

**Wycombe Local Plan Hearing Statement -
Matter 5 - Natural, Built and Historic
Environment**

Land at Westthorpe Park, Marlow

Representor ID: 1244

SEGRO Plc

June 2018

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1. Introduction

- 1.1 This statement has been prepared on behalf of our Client, SEGRO Plc, in relation to Matter 5 of the Wycombe District Council ('WDC') Local Plan Examination.
- 1.2 Our Client has promoted 'Land at Westhorpe Park, Marlow' through the emerging Local Plan and whilst we appreciate that the Inspector does not wish to consider omission sites at this time, there are a number of issues which are pertinent to considering whether the Local Plan meets the tests of soundness as required under paragraph 182 of the Framework. We consider that our client's site has not been adequately considered or assessed by the Council, despite its merits.
- 1.3 We do not repeat the detailed submissions made at Regulation 19 stage. This statement specifically addresses Issues raised by the Inspector under Matter 5 of the Hearing Timetable which relate to the Inspector's questions associated with the Natural, Built and Historic Environment.

2. Matters to be examined

Issue 1: Does the Plan provide a framework for the management of the Natural, Built and Historic Environment that is soundly based, justified and consistent with the requirements of national policy?

b) Policy CP10 (Green infrastructure and the natural environment);

- 2.1 The Plan does not 'conserve, protect and enhance the AONB' through allocating major employment development sites within the AONB'.
- 2.2 It is also clear from the objection from the Chilterns Conservation Board to the Local Plan that WDC has failed to facilitate positive discussions regarding the spatial strategy and nor received support with regard to the soundness of the Local Plan at this time. At present, this policy is at odds with the broader spatial strategy of the Local Plan. There is no need for such an employment allocation when there are other more sustainably located non-AONB employment sites available.

e) Policy DM30 (The Chilterns Area of Outstanding Natural Beauty);

- 2.3 We object to the policy's application in light of the spatial strategy proposed by the Council. Paragraph 115 of the Framework states that '*great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*'
- 2.4 We do not consider that great weight has been given to the AONB, given the employment allocations proposed within the AONB. We do not consider that great weight has been given to the AONB, given t there are suitable alternatives available, and no overriding public interest point demonstrated. This view is shared with the Chilterns AONB Board.
- 2.5 We consider that the Inspector's Reports into the Vale of White Horse Local Plan Examination is clear on this matter where sites proposed for development within the AONB were advised to be removed from the Local Plan due to failing to comply with the relevant paragraphs of the Framework. The relevant Reports are enclosed at **Appendix 1.**
- 2.6 We have further enclosed an independent review by Turley of the LVIA position in relation to the proposed employment allocations for consideration at Examination enclosed at **Appendix 2.**

i) Policy DM34 (Delivering green infrastructure and biodiversity in development

- 2.1 Whilst the broad aspirations of the Policy are supported, concern is raised regarding the following specific requirements:

"b) Achieve a future canopy cover of at least 25% of the site area on sites outside of the town centres and 0.5HA or more;

c) Within town centres and on sites below 0.5HA development is required to maximise the opportunities available for canopy cover (including not only tree planting but also the use of green roofs and green walls.”

- 2.2 Even if a degree of planting were to be appropriately secured through biodiversity offsetting, it is unclear why the Council would seek to artificially constrain the development capacity of what it considers to be the most suitable locations for development in the District, thereby further bringing into question the deliverability of its housing target.
- 2.3 If the principle of the requirement of criterion b were to be accepted, it would remain unclear as to how the future canopy cover is to be calculated. Whilst the Council have clarified that it is future canopy cover that is to be considered not at the immediate planting stage, clearly there will remain significant differences as to whether this is assessed 5, 10 or 100 years into the future.
- 2.4 Furthermore, depending on the ‘future’ timescale envisaged, the level of canopy cover will be dependent on the level of future growth of saplings. Whilst conditions requiring replacement planting should the existing plants die are generally applied in permitting new developments, these are normally for a period of 5 years and therefore there remains a degree of uncertainty as to the level of canopy growth which will be experienced. Clearly the level of growth will also be impacted by other factors such as climatic conditions.
- 2.5 The application of this policy is not included for within the Site Capacity Assessments for AONB and Green Belt Sites, and there is no evidence to suggest this has been applied to WDC’s position on the level of employment land (albeit subject to our objections).

Appendix 1: WODC Interim Inspector's Report and VoWH Inspector's Report

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By email

7 June 2016

Dear Mr Duffield

Vale of White Horse Local Plan 2031: Part 1 Examination - Inspector's Interim Findings

1. Introduction

1.1 Following the completion of the Stage 1 and Stage 2 hearing sessions, and based on all that I have now read, heard and seen, I write to set out my interim findings on the Vale of White Horse Local Plan 2031: Part 1. However, I emphasise that this is not my final report on the Examination and that these findings may be subject to change dependent upon, amongst other things, the Council's response to my requests below and the results of Sustainability Appraisal, Habitats Regulations Assessment and consultation on proposed modifications.

1.2 In essence my findings fall into one of four categories:

- a. Aspects of the plan which I consider are likely to be found sound/legally compliant. In this letter I deal with these matters very briefly and, as highlighted by a * in the relevant paragraphs, I will set out my reasoning for these conclusions in my final report;
- b. Aspects of the plan which I consider are likely to be found sound, subject to main modifications along the lines of those discussed at the relevant hearing sessions. Again, as highlighted by a * in the relevant paragraphs, I will set out my reasoning for these conclusions in my final report. I have read the draft modifications which the Council has prepared in the light of the hearings, a number of which are likely to need revision to ensure that the plan

would be sound. I will contact the Council in due course with detailed comments on the proposed modifications.

