

**Cherwell Local Plan 2011-2031 (Part 1)
Partial Review – Oxford’s Unmet Housing Need
Regulation 19 Consultation - Proposed Submission Documents July 2017
Representation Form**

Part A

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4 individual representations (Part B forms) are appended.

**Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Representation Form
Part B form 1 of 4, from the Oxford Green Belt Network**

1. To which document does this representation relate? Submission Plan/Policies Map/Sustainability Appraisal/Other

Submission Plan

2. To which part of the document does this representation relate? (Para / Policy / Table / Appendix / Other reference)

Pages 15-66 concerning justification, basis and strategy for plan

3. Do you consider the Proposed Submission Plan to be

Legally and Procedurally Compliant

Compliant with the duty to co-operate **POSSIBLY NOT**

SOUND/UNSOUND because:

Positively Prepared

Justified - **NO**

Effective - **NO**

Consistent with National Policy

4 Reasons why the plan is uncompliant and/or unsound

OGBN disagrees with the justification and fundamental basis for this plan as set out in Sections 1 to 4.

It is founded on the assumption of a step change to historic levels of growth in Oxfordshire, amounting to more than doubling of growth in population, housing and employment. Because of this the plan suggests that the long established strategy of diverting growth away from the city of Oxford towards the country towns is no longer feasible.

OGBN disagrees with this firstly because the proposed levels of growth are unrealistic, unproven and therefore unjustified. Our arguments are set out further below in our objection to policy PR1.

Secondly, we consider that the arguments for a strategy to divert growth away from Oxford remain as strong as ever. An essential part of that strategy is the Green Belt, which Cherwell Council supports. However in order for the strategy to work, the Green Belt has to be retained in its entirety. It is one entity, not a collection of land parcels that can be picked off one by one. It is inconsistent of Cherwell to support the Green Belt and yet to seek to build on it. We set out our arguments further in our objections to policy PR3.

Furthermore we do not think that it is possible for Cherwell to satisfactorily produce this review in isolation. Oxford is surrounded by four other authorities and planning needs to be coordinated strategically between all five councils. Infrastructure needs have to be planned across boundaries and certainly cannot be confined to the limited areas covered in this review. The Growth Board has not been an effective mechanism for strategic co-ordination and its analyses of spatial options to date have been simplistic. The Councils – while claiming to be cooperating – have largely acted according to their own agendas. Oxford City Council in particular has sought to promote economic growth within the city, by protecting employment sites, without any regard of the consequences of this for the surrounding Districts such as Cherwell. It appears to be part of

its own strategy to expand beyond its borders into the Green Belt, again ignoring the purpose of the Green Belt to protect the character of the historic city. This review cannot be effective without a well founded spatial strategy for the county. We also argue that this strategy should include a commitment to retain the Green Belt in its entirety.

5 What changes are needed

The plan should be withdrawn and a spatial strategy for Oxfordshire established which can address the issues addressed in this review in a co-ordinated and consistent way.

Through such a strategy the Oxfordshire authorities should continue with their previous approach of actively encouraging further employment and housing growth away from Oxford. Oxford City Council and Cherwell in particular should co-operate more effectively and as part of this Oxford should (a) discourage further employment generating development in the city unless it is absolutely essential and (b) use some of the land it has currently allocated for employment, together with other previously developed land, for well planned high density housing.

6 Do you wish to express an interest to participate in the Examination?

Yes

7 Why is it necessary for you to participate in the Oral Examination?

The Oxford Green Belt Network (OGBN) was established in 1997 to help to protect the Oxford Green Belt and to support those wishing to resist proposals for inappropriate development within it. It comments regularly on planning applications in the Green Belt and in planning policy consultations, particularly on matters affecting the Green Belt. OGBN has made representations on all stages of the Cherwell Local Plan Part 1 and participated in the Public Examination in December 2014. We have also commented on earlier stages of this Partial Review.

The membership of OGBN includes many of the Parish Councils whose areas include Green Belt land. The OGBN fully supports the aims of Green Belts as set out in the NPPF and earlier planning guidance and in particular it strongly endorses the fundamental principle that Green Belt is a permanent designation. We consider that our participation in the examination is necessary and justified because of our longstanding interest and understanding of the Oxford Green Belt.

