidenced by detailed transport appraisal work) but the plan appropriately remains clear in stating that the road will be required for the full development. I have slightly altered the wording of the modification as consulted on to improve its clarity in this respect. The North Witney development has the potential to increase traffic on a number of other roads in the area. The narrow, New Yatt Road has been raised as a particular concern, although I concur with the Highway Authority that traffic calming

measures could be employed to address such problems and a criterion of the policy provides for this.

130. The requirement for a compulsory purchase order to enable the construction of the West End Link Road cannot be ruled out and this could delay full build-out of the site beyond that currently forecast by the Council. However, that does not make the Council's forecasts completely unrealistic and nor does it mean that the allocation is not sound. I deal in Issue 10 with the implications of this for housing supply in the district.
131. Overall, I conclude that the significant contribution the allocation would make to meeting West Oxfordshire's housing requirements, on a site adjoining the district's main town and relatively close to its shopping centre, outweighs the harm likely to be caused by the development. As such, and in order that the plan is positively-prepared, modifications (**MM45**) are needed to policy WIT2, as originally submitted, to provide for about 1,400 dwellings on the site. For the policy to be justified, effective and consistent with national policy the modification also requires comprehensive development of the site to be led by an agreed masterplan, for it to conserve, and where possible, enhance specific heritage assets, for appropriate archaeological investigation and to allow for the possibility of off-site flood mitigation measures. It also updates the education requirements to reflect more recent evidence but with an appropriate level of flexibility.
132. My conclusion that the allocation is likely to be acceptable in landscape terms is based on the area of environmental enhancement shown on the policies map (Fig 9.4) and, on this basis, there is not good reason for this area to be altered or shown to be indicative. It would not be appropriate to base a local plan allocation policy/the policies map entirely on the emerging plans of one particular developer. However, if at planning application stage convincing evidence is provided that an alternative approach would achieve the same or better outcome in terms of the landscape, I am confident that the Council would apply appropriate flexibility in determining the application. The policy's requirement that development should make "appropriate" contributions towards Local Transport Plan (LTP4) schemes is sound; it is not feasible at the local plan stage to define more precisely which schemes will be relevant to this requirement at the point of the determination of a planning application and, again, it would not be right to base a housing allocation policy entirely on the emerging plans of a specific developer. However, the word "appropriate" ensures that the development would not be required to make unreasonable contributions.

Policy WIT1 - East Witney Strategic Development Area

133. Policy WIT1, as proposed to be modified, provides for around 450 new homes on two sites to the east of the existing built-up area of Witney. The sites are relatively close to Witney town centre and there are attractive footpaths by which the town centre could be easily accessed by pedestrians.
134. As with the North Witney site concern is raised about the intention to accommodate 450 homes on the sites when the 2012 *Kirkham Landscape Study* indicated an estimated housing capacity of 250-300 dwellings. However, once again the report makes clear that this capacity recommendation is only

an estimate and that final numbers will depend on a range of factors including more detailed assessments and housing needs. Like most of the plan's greenfield housing allocations and the other sites appraised in preparing the plan, the East Witney Strategic Development Area would be likely to result in some harm to the landscape. The Kirkham report recommendations and estimated housing capacity figure sought to minimise the landscape impact of development. However, it does not mean that unacceptable harm to the landscape would inevitably be caused if more than the estimated 250-300 dwellings are accommodated on the site.

135. The plan proposes that around half, or more, of the combined sites would be designated for environmental enhancements and landscape mitigation. Whilst the relevant developer consortium argues that, with less land allocated for these uses, up to 800 dwellings could be satisfactorily accommodated across the two sites, there is not a need for the plan to provide for these additional dwellings at this stage. However, based on the schematic masterplan submitted by the development consortium, having regard to the areas of the two sites indicatively shown for housing development on the policies map and my visits to the sites and their surroundings, I conclude that there is a realistic prospect that the sites could accommodate the modified plan's allocation of around 450 dwellings without unacceptable harm to the landscape being caused. In the light of this and the increased overall housing requirement for the district detailed in Issue 1, **MM44**, which increases the indicative housing allocation on the sites from 400 to 450, is necessary for the plan to be positively-prepared.
136. Evidence indicates that for the full allocation of 450 dwellings to be constructed, improvements to the nearby Shore's Green A40 junction would be necessary. This improvement scheme would also be of significant wider benefit to Witney. However, as with the North Witney site and the West End Link Road, there is not currently evidence to demonstrate the trigger point (in terms of the number of dwellings constructed on the East Witney sites) at which the junction improvement would be necessary to the acceptability of development in planning terms. Evidence in this regard is likely to come forward through transport assessment work undertaken as part of planning applications. Consequently, in order for the plan to be justified, **MM44** is necessary to delete the statement that the junction improvements are in place before the completion of any housing on the Cogges Triangle part of the SDA. However, given the identified need for the scheme, it would not be appropriate for the policy to only require its provision insofar as can be delivered within the land control of the developer. There is a suggestion that the benefits of the junction improvement could be achieved by other means although, in the absence of convincing evidence to fully demonstrate that this is the case, it is not appropriate for the plan to formally allow for this at this stage.
137. Again in common with the West End Link Road the requirement for a compulsory purchase order (CPO) to enable construction of the Shore's Green junction works cannot be ruled out, although neither is it a certainty. A CPO would be likely to somewhat delay the Council's forecasts of delivery of housing on the sites. However, this does not mean that the Council's forecasts are completely unrealistic or that the allocation is unsound. I deal in Issue 10 with the implications of this for overall housing supply in the district.

138. In order that the policy is effective and consistent with national policy, **MM44** is also necessary to provide for a comprehensive development led by an agreed masterplan, landscape and public access enhancements, the conservation of heritage assets and archaeological investigation. The policy's requirement that development should make "appropriate" contributions towards LTP4 transport schemes is sound; it is not feasible at the local plan stage to define more precisely which schemes will be relevant to this requirement at the point of the determination of a planning application, but the word "appropriate" ensures that the development would not be required to make unreasonable contributions. The requirement for improved pedestrian/cycle connectivity across the River Windrush is also reasonable as this would provide direct access from the western site to the supermarket and employment areas which lie to the south of the town centre.

Policy WIT2a - Woodford Way Car Park

139. In responding to the increased requirement for housing, the Council has proposed that the plan be modified to include an allocation for around 50 dwellings on the Woodford Way Car Park. The site is previously-developed and is in a highly sustainable location, immediately adjacent to Witney town centre but also in an area where there has been a significant amount of recent residential development. The policy provides for some public car parking to be retained as part of the development, which is appropriate given the site's location and it is realistic in view of the relatively high density development which is envisaged. Although part of the site is in flood zone 2 this is not good reason not to allocate it for housing, bearing in mind the potential for flood risk problems to be overcome through detailed design and the intention that part of the site would be retained as car parking.

140. The site is owned by the Council and, I understand, is being actively promoted for development, although currently there is no developer "on board". However, I conclude that there is a realistic prospect of the site being developed for around 50 dwellings during the plan period and, as such, the allocation is sound. Consequently, for the plan to be positively-prepared in the light of the increased housing requirement for the district, **MM46** is necessary to include new policy WIT2a providing for this housing allocation and setting out appropriate criteria with which the development should accord.

Policy WIT2b - Land West of Minster Lovell

141. Again as a response to the increased housing requirement, the Council proposed that the plan be modified to include an allocation for around 85 dwellings on a green field site to the west of Minster Lovell. As a relatively modest development in one of the plan's defined villages, and in fairly close proximity to Witney, the allocation accords with the overall spatial strategy of limited dispersal of development to settlements other than the main towns. In principle, therefore, the allocation is soundly-based.

142. Nonetheless, the Council has subsequently stated that it made an error in defining the boundary of the site on the proposed policies map and that a somewhat smaller site than that originally shown is what it intended to allocate. The around 85 dwellings capacity indicated in policy WIT2b reflects a planning application which the Council has resolved to permit, subject to a

legal agreement. However, in the light of a subsequent, higher density, application for the same site area for around 125 dwellings, there is no persuasive evidence to indicate that, in principle, 125 homes could not be acceptably accommodated on the reduced-size site.

143. Housing development on the northern part of the site, adjacent to Wenrisc Drive and Whitehall Close, would constitute a relatively modest expansion of the built-up part of the village which extends along Burford Road. However, residential development further south adjacent to Ripley Avenue, as advocated by the site promoter and on the land which the Council states it showed on the policies map as part of the allocation in error, would, in urban form terms, represent a much more substantial addition to the settlement. It is the case that the density and the style of the Ripley Avenue housing has more in common with the Wenrisc Drive/Whitehall Close area than it does with the properties fronting Brize Norton Road. However, its cul-de-sac form, separated from the Wenrisc Drive/Whitehall Close housing by public open space, links it in urban form terms much more with the 'loose knit' housing development which extends along Brize Norton Road. Consequently, housing on the land adjacent to, and to the west of, Ripley Avenue would undesirably consolidate these two distinct areas of the village. I conclude that the resulting harm to the existing character of Minster Lovell would not be outweighed by the benefit of the additional homes which could be provided. Therefore, it is appropriate for the plan to be based on the reduced-size site.

144. In conclusion and for the plan to be positively-prepared and justified, **MM47** is necessary to include new policy WIT2b providing for this housing allocation for around 125 dwellings, on the reduced-size site, and setting out appropriate criteria with which the development should accord.

Conclusion

145. In conclusion, subject to the above-mentioned modifications, the plan sets out a soundly-based strategy for the Witney sub-area.

