

## Appendices to Statement of case re Housing Land Supply

For Gladman Developments Limited | 23-604

Land south of Tadmarton Road, Bloxham

# Appendices

**EP1.** LPA background evidence documents

**EP2.** Site Assessments

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**EP5.** Appeal decisions:

A – 3325113 – Heath Close, Milcombe – 12<sup>th</sup> December 2023

B – 3314936 – Trumans Farm, Manor Lane, Gotherington – 11<sup>th</sup> September 2023

C – 3284820 - Hill End Road, Twynning

D – 3289643 – Land at Leigh Sinton Farms, Malvern – 5<sup>th</sup> July 2022

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K - 3169314 - Woburn Sands, Milton Keynes appeal decision – 25<sup>th</sup> June 2020

L - 2212671 – Darnhall School Lane appeal decision – 4<sup>th</sup> November 2019

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O - 3292721 – Land off Spruce Close, Exeter appeal decision – 25<sup>th</sup> August 2022

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**EP6.** Partial Review Inspector's Report

**EP7.** 2014 Strategic Housing Market Assessment (SHMA)

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**EP12.** South Kesteven proformas







EP1A

## Severely at Risk

Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
South East Bicester (Wretchwick Green)	1,500	50	0	-50		<p>Developer submission (Boyer Planning for Redrow Homes) received 23 October 2023 suggests that development will not commence until 2029.</p> <p>However, it has been assumed that some dwellings would be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.</p>
Bicester Gateway Business Park, Wendlebury Road	273	50	0	-50		<p>The representation to the Regulation 18 Cherwell Local Plan Review consultation submitted on behalf of Thomas Homes Ltd affirms their commitment to bringing the site forward as a mixed employment / residential site. It also commits to delivering the housing permitted through application 20/00293/OUT.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.</p>

Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
Canalside, Banbury	63	63	0	-63	Outline permission for 63 dwellings expired in June 2022. A new outline application for 63 dwellings (22/01564/OUT) at Station Road was approved in July 2023 subject to signing of a section 106 agreement. Site is part of a wider allocation in the adopted Cherwell Local Plan and the wider site is proposed to be allocated for mixed use development in the draft Local Plan Review 2040. Projection allows sufficient time (circa 3 years) for reserve matters submission and determination.	<p>Named Housebuilder? No.</p> <p>S106 progress?</p> <ul style="list-style-type: none"> <li>- Chased by agent on behalf of applicant to move drafting of S.106 forward.</li> <li>- A formal extension of time sought and agreed between parties.</li> <li>- Lack of resource within Legal Services slowed progress initially. However, the drafting work has been outsourced to 3<sup>rd</sup> party legal firm.</li> <li>- Terms of agreement and associated costs have been agreed and is to be based upon previously agreed (but never implemented) permission and associated S.106 agreement.</li> <li>- Confirmation of legal representatives acting for applicant have also been provided.</li> </ul> <p>Promoter engagement? Not aware of any.</p> <p>Infrastructure / enabling works provided by surrounding sites? None undertaken.</p> <p>There are no major viability or infrastructure issues affecting the deliverability of this site. It is not reliant on other sites coming forward.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.</p>



Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
Bankside Phase 2 (Banbury 4)	350	50	0	-50	<p>Planning application for 700 dwellings (17/01408/OUT) was received in June 2017. A new application (19/01047/OUT) for a residential development of up to 825 dwellings (with 700 on Banbury 4 and 125 more on Banbury 12 allocations) was resolved to be approved subject to legal agreement in July 2021. It is assumed that 2 housebuilders will be on site at a peak of 50 homes per year per developer. The expected delivery rates allow sufficient lead-in time for Outline and Reserved Matters approvals and construction time. Five years from the base date is considered sufficient time for the first dwellings to come forward.</p>	<p>Named Housebuilder(s) Hallam / Henry Box</p> <p>S106 progress? Meeting with LPA and applicant and legal representatives (Minutes attached). August 2023. Following on from this a S.106 agreement has been drafted and is broadly agreed between LPA, OCC and Hallam. Correspondence on the matter last provided Nov 2023 whereby a further EoT has been requested to bring matters to a close (informally agreed at meeting in Nov 23 – awaiting written confirmation. Conditions agreed between parties.</p> <p>Promoter engagement? Hallam Land Management</p> <p>Infrastructure / enabling works provided by surrounding sites? Within S.106/S.278 - Provision of new link road between Oxford Road and Bankside/Longford Park by end of 2025.</p> <p>Developer submission (Framptons) received on 30 October 2023.</p> <p>It states that the Council's trajectory is unduly pessimistic and should be updated.</p> <p>Their representation to the Local Plan regulation 18 consultation supports the continued allocation of this site which shows their ongoing commitment to the delivery of this site.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.</p>

Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
Land Opposite Hanwell Fields Recreation, Adj To Dukes Meadow Drive, Banbury	78	78	0	-78	Outline planning application (21/03426/OUT) for up to 78 dwellings and associated open space was approved subject to legal agreement in April 2022. The application was submitted on behalf of a housebuilder, Manor Oak Homes, who will be developing the site. Signing of section 106 agreement is imminent. Projection is consistent with build rates in Banbury generally in recent years.	<p>Named Housebuilder Manor Oak Homes</p> <p>Confirmation of Legal Agreement, DOC and RM timeframes? S.106 has been drafted by CDC and has been passed to applicant and their legal representative for comment/assessment. This was due to be undertaken towards end of Nov 23. Awaiting further comments from the applicant.</p> <p>Build trajectory? Currently being advertised. REM no later than 18 months with occupations through 2027 &amp; Q1 '28</p> <p>Any infrastructure or viability constraints? No</p> <p>Developer Submission (AR Planning for Manor Oak) received on 23 October 2023 which supports the trajectory proposed.</p> <p>The developer has also responded to the regulation 18 consultation on the Cherwell Local Plan Review and affirmed that in addition to the 78 dwellings currently granted subject to legal agreement a further submission of 117 dwellings would shortly be submitted. The developer can therefore be demonstrated to be committed to bringing this scheme forward.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.</p>

Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
Land Adjoining Withycombe Farmhouse Stratford Road A422 Drayton	250	50	0	-50	Outline planning application Ref 22/02101/OUT for a residential development comprising up to 250 dwellings was permitted in February 2023 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>Named Housebuilder Bloor Homes</p> <p>Confirmation of Legal Agreement, DOC and RM timeframes? S106 now agreed and being circulated for signing prior to sealing next week. PPA sought by developer for REM application submission intended for Jan. '24.</p> <p>Reasons for any S106 delay? Legal resources</p> <p>Build trajectory? Bloor's currently building phase 2 to north from which this site will gain access. Intend construction start as early as Q2/Q3 '24, upon completion of 2<sup>nd</sup> phase.</p> <p>Any infrastructure or viability constraints? No, all issues resolved in S106.</p> <p>Developer submission (Bloor Homes) received on 13 October 2023 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:  2024 – 48 dwellings  2025 – 63 dwellings  2026 – 63 dwellings  2027 – 63 dwellings  2028 – 13 dwellings</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.</p>

Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
OS Parcel 2778 Grange Farm North West Of Station Cottage Station Road Launton	65	65	0	-65	<p>Outline application for the erection of up to 65 dwellings granted following an appeal in November 2022. The expected delivery rates allow sufficient lead-in time for Outline and Reserved Matters approvals and construction time. Greencore homes are developing and are advertising the site. A reserved matters application is expected imminently.</p> <p>Outline Planning Ref 21/04112/OUT</p>	<p>Named Housebuilder – Greencore Homes (submitted DISC and NMA apps)</p> <p>2 no. DISC apps have been received associated with outline 21/04112/OUT.</p> <p>23/02290/DISC – Discharge of Condition 16 (Great Crested Newt licence) of 21/04112/OUT. Submitted in August 23 and approved in October 23 (app form and decision attached).</p> <p>23/02291/DISC – Archaeological Written Scheme of Investigation) of 21/04112/OUT. Submitted in August 23 and approved in October 23 (app form and decision attached).</p> <p>Non-Material Amendment application has been submitted in August 2023 associated with Great Crested Newt District Licence. Ref 23/02231/NMA. Approved in Sept 2023 (Decision Notice attached).</p> <p>Pre-application enquiry submitted by Greencore under ref 23/00484/PREAPP. It was the intention to discuss the reserved matters process as part of the pre-app process as Greencore were in the process of acquiring the site at that time. Pre-app request was withdrawn as fee not paid and was superseded by new pre-app submission ref 23/01945/PREAPP.</p> <p>Pre-app ref 23/01945/PREAPP – This is an open pre-app enquiry that is seeking advice from the LPA on the requirements for a Reserved Matters application. Submitted in July 2023 and ongoing discussions between case officer and agent through August 2023 (email trail attached). LPA had a meeting with agent to discuss pre-app Nov 2023 (email confirmation attached).</p>



Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
						<p>Developer website advertising homes <a href="https://www.greencorehomeslaunton.co.uk/">https://www.greencorehomeslaunton.co.uk/</a></p> <p>This supports assumptions on delivery as the site is being actively promoted by the housebuilders, Greencore.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.</p>
Land at Deerfields Farm Canal Lane Bodicote	26	26	0	-26	Outline permission was granted Ref: 19/02350/OUT in November 2022 for up to 26 dwellings with a S106. The expected delivery rates allow sufficient lead-in time for Outline and Reserved Matters approvals and construction time.	<p>Housebuilder? None confirmed yet.</p> <p>Confirmation of DISC and RM timeframes? No.</p> <p>Locate advert? No.</p> <p>Build trajectory and developer engagement? Sought guidance from promoter but no response received.</p> <p>Any infrastructure or viability constraints? No.</p>
OS Parcel 3489 Adjoining And South West Of B4011, Ambrosden	75	60	0	-60	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>Housebuilder? No.</p> <p>Confirmation of Legal Agreement, DISC and RM timeframes? None.</p> <p>Reasons for any S106 delay? N/A.</p> <p>Build trajectory? Developer approached for update, but no response received, despite a reminder.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period</p>

Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
						Any infrastructure or viability constraints?
Land North Of Railway House, Station Road, Hook Norton	43	43	0	-43	Outline application approved following appeal for 43 homes in August 2022. Section 106 is agreed. 21/00500/OUT	<p>Pre-app enquiry submitted by Deanfield Homes in Oct 23 for up to 43 homes. Meeting subsequently undertaken in 8 Nov 23 (Email attached). Pre-App Ref 23/02990/PREAPP</p> <p>No constraints to development.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.</p> <p>It should be noted that historically smaller residential development sites within the rural areas have a very strong rate of delivery.</p>
Kidlington Garage, 1 Bicester Road, Kidlington	15	15	0	-15	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. Planning ref 22/00017/F	<p>Housebuilder – Sweetcroft Homes.</p> <p>Full planning app, so no RM required.</p> <p>The timescales condition will be the usual 'build within three years' of permission. However, no details on build out rate provided.</p> <p>The delay in the S.106 agreement has been to do with refinement to various obligations. Case officer anticipates a revised draft s.106 agreement from the applicant by 30<sup>th</sup> Nov 23 with both the applicant and council working towards issuing planning permission before Christmas 2023.</p> <p>There is a viability mechanism. The Council's developer contributions have been agreed but a viability review mechanism is needed to try and secure some affordable housing before all the flats are occupied.</p>

Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
						Dwellings delivered in the 5 year period based on overall 5 year land supply methodology of full permissions coming forward within the 5 year period.

### Sites with Pending or Further RM Submission Required

LPA ref:	Address	Capacity (Net)	Council 5YHLS	Appellant 5YHLS	Difference	AMR Notes	Indicators of Firm Progress and Clear, Relevant Information in Support of the Council's Assessment
18/00825/HYBRID 22/02255/REM	Former RAF Upper Heyford	1,175	488		TBC	<p>A new Hybrid application for 1175 dwellings was approved in September 2022. Reserved matters (22/02255/REM) is approved for phase 10 for 138 dwellings. The Councils latest monitoring shows that foundations are in place for the majority of the homes with some near completion. Recent history of delivery on the site with 250 dwellings completed in 2022/3. Dorchester is a long standing and active developer on the site and there are two developers at Heyford Park. Dorchester Living are in partnership with Picture Living who will deliver private rented dwellings. Over the last five years an average of 100 new homes per year were built at Heyford Park. It is anticipated that this level of delivery will continue. Dorchester anticipate that they will deliver over 150 dwellings per year going forward including delivering phase 10 at the same time as future phases. They do not identify any infrastructure constraints to delivery. Discussions are occurring with the developer concerning future reserved matters applications which are expected shortly. Dorchester's website indicates a range of new homes for sale.</p>	<p>What is the clear evidence for timeframes for next RM submissions for +350 units from year 3. Is this agreed with Dorchester in terms of infrastructure timings for the Heyford Park Inquiry?</p> <p>Developer Submission (Dorchester) received on 3 November 2023. Dwellings delivered during the 5 year period.</p> <p>It should be noted that the developers are projecting a faster rate of delivery than assumed by the Council.</p> <p>Dorchester's committed new build completions to end Q1 2028 = 23 dwellings (built and occupied in the last 6 months at Phase 9A approved under 16/02446/F) + 270 (approved and under construction in Phases 9B – 9G also approved under 16/02446/F) + 5 (new occupations at Phase 8C under 19/00446/F in last 6 months) + 9 (built but not yet occupied at Phase 8C) + 34 (built and occupied in last 6 months in Phases 5C and 7A approved under 10/01642/OUT, 19/00439/REM &amp; 19/00440/REM) + 138 (currently under construction at Phase 10 and approved under 22/02255/REM) = 479 dwellings.</p>



							<p>In addition, Dorchester also anticipate the following additional completions within the next five years based on their phasing plan submission under 22/03016/DISC:</p> <p>6 dwellings (at Phase 13) + 114 (Phase 11) + 62 (Phase 17) which are all due to be the subject in new reserved matters application submissions in Feb. 2024 and with construction expected Q1/Q2 2025 = 182.</p> <p>These additional occupations all appear quite likely to the LPA.</p> <p>Dorchester also suggest that:  100 dwellings (at Phase 23A) + 100 (56% of Phase 16) + 16 (Phase 39) + 62 (62% of Phase 23B) + 42 (42% of Phase 12) = 320 dwellings could all come forward over the next 5 years.</p> <p>That would bring construction and occupation rates up to almost 200dpa, which is not considered likely by the LPA so have not been included in the Council's supply calculations.</p>
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18/01882/OUT	Drayton Lodge Farm	320	250		TBC	<p>Outline permission for up to 320 dwellings is secured. The site was acquired by Vistry Group which consist of Bovis Homes and Linden Homes in November 2020. Reserved matters application (22/02357/REM) has now been approved in May 2023. Most conditions have now been discharged. Projection is consistent with build rates in Banbury generally in recent years. Developer has estimated that the majority of the site will be built out in 5 year period and they will start on site in early 2024.</p>	<p>Correspondence from Vistry informing CDC of Management Company to transfer for areas of open space including play areas, sports pitches, all ecological areas and potentially the SUDs features (email attached March 23). CDC advised that such details would need to form a DISC application and required prescribed info contained within schedule 3 (April 23).</p> <p>Construction vehicle routing discussed in July 2023 following complaints from residents about traffic through Hanwell village. Email sent to applicant confirming approved routing with the CTMP.</p> <p>Developer Submission (Vistry Homes) received 10 November 2023. Generally supports the Council's assumptions.</p>
14/01932/OUT	Banbury 17 South of Salt Way East	1000	400		TBC	<p>RM for 273 by Persimmon on Phases 1 &amp; 3, with 70 units currently under construction alongside the construction of the spine road and all internal loop roads that have separate reserved matters consents</p> <p>Next application expected by Charles Church for Phase 3 110 for 122 dwellings</p>	<p>This is generally fine but do we have any confirmed correspondence with the promoter for the next RM submission?</p> <p>Developer Submission (Persimmon homes) received on 10 November 2023. This assumes a delivery of 250 within the next 5 years.</p> <p>However, looking at historic delivery in Banbury this appears to be unduly pessimistic projection.</p>

EP1B



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## Land to the North West of Station Road, Launton

### Development Benefits

The proposals include a number of benefits for the community including:



Providing 65 new Climate Positive market and affordable rate homes to meet growing demand for homes in the District;



Creating a variety of open spaces accessible to the public via the existing PRoW and new footpaths;



Retaining and enhancing the existing PRoW including increasing the safety of the route through passive surveillance from new homes;



Reducing our impact on the planet through sustainable strategies including construction & energy supply as part of Greencore's One Planet Living commitment;



Reducing the speed limit along Station Road to 20mph to create a safer environment for pedestrians and cyclists;



Providing a new play area set within landscape, easily accessible from the village via the existing PRoW;



Dedicating an area of land for biodiversity to ensure the proposals have a positive impact on local ecology; and



Contributions through a S106 agreement for improvements within the community.

For more information about Greencore Homes visit  
[www.greencorehomes.co.uk](http://www.greencorehomes.co.uk)



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## Land to the North West of Station Road, Launton

### Landscape & Biodiversity

A dedicated area of the site, outlined in blue on the Illustrative Masterplan, will be enhanced and managed in the long term for biodiversity net gain. Species-rich grassland, hibernacula, and native hedgerows form part of the proposals in this area.

Within the development site itself, existing hedgerows and woodland features will all be retained and new habitats and wildlife corridors will be created in the form of wildflower meadows, scrub planting and sustainable urban drainage. The proposals will include enhancements for wildlife including bats, birds, barn owls, hedgehogs and insects.



For more information about Greencore Homes visit  
[www.greencorehomes.co.uk](http://www.greencorehomes.co.uk)



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## Land to the North West of Station Road, Launton

### A Range of Dwellings

The proposals include a range of dwelling types and sizes. Homes include detached, semi-detached, terraced and maisonette homes across different tenures. Example floor plans and elevations are shown below, with an indication of a materials palette.



Example 1 Bedroom Maisonette:



Example 2 Bedroom Terrace:



Example 4 Bedroom Detached:



For more information about Greencore Homes visit  
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## Land to the North West of Station Road, Launton

### New Climate Positive Homes

The new homes on this site will be designed and constructed to be Climate Positive. This is achieved through a combination of locking up carbon in construction and renewable energy provision in use. The following principles further explain what we mean by Climate Positive:



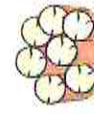
Simple, compact building forms with a good 'form factor' (the efficiency relationship between floor area and extent of external thermal envelope).



Materials like cement, steel and bricks will be minimised so each timber superstructure locks up more carbon than it emits.



Building orientation and using (controlled) solar gain to assist with energy balance of the dwelling. Integrated PV system to increase energy generation.



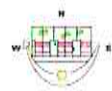
Homes constructed with closed timber panels made in Greencore's factory, meaning homes can be erected on site in a matter of days.



Areas of glazing on each elevation carefully considered to minimise heat loss and to maximise (controlled) solar gain. Triple glazing throughout will reduce heat loss and thermal comfort for occupants.



High levels of airtightness - used in conjunction with fully openable windows and an MVHR system.



Homes orientated east to west on the site to maximise south facing living spaces, and bedrooms and service spaces to the north.



Hot water and space heating are highly energy efficient and powered by electricity (rather than gas).



With high levels of thermal insulation to the building fabric and continuity of insulation - minimising thermal bridging.



For more information about Greencore Homes visit  
[www.greencorehomes.co.uk](http://www.greencorehomes.co.uk)



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## Land to the North West of Station Road, Launton



### The Masterplan

The proposed development will deliver 65 new homes, including 23 affordable homes, and 8 Live-Work units, set within new landscape and public open space. Homes will be Climate Positive, targeting Passivhaus standards of energy efficiency. The landscape-led site layout has been sensitively designed to incorporate existing mature landscape features and the Public Right of Way, and includes an additional Biodiversity Area to ensure the proposals have a positive impact for ecology.



For more information about Grencore Homes visit  
[www.grencorehomes.co.uk](http://www.grencorehomes.co.uk)





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## Land to the North West of Station Road, Launton



Key:					
	Site boundary (5.8ha)		Surface water flooding		Telephone mast
	Municipality area (2.8ha)		Existing bund (to be removed)		Noise
	Existing built form		Existing tree/vegetation		Overhead powerlines
	Proposed new building		Existing road area		Existing building
	Existing pond		Tree protection area		Proposed site access
	Existing road		Adopted road		Proposed access to telephone mast
	Proposed new building		Proposed		Proposed new development

## Constraints & Opportunities

The proposals will seek to:

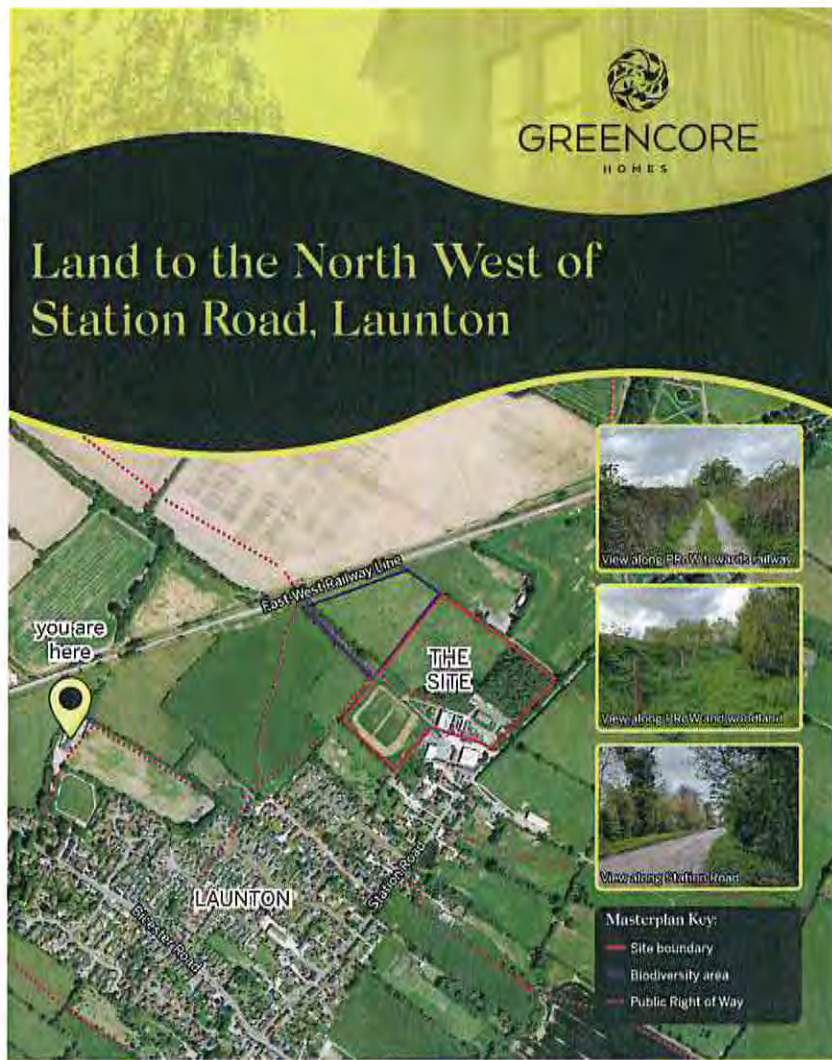
- Retain and minimise the impact on green/blue infrastructure and integrate these features into the landscape and drainage strategy;
- Retain existing PRow connectivity through the Site and improve the environment for pedestrians and cyclists along Station Road;
- Improve biodiversity on the Site by protecting priority habitats and creating a dedicated Biodiversity Area adjacent to the development;
- Minimise the impact on existing residential properties and businesses by respecting boundaries; and
- Manage the demolition of existing buildings carefully to prepare the site for delivering new homes and open space.

For more information about Greencore Homes visit  
[www.greencorehomes.co.uk](http://www.greencorehomes.co.uk)



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## The Site

The Site is located on the north western edge of the village of Launton, and is accessed from Station Road. The Site comprises 5.8 hectares of land and currently consists of greenfield, alongside an open storage area and a large yard which is utilised for car and bus parking.

Within the Site there are several mature landscape features including two woodland areas a drainage ditch and a network of hedgerows along the boundaries to fields. A Public Right of Way also runs through the woodland and crosses the Site in the centre, before heading north over the railway line via a new pedestrian bridge.