- c. Aspects of the plan (relating to housing allocation sites 12 and 13 and land proposed to be removed from the Green Belt but not allocated for any particular use) which I consider are unsound but which could potentially, through modification (ie not one currently proposed by the Council), be made sound. These are matters on which I am inviting the Council to confirm how it wishes to proceed; and
- d. Aspects of the plan (relating to housing allocation site 6 and Botley Central Area) on which I need further evidence before I can reach a conclusion in respect of soundness. However, whilst important in their own right, these are matters in relation to which I envisage the plan is likely to be capable of being found sound, albeit potentially subject to modification.

2. Duty to Co-operate

- 2.1 I conclude that the Council has adequately discharged its Duty to Co-operate in preparation of the plan.*

3. Objectively-Assessed Need for Housing

- 3.1 I am satisfied that 20,560 dwellings is a soundly based figure for the objectively-assessed need for housing in the district for the plan period.* However, this does not automatically mean that the appropriate housing requirement figure for the plan is also 20,560 and I deal with possible constraints and my conclusions on the housing requirement figure in section 12 below.

4. Unmet Housing Needs from other Districts

- 4.1 I am satisfied that, at the present time, the plan's broad approach to addressing, within the Vale, potential unmet housing needs from other districts is soundly based – ie that provision, in overall numerical terms at least, for unmet housing needs from other districts, over above the Vale's own identified needs, will be made in a subsequent DPD. However, in the interests of clarity and to incentivise the Council to ensure that such needs are planned for in a timely manner, modification of policy CP2 along the lines of that discussed at the hearings is necessary.* As previously mentioned I will contact the Council separately regarding the modifications it has proposed to date ('Strikethrough Local Plan'), but I note that whilst the Council's draft modification of paragraph 1.28 of the supporting text broadly reflects the discussions at the Stage 1 hearing session, the most recent draft proposed wording of policy CP2 is, seemingly, not entirely consistent with this supporting text. Whilst it is appropriate that the extent of provision with the Vale for unmet housing

needs from other districts is ultimately defined through a DPD for the Vale, it is equally appropriate for me to ensure that the Council is incentivised to adopt such a plan as quickly as possible.

- 4.2 One of the key reasons for my conclusion on the issue of unmet housing needs is the fact that, as detailed in section 8 below, the plan will enable some 1500 or so new dwellings to come forward in the Abingdon-on-Thames and Oxford Fringe area (sites 1,2,3 and 4) which are very unlikely to secure planning permission unless and until the plan is adopted. Even in the absence of agreement on the level and distribution of unmet needs, dwellings on these sites would be as likely to be occupied by households comprising part of Oxford City's housing need as that of the Vale, notwithstanding the wishes or policies of the Councils.
- 4.3 I understand that it is intended that the Oxfordshire Growth Board will publish a Memorandum of Understanding by the end of September 2016 setting out a distribution between the districts of unmet housing needs. It is, thus, very likely that this will be published before this plan is adopted. There appears to be some disagreement over the extent to which the distribution will be a definitive figure and ideally the Statement itself will clarify this point as far as is possible. However, even if it is a definitive figure, it would then inevitably take some time for the Vale to identify, test and consult on appropriate sites to fully meet the agreed figure. Consequently, if this plan were to be delayed to address the agreed distribution, it would also delay the delivery of dwellings on sites 1,2,3 and 4 to the detriment of actually providing for (as opposed to simply including allocations within a plan for) at least some of Oxford City's housing needs.
- 4.4 However, obviously it will be necessary for me to keep this particular finding under review in the light of the emerging work of the Growth Board.

5 Settlement Hierarchy

- 5.1 Subject to the receipt of further information in respect of East Hanney (see section 10), and to a modification necessary to address factual errors, I am satisfied that the settlement hierarchy (policy CP3) is soundly based.*

6. Housing Supply Ring Fence

- 6.1 I am satisfied that the general principle of a housing supply ring fence for the Science Vale area is sound.* However, to ensure effective operation of the ring fence, modification of policy CP5 is necessary to align the ring fence area with the boundary of Science Vale and to explicitly state how it is intended that the policy will be applied. I will provide detailed comments on the Council's currently proposed modification of policy CP5 in due course.

7. Employment Land

- 7.1 I am satisfied that the provision for meeting business and employment needs set out in policy CP6 is soundly based, although a modification to the wording of the policy or its supporting text is likely to be necessary in the interests of clarity.*