Issue 6 – whether or not the plan sets out a soundly-based strategy for the Carterton sub-area

Policies CA2 and CA3 - Carterton Sub-Area and Town Centre Strategies

146. Policies CA2 and CA3 detail overarching strategies for the Carterton sub-area and for its town centre. The sub-area strategy seeks to focus most new development in/adjacent to Carterton itself, an approach in line with the overall spatial strategy of the plan and which is soundly-based. As detailed below I conclude that the two new Carterton housing allocations and the increased housing provision at the REEMA sites, proposed by the Council during the suspension of the examination, are soundly-based. Consequently, for the plan to be internally consistent, and thus effective, **MM54** which references these allocations and ensures consistency with policy E1 in terms of employment land, is necessary. To ensure consistency with national policy and to be justified, **MM54** also requires development to conserve and enhance the historic environment and details the key supporting infrastructure likely to be necessary in the area.

147. Policy CA2 is a positively-prepared approach to strengthen the role of Carterton town centre and to help it become the local retail centre of choice for those living in and around Carterton. The specific measures which the policy identifies to achieve this are realistic ones and the policy appropriately identifies that contributions from developers towards these measures will be sought. However, for the policy to be effective, **MM53** is required to more specifically detail requirements in respect of the town's primary and secondary shopping frontages.
148. Policies CA2 and CA3 have been criticised as lacking ambition for the town and, in particular, it has been argued by some that the A40/B4477 junction improvements (referenced in policy CA3) and the town centre strategy in general are undeliverable without additional allocations for new housing in/adjointing Carterton. I consider the overall role of Carterton in Issues 2 and 3. However, I am not persuaded that the provision of more housing on the edge of the settlement, some distance from the centre of the town (and potentially closer to the A40 than the town centre) would necessarily result in the desired regeneration of Carterton town centre.

Policy CA1 - REEMA North and Central

149. The REEMA sites form part of an area of Ministry of Defence housing which is in the process of being redeveloped. Although the existing housing is part of the town's twentieth century heritage, its redevelopment to provide higher quality, modern housing is likely to contribute significantly to the overall regeneration of Carterton. The sites are located within easy walking distance of the town centre and bus routes. The redevelopment is thus, in principle, soundly-based. The plan as originally submitted envisaged a net increase of around 200 dwellings on the Central site but, since then, the Council considers that across the North and Central sites it is realistic that a net addition of 300 dwellings can be delivered through the redevelopment. It has been argued both that this figure is unrealistically high and unambitiously low. However, having regard to the reasonable density of development assumed by the Council, the overall increase of around 300 dwellings is realistic and appropriate. For the plan to be positively-prepared and justified, **MM50** is therefore needed to refer in policy CA1 to the North REEMA site and for the policy to provide for a net increase of around 300 dwellings across the sites' redevelopment. This modification also provides necessary clarity about transport infrastructure requirements.
150. Delays to date in the implementation of the redevelopment scheme mean that the plan does not assume that the 300 dwellings will be delivered in the short term, although it is a realistic prospect that they will be constructed during the plan period.

Policy CA1a - Land at Milestone Road

151. This housing allocation, on the edge of the existing residential area, yet located within walking distance of the town centre, has been proposed by the Council as a modification to the plan in order to provide greater certainty in respect of the delivery of new housing. The developer for the site indicates that the emerging scheme is likely to include around 200 dwellings and a care home. This would meet local aspirations for such accommodation in this

location, but it is not necessary for the plan to be sound to identify the site specifically for a care home, given that Policy H4 requires an appropriate balance of residential property on all sites.

152. Whilst land assembly difficulties have been a problem in the past in this location, having regard to the developer's comments at the hearing, it is realistic to assume that these will not prevent delivery of housing on the site during the plan period. It also emerged at the hearings that noise pollution is likely to be much less of a concern than previously anticipated, bearing in mind recent changes in the type of aircraft using the nearby Brize Norton airbase. Policy CA1a requires appropriate noise mitigation and, in the light of this, there is a realistic prospect that this can ensure a satisfactory form of development.
153. The allocation is consequently soundly based and, thus, for the plan to be positively-prepared and effective in providing for housing needs, **MM51** is necessary. This includes in the plan policy CA1a, allocating the site for around 200 dwellings and detailing appropriate criteria with which the development should accord.

Policy CA1b - Land at Swinbrook Road

154. This housing allocation has also been proposed by the Council as a modification to the plan to provide greater certainty over the delivery of new housing. Whilst it is on the edge of the existing built-up area of the town, it would adjoin a housing development currently under construction and has been the subject of a previous resolution to grant permission for residential development. I note that it is supported by the Town and Parish Councils and I conclude that, in principle, it is soundly-based. Land assembly issues have also prevented this site from progressing in the past, but based on the discussion at the hearing I conclude that there is a reasonable prospect of these being resolved to enable delivery of around 70 homes during the plan period. Thus, for the plan to be positively-prepared and effective in providing for housing needs, **MM52** is necessary to include in the plan policy CA1b allocating the site for around 70 dwellings and detailing the criteria with which the development should accord.

Conclusion

155. In conclusion, subject to the above-mentioned modifications, the plan sets out a soundly-based strategy for the Carterton sub-area.

Issue 7 – whether or not the plan sets out a soundly-based strategy for the Chipping Norton sub-area

Policy CN2 - Chipping Norton Sub-Area Strategy

156. Policy CN2 sets out the strategy for the Chipping Norton sub-area which, in line with the plan's overall spatial strategy, seeks to focus most new development in/adjoining the town of Chipping Norton itself. It has been argued that this approach will result in an inappropriate increase in the size of the town and that it will not adequately support the smaller settlements elsewhere in the sub-area. I deal with points relating specifically to the East Chipping Norton Strategic Development Area below, but this overall approach

aligns with the NPPF's core planning principle (paragraph 17) that significant development should be focussed in locations which are or can be made sustainable. Chipping Norton is, by far, the most sustainable settlement in the sub-area. However, in the light of my conclusions on the SDA (policy CN1) detailed below, a number of modifications to policy CN2 are required (**MM56**) to ensure consistency and, thus, the effectiveness of the plan. I have slightly altered the wording of the modification as consulted on, in respect of the AONB, to be consistent with the wording of national policy.

157. The sub-area also includes Middle Barton, Great Rollright, Over Norton and Enstone which are defined by the plan's settlement hierarchy as villages, and which policies OS2 and H2 propose for limited development. The potential suitability of sites in these villages for allocation in the plan was considered through the SHLAA and SHELAA which, as detailed in Issue 4, I have concluded are robust. No sites in these villages were identified as available and suitable for development. However, the plan assumes that in the order of 190 dwellings on windfall sites will come forward in this sub-area and there is no reason in principle why this should not include development according with policies OS2 and H2 in these villages.

Policy CN1 - East Chipping Norton Strategic Development Area (SDA)

158. Policy CN1, as proposed by the Council to be modified to reflect the district's increased overall housing requirement, allocates land to the east of Chipping Norton (colloquially known as Tank Farm) for around 1,400 homes. The plan, as originally submitted, proposed 600 dwellings in this location although the modification expands the site to include land to the north of London Road and assumes higher density development and a larger developable area. The Council also proposed provision for 9ha of employment land as part of the SDA, a new on-site primary school and an eastern link road through the site connecting Banbury Road with the B4026/A361.

159. The site is in a sensitive location, close to the boundary of the Cotswolds Area of Outstanding Natural Beauty (AONB) and to the Chipping Norton Conservation Area. As with the North and East Witney SDAs concern is raised about the intention to accommodate 1,400 homes on the Tank Farm site when the *Kirkham Landscape and Visual Review* indicated an estimated housing capacity of 500 dwellings. However, it is again the case that the report makes clear that this capacity recommendation is only an estimate and that final numbers will depend on a number of factors including more detailed assessments and housing needs. It is clear that, in developing a greenfield, countryside site, this development would cause some harm to the landscape, although this is also the case with most of the plan's housing allocations and the alternative sites appraised in preparing the plan. The Kirkham report recommendations and estimated housing capacity figure sought to minimise the landscape impact of the development. However, its recommendations do not mean that unacceptable harm to the landscape would inevitably be caused if more than the estimated 500 dwellings are accommodated on the site.

160. Based on detailed assessment and masterplan work (Option 3: Masterplan Study) the consortium of parties promoting development of the site contends that 1,200 dwellings could appropriately be accommodated as part of this SDA, around 840 of which would be located on the, more sensitive, part of the

site south of London Road. Having regard to this masterplan, all that I have read and heard in relation to landscape impact and, importantly, my visits to the site and the surrounding area (including to the various viewpoints suggested to me), I conclude that it is realistic that 1,200 dwellings could be accommodated within this SDA without causing unacceptable harm to the landscape. This conclusion assumes the provision of appropriate landscape mitigation measures as required by policy CN1. However, there is not the evidence to give confidence that 1,400 dwellings, as proposed by the Council in 2016, could be constructed without unacceptable harm being caused. At the hearing the Council agreed that it would be appropriate to further modify the policy to allow for around 1,200 dwellings to be accommodated at this SDA.

