

**Town and Country Planning Act 1990 (as amended)**

**Supplemental Rebuttal Proof of Evidence on Five Year  
Supply of Housing  
On behalf of Cherwell District Council**

**In the following appeal:**

*Outline planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure.*

*Access off Ploughley Road is not reserved for future consideration*  
**Land East of Ploughley Road, Ambrosden, OX25 2AD**

**PINS Reference: APP/C3105/W/23/3327213**

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**Bedford**

March 2024

**Inspectorate Ref: APP/C3105/W/23/3327213**

**Planning Application Ref: 22/02866/OUT**

**Appeal Site: Land East of Ploughley Road, Ambrosden, OX25 2AD**

**Town and Country Planning Act 1990  
Section 78**

**Supplemental Rebuttal Proof of Evidence on the Five-Year Supply of Housing  
in Respect of Cherwell District Council**

**Prepared on behalf of  
Cherwell District Council**

**Evidence of  
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**March 2024**

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## 1.0 INTRODUCTION AND SCOPE OF SUPPLEMENTAL REBUTTAL EVIDENCE

- 1.1 For the purposes of introducing this Supplemental Rebuttal Proof of Evidence I do not repeat my qualifications and experience that remain as set out within my main Proof of Evidence.
- 1.2 This Supplemental Rebuttal material should also be read alongside previous evidence I have submitted to the Inquiry including:
- 1) My Supplemental Proof of Evidence dated February 2024 (CD/G.21)
  - 2) Rebuttal Proof of Evidence dated November 2023 (CD/G.15)
  - 3) My original Proof of Evidence dated October 2023 (CD/G.12)
- 1.3 My Supplemental Proof of Evidence provides details of relevant links between the evidence exchanged to-date.
- 1.4 This scope of this Supplemental Rebuttal Proof of Evidence reflects the context of the extent of information exchanged on this case and numerous other Appeals in Cherwell where the assessment of deliverable supply and the requirement against which this is to be assessed. To a large extent this material has also been produced taking account of changes to national policy and guidance since December 2023.
- 1.5 The scope is therefore limited. I consider that extensive material already exists in that exchanged to address all of the following:
- a. Where relevant, the **housing requirement in adopted strategic policies**;
  - b. The **extent of supply to be demonstrated** i.e., 4-years' or 5-years' worth of provision.
  - c. The **period over which supply is to be assessed** (to be measured over five years against the five-year requirement)
  - d. The **assessment of deliverable supply**
- 1.6 Having reviewed the Appellant's Updated Proof of Evidence (CD/G.19) in respect of the above matters I did not identify any substantive points to be addressed in Supplementary Rebuttal with reference to the above points.
- 1.7 I note, however, that at Section 7 and Paragraphs 7.22 to 7.42 of his Updated Proof of Evidence Mr Pycroft on behalf of the Appellant has set out the case for the **requirement against which supply is to be assessed** having regard to consistency with the NPPF and NPPG including changes to both since December 2023.
- 1.8 My case on behalf of the Council includes a response to the changes to policy and guidance is set out most recently at Paragraphs 4.4 to 4.21 of my Supplemental Proof of Evidence. In the context of the same information considered by the Appellant I conclude that there is no change to the Council's case for the requirement against which supply is to be assessed for the purposes of decision-taking.
- 1.9 I address these changes in the context of Paragraph 77 of the NPPF(Dec)2023 which exists for the purposes of decision-taking in respect of the assessment of housing land supply. In respect of the Council's case, I conclude that it operates in precisely the same way as prior to the changes to national policy and guidance. I have considered the contents of the PPG, to be read as a whole, within this assessment. For example, at Paragraph 4.13 of my Supplemental Proof of Evidence I conclude:

*"Within the relevant 'Maintaining Supply and Delivery' section it is the case that the combined changes between paragraphs 75 and 77 support the Council's case that*


*regard may need to be had to more than one strategic policy and more than one adopted Local Plan. This is consistent with the contents of the PPG, particularly PPG ID: 68-006-20190722.”*