## Planning History

An Outline Planning Application for the Site was submitted to Cherwell District Council in 2021 and allowed at appeal in November 2022. Greencore Homes acquired the Site in May 2023 and have instructed an experienced project team to prepare a masterplan and house type designs in line with the Outline Planning Approval. Greencore Homes will be aiming to submit a Reserved Matters Application to Cherwell District Council in the Autumn.







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## Land to the North West of Station Road, Launton

### Welcome

Welcome to our exhibition about the proposed residential development at Land to the North West of Station Road, Launton.



### About Greencore Homes

At Greencore, we have harnessed our vast experience and knowledge to champion the groundbreaking concept of a Climate Positive home. Our factory manufactures closed timber frame panels which are insulated with natural materials and are built into a timber frame superstructure that locks up more carbon than it emits.

Our homes are also highly energy efficient and powered by electricity rather than gas. We utilise renewable energy sources for every home and target these supplying 100% of the energy required in use. We are creating communities where people can live low carbon, healthy and active lives.

For more information visit [www.greencorehomes.co.uk](http://www.greencorehomes.co.uk)



For more information about Greencore Homes visit  
[www.greencorehomes.co.uk](http://www.greencorehomes.co.uk)



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EP1C





## Land at Dukes Meadow Drive, Banbury

*A prime residential development opportunity for up to 78 dwellings*

MANOR  
oak  
HOMES

**NEWTON**  
LAND • DEVELOPMENT • PROPERTY



# Land at Dukes Meadow Drive, Banbury

Oxfordshire, OX16 1ER

- Outline Planning Application (21/03426/OUT)
- Up to 78 dwellings
- Gross site area circa. 3.6 hectares (8.9 acres)
- 30% affordable housing

## Description

The planning application boundary extends to approximately 3.6 hectares (8.9 acres). Part of the application area may be retained by the vendor, with rights granted to enable the delivery of associated infrastructure.

The northern, western and eastern boundaries of the principal application site are defined by existing hedgerows beyond which is further agricultural land. The southern boundary is defined by a post and rail fence and swale, beyond which is an embankment and verge associated with Dukes Meadow Drive, which is characterised by amenity grass and trees.

The site is sloping and falls from c133m AOD on the western edge to around 105 AOD on the eastern side. Means of access was established as part of the outline planning application and includes a fourth arm from the existing roundabout on Dukes Meadow Drive at the intersection with Lapsley Drive.

## Location

The site is located on the northern edge of Banbury, adjacent to the established Hanwell Fields development built out along the Dukes Meadow Drive corridor. Hanwell Fields is approximately 1.8 miles (2.9km) from Banbury town centre and 2.6 miles (4.2km) from Banbury Railway Station, providing regular services to London Marylebone (approx. one hour), Oxford (approx. 20 mins), Birmingham (approx. 50 mins), Coventry (approx. 30 mins), Leamington Spa (approx. 17 mins) and further afield.

As well as being located to the north edge of the major



service centre of Banbury, the site benefits from good access to a range of services and facilities within the Hanwell Fields scheme. On the opposite side of Dukes Meadow Drive is the Hanwell Local Centre which comprises of a range of small retail including inter alia, a restaurant, Co-op food store, hair salon, The Hanwell Arms pub and Hanwell Community Centre.

Further to the south of the Hanwell Local Centre is the Hanwell Fields Community School (OFSTED: GOOD) which is a primary school that services the local area, there is

also Cherry Fields Primary school which was built as part of the Hanwell View development on the Southam Road, which opened in 2020 and also services the area. There are several secondary schools located within Banbury, the closest being the North Oxfordshire Academy.

Dukes Meadow Drive benefits from an active bus service with multiple stops throughout Banbury and further afield. A new bus stop adjacent to the site is to be delivered as part of this scheme.



### Planning

An outline planning application (21/03426/OUT) was submitted by Manor Oak Homes on 6th October 2021 for 'up to 78 dwellings and associated open space, with all matters reserved apart from access'.

Cherwell District Council Planning Committee resolved to grant planning permission on 7th April 2022, subject to completion of a S106 Agreement.

A draft schedule of conditions is included within the Sales & Technical Pack. It should be noted that draft Condition 2 reduces the period within which the final application for reserved matters approval shall be made to no later than the expiration of 18 calendar months from the date of the permission. Heads of Terms for the Section 106 Agreement are included within the Sales & Technical Pack.

### Sales & Technical Pack

A comprehensive pack of legal, planning and technical information is available upon request. In addition to the information submitted to the Local Authority as part of the planning application process, Manor Oak Homes has commissioned an Air Quality Assessment, Noise Survey, Phase II Ground Investigation and Utilities Appraisal.

### Method of Sale

The site is being offered for sale on a freehold basis with offers subject to contract and the grant of outline planning permission (21/03426/OUT) only.

All offers are to be submitted via email to Newton LDP and must accord with the timescales guidance set out in the covering letter.

### Tenure

The site will be sold freehold, with vacant possession on completion.

### Liability

All Section 106 costs and contributions are the responsibility of the purchaser upon completion. The Purchaser is to indemnify the Vendor in respect of any requirements of the Planning Permission or obligations and liabilities under the Section 106 Agreement.

### VAT

The Vendor has made an election in respect of VAT, which will be payable in addition to the purchase price.



### Local Authority

Cherwell District Council  
Bodicote House  
White Post Road  
Bodicote  
Oxfordshire  
OX15 4AA

**NEWTON**

LAND • DEVELOPMENT • PROPERTY





01926 674020

Newton LDP Limited, Stockton House,  
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**Richard Foxon**

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Land promoted by

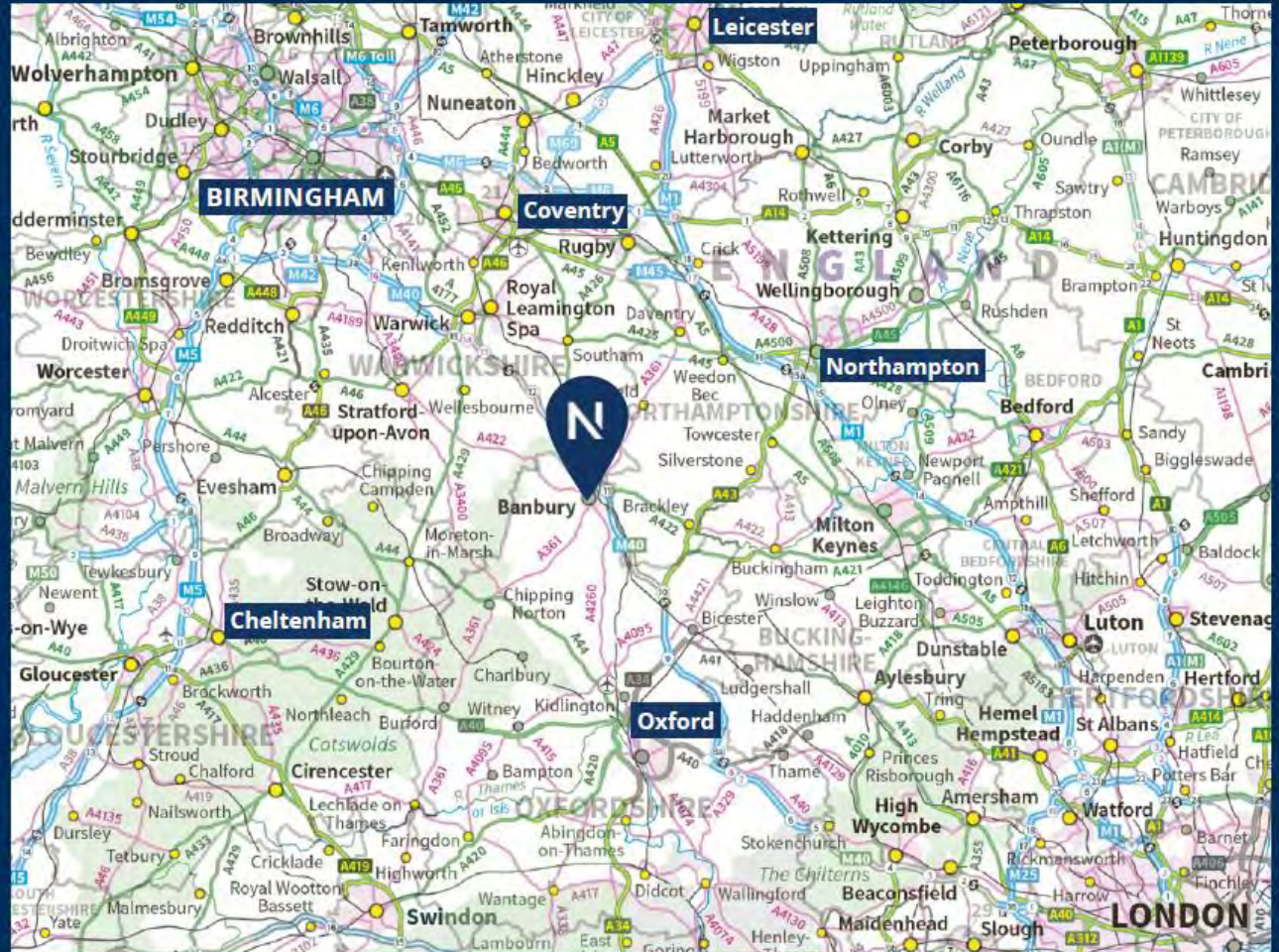


**Piers Beeton**

[piers.beeton@newtonldp.com](mailto:piers.beeton@newtonldp.com)  
07904 812388



Manor Oak Homes is acting  
solely as promoter of the  
development and has no right  
to bid or match the sale price.



#### IMPORTANT NOTICE

Newton LDP Ltd gives notice that: 1. These particulars do not constitute an offer or contract or part thereof. 2. All descriptions, photographs and plans are for guidance only and should not be relied upon as statements or representations of fact. All measurements are approximate and not necessarily to scale. Any prospective purchaser must satisfy themselves of the correctness of the information within the particulars by inspection or otherwise. 3. Newton LDP Ltd does not have any authority to give any representations or warranties whatsoever in relation to this property (including but not limited to planning/building regulations), nor can it enter into any contract on behalf of the Vendor. 4. Newton LDP Ltd does not accept responsibility for any expenses incurred by prospective purchasers in inspecting properties which have been sold, let or withdrawn. 5. If there is anything of particular importance to you, please contact this office and Newton LDP Ltd will try to have the information checked for you. Photograph dates are unknown and cannot be confirmed. Particulars prepared June 2022.

#### MEASUREMENTS AND OTHER INFORMATION

All measurements are approximate. While we endeavour to make our sale particulars accurate and reliable, if there is any point, which is of particular importance to you, please contact Newton LDP Ltd and we will be pleased to check the information for you, particularly if contemplating travelling some distance to view the property.



EP1D

DATED.....2023

**CHERWELL DISTRICT COUNCIL**

**-and-**

**OXFORDSHIRE COUNTY COUNCIL**

**-and-**

**THE WARDEN AND SCHOLARS OF SAINT MARY COLLEGE OF WINCHESTER IN  
OXFORD**

**-and-**

**HALLAM LAND MANAGEMENT LTD**

**PLANNING OBLIGATION BY DEED OF AGREEMENT**

**under Section 106 of the Town and Country Planning Act 1990**

**relating to land at the north east of Oxford Road, West of Oxford Canal & East of  
Bankside, Banbury Reference 19/01047/O**

*Shanin Ismail  
Director of Law and Governance  
Bodicote House  
White Post Road  
Bodicote  
Banbury  
Oxfordshire OX15 4AA*

***Cherwell***  
  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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ERROR! BOOKMARK NOT DEFINED.**THIS AGREEMENT** is dated  
2023

## PARTIES

- (1) **CHERWELL DISTRICT COUNCIL** of Bodicote House White Post Road Bodicote Banbury in Oxfordshire OX15 4AA ("**District Council**")
- (2) **OXFORDSHIRE COUNTY COUNCIL** whose main office is at County Hall New Road Oxford OX1 1ND ("**County Council**")
- (3) **THE WARDEN AND SCHOLARS OF SAINT MARY COLLEGE OF WINCHESTER IN OXFORD** of Oxford OX1 3BN ("**Owner**")
- (4) **HALLAM LAND MANAGEMENT LTD** of Banner Cross Hall, Ecclesall Road South, Sheffield, S11 9PD, company no. 02456711 ("**Developer**")

## INTRODUCTION

- (A) The District Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- (B) The County Council is the county planning authority for the purposes of the Act for the area in which the Site is situated and has powers and duties in respect of education, highways, transport and the regulation of traffic
- (C) The Owner is the freehold owner of the Site, being the land registered at HM Land Registry under title number ON243345 free from encumbrances.
- (D) The Developer has the benefit [a] [promotion agreements] entered into in respect of the Site dated [1 February 2013 and 13 February 2001 and 17 August 2018]
- (E) The Application has been submitted by the Developer to the District Council and the District Council has resolved to grant planning permission for the Development subject to the prior completion of this Deed which is necessary to mitigate the impact of the Development and make it acceptable in planning terms.
- (F) The District Council resolved on 15 July 2021 to grant the Planning Permission subject to the prior completion of this Deed.

- (G) The Owner, Developer, the District Council and the County Council have agreed that it is necessary in planning terms to enter into this Deed to mitigate the impact of the Development and make it acceptable in the event that the Planning Permission is granted.

**NOW THIS DEED WITNESSES** as follows:

## OPERATIVE PART

### 1. **DEFINITIONS**

- 1.1 For the purposes of this Deed the following expressions shall have the following meanings:

<b>Expression</b>	<b>Meaning</b>
<b>“Act”</b>	the Town and Country Planning Act 1990 (as amended);
<b>“Allotment Scheme”</b>	a scheme submitted to and agreed by the District Council pursuant to paragraph 3 of the Third Schedule which shall comprise: <ul style="list-style-type: none"><li>• The plan and layout of the allotments and associated paths that will be Constructed on Site; and</li><li>• The Allotment Specification;</li></ul>
<b>“Allotment Specification”</b>	means the specification and standards to which the allotments shall be Constructed as set out at Annex [ ] to this Deed;
<b>“Allotment Works”</b>	means the allotments to be provided on the Site in the location shown on the Parameters Plan and being an area of 0.75 ha in the north east corner of the Site, as referred to in the Third Schedule of this Deed

<b>Expression</b>	<b>Meaning</b>
<b>“Application”</b>	the application for outline planning permission submitted to the District Council for the Development and allocated reference number 19/01047/OUT;
<b>“Cemetery Contribution”</b>	means the sum of £10,122.00 (ten thousand, one hundred and twenty two pounds) (Index Linked) being a contribution towards the provision and/or improvement of cemetery facilities serving Banbury.
<b>“Community Development Contribution”</b>	<b>Fund</b> means the contribution of £4,000.00 (four thousand pounds) to be paid towards supporting the activities of the Community Development Worker
<b>“Community Development Worker”</b>	means an officer with responsibility for the development and co-ordination of activities to establish and strengthen the community created by the Development and support the management of the community centre at Longford Park
<b>“Community Development Contribution”</b>	<b>Worker</b> means the contribution of £65,941.26 (sixty five thousand nine hundred and forty one pounds and twenty six pence) to facilitate the integration of the new community to the application Site with the existing community in the local area
<b>“Commencement of the Development”</b>	occurs on and means the carrying out of any material operation (as defined in Section 56(4) of the Act) forming part of the Development on a Phase (whether or not such operation is a lawful commencement of the Development) other than (for the purposes of this Deed and for no other purpose) operations consisting of: <ul style="list-style-type: none"> <li>• site clearance and earthworks and ground remodelling;</li> <li>• demolition work;</li> <li>• archaeological investigations;</li> </ul>

## Expression

## Meaning

- investigations for the purpose of assessing ground conditions;
- remedial work in respect of any contamination or other adverse ground conditions;
- diversion and laying of services;
- erection of any temporary means of enclosure;
- the temporary display of site notices or advertisements;
- works to existing water courses;
- construction of access roads for construction traffic;

and “**Commence**” “**Commenced**” and “**Commencing**” or any other derivation of this term shall be construed accordingly

## “Construction”

means in relation to buildings the construction of any building forming part of the Development including footings or foundations and in relation to elements of the Development such as the Open Space Play Facilities Allotment Works and Sports Facilities the laying out of such areas for the designated purpose and “**Construct**” and “**Constructed**” shall be construed accordingly;

## “Development”

the development of the Site as set out in the Application and as may be permitted by any Qualifying Permission;

## “Due Date”

if the provisions of clause 14 are complied with is the date on which any sum payable hereunder is required to be paid or if any sum is to be paid before an event the day before that event occurs but otherwise is the date hereof

<b>Expression</b>	<b>Meaning</b>
<b>“Dwelling”</b>	<p>a building (including a house flat or maisonette) Constructed or proposed to be Constructed on the Site as part of the Development or part of such building designed for residential Occupation by a single household pursuant to the Planning Permission and</p> <ul style="list-style-type: none"> <li>• Affordable Housing Dwellings are those Dwellings provided and whose occupancy and ownership is restricted as set out in the Second Schedule);</li> <li>• Market Dwellings are those Dwellings that are not Affordable Housing Dwellings</li> </ul>
<b>“Financial Contributions”</b>	<p>means Indoor Sports Contribution, Community Development Fund Contribution, Community Development Worker Contribution, Waste and Recycling Contribution, Cemetery Contribution being financial contributions payable to the District Council as set out in the Fourth Schedule to this Deed</p>
<b>“Indexation”</b>	<p>means in respect of the Financial Contributions index linked in accordance with clause 15 of this Deed;</p>
<b>“Indoor Contribution”</b>	<p><b>Sports</b> means a contribution of £688,831.11 (six hundred and eighty eight thousand, eight hundred and thirty one pounds and eleven pence (index linked) towards improvements at the Spiceball Leisure Centre and/or the development of a new indoor tennis centre at Banbury</p>
<b>“Interest”</b>	<p>Interest at the rate of 4% above the base lending rate of Lloyds Bank PLC from time to time calculated daily and compounded annually in arrears;</p>

<b>Expression</b>	<b>Meaning</b>
<b>“LEAP(s)”</b>	means means the 2 (two) Locally Equipped Areas of Play to be provided in the locations shown on the Parameters Plan and provided in accordance with the Third Schedule;
<b>“Managed Land”</b>	means the Open Space Play Facilities Allotment Works and Sports Facilities which are to be transferred to the Management Company
<b>“Management Body”</b>	means a limited company registered at Companies House and formed for the purposes inter alia of carrying out ongoing maintenance of the SuDS and which has been approved by the District Council PROVIDED THAT for the avoidance of doubt the Management Body may be the same the entity as the Management Company;
<b>“Management Company”</b>	means a limited company registered at Companies House (or more than one company where a different Management Company is to be set up in respect of a different Phase) and formed for the purposes inter alia of carrying out ongoing maintenance of the Open Space Play Facilities Allotment Works and Sports Facilities and which has been approved by the District Council;
<b>“Management Company Structure”</b>	<p>means a scheme that addresses the following in relation to the Management Company:</p> <ul style="list-style-type: none"> <li>(i) details of the proposed constitution of the Management Company;</li> <li>(ii) proposed banking arrangements of the Management Company;</li> <li>(iii) details of and arrangements of the maintenance of such insurances as shall be appropriate in respect of the use of the Managed Land;</li> <li>(iv) details of initial funding arrangements and mechanisms for securing future financial resources for the maintenance of the Managed Land</li> </ul>



<b>Expression</b>	<b>Meaning</b>
<b>“Management Scheme”</b>	means written scheme(s) for the ongoing management and maintenance of Managed Land which shall set out the frequency and standard of maintenance of the relevant parts of the Managed Land that are the subject of the relevant scheme and the relevant parts of the “Open Space Scheme” concerning maintenance shall be construed as the relevant Management Scheme for the Open Space.
<b>“MUGA”</b>	means a Multi-Use Games Area to be provided for in accordance with the Third Schedule;
<b>“NEAP”</b>	means a Neighbourhood Equipped Area for Play to be provided in the location shown on the Parameters Plan and provided in accordance with the Third Schedule;
<b>“Notice of Defect”</b>	means a notice issues by the District Council confirming that the Sports Facilities have not been completed to the required standards and setting out the requirements that the Owner must comply with in order to complete the Sports Facilities or Allotments Works (as the case may be) to the required standards;
<b>“NPPF”</b>	the National Planning Policy Framework (as amended from time to time) or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede it;
<b>“Occupation”</b>	means the occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations and in the context of Dwellings shall mean the first such occupation and

Expression	Meaning
	<p><b>“Occupied”</b> and <b>“Occupy”</b> shall be construed accordingly;</p>
<b>“Open Space”</b>	<p>means the area shown coloured green on the Parameters Plan which is to be provided and laid out as open space for public use in accordance with the provisions set out in the Third Schedule of this Deed.</p>
<b>“Open Space Scheme”</b>	<p>means a scheme to be submitted to and approved by the District Council setting out the provision for maintenance of the Open Space which shall include (but not be limited to) the following:</p> <ul style="list-style-type: none"> <li>• frequency of maintenance;</li> <li>• measures to replace any trees shrubs or turf which may die or become diseased following implementation of the Open Space Scheme;</li> <li>• measures to maintain and repair hardstanding, facilities, equipment and means of enclosure and the standard of maintenance and repair to be achieved; and</li> <li>• public access arrangements</li> </ul>
<b>“Parameters Plan”</b>	<p>means plan being drawing number 6394-P-01 rev [AX] attached to this Deed at the Annex to the Third Schedule</p>
<b>“Parcel”</b>	<p>means a parcel of residential development within a Phase identified on a Phasing Plan or such alternative part of a Phase as may be proposed by the Owner and approved by the Council as being categorised as a Parcel for the purposes of this Deed</p>

<b>Expression</b>	<b>Meaning</b>
<b>“Phase”</b>	one or more of the phases of Development as shown on the Phasing Plan;
<b>“Phasing Plan”</b>	the phasing plan approved under condition [4] of the Planning Permission and any reference to a Phase in this Deed shall be a reference to that Phase shown on the Phasing Plan;
<b>“Plan”</b>	the plan being drawing number 6394-P-08 rev K attached to this Deed at the Annex to the First Schedule;
<b>“Planning Permission”</b>	the outline planning permission subject to conditions to be granted by the District Council pursuant to the Application which where the context admits shall include each and every Qualifying Permission;
<b>“Play Facilities”</b>	means LEAPs, NEAPs and MUGAs to be provided on the Site in accordance with the Third Schedule of this Deed and <b>“Play Facility”</b> shall be construed accordingly
<b>“Practical Completion Notice”</b>	means a notice issued by the District Council confirming that the Open Space Play Facilities Sports Facilities or Allotments Works (as the case may be) have been completed to the required standards
<b>“Qualifying Applications”</b>	an application for approval of Reserved Matters or any separate application(s) for full planning permission for the Development or any part of the Development or any application under Sections 73 or 96A of the Act relating to the Planning Permission or any application for approval of Reserved Matters relating to such permission further to an application under Sections 73 and/or 96A of the Act;

<b>Expression</b>	<b>Meaning</b>
<b>“Qualifying Permissions”</b>	any approval of Reserved Matters or full planning permission or approval to a non-material change pursuant to Section 96A of the Act as the case may be issued pursuant to a Qualifying Application;
<b>“Relevant Dispute”</b>	means any dispute or difference between the District Council and the Owners touching or cornering matters arising out of this Deed
<b>“Reserved Matters”</b>	details of any one or more of access, appearance, landscaping, layout and scale reserved under the terms of the Planning Permission for subsequent approval;
<b>“Site”</b>	means the land at the north east of Oxford Road, West of Oxford Canal & East of Bankside, Banbury against which this Deed may be enforced as described in the First Schedule and as shown edged red on the Plan;
<b>“Sports Facilities”</b>	means the Sports Pitches and Sports Pavilion and Car Park constructed to Sport England Standards as further described in the Third Schedule of this Deed
<b>“Sports Pavilion and Car Park”</b>	means a four team changing room pavilion with separate officials changing room all with showers and toilets, kitchen, toilets, office, external store room, external toilets, cleaners cupboard and suitable car park to be provided within the 2.73ha allocated land shaded [       ] on the Parameters Plan

<b>Expression</b>	<b>Meaning</b>
<b>“Sports Pitches”</b>	means 1 x adult football pitch (approx. 0.9ha) and 2 x youth football pitch (approx. 0.7ha each), constructed to Sport England standards / using Sport England guidance, including suitable drainage to be provided within the 2.73ha allocated land shaded [ ] on the Parameters Plan
<b>“Sports Provision Scheme”</b>	a scheme submitted to and agreed by the District Council pursuant to paragraph 2.1 of the Third Schedule which shall comprise a detailed specification being based on and within the parameters of the outline Sports Provision Specification;
<b>“Sports Provision Specification”</b>	means the outline specification to which the Sports Facilities should be built to appended at Annex [ ] to this Deed
<b>“Sport England”</b>	An executive non-departmental public body sponsored by the Department for Digital, Cultural, Media and Sport responsible for helping people and communities access sport and protecting existing sport provision

Expression	Meaning
<b>“Sport Standards”</b>	<b>England</b> means the construction specification and technical design guidance standards published by Sports England which includes guidance on contracts and contractors; site clearance; adjustments to the surface levels; general principles of drainage; cultivation and seeding; correct soil usages; general maintenance, maintenance equipment, the correct artificial grass or non grass surface for playing various types of sports; comparative sizes of sports pitches and courts for indoor and outdoor sport and current trends and practices within individual sports and developments in the sport and leisure industry
<b>“SuDS”</b>	means the sustainable drainage systems to be provided on Site
<b>“SuDS Scheme”</b>	<p>a scheme submitted to and agreed by the District Council pursuant to paragraph 1 of the Third Schedule which shall include, but will not be limited to:</p> <ul style="list-style-type: none"> <li>• Details of what SuDS shall be Constructed on the Site;</li> <li>• Details of where the SuDS shall be Constructed on the Site;</li> <li>• The specification to which the SuDS shall be constructed;</li> </ul>
<b>“Trigger Event”</b>	<p>And any other matters as requested by the District Council.</p> <p>any event that when it occurs requires any party to this Deed to pay any sum or carry out any works or take (or desist from taking) any other action including service of any notice.</p>

Expression	Meaning
<b>“Waste and Recycling Contribution”</b>	£111 (one hundred and eleven pounds) per Dwelling towards the provision of waste receptacles plus the provision of land for and the provision of a recycling bank;
<b>“Working Days”</b>	Mondays to Fridays (excluding bank and other public holidays) and any day which is on or between 27 <sup>th</sup> and 31 <sup>st</sup> December in any Calendar Year.