161. The plan as now proposed to be modified requires the provision of a north-south through-road across the site, referred to as the eastern link road. This would help to minimise use of roads in the town centre by traffic generated by the development and would provide a route avoiding the town centre for some, but by no means all, other traffic in the town. Doc TRA6 appraised an SDA development of 1,500 dwellings and indicates that, notwithstanding the provision of the eastern link road as part of this development, traffic in the town centre at the end of the plan period would be higher than would be the case without an SDA. However, the report makes clear (paragraph 7.5.11) that all key highway links around the town would continue to operate comfortably within the limits of their theoretical capacity in the AM and PM peak periods. Whilst not specifically tested, it appears to me likely that this would also be the case with a smaller, 1,200 dwelling development as is now proposed by the promoters. However, importantly, the forecast town centre traffic volumes would be lower than with a 600 dwelling SDA and no eastern link road, as proposed in the plan as originally submitted.
162. It is also the case that benefits for the town centre arising from the eastern link road would come at the expense of increases in traffic elsewhere in the town, although it is an almost inevitable consequence of a new road designed to reduce traffic in one location that it will increase it in another. An Air Quality Management Area is already designated in the town centre and, thus, as Doc TRA6 indicates, the SDA would be, all other things being equal, likely to exacerbate air quality problems. To this extent the Sustainability Appraisal Addendum's (Doc CD10) suggestion that the expanded SDA and eastern link road would be likely to improve air quality is probably inaccurate, although it would be likely to cause less harm in this respect than the, originally proposed, 600 dwelling development without the link road.
163. However, Doc TRA6 identifies that advancements in vehicle technology may mitigate, to some extent at least, these adverse air quality effects as the plan period progresses. Moreover, technological advancements aside, it is to my mind likely that individuals' choices about where they travel to and by what mode of transport they use will be of fundamental importance in determining the success of attempts to reduce the harmful effects of vehicle use. In this regard it is a core planning principle of the NPPF (paragraph 17) to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The East Chipping Norton SDA would be within reasonable walking and cycling distance of the centre of the district's second most sustainable settlement and, thus, offers significant potential for its residents to access jobs and services by means other than the private car.

Locating the housing in less sustainable locations elsewhere would minimise immediate adverse impacts on the Chipping Norton town centre Air Quality Management Area. However, in doing so, it would be likely to result in more and longer vehicle trips by residents accessing jobs and services, itself causing adverse environmental impacts. Consequently, I conclude that the discrepancy in the SA conclusions mentioned above is not a fatal flaw, nor does it significantly undermine the case for the East Chipping Norton SDA.

164. A compulsory purchase order (CPO) may be necessary to enable full construction of the road and thus enable the SDA to be built in its entirety. This would have the potential to delay delivery of housing at this site beyond the forecasts of the promoter and Council. However, even if a CPO were to be required, there is a realistic prospect that a significant proportion of the 1,200 dwellings will be delivered during the plan period. Consequently, the possibility of the need for a CPO does not mean that the allocation is unsound.
165. A range of other concerns have been raised about the East Chipping Norton development including heritage impacts, archaeology, water supply and effects on dark skies. Whilst they are all of importance, it seems to me likely that they can be appropriately addressed and satisfactorily resolved at the planning application stage and policy CN1 includes relevant criteria to ensure this, although **MM55** is necessary in terms of archaeology and dark skies.
166. Having regard to the desirability of meeting the identified housing needs in the district, I therefore conclude that for the plan to be positively-prepared **MM55** and **MM56** are necessary, increasing the number of dwellings to be provided at the East Chipping Norton SDA to around 1,200 and appropriately revising/updating the related education/transport provision requirements and requiring the replacement of any allotments lost as part of the development.
167. Evidence indicates that it is likely that the SDA would give rise to the need for additional health centre facilities in the locality and, thus, for the plan to be justified **MM55** includes a requirement in this respect. However, whilst expansion of the existing health centre on immediately adjacent land within the SDA boundary may well be a suitable way of addressing these needs, there is not the evidence to indicate that it is the only appropriate or feasible way of providing the necessary health centre facilities. Consequently, it is not necessary for soundness for the plan to designate a specific location/piece of land for the health centre facilities.
168. As proposed to be modified, and in line with policy E1, the SDA provides for around 5ha of land for business uses to the north of London Road. Whilst the evidence (*Economic Snapshot*) identifies a need for only 3ha of additional employment land in Chipping Norton, it is argued that a single 5ha location would provide a "critical mass" and allow for occupation by large format employers. There is little to suggest that this is not a sound approach and although a compulsory purchase order may be required to deliver this element of the SDA, this does not make the allocation unsound. Ultimately, delivery of the housing element of the Tank Farm development is not dependent on the employment element. Consequently, for the plan to be positively-prepared the part of **MM55** which provides for the 5ha of land for business uses is also necessary.

Conclusion

169. In conclusion, subject to the above-mentioned modifications, the plan sets out a soundly-based strategy for the Chipping Norton sub-area.

Issue 8 – whether or not the plan sets out a soundly-based strategy for the Eynsham – Woodstock sub-area

Policy EW2 - Eynsham – Woodstock Sub-Area Strategy

170. Policy EW2 sets out an overarching strategy for the Eynsham – Woodstock sub-area and, amongst others things, appropriately emphasises the need to alleviate traffic congestion on the A40 and the impact of traffic in Woodstock. As proposed by the Council to be modified the policy sets out strategic and non-strategic housing allocations which I consider in detail below. However, for the policy to be justified and to accord with the settlement hierarchy which, as detailed in Issue 3, is to be modified to reinstate Long Hanborough as a Rural Service Centre, **MM66** is necessary to identify that, in common with the other Rural Service Centres, Long Hanborough will be a focus of new development.

171. Concern has been raised that, in terms of the plan's actual housing allocations, there is too much focus on Eynsham and Woodstock and not enough on Long Hanborough. However, sites have been allocated in the plan on the basis of those deemed available and suitable through the site selection process which, as detailed in Issue 4, I have found to be robust. Moreover, it is envisaged that 290 or so dwellings will come forward on windfall sites in this sub-area and there is no reason in principle why these should not include sites in Long Hanborough. It is the case that, unlike Woodstock and Eynsham, Long Hanborough has a station. Whilst this places the settlement well for longer distance travel on the national rail network, for most of the day there is only an hourly service to Oxford. In comparison, existing, high quality bus services at Eynsham and Woodstock offer much more frequent links to jobs and services in Oxford. Consequently, I am not persuaded that Long Hanborough warrants higher status in the settlement hierarchy than Eynsham or Woodstock.

Policy EW1a – Oxfordshire Cotswolds Garden Village Strategic Location for Growth

172. As detailed in Issues 1 and 3 it is a soundly-based approach for the plan to provide for 2,750 dwellings to meet a proportion of the housing needs of Oxford, which are unlikely to be able to be accommodated in the city itself, and for this housing to be located as close as possible to Oxford in the Eynsham – Woodstock sub-area. The LUC *Oxford Spatial Options Assessment* report identified land to the north of the A40, near Eynsham, as one of the two most appropriate sites to meet Oxford's housing needs in the district. In the light of this the Council has proposed modification of the plan to include policy EW1a which allocates land to the north of the A40 near Eynsham for around 2,200 homes. To contribute towards the requirement for additional employment land (see Issue 2), and in line with the recommendations of the *Economic Snapshot* report, the allocation also provides for about 40ha of land for a campus-style science park. The plan envisages that the site would be developed in accordance with garden village principles and it has been accepted as part of the Government's garden village programme, which offers

resources to assist in its development. However, in recognition of the fact that appraisal and development of the village is in its relatively early stages, policy EW1a makes clear that its development will be led by a forthcoming Area Action Plan (AAP).

173. It is clear that there are a considerable number of potential constraints to development of the site. The most significant of these include transport (in particular congestion on the A40), air quality, noise arising from the A40, minerals safeguarding, the on-site presence of an aggregate recycling facility, landscape effects, flood risk, biodiversity (including in respect of the City Farm) and heritage assets, in particular the Medieval Farm at Tilgarsley. Based on what I've read, heard and seen, these are not necessarily (individually or cumulatively) incompatible with housing and employment development on the site. However, they may restrict the number of dwellings which can appropriately be accommodated, particularly given the intention that the site is developed as a garden village. Nonetheless, I conclude that there is a reasonable prospect that this location could make a significant contribution towards the 2,750 homes the plan is committed to providing by the end of the plan period in respect of Oxford City's needs.
174. There is much debate about the extent to which the garden village should and would be a distinct settlement, separate from Eynsham which lies immediately to the south, but on the other side of the A40 dual carriageway. A settlement of several thousand homes and with a science park campus would inevitably be able to provide for many day to day needs of its residents. However, it is unlikely to be able to provide them all and residents of the garden village would need to travel outside of the settlement for some services, some of which might exist in Eynsham. This will be an important matter for the Area Action Plan to address and it is clearly important that the garden village is planned having very careful regard to the existence of, and implications for, neighbouring Eynsham. However, this does not necessarily mean the garden village could not or should not be designed as a distinct settlement.
175. All in all, and having regard to the identified housing needs of the housing market area, I conclude that the land to the north of Eynsham is soundly-based as a location for growth to meet a proportion of Oxford City's housing needs. However, there is currently insufficient evidence to formally allocate the land as a strategic housing site for around 2,200 homes and to do so could inappropriately fetter the forthcoming Area Action Plan's (AAP) ability to provide for a high quality comprehensive development. Consequently, for the plan to be positively-prepared, justified and effective, **MM57** is necessary. This identifies the area as a location for housing and employment growth likely to make a significant contribution towards Oxford City's unmet housing needs, makes clear that its comprehensive development should accord with a forthcoming AAP and indicates the key issues to be addressed in that development plan document. In the light of this it is also necessary for the boundary of the site to be shown on the policies map as indicative.
176. The Council's and developer's forecasts of delivery of houses at the garden village are to my mind very optimistic ones, although not completely unrealistic and I consider the implications of this for housing supply in Issue 10. Nonetheless, based on all that I have read and heard, I conclude that

there is a reasonable prospect of a significant number of dwellings being constructed during the plan period at this location for growth.