- 1.10 In summary, there is nothing in the Appellant’s Updated Proof of Evidence that changes my position on this point.
- 1.11 I would not otherwise have produced a Rebuttal in isolation in the context of the Appellant’s evidence.
- 1.12 Prior to the deadline for Rebuttals in this case the Decision Letter has been issued for the Appeal in case reference APP/C3105/W/23/3326761 (the ‘Heyford Park’ DL). Relevant conclusions on the **requirement against which supply is to be assessed** are contained at Paragraphs 67 to 75. Paragraph 73 specifically confirms that the changes to national and policy and guidance since December 2023 were taken as determinative to the Inspector’s conclusions. This establishes parallels with the Appellant’s Updated Proof of Evidence in terms of associated references to the NPPF and NPPG.
- 1.13 The changes to national policy and guidance from 19 December 2023 onwards post-date the Inquiry Event for Heyford Park. They could not be addressed in oral evidence. I note also that the issue of deliverable supply and the requirement against which this was to be assessed were considered under the Round Table format. While the Round Table is not referenced, and my details are not included upon the Decision Letter, I confirm that session took place, and I was present for it.
- 1.14 In contrast to the Heyford Park Inquiry there remain other outstanding cases where the Decision is awaited where the Inquiry Event occurred post-December 2023 (Appeal Ref. APP/C3105/W/23/3331122 - Land South of Green Lane, Chesterton). For this case, evidence was subject to formal presentation and cross-Examination.
- 1.15 I note at the outset that the following points are absent from the conclusions in the Heyford Park Decision Letter:
  - a. Any express reference to paragraph 77 of the NPPF(Dec)2023 for the purposes of decision-taking
  - b. Confirmation of any relevant adopted strategic policies (and their application) relevant to the resultant conclusion for the requirement against which supply is assessed for the purposes of the Decision Letter. Specifically, this includes no express reference to Policies PR12a and PR1 of the Cherwell Local Plan Partial Review.
  - c. Confirmation of the specific numerical requirement against which supply is to be assessed for the purposes of NPPF(Dec)2023 paragraph 77 and what this comprises.
- 1.16 The Council will provide further submissions on this point, and I have prepared this Supplemental Rebuttal Proof of Evidence without prejudice to my further input to considering the Decision Letter as an ongoing process. Notwithstanding, I further confirm that ahead of the Inquiry Event for this Appeal there is no change to my evidence, or the case on behalf of the Council, in relation to the **requirement against which supply is to be assessed** as set out in the evidence exchanged previously.
- 1.17 For the purposes of the Decision Letter:
  - a. Paragraph 71 of the Decision Letter refers to Paragraph 67 of the NPPF(Dec)2023, which is also referred to in **Paragraph 7.27 – 7.28** of the Appellant’s Updated Proof of Evidence (CD/G.19). Paragraph 4.7 – 4.11 of my Supplemental Proof of Evidence also deal with this paragraph (CD/G.21).
  - b. Paragraph 72 of the Decision Letter comprises a reference to paragraph NPPG ID:

68-055, which is also referred to in the Appellant's Updated Proof of Evidence at **Paragraph 7.37**

c. Paragraph 70 of the Decision Letter addresses the contents of the previous 2012 version of the NPPF. This is referred to in **Paragraph 7.28** of the Appellant's Updated Proof of Evidence and Paragraph 4.5 of my own Supplemental Proof of Evidence.

- 1.18 In light of the Heyford Park Decision Letter, which the Council does not accept as correct or definitive for the purposes of the requirement against which supply is to be assessed, I have prepared this Supplemental Rebuttal Proof of Evidence. This expands upon my response to the Appellant's case on these points and is relevant to the response to the Heyford Park DL.
- 1.19 As at the time of preparing this Supplemental Rebuttal there remains no completed Topic Statement of Common Ground addressing Housing Land Supply and Requirement matters. I provide very limited updates to the **assessment of specific deliverable sites** likely to be in dispute that were discussed at the Chesterton Inquiry.
- 1.20 Positive discussions are continuing between the Council and Appellant regarding completion of an HLS Topic SoCG following the Heyford Park DL being issued. The Council's position is that this should match the format used in other cases, and that its case will be unchanged ahead of the commencement of the Inquiry Event for this Appeal.
- 1.21 I confirm that this Supplemental Rebuttal evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I also confirm that the opinions expressed are my true and professional opinions.