## 2. **CONSTRUCTION OF THIS DEED**

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeably in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 2.5 **“Including”** means including without limitation or prejudice to the generality of any preceding description defined term phrase or word(s) and **“include”** shall be construed accordingly.
- 2.6 Words denoting an obligation on a party to do any act or matter or thing include an obligation to procure that it is done and words placing a party under a restriction include an obligation not to cause, permit or allow infringement of that restriction.
- 2.7 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments,

orders, plans, regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.

2.8 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the District Council and County Council the successors to their respective statutory functions.

2.9 The headings and contents list are for reference only and shall not affect construction.

### **3. LEGAL BASIS**

3.1 This Deed is made pursuant to Section 106 of the Act Section, 111 of the Local Government Act 1972, Section 1 of the Localism Act 2011 and all other enabling powers.

3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act

3.3 The covenants, restrictions and requirements set out generally herein are enforceable by the District Council and the County Council but

3.3.1 those set out in clause 8.1.1, clause 8.1.3(a), clause 16.1, the Second Schedule, the Third Schedule and Fourth Schedule and Sixth Schedule are only enforceable by the District Council as local planning authority, and

3.3.2 those set out in clause 8.1.2, clause 8.1.3(b), clause 16.2, Fifth Schedule and Seventh Schedule are only enforceable by the County Council as County planning authority

against the Owner and in accordance with Section 106(3)(b) of the Act against any person deriving title from the Owner .

3.4 Nothing in this Deed restricts or is intended to restrict the proper exercise of any statutory power, function or discretion in relation to the Site at any time by the District Council and County Council.



#### **4. CONDITIONALITY**

4.1 Save as set out below this Deed is conditional upon:

4.1.1 the grant of the Planning Permission; and

4.1.2 the Commencement of the Development,

4.2 The provisions of Clauses 10.1.1, 10.1.3, 14, 19 and 2020 (legal costs, monitoring and administering, notifications, jurisdiction and delivery) shall come into effect immediately upon completion of this Deed and:

4.2.1 Paragraphs [ ] of the [ ] Schedule which shall come into effect immediately on grant of Planning Permission.

#### **5. THE COVENANTS by Owner**

5.1 The Owner covenants with both the District Council and the County Council as set out herein and covenants with

5.1.1 the District Council as set out in the Second Schedule, the Third Schedule and the Fourth ScheduleSecond ScheduleThird ScheduleFourth Schedule; and

5.1.2 the County Council as set out in the Sixth Schedule, Seventh Schedule, Ninth Schedule, Tenth Schedule and Eleventh Schedule.

#### **6. THE DISTRICT COUNCIL'S COVENANTS**

The District Council covenants with the Owner as set out in the Fifth Fifth Schedule.

#### **7. THE COUNTY COUNCIL'S COVENANTS**

The County Council covenants with the Owner as set out in the Eighth Schedule.**Error! Reference source not found.**

#### **8. THE DEVELOPER'S COVENANTS**

8.1 The Developer acknowledges that the Owner has entered into this Deed with its consent and that the Site and the Secondary School Site is bound by the obligations contained in this Deed and that this Deed will be binding on successors in title to the

Owner PROVIDED THAT the Developer shall have no liability under this Deed (save for clause 10.1) unless it takes ownership or possession of the Site in which case it too will be bound by the obligations as if it were a person deriving title from the Owner

**9. BOND**

**10. MISCELLANEOUS**

10.1 The Developer shall pay or secure the payment:

10.1.1 to the District Council on the execution and completion of this Deed of the reasonable legal costs of the District Council incurred in the negotiation of the Deed and the preparation and execution of this Deed;

10.1.2 to the County Council on the execution and completion of this Deed of the reasonable legal costs of the County Council incurred in the negotiation of the Deed and the preparation and execution of this Deed

10.1.3 on completion of this Deed pay

(a) to the District Council the sum of **£5,000.00** (five thousand pounds): and

(b) to the County Council the sum of **£[XX]** (XX pounds)

as a contribution towards the cost of monitoring and administering compliance with the obligations in this Deed.

10.2 The Owner shall reimburse the District Council and the County Council in respect of all legal and administrative costs reasonably and properly incurred in connection with any enforcement of any of the provisions in this Deed should the need for enforcement arise in the reasonable opinion of the District Council or the County Council

10.3 Without prejudice to the District Council's or the County Council's statutory rights of entry the Owner shall comply with any reasonable and proper requests of the District Council or County Council to have access to any part of the Site (other than completed Dwellings) and the Secondary School Site upon giving the Owner reasonable notice for the purpose of monitoring compliance with the obligations contained herein.

10.4 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

10.5 This Deed shall be registrable as a local land charge by the District Council.

10.6 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the District Council or County Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed unless there is an express provision to the contrary and in the case of the District Council or the County Council, any such agreement, consent, approval or expression of satisfaction shall be given on behalf of:

10.6.1 the District Council by the Assistant Director: Planning and Development; and

10.6.2 the County Council by the Director for Environment and Place,

10.7 Following the District Council and the County Council being notified in writing and the District Council and the County Council being satisfied of the performance and satisfaction of all the obligations contained in this Deed (as confirmed in writing) the District Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.

10.8 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed and insofar as reasonably practicable the parties shall amend that clause or clauses in such reasonable manner as achieves the intention of the parties without illegality.

10.9 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner ) it is modified by any statutory procedure or expires prior to the Commencement of the Development.

10.10 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest Provided Always that the Owner shall remain liable for any breach of those

provisions and obligations contained in the [school site Schedules] to this Deed insofar as they do not constitute planning obligations within the ambit of Section 106 of the Act that occurs after he has parted with the whole of his interest in the Site unless and until there has been delivered to the County Council without expense to the County Council a deed of covenant duly executed as a deed in the form attached at Appendix [ ] to this Deed by a successor in title who is the owner of a substantial part of the Site with sufficient interest and control to secure compliance with such provisions.

10.11 Except for any provision hereof that restricts or prevents any Dwelling being occupied or prevents a number of Dwellings being occupied until another provision hereof is complied with this Deed shall not be enforceable

10.11.1 against owner-occupiers or tenants of any Dwelling nor any mortgagee or chargee of the interest of any such owner-occupier nor against those deriving title from them;

10.11.2 any statutory undertaker whose interest in the Site derives from having equipment necessary to carry out their undertaking on the Site or on adjoining land

10.12 Neither the District Council, the County Council nor the successors in title and assigns of either of them in so far as it holds an interest in any part of the Site as a result of the operation of this Deed shall be liable for any breach of this Deed but without prejudice to any liability of the District Council or as applicable the County Council to comply with any obligations expressly given by the District Council or as applicable the County Council in this Deed PROVIDED THAT this clause 10.12 shall not apply in relation to land and/or buildings transferred to the District Council pursuant to the provisions relating to Affordable Housing in the Second Schedule**Error! Reference source not found..**

10.13 Any obligation for the payment of money attaches to each and every part of the Site subject to the provisions of clauses **Error! Reference source not found.** and 10.11

10.14 Nothing contained or implied in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission other than the Planning

Permission and/or a Qualifying Permission granted (whether or not on appeal) after the date of this Deed.

10.15 If the District Council consents pursuant to a Qualifying Application to any variation or release of any condition contained in the Planning Permission (or a previous Qualifying Permission) or if any such condition is varied or released following an appeal under section 78 of the Act the covenants and provisions of this Deed shall be deemed to bind the Qualifying Permission and to apply in equal terms to that Qualifying Permission save that where a different section 106 obligation is agreed by the District Council and/or the County Council as being binding on any Qualifying Permission this obligation shall not apply to that permission if that separate section 106 obligation expressly states that it is in substitution for the obligations in this obligation.

10.16 Any mortgagee shall be liable only for any breach of the provisions of this Deed during such period as he is a mortgagee in possession of the Obligations Area.

#### **11. WAIVER**

No waiver (whether expressed or implied) by the District Council or the County Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the District Council or the County Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

#### **12. NO FETTER**

Nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the District Council or the County Council in the exercise of their respective functions in any capacity.

#### **13. CHANGE OF OWNERSHIP**

The Owner agrees with the District Council and separately with the County Council to give each written notice of any change in the ownership of any of their interests in the Site within 10 working days and in any event before the next Trigger Event that arises following such change in ownership if sooner occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full

name and registered office if a company or usual address if not together with the area of the Site or unit of occupation purchased by reference to a plan provided that this clause shall not apply to:

13.1 the sale of individual Dwellings on the Development; or

13.2 any disposal of any part or parts of the Site for servicing or utility requirements or to a statutory body or service supply company for the purpose of carrying out their undertaking

#### **14. NOTIFICATIONS**

The Owner agrees with the District Council and the County Council:

14.1 to notify the District Council and the County Council in writing no later than 5 Working Days prior to the anticipated date of each of the following:

14.1.1 Commencement of the Development;

14.1.2 first Occupation of each Phase of the Development;

14.1.3 Occupation of [XX]% (XX per cent) of the Dwellings Constructed on each Phase of the Development; and

14.1.4 Occupation of [XX]% (XX per cent) of the Dwellings Constructed on each Phase of the Development

and not to Commence Occupy or cause or permit Occupation until the appropriate notice has been given and five Working Days have elapsed since it was served;

14.2 to notify the District Council and the County Council in writing of the actual date of each such event referred to in clause 14.1 above no later than 10 Working Days after the event occurs;

14.3 to notify the District Council and the County Council within ten Working Days of the each of the usual quarter days (25 March, 24 June, 29 September and 25 December) the number of Dwellings on each Phase of the Development which have been

Occupied on that quarter day and their addresses/plot numbers together with a plan showing plot numbers

**15. INTEREST**

- 15.1 If any payment due under this Deed is paid after the Due Date, Interest will be payable on the amount owed from the Due Date to the date of full payment.
- 15.2 Interest shall be calculated and accrue daily and shall be compounded monthly if any payment is made more than three months after the Due Date

**16. VAT**

- 16.1 All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable and the Owner shall pay to the District Council and separately to the County Council any value added tax properly payable on any sums paid to the District Council and/or the County Council or works undertaken under this Deed upon presentation of any appropriate value added tax invoice addressed to the Owner .

**17. INDEXATION**

- 17.1 The Owner hereby agrees that any payment of District Council Contributions including commuted sums due shall be subject to indexation so that such sums or values shall be increased by the percentage change in the BCIS All-in Tender Price Index from time to time in force from the date of this Deed until the date of receipt of the payment by the District Council, unless express provision is made elsewhere in this Deed.

**18. NOTICES**

- 18.1 Any notice or notification to be given to the District Council under this Deed shall be sent to the District Council attention of the Assistant Director Planning and Development at Bodicote House, Bodicote, Banbury, Oxfordshire, OX15 4AA or to such other person at such other address as the District Council shall direct from time to time.

- 18.2 Any notice or notification to be given to the County Council under this Deed shall be sent to the Director of Environment and Place, Oxfordshire County Council, County Hall, New Road, Oxford, OX1 1ND (quoting reference 19/01047/O) or to such other person at such other address as the County Council shall direct from time to time.
- 18.3 Any notice to be given to the Owner shall be sent to the address for service of the Owner set out at the beginning of this Deed or to such other person at such address as the Owner shall notify to the District Council and separately to the County Council from time to time.
- 18.4 Unless the time of actual receipt is proved, a notice, demand or communication sent by the following means is to be treated as having been served:
- 18.4.1 if delivered by hand, at the time of delivery;
  - 18.4.2 if sent by post, on the second Working Day after posting; or
  - 18.4.3 if sent by recorded delivery, at the time delivery was signed for.
- 18.5 If a notice, demand or any other communication is served after 16:00 on a Working Day, or on a day that is not a Working Day, it is to be treated as having been served on the next Working Day.
- 18.6 For the avoidance of doubt, where proceedings have been issued in the Courts of England and Wales, the provisions of the Civil Procedure Rules must be complied with in respect of the service of documents in connection with those proceedings.
- 18.7 Any notice or notification to be given pursuant to this Deed shall be in writing and shall, unless otherwise agreed, be delivered by hand or sent by first class post, pre-paid or recorded delivery.

## **19. GOVERNING LAW AND JURISDICTION**

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales.



## **20. DELIVERY**

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

## **21. DATA PROTECTION**

The parties to this Deed acknowledge and agree that information as to compliance with obligations pursuant to this Deed (including as to whether or not contributions have been paid) may be passed to:

- 21.1 persons who make enquiries on such matters and who advise that they or their clients are proposing to acquire an interest in the Site and it is acknowledged that the recipients of such information may then disseminate it further
- 21.2 any person when so required in order to comply with statutory requirements including the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004

## **22. Disputes**

- 22.1 This clause shall apply only to a Relevant Dispute
- 22.2 A Relevant Dispute in the context of this agreement arises where any party requires or seeks the approval or consent of another party pursuant to any provision of this Deed and that approval or consent is refused or is not given within 20 Working Days but FOR THE AVOIDANCE OF DOUBT:
  - 22.2.1 disputes relating to the construction, interpretation and/or the application of this agreement shall only be determined by an Expert (as defined in this clause 20) with the express further agreement of all other parties and in the absence of such agreement can only be determined by a Court of competent jurisdiction;
  - 22.2.2 any dispute relating to a refusal or failure to determine any application (whether pursuant to section 106A of the Act or otherwise) to modify or

discharge any provision hereof shall not constitute a dispute to be determined pursuant to this clause but in accordance with section 106B of the Act or section 84A of the Law of Property Act 1925 or otherwise as appropriate.

22.3 Any party may by serving notice on all the other parties (the Notice) require a dispute to be referred to an Expert (as hereinafter defined) for determination.

22.4 The Notice must:

22.4.1 specify the nature, basis and brief description of the dispute;

22.4.2 identify the clause or paragraph of a Schedule or Appendix pursuant to which the dispute has arisen; and

22.4.3 propose a person to determine the dispute ('the Expert').

22.5 The Expert may be agreed upon by the parties and in the absence of such agreement within one month of the date that the Notice is issued pursuant to clause 22.1 either party may request that the following nominate the Expert at their joint expense:

22.5.1 if such dispute relates to matters requiring a specialist chartered surveyor, the President of the Royal Institute of Chartered Surveyors to nominate the Expert;

22.5.2 if such dispute relates to matters requiring a specialist chartered civil engineer or specialist transport advice, the President of the Institution of Civil Engineers to nominate the Expert;

22.5.3 if such dispute relates to matters requiring a specialist chartered accountant, the President of the Institute of Chartered Accountants in England and Wales to nominate the Expert;

22.5.4 if such dispute relates to Affordable Housing the Expert shall be nominated by the President of the Royal Town Planning Institute; and

22.5.5 in all other cases, the President of the Law Society to nominate the Expert as he thinks appropriate

- 22.6 The parties may agree to appoint joint Experts or (in default of agreement) invite joint Experts to be nominated pursuant to clause 22.4.3 and in which case 'Expert' shall mean both or all of them.
- 22.7 If an Expert (including one or more jointly nominated experts) nominated or appointed pursuant to this clause shall die or decline to act another Expert may be appointed in his place in accordance with the provisions of clause 22.4.3.
- 22.8 The Expert will be appointed subject to an express requirement that he reaches his decision and communicates it to the parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than 20 Working Days from the date of the notice of his appointment given pursuant to paragraph 22.8.
- 22.9 Notice in writing of the appointment of an Expert pursuant to this Schedule shall be given by the Expert to the parties and he shall invite each of the parties to submit to him within ten Working Days written submissions and supporting material and will afford to each of the said parties an opportunity to make counter submissions within a further five Working Days in respect of any such submission and material.
- 22.10 The Expert shall act as an expert and not as an arbitrator but shall consider any written representation submitted to him within the period specified in this Schedule although he shall not be in any way limited or fettered thereby and shall determine the dispute in accordance with his own judgement.
- 22.11 The Expert shall give notice of his decision in writing.
- 22.12 If the Expert consists of more than one person the decision shall be a joint decision approved by all such persons and the decision will (in the absence of manifest error) be final and binding on the parties hereto.
- 22.13 If for any reason the Expert fails to make a decision and give notice thereof in accordance with this clause the party or parties may apply to the President of the Law Society for a substitute to be appointed in his place (which procedure may be repeated as many times as necessary).

22.14 The Expert's costs shall be in the Expert's award or in the event that no determination as to costs is made, such costs will be borne by the parties to the dispute in equal shares.

22.15 Nothing in this clause shall be taken to fetter the parties' ability to seek legal redress in the Courts (or otherwise) for any breach of the obligations in this Deed.

**IN WITNESS** whereof the parties hereto have executed this Deed on the day and year first before written.

## **FIRST SCHEDULE**

### **DETAILS OF THE OWNER'S TITLE, AND DESCRIPTION OF THE SITE**

1. the land at the North East of Oxford Road, West of Oxford Canal & East of Bankside, Banbury shown edged red on the Plan attached at the Annex to this Deed.
2. the Owner is the freehold owner of the Site, being the land registered at HM Land Registry under title number ON243345.

**ANNEX**

**THE PLAN**

## SECOND SCHEDULE AFFORDABLE HOUSING

### COVENANTS WITH THE DISTRICT COUNCIL - AFFORDABLE HOUSING

#### 1. DEFINITIONS

1.1 In this Schedule the following additional definitions shall apply (for the avoidance of doubt any definition which does not appear below shall be given the meaning allocated to it in the main body of this Deed):-

Expression	Meaning
<b>"Affordable Housing"</b>	housing for sale or rent that will be available for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers) and which meets the definition in Annex 2 of the NPPF
<b>"Affordable Housing Dwellings"</b>	those Dwellings comprised in the Development and provided in accordance with the appropriate Affordable Housing Parcel Scheme and the agreed Affordable Housing Tenure Mix
<b>"Affordable Housing Parcel Scheme"</b>	<p>a scheme submitted to and agreed by the District Council pursuant to paragraph <b>Error! Reference source not found.</b> of this Schedule in relation to the Parcel to which the scheme relates which sets out:</p> <ul style="list-style-type: none"><li>• details of the number and locations of the Affordable Housing Dwellings within the Parcel (such number to be no less than 30% of all Dwellings within the Parcel unless otherwise agreed in writing between the Owner and the District Council and PROVIDED THAT for all</li></ul>

Expression	Meaning
	<p data-bbox="671 264 1375 358">Parcels across the Site this shall be between 25% and 35% of the Dwellings for each Parcel);</p> <ul data-bbox="624 403 1375 1008" style="list-style-type: none"> <li data-bbox="624 403 1375 616">• details of the types and size of the Affordable Housing Dwellings provided that the Affordable Housing Dwellings shall be in a range of unit types and sizes;</li> <li data-bbox="624 660 1375 817">• confirmation of tenures of the Affordable Housing Dwellings to which the scheme relates which shall reflect the Affordable Housing Tenure Mix;</li> <li data-bbox="624 862 1375 1008">• confirmation of the Affordable Housing Standards arrangements for the Affordable Housing Dwellings to which the scheme relates.</li> </ul>
<b>"Affordable Housing Site"</b>	<p data-bbox="624 1052 1375 1534">that part or parts of the Site or any building or any buildings on the Site upon or within which there will be provided Affordable Housing Dwellings together with full rights of access to each Affordable Housing Site from the Site and the provision of all necessary Infrastructure and connections thereto and the necessary installations thereof for the Affordable Housing Dwellings to be constructed on the Affordable Housing Site</p>
<b>"Affordable Housing Standards"</b>	<p data-bbox="624 1579 1375 1668">the design criteria with which the Affordable Housing Dwellings shall comply namely:</p> <ul data-bbox="624 1724 1375 1926" style="list-style-type: none"> <li data-bbox="624 1724 1375 1926">• the Affordable Housing Dwellings shall be constructed in accordance with the relevant Building Regulation standards applicable at the time of Construction;</li> </ul>



## Expression

## Meaning

- shall be designed to the same external design as the Market Dwellings so as to be indistinguishable from the Market Dwellings;
- shall be located in clusters of no more than 15 Affordable Housing Dwellings, with no more than 10 units of Affordable Rented Housing in any one cluster unless otherwise agreed in writing with the District Council or permitted pursuant to any Qualifying Application but only where such alternative clustering is considered not to have adverse impacts on community cohesion or visual amenity;
- 50% of the Affordable Rented Housing shall comply with Building Regulations Optional Requirement M4(2) Category 2: Accessible and adaptable dwellings;
- 1% of the Affordable Housing Dwellings on the whole Development to be provided as fully wheelchair accessible and built in accordance with Building Regulations Optional Requirement M4(3) Category 3: Wheelchair user dwellings.