Policy EW1b - West Eynsham Strategic Development Area

177. In response to the increased housing requirement figure for West Oxfordshire and the district's commitment to provide for a proportion of Oxford City's housing needs, the Council has proposed a modification to the plan (policy EW1b) to also allocate land to the west of Eynsham as a strategic development area for about 1,000 homes.
178. The development would require a north – south link road through the site although, in the light of the discussion at the hearings, it is appropriate for this to be designed so as not to encourage through traffic. It is also necessary for the road's alignment to avoid impact on the scheduled ancient monument near the southern boundary of the site, although the statement of common ground between the Council and Historic England suggests that this is feasible. **MM58**, which addresses these matters, is therefore necessary for the policy to be justified and effective. I have revised the wording of this modification from that consulted on in the interests of effectiveness and in the light of comments by Historic England.
179. Given its close proximity to the location of the garden village there is an argument that the West Eynsham SDA should also be the subject of the forthcoming Area Action Plan. Whilst there could be some benefit in this, I conclude that it is not necessary to the soundness of the allocation and it would also have the potential to delay the delivery of housing at West Eynsham. Nonetheless, the presence and emerging detailed design of the West Eynsham development will need to be an important influence on the Area Action Plan for the garden village.
180. Planning permissions are already in place for more than 200 dwellings which would form part of the overall SDA and it is realistic to assume that these will be constructed within the next few years. Forecasts for delivery of the rest of the housing are, to my mind, optimistic but not entirely unrealistic. The overall supply of housing land is addressed in Issue 10, but the potential for slippage in the forecast delivery programme does not render the allocation unsound. Consequently, for the plan to be positively-prepared and justified, having regard to identified housing needs, **MM58** is necessary to allocate land to the west of Eynsham as a strategic development area for around 1,000 dwellings and to include appropriate requirements with which the development should accord.

Cumulative effects of development at/near Eynsham

181. Having regard to the garden village and West Eynsham SDA there is concern at the overall amount of housing development proposed at and near to Eynsham. The resulting loss of countryside, which I appreciate is valued by many local residents, is to my mind regrettable. However, in West Oxfordshire where there are very limited opportunities for housing development on previously-developed land, the loss of countryside to development is an almost inevitable implication of government policy (clearly expressed in the NPPF) that there is a presumption in favour of objectively assessed needs for development being provided for in local plans.

182. I recognise that it is also inevitable that the amount of development proposed at and near to Eynsham would alter the village's character. However, whilst this will not be welcomed by some residents, a change in character is not, in itself, necessarily harmful and there would be likely to be some benefits to existing residents arising from the expansion of the settlement. Whilst I have had regard to it, I have given only limited weight to the emerging Neighbourhood Plan for Eynsham given that it is significantly behind the Local Plan in its preparation and adoption.
183. The transport implications of the new housing is an understandable concern, particularly given that the nearby A40 is already congested. Detailed transport evidence (doc TRA5) indicates that the development proposed in the plan at Eynsham and elsewhere along the A40 corridor would be likely to exacerbate the congestion problems. However, it is also likely that the proposed park and ride site at Eynsham and bus priority measures along the A40 (Oxford Science Transit), for which funding has been secured, will to some extent mitigate the worsening of the problems. Overall there is not evidence to clearly and convincingly demonstrate that the residual transport impacts would be severe.
184. Moreover, it appears to me, that for people travelling to Oxford for work or to access other services, the Eynsham area offers the best location in West Oxfordshire to do so by means other than the private car. If the new housing proposed for the Eynsham area were to be located elsewhere it would be likely to result in more and longer journeys by car. Also, if it were to be elsewhere on the A40 corridor it would be likely to cause the same, or worse, problems of congestion between Eynsham and Oxford than would be the case with the plan as is proposed. In the light of this, I conclude that the judgement of the Council and County Council that the traffic implications of development proposed at Eynsham are outweighed by the benefits of providing for identified housing needs, is a soundly-based one.

Policy EW1f - Land at Myrtle Farm, Long Hanborough

185. Policy EW1f has been proposed by the Council as a modification to the plan in the light of the increased housing requirement and to provide greater certainty about the delivery of new dwellings. The policy allocates land at Myrtle Farm, close to the main facilities of Long Hanborough, for around 50 homes. The site is visible from the north-east from various points in the valley of the River Evenlode and the westernmost parts of the Blenheim Palace Park. However, the housing would be substantially obscured from view from these locations by existing landscaping, planted since a previous Inspector raised concern about housing development on the site more than 20 years ago. Moreover, the extent to which the housing would be seen would be likely to reduce even more so in the future as this vegetation further matures. Even at the outset, new housing on this site would be far less visible than the ribbon of existing housing at Long Hanborough which looks out over the valley. In this context, no significant landscape harm would result from the proposed development.
186. The Parish Council raises concern about limited school capacity in the area. The situation is clearly 'tight' but at the hearings the County Council persuasively argued that no significant problems in this respect would be likely to result from development of the site for around 50 houses, bearing in mind the other housing committed/proposed for allocation nearby.

187. As a result of a 'change of heart' by the landowner, the deliverability of the site has been called into question. However, the situation could change again during the remainder of the plan period and I conclude that the site's location close to the main facilities of a Rural Service Centre, justify its allocation in the plan, notwithstanding any doubts about its delivery for housing. Should the site not be developed during the plan period the 'loss' of 50 homes (0.3% of the total plan period housing requirement) would not materially threaten delivery of the plan's housing strategy.
188. Consequently, to assist in contributing towards meeting housing needs and, thus, for the plan to be positively-prepared **MM62** is necessary, allocating this site for housing development and setting out appropriate requirements with which the development should accord.

Policy EW1g - Oliver's Garage, Long Hanborough

189. Policy EW1g has also been proposed by the Council as a modification to the plan, in the light of the increased housing requirement and to provide greater certainty about the delivery of new homes. The policy allocates the previously-developed Oliver's Garage site for around 25 homes and sets out appropriate requirements for the development. The site is close to Long Hanborough's main services and there is nothing persuasive to indicate that the allocation is not soundly-based in principle or that it will not be developed in full during the plan period. Consequently, for the plan to be positively-prepared **MM63** is necessary, allocating this site for housing development and detailing soundly-based requirements for it.

Policy EW1h - Former Stanton Harcourt Airfield

190. Policy EW1h is another policy which has been proposed by the Council as a modification to the plan in view of the increased housing requirements and to provide greater certainty about the delivery of new housing. The policy identifies this previously-developed site on the edge of Stanton Harcourt as suitable for around 50 dwellings. Stanton Harcourt is designated as a village in the plan's settlement hierarchy and, notwithstanding that it would not be well-served by public transport, the allocation accords with the "limited development" which policy OS2 identifies for villages. Moreover, I consider that the site's limitations in terms of public transport accessibility are outweighed by its use of previously-developed land. The site is close to the Stanton Harcourt Conservation Area. However, I understand that a recently approved planning application for the development identified that it would be likely to cause only limited harm to this heritage asset and that this harm would be outweighed by the benefits of the provision of housing, including affordable homes. I have no reason to question this judgement.
191. Particular concern, supported by detailed evidence, has been raised by the Parish Council about the impact of the neighbouring landfill operation, including in the long term, on potential residents of the site. Policy EW1h specifically requires development to incorporate appropriate mitigation measures in this regard and I understand that neither the Environment Agency nor the Council's Pollution Control Officer objected to the recent planning application. If the extant permission were not to be implemented (and there is no reason to believe that is likely) I am satisfied that this

important issue could be adequately and appropriately addressed through the detailed design of, and conditions attached to the, planning permission for any subsequent housing proposal for the site.

192. I conclude, therefore, that this allocation is soundly-based and there is also a strong likelihood of the site being constructed in its entirety within the next few years. Consequently, for the plan to be positively-prepared and justified **MM64** is necessary, to allocate the site for a housing development of around 50 dwellings and to detail the appropriate requirements with which the development should accord.

Policy EW1 - Blenheim World Heritage Site

193. Policy EW1 is, in principle, a positively-prepared approach to securing the conservation and enhancement of the Blenheim World Heritage Site. However, to ensure consistency with national policy and accordance with policy EH7, the detailed wording revisions of **MM65** are necessary for the policy to be sound.

Housing Allocations at Woodstock

194. In response to the increased housing requirement for the district as a whole and to provide greater certainty about the delivery of housing, the Council proposed modifications to the plan, as originally submitted for examination, to allocate three sites in Woodstock for new housing. Concern was raised about these sites in respect of their proximity to the Blenheim World Heritage Site (WHS) and, in particular, the lack of up to date and specific assessments of the allocations' likely impact on the WHS and its setting. In response the Council commissioned independent detailed impact assessment work (*West Oxfordshire Local Plan Allocations Landscape and Heritage Advice Report*, October 2017). The report does not raise fundamental concern about any of the allocations in landscape or heritage terms, albeit that it makes some specific recommendations concerning the precise amount of housing, its location on the sites and mitigation measures. I consider in detail below each of the individual sites, although overall I am satisfied that the report is proportionate evidence for the allocation of sites in a local plan and I am not persuaded that it contains any intentional or unintentional bias in favour of the allocations already proposed in the plan.

195. A number of aspects of the report have been criticised in some detail, in particular that it does not make clear exactly how much development can cumulatively be accommodated in the area without significantly eroding the rural character of the WHS's setting. However, I do not see that an answer to this question is a pre-requisite to determining the extent of harm the allocations actually proposed in the plan would individually and cumulatively be likely to cause to the setting of the WHS. The *Settings Study* (Doc ENV15 Appendix III) identifies that in much of the area surrounding the WHS incremental development (eg up to 9 houses) could generally be accommodated. However, I do not interpret this as meaning that the author(s) of this study had concluded that larger scale housing development on the sites proposed for allocation for housing in the plan, would be definitively inappropriate. Indeed, based on my reading of the 'Objectives' section of the document, the report itself was not intended to identify what development would and would not be appropriate. Nonetheless, crucially, the study provides

clear guidelines on how the likely impact of proposed development should be assessed and it appears to me that the approach adopted in the preparation of the *Landscape and Heritage Advice* report is consistent with this.