8. Green Belt

- 8.1 In view of the level of employment growth envisaged in Science Vale it is appropriate that the majority of new housing during the plan period is located in the South East Vale sub-area of the district. However, the Abingdon-on-Thames and Oxford Fringe sub-area contains the Vale's largest settlement (Abingdon) in addition to the local service centre of Botley and a number of larger villages, including Radley and Kennington. A significant part of the OAN arises from forecast demographic changes, which point to a need for new housing in this part of the district. This part of the district is also closest to Oxford City which, notwithstanding the growth of Science Vale, is likely to remain a very important centre for employment and services for residents of the Vale. The plan's indicated requirement for housing in this sub-area is thus soundly based.
- 8.2 The built-up areas of Botley, Radley and Kennington are very closely bounded by Green Belt, as are the eastern, northern and western sides of Abingdon. Whilst land to the south of the built-up area of Abingdon is outside the Green Belt, access difficulties and potential flooding render its development for housing highly problematic. Some new housing is appropriate to support the villages in the southern and western parts of the Abingdon-on-Thames and Oxford Fringe sub-area (which lie beyond the Green Belt). However, given their distance from and limited public transport links with Abingdon, Botley and Oxford, they would not be a sustainable location to provide for the majority of the sub-area's housing requirement, most of which is likely to arise from people currently living in Abingdon, Botley, Radley and Kennington.
- 8.3 Given this situation I consider that it was appropriate for the Council to undertake a review of the Green Belt boundaries and, having regard to all that I have read, heard and seen, I conclude that the exceptional circumstances exist to justify removing from the Green Belt the sites allocated for housing in the plan to the north of Abingdon and at Radley and Kennington (sites 1, 2, 3 and 4).* I deal below with the other parcels of land at Abingdon, Radley and Kennington which are proposed for deletion from the Green Belt.
- 8.4 It is the desirability of providing for housing needs in the Abingdon-on-Thames and Oxford Fringe sub-area, in close proximity to Abingdon and Oxford City, that is fundamental to my conclusion that exceptional circumstances exist to justify removing from the Green Belt the sites indicated above. However, in addition, the plan proposes to delete from

the Green Belt some 15 or so other parcels of land at Botley, Chawley, North Hinksey, Cumnor, Wootton and Appleton; land which would not be allocated for any particular use. Whilst there is interest in developing some of these parcels of land for housing it has not been argued that any could accommodate the plan's minimum threshold of 200 dwellings. My conclusion on the appropriateness of this threshold is set out section 13 below.

- 8.5 Given their distance from housing allocation sites 1,2,3 and 4 it cannot reasonably be argued that deletion of land from the Green Belt at Botley, Cumnor, Wootton and Appleton would be necessary to ensure logical, defensible and permanent Green Belt boundaries at Abingdon, Radley and Kennington.
- 8.6 I am also unconvinced by the Council's contention that these are all parcels of land which make little or no contribution to the purposes of including land in the Green Belt as, if nothing else, it appears to me that many of them prevent encroachment of the countryside. Moreover, based on the limited reasoning set out in the Green Belt Review, it is unclear to me why some parcels of land at/adjacent to specific settlements are proposed to be removed from the Green belt whilst other, apparently similar, parcels of land at/adjacent to the same settlements are not.
- 8.7 The Council has argued that, whilst not currently identified for housing, these parcels of land could potentially come forward for such use as part of the 1000 dwellings which policy CP4 indicates will be allocated through Neighbourhood Plans or the Local Plan Part 2, and/or to meet unmet needs from other districts. I note that the plan does not identify these parcels of land as "safeguarded land" and nor do I consider that they could be so classed given the statement in the Framework that such land is to meet longer-term development needs stretching well beyond the plan period. Secondly, based on what I have read and heard, it appears to me unlikely that many such allocations would come forward through Neighbourhood Plans. Furthermore, the Council has accepted that the total amount of land proposed to be deleted from the Green Belt across these parcels of land would be likely to far exceed that required to meet the Vale's yet to be allocated housing land. However, retaining these parcels of land in the Green Belt now would not prevent the deletion from Green Belt of any of them through the Part 2 plan if the necessary exceptional circumstances could be demonstrated at that time.
- 8.8 Moreover, in finding the plan's overall approach to addressing unmet housing needs from other districts sound, I concur with the Council's fundamental argument that such needs cannot be soundly planned for when their total amount and appropriate distribution are yet to be agreed. In this context I am therefore unconvinced by the confidence expressed by the Council at the hearings that the land proposed to be deleted from the Green Belt at Cumnor, Botley, Appleton and Wootton would be sufficient to provide for the yet to be allocated Vale's own housing needs

and the yet to be agreed share of unmet needs from other districts to be accommodated in the Vale. Until the Growth Board agrees the distribution of any unmet needs between the Oxfordshire districts it will not be possible to determine how much land in the Vale will be required to meet these needs. Consequently, the 15 or so parcels of land proposed to be deleted from the Green Belt might prove to be either insufficient or more than is required.

- 8.9 Policy CP2 indicates that a full strategic review of the whole Oxford Green Belt will be undertaken as part of the Oxfordshire Growth Board's work in respect of addressing unmet housing needs and identifies that any resulting alterations to the Green Belt boundary would be progressed through a full or partial review of the Local Plan or separate DPD. The Council is now proposing a modification to make clear that the Part 2 plan will allocate sites to meet the Vale's share of unmet housing needs.
- 8.10 Having regard to the Framework it is not ideal for a Local Plan to include alterations to Green Belt boundaries and also an indication that further alterations may be necessary during the plan period. However, any such alterations could only come forward through a new or reviewed Local Plan and I conclude that this approach is much preferable to deleting land from the Green Belt and not allocating it for any purpose when there is a significant risk that the land would be either insufficient, or more than is needed, to meet yet to be determined housing needs. For these reasons I conclude that, at the present time, the exceptional circumstances necessary to justify removing from the Green Belt the parcels of land at Botley, Cumnor, Wootton and Appleton do not exist.
- 8.11 The plan also proposes the removal from the Green Belt of the built-up area of the 'smaller' village of Farmoor, such that it would be 'inset' within the Green Belt. Whilst this would bring Farmoor in line with the already 'inset' settlements of Appleton, Botley, Cumnor, Kennington, Radley and Wootton, I have seen no detailed evidence to justify this particular change. Moreover, it is unclear to me why Farmoor should be an 'inset' village when other 'smaller' villages (as defined by policy CP3), including Dry Sanford, Shippon, South Hinksey, Sunningwell and Wytham would remain 'washed-over' by the Green Belt. If and when a subsequent review of the Green Belt takes place it would make sense to consider the appropriateness of each of these villages as being either 'inset' or 'washed-over' by the Green Belt. However, at the current time, I conclude that the exceptional circumstances necessary to remove Farmoor from the Green Belt do not exist.
- 8.12 A representation has argued that the plan should remove from the Green Belt the Harcourt Hill Campus of Oxford Brookes University. The parcel of land concerned is already substantially built-up and it appears to me that it is likely to be only through redevelopment at a much greater height than currently exists that new building would materially reduce the openness of the Green Belt or affect the setting of Oxford City. Moreover,