## "Affordable Housing Tenure Mix"

the mix of tenure and dwelling types of the Affordable Housing Dwellings whereby 70% (seventy per cent) shall be Affordable Rented Housing and 30% (thirty per cent) shall be Social Rented Housing and/or Shared Ownership Housing or such alternative mix of tenure as at any time may be submitted to the District Council for approval in writing

<b>Expression</b>	<b>Meaning</b>
<b>"Affordable Rented Housing"</b>	rented housing provided by Registered Providers to Qualifying Persons which is not subject to the national rent regime but shall be in line with HCA's Rent Standard Guidance for Affordable Rent and the rents shall be no more than 80% of the local market rent (including service charge) or the relevant Local Housing Allowance rate in force at the time the property is advertised for letting whichever is the lower
<b>"Allocate"</b>	any procedure whereby there are conferred or transferred rights of residential occupation in respect of an Affordable Housing Dwelling which could for the avoidance of doubt include the first occasion on which an Affordable Housing Dwelling is occupied and any subsequent changes in the occupier and 'allocating' 'allocated' and 'allocations' should be construed accordingly
<b>"Allocations Scheme"</b>	the District Council's allocation policy from time to time which determines the District Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 166A of the Housing Act 1996 (and any amendment, re-enactment or successor provision)
<b>"Chargee"</b>	any mortgagee or chargee of the Registered Provider of the Affordable Housing Site or any part of it and includes any receiver (including an administrative receiver), manager or administrator (including a Housing Administrator under the provisions of the Housing and Planning Act 2016)

<b>Expression</b>	<b>Meaning</b>
	howsoever appointed or any person appointed under any security documentation to enable such mortgagee or chargee to realise its security
<b>“HCA”</b>	means the Homes and Communities Agency also known as Homes England and any successor body carrying on substantially the same functions
<b>"Help to Buy Agent"</b>	that organisation which is appointed by the HCA to assess eligibility for and market low cost home ownership products
<b>"Infrastructure"</b>	<p>in relation to each Affordable Housing Site:</p> <ul style="list-style-type: none"> <li>• roads and footpaths to serve the Affordable Housing Site;</li> <li>• temporary services for contractors and a haul road for the use of contractors;</li> <li>• adequate inverts for the foul and surface water drains sufficient to serve the drainage requirements of the Affordable Housing Site;</li> <li>• pipes sewers and channels sufficient to serve the Affordable Housing Site;</li> </ul>

## Expression

## Meaning

- spur connections to agreed inverts (to be available at a time or times to be agreed with the Registered Provider) from the Owner's foul and surface water drain run serving the Development up to the boundaries of the Affordable Housing Site such spur connections to be to a specification agreed with the Registered Provider;

and the following services:

- a standard fire hydrant supply and fire hydrants in the public highway or in any other readily accessible positions such positions to be agreed with the Registered Provider;
- a water supply connection from the mains (size and termination position to be agreed with the Registered Provider);
- an electricity supply (size and termination position to be agreed with the Registered Provider);
- a gas supply (size and termination position to be agreed with the Registered Provider) (should it be required for the Affordable Housing Dwellings);
- a telephone spur (terminating in a junction box at a location agreed with the Registered Provider);

Expression	Meaning
	<ul style="list-style-type: none"> <li>• if digital communication systems (for example cable television or fibre optic broadband) are provided to the Development to provide a spur to the Affordable Housing Site (final locations to be agreed with the Registered Provider);</li> </ul>
	<p>PROVIDED THAT the Owner shall not be responsible for incurring the costs of any connection charges or actual supply for such Infrastructure to the Affordable Housing Site nor to the Affordable Housing Dwellings</p>
<b>"Mortgage Land"</b>	<p>the Affordable Housing Site or any part of it which is mortgaged or charged to the Chargee</p>
<b>"Nominations Agreement"</b>	<p>an agreement which shall be entered into between the District Council and the Registered Provider, both parties acting reasonably, in relation to the Affordable Housing Dwellings on the Site and which shall guide in conjunction with the Allocations Scheme those persons eligible to be nominated to the Affordable Housing Dwellings</p>
<b>"Qualifying Persons"</b>	<p>those persons who are assessed by the District Council under its current Allocations Scheme and are nominated to Affordable Rented Housing and Social Rented Housing in accordance with this Allocations Scheme and the Nominations Agreement</p>
<b>"Registered Provider"</b>	<p>a private provider of Affordable Housing which is designated in the register maintained by the Regulator or any similar future authority carrying on substantially the same regulatory or supervisory</p>

## Expression

## Meaning

functions pursuant to section 111 of the Housing and Regeneration Act 2008 as a non-profit organisation under sub-sections 115(1)(a) or 278(2) of the Act or which is designated in that register as a profit-making organisation under section 115(1)(b) of the Housing and Regeneration Act 2008 and which is EITHER on the District Council's list of preferred partners OR has been approved in writing by the District Council having regard to the performance criteria applicable to an organisation with preferred partner status [(and where such request has been submitted it shall be deemed approved where there is no response from the District Council within 6 weeks of receipt of such request by the District Council)]

## "the Regulator"

the Regulator of Social Housing constituted pursuant to the Housing and Regeneration Act 2008 (as amended) and any successor or successors for the time being and any similar future authority responsible for the regulation of social housing

## "Shared Ownership Housing"

housing offered via the Registered Provider under the terms of a lease which accords with the HCA Shared Ownership Model Lease by which a lessee may acquire an initial share or shares of between 25% - 75% of the equity in an Affordable Housing Dwelling from the Registered Provider who retains the remainder and may charge a rent of up to 2.75% on the unsold equity and **"Shared Ownership Dwelling"** shall be construed accordingly

Expression	Meaning
<b>“Social Rented Housing”</b>	Affordable Housing occupied as rented housing owned and managed by Registered Providers for which guideline target rents are determined though a national rent regime as described in Annex 2 of the NPPF and <b>“Social Rented Unit(s)”</b> shall be construed accordingly
<b>“Staircasing”</b>	the exercise by the owner-occupier of a Shared Ownership Dwelling of the right to purchase additional equity shares up to 100% of the entire interest in the Dwelling after which the rent payable on any equity share retained by the Registered Provider shall be reduced proportionally and ‘Staircases’ or any other derivative thereof shall be construed accordingly

## **2. AFFORDABLE HOUSING PARCEL SCHEME**

2.1 The Owner covenants with the District Council that it shall not Commence Development or cause or permit the Commencement of Development of any Parcel of the Development until the Affordable Housing Parcel Scheme for that Parcel has been submitted to and approved by the District Council in writing (and where such scheme has been submitted it shall be deemed approved where there is no response from the District Council within 6 weeks of receipt of the scheme by the District Council SAVE THAT where such the Affordable Housing Parcel Scheme has been submitted to the District Council as part of a Qualifying Application for any Parcel such scheme shall not be deemed approved unless and until the Affordable Housing Parcel Scheme has been listed as approved as part of a Qualifying Permission issued pursuant to the Qualifying Application).

2.2 The Owner shall be permitted to seek to amend any approved Affordable Housing Parcel Scheme at any time following the initial approval of the relevant Scheme and nothing in this Deed shall prevent the Owner from providing a Dwelling as Affordable Housing

in addition to the Affordable Housing Dwellings that the Owner is required to provide under this Deed SAVE THAT in seeking to vary the Affordable Housing Parcel Scheme in any way the Owner shall submit such amendments to the District Council in writing for approval (and where such amended scheme has been submitted it shall be deemed approved where there is no response from the District Council within 6 weeks of receipt of the scheme by the District Council SAVE THAT where such the Affordable Housing Parcel Scheme has been submitted to the District Council as part of a Qualifying Application for any Parcel such scheme shall not be deemed approved unless and until the Affordable Housing Parcel Scheme has been listed as approved as part of a Qualifying Permission issued pursuant to the Qualifying Application) IT BEING AGREED THAT the Council shall not be obliged to accede to any such request provided such action would not be unreasonable.

### **3. PROVISION AND USE**

#### **3.1 The Owner covenants with the District Council:**

3.1.1 not to Occupy or cause or permit the Occupation of more than thirty five per cent (35%) of the Market Dwellings on any Parcel until there has been provided the Infrastructure to serve the Affordable Housing Site on that Parcel; and

3.1.2 not to Occupy or cause or permit the Occupation of more than sixty six per cent (66%) of the Market Dwellings on any Parcel (or such higher percentage trigger as may be agreed in writing by the District Council) until the Affordable Housing Dwellings on that Parcel have been Constructed and made ready for Occupation and either the freehold or long leasehold interest in the Affordable Housing Site together with the Affordable Housing Dwellings Constructed thereon have been transferred to a Registered Provider on terms to be agreed between the Owner and the Registered Provider together with all rights for Infrastructure and other rights reasonably necessary for the beneficial enjoyment of the Affordable Housing Dwellings Constructed thereon and with a good and marketable title and with vacant possession and capable of being fully serviced and properly connected to the public highway.

#### **3.2 Subject to paragraph 4.1 below the Owner covenants with the District Council:**



3.2.1 not to use or cause or permit the use of the Affordable Housing Site or any part thereof or the Affordable Housing Dwellings erected thereon for any purpose other than for the provision of Affordable Housing in accordance with this Deed;

3.2.2 not without the consent in writing of District Council to transfer the freehold interest or the long leasehold interest in the Affordable Housing Site or any part thereof or the Affordable Housing Dwellings erected thereon except to a Registered Provider provided that consent shall not be required for any mortgage or charge of the freehold interest and provided that this shall not apply to the tenancies being granted to any of the occupiers of individual Affordable Housing Dwellings within either the Affordable Rented Housing, Social Rented Housing or the Shared Ownership Housing to occupiers of individual Affordable Housing Dwellings;

3.2.3 to provide the Affordable Housing Dwellings in accordance with the Affordable Housing Tenure Mix and the Affordable Housing Standards.

#### **4. CHARGEES OWNER/OCCUPIER AND UTILITY EXEMPTIONS**

4.1 It is hereby agreed and declared that Paragraph 3.2 above will not be binding on a bona fide purchaser for value from a Chargee exercising its power of sale (other than a purchaser which is a Registered Provider) or the successors in title of such purchaser or persons deriving title therefrom provided that the Chargee:

4.1.1 has first served written notice on the District Council of its intention to exercise its power of sale or other power or right conferred upon it, in its mortgage, charge or other security; and

4.1.2 has used reasonable endeavours over a period of three months from receipt of notification pursuant to paragraph 4.1.1 above to dispose of the Mortgage Land subject to any leases and tenancies then subsisting and to the terms of this Deed to a Registered Provider or the District Council; but

4.1.3 notwithstanding the reasonable endeavours of the Chargee no transfer of the Mortgage Land to either the District Council or a Registered Provider has been completed within those 3 months then the Chargee shall be able to sell the Mortgage Land free from

the restrictions in paragraph 3.2 above with the effect that they shall cease to bind any person obtaining title to the Mortgage Land.

PROVIDED ALWAYS that nothing herein shall require the Chargee to dispose of the Mortgage Land at a price which is less than the greater of the open market value of the Mortgage Land (subject to the restrictions contained within this Schedule) or all sums due under the terms of the Chargee's mortgage or charge together with costs and expenses of the sale of the Mortgage Land and interest due under the mortgage

4.2 The provisions of paragraph 3.2 will not be binding on:

4.2.1 any purchaser pursuant to the exercise of a statutory or voluntary right to buy, preserved right to buy or right to acquire or any owner of Shared Ownership Housing who has staircased up to 100% (or any successor in title thereto) or to any completed Affordable Housing Dwellings where a Registered Provider sells to a tenant through Social Homebuy funded pursuant to Section 19(3) of the Housing and Regeneration Act 2008 or any amendment or replacement thereof or any mortgagee or chargee of any such purchaser nor any administrator, administrative receiver, fixed charge receiver including any receiver appointed under the Law of Property Act 1925 or any other person appointed under any security documentation by such mortgagee or any person deriving title through such persons; or

4.2.2 any statutory undertaker in respect of any part of the Site which the statutory undertaker occupies as part of its undertaking.

## **5. ALLOCATION**

5.1 The Owner will not Allocate or cause or permit to be Allocated any of the Affordable Housing Dwellings other than as follows:

5.1.1 the Affordable Housing Dwellings shall only be Allocated to Qualifying Persons in accordance with the District Council's Allocations Scheme and in accordance with the terms of the Nominations Agreement;

5.1.2 the Shared Ownership Housing shall be marketed through the Registered Provider's website or other marketing media used by the Registered Provider or where possible the Help to Buy Agent or such other appointed body for the region and only

those deemed eligible under the Help to Buy Agent's criteria shall be considered for the Shared Ownership Housing.

## **6. TRANSFER TO OTHER REGISTERED PROVIDERS**

For the avoidance of doubt, if the Affordable Housing Dwellings are vested or transferred to another Registered Provider pursuant to a proposal made by the HCA pursuant to Sections 143A-169 of the Housing and Regeneration Act 2008 (or any statutory provision amending or replacing the same) then the provisions of this Deed shall continue in respect of such other Registered Provider.

**THIRD SCHEDULE**  
**PUBLIC OPEN SPACE, SPORTS FACILITIES, ALLOTMENTS, AND PLAY FACILITIES**  
**PROVISIONS**

**1. SUDS**

1.1. The Owner hereby covenants with the District Council

1.1.1 Not to cause or permit the Commencement of the Development on a Parcel until a SuDS Scheme for that Parcel has been submitted to and approved in writing by the District Council.

1.1.2 To implement the SuDS in accordance with the SuDS Scheme approved by the District Council under paragraph 1.1.1 of this Third Schedule and the Phasing Plan.

1.1.3 Following the completion of the works for the provision of the SuDS on a Parcel in accordance with the SuDS Scheme for that Parcel the Owner covenants to maintain and manage or to procure that a Management Body manages and maintains the SuDS on that Parcel in perpetuity.

1.1.4 In the event that the maintenance of the SuDS on a Parcel is to be carried out by a Management Body the Owner covenant to submit details of the appointed Management Body to the Council in writing within 7 Working Days of the appointment of the Management Body.

**2. Sports Facilities**

2.1 The Owner hereby covenants with the District Council as follows:

2.1.1. to submit the Sports Provision Scheme to the District Council for written approval prior to the Occupation of the [200]<sup>th</sup> Dwelling.

2.1.2. Not to Occupy or permit Occupation of more than the [200]<sup>th</sup> Dwelling until the Sports Provision Scheme has been submitted and approved in writing by the District Council

- 2.1.3. To Construct and fit out the Sports Facilities in accordance with the Sports Provision Scheme approved by the District Council prior to the Occupation of the [500]<sup>th</sup> Dwelling.
- 2.1.4. Not to Occupy or permit the Occupation of more than the [500]<sup>th</sup> Dwelling until the Sports Facilities have been Constructed and fitted out in accordance with the Sports Provision Scheme approved by the District Council.
- 2.1.5. Once the Sports Facilities have been Constructed in accordance with the Sports Provision Scheme the Owner shall invite the District Council (or such other appropriate body that may be approved in writing by the District Council) to inspect the Sports Facilities
- 2.1.6. Upon the receipt of an invitation to inspect the Sports Facilities in accordance with paragraph 2.1.5 above, the District Council will carry out an inspection of the Sports Facilities within 10 Working Days of receipt of the request (or unless otherwise agreed between the Owner and the District Council);
- 2.1.7. Following the completion of the inspection in accordance with paragraph 2.1.6 above, the District Council shall issue a Practical Completion Notice or a Notice of Defect within 10 Working Days of the inspection (unless otherwise agreed between the Owner and the District Council);
- 2.1.8. If a Notice of Defect is issued in accordance with paragraph 2.1.7 above, the Owner shall carry out remedial works to the Sports Facilities in accordance with the requirements of the Notice of Defect to the District Council's satisfaction and invite the District Council to re-inspect the Sports Facilities in accordance with paragraphs 2.1.5. to 2.1.6. of this Schedule until the District Council is satisfied and issues a Practical Completion Notice in relation to the Sports Facilities;
- 2.1.9. Prior to the operation of the Sports Facilities the Owner shall have:
- 2.1.9.1. Obtained a Practical Completion Notice from the District Council in accordance with paragraph 2.1.7 above; or

2.1.9.2. Complied with the Notice of Defect issued by the District Council in accordance with paragraph 2.1.8 above and shall have obtained a Practical Completion Notice evidencing this.

2.1.10. The Sports Facilities shall not become operational until:

2.1.10.1. The Owner has been issued with a Practical Completion Notice in accordance with paragraph 2.1.7; or

2.1.10.2. The Owner has complied with the Notice of Defect in accordance with paragraph 2.1.8 above and shall have obtained a Practical Completion Notice evidencing this

### **3. ALLOTMENTS**

3.1.. The Owner hereby covenant with the Council as follows:

3.1.1. Prior to the Construction of the Allotment Works not to build nor erect any buildings upon the land for the Allotment Works.

3.1.2. to submit the Allotment Scheme to the District Council for written approval prior to the Occupation to the 100<sup>th</sup> Dwelling;

3.1.3. Not to Occupy or permit the Occupation of more than the 100<sup>th</sup> Dwelling until the Allotment Scheme has been submitted and approved in writing by the District Council.

3.1.4. To Construct the Allotment Works in accordance with the Allotment Scheme approved by the District Council prior Occupation of the 300<sup>th</sup> Dwelling.

3.1.5. Not to Occupy or permit the Occupation of more than the 300<sup>th</sup> Dwelling until the Allotment Works have been Constructed in accordance with the Allotment Scheme approved in writing by the District Council.

- 3.1.6. Once the Allotment Works have been Constructed in accordance with the Allotment Scheme the Owner shall invite the District Council (or such other appropriate body that may be approved in writing by the District Council) to inspect the Allotment Works;
- 3.1.7. Upon the receipt of an invitation to inspect the Allotment Works in accordance with paragraph 3.1.6 above, the District Council will carry out an inspection of the Allotment Works within 10 Working Days of receipt of the request (or unless otherwise agreed between the Owner and the District Council);
- 3.1.8. Following the completion of the inspection in accordance with paragraph 3.1.7 above, the District Council shall issue a Practical Completion Notice or a Notice of Defect within 10 Working Days of the inspection (unless otherwise agreed between the Owner and the District Council);
- 3.1.9. If a Notice of Defect is issued in accordance with paragraph 3.1.8 above, the Owner shall carry out remedial works to the Allotment Works in accordance with the requirements of the Notice of Defect to the District Council's satisfaction and invite the District Council to re-inspect the Allotment Works in accordance with paragraphs 3.1.6.. to 3.1.7. of this Schedule until the District Council is satisfied and issues a Practical Completion Notice in relation to the Allotment Works;
- 3.1.10. Prior to the operation of the Allotment Works the Owner shall have:
- 3.1.10.1. Obtained a Practical Completion Notice from the District Council in accordance with paragraph 3.1.8 above; or
- 3.1.10.2. Complied with the Notice of Defect issued by the District Council in accordance with paragraph 3.1.9 above and shall have obtained a Practical Completion Notice evidencing this.
- 3.1.11. The Allotment Works shall not become operational until:
- 3.1.11.1. The Owner has been issued with a Practical Completion Notice in accordance with paragraph 3.1.8; or

3.1.11.2. The Owner has complied with the Notice of Defect in accordance with paragraph 3.1.9 and has obtained a Practical Completion Notice evidencing this;

3.1.12. Following the completion of the Allotment Works as a result of either:

3.1.12.1. The receipt of a Practical Completion Notice from the District Council;  
or

3.1.12.2. Compliance with a Notice of Defect issued by the District Council;

and until such time as the Allotment Works are transferred to a Management Company, the Owner covenants to the District Council to keep the Allotment Works in a clean and tidy condition and free from rubbish and maintain the Allotment Works.

## **NEAP/LEAP AND MUGA**

### **5. LEAPs**

5.1 The Owner shall Construct the first LEAP on Site prior to Occupation of the 300<sup>th</sup> Dwelling and the second LEAP on Site prior to the Occupation of the 600<sup>th</sup> Dwelling.

5.2 The Owner shall not allow Occupation of more than 300 of the Dwellings until it has constructed the first LEAP on Site and not allow Occupation of more than 600 of the Dwellings until it has Constructed the second LEAP on Site.

5.3 Once a LEAP has been Constructed the Owner shall invite the District Council (or such other appropriate body that may be approved in writing by the District Council) to inspect the LEAP;

5.4 Upon the receipt of an invitation to inspect the LEAP in accordance with paragraph 5.3 above, the District Council will carry out an inspection of the LEAP within



10 Working Days of receipt of the request (or unless otherwise agreed between the Owner and the District Council);

5.5 Following the completion of the inspection in accordance with paragraph 5.4 above, the District Council shall issue a Practical Completion Notice or a Notice of Defect within 10 Working Days of the inspection (unless otherwise agreed between the Owner and the District Council);

5.6 If a Notice of Defect is issued in accordance with paragraph 5.5 above, the Owner shall carry out remedial works to the LEAP in accordance with the requirements of the Notice of Defect to the District Council's satisfaction and invite the District Council to re-inspect the LEAP in accordance with paragraphs 5.3 and 5.4 of this Schedule until the District Council is satisfied and issues a Practical Completion Notice in relation to the LEAP;

5.7 Prior to the operation of the LEAP the Owner shall have:

5.7.1 Obtained a Practical Completion Notice from the District Council in accordance with paragraph 5.5 above; or

5.7.2. Complied with the Notice of Defect issued by the District Council in accordance with paragraph 5.6 above and shall have obtained a Practical Completion Notice evidencing this.

5.8 A LEAP shall not become operational until:

5.8.1 The Owner has been issued with a Practical Completion Notice in accordance with paragraph 5.5; or

5.8.2 The Owner has complied with the Notice of Defect in accordance with paragraph 5.6 and has obtained a Practical Completion Notice evidencing this;

## **6. NEAP**

6.1 The Owner shall Construct the NEAP on Site prior to Occupation of the 200<sup>th</sup> Dwelling.

6.2 The Owner shall not allow Occupation beyond the 200<sup>th</sup> Dwelling until it has constructed the NEAP on Site.

6.3 Once the NEAP has been Constructed the Owner shall invite the District Council (or such other appropriate body that may be approved in writing by the District Council) to inspect the NEAP;

6.4 Upon the receipt of an invitation to inspect the NEAP in accordance with paragraph 6.3 above, the District Council will carry out an inspection of the NEAP within 10 Working Days of receipt of the request (or unless otherwise agreed between the Owner and the District Council);

6.5 Following the completion of the inspection in accordance with paragraph 6.4 above, the District Council shall issue a Practical Completion Notice or a Notice of Defect within 10 Working Days of the inspection (unless otherwise agreed between the Owner and the District Council);

6.6 If a Notice of Defect is issued in accordance with paragraph 6.5 above, the Owner shall carry out remedial works to the NEAP in accordance with the requirements of the Notice of Defect to the District Council's satisfaction and invite the District Council to re-inspect the NEAP in accordance with paragraphs 6.3 and 6.4 of this Schedule until the District Council is satisfied and issues a Practical Completion Notice in relation to the NEAP;

6.7 Prior to the operation of the NEAP the Owner shall have:

6.7.1 Obtained a Practical Completion Notice from the District Council in accordance with paragraph 6.5 above; or

6.7.2. Complied with the Notice of Defect issued by the District Council in accordance with paragraph 6.6 above and shall have obtained a Practical Completion Notice evidencing this.

6.8 The NEAP shall not become operational until:

6.8.1 The Owner has been issued with a Practical Completion Notice in accordance with paragraph 6.5; or

5.8.2 The Owner has complied with the Notice of Defect in accordance with paragraph 6.6 and has obtained a Practical Completion Notice evidencing this;

## **7. MUGA**

**7.1** The Owners shall submit the layout of the MUGA for the written approval of the District Council with the submission of the first reserved matters application made in relation to the Phase of Development in which the MUGA is located

**7.2** The Owner shall Construct the MUGA on Site prior to Occupation of [500] of the Dwellings.

**7.3** The Owner shall not allow Occupation of more than [500] of the Dwellings until it has constructed the MUGA on Site.

**7.4** Once the MUGA has been Constructed the Owner shall invite the District Council (or such other appropriate body that may be approved in writing by the District Council) to inspect the MUGA;

**7.5** Upon the receipt of an invitation to inspect the MUGA in accordance with paragraph 7.4 above, the District Council will carry out an inspection of the MUGA within 10 Working Days of receipt of the request (or unless otherwise agreed between the Owner and the District Council);

**7.6** Following the completion of the inspection in accordance with paragraph 7.5 above, the District Council shall issue a Practical Completion Notice or a Notice of Defect within 10 Working Days of the inspection (unless otherwise agreed between the Owner and the District Council);

**7.7** If a Notice of Defect is issued in accordance with paragraph 7.6 above, the Owner shall carry out remedial works to the MUGA in accordance with the requirements of the Notice of Defect to the District Council's satisfaction and invite the District Council to re-inspect the MUGA in accordance with paragraphs 7.4 and 7.5 of

this Schedule until the District Council is satisfied and issues a Practical Completion Notice in relation to the MUGA;

7.8 Prior to the operation of the MUGA the Owner shall have:

7.8.1 Obtained a Practical Completion Notice from the District Council in accordance with paragraph 7.6 above; or

7.8.2. Complied with the Notice of Defect issued by the District Council in accordance with paragraph 7.7 above and shall have obtained a Practical Completion Notice evidencing this.

7.9 The MUGA shall not become operational until:

7.9.1 The Owner has been issued with a Practical Completion Notice in accordance with paragraph 7.6; or

7.9.2 The Owner has complied with the Notice of Defect in accordance with paragraph 7.7 and has obtained a Practical Completion Notice evidencing this;

## **8. OPEN SPACE**

8.1 The Owner shall Construct and lay out the Open Space on each Phase prior to Occupation of 75% of the Dwellings in that Phase of the Development.

8.2 The Owner shall not Occupy or allow Occupation of more than 75% of the Dwellings in a Phase of the Development until it has Constructed and laid out the Open Space on that Phase.