196. Having regard to the *Landscape and Heritage Advice* report the *Sustainability Appraisal Further Addendum* (Doc CD12) identified that it is possible, although not certain, that a major negative effect on heritage assets could result from development of the Land North of Banbury Road site. However, having regard to the Council's intention to now reduce the number of dwellings on this site from 250 to 180 (which is notably even lower than the 220 advocated by the *Landscape and Heritage Advice*), the February 2018 SA report (Doc CD17) notes the potential for the heritage assets effect to be reduced to a minor negative one. During the examination I spent much time viewing these sites, including from many vantage points within the World Heritage Site and its setting, and I conclude that the assessment of the likely effects of the proposed housing developments set out in the *Landscape and Heritage Advice* and the SA documents are very cautious ones.
197. In the light of this I do not accept the argument that the presence of the WHS or other heritage assets in the vicinity means that there should not be housing allocations at Woodstock. Whilst the NPPF makes clear that great weight should be given to the conservation of heritage assets, it does not identify that this means there should be a presumption against development in their vicinity. Importantly, it is also the case that Historic England does not object to the principle of housing on these sites or, indeed, to the criteria included in the relevant site allocations policies as proposed to be modified.
198. Moreover, Woodstock is designated by the plan's settlement hierarchy as a Rural Service Centre and is shown by the November 2016 *Settlement Sustainability Report* to be the fifth most sustainable settlement in the district. The town has a good range of shops and other services and also frequent high quality bus services to Oxford along with public transport links to Charlbury, Chipping Norton, Witney and the west of the district. Consequently, having regard to the NPPF's objective (paragraph 17) of focusing development in locations which are sustainable, the town is, in principle, a suitable location for housing allocations.
199. The Woodstock housing allocations would result in the loss of countryside which would be regrettable although, as I have indicated in relation to other plan allocations, this is an almost inevitable consequence of the aim of national policy that identified housing needs are met through local plans, in a district which has very limited opportunities for housing on previously-developed land. Concern is also raised about the traffic and town centre parking implications of this housing. However, the *Evaluation of Transport Impacts* report does not identify specific traffic problems in Woodstock and nor have I seen detailed and convincing evidence to the contrary. It is true that parking provision in the centre of Woodstock is limited but all of the allocations are within a reasonable walking distance of the town centre. At the hearings the County Council argued in detail and persuasively that school capacity in the area would not be unacceptably stretched by the additional housing proposed.

200. I note that allocations for housing near Woodstock, but within the Cherwell District Council area, are included in the partial review of that Council's previously-adopted 2011-2031 local plan. However, bearing in mind that the Cherwell plan is at a much earlier stage of examination than West Oxfordshire's plan, this is not justification to find the West Oxfordshire allocations unsound.

Policy EW1c – Land East of Woodstock

201. This site would extend the built-up area of the town to the south-east. The *Landscape and Heritage Advice* report identifies that development in this location would have the potential to affect the setting of (i) the Blenheim Palace WHS and Registered Historic Park and Garden, (ii) the listed Cowyard buildings and (iii) the Blenheim Villa Scheduled Monument. In respect of the last I agree with its conclusion that the impact of the development on the villa's significance would be limited because of the small contribution the monument's setting has to its overall significance.

202. Development of the site for housing would clearly alter the rural wider setting of the Cowyard buildings and the WHS and Park and Garden, particularly as seen from the A44. However, existing vegetation along the boundary of the site with the road would limit the harmful effect and this harm could be reduced further by supplementary landscaping. Whilst the report recommends that the site should accommodate a reduced figure of around 270 dwellings, I note that the Council has previously resolved to grant permission for a scheme for 300 dwellings on the site and I have seen no detailed, persuasive evidence to indicate that this scheme would result in unacceptable harm to the landscape or heritage assets. Moreover, I note that Historic England has no objection to the plan's allocation of the site for around 300 dwellings even in the light of the most recent evidence. However, having regard to the landscape/heritage evidence the Council has appropriately proposed a number of further modifications to policy EW1c to avoid unacceptable harmful effects. Based on all that I have read and heard and seen on my visits to the site and surrounding area, including the WHS, I conclude that a housing development of around 300 dwellings on this site, with appropriate mitigation measures, would be likely to cause, at most, only limited harm to the setting of nearby heritage assets and the character and appearance of the area more generally.

Policy EW1d – Land North of Hill Rise

203. This allocation would effectively be an expansion of the established residential areas of Hill Rise and Vermont Drive. As with the East of Woodstock site, it would, to some degree, represent encroachment into the rural setting of the Blenheim WHS and the Registered Park and Gardens. However, the harmful effect resulting from this would be limited by the fact that the site is screened from these heritage assets, including by existing housing. The *Landscape and Heritage Advice* report does not suggest that providing for around 120 dwellings on the site would be inappropriate but I concur with its conclusions that, in order to minimise any harmful effects on the setting of the nearby heritage assets, dwellings should be restricted in height and focussed on the southern part of the site, closest to the existing housing. The further modifications proposed by the Council to policy EW1d provide this.

204. In the light of this, noting that Historic England does not object to the allocation and based on my observations on my walks across the site and around the surrounding area, I conclude that the development of the site would also be likely to cause, at most, only limited harm to the setting of the heritage assets in the area.

205. The site incorporates an existing children's play area and public open space but policy EW1d requires their replacement/enhancement as part of the development. No harm in this respect would therefore be likely.

Policy EW1- Land North of Banbury Road

206. Although this site is the furthest of the three Woodstock allocations from the WHS and Registered Park and Gardens, the topography means that it would be the most visible from these heritage assets, in particular its north-western part. All the site lies within the 'notable view cone' from the Column of Victory in the park, identified in the *WHS Management Plan*. However, having viewed the site from the Column of Victory and vice versa, I agree with the *Landscape and Heritage Advice* report's conclusions that standard height housing on the south western and eastern parts of the site would be unlikely to materially affect this view. In contrast, it is likely that there would be inter-visibility between any housing on the north western part of the site and the Column of Victory. In the light of the Advice report the Council has proposed further modification to policy EW1e to ensure that housing is focussed away from the western part of the site and to restrict its overall capacity to around 180 dwellings, even lower than the report's suggested figure of 220. This is an appropriately cautious approach, given the importance of ensuring that development of the site would minimize any possible harm to the setting of the WHS/Registered Park and Gardens. The policy wording of "around 180 dwellings" would not definitively rule out a proposal for more dwellings if it could be convincingly demonstrated that this would not cause significant harm.

207. Housing development on the south-western and eastern parts of the site would be within the setting of the groups of listed farm buildings at 7 and 21-23 Banbury Road. In view of this it is appropriate that the modified policy requires development to take account of, and minimise the effect on, these heritage assets. As such I consider it is reasonable to conclude that it is feasible to develop the site for housing without more than limited harm being caused to the significance of these particular heritage assets.

208. The site is around 700m from the existing bus services on Oxford Street. Whilst further than is ideal, it is a distance I consider many people would be able and willing to walk. Indeed, the frequency and quality of the bus services at Oxford Street would, in terms of the likelihood of residents of the site using public transport, balance out the walking distance required to reach them. In terms of vehicular traffic the routes from the site to the A44 are constrained by width. However, whilst some drivers would no doubt wish to access the A44 at the centre of Woodstock, there exists an alternative route away from the area via Banbury Road towards the A4260. With this in mind, and at a capacity of 180 dwellings, it seems to me unlikely that unacceptable transport impacts would result from the site's development for housing.

Conclusion on Housing Allocations at Woodstock

209. I conclude that, subject to the further modifications proposed to the relevant policies, each of the Woodstock housing allocations would be likely to cause, at most, only limited harm to the landscape and to the setting of heritage assets in the area. Moreover, having regard to the *Landscape and Heritage Advice* report's specific consideration of the matter, I conclude that, cumulatively, development of these housing allocations would not cause substantial harm to these heritage assets or the landscape. NPPF (Para 132) makes clear that where development would be likely to cause less than substantial harm to a heritage asset the development will require clear and convincing justification.
210. There is an identified need for 15,950 new dwellings in the district (including in respect of Oxford City's unmet needs). Although it would be possible to provide for this without any new housing at Woodstock, the town is an identified Rural Service Centre with a good range of local facilities and excellent public transport links with Oxford. In my judgement the benefit of providing for around 600 dwellings (less than 4% of the plan's overall housing requirement) in this sustainable location represents clear and convincing justification for the proposed housing development, bearing in mind the importance of the nearby heritage assets and the level of harm which would be likely to be caused to them.
211. Consequently for the plan to be positively-prepared **MM59, MM60 and MM61** are necessary. These modify the plan to include policies EW1c, EW1d and EW1e which allocate for housing, subject to appropriate criteria and requirements, the following sites: Land East of Woodstock (around 300 homes), Land north of Hill Rise (around 120 homes) and Land North of Banbury Road (around 180 homes). I am satisfied that the "landscape dominated design" and "protect the rural setting of the WHS" wording of these policies is sound. It would not require the use of judgement materially more than would the suggested alternative wording and it reflects the language of the *Landscape and Heritage Advice*, the recommendations of which are, in the most part, key to my conclusion that the allocations are acceptable. Furthermore, I do not see this wording as fundamentally in conflict with the allocation of these sites for housing; it is the rural setting of the WHS which is to be protected and this does not, as a matter of principle, rule out housing development within the setting.
212. The policies' requirement that air quality/hydrological impacts on Blenheim Park SSSI are assessed by developers is sound and aligns with Natural England's suggestion in December 2016. In the context of there being no evidence to indicate that housing development on the sites would cause harm in these particular respects, and since any such impact would be likely to vary according to the precise details of the proposed development, it is not necessary or appropriate for such assessments to have been carried out at this stage. Should it be shown that unacceptable harm in these respects would be likely to be caused by housing proposals which come forward they could be refused under the provisions of policy EH2 and/or policy EH6.