<b>Signed</b>	
<b>Name</b>	Jon Goodall MA (Cantab) MSc MRTPI
<b>Position</b>	Director
<b>Date</b>	6 March 2024

## 2.0 SUPPLEMENTARY REBUTTAL POINTS – THE RELEVANCE OF CHANGES TO NATIONAL PLANNING POLICY IN THE DECEMBER 2023 NPPF TO THE REQUIREMENT AGAINST WHICH SUPPLY IS TO BE ASSESSED

2.1 Before expanding upon the response to points covered by my Supplemental Proof of Evidence I reiterate my position that the application of paragraph 77 of the NPPF(Dec)2023 is relevant for decision-taking and identification of the requirement against which supply is to be assessed. Both the Appellant's case, and any acceptance of the conclusions of the Heyford Park Decision Letter, relies upon a change in the interpretation of paragraph 77 of the NPPF(Dec)2023. Within that context:

- a. Paragraph 77 of the NPPF(Dec)2023 is unchanged following the December 2023 NPPF.
- b. The Appellant's case (and Paragraph 71 of the Heyford Park DL) relies upon changes to Paragraph 67 of the Framework, which relates to plan-making. In practice this imports wording already extant in the PPG at 2a-010 and read as a whole paragraph 67 outlines the role of adopted strategic policies (plural) to determine the requirement(s) to assess supply.
- c. The change in circumstances relied upon at Paragraph 72 of the Heyford Park DL and the resultant introduction of PPG ID: 68-055-20240205 stems from a separate issue over the period over which supply is to be assessed in some circumstances from December 2023.

2.2 It is my view that had the Government sought to fundamentally change and restrict the scope of national policy to prescribe how the requirement against which supply is to be assessed using a singular figure, for an individual authority, it would have addressed this through changes to Paragraph 77 of the NPPF(Dec)2023. Any changes to the PPG would have been clear in the role to address this point. My view is that the Government would not seek to import such a fundamental point while clarifying a separate dispute relating to the **period over which supply is to be assessed** following changes to paragraph 226 of the NPPF(Dec)2023.

2.3 It is therefore also relevant to note:

- a. The Heyford Park Decision Letter provides no reasons to indicate that the Council's position was incorrect with respect of the requirement against which supply was to be assessed before December 2023.
- b. The Heyford Park Decision Letter does not indicate that the LPA's approach to preparation of its adopted strategic policies was not a permissive one. There is no conflict identified with how these specific adopted strategic policies are intended to operate on the Council's case, including with respect of the paragraph 11(d) and footnote 8 of the NPPF(Dec)2023. This is important because the Council's case still relies on a position tested at Examination (via the policies of the Partial Review). The conclusions of the Heyford Park DL (while not actually specifying what the requirement is used to assess supply) cannot be stated to be an approach tested as part of plan-making.
- c. The change in circumstances relied upon for the conclusion of the Heyford Park DL draws no support from the Housing Delivery Test.
- d. Paragraph 70 of the Heyford Park DL represents a suggestion that circumstances had already changed following adoption of the Partial Review under the NPPF2012 Framework. This is not relied upon for the actual conclusions based on the NPPF(Dec)2023 and moreover if it was correct it would equally have applied to the



Deddington and Milcombe Decisions that the Inspector distances herself from in paragraph 74. Specifically, the change in circumstances relied upon is the publication of the Revised Framework and associated PPG.

- 2.4 Having set out these points, within the remainder of this Supplemental Rebuttal Proof of Evidence I address:
- a. Changes to Planning Practice Guidance
  - b. The Relevance of Paragraph 67 of the NPPF(Dec)2023
  - c. The Relevance of changes since the 2012 version of the Framework and their relationship with plan-making.
  - d. Relationship of this Rebuttal With Oxford's Unmet Needs and the Partial Review



**a) Changes to Planning Practice Guidance**

2.5 The changes to Chapter 68 of the PPG ‘Housing Supply and Delivery’ need to be read together and applied consistently with the provisions of the NPPF for decision-taking. While changes were introduced most recently in February 2024 the majority of the chapter was fundamentally unchanged.

2.6 Of principal importance this includes PPG ID: 68-006 set out in full below:

***Which strategic housing policies are used to calculate the 5 year housing land supply where there is more than one strategic housing requirement policy for an area?***

*“Where there is a conflict between adopted strategic housing requirement policies (for example if a new spatial development strategy supersedes an adopted local plan), the most recently adopted policies will need to be used for the purposes of calculating 5 year housing land supply, in accordance with Section 38 (5) of the Planning and Compulsory Purchase Act 2004.”*

Paragraph: 006 Reference ID: 68-006-20190722

2.7 This confirms that more than one strategic policy may apply, and more than one housing requirement may be relevant for the assessment of a five year supply calculation. The existence of this element of the PPG is not addressed in the Appellant’s Updated Proof of Evidence.