the effect on Oxford's setting would be much the same if tall buildings were to be developed at the immediately adjacent parts of Harcourt Hill and Botley which are not within the Green Belt, not that I have read or heard anything to suggest that this is likely. Policy CP9 specifically seeks to prevent development at the campus which would harm the setting of Oxford and this would apply whether or not the campus is in the Green Belt. On the other hand, removing the campus from the Green Belt would leave an awkward, and undesirable in planning terms, 'island' of Green Belt at Raleigh Park. To this extent it would make sense to consider the case for the campus's removal from the Green Belt if and when the Green Belt boundary in the Botley area is more widely reviewed, as indicated above. In the meantime, and having regard to the flexibilities set out in national policy in terms of infilling/redevelopment of previously developed sites in the Green Belt together with the requirements of policy CP9, I conclude that the campus's continued inclusion within the Green Belt is unlikely to significantly prejudice or make difficult appropriate redevelopment at the campus. The retention of the site within the Green Belt for the present time is therefore soundly based.

- 8.13 In addition to housing allocation sites 1, 2, 3 and 4 several other parcels of land at Abingdon, Kennington and Radley are proposed to be deleted from the Green Belt but not allocated for any purpose. In terms of the land at Abingdon and Kennington I can see some sense in its removal from the Green Belt, in the context of the removal of housing sites 1,2,3 and 4 and the desirability of producing logical and permanent Green Belt boundaries. I also note that there is potential for housing development on the land at Radley, although, as detailed in section 13 below, there is not an identified need for this at the present time. Given the prospect of a further Green Belt boundary review, permanence of the submitted plan's Green Belt boundary at Abingdon, Kennington and Radley cannot currently be guaranteed. It would therefore make sense to retain these parcels of land in the Green Belt until either a further Green Belt review has taken place or there is some certainty that such a wider review will not be necessary. On this basis I conclude that the exceptional circumstances necessary to remove land from the Green Belt only exists in relation to housing allocation sites 1, 2, 3 and 4.

Requested response 1: I seek confirmation from the Council that it is content to pursue adoption of the Part 1 plan modified to retain the existing Green Belt boundaries, other than in respect of housing allocation sites 1, 2, 3 and 4.

9. *Housing Allocations in the North Wessex Downs AONB (sites 12 and 13)*
- 9.1 The Plan envisages that housing allocation sites 12 and 13, which are located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), would be developed for around 550 and 850 dwellings respectively. This would be major development, which the Framework indicates should be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest. The Framework advises that in considering applications for such development assessment should be made of the need for the development and its impact on the local economy, the scope for developing elsewhere outside the AONB or meeting the need for the development in some other way, and any detrimental effect on the environment, the landscape and recreational opportunities.
- 9.2 In determining whether or not these allocations in the plan are soundly based I have therefore considered whether it is likely that the exceptional circumstances necessary to permit applications for housing development on the sites would reasonably be considered to exist.
- 9.3 Whilst it is not specifically referred to in the plan itself, in terms of need for housing development in the AONB it has been argued that to fully realise the economic growth potential of Harwell Campus, which itself is of national importance, it needs to evolve from a science and innovation park to a world class campus environment offering a 'work-live-play community'. The integration of housing with the employment function at the campus is contended as being essential to this and reference has been made to a number of locations across the world where such communities exist.
- 9.4 I recognise the importance of Harwell Campus to the local, regional and national economy and do not doubt that some existing or potential employees at the campus would wish to live there. However, there is little, if any, evidence to support the contention that this is essential to the realisation of the employment growth which the plan and the Oxfordshire Strategic Economic Plan (SEP) envisage taking place at Harwell in the period to 2031. Whilst I note that the Oxfordshire LEP (and some others) strongly supports the housing allocations, its SEP of March 2014 makes no reference to the 'work-live-play community' of the scale now proposed. It does however refer to the development of the Research Village at the campus involving the creation of the "...feeling of a campus-based university with 5 accommodation blocks (each with up to 40 bedrooms with shared kitchen facilities on each floor and 5 self-contained apartments for those visiting for longer periods)...." I understand that planning permission already exists for such a development.
- 9.5 The written evidence proposing/supporting the 'work-live-play community' approach to the development of the campus mostly post-dates the publication of my questions for the relevant part of the Examination and

none of it quantifies, in terms of likely job creation, the economic importance of either permitting or refusing housing development in the AONB. Moreover, despite a specific request from me at the hearing for evidence on the point no details have been provided of any organisations who have indicated that they would only, or even be more likely to, locate at Harwell if it were to be developed as a 'work-live-play community'. The Oxford and Oxfordshire City Deal and the Oxfordshire Innovation Engine Report: Realising the Growth Agenda and evidence in the form of "third party validations" refer to the need for convenient and affordable housing (particularly to rent) although there is nothing to suggest that this could not be appropriately provided a short distance from the campus outside the AONB. The validation from a university professor does refer to the value of on-campus accommodation although specifies the need for affordable rooms and apartments for several days to carry out experiments or for longer periods for the training of PhD students. This would appear to indicate a need for the campus-based university style accommodation referred to in the SEP and for which permission already exists.