8.3 Once the Open Space has been Constructed and laid out the Owner shall invite the District Council (or such other appropriate body that may be approved in writing by the District Council) to inspect the Open Space;

8.4 Upon the receipt of an invitation to inspect the Open Space in accordance with paragraph 8.3 above, the District Council will carry out an inspection of the Open

Space within 10 Working Days of receipt of the request (or unless otherwise agreed between the Owner and the District Council);

8.5 Following the completion of the inspection in accordance with paragraph 8.4 above, the District Council shall issue a Practical Completion Notice or a Notice of Defect within 10 Working Days of the inspection (unless otherwise agreed between the Owner and the District Council);

8.6 If a Notice of Defect is issued in accordance with paragraph 8.5 above, the Owner shall carry out remedial works to the Open Space in accordance with the requirements of the Notice of Defect to the District Council's satisfaction and invite the District Council to re-inspect the Open Space in accordance with paragraphs 8.3 and 8.4 of this Schedule until the District Council is satisfied and issues a Practical Completion Notice in relation to the Open Space;

8.7 Prior to the operation of the Open Space the Owner shall have:

8.7.1 Obtained a Practical Completion Notice from the District Council in accordance with paragraph 8.5 above; or

8.7.2. Complied with the Notice of Defect issued by the District Council in accordance with paragraph 8.6 above and shall have obtained a Practical Completion Notice evidencing this.

8.8 The Open Space shall not become operational until:

8.8.1 The Owner has been issued with a Practical Completion Notice in accordance with paragraph 8.5; or

8.8.2 The Owner has complied with the Notice of Defect in accordance with paragraph 8.6 and has obtained a Practical Completion Notice evidencing this;

## **9. MANAGEMENT COMPANY**

- 9.1 Prior to first Occupation of any Dwelling on the relevant Phase the Owner shall submit for approval to the District Council and obtain written approval from the District Council to the Management Company Structure and the Management Scheme for that Phase.
- 9.2 Not to cause or permit the Occupation of any Dwelling on the relevant Phase until the Management Company Structure and the Management Scheme for that Phase have been submitted to and approved by the District Council.
- 9.3 Prior to Occupation of the 100<sup>th</sup> Dwelling the Owner shall incorporate the approved Management Company
- 9.4 Not to cause or permit the Occupation of more than 100 Dwellings until the Owner has incorporated the approved Management Company.
- 9.5 The Owner shall execute a formal transfer to the Management Company of the Managed Land (or relevant part thereof) as soon as reasonably practicable and in any event within 3 months (or such longer period as may be agreed in writing with the Council) of the date of the Practical Completion Notice for the relevant part of the Managed Land in accordance with the provisions of this Schedule with all such rights as are necessary for its use and operation and such transfer (and any future transfers) shall contain covenants by the transferee to the transferor:

9.5.1 restricting the use of the land conveyed/transferred to the purpose for which it is laid out or transferred for and for no other use whatsoever; and

9.5.2 requiring the relevant part of the Managed Land to be managed and maintained in accordance with the provisions of this Agreement

PROVIDED THAT the Owner shall keep the Managed Land clean, cultivated and in good condition and shall replace any damaged or dying grass, turf, trees, shrubs or other plants until such time as the relevant part of the Managed Land has been transferred to the Management Company.



- 9.6 The Management Company shall thereafter manage and maintain the relevant part of the Managed Land for the lifetime of the Development in accordance with the approved Management Scheme
- 9.7 The Owner or the Management Company may, acting reasonably, temporarily close or deny access to such part of the Managed Land as may be necessary for emergency works, maintenance, repair, cleansing, renewal and any other necessary works including fitting out or structural or non-structural works
- 9.8 The Owner shall not wind up the Management Company or alter its constitution without the prior written consent of the District Council unless the whole of the Development shall have been demolished or unless the District Council has otherwise first agreed in writing;
- 9.9 The written agreement of the District Council shall be sought in the event that the Management Company proposes to transfer the Managed Land to another body or Management Company who is willing to accept the transfer on the condition details in paragraph 9.5 of this Schedule.



**FOURTH SCHEDULE**  
**FINANCIAL CONTRIBUTIONS PAYABLE TO THE DISTRICT COUNCIL**

The Owner covenants with the Council as follows

**1. INDOOR SPORTS CONTRIBUTION**

1.1 To pay the Indoor Sports Contribution to the District Council on first Occupation of the [600]<sup>th</sup> Dwelling;

1.2 Not to Occupy more than [600] Dwellings until the Indoor Sport Contribution has been paid to the District Council in full.

**2. COMMUNITY DEVELOPMENT WORKER CONTRIBUTION**

2.1 To pay the Community Development Worker Contribution to the District Council on first Occupation of the 1<sup>st</sup> Dwelling.

2.2 Not to Occupy the 1<sup>st</sup> Dwelling until the Community Development Worker Contribution has been paid to the District Council in full.

**3. COMMUNITY DEVELOPMENT FUND CONTRIBUTION**

3.1 To pay the Community Development Fund Contribution to the District Council on first Occupation of the 1<sup>st</sup> Dwelling.

3.2 Not to Occupy the 1<sup>st</sup> Dwelling until the Community Development Fund Contribution has been paid to the District Council in full

**4. WASTE AND RECYCLING CONTRIBUTION**

4.1 To pay the Waste and Recycling Contribution applicable to a Parcel (calculated by reference to the number of Dwellings in that Parcel) to the District Council prior to or on first Occupation of any Dwelling in that Parcel.

4.2 Not to Occupy any Dwellings in a Parcel until the Waste and Recycling Contribution applicable to that Parcel (calculated by reference to the number of Dwellings in that Parcel) has been paid to the District Council in full.

## **5. CEMETARY CONTRIBUTION**

5.1 To pay the Cemetery Contribution to the District Council on first Occupation of the 800<sup>th</sup> Dwelling.

5.2 Not to Occupy more than 800 Dwellings until the Cemetery Contribution has been paid to the District Council in full

**FIFTH SCHEDULE**  
**DISTRICT COUNCIL'S COVENANTS WITH THE OWNER**

**1. REPAYMENT OF CONTRIBUTIONS**

1. The District Council covenants with the Owner to use all sums received from the Owner under the terms of the Fourth Schedule Fourth Schedule for the purposes specified in this Deed for which they are to be paid or for such other purposes for the benefit of the Development as the Owner and the District Council shall agree in writing.
2. The District Council covenants with the Owner that following written request from the person who made the relevant payment the District Council will repay to that person the balance (if any) of any payment made by that person to the District Council under the terms of the Fourth Schedule Fourth Schedule in accordance with the provisions of this Deed which has not been expended or committed at the date of such written request together with interest which has accrued on the balance after deduction of tax where required and any other sum required to be deducted by law provided always that no such request will be made prior to the expiry of ten years of the date of receipt by the District Council of such payment If capital works have been carried out then commuted sums for maintenance will not be returnable under this paragraph AND FURTHER PROVIDED THAT the District Council shall not be obliged pursuant to this paragraph to return monies that do not relate to District Council functions or have been passed to persons/bodies other than the District Council.
3. Any payment or part thereof which the District Council has contracted to expend prior to the date of receipt of such request shall be deemed to have been expended or committed by the District Council prior to that date
4. The District Council shall provide to the Owner such evidence as the Owner shall reasonably require in order to confirm the expenditure of the sums paid under the terms of the Fourth Schedule Fourth Schedule upon a written request by the Owner such request not to be made more than once in any year.

## **2. DISCHARGE OF OBLIGATIONS**

At the written request of the Owner, the District Council shall provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been performed.

## SIXTH SCHEDULE

### CONTRIBUTIONS PAYABLE TO THE COUNTY COUNCIL

#### 1. DEFINITIONS

1. In this Schedule the following definitions shall apply (for the avoidance of doubt any definition which does not appear below shall be giving the meaning allocated to it in the main body of this Deed):

#### **Expression**

#### **Meaning**

#### **Bedroom**

means a room in a Dwelling designed as a bedroom or study/ bedroom and

- 1 Bed Dwelling means a Dwelling with 1 Bedroom
- 2 Bed Dwelling means a Dwelling with 2 Bedrooms
- 3 Bed Dwelling means a Dwelling with 3 Bedrooms
- 4 Bed Dwelling means a Dwelling with 4 or more Bedrooms

#### **Bridge Street Junction Contribution**

means the sum of One Hundred and Fifty Thousand Seven Hundred and Fifty Pounds (£150,750) Index Linked towards a scheme to improve public transport access through the Bridge St / Cherwell St junction in Banbury or an alternative scheme of similar benefit

#### **Cycleway for Secondary School Contribution**

means the sum of Forty Seven Thousand Four Hundred and Sixty Six Pounds (£47,466.00) Index Linked towards the provision of a cycleway between the southern site access junction and Cotefield Drive on the Oxford Road



<b>Expression</b>	<b>Meaning</b>
<b>Cycleway for Secondary School Matrix Sum</b>	<p>means the sum calculated in accordance with the following formula:</p> $£(A \times W) + (B \times X) + (C \times Y) + (D \times Z)$ <p>When</p> <p>A means the number of 1 Bed Dwellings</p> <p>B means the number of 2 Bed Dwellings</p> <p>C means the number of 3 Bed Dwellings</p> <p>D means the number of 4 Bed Dwellings</p> <p>W, X, Y and Z are as set out in the line labelled 'Cycleway for Secondary School' in Annex 1 to this Schedule</p>
<b>Cycleway for Secondary School Supplemental Payment</b>	<p>means the sum calculated as follows:-</p> $£(M - P) \text{ Index Linked}$ <p>Where M is the Cycleway for Secondary School Matrix Sum applying the total number and type of Dwellings occupied at the relevant Return Date</p> <p>P is the aggregate of the payments in respect of the Cycleway for Secondary School Contribution (but disregarding adjustments for index linking)</p>
<b>Cycleway for Secondary School Supplemental Payment Return Date</b>	<p>means a Return Date where, by applying the information comprised in the Return for the Return Period ending on the day before the Return Date the Cycleway (for Secondary School) Matrix Sum exceeds £47,466</p>
<b>Education Contribution</b>	<p>means any instalment of the Primary Contribution and/or the Secondary Contribution and/or the Special Educational</p>

**Expression****Meaning**

Needs Contribution due to be paid pursuant to paragraph 2 this Schedule

**Index Linked**

means in relation to

- The Strategic Transport Contribution 1 and the Bridge Street Junction Contribution and the Public Rights of Way Contribution adjusted according to any increase occurring between December 2019 and the date when the relevant payment is made to the County Council; and
- The Cycleway for Secondary School Contribution and any supplemental payment paid further to paragraph 3.4 below adjusted according to any increase occurring between April 2020 and the date when the relevant payment is made to the County Council; and
- The Strategic Transport Contribution 2 adjusted according to any increase occurring between May 2020 and the date when the relevant payment is made to the County Council; and
- The Oxford Canal Pedestrian and Cycle Route Contribution adjusted according to any increase occurring between May 2021 and the date when the relevant payment is made to the County Council

in all cases in a composite index comprised of the following indices of the BCIS Price Adjustment Formulae (Civil Engineering) 1990 Series as made available through the Building Cost Information Services (BCIS) of the Royal Institution of Chartered Surveyors weighted in the proportions below set out against each such index namely:-

Index 1 Labour & Supervision 25%

## Expression

## Meaning

Index 2 Plant & Road Vehicles 25%

Index 3 Aggregates 30%

Index 9 Coated Macadam & Bituminous Products 20%;

- the Public Transport Services Contribution and the TRO Contribution adjusted according to any increase occurring between April 2020 and the date when the relevant payment is made to the County Council in the all Items Retail Prices Index excluding mortgage interest payments (RPIX) published by the Office of National Statistics.; and
- the Travel Plan Monitoring Contribution adjusted according to any increase occurring between December 2019 and the date when the relevant payment is made to the County Council in the all Items Retail Prices Index excluding mortgage interest payments (RPIX) published by the Office of National Statistics.; and
- the Education Contribution and any supplemental payments paid further to paragraphs 3.1 and 3.2 and 3.3 below adjusted according to any increase occurring between index value 333 and the index value for the quarter period in which the contribution is paid in the BCIS All in-Tender Price Index published by the Royal Institution of Chartered Surveyors

or if at any time for any reason it becomes impracticable to use any such index such alternative index as may be agreed between the Owner and the County Council

## Oxford Canal Pedestrian and Cycle Route Contribution

Means the sum of Three Hundred and Thirty Thousand Two Hundred and Thirty Pounds and Twenty Five Pence (£330,230.25) Index Linked towards the provision of an

<b>Expression</b>	<b>Meaning</b>
	improved pedestrian and cycle route between the development site and the town centre as identified in Local Plan policy BAN4
<b>Primary Education Contribution</b>	<p>means the sum of Two Million Seven Hundred and Seventy Six Thousand Eight Hundred and Ninety Six Pounds (£2,776,896.00) Index Linked towards the expansion of primary and nursery capacity serving the Site payable in three instalments as follows:</p> <ul style="list-style-type: none"> <li>- Primary Instalment 1 being 10% of the Primary Education Contribution and</li> <li>- Primary Instalment 2 being 45% of the Primary Education Contribution and</li> <li>- Primary Instalment 3 being the remaining 45% of the Primary Education Contribution</li> </ul>
<b>Primary Matrix Sum</b>	<p>means the sum calculated in accordance with the following formula:</p> $£(A \times W) + (B \times X) + (C \times Y) + (D \times Z)$ <p>When</p> <p>A means the number of 1 Bed Dwellings</p> <p>B means the number of 2 Bed Dwellings</p> <p>C means the number of 3 Bed Dwellings</p> <p>D means the number of 4 Bed Dwellings</p> <p>W, X, Y and Z are as set out in the line labelled 'Primary' in Annex 1 to this Schedule</p>
<b>Primary Supplemental Payment</b>	<p>means the sum calculated as follows:-</p> $£(M - P) \text{ Index Linked}$

**Expression****Meaning**

Where M is the Primary Matrix Sum applying the total number and type of Dwellings occupied at the relevant Return Date

P is the aggregate of the payments in respect of the Primary Education Contribution (but disregarding adjustments for index linking)

**Primary Supplemental Payment Return Date**

means a Return Date where, by applying the information comprised in the Return for the Return Period ending on the day before the Return Date the Primary Matrix Sum exceeds £2,776,896.00

**Public Rights of Way Contribution**

means the sum of Ninety Thousand Pounds (£90,000) Index Linked towards enhancements to the public rights of way network in the vicinity of the Site

**Public Transport Services Contribution**

means the sum of Seven Hundred and Seventy Thousand Pounds (£770,000) Index Linked towards the cost of pump-priming a public transport service between the Site and Banbury town centre or an alternative scheme of similar benefit payable in six instalments as follows:

- Public Transport Instalment 1 being 16.67% of the Public Transport Services Contribution and
- Public Transport Instalment 2 being 16.67% of the Public Transport Services Contribution and
- Public Transport Instalment 3 being 16.67% of the Public Transport Services Contribution and
- Public Transport Instalment 4 being 16.67% of the Public Transport Services Contribution and
- Public Transport Instalment 5 being 16.66% of the Public Transport Services Contribution and

<b>Expression</b>	<b>Meaning</b>
	<ul style="list-style-type: none"> <li>Public Transport Instalment 6 being the remaining 16.66% of the Public Transport Services Contribution</li> </ul>
<b>Qualifying Application</b>	an application for reserved matters approval pursuant to the Planning Permission or any application under Section 73 of the Act for the Development
<b>Qualifying Permission</b>	a reserved matters approval or planning permission issued pursuant to a Qualifying Application as may from time to time be amended by the approval of a non-material amendment pursuant to Section 96A of the Act
<b>Return</b>	<p>means a written return made by the Owner to the County Council specifying</p> <ol style="list-style-type: none"> <li>The total number of Dwellings occupied during the Return Period and separately the total number of 1 Bed Dwellings, 2 Bed Dwellings, 3 Bed Dwellings and 4 Bed Dwellings so occupied;</li> <li>The aggregate number of Dwellings which have been occupied at the end of the Return Period and separately the aggregate number of 1 Bed Dwellings, 2 Bed Dwellings, 3 Bed Dwellings and 4 Bed Dwellings comprised therein</li> </ol>
<b>Return Dates</b>	means the quarter days being the first day of January, first day of April, first day of July and first day of October in each year occurring after the Occupation of the first Dwelling until Returns have been made pursuant to paragraph [7] reporting the Occupation of all the Dwellings comprised in the Development

<b>Expression</b>	<b>Meaning</b>
<b>Return Period</b>	means the period of 3 months ending on the day before a Return Date but so that the first Return Period will be the period commencing on the occupation of the first Dwelling and ending on the day before the following Return Day and the final Return Period will be the Return Period ending on the day before the Return Day next following the occupation of the final Dwelling comprised in the Development
<b>Secondary Education Contribution</b>	<p>means the sum of Six Million Fifty Thousand Five Hundred and Seventy Six Pounds (£6,050,576.00) Index Linked towards the expansion of secondary education capacity serving the Site including the purchase of secondary school land payable in three instalments as follows:</p> <ul style="list-style-type: none"> <li>- Secondary Instalment 1 being 50% of the Secondary Education Contribution and</li> <li>- Secondary Instalment 2 being 25% of the Secondary Education Contribution and</li> <li>- Secondary Instalment 3 being the remaining 25% of the Secondary Education Contribution</li> </ul>
<b>Secondary Matrix Sum</b>	<p>means the sum calculated in accordance with the following formula:</p> $£(A \times W) + (B \times X) + (C \times Y) + (D \times Z)$ <p>When</p> <p>A means the number of 1 Bed Dwellings</p> <p>B means the number of 2 Bed Dwellings</p> <p>C means the number of 3 Bed Dwellings</p>

<b>Expression</b>	<b>Meaning</b>
	D means the number of 4 Bed Dwellings
	W, X, Y and Z are as set out in the line labelled 'Secondary' in Annex 1 to this Schedule
<b>Secondary Supplemental Payment</b>	means the sum calculated as follows:-  £(M – P) Index Linked  Where M is the Secondary Matrix Sum applying the total number and type of Dwellings occupied at the relevant Return Date  P is the aggregate of the payments in respect of the Secondary Education Contribution (but disregarding adjustments for index linking)
<b>Secondary Supplemental Payment Return Date</b>	means a Return Date where, by applying the information comprised in the Return for the Return Period ending on the day before the Return Date the Secondary Matrix Sum exceeds £6,050,576.00
<b>SEN Contribution</b>	means the sum of Four Hundred and Eleven Thousand Three Hundred and Forty Five Pounds (£411,345.00) Index Linked towards the expansion of special educational needs capacity serving the Site
<b>SEN Matrix Sum</b>	means the sum calculated in accordance with the following formula:  $£(A \times W) + (B \times X) + (C \times Y) + (D \times Z)$ When  A means the number of 1 Bed Dwellings



<b>Expression</b>	<b>Meaning</b>
	B means the number of 2 Bed Dwellings
	C means the number of 3 Bed Dwellings
	D means the number of 4 Bed Dwellings
	W, X, Y and Z are as set out in the line labelled 'SEN' in Annex 1 to this Schedule
<b>SEN Supplemental Payment</b>	<p>means the sum calculated as follows:-</p> <p><math>\pounds(M - P)</math> Index Linked</p> <p>Where M is the SEN Matrix Sum applying the total number and type of Dwellings occupied at the relevant Return Date</p> <p>P is the aggregate of the payments in respect of the SEN Contribution (but disregarding adjustments for index linking)</p>
<b>SEN Supplemental Payment Return Date</b>	means a Return Date where, by applying the information comprised in the Return for the Return Period ending on the day before the Return Date the SEN Matrix Sum exceeds $\pounds411,345.00$
<b>Strategic Transport Contribution 1</b>	Means the sum of One Hundred and Twenty One Thousand Four Hundred and Seventy Six Pounds ( $\pounds121,476$ ) Index Linked towards the Local Plan BAN1 scheme to improve traffic conditions on Hennef Way or an alternative scheme of similar benefit
<b>Strategic Transport Contribution 2</b>	Means the sum of Two Hundred and Fifteen Thousand Five Hundred and Thirty Seven Pounds and Twelve Pence ( $\pounds215,537.12$ ) Index Linked towards Local Plan BAN2 scheme to improve public transport access on Tramway Road or an alternative scheme of similar benefit

<b>Expression</b>	<b>Meaning</b>
<b>Supplemental Payment</b>	means any instalment of the Primary Supplemental Payment or the Secondary Supplemental Payment or the SEN Supplemental Payment or the Cycleway (for Secondary School) Supplemental Payment due to be paid pursuant to paragraph 2 this Schedule
<b>TRO Contribution</b>	<p>means the sum of Six Thousand Three Hundred and Eighty Pounds (£6,380) Index Linked towards the cost of promotion, advertising and if appropriate making and implementing two Traffic Regulation Orders as follows:</p> <ol style="list-style-type: none"> <li>1. To extend the 40mph speed restriction on Oxford Road beyond the southern site access</li> <li>2. To enable on-street parking restrictions along the bus route within Longford Park</li> </ol>
<b>Travel Plan Monitoring Contribution</b>	means the sum of Two Thousand Three Hundred and Forty Six Pounds (£2,346) Index Linked towards the cost of monitoring the travel plan for the Development

## 2. COVENANTS

The Owner covenants with the County Council as follows:

1. to pay the TRO Contribution and Primary Instalment 1 to the County Council prior to the Commencement of the Development
2. not to cause or permit the Commencement of the Development until it has paid the TRO Contribution and Primary Instalment 1 to the County Council
3. to pay the Bridge Street Junction Contribution and Public Transport Instalment 1 and the Travel Plan Monitoring Contribution and Primary Instalment 2 to the County Council prior to first Occupation of any Dwelling; and

4. not to cause or permit the first Occupation of any Dwelling until it has paid the Bridge Street Junction Contribution and Public Transport Instalment 1 and the Travel Plan Monitoring Contribution and Primary Instalment 2 to the County Council
5. to pay the Public Rights of Way Contribution to the County Council prior to first Occupation of more than 50 Dwellings; and
6. not to cause or permit the first Occupation of more than 50 Dwellings until it has paid Public Rights of Way Contribution to the County Council
7. to pay Primary Instalment 3 to the County Council prior to first Occupation of more than 100 Dwellings; and
8. not to cause or permit the first Occupation of more than 100 Dwellings until it has paid Primary Instalment 3 to the County Council
9. to pay Secondary Instalment 1 and the Cycleway for Secondary School Contribution and the Oxford Canal Pedestrian and the Cycle Route Contribution to the County Council prior to first Occupation of more than 200 Dwellings; and
10. not to cause or permit the first Occupation of more than 200 Dwellings until it has paid Secondary Instalment 1 and the Cycleway for Secondary School Contribution and the Oxford Canal Pedestrian and the Cycle Route Contribution to the County Council
11. to pay the SEN Contribution to the County Council prior to first Occupation of more than 300 Dwellings; and
12. not to cause or permit the first Occupation of more than 300 Dwellings until it has paid the SEN Contribution to the County Council
13. to pay Secondary Instalment 2 and Strategic Transport Contribution 2 to the County Council prior to first Occupation of more than 400 Dwellings; and
14. not to cause or permit the first Occupation of more than 400 Dwellings until it has paid Secondary Instalment 2 and Strategic Transport Contribution 2 to the County Council
15. to pay Secondary Instalment 3 and Strategic Transport Contribution 1 to the County Council prior to first Occupation of more than 600 Dwellings; and

16. not to cause or permit the first Occupation of more than 600 Dwellings until it has paid Secondary Instalment 3 and Strategic Transport Contribution 1 to the County Council
17. to pay Public Transport Instalment 2 to the County Council prior to the first anniversary of the date that Public Transport Instalment 1 becomes due for payment and not to cause allow or permit any further Occupation of the Development after the first anniversary of the date that Public Transport Instalment 1 becomes due for payment unless and until Public Transport Instalment 2 has been paid to the County Council.
18. to pay Public Transport Instalment 3 to the County Council prior to the second anniversary of the date that Public Transport Instalment 2 becomes due for payment and not to cause allow or permit any further Occupation of the Development after the second anniversary of the date that Public Transport Instalment 2 becomes due for payment unless and until Public Transport Instalment 3 has been paid to the County Council.
19. to pay Public Transport Instalment 4 to the County Council prior to the third anniversary of the date that Public Transport Instalment 3 becomes due for payment and not to cause allow or permit any further Occupation of the Development after the third anniversary of the date that Public Transport Instalment 3 becomes due for payment unless and until Public Transport Instalment 4 has been paid to the County Council.
20. to pay Public Transport Instalment 5 to the County Council prior to the fourth anniversary of the date that Public Transport Instalment 4 becomes due for payment and not to cause allow or permit any further Occupation of the Development after the fourth anniversary of the date that Public Transport Instalment 4 becomes due for payment unless and until Public Transport Instalment 5 has been paid to the County Council.
21. to pay Public Transport Instalment 6 to the County Council prior to the fifth anniversary of the date that Public Transport Instalment 5 becomes due for payment and not to cause allow or permit any further Occupation of the Development after the fifth anniversary of the date that Public Transport Instalment 5 becomes due for payment unless and until Public Transport Instalment 6 has been paid to the County Council.