2.8 As I set out in my earlier evidence this is important (see 5.20 of my main Proof of Evidence) this is entirely consistent with the content of the Regulations where separate adopted strategic policies are expected to have separate provisions for monitoring. There is no dispute between the parties that the Partial Review contains separate adopted strategic policies (see CD/H.9).

2.9 This is also relevant because the Appellant’s Updated Proof of Evidence also in my view does not grapple with Paragraph 76 of the NPPF(Dec)2023 in terms of whether the development plan for Cherwell is to be considered as a single Local Plan or provides for separate adopted strategic policies across two documents in terms of the management of need and supply. This has implications for potentially applying land supply protections in future and is dealt with in my Supplemental Proof of Evidence at Paragraphs 4.15 to 4.17. The Partial Review is listed separately in terms of Plans containing strategic policies within Planning Inspectorate Guidance (CD/H.9).

2.10 PPG ID: 68-055-20240205 is central to the Appellant’s case in respect of changes to policy and guidance and central to the conclusions of the Heyford Park DL at paragraph 72. It is relevant to set this out in full:

***What housing land supply does a local planning authority need to demonstrate for the purposes of decision making?***

***The criteria for housing land supply requirements for decision-making purposes are set out in paragraphs 76, 77 and 226 of the National Planning Policy Framework.***

*Paragraph 76 sets out the criteria under which an authority is not required to annually demonstrate a housing land supply for decision making. If an authority does not meet the criteria in paragraph 76, paragraph 77 sets out the housing land supply of specific deliverable sites that authorities should demonstrate **for decision-making against either their requirement figure or LHN as appropriate.***

*Paragraph 226 sets out criteria where, for a period of two years from the date of publication of the National Planning Policy Framework published on 19 December,*

*an authority only needs, for the purposes of decision-making, to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable) **against either its housing requirement figure or LHN as appropriate.***

*The glossary of the National Planning Policy Framework defines what can be counted as a deliverable site for these purposes - those that are available now, offer a suitable location for development now, and those that will be achievable with a realistic prospect that housing will be delivered on the site within five years. Both the 5 year housing land supply and the 4 year housing land supply that authorities should demonstrate for decision making should consist of deliverable housing sites demonstrated against the **authority's five year housing land supply requirement, including the appropriate buffer.***

Paragraph: 055 Reference ID: 68-055-20240205 (my emphasis)

- 2.11 For the following reasons PPG 68-055 clearly needs to be read in-full in terms of its application for decision-taking:
- a. Paragraph 77 is referred to as providing relevant criteria for the requirement against which supply is to be assessed.
  - b. The paragraph specifies that decision-taking may be undertaken against **either** their requirement figure **or** LHN as appropriate – this element of the PPG makes no provision for whether the requirement to assess supply could be comprised of components including both local housing need and elements of separate adopted strategic policies.
  - c. The final paragraph deals only with clarification of circumstances where the extent of supply to be demonstrated is to be measured against four years' worth of provision. The final sentence makes no reference to LHN, despite this potentially forming the requirement against which supply is to be assessed. The final sentence, read with 68-055 as a whole (or indeed reading the PPG and NPPF as a whole) cannot in any way be taken as definitive in terms of applying the criteria under paragraph 77 of the Framework and prescribing the particular format for a requirement.
- 2.12 More generally the Appellant points to various other PPG references they claim support a singular requirement. I disagree that these references are determinative or in any way change the application of paragraph 77 for the purposes of decision-taking. For example, PPG ID: 68-002 refers to '**a** housing requirement set out in adopted strategic policies, **or** against a local housing need figure'. The correct interpretation of this language is that more than one housing requirement may apply.
- 2.13 The PPG is replete with references to the role of adopted strategic policies (plural) where relevant to the identification of the requirement against which supply is to be assessed. This definition can only be applied within the context of the criteria provided at paragraph 77 of the NPPF(Dec)2023. This expressly does not require a single requirement to assess supply or for the calculation to be undertaken covering the whole boundary of a strategic policy-making authority.