- 9.6 Other evidence indicates that 25% of those currently employed at Harwell would consider moving to the campus if dwellings to rent were available there. However, clearly these people have been attracted to work at Harwell notwithstanding the lack of housing at the campus and I have seen no convincing evidence to indicate that any existing or new employers at Harwell would, in the future, not be equally successful in attracting people to work there as long as there is sufficient suitable housing within the Science Vale area generally.
- 9.7 I therefore conclude that the need for a 'work-live-play community' at Harwell, and thus housing on sites 12 and 13 within the AONB, has not been demonstrated. Moreover, there is no convincing evidence to indicate that refusing such development would have an adverse effect on the local economy.
- 9.8 Turning to alternative sites I recognise that the proposed 'work-live-play community' at Harwell could not be delivered by development outside of the AONB. However this matters little given the lack of a demonstrated need for such a form of development. Nonetheless, the 1400 dwellings are also intended to contribute towards the Science Vale's element of the district's objectively-assessed need for housing. There is little to suggest that, if this housing is needed (see paragraph 9.12 below), alternative sites for it, outside the AONB but within Science Vale, could not be found. However, I appreciate that housing on sites 12 and 13 could be accommodated without the need for significant highways infrastructure upgrades which might be necessary if the housing were to be provided for elsewhere outside the AONB. Moreover, notwithstanding the lack of evidence of need for housing of the scale proposed at the campus, I recognise that, were it be provided, there would potentially be

sustainability benefits in terms of shorter journeys to work (which would also be more likely to be made on foot/by cycle) for residents working at the campus.

- 9.9 In terms of the landscape and recreational opportunities I consider that, subject to very careful design and landscaping, housing development on sites 12 and 13 would not be prominent when viewed from the surrounding higher ground, most notably the Ridgeway path to the south. Moreover, it would be seen in the context of the much larger and more prominent existing Harwell Campus development. However, the developments would be very prominent from the roads and footpaths which bound sites 12 and 13. I understand that the footpaths which bound the north and east sides of site 13 are well used by residents of Harwell and Chilton villages in particular. Whilst landscaping might substantially obscure views of the dwellings themselves it would also all but eliminate the current, attractive wide open views across agricultural fields to the Downs beyond from these footpaths. Harm would thus be caused to the landscape of this particular part of the AONB and to the recreational opportunities it currently provides.
- 9.10 In summary the need for development of sites 12 and 13 for housing has not been demonstrated and, having regard to the potential for mitigation, it would be likely to cause some harm to the landscape of the AONB and the recreational opportunities it offers. Nonetheless, and given that the campus will become an increasingly large centre for employment, there would potentially be some highway infrastructure and travel-to-work sustainability benefits in locating housing at sites 12 and 13 as opposed to elsewhere. The Framework's exceptional circumstances and public interest test would be ultimately applied as part of the consideration of planning applications for housing on these sites, having regard to the evidence available at the time. However, balancing my findings in respect of all that I have read, heard and seen at this point in time, I consider it unlikely that the exceptional circumstances necessary to approve such applications would reasonably be considered to exist. Consequently, the plan's housing allocations on sites 12 and 13 are not soundly based.
- 9.11 An alternative proposal to housing allocation site 13 has been put forward, involving the development for housing within the northern part of the Harwell Campus itself. This would be significantly less harmful to the landscape of the AONB than the development of site 13 and would, in part, have the benefit of recycling previously-developed land. However, it would involve the development for housing of land recently designated as Enterprise Zone and would reduce the amount of employment land available at the campus. Moreover, and fundamentally, given that the need for housing in the AONB has not been demonstrated I conclude that the exceptional circumstances necessary to approve such a development would also be unlikely to exist.

9.12 I conclude that modification of the plan to delete sites 12 and 13 is thus necessary. As detailed in section 13, even without these sites the plan would provide for a five year supply of deliverable housing land, and sufficient dwellings district-wide for the plan period as a whole. However, it would reduce the potential supply of housing in the South East Vale and the Council may wish to consider the need to allocate replacement sites in this area through the Part 2 plan. However, there would be little reason to delay adoption of the Part 1 plan by seeking to allocate replacement sites at this stage.

Requested response 2: I seek confirmation from the Council that it is content to pursue adoption of the Part 1 plan modified to delete housing allocation sites 12 and 13.

10. *Housing Allocation site 6, East Hanney*

10.1 I understand that since the submission of the plan the mobile library service at East Hanney has been withdrawn meaning that, in terms of the findings of the Town and Village Facilities Study (2014), the settlement would no longer be classed as a larger village. Moreover, the Council has recently refused permission for an application for housing on site 6, comprising slightly less than the 200 dwellings which the plan envisages for this site, raising, amongst other matters, concerns about the density of the development.

Requested response 3: in order to assist my determination of whether or not this allocation is soundly based I would be grateful if the Council would formally consider if, in the light of a review of current evidence, housing development of the scale envisaged in the plan is appropriate in East Hanney and if the site 6 housing site allocation is deliverable.