Conclusion

213. In conclusion, subject to the above-mentioned modifications, the plan sets out a soundly-based strategy for the Eynsham - Woodstock sub-area.

Issue 9 – whether or not the plan sets out a soundly-based strategy for the Burford – Charlbury sub-area

214. The majority of the Burford – Charlbury sub-area forms part of the Cotswolds Area of Outstanding Natural Beauty (AONB). Policy BC1 sets out the overall strategy for development of the area, appropriately addressing, amongst other things, conservation of the AONB and heritage assets and the retention/development of local services and community facilities. As submitted for examination the policy provided for the delivery of around 800 new dwellings in this area, primarily reflecting existing completions, commitments and an estimate of future windfalls at that time.

215. Following the suspension of the examination, and in response to the increase in the district-wide housing requirement figure, the Council proposed (2016) the allocation in the plan of four housing sites in the sub-area at Burford, Charlbury, Stonesfield and Shipton under Wychwood. Together with completions, existing commitments and likely future windfall developments, these allocations would have provided for around 1,200 new dwellings in the sub-area during the plan period.

216. The *National Planning Policy Framework* 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 in full. The NPPF also states that proposals for major development within an AONB should be refused other than in exceptional circumstances. There is not a definition of major development and it is to my mind the case that each of the housing allocations listed above might or might not constitute major development dependent upon their precise design, layout and likely impact.

217. 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 area is appropriate to ensure its 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 these may be, in some circumstances, as part of market housing schemes of moderate size.

218. 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 reflects needs, constraints, relevant national policy and the key issues for development and transport detailed in the *Cotswolds AONB Management Plan (2013-2018)*.

219. Completions and existing commitments in the Burford – Charlbury sub-area amount to 774 dwellings. Taken together with completions and anticipated future supply in the rest of the district, the total supply is 15,799 – 99% 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 (either the site allocations or a reliance on future windfalls) simply to ensure that the 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 new dwellings, over and above existing completions and commitments, are as a matter of principle, necessary specifically in the context of the AONB or the Burford – Charlbury sub-area.
220. This does not mean that development of further new housing in the Burford – Charlbury sub-areas 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 policy and other relevant plan policies 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 at least, the four sites proposed by the Council for housing allocations in the AONB are potentially suitable for development.
221. On the other hand Oxfordshire County Council has raised significant concerns, in terms of education or accessibility by public transport, about three of the proposed allocations. It would clearly not be 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.
222. 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.
223. Consequently, the allocation in the plan of housing sites, and the reliance on additional windfall housing development, in the Burford – Charlbury area, over and above existing completions and commitments, would not be sound. To

address this **MM69** is necessary to identify an indicative housing delivery figure for the sub- area of 774 dwellings (ie current completions and commitments). However, importantly the modification makes clear that the 774 figure is not a definitive cap on housing development in this sub-area, it indicates that Burford and Charlbury are suitable for modest levels of development and it slightly rewords a number of the policy's other criteria. The policy's statement that, beyond Burford and Charlbury, development will be steered towards the larger villages is entirely consistent with the plan's overall aim of locating housing close to local services.

224. In the light of this **MM67 and MM68** are also necessary to explain in the supporting text how proposals for housing development in this sub-area will be assessed, bearing in mind that other plan policies are also of relevance to development in the AONB, including OS2, H1, H2 and EH1a. In the light of consultation comments I have revised this text to improve clarity, avoid duplication and ensure consistency with the rest of the plan. So revised, I am satisfied that there is no material inconsistency between policies OS2, H1, H2, EH1a and BC1 and it is not necessary for the policies and the supporting text to repeat all elements of each other. Moreover, whilst suggestions have been made that policy BC1 should be, in a number of ways, more specific (both more and less restrictive) this is not necessary to the soundness of the plan. Indeed, the policy as worded in line with the recommended modification provides appropriate flexibility. The policy and its supporting text are appropriate to the specific context of the AONB in West Oxfordshire (where, unlike in some districts, there is significant opportunity for general development needs to be met outside the AONB), it does not conflict with national policy and would, together with the other relevant policies, allow development which demonstrates overall benefits to the AONB to come forward.

Conclusion

225. In conclusion, subject to the above-mentioned modifications, the plan sets out a soundly-based strategy for the Burford – Charlbury sub-area.

Issue 10 – whether or not it is likely that the plan will provide for delivery of the 2011 – 2031 housing requirement and a rolling five year supply of deliverable sites for housing

Supply of housing land for the plan period

226. The housing allocations and strategic location for growth set out in the plan (as proposed to be modified), together with dwellings already completed, extant permissions and conservative and compelling assumptions about 'windfall' housing development provide for 15,799 dwellings. This is 99% of the plan period requirement figure. The NPPF does not require that a plan allocates specific sites to meet the housing requirement for the full plan period. There is a statutory requirement for the plan to be reviewed at least twice before its 2031 end date and these reviews will provide the opportunity for more provision for housing to be included in the plan if necessary. In any case, it is entirely feasible that the full plan period housing requirement of 15,950 could be delivered through slightly higher than indicated numbers of dwellings on allocated sites and/or through more windfall developments than

assumed. Reviews of the plan also provide the appropriate mechanism for responding to any shortfall in housing provision should a site become undeliverable or be significantly delayed. Consequently, there is not a need to identify reserve sites.

Five year housing requirement and supply of deliverable land

227. At the Stage 2 hearings the Council contended that there is not a record of persistent under delivery of housing in the district and that, thus, in line with the NPPF, only a 5% buffer need be applied to the housing land supply calculations for the next five years. It also states that it is not possible to address in its entirety the shortfall in housing provision from the start of the plan period to now in the next five years (the "Sedgefield" approach). It therefore argues that the "Liverpool" approach should be applied with this shortfall being made up over the whole of the remainder of the plan period. On this basis the housing requirement for the 2017/18 – 2021/22 period would be 4,496 dwellings. The Council contends that the deliverable supply of housing for this period is 5,258 dwellings and, thus, it could identify a 5.8 years supply of housing.

228. In terms of past delivery, in the years from 2006/07 to 2010/11 the number of dwellings constructed significantly exceeded the, then applicable, 365 dpa annual average housing requirement figure for the district of the South East Plan. However, more recently in the first six years of the current plan period (2011/12 – 2016/17) average new housing construction at around 330 dpa has been only half the 660 dpa requirement figure set out in policy H1. Moreover, whilst the 711 dwellings which the Council anticipates will be completed in 2017/18 would meet the "base" average annual requirement of 660 dpa, it would not fully meet this year's share of making-up the past shortfall even on the "Liverpool" method advocated by the Council. Consequently, whilst it is a finely balanced decision, I conclude that, at the present time, there has been a record of persistent under delivery of housing in the district.

229. On this basis, and in line with paragraph 47 of the Framework, a 20% buffer needs to be applied to the five year housing requirement figure, increasing it (on the "Liverpool" approach) to 5,128 dwellings. Based on the Council's estimate of the deliverable supply of 5,258 there would currently be a 5.1 years supply of deliverable housing land.

230. The Council's May 2017 estimate of supply (5,258) has been challenged by many on a number of counts, but fundamentally in terms of the assumed start dates of a number of the sites allocated in the plan, in particular the strategic development areas. A range of figures averaging around 4,400 has been suggested as a more realistic estimate of the supply of deliverable housing land in the next five years. As detailed in my assessment of the site allocations I conclude that, whilst none of the Council's assumptions regarding start dates are wholly unrealistic, they are generally somewhat on the optimistic side, particularly in respect of the Oxfordshire Cotswolds Garden Village which the Council forecasts will deliver 220 dwellings in the period to 2021/22. Whilst it is possible that any of the sites could prove to be deliverable in the timescale forecast by the Council, on the balance of probabilities it is very likely that one or more will not do so, particularly if a compulsory purchase order were to be

necessary in respect of supporting transport infrastructure or there are any delays in adopting the Garden Village AAP. On this basis the supply figure would fall from the Council's contention of 5,258. A reduction of only 135 dwellings or so would mean that the Council would not be able to identify a five year supply of deliverable housing land and consequently the plan would be out of date. Therefore, this is not a prudent approach on which to base the plan.

231. Two main possible solutions to address this situation were discussed at the hearings: firstly, suspending the examination, for a second time, to enable more sites to be allocated in an effort to secure a more robust 5 year supply of housing land against the plan's annual average housing requirement; and secondly, "stepping" the year by year housing requirement figure to more closely reflect the realistic trajectory of housing delivery in the district during the rest of the plan period. A third option of increasing the density of development, and thus the number of dwellings to be constructed, on the existing allocations in the plan was also raised. However, there is little evidence to suggest that this particular option is realistic having regard to the character of the areas in which the sites are located and likely infrastructure requirements for more intensive development on individual sites.
232. In terms of allocating more housing sites a number of scenarios were discussed at the hearings. These range from, at the lower end, the need for approximately 900 additional dwellings (to provide a more robust 6 years supply assuming the Council's 5,258 supply figure is broadly realistic and the "Liverpool" approach to shortfall) to, at the higher end, around 2,200 additional units (to provide a 5.0 years supply assuming a lower current supply of 4,500 dwellings and the "Sedgefield" approach to past shortfall).
233. Under either scenario suitable housing sites would need to be selected and appraised by the Council, consulted upon and included as main modifications in the plan, which would then be likely to need to be the subject of further hearings. As part of this process, and as well as site-specific infrastructure requirements, consideration would need to be given to the district-wide implications for infrastructure, in particular transport, of allocating in the plan significantly more sites for housing than needed to meet the overall plan period requirement figure of 15,950. Assuming the plan was to be found sound and adopted, planning applications would need to be submitted and determined by the Council and all the housing sites then built-out by March 2022 to provide the required additional housing numbers, be that 900 or 2,200 dwellings, or a figure in between. Assuming an average site size of 100 dwellings, the number of additional housing sites needed to be allocated in the plan would be between nine and 22.
234. I have no doubt that delivery of homes by March 2022 could be achieved on any one, or even several, of the numerous sites which have been promoted for housing development, particularly if the planning application process was to run in tandem with the examination/adoption of the plan. However, based on the discussion at the hearings, it seems to me highly unlikely that this would be achieved across all the sites which would be necessary to provide for the additional housing. This is particularly so given that the additional sites would be likely to deliver the majority of their housing in 2020/21 and 2021/22, thus necessitating up to 1,000 or more dwellings per year constructed on these

sites alone, in addition to the around 1,000 per year already forecast by the Council to be constructed in these years. Given that the highest number of dwellings constructed in the district since 1990 is 865 (in 2007/08) there is very little to suggest that this is realistic.