**b) NPPF(Dec)2023 Paragraph 67**

2.14 I do not make detailed Rebuttal submissions on this point and direct the Inspector to my existing evidence including Paragraph 4.7 to 4.11 of my Supplemental Proof of Evidence (CD/G.21). Given the reference to paragraph 67 within the Appellant's Updated Proof of Evidence and Paragraph 71 of the Heyford Park DL it is relevant to set this out in full.

*“Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. **The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment.** Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.”*

2.15 Highlighted is the new wording to the NPPF in comparison to the previous 2019 version of the NPPF. At Paragraph 71 of the Heyford Park Decision Letter this sets out the first sentence of Paragraph 67 but does not outline the remainder of the Paragraph, which should be read as whole. This includes the reference to strategic policies (indicating that there may be more than one policy on housing land supply).

2.16 I reiterate that these changes relate to the plan-making process, to be considered following the changes to the NPPF in December 2023. I note that the Appellant's Updated Proof of Evidence at Paragraphs 7.29 and 7.30 does note the relationship between Paragraph 67 of the revised Framework and PPG ID: 2a-010.

2.17 Chapter 2a of the PPG addresses plan-making and determining the level of need *to be planned for* (ID: 2a-001-20190220). The title of PPG ID: 2a-010 specifically reads “*When might it be appropriate to **plan** for a higher housing need figure than **the standard method** indicates?”*

2.18 Two points follow from this:

- a. The relevant component of the PPG incorporated into paragraph 67 specifically relates to *plan-making*.
- b. The express reference to the standard method illustrates that the provisions of this paragraph are to be considered only in the context of needs identified by the standard method and not an evaluation of existing adopted development plans and the approach to requirements in existing adopted strategic policies.

### c) Relevance of Changes Since the 2012 Framework and Relationship to Plan-Making

- 2.19 This section should be read in the context that the language of paragraph 77 of the NPPF(Dec)2023 has not changed.
- 2.20 I have highlight that in respect of Paragraph 70 of the Heyford Park Decision Letter changes since the 2012 version of the NPPF cannot be relied upon as determinative to the Inspector's reasoning that the requirement against which supply is to be assessed has altered.
- 2.21 It is factually correct that the NPPF2012 and NPPF2018 did lead to changes in wording that reflect how we now read paragraph 77 (as was 74) and paragraph 47 of the NPPF2012.
- 2.22 Paragraph 47 of the (archived) 2012 version of the Framework explained that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their "housing requirements" (plural). Paragraph 77 refers to requirement in the singular (and as suggested by the Appellant this follows the reference to requirement in the singular at the start of paragraph 67).
- 2.23 The Council's case relies upon the wording of paragraph 77 of the NPPF(Dec)2023 and specifically its reference to adopted strategic policies in the plural. This is a point not addressed by the Inspector in the Heyford Park Decision Letter.
- 2.24 In other words, notwithstanding the changes between the 2012 and 2018 versions of the Framework and notwithstanding no further change in 2023 there remains nothing in paragraph 77 that expressly says a single figure, single policy or single requirement for the authority must be used as the requirement to assess supply. The reference remains to adopted strategic policies, in the plural, together with circumstances where local housing need applies.
- 2.25 The Heyford Park Decision Letter also does not address this nor the need for consistency with other Appeal Decisions that were Core Documents for that Inquiry and that are also before this Appeal.
- 2.26 For example, paragraph 42 of PINS Ref: 3289643 (Leigh Sinton) states (CD/M.21):
- "I have been presented with references to the specific wording used of 'local planning authorities', 'authority' and 'their', suggesting that this makes it clear that this indicates that individual authorities are required to monitor their housing land supply. However, I do not read the Framework in this context. It does not specifically refer to 'each individual authority' and therefore I cannot conclude that this was the intention behind the wording in this instance."*
- 2.27 Without any express change to the wording of paragraph 77 of the NPPF(Dec)2023 the Council's case is that this principle remains correct. It is a principle not only of relevance to Cherwell but in the circumstances of other plan-making outcomes where specific approaches to managing need and supply are identified.
- 2.28 For example, there is a separate body of Appeals in West Northamptonshire that have dealt with this point and reached a similar conclusions. I summarise as follows and will expand on these matters as required during the Round Table:
- **Appeal Ref: APP/Z2830/W/21/3269904 Land East of Lower Road, Milton Malsor, Northamptonshire** see DL Paragraphs 36 – 41 (copy at Rebuttal Appendix 1)  
Specifically, I would highlight DL Paragraph 39 *"There is nothing in paragraph 74 of the NPPF that requires use of a single administrative area in calculating the housing land supply. The NPPF encourages cross boundary working and co-operation and the JCS seeks specifically to address housing delivery in Northampton through the NRDA."*
  - **Appeal Ref: APP/Z2830/W/20/3259839 Land south of Thenford Road, Middleton**