### **3. PAYMENTS COVENANTS**

1. The Owner covenants to pay to the County Council within 28 days of each Primary Supplemental Payment Return Date a Primary Supplemental Payment calculated by applying the information comprised in the Return for the Return Period ending on the day before that Return Date
2. The Owner covenants to pay to the County Council within 28 days of each Secondary Supplemental Payment Return Date a Secondary Supplemental Payment calculated by applying the information comprised in the Return for the Return Period ending on the day before that Return Date
3. The Owner covenants to pay to the County Council within 28 days of each SEN Supplemental Payment Return Date a SEN Supplemental Payment calculated by applying the information comprised in the Return for the Return Period ending on the day before that Return Date
4. The Owner covenants to pay to the County Council within 28 days of each Cycleway for Secondary School Supplemental Payment Return Date a Cycleway for Secondary School Supplemental Payment calculated by applying the information comprised in the Return for the Return Period ending on the day before that Return Date

### **4. COVENANTS (NOTIFICATION AND PROVISION OF INFORMATION)**

1. The Owner covenants with the County Council that within 21 days of each Return Date it will make a Return to the County Council
2. In the event that the County Council considers that the Owner may have failed to give notification of an event taking place in accordance with clause [3] or if the Owner fails to make a Return within 21 days of any Return Date or makes a Return which appears to be incomplete:-

- 4.2.1 The County Council may investigate whether the event has taken place and/or as applicable the number and type/size of Dwelling occupied for the purpose of ascertaining whether or not any of the obligations or restrictions in this Deed has become operative and the Owner will pay to the County Council the sum of £450 in respect of the costs of each such investigation; and

- 4.2.2 The due date for any payment due at or before a relevant event specified in clause [3] takes place will be such date as the County Council reasonably selects; and
- 4.2.3 If the County Council reasonably considers that a Return Date is a Return Date for a Supplemental Payment the Supplemental Payment shall be such sum as the County Council reasonably determines and the due date for payment of the Supplemental Payment shall be the Return Date and
- 4.2.4 The provisions of this paragraph 4.2 shall be without prejudice to any other right or remedy of the County Council
- 4.2.5 if any payment to be made to the County Council further to this Deed is not paid on or before the due date for payment to pay Interest on the sum outstanding from the due date for payment to the date of payment

## Annex 1

	<b><u>1 Bed</u></b>	<b><u>2 Bed</u></b>	<b><u>3 Bed</u></b>	<b><u>4 + Bed</u></b>
Primary	0	1,870.85	4,291.96	5,612.56
Secondary	0	3,408.78	8,862.82	14,316.86
SEN	0	257.13	621.13	893.93
Cycleway (for Secondary School)	0	26.74	69.53	112.31
<b>TOTALS</b>	<b>W= £</b>	<b>X=£</b>	<b>Y=£</b>	<b>Z=£</b>

## SEVENTH SCHEDULE HIGHWAYS SCHEDULE

### EIGHTH SCHEDULE

#### EIGHTH SCHEDULE COUNTY OBLIGATIONS

##### 1. INTERPRETATION

In this Schedule in addition to the definitions provided in Clause 1 of this Deed the following words and phrases shall have the following meanings and where a word is defined in Clause 1 of this Deed and also in this paragraph the meaning given in this paragraph shall be applied for the purposes of this Schedule

Expression	Meaning
1. <b>“the County Contributions”</b>	means the financial contributions payable to the County Council as defined in the [ ]Schedule of this Deed;
2. <b>“First Secondary Land Contribution”</b>	<p>means the sum calculated in accordance with the following formula:</p> <ul style="list-style-type: none"><li>• (4.88 ha - CPG Land Requirement) x £375,000 per ha</li></ul> <p>towards the cost of that area of the Secondary School Site as defined in the [ ] Schedule <b>Error! Reference source not found.</b> which is not required to be delivered by the Owner in mitigation of the Development and which sum is Index Linked</p>
3. <b>CPG Land Requirement</b>	means in ha the area of land required for the delivery of secondary school education for the number of secondary school pupils generated from the mix of Dwellings constructed by the Owner on the Site in accordance with the Planning Permission provided always that the CPG Land Requirement may not be less than 1.45 ha



4. **“Supplemental Secondary Land Contribution”** means the sum of £708,750 (Index Linked) towards the cost of that area of the Secondary School Site as defined in the [ ] Schedule **Error! Reference source not found.**
- 5.
6. **“Index Linked”** means adjusted according to any increase occurring between [ ] and the date of payment in the All Items Retail Prices Index excluding mortgage interest payments (RPIX) published by the Office for National Statistics

## 2. COUNTY COUNCIL COVENANTS

The County Council covenants with the Owner:-

1. to pay the First Secondary Land Contribution to the Owner on the date of transfer of the Secondary School Site to the County Council
2. to pay the Supplemental Secondary Land Contribution to the Owner the date of transfer of the Secondary School Option Site to the County Council

Provided always that where a County Contribution is due to be paid by the Owner to the County Council within 28 days either before or after the payment under 2.1 and/or 2.2 is due the parties may agree that that the amount of the First Secondary Land Contribution and/or the Supplemental Secondary Land Contribution may be set off against the sum due to be paid by the Owner to the County Council and the amount payable may be reduced accordingly

### **Application of Monies Received**

3. The County Council shall not apply the County Contributions for any purpose other than that set out in the relevant definition in the [ ] Schedule **Error! Reference source not found.** of this Deed (or any alternative which achieves similar benefits) in such form and at such time as the County Council shall in its discretion decide

### **Virement**

4. The County Council may temporarily appropriate funds out of one or more of the County Contributions to be applied for another purpose or purposes designated under this Deed as long as appropriated funds are ultimately reallocated for their designated purpose

### **Repayment of Contributions**

5. The County Council covenants with the Owner that following written request from the Owner that it will pay to the person that made that payment to the County Council the balance (if any) of the County Contributions which at the date of receipt of such written request has not been expended provided always that no such request will be made prior to the expiry of ten years from the date of receipt by the County Council of the final instalment of such contribution (or if later ten years from the date on which the final instalment of such contribution was due). Any contribution or part of a contribution which the County Council has contracted to expend prior to the date of receipt of such request shall be deemed to have been expended by the County Council prior to that date AND FURTHER PROVIDED THAT the County Council shall not be obliged pursuant to this paragraph to return monies that have been passed to persons/bodies other than the County Council
6. The County Council shall provide to the Owner such evidence as the Owner shall reasonably require in order to confirm the expenditure of the sums paid by the Owner to the County Council under this Deed upon receiving a written request from the Owner such request not being made more than once in any year



**NINTH SCHEDULE**  
**SECONDARY SCHOOL PROVISION**

**TENTH SCHEDULE  
SCHOOL LAND SECOND OPTION**

**ELEVENTH SCHEDULE  
LAND TRANSFERS AND LEASES**



## **EXECUTION**

**THE COMMON SEAL** of  
**CHERWELL DISTRICT COUNCIL**  
was affixed in the presence of:-

Authorised Signatory

**THE COMMON SEAL** of  
**OXFORDSHIRE COUNTY**  
**COUNCIL** was affixed in the  
presence of:-

Director of Law and Governance  
(the officer appointed for this  
purpose)]



EP1E

**BANBURY 12 MEETING – LAND NORTHEAST OF OXFORD ROAD, WEST OF CANAL & EAST OF BANKSIDE, BANBURY – APPLICATION 19/01047/OUT**

**08 August 2023**

**MINUTES**

	Item	Lead	Actions
1.	<ul style="list-style-type: none"> <li><b>Attendees</b> – Andy Bateson &amp; Tom Darlington (CDC); Nick Duckworth &amp; Laurence Dungworth (Hallam Land)</li> <li><b>Apologies</b> – Stephen Hinds, Andrew Low &amp; Paul Seckington (CDC)</li> </ul>		
2.	<ul style="list-style-type: none"> <li>ND <ul style="list-style-type: none"> <li>Shoosmiths instructed by Hallam to send letter to CDC summarizing agreed proposals for a 5-year Option for Tilstone to take New College land (fee of £1) to facilitate move of BUFC from Bankside. Also, a separate 125-year Lease arrangement on exercise of that Option by Tilstone (fee of £250k) for a relocation of BUFC to New College land at Banbury 12. Letter should be sent to CDC on either 9<sup>th</sup> or 10<sup>th</sup> August.</li> </ul> </li> <li>TD <ul style="list-style-type: none"> <li>Tom has liaised with both Tilstone &amp; BUFC and doesn't believe that BUFC aspirations for improved re-provision facilities is holding things up on a relocation of the club.</li> <li>Sport England have told Tilstone they will only accept 'like-for-like' provision for a relocation of BUFC – at an estimated cost of £2.5-£3m.</li> </ul> </li> <li>AB <ul style="list-style-type: none"> <li>Tilstone explained more than a year ago that they wished to redevelop all their Banbury 1 Bankside site (inc. BUFC) with commercial B8 warehousing. They recognise they need to find an acceptable alternative location for BUFC to move to before they can secure consent for any such redevelopment.</li> <li>No application has been submitted yet and no approach has been made by Tilstone to CDC Planning for over a year.</li> </ul> </li> </ul>		<b>Shoosmiths</b>

	Item	Lead	Actions
	<ul style="list-style-type: none"> <li>• ND <ul style="list-style-type: none"> <li>○ The draft Hallam/New College &amp; Tilstone Option agreement would give Tilstone a 5-year period within which to take up a 125-year lease on the land next to Banbury Rugby club for BUFC to move to. Tilstone will be permitted under Option and Lease arrangements to construct own access to Oxford Road, if Hallam's road has been delayed for any reason.</li> </ul> </li> <li>• TD/AB <ul style="list-style-type: none"> <li>○ What, if any, guarantee would there be that Tilstone would exercise their Option and take on the 125-year Lease? As described, if Tilstone let their Option lapse, there appears to be no basis upon which to secure the relocation of BUFC to Banbury 12.</li> </ul> </li> <li>• ND <ul style="list-style-type: none"> <li>○ Hallam have had no direct contact with BUFC but understand it's in Tilstone interest to secure relocation to facilitate redevelopment of their own land. If CDC are worried about Tilstone intentions, Hallam queried what if the same Option and Lease arrangement are signed to CDC instead?</li> </ul> </li> <li>• TD <ul style="list-style-type: none"> <li>○ CDC Property representatives would be best placed to answer that query.</li> <li>○ Why can't the same Option and Lease terms be agreed directly between Hallam/New Collage and BUFC?</li> </ul> </li> <li>• AB <ul style="list-style-type: none"> <li>○ CDC Officers need to be able to demonstrate to Members that any S106 agreement reached, and any planning permission granted is associated with a mechanism that will ensure delivery of a relocated BUFC. We will await the Shoosmiths letter but, as described, the mechanism suggested does not appear to guarantee a relocation of BUFC from Bankside/Banbury 1 to Oxford Road/Banbury 12.</li> </ul> </li> <li>• LD <ul style="list-style-type: none"> <li>○ AB needs to instruct Sophie Hoffman at Browne Jacobson to respond to Oliver Martin at Shoosmiths with answers to his outstanding S106 queries including confirmation that the submitted Sports Pavilion Specification is OK – page 14 definition [TD confirmed it is] Third &amp; Fourth Schedules – Open/Play/Sports Space/Provision &amp; Contributions – are triggers acceptable? [TD mostly yes but seeking to split some from 100% at 500 &amp; 600 as currently offered to 50% at 300 and further 50% at 600 &amp; 800 instead];</li> </ul> </li> </ul>	DP	<p><b>TD to relay query to Stephen Hinds</b></p> <p><b>ND/LD to consider</b></p> <p><b>AB to consider Shoosmiths letter upon receipt, consult with colleagues and respond</b></p> <p><b>AB to instruct Browne Jacobson to respond to Shoosmiths in respect to all these matters</b></p>

	Item	Lead	Actions
	Clause 10.16 mortgagee liability & Second Schedule – Affordable Housing are acceptable to CDC Housing [Ewan Stewart confirms they are].		<b>AB to confirm</b>
3.	<b>Date of Next Meeting</b> <ul style="list-style-type: none"> <li>TBC – Between 21<sup>st</sup> – 29<sup>th</sup> August depending upon diary availabilities</li> </ul>		TBC – please express preferences

EP1F

BANBURY RISE  
BANBURY

OX16



THREE BEDROOMS

- LYTTELTON  
352
- LAWRENCE  
372
- BYRON  
353
- KILBURN  
477 / 478
- MAKENZIE  
365 / 366
- HEATON  
358 / 371 / 463 / 464

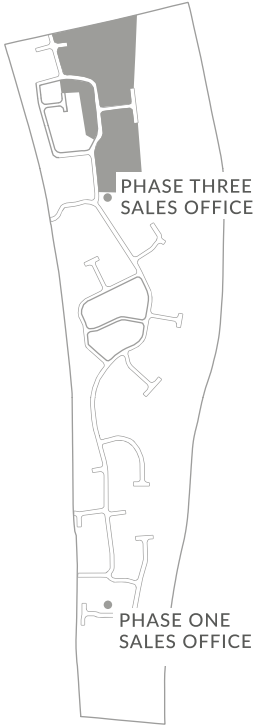
FOUR BEDROOMS

- SHAKESPEARE  
348 - 350 / 362 / 373 / 374 / 455 / 456
- SKELTON  
359 - 361 / 454 / 457 / 458
- HALLAM  
354 / 473
- BURNS  
355 / 462 / 474
- LANGLEY  
345 / 357 / 476 / 479 / 480
- LINDLEY  
344 / 347 / 356 / 461 / 475
- PEELE  
346 / 351 / 364

AFFORDABLE

- AFFORDABLE RENT  
465 - 468
- SHARED OWNERSHIP  
367 - 370 / 459 / 460 / 469 - 472

⊠ = BIN STORE



EP1G

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**From:** Alex Munro <Alex.Munro@arplanning.co.uk>  
**Sent:** 23 October 2023 17:14  
**To:** Planning Policy  
**Cc:** Geoff Armstrong  
**Subject:** Cherwell Housing Delivery Monitor Update 2023  
**Attachments:** HELAA Land Opposite Hanwell Fields Recreation.docx

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam,

On behalf of Manor Oak Homes, I am pleased to attach an update in respect of my client's land at Hanwell Fields to assist the production of your AMR.

Kind regards,

Alex

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**From:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Sent:** Wednesday, October 4, 2023 1:43 PM  
**To:** Geoff Armstrong <[Geoff.Armstrong@arplanning.co.uk](mailto:Geoff.Armstrong@arplanning.co.uk)>  
**Cc:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Subject:** Cherwell Housing Delivery Monitor Update 2023

Dear Sir/Madam,

Cherwell District Council is currently preparing its 2023 Annual Monitoring Report (AMR) which includes an update of the Housing Delivery Monitor. You are receiving this email as our records show you have an interest in one of the developments that we are monitoring. We would be grateful if you could complete the attached form and return it to us by **24 October 2023**.

If have any queries please do contact us by responding to this email or by telephone 01295 221849.

The Planning Policy Team  
**Communities Directorate**  
**Cherwell District Council**

[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

**Facebook** [www.facebook.com/cherwelldistrictcouncil](https://www.facebook.com/cherwelldistrictcouncil)  
**Twitter** @cherwellcouncil

Planning and Development services can be contacted as follows: Development Management - [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk); Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk); Planning Policy - [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk); Conservation - [design.conservations@cherwell-dc.gov.uk](mailto:design.conservations@cherwell-dc.gov.uk). For the latest information on Planning and Development please visit [www.cherwell.gov.uk](http://www.cherwell.gov.uk).



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## CHERWELL HOUSING DELIVERY MONITOR FORM 2023

### Applicant/Agent/Developer

Mr P M Donger, Mrs S M Donger and Manor Oak  
Homes  
Mr Geoff Armstrong (Armstrong Rigg Planning)

### Introduction

Cherwell District Council is currently preparing the 2023 Annual Monitoring Report (AMR) which includes updating of the Housing Delivery Monitor. The Government's Planning Practice Guidance recognises the importance of advice provided by developers and local agents in assessing lead-in times, build-out rates by year and deliverability. Information provided on this form will be used to help inform the AMR's Housing Delivery Monitor. This information will be considered along with other relevant information including those received from internal consultees.

Further evidence will be needed for sites without full detailed planning permission to help consider the deliverability of a site.

We would be grateful if you could complete this form to assist us with this process.

Please note that this response could be used in public documents. **Please respond by 24 October 2023.**

### Part A – Planning application information

Site Address	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury
Site Area (total)	3.6

Planning Application Details (if applicable)	
Application Number(s):	21/03426/OUT
Date Application(s) Approved:	-
Number of dwellings (net):	78

Please provide any updates or corrections to the planning application information above in the following box:

Section 106 agreement drafted and discussions ongoing

## Part B – Delivery Rate

The Council published a Land Supply Statement in February 2023 which is available here <https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports/3>

Please indicate if the information in the 5 year land supply statement provides a realistic assumption of the delivery rate on this site:

YES/NO (please circle)

If you have answered no, please explain why below and provide an alternative assessment in the table below explaining your reasons.

General comments/updates:

Whilst the site is technically 'developable' currently, pending finalisation of the S106, it is anticipated that this will be sealed shortly.

Upon grant of permission RMs would be submitted within 18 months and determined within 24. This would result in the delivery of the site 2025 through to 2027 completion.

### Alternative suggested build-out rate provided by applicant/developer

Year (Financial)	Number of Units (built)	Notes
2023/24		
2024/25		
2025/26	50	
2026/27	28	
2027/28		
2028/29		
2029/30		
2030/31		
2031/32		
2032/33		
2033/34		
2034/35		
2035/36		
2036/37		

<b>2037/38</b>		
<b>2038/39</b>		
<b>2039/40</b>		
<b>Beyond 2040</b>		
<b>Total</b>		

**In addition please provide comments on:**

Any housebuilder(s) secured to develop the site? (if applicable)

**Multiple expressions of interest.**

If no housebuilder is yet in place, what progress has been made and when will one be contracted to build out the site? (if applicable)

**Upon issue of planning permission.**

Number of housebuilders currently on site?

**n/a**

Number of housebuilders expected on site in future years?

**One housebuilder anticipated, delivering the site in a single phase.**

Expected date for starting on site?

**Presuming issue of PP Winter 23/24 start on site would be expected Spring/Summer 2025.**

Any further information on build-out rates including any further general reasons for any reduction in build rates?

**We have assumed a maximum delivery of 50dpa on the basis of firstly a single developer and then reflecting recent market analysis undertaken firstly by Savills (published) in its recent paper 'A New Normal' and our own assessment of realistic delivery rates. Our additional analysis takes into account our client's own experiences when selling sites and various statements issued both publicly and privately (in discussions relating to the delivery of phase 2 of the development) by the housebuilding industry.**

Any viability or infrastructure issues that need to be overcome to enable the development to commence?

**No.**

Any ownership or access constraints that need to be overcome to enable the development to commence?

**No.**

Have pre-commencement conditions been discharged / pre-commencement assessments been carried out?

**Awaiting formal grant of PP.**

Any progress being made towards the submission of additional planning application(s) including reserved matters planning applications?

**The 78-unit scheme subject of this submission is intended to represent Phase 1 of our client's development at Hanwell Fields. Submission of an application for up to 117-**

dwellings on land immediately to the north, sharing the approved access, is imminent (likely submission early November).

Any progress with site assessment work required for a planning application(s)?

**The Phase 2 application will be accompanied by a comprehensive suite of technical information confirming the deliverability of the site in a way that is entirely sustainable.**

Form completed by:

Name (please print): Mr Geoff Armstrong

Position: Director

Company: Armstrong Rigg Planning obo Manor Oak Homes

Date: 23<sup>rd</sup> October 2023

EP1H

---

**From:** William Main <William.Main@manoroakhomes.co.uk>  
**Sent:** 15 November 2023 09:36  
**To:** Linda Griffiths  
**Subject:** RE: 21/03426/F Hanwell Fields

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Linda

Yes that's correct I have a meeting with our solicitor (this week) to page turn the agreement which I am hoping is in an agreed format.

We just could not get our diary's in sink.

Kind regards,  
Will



---

*White Lodge Farm*    **T:** 01604 781457  
*Walgrave*            **M:** 07808 909 369  
*Northampton*      **E:** [william.main@manoroakhomes.co.uk](mailto:william.main@manoroakhomes.co.uk)  
*NN6 9PY*            **W:** [www.manoroakhomes.co.uk](http://www.manoroakhomes.co.uk)

Manor Oak Homes Ltd. Registered Office: White Lodge Farm, Walgrave, Northamptonshire NN6 9PY. Registered in England: [7055194](#) VAT No.: [989 781921](#)

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---

**From:** Linda Griffiths <Linda.Griffiths@Cherwell-DC.gov.uk>  
**Sent:** Wednesday, November 15, 2023 9:20 AM  
**To:** William Main <William.Main@manoroakhomes.co.uk>  
**Subject:** 21/03426/F Hanwell Fields

Good Morning Mr Main

I refer to your above mentioned application which remains undetermined and awaiting a completed section 106.

I understand from our Solicitors that the agreement is currently with your solicitor and has been for some time.

I should be grateful for an update please.

Thank you  
Kind Regards  
Linda

**Linda Griffiths BA (Hons) MRTPI**  
**Principal Planning Officer (Major Developments)**  
**Communities Directorate**  
Cherwell District Council  
Direct Tel: 01295 227998  
Email: [linda.griffiths@cherwell-dc.gov.uk](mailto:linda.griffiths@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Find us on Facebook [www.facebook.com/cherwelldistrictcouncil](http://www.facebook.com/cherwelldistrictcouncil)  
Follow us on Twitter @Cherwellcouncil

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EP1I

---

**From:** Arminder Uppal <Arminder.Uppal@vistry.co.uk>  
**Sent:** 30 March 2023 11:01  
**To:** Linda Griffiths  
**Cc:** David Laight  
**Subject:** Drayton Lodge, Banbury- Management Transfer  
**Attachments:** P20-0368\_15Q Landscape Masterplan.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Linda,

I am writing to you with regards to the decision Vistry has made with regards to the future maintenance and management of all open spaces on the Drayton Lodge, Banbury development as detailed in the S106 agreement. As per the Third Schedule of the agreement Vistry intends to transfer all areas of open space including play areas, sports pitches, all ecological areas and potentially the SUDs features (Vistry will confirm who is taking the SUDs once we have confirmation from our Engineering team and on receipt of our Planning Approval ) into an appointed **Management Company**.

We are notifying Cherwell District Council in writing of our intention once these areas are complete. Attached is an overall Landscape Masterplan (subject to approval) which shows all the areas we intend to transfer to the Management company. Please can you confirm acceptance of this proposal as per the agreement and if you require any further information then please let me know.

Kind regards

**Arminder Uppal**  
Landscape Architect- Technical Co-ordinator

Direct: 01675 437 174  
Mobile: 07827 843 486

**Vistry West Midlands**  
1 Bromwich Court | Gorsey Lane | Coleshill  
Birmingham | B46 1JU | 0167543700

## Vistry Housebuilding

**Bovis  
Homes**

  
**COUNTRYSIDE  
Homes**

**Linden  
HOMES**

Part of the Vistry Group

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EP1J

**From:** [Mundy, Ben - Oxfordshire County Council](#)  
**To:** [David Laight - Linda Griffiths](#)  
**Subject:** RE: Access and Egress to Drayton Lodge Development Banbury  
**Date:** 11 July 2023 15:06:59  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[CTMP Appendix 2 - Routing Plan \(1\).pdf](#)

Hi David,

The attached document shows the routing, shows a similar route to your drawing.