235. Consequently, allocating more houses in the plan in an attempt to achieve a five year supply against the plan's annual average housing requirement figure would be likely to fail and cannot, therefore, be considered to be a sound approach. Moreover, it is the application of the 20% buffer which gives rise to these housing supply difficulties faced by the Council. Paragraph 47 of the NPPF makes clear that the buffer should consist of sites moved forward from later in the plan period. However, the situation in West Oxfordshire would require more than the plan period housing requirement to be provided for in the plan (ie going significantly beyond the approach to buffers set out in the NPPF) and yet still there would be a strong likelihood of it not achieving the desired outcome.

236. The alternative approach now suggested by the Council would "step" the housing requirement figure to reflect the likely reality of delivery of the sites already included in the plan and, in particular, the strategic development areas (SDAs). Paragraph 52 of the NPPF identifies that the supply of new homes can sometimes be best achieved through larger scale developments such as new settlements or extensions to existing towns. The SDAs included in the plan accord with this guidance, although such sites commonly take a number of years to reach the start of construction. "Stepping" the overall housing requirement figure as follows would appropriately reflect the realities of delivery of the SDAs:

- 2011/12 – 2020/21 – 550dpa
- 2021/22 – 2022/23 – 800 dpa
- 2023/24 – 975 dpa
- 2024/25 – 2030/31 – 1,125 dpa

237. Whilst challenging, the 1,125 dpa requirement for the last years of the plan period is realistic in the context of the highest annual delivery since 1990 of 865 dwellings. And, it is clearly much more realistic than the around 2,000 dpa delivery which would be required in the coming five years if the 'Sedgefield' approach to addressing shortfall in delivery were applied and no "stepping" of the housing requirement were to take place. Of course, this reduced requirement figure would not prevent more houses being constructed in the next five years, even up to or more than the 5,528 dwellings forecast by the Council.

238. On this basis, assuming a 20% buffer and the Council's supply figure it would be able to demonstrate a 6.6 years supply of deliverable housing land. On the basis of lower estimates of supply put forward by other parties, the figure would be in the order of 5.3 years. Moreover, it would be unlikely that the, much-challenged, Council assumption that the Oxfordshire Cotswolds Garden Village will deliver 220 dwellings by 2021/22 would be crucial to it being able to demonstrate a five year supply of deliverable housing land. I conclude that, in reality, the supply figure is likely to be somewhere between the two

extremes indicated above. But, either way, one can be confident that the plan would provide for an ongoing five year supply of housing, on the basis of the staged housing requirement and 'Liverpool' approach to addressing shortfall.

239. I note the fundamental opposition of some to this approach, although there is nothing in national policy or guidance to indicate that it is inappropriate. Indeed, there would be little point in the NPPF paragraph 47 requirement that authorities produce a trajectory showing the expected rate of housing delivery for the plan period, if a straight line trajectory (ie involving no "stepping") was the only acceptable appropriate approach to housing delivery. It is the case that the *Planning Practice Guidance* indicates that where the Sedgefield approach to shortfall is not realistic, Councils should work with neighbouring authorities under the Duty to Co-operate. However, it is partly because (through the duty) the plan provides for some Oxford City housing needs to be met in West Oxfordshire that it is not realistic that past shortfall can be addressed within the next five years. It would be senseless for Oxford City's unmet needs, which have been "exported" to West Oxfordshire in line with the agreement reached by the Growth Board, to be then "re-exported" to another district simply so that West Oxfordshire could operate the "Sedgefield" approach to past shortfall. Alternative, less back-loaded, "stepped" trajectories have been suggested, although I am not persuaded that these are more appropriate than that proposed by the Council, particularly given that the Council makes clear that faster delivery than the "stepped" housing requirement is encouraged.
240. The analysis of supply set out above is based on data to 31 March 2017. Updated data to March 2018 is not yet available and it would be likely to undesirably delay completion of the examination and adoption of the plan to await this. There is almost always some relevant new evidence or guidance which is expected to shortly emerge. If the completion of plan examinations were to be delayed to take account of such new evidence/guidance few plans would ever be adopted. However, this does emphasise the importance of provision being made to review the plan if necessary.
241. Notwithstanding the transitional arrangements for the examination of local plans, under the revised NPPF (July 2018) the buffer to be applied to the calculation of an authority's five year housing requirement will be determined by the Housing Delivery Test. The data determining whether or not a 5% or 20% buffer will apply in West Oxfordshire will not be available until later this year. However, given that a 20% buffer has been applied to the calculations set out above, it appears to be highly unlikely that the district's housing supply situation will be worse than the between 5.3 and 6.6 years I have concluded as being the likely situation at the point of adoption of the plan.
242. Consequently, for the plan to be based on a prudent and realistic approach, and, thus, for it to be effective, **MM9 and MM10** are necessary. This provides for the "stepped" annual housing requirement figures as set out above and for the use of the 'Liverpool' approach to addressing past shortfall, whilst making clear that faster delivery of housing is encouraged. The recommended modification corrects a supporting text error, in terms of the past shortfall figure, included in the modification which was subject to consultation and also provides more clarity in relation to use of the "Liverpool" approach. The modification also provides for delivery of the plan to be kept under close

review and for an early review of the plan to take place should it emerge that the plan's housing requirement is not being delivered. It has been argued that the policy should be more prescriptive about the circumstances in which a plan review would be required. However, whilst this might be appropriate where review of the housing requirement figure is necessary to, for example, take account of yet to be quantified unmet needs from a neighbouring authority, it is not, in my judgement, necessary in West Oxfordshire's situation. It will be in the Council's interests to review the plan as and when necessary to ensure that an ongoing five year supply of deliverable housing land can be demonstrated. Moreover, notwithstanding this, new statutory requirements which have come into force during the examination, mean that the plan must be reviewed, and altered if necessary, within five years of its adoption in any case.

243. In conclusion, and subject to the above-mentioned modifications, it is likely that the plan will provide for the delivery of the 2011 - 2031 housing requirement and, subject to review of it as necessary, for a rolling five year supply of deliverable sites for housing.

Issue 11 – whether or not the plan's policies in respect of transport, movement and supporting infrastructure are positively-prepared, justified, effective and consistent with national policy

Overall Transport Implications of the Plan

244. Considerable concern has been expressed at the likely transport impacts, in particular traffic congestion and air quality, of the overall amount of new development proposed in the plan. The *Evaluation of Transport Impacts* study has assessed the likely impact of the overall housing and employment development proposed and concludes that existing problems of congestion are likely to worsen, particularly at points along the A40 and at a number of junctions in Chipping Norton, although it notes that there is the potential for mitigation schemes to reduce this.

245. An increase in traffic is, to my mind, an almost inevitable consequence of the plan's strategy of meeting the objectively-assessed needs for housing and employment in accordance with national policy. The extent of future congestion and traffic related air quality problems will substantially depend on individuals' decisions about where and how they travel. However, the plan appropriately seeks to locate new development such as to minimise, as far as practicable, the need to travel and to maximise use of modes of transport other than the private car. Indeed, the proximity of housing sites to the main towns has been, appropriately, a key factor in decisions on housing site selection. With this in mind I conclude as being soundly-based the Council's and County Council's judgement that any adverse transport implications of the development proposed in the plan are likely to be outweighed by the benefits of providing for the identified housing and employment needs.

Policy OS5 – Supporting Infrastructure

246. Policy OS5 sets out the appropriate, strategic level requirement that new development should deliver or contribute towards the provision of necessary supporting infrastructure. However, for the policy to be justified, **MM6** is necessary, adding the requirement for timely provision and making clear that

the phasing of large developments may be required with later phases being contingent on essential infrastructure being in place; appropriately, such decisions will be made on a case by case basis. I have given consideration to a number of further suggested changes to policy OS5, but conclude that these lack the necessary flexibility and could, in practice, be unjustified. As a result they could undermine the Council's ability to ensure that necessary infrastructure is secured as part of new developments.

Policies T1, T3 and T4 - Sustainable Transport, Public Transport, Walking and Cycling and Parking Provision

247. Policies T1, T3 and T4 are positively-prepared and are supportive of the NPPF's core planning principle of making the fullest possible use of public transport, walking and cycling by focussing development in locations which are or can be made sustainable, whilst recognising the role car parking can play in supporting town and village centres. They are also fundamental to my conclusions above in relation to the overall transport impacts of the plan. However, in the interests of clarity and effectiveness, **MM23** makes specific reference to walking, cycling and public transport in policy T1 and **MM25** includes reference to safe and convenient routes to school, an alteration I have made in the light of consultation comments on the main modifications. With respect to policy T4, a number of local parking problems have been raised. Whilst important issues in their own right, the plan is not unsound in not seeking to specifically address these, and I am satisfied that the objectives of the policy, together with the car parking provisions of the town centre strategy policies, are compatible with potential solutions to any existing and emerging parking problems.