11. *Other Housing Allocations*

11.1 Subject to modifications to the relevant policies and plan appendices as discussed at the hearings, I am satisfied that housing allocation sites 5, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20 and 21 are soundly based. *

12. *Housing Requirement*

12.1 Having regard to the sites included in the Council's housing trajectory for the plan period (see section 13 below) and all that I have read, heard and seen, I conclude there are no constraints which would justify the housing requirement for the district being below the objectively-assessed need.* Consequently, the new housing requirement for the Vale for the plan period of 20,560 dwellings is soundly based. However, as detailed in

section 4 above, the housing requirement for the district may need to be increased if, in due course, the Oxfordshire Growth Board determines that there are unmet housing needs from other districts which should be provided for within the Vale.

13. *Five Year Supply of Deliverable Housing Land and "Omission" Sites*

- 13.1 Having regard to all that I have read and heard on the issue, I conclude that the evidence (updated to 31 March 2016, doc PHD2) indicates that, on the Council's preferred measure, a 7.2 years supply of deliverable housing land can realistically be demonstrated across the district as a whole.* This calculation (set out in Appendix 1 of this letter) excludes housing allocation sites 12 and 13, in accordance with my conclusions set out in section 9 above.
- 13.2 The Council's approach to measuring housing supply applies a 20% buffer to account for past under-delivery and assumes that the shortfall in delivery would be addressed across the rest of the plan period (the 'Liverpool method') in the housing supply ring fence area but within the next five years (the 'Sedgefield method') in the rest of the district. However, even applying the 'Sedgefield method' to the district as a whole (and excluding sites 12 and 13), a 5.9 years supply exists, albeit that within the ring fence area alone only a 4.3 year supply exists. Nonetheless, I am satisfied that it is appropriate for the Council to apply the Liverpool method to calculation of supply in its "self-imposed" ring fence area and in the application of policy CP5 (also giving a supply of 5.9 years excluding sites 12 and 13), given that across the district as a whole a supply well in excess of 5 years exists when calculated on the more demanding Sedgefield method. Moreover, given that some concern has been raised about the possibility of saturation of the housing market in the South East Vale sub-area, it is questionable whether the number of dwellings required to provide a five year supply using the Sedgefield method in this sub-area could be delivered.
- 13.3 The plan's housing allocations in addition to existing completions and commitments and a minimal allowance of about 4% for windfalls would provide for approximately 102% of the full plan period housing requirement. Given this and that the current supply of deliverable housing land is well in excess of 5 years I consider there to be no need to allocate more sites for housing in advance of the Part 2 plan and/or Neighbourhood Plans. I recognise that the 200 dwelling threshold for the inclusion of housing allocations in the Part 1 plan is somewhat arbitrary and that, in terms of achieving projected delivery, there is a benefit in the housing supply comprising a mix of site sizes. However, in addition to 23 or so sites of 200 dwellings or more, the current supply of deliverable housing land includes more than 660 dwellings on sites of less than 10 units and over 100 sites of between 10 and 199 dwellings. I am satisfied that this provides an appropriate portfolio of site sizes and that, thus,

there is not a need for the Part 1 plan to allocate more sites for housing of either less than or more than 200 dwellings. The precise figures indicated above may vary dependent upon the Council's response to my questions about housing allocation site 6 (East Hanney). However, I am satisfied that whatever the outcome in respect of this site, there will not be a need to allocate more sites for housing in the Part 1 Plan.

14. Botley Central Area

14.1 Policy CP11, concerning Botley Central Area, was discussed at some length at the hearings and I have since had the opportunity to visit the area and look again at the submitted written evidence.

Requested response 4: in order that I can reach a view on whether or not the policy is soundly based I would be grateful to receive further comments from the Council in respect of policy CP11, having particular regard to:

- (a) The lack of any indication in the policy or its supporting text of the amount of retail floorspace which would be required at Botley Central Area to meet the objectively-assessed needs;**
- (b) The exclusion from the boundary of the Central Area, as defined in Fig 5.3 of the plan, of a bank and a church, given their inclusion within the Botley Centre SPD Site Boundary.**
- (c) The inclusion of existing residential development within the Fig 5.3-defined Central Area without a policy requirement that it is replaced, noting in particular that part (iii) of the policy does require that the library and Baptist Church also included in the defined area are replaced. Whilst the SPD is not formally before me for consideration I also note that the Sustainability Appraisal Report of the SPD scores housing provision as a significant beneficial effect when neither policy CP11 nor the SPD itself require the provision of housing as part of the scheme.**

15. Other elements of the plan

15.1 Subject to modifications along the lines of those discussed at the hearings I am satisfied that all other aspects of the plan are likely to be capable of being found to be soundly based.* I will contact the Council separately with comments on its draft proposed modifications and the alterations to them which I believe are likely to be necessary for the plan to be sound.

16. Conclusions

- 16.1 I trust this letter is helpful in setting out my interim findings on the plan and I am pleased, at this stage, to be able to conclude that, subject to modification, I am likely to be able to find that the plan is sound. However, once again I emphasise that this is not my final report on the Examination and circumstances may result in changes to these findings.
- 16.2 I would now be grateful if the Council would advise me as soon as possible of the likely timescale for a response to my highlighted requests.
- 16.3 Finally, in terms of the Community Infrastructure Levy Examination it appears to me that it would be most sensible to hold this once there is a more definitive list of the likely modifications to the plan; potentially during the period of formal consultation on them.