**Cheney OX17 2NB** see DL Paragraphs 56-62 (copy at Rebuttal Appendix 2)

Specifically, I would highlight DL Paragraph 61 *“Furthermore, the Framework at paragraph 26 encourages cross boundary working and co-operation. The JCS has been prepared to address, in part, the very specific issue of Northampton being unable to meet its own housing needs within its administrative boundary which has been an ongoing issue for a lengthy period. To then monitor housing supply figures on administrative areas would run counter to the objectives of the JCS.”*

- **Appeal Ref: APP/Z2830/W/21/3270614 Land off Northampton Road, Blisworth, West Northamptonshire** see DL Paragraphs 13 - 24 (copy at Rebuttal Appendix 3)

Specifically, I would highlight DL Paragraph 16 *“Although there are differences between the Council’s approach, the Framework and Guidance its strategic approach forms part of its adopted policy. In contrast the Framework is a material consideration, albeit an important one. However, the Framework does not carry the same weight as the policies included in the WNJCS.”*

- 2.29 These principles remain consistent with the Council’s case for precluding conflating need and supply through the implementation of the separate adopted strategic policies of the Partial Review. The approach to addressing unmet need, and how this is addressed through adopted strategic policies, is fundamentally an outcome of the plan-making process.



#### **d) Relationship of this Rebuttal With Oxford's Unmet Needs and the Partial Review**

- 2.30 With respect of Paragraph 70 of the Heyford Park Decision Letter I consider that it is incorrect that the outcome of the Partial Review can be interpreted as an outcome of plan-making where the approach to and effectiveness of separate strategic policies was considered only against the requirements of the NPPF2012.
- 2.31 While that is strictly correct as a matter of transitional arrangements for the purposes of its Examination the Inspector was clearly aware of the requirements of the 2018 version of the Framework. For example, paragraphs 132 and 158 of the Inspector's Report address the definition of affordable housing under the 'current' (2019) version of the Framework (CD/I.3).
- 2.32 Beyond this the Heyford Park Decision Letter makes no express reference to separate adopted strategic policies PR12a and PR1 of the Partial Review nor more widely the relevance of the process for preparation and adoption of that Plan. This context is also absent from the Appellant's assessment of implementation of the Partial Review, including Paragraph 7.72 of Mr Pycroft's Updated Proof of Evidence (CD/G.19).
- 2.33 The original allocation of the PR sites (as set out in the sustainability appraisal of the Partial Review) was to provide new residential development that included:
1. Proximity to Oxford, the existing availability of public transport and the opportunity to maximise the use of sustainable and affordable transport in accessing Oxford's key employment areas and services and facilities.
  2. Opportunity to achieve an overall, proportionate reduction in reliance on the private motor vehicle in accessing Oxford's key employment areas and services and facilities and to achieve further investment in sustainable transport infrastructure.
  3. Deliverability of sustainable transport improvements in comparison to other Areas of Search.
  4. Relationship of existing communities to Oxford.
  5. Existing economic relationship between the Areas of Search and Oxford
  6. Opportunity to provide affordable homes to meet Oxford's identified need close to the source of that need.
- 2.34 The Inspector at the Heyford appeal makes no assessment of this matter in the decision to amalgamate housing land supply or the exceptional circumstances that were required as part of the Development Plan preparation.
- 2.35 The Partial Review is less than five years old. This matter is also not discussed by the Inspector within the Heyford Park Decision Letter.
- 2.36 In respect of the Partial Review becoming more than five-years old Para 74 of the NPPF(Dec)2023 states –
- “The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns...”*
- 2.37 As set out in Regulations, for dwellings, a large scale major development is one where the number of residential units to be constructed is 200 or more. The Partial Review makes provision as follows:
- PR6a – 690\*
  - PR6b – 670\*
  - PR7a – 466 (by the resolution to grant) – Allocation 430