Part B form 2 of 4, from the Oxford Green Belt Network

1. To which document does this representation relate? Submission Plan/Policies Map/Sustainability Appraisal/Other

Submission Plan

2. To which part of the document does this representation relate? (Para / Policy / Table / Appendix / Other reference)

Policy PR1 and all references to the Oxfordshire SHMA

3. Do you consider the Proposed Submission Plan to be Legally and Procedurally Compliant POSSIBLY NOT Compliant with the duty to co-operate POSSIBLY NOT Sound/UNSOUND because:

Positively Prepared **NO**

Justified **NO**

Effective **NO**

Consistent with National Policy **NO**

4 Reasons why the plan is uncompliant and/or unsound

The Oxford Green Belt Network considers that 4,440 homes is not a correct housing requirement. We have argued consistently for over three years and during all the stages of Cherwell's Local Plan Part 1 that the housing requirements assessed for the Oxfordshire authorities in the Oxfordshire SHMA are hugely exaggerated.

Our previous representations have noted that

- the SHMA makes many dubious adjustments to official statistics which add over 20,000 houses to its forecast of need for Oxfordshire.
- much of the assessment of need is based on a forecast that 85,000 new jobs will be created in Oxfordshire as a result of implementing the Oxfordshire Strategic Economic Plan and that this will result in substantial in-migration. However on examination it appears that much of this figure is aspirational and simply derived from proposals for new commercial floorspace development.
- when published, the SHMA was heavily criticised by experts, local council leaders and national politicians alike. A report by the respected planning consultant Prof Alan Wenban Smith concluded that the SHMA's estimate of housing need is likely to be "grossly overstated" by a factor of over two.

We are not aware of any serious reply to the substantive criticisms contained within the Wenban-Smith report. The only response that we have seen is that the correct procedure was followed which is completely unsatisfactory. The procedure may have been followed but if the calculations are wrong – as Wenban Smith's report showed that they are – then the housing requirement is wrong.

We conclude that this plan is therefore unsound because it is not justified by robust evidence.

Our conclusions concerning the excessive estimates of the SHMA are borne out by recent draft Government guidance on the assessment of housing need. The indicative figures from the

proposed methodology suggest a need for Oxfordshire of about 3400 houses per annum, including a substantial upward adjustment to address affordability, compared with the 5000 given in the SHMA. It is particularly instructive to see a national analysis of how the new indicative figures compare with existing local authority estimates (see <http://lichfields.uk/content/insights/?article=new-approach-for-local-housing-needs&archive>). This shows a general pattern that the need has been overestimated in the north of England and underestimated in the south. There are of course some exceptions for individual authorities, but Oxfordshire represents a glaring anomaly where all the authorities are shown as having previously **over**estimated need. This serves to confirm that the SHMA is indeed a grossly exaggerated assessment.

An additional 4400 houses over ten years would mean that Cherwell's alleged housing need has now increased from its original proposal of 670 per annum to 1140 in the approved plan and now to almost 1600 per annum from 2021. Problems related to the capacity of the building industry and market saturation are likely to occur. The building rates proposed appear to be over three times what has been achieved in the past. In short, we think that, in addition to being unnecessary and undesirable, the proposed levels of housebuilding are undeliverable and that the plan is ineffective.

Furthermore we consider that the requirement for these houses is based on plans for ever-increasing employment in, and travel to, the city and is therefore fundamentally unsustainable. The plan is not therefore positively prepared or consistent with national policy. It will be highly damaging and will end up destroying the very things that make Oxford an attractive location in the first place. It will also be damaging to the environment and quality of life of the communities in the Oxford Green Belt. We think that the Oxfordshire authorities should continue with their previous approach of actively encouraging further employment and housing growth away from Oxford.

Finally, Oxford's own need, which is the subject of this plan, has not yet been accurately or fully defined and nor has its ability to meet that need, because the City Council has not yet prepared its own Local Plan. There is now huge uncertainty about the level of Oxford's need. The SHMA asserts that it is between 1200 and 1600 houses per annum, but the draft Government guidance calculates it at 746 houses including the maximum increase to reflect affordability. It is not reasonable for Cherwell to proceed with the review and to take the damaging and irrevocable step of removing land from the Green Belt given this level of uncertainty.