Yours sincerely

Malcolm Rivett

INSPECTOR

Appendix 1

Five Year Housing Land Supply Outcome assuming deletion of housing allocation sites 12 and 13 from the plan.

	Ring Fence, using 'Liverpool Method'	Rest of District, using 'Sedgefield Method'
Five Year Housing requirement for each supply area 2016-2021	4336	2755
	Whole District	
Total Five Year Housing Requirement	7091 (4336 +2755)	
Housing Supply	10260 (10910 – 650)	
Number of Years Deliverable Supply	7.2	
Over/Under Supply	+3169	

West Oxfordshire Local Plan 2031 Examination

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16 January 2018

Dear Mr Hughes,

Examination of the West Oxfordshire Local Plan

Introduction

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

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

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

Burford – Charlbury Sub-Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion and Way Forward

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

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

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

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

Yours sincerely

Malcolm Rivett

INSPECTOR

IN THE MATTER OF:

THE WYCOMBE LOCAL PLAN

NOTE

Introduction

1. I am instructed in this matter by Turely on behalf of SEGRO Plc in respect of land at Westthorpe Park, Marlow (“the site”). SEGRO has submitted representations to the emerging Wycombe Local Plan (“the Plan”) to the effect that the site should be allocated for employment development alongside a new country park. This Note should be read alongside those representations, which comprise submissions made at the Regulation 18 and 19 consultation stages of the Plan and various Hearing Statements submitted by Turley to the Inspector in response to her Schedule of Matters, Issues and Questions.
2. The Plan has now been submitted for examination, and I have been asked to provide a Note on whether the Plan meets the various legal compliance tests. In light of all of the matters set out in the Turley representations referenced above, it is my opinion that (i) the Plan fails the Duty to Co-operate; (ii) the Sustainability Appraisal (SA) is inadequate in terms of its assessment of the likely effects of the Plan’s policies and its consideration of reasonable alternatives and (iii) on the basis of the totality of the evidence as it currently stands it is very difficult to see how the Plan can omit the site and pass the tests of being positively prepared, justified, effective and consistent with national policy.
3. I consider briefly each of these three matters below, in reverse order.

Positively Prepared, Justified, Effective and Consistent with National Policy

4. The purpose of planning is to achieve sustainable development (NPPF Foreward). The presumption in favour of sustainable development contained in the first part of NPPF14 (plan-making) is engaged. This requires the plan-maker to ensure that the plan meets objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
5. The first step therefore is to objectively identify the correct level of need for employment land. NPP17(3) provides that “every effort should be made to objectively identify and then meet the ... business ... needs of an area, and respond positively to wider opportunities for growth.”
6. The Plan falls at the first hurdle because it fails to objectively identify the true level of need for employment land. The HEDNA is openly based on a cautious, or pessimistic, approach to the need for B1c/B2 and B8 floorspace, preferring as it does the Oxford Economics forecast to the Experian forecasts. Further, and more importantly, the HEDNA fails to act on the commercial insights contained within it, not least of all the finding that B8 warehouse space has been constrained by a lack of supply and this is a sector that will continue to show strong growth. This is not evidence of an approach that is seeking to “respond positively to wider opportunities for growth.” Even leaving aside the marked contrast between the positivity found in the NPPF and the negativity of the HEDNA, but the Plan does not respond accurately to even that level of demand found within the HEDNA. The latter was updated with an addendum that at least recognised a changing market and higher growth, but the Plan continues to base itself on the original HEDNA figures.
7. The second step in plan-making (once the correct level of need has been identified) is to meet that need, unless there is evidence that meeting it would significantly and demonstrably outweigh the benefits. The importance of meeting needs, and in particular meeting needs to support economic growth, is re-iterated time and again

throughout the Framework:

- a. NPPF 17(3) states that sufficient suitable land should be allocated having regard to the needs of business communities, and that local authorities should be using the Plan to “proactively drive and support sustainable economic development to deliver the ... business and industrial units ...the country needs.”
 - b. NPPF 19 states that the “Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”
 - c. NPPF 20 adds “local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.”
 - d. NPPF 21 emphasises the need for a positive and proactive approach at the plan-making stage: “In drawing up Local Plans, local planning authorities should: ... set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; support existing business sectors, taking account of whether they are expanding or contracting Policies should be flexible enough to accommodate needs not anticipated in the plan to allow a rapid response to changes in economic circumstances”.
8. Despite all of this very clear guidance in the NPPF, the Plan is designed to meet only 56% of the identified employment needs of the area. There is nothing in the evidence base to support the proposition that meeting the remainder of the identified need would cause significant and demonstrable harm, let alone such significant and demonstrable harm that it would outweigh the benefits of providing sufficient employment land to meet the Government’s commitment to secure economic

growth to create jobs and prosperity (NPPF18), or outweigh the “significant weight” the Government attaches to using the planning system to support economic growth (NPPF19). There is no assessment anywhere in the evidence base of what the harm would be if the Westthorpe Park site were to be allocated for employment, no assessment of what the consequences would be of failing to provide sufficient employment land, and no assessment to support any assertion to the effect that the harms would significantly and demonstrably outweigh the benefits.