Many thanks

Ben Mundy

---

**From:** David Laight <David.Laight@vistry.co.uk>  
**Sent:** 11 July 2023 15:02  
**To:** Linda Griffiths <Linda.Griffiths@Cherwell-DC.gov.uk>  
**Cc:** Mundy, Ben - Oxfordshire County Council <Ben.Mundy@Oxfordshire.gov.uk>  
**Subject:** RE: Access and Egress to Drayton Lodge Development Banbury

You don't often get email from [david.laight@vistry.co.uk](mailto:david.laight@vistry.co.uk). [Learn why this is important](#)

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Hi Linda – before I discuss with our commercial and build teams – is the below the preferred routing?

thanks

David.



---

**From:** Linda Griffiths <Linda.Griffiths@Cherwell-DC.gov.uk>  
**Sent:** Tuesday, July 11, 2023 2:26 PM  
**To:** David Laight <David.Laight@vistry.co.uk>  
**Cc:** Mundy, Ben - Oxfordshire County Council <Ben.Mundy@Oxfordshire.gov.uk>  
**Subject:** FW: Access and Egress to Drayton Lodge Development Banbury

**NOTE:** Email originated outside of Vistry Group.

Good Afternoon David

Please see the email below regarding construction traffic through Hanwell Village.

Please can you address the issues raised with your construction team with immediate effect and confirm to myself and OCC when the issue has been resolved.

Thank you  
Kind Regards  
Linda

**Linda Griffiths BA (Hons) MRTPI**  
**Principal Planning Officer (Major Developments)**  
**Communities Directorate**  
Cherwell District Council

Direct Tel: 01295 227998  
Email: [linda.griffiths@cherwell-dc.gov.uk](mailto:linda.griffiths@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Find us on Facebook [www.facebook.com/cherwelldistrictcouncil](http://www.facebook.com/cherwelldistrictcouncil)  
Follow us on Twitter @Cherwellcouncil

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---

**From:** Mundy, Ben - Oxfordshire County Council <[Ben.Mundy@Oxfordshire.gov.uk](mailto:Ben.Mundy@Oxfordshire.gov.uk)>  
**Sent:** Tuesday, July 11, 2023 2:00 PM  
**To:** Linda Griffiths <[Linda.Griffiths@Cherwell-DC.gov.uk](mailto:Linda.Griffiths@Cherwell-DC.gov.uk)>  
**Cc:** Transport CDC Minor <[Transport.CDCMinor@Oxfordshire.gov.uk](mailto:Transport.CDCMinor@Oxfordshire.gov.uk)>  
**Subject:** FW: Access and Egress to Drayton Lodge Development Banbury

Good Afternoon Linda,

Please see the below email chain in regard to routing issues that have arisen due to confusion over the agreed routes. As my email illustrates, OCC did not approve routes that direct HGV's through Hanwell, but this has been happening in practise. The parish have identified that there may be confusion as coming from the east the route is through Hanwell Fields (Dukes Meadow Drive) and not the village itself.

Please can you inform the construction company of this information to ensure that they are using the approved routes and not travelling through the village of Hanwell. It may be that the CTMP needs to be updated.

Many thanks

Ben Mundy  
Assistant Transport Planner  
Transport Development Control: Cherwell, West Oxfordshire and Oxford City  
Oxfordshire County Council  
Environment and Place  
Growth and Place  
Mobile: 07546760693  
Email: [Ben.Mundy@oxfordshire.gov.uk](mailto:Ben.Mundy@oxfordshire.gov.uk)

[Did you know that a new Oxfordshire Street Design Guide has been launched? You can view it here.](#)

---

**From:** [arnold.bailey2@btinternet.com](mailto:arnold.bailey2@btinternet.com) <[arnold.bailey2@btinternet.com](mailto:arnold.bailey2@btinternet.com)>  
**Sent:** 11 July 2023 12:35  
**To:** Mundy, Ben - Oxfordshire County Council <[Ben.Mundy@Oxfordshire.gov.uk](mailto:Ben.Mundy@Oxfordshire.gov.uk)>  
**Cc:** Area Operations North <[AreaOperations.North@Oxfordshire.gov.uk](mailto:AreaOperations.North@Oxfordshire.gov.uk)>  
**Subject:** Access and Egress to Drayton Lodge Development Banbury

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Thanks Ben

I'm pretty sure the issue is confusion caused because the map does not clearly indicate that coming from the east the route is through Hanwell Fields (Dukes Meadow Drive) and not the village of Hanwell. This needs to be clearly shown or it's likely we'll have further incidents. Can you confirm that this will be done please?

Regards

Arnold

---

**From:** Mundy, Ben - Oxfordshire County Council <[Ben.Mundy@Oxfordshire.gov.uk](mailto:Ben.Mundy@Oxfordshire.gov.uk)>  
**Sent:** 11 July 2023 11:39  
**To:** [arnold.bailey2@btinternet.com](mailto:arnold.bailey2@btinternet.com)  
**Cc:** Area Operations North <[AreaOperations.North@Oxfordshire.gov.uk](mailto:AreaOperations.North@Oxfordshire.gov.uk)>  
**Subject:** RE: Web form contact from: ARNOLD BAILEY

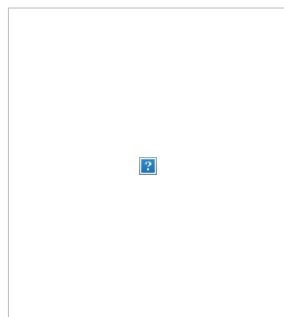
Hi Mr Bailey,

Thanks for your email and I am sorry to hear this is going on within the village.

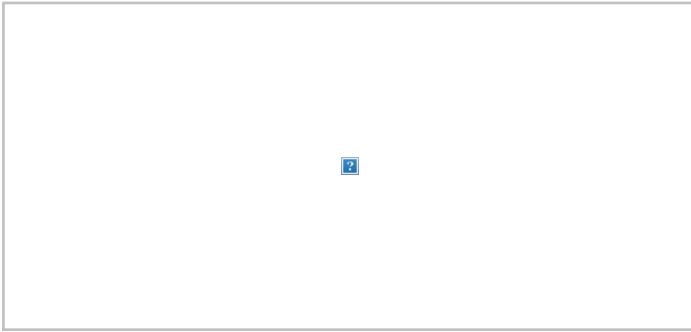
I have just been back through the submitted CTMP that was recently approved for the Warwick Road development, the below bullet points are the routes that were approved from this application. As my routing images show, the routes approved do not show any vehicles passing through Hanwell, meaning that OCC did not recommend or approve this.

This document is the only record I have of a CTMP for the Warwick Road development, if the construction company could provide evidence of where this has been approved, I would be happy to review it and try to come to a resolution should this be necessary. Please see below:

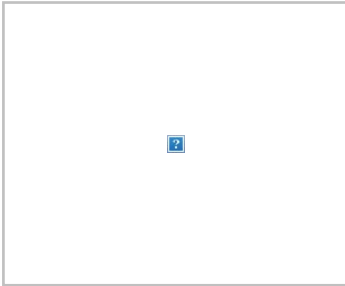
'HGVs with destinations to the North will turn left onto B4100 and access M40 via junction 12 at Gaydon'



'HGVs with destinations to the South or East will turn right onto B4100 and access M40 via junction 11 at Banbury via A422 or continue A422 if heading East'



'HGVs with destinations to the West will turn right onto B4100 and leave Banbury via the A361'



Hope this clears everything up.

Kind regards

Ben Mundy  
Assistant Transport Planner  
Transport Development Control: Cherwell, West Oxfordshire and Oxford City  
Oxfordshire County Council  
Environment and Place  
Growth and Place  
Mobile: 07546760693  
Email: [Ben.Mundy@oxfordshire.gov.uk](mailto:Ben.Mundy@oxfordshire.gov.uk)

Did you know that a new Oxfordshire Street Design Guide has been launched? You can view it [here](#).

---

**From:** Area Operations North <[AreaOperations.North@Oxfordshire.gov.uk](mailto:AreaOperations.North@Oxfordshire.gov.uk)>  
**Sent:** 11 July 2023 07:51  
**To:** Transport CDC Minor <[Transport.CDCMinor@Oxfordshire.gov.uk](mailto:Transport.CDCMinor@Oxfordshire.gov.uk)>  
**Subject:** FW: Web form contact from: ARNOLD BAILEY

Dear Team

Could you please respond to Mr Bailey?

Regards

Belinda Davies

Admin Support – Highway Maintenance  
Area Maintenance and Operations  
**Environment & Place (Operations)**  
Oxfordshire County Council | County Hall | New Road | Oxford | OX1 1ND

Email: [highway.enquiries@oxfordshire.gov.uk](mailto:highway.enquiries@oxfordshire.gov.uk)  
Tel: 0345 310 1111

[www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

[Report a highway problem](#)  
[Find planned roadworks](#)

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**From:** Warwick, Sara - Oxfordshire County Council <[SaraL.Warwick@Oxfordshire.gov.uk](mailto:SaraL.Warwick@Oxfordshire.gov.uk)> **On Behalf Of** Road Agreements Team  
**Sent:** 10 July 2023 09:46  
**To:** Area Operations North <[AreaOperations.North@Oxfordshire.gov.uk](mailto:AreaOperations.North@Oxfordshire.gov.uk)>  
**Subject:** RE: Web form contact from: ARNOLD BAILEY

Hello Belinda,

If the route was agreed at planning then a Routeing Agreement would have been put in place, which are done by Transport Development Control. Email address is [transport.cdcminor@oxfordshire.gov.uk](mailto:transport.cdcminor@oxfordshire.gov.uk)

Kind regards

Sara Warwick  
Road Agreements Co-ordinator



Road Agreements  
Environment & Place  
Oxfordshire County Council  
County Hall  
New Road  
Oxford  
OX1 1ND

Team Tel: 01865 815202

Team Email: [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)

**Please note, from 1<sup>st</sup> April 2022 OCC Road Agreements Team are implementing a new monitoring and inspection fee payment process, please refer to the Road Agreements website for further information - <https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/section-38-and-section-278>**

---

**From:** Area Operations North <[AreaOperations.North@Oxfordshire.gov.uk](mailto:AreaOperations.North@Oxfordshire.gov.uk)>  
**Sent:** 10 July 2023 08:10  
**To:** Road Agreements Team <[RoadAgreements@Oxfordshire.gov.uk](mailto:RoadAgreements@Oxfordshire.gov.uk)>  
**Subject:** FW: Web form contact from: ARNOLD BAILEY

Dear Team

Is this something that you would respond to?

Regards

Belinda Davies

Admin Support – Highway Maintenance  
Area Maintenance and Operations  
**Environment & Place (Operations)**  
Oxfordshire County Council | County Hall | New Road | Oxford | OX1 1ND

Email: [highway.enquiries@oxfordshire.gov.uk](mailto:highway.enquiries@oxfordshire.gov.uk)  
Tel: 0345 310 1111

[www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

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**From:** Highway Enquiries - E&E <[Highway.Enquiries@Oxfordshire.gov.uk](mailto:Highway.Enquiries@Oxfordshire.gov.uk)>  
**Sent:** 10 July 2023 07:50  
**To:** Area Operations North <[AreaOperations.North@Oxfordshire.gov.uk](mailto:AreaOperations.North@Oxfordshire.gov.uk)>  
**Subject:** FW: Web form contact from: ARNOLD BAILEY

Good Morning,

Please see email below. I am not sure who is the best team for this.

Kind regards,

Joy  
Customer Service Advisor  
Highway Enquiries  
Customer Service Centre  
Oxfordshire Customer Services  
PO Box 842  
OX1 9LL  
Tel: 0345 310 1111

Email: [highway.enquiries@oxfordshire.gov.uk](mailto:highway.enquiries@oxfordshire.gov.uk)  
Report faults: <https://fixmystreet.oxfordshire.gov.uk>

---

**From:** [arnold.bailey2@btinternet.com](mailto:arnold.bailey2@btinternet.com) <[arnold.bailey2@btinternet.com](mailto:arnold.bailey2@btinternet.com)>  
**Sent:** 07 July 2023 14:23  
**To:** Highway Enquiries - E&E <[Highway.Enquiries@Oxfordshire.gov.uk](mailto:Highway.Enquiries@Oxfordshire.gov.uk)>  
**Subject:** Web form contact from: ARNOLD BAILEY

## What do you want to tell us about?

What do you want to contact us about?  
Something else

## Send us a message

**First name**  
ARNOLD

**Last name**  
BAILEY

**Email address**  
[arnold.bailey2@btinternet.com](mailto:arnold.bailey2@btinternet.com)

**What location do you want to contact us about, for example, road or area (optional)?**

Hanwell, OX17

**Your message**

At lunchtime today a low loader carrying a large earth mover drove through the village in the narrow main road.

It created a lot of traffic chaos and additionally the road is totally unsuitable for heavy vehicles, there is already a sign at the junction of the road with Southam Road saying that it is unsuitable.

I am Vice Chairman of Hanwell Parish Council and in that capacity contacted the haulage company Lynch Transport. They told me that the route had been suggested and approved by Oxfordshire Highways. They themselves agreed that it was a totally unsuitable route.

Can you please advise why OCC are telling hauliers to come through the village to access the new housebuilding sites on the Warwick Road? These must be halted as it will result in both serious road damage and major inconvenience to the village.

Sent from: <https://www.oxfordshire.gov.uk/contactus/contact-highways-team>

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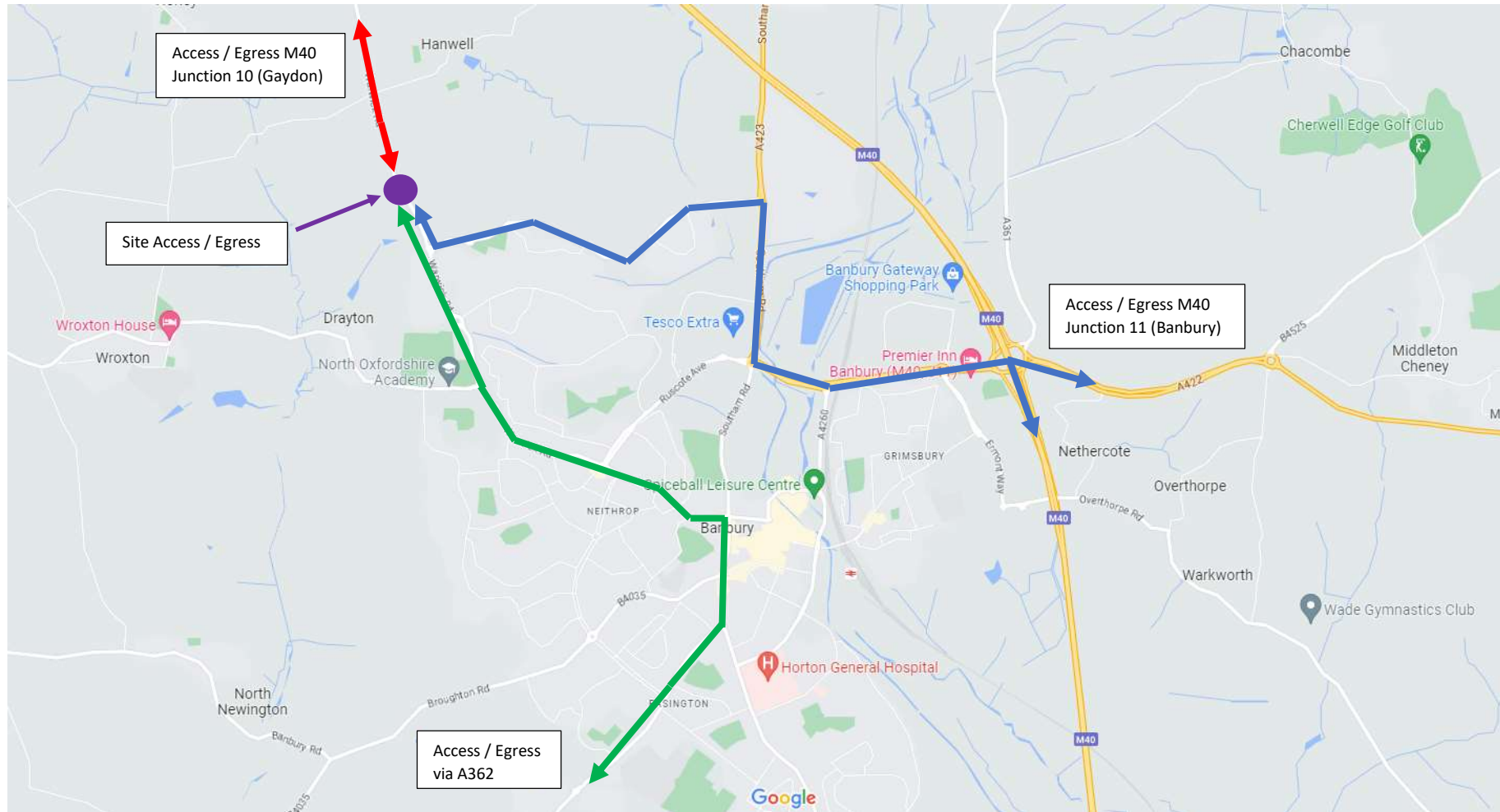
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## CTMP Appendix 2 Routing Plan - Drayton Lodge, Banbury.



- HGVs with destinations to the **North** will turn left onto B4100 and access M40 via junction 12 at Gaydon.
- HGVs with destinations to the **South** or **East** will turn right onto B4100 and access M40 via junction 11 via Dukes Meadow Drive, A432 and A422 or continue along A422 from M40 Junction 11 if heading East.
- HGVs with destinations to the **West** will turn right onto B4100 and leave Banbury via the A361.

EP1K

---

**From:** David Laight <david.laight@vistry.co.uk>  
**Sent:** 10 November 2023 13:58  
**To:** Chris Thom  
**Subject:** RE: Cherwell housing delivery monitor

**CAUTION:** This email originated from outside of the Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

hi Chris,

with the market how it is, we are assuming it will be around 30 for 2024 then 50 per annum onwards.....so built out by 3030. But this may be more in line with your assumption should the market get back on track again.

thanks  
David.

---

**From:** Chris Thom <Chris.Thom@Cherwell-DC.gov.uk>  
**Sent:** Friday, November 10, 2023 11:57 AM  
**To:** David Laight <david.laight@vistry.co.uk>  
**Subject:** Cherwell housing delivery monitor

**NOTE:** Email originated outside of Vistry Group.

Hi David,

I understand that you are involved in the site at Drayton Lodge farm. I have attached a form for our housing delivery monitor for our annual monitoring report.

Would you mind filling this form in with an estimated projection in terms of completions at Drayton Lodge. We are currently estimating that the site (320 dwellings) will be built out by March 2028, so therefore about 75 dwellings per year. Do you think this is achievable? A response to this email would be fine if you don't have time to fill in the form.

If you are leading on any other large sites (above 10 dwellings) in Cherwell if you could let me know or point me to one of your colleagues. We have already had a response on South West Bicester.

Grateful for a response by mid next week if possible.

Many thanks.

Chris.

**Chris Thom**  
**Principal Planning Policy Officer**  
**Planning Policy, Conservation and Design**  
**Environment and Place Directorate**  
**Cherwell District Council**  
Direct Dial 01295 221849  
[chris.thom@cherwell-dc.gov.uk](mailto:chris.thom@cherwell-dc.gov.uk)  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)  
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EP1L

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**From:** Jonathan Bryan <jonathan.bryan@bloorhomes.com>  
**Sent:** 13 October 2023 15:33  
**To:** Planning Policy  
**Cc:** Lewis Knox; Andy Bateson  
**Subject:** RE: Cherwell Housing Delivery Monitor Update 2023

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hi Simon,

Regarding the Housing Delivery Monitor Update, we also have a resolution to grant on land south of Banbury Rise. Subject to the s106 being agreed (hopefully by the end of the month) we will be delivering units from this site within the next 5 years.

Please do let me know if you require any further information on this site.

Thanks

Jon

**Jonathan Bryan**  
Planning Manager

**Bloor Homes Western**

Rudgeway House, Celandine Road, Walton Cardiff, Tewkesbury, Gloucestershire, GL20 7FU

Tel: 01684 278131

Email: [Jon.Bryan@bloorhomes.com](mailto:Jon.Bryan@bloorhomes.com)



---

**From:** Planning Policy <Planning.Policy@Cherwell-DC.gov.uk>  
**Sent:** Friday, October 13, 2023 2:30 PM  
**To:** Jonathan Bryan <jonathan.bryan@bloorhomes.com>  
**Subject:** RE: Cherwell Housing Delivery Monitor Update 2023

Good afternoon Jon,

Thank you for sending this through to us. I write to acknowledge receipt.

Kind regards

**Simon Barlow MRTPI**  
**Principal Planner – Infrastructure Lead**  
**Planning Policy, Conservation and Design**  
**Communities Directorate**  
**Cherwell District Council**  
[planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk)  
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**From:** Jonathan Bryan <[jonathan.bryan@bloorhomes.com](mailto:jonathan.bryan@bloorhomes.com)>  
**Sent:** Friday, October 6, 2023 11:26 AM  
**To:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Subject:** RE: Cherwell Housing Delivery Monitor Update 2023

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Good afternoon,

Please find enclosed the completed form as requested.

Thanks

Jon

**Jonathan Bryan**  
Planning Manager

**Bloor Homes Western**

Rudgeway House, Celandine Road, Walton Cardiff, Tewkesbury, Gloucestershire, GL20 7FU

Tel: 01684 278131

Email: [Jon.Bryan@bloorhomes.com](mailto:Jon.Bryan@bloorhomes.com)



---

**From:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Sent:** Wednesday, October 4, 2023 1:39 PM  
**To:** Jonathan Bryan <[jonathan.bryan@bloorhomes.com](mailto:jonathan.bryan@bloorhomes.com)>  
**Cc:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Subject:** Cherwell Housing Delivery Monitor Update 2023

Dear Sir/Madam,

Cherwell District Council is currently preparing its 2023 Annual Monitoring Report (AMR) which includes an update of the Housing Delivery Monitor. You are receiving this email as our records show you have an interest in one of the developments that we are monitoring. We would be grateful if you could complete the attached form and return it to us by **24 October 2023**.

If have any queries please do contact us by responding to this email or by telephone 01295 221849.

The Planning Policy Team  
**Communities Directorate**  
**Cherwell District Council**

[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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EP1M

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**From:** Thomas Webster <Thomas.Webster@cherwell-dc.gov.uk>  
**Sent:** 28 July 2023 16:40  
**To:** Henry Venners  
**Cc:** Paul Ihringer  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F- conditions

Hi Henry,

My understanding is that your clients have now paid the undertaking of the County Council's solicitor, who has inputted the County's obligations, and the draft s106 agreement is with your client's solicitor.

I also understand from speaking with our solicitor that there are a couple of technical matters that need refining:

1. "The site location plan appears to include a small area of land outside the applicant's title. I have raised this with the applicant's solicitor, and I understand the plan to be appended to the agreement will be updated. I assume the site location plan submitted with the application will also be amended but, I haven't received confirmation to that effect."
2. Your client's solicitor has confirmed that the Huggins have sold the property to Oxford Road Residences Ltd (ORRL). He will replace the Huggins with ORRL as the landowner, but our solicitor has said that we'll need confirmation that ORRL is the registered proprietor of the land before completion.

In terms of conditions, I have spoken with our Ecologist and she is happy for your suggested amendment to condition 15. She added:

*"change is reasonable as long as the biodiversity enhancement scheme is in for assessment prior to any building works commencing as it is likely that the enhancements will need to be integrated into the buildings and so they need to allow for this."*

*Not related to conditions particularly but just to note that although outside the main nesting season some birds will still nest/start nesting in August and September and are still legally protected whilst doing so. They should just be aware of this prior to the start of demolition. This may be captured in the CEMP however which is pre-commencement – has that been discharged yet?*

To this end, I would be very happy for you to submit a CEMP during this application and the condition to be discharged that way -provided Environmental Health are happy.

Finally, I would be grateful if you could forward on your email from your contaminated land expert explaining why the buildings need to be dropped first before he can provide his advice -we can then consult Environmental Health.

I will be away on annual leave for the next two weeks, returning on Monday 14<sup>th</sup> August, so it would be good if you can copy my team leader, Paul Ihringer, in to your reply.

I think it would be worth us all agreeing an Extension of time until 28<sup>th</sup> August to allow for this information to be re-submitted, consulted on, and for the s106 Agreement to be signed and sealed.