Policy T2 - Highway Improvement Schemes

248. Complementing policy OS5, policy T2 details the new strategic transport infrastructure which is to be delivered in support of the development proposed in the plan. Following the suspension of the examination, and in the light of the additional development proposed in the plan, the Council has advocated adding to this policy the Eastern Link Road at Chipping Norton and the Western Spine Road at Eynsham. The modified policy also states that necessary strategic highway improvements associated with the Oxfordshire Cotswolds Garden Village will be identified and safeguarded through the relevant AAP. I have addressed detailed concerns about a number of the schemes listed in the policy in Issues 5, 7, and 8 above and, overall, conclude that, whilst full funding for all the schemes is not currently a certainty, they represent a sound approach to ensuring that adverse transport impacts of the new development proposed in the plan are minimised. In respect of the garden village, the supporting text refers to the possibility of a northern link road, although the need for this is to be examined as part of the AAP and the reference to it is not an indication that it has been, to date, identified as a justified scheme. **MM24**, which includes the above-mentioned additional highway schemes, is therefore necessary for the plan to be positively-prepared and justified.

249. There are aspirations for other road improvement schemes, particularly at Carterton, but there is no evidence to indicate that they are needed to support the planned development or that they are, otherwise, likely to come forward in

the plan period. Their inclusion in policy T2 is, thus, not necessary for the plan to be sound.

Conclusion

250. In conclusion, subject to the above-mentioned modifications, the plan's policies in respect of transport and movement and supporting infrastructure are positively-prepared, justified, effective and consistent with national policy.

Issue 12 – whether or not the plan's policies in respect of environmental and heritage assets are positively-prepared, justified, effective and consistent with national policy

Policies OS3, OS4, EH1, EH2, EH3, EH4, EH5, EH6 and EH7 – Environmental and Heritage Assets

251. In principle the above-listed policies together provide a comprehensive and positively-prepared approach to ensuring the prudent use of natural resources; high quality design (including of the public realm); the protection of landscape character, biodiversity, green infrastructure and the historic environment; the minimisation of flood risk and the promotion of renewable/low carbon energy. As such they are supportive of several of the core planning principles set out in paragraph 17 of the NPPF. However, I detail below the modifications which are necessary for these policies to be sound. A large number of other detailed changes to the policies and their supporting text have been suggested, none of which, however, are fundamental to the soundness of the plan. In this regard, and in relation to suggestions that the plan's requirements should be both more and less restrictive, I have borne in mind the importance of the policies being suitably flexible. It is also the case that wording that is not identical to that in national policy is not necessarily in conflict with it and there is not a need for the policies to repeat either themselves or each other.

252. The 2016 *Water Cycle Study*, prepared at the request of the Environment Agency, identifies that West Oxfordshire is within an area of demonstrable water stress and indicates that securing a reduction in water use would be a more reliable and sustainable approach than seeking to abstract more water. This justifies the application of the optional Building Regulations requirement that new residential development should achieve water efficiency of a maximum of 110 litres per person per day. The most recent *Local Plan Viability* report factored in a realistic cost of £9 per dwelling and demonstrates that this would not undermine the viability of residential development. I have seen no persuasive evidence to support the argument that this requirement is not practically achievable. This requirement forms part of **MM4**, which is thus needed for the plan to be justified and effective. In the interests of clarity this modification also identifies minimising summer solar gain and maximising winter solar heating as potential forms of the efficient and prudent use of natural resources. **MM5**, which rewords parts of policy OS4 in respect of environmental assets is necessary for consistency of the plan with national policy.

253. As submitted policy EH1 (Landscape Character) briefly reiterates national policy in respect of development in the AONB. However, bearing in mind the proportion of the district within this designation, it is necessary for the plan's

effectiveness for more specific, local policy guidance to be provided in this respect. Consequently, new policy EH1a, (**MM26 and MM27**) which specifically concerns the AONB, is necessary for the plan to be sound. For the plan to be justified **MM27** is also necessary to refer in policy EH1 to the avoidance of pollution, including by noise and light and to the important aim of maintaining or improving tranquillity and dark-sky quality. Light pollution and dark skies are also appropriately and sufficiently referenced in policy EH6 (as proposed to be modified) and the supporting text of policy EH1a. Whilst suggestions have been made for some very detailed additional policy requirements in respect of lighting and dark skies, having regard to national policy, I am satisfied that the plan is not unsound in not including them. However, I concur with the Council that they would be appropriately considered for inclusion in a future review of the *West Oxfordshire Design Guide SPD*.

254. To ensure that policy EH2 (Biodiversity and Geodiversity) is justified and consistent with national policy, **MM28 and MM29** are needed. These modifications require impacts on geodiversity to be minimised, seek to protect priority species and appropriately require biodiversity impact assessment of development proposals, albeit that it is right that the policy allows for alternative, appropriate approaches to the British Standard. The modification as consulted on included a requirement that all development should retain features of biodiversity. However, this potentially conflicts with the other, more detailed, requirements of the policy and I have therefore deleted this clause from the modification I am recommending. The supporting text of the policy, as proposed to be modified, refers to the biodiversity mitigation hierarchy and it is not necessary for this to be also referenced in the policy itself.
255. In the interests of clarity, and thus effectiveness, **MM30 and MM31** are necessary, which separate policy EH3 into two policies, one addressing Public Realm and Green Infrastructure (EH3) and the other Sport, Recreation and Children's Play (EH3a). Policy EH3's statement that contributions towards local green infrastructure will be sought where appropriate is justified, in the light of the NPPF's core planning principles of securing high quality design and recognising the importance of open land for, amongst other things, wildlife and recreation. Since such provision is likely to vary enormously from site to site, it is not feasible for this requirement to be specifically tested for viability. However, should green infrastructure requirements render a specific proposal unviable the Council will inevitably consider the development's accordance with other plan policies and the plan as a whole in determining an application for planning permission.
256. In line with national policy, policy EH4 provides in-principle support for decentralised and renewable/low carbon energy development, although to ensure consistency with the *Local Planning Written Ministerial Statement of 2015*, and given that the plan does not specifically identify suitable sites for wind turbines, **MM32** is needed to make clear that the policy does not apply to wind turbines. Additional text concerning solar farms is also necessary for the policy to be effective and justified. Subject to modification (also part of **MM32**) to provide clarity about the circumstances in which they will be required, the policy's requirements in respect of decentralised energy systems are justified and consistent with national policy. As detailed in the policy's

supporting text, such systems have the potential to play an effective role in the transition to a low carbon future which is one of the core planning principles of national policy. Paragraphs 96 and 97 of the NPPF make clear that authorities should identify opportunities for decentralised energy systems and that development should comply with local plan requirements regarding such systems. The subsequent Written Ministerial Statement concerning housing standards makes clear that this element of national policy remains unchanged.

257. For policy EH5 (Flood Risk) to be justified and effective **MM33** is necessary to make clear that sustainable drainage systems should support improvements in water quality and help address pressures on sewer infrastructure. Consistent in principle with paragraph 110 of the NPPF, policy EH6 sets out requirements in respect of environmental protection. However for the policy to be justified and effective, modifications (**MM34**) are necessary to emphasise the importance of control over lighting in remote rural locations and to reflect the up to date position regarding the *Oxfordshire Minerals and Waste Local Plan*.
258. Policy EH7 (Historic Environment), as originally submitted, was criticised as being not fully consistent with national policy whilst at the same time providing inadequate locally specific detailed policy guidance. I share these concerns and, thus, for the plan to be justified, effective and consistent with national policy **MM5, MM35, MM36, MM37, MM38, MM39, MM40, MM41, MM42 and MM43** are necessary. In the light of consultation comments I have very slightly altered the wording of MM36 to align with the wording in national policy. In addition to a revised, overarching historic environment policy EH7, these modifications provide for appropriate detailed requirements and criteria to be set out in six further policies addressing Conservation Areas (EH8), Listed Buildings (EH9), Traditional Buildings (EH10), Historic Landscape Character (EH11), Registered Historic Parks and Gardens (EH12), Scheduled Monuments and Other Nationally Important Archaeological Remains (EH13) and Non-designated Heritage Assets (EH14).
259. Policy EH7's statement that its requirements in respect of assets of national significance will apply to non-designated heritage assets which are shown through the relevant evidence to be of national significance is a sensible one. Whilst it arguably goes further than national policy, this requirement is not inconsistent with NPPF paragraph 135's statement that balanced judgements are required on proposals affecting non-designated assets, having regard to their significance. It would to my mind be almost impossible to produce a comprehensive, yet workable definition of traditional buildings. Thus, the absence of this from the plan (policy EH10) is not a soundness issue and I am satisfied that the necessary judgements can be appropriately made on a case by case basis.

Conclusion

260. In conclusion, subject to the above-mentioned modifications, the plan's policies in respect of environmental and heritage assets are positively-prepared, justified, effective and consistent with national policy.

Other Matters

261. Throughout the examination, I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of a

number of matters including the provision for accommodation for gypsies and travellers and for accessible and adaptable housing.

Overall Conclusion and Recommendation

262. The plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

263. The Council has requested that the appointed Inspector recommends MMs to make the plan sound and capable of adoption. I conclude that subject to recommended main modifications set out in Appendix 2 the West Oxfordshire Local Plan 2031 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (March 2012).

Malcolm Rivett

INSPECTOR

This report is accompanied by the following Appendices:

Appendix 1: Doc IN015, Inspector's Preliminary Findings – Part 1, December 2015

Appendix 2: Schedule of Recommended Main Modifications