5 What changes are needed

The plan should be withdrawn pending the establishment of the housing need for Oxford (and the redefinition of the need for the other Oxfordshire authorities) and the establishment of a joint spatial strategy covering all the Oxfordshire authorities.

6 Do you wish to express an interest to participate in the Examination?

Yes

7 Why is it necessary for you to participate in the Oral Examination?

The Oxford Green Belt Network (OGBN) was established in 1997 to help to protect the Oxford Green Belt and to support those wishing to resist proposals for inappropriate development within it. It comments regularly on planning applications in the Green Belt and in planning policy consultations, particularly on matters affecting the Green Belt. OGBN has made representations

on all stages of the Cherwell Local Plan Part 1 and participated in the Public Examination in December 2014. We have also commented on earlier stages of this Partial Review.

The membership of OGBN includes many of the Parish Councils whose areas include Green Belt land. The OGBN fully supports the aims of Green Belts as set out in the NPPF and earlier planning guidance and in particular it strongly endorses the fundamental principle that Green Belt is a permanent designation. We consider that our participation in the examination is necessary and justified because of our longstanding interest and understanding of the Oxford Green Belt.

Part B form 3 of 4, from the Oxford Green Belt Network

1. To which document does this representation relate? Submission Plan/Policies Map/Sustainability Appraisal/Other

Submission Plan

2. To which part of the document does this representation relate? (Para / Policy / Table / Appendix / Other reference)

Policy PR3 The Oxford Green Belt, Policies 6a, 6b, 7a,7b, 8 and 9 allocating sites within the Green Belt, and para 5.17 (p66) “exceptional circumstances”

3. Do you consider the Proposed Submission Plan to be

Legally and Procedurally Compliant **POSSIBLY NOT**

Compliant with the duty to co-operate

Sound/**UNSOUND** because:

Positively Prepared **NO**

Justified **NO**

Effective **NO**

Consistent with National Policy **NO**

4 Reasons why the plan is uncompliant and/or unsound

We object strongly to all of the proposed development in the Oxford Green Belt which “was designated to restrain development pressures which could damage the character of Oxford City and its heritage through increased activity, traffic and the outward sprawl of the urban area.”

This quote is from paragraph B256 of Cherwell’s adopted Local Plan Part 1 and we fully support it. We also support Policy ESD14 in the Plan to maintain the Oxford Green Belt.

The Oxford Green Belt supports all five purposes set out in the NPPF and has been largely successful over the last sixty years. In particular it seeks to protect the setting **and character** of the historic city of Oxford. The reference to the character of the City, as referred to in Cherwell’s Local Plan. is often overlooked but it is a crucial aim of Green Belt policy. The historic city centre by its nature cannot be expanded or comprehensively redeveloped. It is already under substantial pressure and this is likely to become highly damaging if expansion on the edge of the city is not restricted. The City’s never-ending traffic problems are testimony to this, and there have been calls for even the number of buses in the centre to be limited.

The Green Belt also provides accessible open space, footpaths and other recreational opportunities for residents of the city and for the communities within it. It is well used and supported as public opinion surveys have shown.

Green Belt is intended to be a permanent designation only to be changed in exceptional circumstances (NPPF). As stated in our answers to other questions, we think that that the overall levels of growth proposed are unnecessarily high and that alternatives to development in the Green Belt are available. We therefore consider that exceptional circumstances do not exist to justify development in the Green Belt.

Exceptional Circumstances

We disagree strongly with the assessment that “exceptional circumstances” exist (p66-67, para 5.17). Twelve “circumstances” are listed. The final ten are not exceptional circumstances at all. Some of them might be described as “opportunities”, some of them are simply descriptions of how development might occur, and others are meaningless, for example “12.the ability to create a sustainable, holistic, joined up vision for the whole of the Oxford/Kidlington/A44 corridor area”. That statement certainly does not constitute an exceptional circumstance.

Exceptional Circumstance 1 (urgent and pressing need for homes) as we have said above (objection to PR1) is highly contentious. It is based on the assessment in the SHMA which has been heavily criticised and never validated. The proposed DCLG standardised methodology proposes a much lower level of need that takes account of affordability.