- PR7b – 123 (by the resolution to grant) – Allocation 120\*.
  - PR8 – 2100 (in the submissions) – Allocation 1950
  - PR9 – 540 (both the application and allocation)
- 2.38 The allocations of PR6a and PR6b together with PR7a and PR7b are considered to have intimate relationships to each other and fall under the same heading and policy justification.
- 2.39 The PR Sites are in and around Kidlington which has a population of c.13723 (2011 Census) so 4,400 houses would be a significant extension to Kidlington as shown on the Adopted Policies Map (Appendix 1 of the Partial Review).
- 2.40 Further Appendix 4 outlines the level of infrastructure expected to be delivered and how it will be secured (funding and s106s). This complies with Para 74 –
- Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:*
- a) consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains.....*
- 2.41 The Partial Review was subject to Challenge, and the County Council wanted to review the Transport Model and therefore did not remove a highways objection until mid-2023, so the resolutions to grant and progress has been made in a quick and efficient manner.
- 2.42 It is noted that Footnote 39 of the NPPF(Dec)2023 follows “*The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated*”.
- 2.43 Preparation of plans or policies and decision making are common phrases in a number of paras of the NPPF. The NPPF and Government is therefore setting out the expectation of where large-scale developments should be re-assessed.
- 2.44 Therefore, if the point of the non-delivery of the Partial Review sites is an issue, then this would be dealt with through the Local Plan Review and Reg 19 stage for more certainty. The NPPF tells us it is not a matter for any s78 Appeal to address this assessment.



### **3.0 THE ASSESSMENT OF DELIVERABLE SUPPLY**

- 3.1 Table 1 below contains minor updates to the progress with the assessment of deliverable supply likely to be in dispute. This should be read together with Table 17 of my Supplemental Proof of Evidence (CD/G.21).
- 3.2 As an overarching point I understand as part of discussions on the HLS Topic SoCG the Appellant intends to contest 1,224 units of the Council's assessment of deliverable sites (excluding sites identified against the separate adopted strategic Policies of the Partial Review). This would indicate that the Appellant's assessment of deliverable supply would total 2,814 units for the five-year period.
- 3.3 This should be considered in the context of Section 6 of my Supplemental Proof of Evidence, include Table 11 and details of 1,089 units underway on sites where development has already commenced.
- 3.4 The Council's case notes that the Appellant's forecast supply of 2,814 units would correspond to only 45% of supply delivered in Cherwell for the period 2018/19 to 2022/23 (6,346 units). In year five of the five-year period the Appellant's position would correspond to only 263 completions based on my understanding of disputed sites. This would represent only around 20% of the 2018-2023 five-year average of 1,270 units.

**Table 1. Potentially Disputed Sites**

LPA ref:	Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
Land Adjoining Withycombe Farmhouse Stratford Road A422, Drayton *	Land Adjoining Withycombe Farmhouse Stratford Road A422, Drayton	250	50	0	-50	<p>The AMR states:</p> <p>“Outline planning application for a residential development comprising up to 250 dwellings was permitted in February 2023 (22/02102/OUT) subject to the signing of a section 106 agreement which is expected imminently. Developer (Bloor homes) anticipates delivery of homes within the next 5 years and reserve matters application to be submitted imminently. Site is identified in the draft Local Plan Review 2040. Projection is consistent with build rates in Banbury generally in recent years.”</p> <p>Named Housebuilder Bloor Homes</p> <p>Progress with completion of S106 planning obligation relevant to the AMR commentary includes:</p> <ul style="list-style-type: none"> <li>• S106 agreed and Decision Notice issued 8 January 2024.</li> </ul> <p>Regarding relevant evidence for development timeframes</p> <ul style="list-style-type: none"> <li>• Bloor's currently building phase 2 to north from which this site will gain access (see CD/K.20). Intend construction start as early as Q2/Q3 '24, upon completion of 2nd phase.</li> <li>• REM application lodged with LPA in October 2023 and validated 8 January 2024 upon issue of Outline PP with cover letter emphasising the developer's objectives of build continuity.</li> <li>• 3no. Discharge of Conditions Applications submitted January 2024 and pending determination including</li> </ul>