9. Whilst I accept that the instruction to meet needs is subject to the qualification in the second indent (i.e specific policies may indicate that development should be restricted), and that the site lies in the Green Belt (“GB”), the fact remains that the LPA has accepted that exceptional circumstances exist to release land from the GB to meet employment needs. This is the justification that it puts forward for releasing Air Park from the GB to meet employment needs. Westthorpe Park must of necessity also meet the exceptional circumstances test given that it scores better in the Council’s own assessment.
10. There is a whole host of evidence set out in the Turley representations which demonstrates that the Westthorpe Park site is extremely well suited to meeting the identified needs for additional employment land required over the plan period, and that it can do so whilst at the same time furthering many of the overarching objectives of the plan (including the objectives of providing for a country park, enhancing the Westthorpe junction inter-change and fostering the economic strength of the M40/A404 location and that of the rural economy).
11. The situation can therefore be summarised as follows: there is an acknowledged need for employment land considerably in excess of that which the council is proposing to allocate; there is a suitable, available and deliverable employment site with developer commitment that can help meet that need; release of this site will not cause any harm, let alone significant and demonstrable harm; allocation of the site will help deliver other important objectives of the plan; the location of the site in the GB is not a bar to its release given (a) the acceptance by the LPA that GB releases are unavoidable to meet the identified need and (b) that the site performs

better as a GB release than sites favoured by the council for release from the GB. Against this background it is difficult to understand how the submitted plan, which fails to meet the objectively identified need for employment land, can be described as positively prepared, justified, effective and consistent with national planning policy.

12. The Council's only answer to the above appears to be that the need can be met in an adjoining district. But this is in truth no answer at all, for two reasons.
13. Firstly, the NPPF permits objectively identified needs to met outside of the LPA's area only if these needs cannot be met within their own area. NPPF 179 provides that "Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies for this Framework." In the present case there is no evidence that the need for employment land cannot be met within the area of Wycombe District Council, or that to meet those needs would fail to pass the tilted balance set out in NPPF14. Indeed all of the evidence demonstrates that the need can be met within its area (or at the very least, more of the need can be met than it proposes to meet, given the availability, suitability and deliverability of the SEGRO site).
14. Secondly, the requirement in the NPPF is to meet the need that has been identified, not some other unidentified and unquantified need. As the Framework expresses it at para. 7, the requirement is to ensure that the right type of employment floorspace is delivered in the right locations at the right time to support growth. The need here is the need for a particular operational market, and the Aylebury Vale area sits in a different Functional Economic Market Area (FEMA) to Wycombe. The evidence clearly demonstrates that Aylebury Vale cannot effectively provide for sites and premises to meet the needs of occupiers who, for commercial and logistical reasons, have to base themselves within Wycombe district. Pointing to the existence of B8 floorspace in a district (AVD) where there is no demand for such space is not an answer to not providing employment floor space in a district where there is growing demand and a lack of supply.

Sustainability Appraisal

15. The SEA/SA Regulations Schedule 2(8) requires an “assessment of reasonable alternatives” and the identification of the “reasons for selecting the alternatives tested in the light of the others available.” In *Ashdown Forest Economic Development LLP v SSCLG and Wealden DC* [2014] EWHC 406 (Admin), Mr Justice Sales held (at paragraph 97) that the plan-maker should be aware “*The court will be alert to scrutinise its choices regarding reasonable alternatives to ensure that it is not seeking to avoid that obligation by saying that there are no reasonable alternatives or by improperly limiting the range of such alternatives which is identified.*”
16. I have considered Section 8 of Turley’s Regulation 19 Representations and am satisfied that the SA in this case is legally inadequate because, in short, it eliminates reasonable alternatives on a basis that is flawed as a matter of law.
17. The starting point is a recognition that GB is a policy designation and should not be used to assess the sustainability of a proposed allocation. The SA is the correct tool to assess the sustainability performance of reasonable alternatives. Contrary to this approach, the SA supporting this Plan was used only once the sites had been through the GB and HELAA process. This flaw is exacerbated by the fact that no clear and transparent explanation has been provided as to why some GB sites were considered to meet the exceptional circumstances test (such as Air Park), but Westthopre Park was not, despite it scoring better in the council’s own evidence base. The correct approach would have been one that put all sites that were subject to the GB assessment through the SA approach, so that a full and transparent assessment of the sustainability of each site could emerge. That should then have informed the council’s decisions on GB boundaries, as required by NPPF84 and 85. Instead, what has happened is that prior policy choices have driven the SA, as opposed to the SA informing policy choices in a clear and transparent manner that could then be subject to scrutiny by others.
18. In addition, the SA fails to assess the sustainability implications of not providing for sufficient employment land within Wycombe District with the reasonable alternative

of doing so.

Duty to Co-operate

19. As set out above, the duty to co-operate is triggered in respect of unmet needs if there is evidence that development requirements cannot be met within the area of the plan-making authority. In the present case an MOU has been signed between the Buckinghamshire authorities that proposes a broad and generic apportionment of unmet needs without (a) evidence that needs cannot be met within the area of each relevant authority and (b) contrary to evidence that there are two specific FEMAs and that the employment needs of one cannot be met by providing more employment floorspace in the other. This represents a perversion of the function and purpose of the Duty to Co-operate: rather than using it as a mechanism to ensure identified needs are met, it is being used as a mechanism to avoid meeting those identified needs by pointing to the availability of land outside of the district which is unsuitable to meet the needs identified through the objective evidence.

Conclusion

20. I have addressed the matters raised in my Instructions. If additional matters arise I would be pleased to assist further.

MARTIN KINGSTON QC
Number 5 Chambers

28 JUNE 2018

IN THE MATTER OF:

THE WYCOMBE LOCAL PLAN

OPINION

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