Exceptional Circumstance 2 (clear inability of Oxford to meet its needs) is also unproven. Oxford’s needs have not been established through its own local plan process as stated above and neither has its ability to meet its own needs. It is clear that alternative development strategies could accommodate a significant number of additional dwellings within the city.

The submission document in proposing to develop in the Green Belt is in complete opposition to the purpose of the Green Belt and contradicts Local Plan Pt 1. The main purpose of the Oxford Green Belt, (Local Plan Part 1 para B256), is to limit the growth of Oxford to avoid damage to its character and heritage. Oxford City Council itself should have a part to play in this by restricting the growth of employment generating activities to the minimum necessary. This would have the double benefit of releasing some land for housing and reducing the demand for further housing. However its currently proposed policies do the opposite. We have made this point in our representations to the recent Options consultation on the Oxford Local Plan.

Alternative development strategies – which have been successful in the past – are possible for Oxfordshire, and include the diversion of growth away from Oxford towards the country towns. Oxford City Council should play its part in this as discussed above. We also think it would be possible for the Oxfordshire authorities to promote the diversion of some economic growth to other parts of the country which would welcome and benefit from it – possibly through formal ‘economic twinning’ arrangements.

National Policy and Guidance

This Plan is contrary to the NPPF which states in paragraph 14 that Local Plans should meet objectively assessed needs unless specific policies in the Framework indicate development – including land designated as Green Belt - should be restricted.

It is also contrary to the twelve core land use planning principles set out in Paragraph 17 of the NPPF one of which is that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas and protecting the Green Belts around them.

Furthermore, National Planning Practice Guidance makes clear that assessing need is just the first stage in developing a Local Plan and that once need has been assessed, the local planning authority should take account of any constraints such as Green Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need. (Paragraph: 045 Reference ID: 3-045-20141006)

Cherwell has accepted (or, more accurately, been pressured to accept) the inflated figures of the Oxfordshire SHMA in full and has never followed this guidance to “take account of any constraints such as Green Belt ... which may restrain the ability of an authority to meet its need”.

The proposed submission plan is therefore not consistent or compliant with national policy.

A three percent reduction. We note that the plan calculates the loss of Green Belt to be 3%. There is an implication here that the loss is relatively small and therefore acceptable. This is fallacious as is illustrated by the following example taken from a paper by Professor Dieter Helm, Chair of the Government’s Independent Natural Capital Committee <http://www.dieterhelm.co.uk/natural-capital/environment/in-defence-of-the-green-belt/>

“Think about St James’ Park in central London, set between Buckingham Palace at one end and Whitehall at the other. Suppose a developer comes along with a proposal; to build on a small plot on one corner of St James’ Park. This developer might argue as follows. The marginal value of the patch of grass in a small corner is not that great. After all, all the rest is left. Better still, the developer might pay such an enormous price for the small bit of land that perhaps a hospital could be built elsewhere with the proceeds. The marginal value to the ultimate owner of this house is so great relative to the marginal value of the small corner of St James’ Park that it makes marginal economic sense to build on it.

There are two problems with this argument. The first is that the same marginal case can be made for the next small bit of St James’ Park. Indeed the value to the developer is even higher now because the Park is now slightly smaller. And for the next bit, the argument just gets stronger. Carried to its limits there is a great marginal case for incrementally building all over St James’ – and Hyde Park, and Regent’s Park and indeed all the green spaces in London. That is indeed what would have happened if the market had been left to allocate the land as if St. James’ was a private good. It is what would happen to the Green Belt too.

The second problem is that the reason why the land is so valuable is because it is not surrounded by other houses in close proximity. The very rich person who buys this house on the corner of St James’ is paying so much because others are not able to do so, and because it is St James’. We cannot all have green spaces around our houses – green space is in fixed supply.

Carry both of these arguments across to the Green Belt. Each marginal bit has a marginal economic case for developing it, and as each bit is chipped away, the value of the whole public good – the Green Belt system – diminishes. The core point here is that the marginal case if carried through to its logical conclusion leads to no Green Belt – there is a good marginal case for building on each and every marginal bit of land, as there is for building on each and every bit of St James’ Park.”