LPA ref:	Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
						<p>SW Drainage, Design Code and Phasing Plan (24/00181/DISC, 24/00120/DISC, 24/00121/DISC)</p> <ul style="list-style-type: none"> <li>PPA in place seeking determination by 31 March 2024. due imminently.</li> </ul> <p>Developer submission (Bloor Homes) received on 13 October 2023 (See CD/K.19) confirming delivery within the five years.</p> <p>In their response to the regulation 18 Cherwell Local Plan Review consultation, the developer suggests that the development of the site will commence in the first quarter of 2024 and yield the following completions:</p> <p>2024 – 48 dwellings          2025 – 63 dwellings          2026 – 63 dwellings          2027 – 63 dwellings          2028 – 13 dwellings</p> <p>Local evidence for lead-in timeframes (see Table 15) anticipates first completions October 2026.</p> <p><b><u>The Council updates that the Reserved Matters Application Reference is 23/03139/REM validated 10 January 2024. The Council further confirms that the application is subject to a PPA, with a timetable for determination by end March 2024. Determination of Reserved Matters can be delegated without the need for referral to Planning Committee thus the absence of meetings in the March – June pre-election period is not expected to impact decision-taking. The contents of the OCC consultation response are considered minor in terms of the implications for potential amendments.</u></b></p>

LPA ref:	Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
						Table 16 of the Council's AMR confirms the local evidence for build-out rates on the Wretch Hill / Banbury Rise allocated site adjacent to the north.
OS Parcel 3489 Adjoining and South West of B4011, Ambrosden *	OS Parcel 3489 Adjoining and South West of B4011, Ambrosden	75	60	0	-60	<p>The AMR states:</p> <p>"Outline application for 75 homes permitted in February 2023 subject to section 106. With permission granted over 9 months ago, the section 106 is expected to be signed shortly."</p> <p>Progress with completion of S106 planning obligation relevant to the AMR commentary includes:</p> <ul style="list-style-type: none"> <li>Decision Notice issued 19 December 2023 granting Outline Planning Permission including provision for Biodiversity Net Gain to be controlled via condition (Condition 23)</li> </ul> <p>Site has been sold to housebuilder (Mulberry Homes) who have contacted the LPA with a view to commencing pre-application discussion on the Reserved Matters.</p> <p><b><u>The Council updates that 24/00066/PREAPP by Mulberry Homes was submitted on 17/1/2024 but was not validated and commenced until 31/1/2024 due to the provision of further information.</u></b></p> <p><b><u>The applicant is Mulberry Homes (who have developed a site in Launton) and the agent has worked on the Kingsmere development so there is a familiarity with the Council's processes and policies. The target response is March 2024 with the expected REM submission in Summer 2024.</u></b></p> <p>Local evidence for lead-in timeframes (see Table 15) anticipates first completions October 2026.</p>

LPA ref:	Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
Kidlington Garage, 1 Bicester Road, Kidlington *	Kidlington Garage, 1 Bicester Road, Kidlington	15	15	0	-15	<p>The AMR states:</p> <p>“Application for 15 flats was granted planning permission in March 2023 subject to the signing of a section 106 agreement. Sweetcroft Homes are the developer. This is a full application and expected to be built out well within the five year period.”</p> <p>Progress with completion of S106 planning obligation relevant to the AMR commentary includes:</p> <ul style="list-style-type: none"> <li>• Email update provided July 2023 from LPA to Applicant (CD/K.24 refers)</li> <li>• The Council received an engrossed version of the s106 agreement on the 3.1.2024 and it is anticipated that planning permission will be granted prior to the end of February 2024 subject to checks via Land Registry</li> <li>• <b><u>The Council further updates that CDC and the applicant have signed the S106 agreement. Subject to receipt of Land Registry checks and documentation OCC will complete the S106 and the Decision Notice will be issued. This is anticipated imminently.</u></b></li> </ul> <p>Local evidence for lead-in timeframes (see Table 15) anticipates first completions December 2023 (i.e., delivery somewhat beyond typical timescale.</p>

**APPENDIX 1**

**APPEAL REF: APP/Z2830/W/21/3269904 LAND EAST OF LOWER ROAD, MILTON MALSOR, NORTHAMPTONSHIRE**

**APPENDIX 2**

**APPEAL REF: APP/Z2830/W/20/3259839 LAND SOUTH OF THENFORD  
ROAD, MIDDLETON CHENEY OX17 2NB.**



**APPENDIX 3**

**APPEAL REF: APP/Z2830/W/21/3270614 LAND OFF NORTHAMPTON ROAD, BLISWORTH, WEST NORTHAMPTONSHIRE**

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