The loss of a small proportion of Green Belt therefore increases the likelihood of further loss. Green Belt should be considered as an entity or system not as a collection of individual land parcels. This is a further reason why we fully endorse Government Policy (NPPF para 79) that Green Belt is a permanent designation.

Finally, we consider it to be a serious omission that at the options stage a question was not asked about the acceptability of development in the Green Belt. This is probably the most important matter raised in this review. **The plan may therefore be rendered procedurally non-compliant.**

5 What changes are needed

The plan should be withdrawn and a spatial strategy for Oxfordshire established in a co-ordinated and consistent way.

Through such a strategy the Oxfordshire authorities should continue with their previous approach of actively encouraging further employment and housing growth, at realistic levels,

away from Oxford. Oxford City Council and Cherwell in particular should co-operate more effectively and as part of this Oxford should (a) discourage further employment generating development in the city unless it is absolutely essential and (b) use some of the land it has currently allocated for employment, together with other previously developed land, for well planned high density housing.

6 Do you wish to express an interest to participate in the Examination?

Yes

7 Why is it necessary for you to participate in the Oral Examination?

The Oxford Green Belt Network (OGBN) was established in 1997 to help to protect the Oxford Green Belt and to support those wishing to resist proposals for inappropriate development within it. It comments regularly on planning applications in the Green Belt and in planning policy consultations, particularly on matters affecting the Green Belt. OGBN has made representations on all stages of the Cherwell Local Plan Part 1 and participated in the Public Examination in December 2014. We have also commented on earlier stages of this Partial Review.

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Part B form 4 of 4, from the Oxford Green Belt Network

1. To which document does this representation relate? Submission Plan/Policies Map/Sustainability Appraisal/Other

Submission Plan

2. To which part of the document does this representation relate? (Para / Policy / Table / Appendix / Other reference)

Policy PR 11 and Appendix 4 Infrastructure Schedule

3. Do you consider the Proposed Submission Plan to be

Legally and Procedurally Compliant

Compliant with the duty to co-operate

~~Sound~~/**UNSOUND** because:

Positively Prepared **NO**

Justified **NO**

Effective **NO**

Consistent with National Policy

4 Reasons why the plan is uncompliant and/or unsound

This policy, as worded, is largely meaningless as it describes an “approach”. It might as well say “We hope that the necessary infrastructure will be provided”. The infrastructure schedule in Appendix 4 has no costs identified and very few sources of funding. Where funding sources and ‘partners’ are identified there seems to be an excessive reliance on developers. Without information on costs it is impossible to assess whether the proposed development will or will not be able to meet the contributions needed, bearing in mind the requirement for it to also subsidise 50% affordable housing. The policy is therefore not justified, not positively prepared and not effective.

The projects listed in Appendix 4 do not include any significant proposals to increase capacity on the highway network, indeed it is possible that public transport improvements would reduce capacity for other vehicles. However, traffic movements are likely to increase substantially because many journeys cannot be made by public transport and there appear to be no proposals to cater for these additional movements.

Furthermore traffic will also increase as a result of the developments planned for the other Oxford Districts, as well as that planned elsewhere in Cherwell. There is no evidence that this has been taken into account or catered for. Clearly this needs to be addressed at a wider spatial level than either the area covered by this plan or Cherwell District. The draft Oxfordshire Infrastructure Strategy is an attempt to do this, but this document admits to a historic deficit in infrastructure provision and shows that only £500million of the £9 billion of infrastructure funding deemed necessary has so far been identified. It seems highly unlikely that this gap will be bridged, so the plan will be ineffective as it can not be supported by the necessary infrastructure.

Regardless of this, we consider that some of this infrastructure, particularly road building, would in itself be environmentally damaging to the Oxford Green Belt, and we would not support it, even if it could be funded. Our argument remains that an overall spatial strategy for Oxfordshire

is needed, including infrastructure provision, that is (a) based on realistic levels of growth and (b) directs much of that growth away from the city of Oxford, retaining the Green Belt and protecting the historic city.

5 What changes are needed

The plan should be withdrawn and an overall and realistic spatial strategy for Oxfordshire developed, including infrastructure provision, that is (a) based on realistic levels of growth and (b) directs much of that growth away from the city of Oxford, retaining the Green Belt and protecting the historic city.

6 Do you wish to express an interest to participate in the Examination?

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