Kind regards,

Tom

**Tom Webster BA. (Hons) DIP TP MRTPI**  
**Principal Planner– South Area Major Projects Team**

Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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---

**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** Friday, July 14, 2023 5:19 PM  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F- conditions

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I wasn't aware there was a missing undertaking so I have nudged the client's solicitor in that regard. Thanks for the tip.

Kind regards

**Henry Venners**

office: 01865 326 823  
JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** Friday, July 14, 2023 4:46 PM  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F- conditions

Hi Henry,

Thank you for your email.

The draft S106 Agreement, prepared by Womble Bond Dickinson on behalf of Cherwell District Council, has been submitted to Oxfordshire County Council (OCC), but my understanding is that OCC have not yet received an undertaking from your clients to commence work on their part of the S106 Agreement.

Your comments on, and proposed amendments to, the conditions are noted. I will review them early next week and double check with the relevant consultees to make sure they are happy with the suggested amendments.

Kind regards,

Tom

**Tom Webster** BA. (Hons) DIP TP MRTPI  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
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---

**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** Friday, July 14, 2023 2:31 PM  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F- conditions

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Hi Tom

As time moves on my client is still waiting for the s106 to be progressed. We are hopeful that this will be moved soon.

With that in mind and as we had discussed previously we were looking again at conditions and triggers. I want to be sure that they have a sensible way ahead.

I will forward an email from the contamination chap which I hope helps to clarify why the buildings need to be dropped before he can confirm his contamination advice. Presently we are in a catch-22 as we need to remove the buildings for the contamination to go ahead but condition 9 prevents demolition. Please can we edit condition 9 to allow for demolition? My suggested wording is as attached.

If we do that condition 10 does not really make sense as development will have occurred indeed has to have occurred to find any contamination which might lurk unseen. Again I have edited it as showing

Condition 11 is I think wrong as it refers to itself not condition 10 so I have edited it, not least it was missing a trigger point

12 remains okay

Condition 17 warns against works during bird nesting season

My client would like to do demolition in August/September but condition 15 as worded would preclude that. I would like it please if this could be amended to allow demolition and contamination testing etc.

I really don't see any harm in allowing that to occur before the enhancement strategy is approved. can that condition please be amended to allow demolition? The site is a car lot with no present ecological interest (see ecology report), thus there is nothing to be lost by allowing demolition one stage earlier, there is only gain to be made later. I have tightened up your condition a touch.

That would leave condition 19 as the only one as a precommencement.

We have started to work on that CEMP. if we devised that CEMP scheme before the s106 was signed could we send it in for approval before decision notice issued?

Kind regards

**Henry Venners**

office: 01865 326 823

JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** Tuesday, April 4, 2023 3:23 PM  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Hi Henry,

There is no need to send you a draft decision notice, as the suggested conditions are set out in the 9<sup>th</sup> March Planning Committee report (see attached) which were brought over from the July 2022 Planning Committee report.

Kind regards,

Tom

**Tom Webster** BA. (Hons) DIP TP MRTPI  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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---

**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** 31 March 2023 19:01  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

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I forgot earlier to also remind you if we could please have a full draft decision notice for perusal?

I await my client's reply on other things but just thought of this.

Kind regards

**Henry Venners**

office: 01865 326 823  
JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** 31 March 2023 14:34  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Dear Henry,

Thank you for your email.

Planning is very much a case of, each case on its own merits. In this instance, Members requested a viability review trigger point as late in the process as possible. Therefore, this proposed trigger point reflects the resolution of the Members.

My manager and I also think it is a very fair trigger point as it allows the applicant to construct the buildings, and sell the majority of the residential units (thereby bringing capital in), before the viability of the scheme is re-assessed. We feel this is a pragmatic, and not an unduly onerous, solution.

I look forward to hearing confirmation from your clients, so that the s106 agreement can be progressed and a decision can be issued.

Kind regards,

Tom

**Tom Webster BA. (Hons) DIP TP MRTPI**  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
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**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** 31 March 2023 14:20  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

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Thanks for these thoughts and coming back so quickly I am not sure I can respond myself this week, given time pressures of today, and being away next week. however- I did ask whether these such mechanisms had been used on any other site within CDC. Can you enlighten me please?

I have not seen such an onerous requirement previously, and fairness is important in the planning system.

Kind regards

**Henry Venners**

office: 01865 326 823

JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** 31 March 2023 14:05  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Further to my email below.

I would also expect the viability review obligation to make it clear that the final four flats cannot be occupied until the viability review work is completed and an affordable housing contribution payment timetable has been agreed with the Council.

Our legal team have been instructed some time ago to prepare a s106 agreement. My understanding is that it is being outsourced to an external party.

Kind regards,

Tom

**Tom Webster BA. (Hons) DIP TP MRTPI**  
**Principal Planner– South Area Major Projects Team**  
Development Management Division

Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
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**From:** Thomas Webster  
**Sent:** 31 March 2023 14:00  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Dear Henry,

My manager and I have given the matter some thought. Although I had suggested a trigger point of 9 months post construction in my committee report, the Members, at the 9<sup>th</sup> March Planning Committee, made it clear it they would want to see the trigger point as late as is practically possible to ensure that the most amount of up to date evidence is available.

To this end, we suggest that the viability review trigger point is as follows:

The first 11 flats can be occupied, but after that a viability review must be carried out whereby any developer profits over 15%, will be split with the Council 50/50 up until the point that the affordable housing contribution requirement of £609k, is paid.

I hope this is helpful.

Kind regards,

Tom

**Tom Webster** BA. (Hons) DIP TP MRTPI  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Find us on Facebook [www.facebook.com/cherwelldistrictcouncil](http://www.facebook.com/cherwelldistrictcouncil)  
Follow us on Twitter @Cherwellcouncil

My usual working hours are: Monday to Friday, 09:00am to 17:15pm.

Planning and Development services can be contacted as follows: Development Management - [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk); Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk); Planning Policy - [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk); Conservation - [design.conservations@cherwell-dc.gov.uk](mailto:design.conservations@cherwell-dc.gov.uk). For the latest information on Planning and Development please visit [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

---

**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** 31 March 2023 13:41  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

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Hi Thomas

Is there any update? I am away next week and would like to pass on an update to my client. I must say I am still mystified as to the additional delay. I was thinking this could be passed to the lawyers still.

Even if we don't like what you are going to propose we will have to go to appeal and need to have a planning obligation for that. My client though wants to make progress with the Council and I am not sure we are making progress just now? hence my request for an update please.

Kind regards

**Henry Venners**

office: 01865 326 823  
JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** 23 March 2023 10:51  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Dear Henry,

Thank you for your email, and please accept my apologies for not being able to take your phone calls this week - I have been tied up in meetings.

Just to confirm, we cannot agree to your 12 month trigger point suggestion. I will be talking to my manager and colleagues and will respond shortly with a suggested approach to the viability review mechanism, as it is quite a delicate obligation.

Kind regards,

Tom

**Tom Webster BA. (Hons) DIP TP MRTPI**  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council

Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Find us on Facebook [www.facebook.com/cherwelldistrictcouncil](http://www.facebook.com/cherwelldistrictcouncil)  
Follow us on Twitter @Cherwellcouncil

My usual working hours are: Monday to Friday, 09:00am to 17:15pm.

Planning and Development services can be contacted as follows: Development Management - [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk); Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk); Planning Policy - [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk); Conservation - [design.conservations@cherwell-dc.gov.uk](mailto:design.conservations@cherwell-dc.gov.uk). For the latest information on Planning and Development please visit [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

---

**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** 23 March 2023 10:45  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

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Dear Thomas

You have not been cc'd into the mail below. This was why I was desperate to talk to you.

I still feel we should talk please, if you get the chance to call.

Kind regards

**Henry Venners**

office: 01865 326 823  
JPPC ref:

---

**From:** Bob Rendell <[bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk)>  
**Sent:** 23 March 2023 10:18  
**To:** Ian Boll <[Ian.Boll@Cherwell-DC.gov.uk](mailto:Ian.Boll@Cherwell-DC.gov.uk)>  
**Cc:** Yvonne Rees <[Yvonne.Rees@Cherwell-DC.gov.uk](mailto:Yvonne.Rees@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>; Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>; Matt Chadwick <[matt.chadwick@jppc.co.uk](mailto:matt.chadwick@jppc.co.uk)>; Alison Stokes <[Alison.Stokes@Cherwell-DC.gov.uk](mailto:Alison.Stokes@Cherwell-DC.gov.uk)>  
**Subject:** RE: Mr Rendell - 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Ian

Apologises, but unfortunately, I must once again write and request your intervention on the above planning application, I believe we are now dealing with the eighth planning officer in respect of this scheme.

We instructed Savills to prepare and submit an affordable housing viability report and then funded a report prepared by Bidwells on behalf of your authority, the two reports broadly agreed with each other in so far as they both concluded that the scheme could unfortunately not support any contribution towards affordable housing. However, in discussion with your officer and in order to mitigate this finding, we agreed with your officer's

suggestion that there should be a further viability test undertaken at a period of nine months following the implementation of planning.

Your officers report went to the planning committee with a recommendation for approval on the basis of no affordable housing contribution and a further viability test at a period of nine months following the implementation of planning. This was subsequently approved by the planning committee subject to more consideration of the time period for the further viability test.

Your officer has now written, asking us to fund external consultant advice regarding the timing of a further viability test. In our opinion this further engagement with external consultants is going to cause additional unnecessary delay and cost to a planning process that your authority has previously agreed already taken far too long. We have tried to engage with your officer to advise that unfortunately, we are not prepared to pay for further external consultant advice as we believe given Bidwells report this is completely unnecessary. We are however, if of assistance, prepared to agree to an extension to the period for the further viability test, from nine months to twelve months following implementation of planning.

I would please ask you to consider the above and do all you can to ensure that planning is concluded as swiftly as possible.

Kind regards

Bob Rendell  
Sweetcroft Homes

---

**From:** Ian Boll <[Ian.Boll@Cherwell-DC.gov.uk](mailto:Ian.Boll@Cherwell-DC.gov.uk)>  
**Sent:** Monday, December 5, 2022 6:04 PM  
**To:** Bob Rendell <[bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk)>  
**Cc:** Yvonne Rees <[Yvonne.Rees@Cherwell-DC.gov.uk](mailto:Yvonne.Rees@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>; Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>; Matt Chadwick <[matt.chadwick@jppc.co.uk](mailto:matt.chadwick@jppc.co.uk)>; Alison Stokes <[Alison.Stokes@Cherwell-DC.gov.uk](mailto:Alison.Stokes@Cherwell-DC.gov.uk)>  
**Subject:** RE: Mr Rendell - 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Bob

Thank you for your email and I apologise for the delay and lack of response. I did speak with the planning team on this case last week and was given assurances that it was due to be reviewed shortly. We do unfortunately have a backlog in reviewing applications, compounded by a lack of resource in the planning team however I am asking that this is prioritised.

Can I suggest that we arrange a teams meeting for the week after next (Alison cc'd to arrange) by which time I am hopeful that it will have moved forward.

Regards

Ian

Ian Boll  
Corporate Director – Communities  
Cherwell District Council  
DD: 01295 221628  
[ian.boll@cherwell-dc.gov.uk](mailto:ian.boll@cherwell-dc.gov.uk)



**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

---

**From:** Bob Rendell <[bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk)>

**Sent:** 05 December 2022 15:46

**To:** Ian Boll <[ian.Boll@Cherwell-DC.gov.uk](mailto:ian.Boll@Cherwell-DC.gov.uk)>

**Cc:** Yvonne Rees <[Yvonne.Rees@Cherwell-DC.gov.uk](mailto:Yvonne.Rees@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>;

Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Henry Venners

<[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>; Matt Chadwick <[matt.chadwick@jppc.co.uk](mailto:matt.chadwick@jppc.co.uk)>

**Subject:** RE: Mr Rendell - 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

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Dear Ian

I am writing to seek your urgent assistance in progressing our planning application.

We submitted our affordable housing viability report (copy attached) to Cherwell on the 24<sup>th</sup> October 2022 and despite repeated requests from our planning consultants for an update have heard nothing in response.

We are absolutely desperate to progress this matter and would appreciate the opportunity to discuss with you via a video call and would be grateful if you would please advise your availability.

Many thanks

Bob Rendell

---

**From:** Bob Rendell

**Sent:** 28 July 2022 19:07

**To:** Ian Boll <[ian.Boll@cherwell-dc.gov.uk](mailto:ian.Boll@cherwell-dc.gov.uk)>

**Cc:** Yvonne Rees <[Yvonne.Rees@cherwell-dc.gov.uk](mailto:Yvonne.Rees@cherwell-dc.gov.uk)>; Nathanael Stock <[Nathanael.Stock@cherwell-dc.gov.uk](mailto:Nathanael.Stock@cherwell-dc.gov.uk)>; Neil

Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Henry Venners

<[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>; Matt Chadwick <[matt.chadwick@jppc.co.uk](mailto:matt.chadwick@jppc.co.uk)>

**Subject:** Re: Mr Rendell - 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Hi Ian

Many thanks for your response and continued support in regards to this matter.

I look forward to receiving a figure from your housing officer in respect of the offsite provision of affordable housing at the earliest opportunity so that the 106 agreement can be progressed.

Best regards

Bob Rendell

On 27 Jul 2022, at 07:13, Ian Boll <[Ian.Boll@cherwell-dc.gov.uk](mailto:Ian.Boll@cherwell-dc.gov.uk)> wrote:

Dear Mr Rendell

Thank you for your email of 29 June 2022 highlighting your concerns with the progress the Council had made at that time with your planning application (reference 22/00017/F) for the erection of flats at Kidlington Garage, Bicester Road, Kidlington. Thank you also for your recent email of 21 July in which you kindly acknowledged the attention the application has subsequently received.

I noted that the Team Leader within the Planning Team responded on 29 June to apologise and to undertake to pick the matter up with the case officer for the application.

I am pleased that we were then able to make swift progress and that the application was presented to the July Planning Committee. I am aware that the committee resolved to grant planning approval subject to the finalisation of the required legal agreement.

As you note, there are indeed challenges with recruitment which increases the pressure on staff to deal with our high caseloads. We are certainly seeking to address these in the interest of dealing with applications and associated matters in as timely and professional a way as we can.

Whilst the application has only recently been to Committee, I will certainly ensure that the necessary officers are sighted on the delays you have experienced in the interest of completing the legal agreement as soon as possible.

My apologies for those delays. I am pleased that we seem to have moved now to a positive outcome.

Kind regards

Ian Boll  
Corporate Director – Communities  
Cherwell District Council  
DD: 01295 221628  
[Ian.boll@cherwell-dc.gov.uk](mailto:Ian.boll@cherwell-dc.gov.uk)

[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA

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Follow us on Twitter @cherwellcouncil



**From:** Bob Rendell <[bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk)>  
**Sent:** Wednesday, June 29, 2022 8:43 am  
**To:** Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>; Yvonne Rees <[Yvonne.Rees@Cherwell-DC.gov.uk](mailto:Yvonne.Rees@Cherwell-DC.gov.uk)>; Councillor Leslie Sibley <[Leslie.Sibley@Cherwell-DC.gov.uk](mailto:Leslie.Sibley@Cherwell-DC.gov.uk)>  
**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>; Lee Chapman <[lee.chapman@sweetcroft.co.uk](mailto:lee.chapman@sweetcroft.co.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Some people who received this message don't often get email from [bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk). [Learn why this is important](#)

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Morning Joel

Many thanks for your email and continued your continued chasing of the Local Authority. It is clear from the ongoing lack of response from Cherwell that the planning system within the Local Authority has failed. I don't believe that this the fault of the officers who I am sure are doing their best in difficult circumstances, however the Local Authority itself is clearly under resourced and suffering from low morale and must be held to account for its ongoing failures. Accordingly, I would be most grateful if you would please provide me with a simple timeline of events and note the numerous failures of the Local Authority to communicate, I will then take this up with the Leader of the Council Les Sibley and the Local MP Layla Moran.

Sweetcroft Homes is a well respected local business and we are finding it impossible to operate and plan our workload within the current failed planning system. The impact on our business is such that we will have to make people redundant and much needed homes will not be delivered.

Best regards

Bob Rendell  
CEO Sweetcroft Homes

---

**From:** Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>  
**Sent:** 28 June 2022 17:09  
**To:** Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>  
**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>; Bob Rendell <[bobrendell@gmd.uk](mailto:bobrendell@gmd.uk)>; Lee Chapman <[lee.chapman@sweetcroft.co.uk](mailto:lee.chapman@sweetcroft.co.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Andy, Nat & Paul.

Further to the continued emails can someone **please** come back to me and give us an update, where we are with this application and who is now looking after it?



We have emailed housing independently for an update given the lack of response, to which we await comments.

If my email below was not clear the lack of correspondence or update to this application and the continued mishandling is unacceptable and our clients are now rightly fed up. The extension of time that was afforded to the application to go to committee runs out in the coming days.

I await your immediate clarification as to what will be done.

Joel Day

Architect

For and on behalf of Anderson Orr Architects

Anderson Orr

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**From:** Joel Day

**Sent:** 21 June 2022 17:49

**To:** 'Andy Bateson' <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>

**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; 'Paul Ihringer' <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>;

Bob Rendell <[bobrendell@gmd.uk](mailto:bobrendell@gmd.uk)>; Lee Chapman <[lee.chapman@sweetcroft.co.uk](mailto:lee.chapman@sweetcroft.co.uk)>

**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Andy,

Further to the below email thread can you please as a matter of urgency please come back to me via telecom or email to provide a comprehensive update on this application.

As can be seen from the application file this application was due for determination in April, this was not achieved due to the departure of Gavin Forrest. The application was duly then reallocated to Samantha Taylor, whereby she confirmed as per the attached that the scheme would be recommended for approval and was proposed to be heard at the June committee. Follow this despite numerous chase emails and telecom messages we have heard nothing more than confirmation they have passed on my clients solicitors details for S106 advancement.

The June committee date has now passed, we are yet to receive housing comments and no other update.

This is clearly totally unacceptable, my client has lost all patience and requires an urgent update with a clear timeline setting out how you proposed to resolve these matters

Kind Regards

---

**From:** Joel Day

**Sent:** 15 June 2022 09:13

**To:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>

**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>

**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Morning Paul,

Thanks for the introduction to Andy, who I am sure will understand our concerns and urgency regarding this application given its history and will come back to us at the earliest opportunity.

Kind Regards

---

**From:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Sent:** 14 June 2022 16:42  
**To:** Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>  
**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>  
**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Joel

I have had no involvement with this development since it was reallocated. I have copied in Sam's line manager, Andy Bateson, who should be able to advise.

Regards

Paul

**Paul Ihringer**  
**Team Leader – Householder Plus Team**  
Development Management  
Communities Directorate  
Cherwell District Council  
Direct Dial: 01295 221817  
Email: [paul.ihringer@cherwell-dc.gov.uk](mailto:paul.ihringer@cherwell-dc.gov.uk)

Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)  
Find us on Facebook: [www.facebook.com/cherwelldistrictcouncil](https://www.facebook.com/cherwelldistrictcouncil)  
Follow us on Twitter: @Cherwellcouncil

---

**From:** Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>  
**Sent:** 14 June 2022 16:34  
**To:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>  
**Subject:** 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

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Dear Paul,

Could you please give me a call on 07966 495 631 at your earliest convenience please?

I am concerned about our application for the Kidlington Garage site and the upcoming committee date as we are yet to receive any correspondence back from Samantha on conditions for the application, or a committee report ahead of the hearing. In addition we need comments from housing and the affordable housing contributions for the S106 – and as it stands none of the above is provided with committee this month fast approaching.

Either a call or explanation by urgent return would be appreciated as our client is understandably frustrated about the process and anxious about the committee itself in light of the above.

Kind Regards

JoelDay  
Architect

# AndersonOrr

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Social [LinkedIn](#) | [Instagram](#)

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**CHERWELL HOUSING DELIVERY MONITOR FORM 2023**

## Applicant/Agent/Developer

Hallam Land Management Ltd  
Framptons

## Introduction

Cherwell District Council is currently preparing the 2023 Annual Monitoring Report (AMR) which includes updating of the Housing Delivery Monitor. The Government's Planning Practice Guidance recognises the importance of advice provided by developers and local agents in assessing lead-in times, build-out rates by year and deliverability. Information provided on this form will be used to help inform the AMR's Housing Delivery Monitor. This information will be considered along with other relevant information including those received from internal consultees.

Further evidence will be needed for sites without full detailed planning permission to help consider the deliverability of a site.

We would be grateful if you could complete this form to assist us with this process.

Please note that this response could be used in public documents. **Please respond by 24 October 2023.**

## Part A – Planning application information

<b>Site Address</b>	Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury
<b>Site Area (total)</b>	39.23

Planning Application Details (if applicable)	
Application Number(s):	19/01047/OUT
Date Application(s) Approved:	-
Number of dwellings (net):	825

Please provide any updates or corrections to the planning application information above in the following box:

--

## Part B – Delivery Rate

The Council published a Land Supply Statement in February 2023 which is available here <https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports/3>

Please indicate if the information in the 5 year land supply statement provides a realistic assumption of the delivery rate on this site:

~~YES~~/NO (please circle)

If you have answered no, please explain why below and provide an alternative assessment in the table below explaining your reasons.

General comments/updates:

The trajectory is unduly pessimistic and should be updated.

### Alternative suggested build-out rate provided by applicant/developer

Year (Financial)	Number of Units (built)	Notes
2023/24		
2024/25		
2025/26	50	
2026/27	100	
2027/28	100	
2028/29	100	
2029/30	100	
2030/31	100	
2031/32	100	
2032/33	100	
2033/34	75	
2034/35		
2035/36		
2036/37		



<b>2037/38</b>		
<b>2038/39</b>		
<b>2039/40</b>		
<b>Beyond 2040</b>		
<b>Total</b>		

**In addition please provide comments on:**

Any housebuilder(s) secured to develop the site? (if applicable)

If no housebuilder is yet in place, what progress has been made and when will one be contracted to build out the site? (if applicable)

Number of housebuilders currently on site?

Number of housebuilders expected on site in future years?

Expected date for starting on site? **2025/26**

Any further information on build-out rates including any further general reasons for any reduction in build rates? **As above**

Any viability or infrastructure issues that need to be overcome to enable the development to commence?

Any ownership or access constraints that need to be overcome to enable the development to commence?

Have pre-commencement conditions been discharged / pre-commencement assessments been carried out?

Any progress being made towards the submission of additional planning application(s) including reserved matters planning applications?

Any progress with site assessment work required for a planning application(s)?

Form completed by: Name (please print)...Louise Steele.....

Position Director.....

Company Framptons

Date 30.10.23 .....

EP1N

---

**From:** Thomas Webster <Thomas.Webster@cherwell-dc.gov.uk>  
**Sent:** 28 July 2023 16:40  
**To:** Henry Venners  
**Cc:** Paul Ihringer  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F- conditions

Hi Henry,

My understanding is that your clients have now paid the undertaking of the County Council's solicitor, who has inputted the County's obligations, and the draft s106 agreement is with your client's solicitor.

I also understand from speaking with our solicitor that there are a couple of technical matters that need refining:

1. "The site location plan appears to include a small area of land outside the applicant's title. I have raised this with the applicant's solicitor, and I understand the plan to be appended to the agreement will be updated. I assume the site location plan submitted with the application will also be amended but, I haven't received confirmation to that effect."
2. Your client's solicitor has confirmed that the Huggins have sold the property to Oxford Road Residences Ltd (ORRL). He will replace the Huggins with ORRL as the landowner, but our solicitor has said that we'll need confirmation that ORRL is the registered proprietor of the land before completion.

In terms of conditions, I have spoken with our Ecologist and she is happy for your suggested amendment to condition 15. She added:

*"change is reasonable as long as the biodiversity enhancement scheme is in for assessment prior to any building works commencing as it is likely that the enhancements will need to be integrated into the buildings and so they need to allow for this."*

*Not related to conditions particularly but just to note that although outside the main nesting season some birds will still nest/start nesting in August and September and are still legally protected whilst doing so. They should just be aware of this prior to the start of demolition. This may be captured in the CEMP however which is pre-commencement – has that been discharged yet?*

To this end, I would be very happy for you to submit a CEMP during this application and the condition to be discharged that way -provided Environmental Health are happy.

Finally, I would be grateful if you could forward on your email from your contaminated land expert explaining why the buildings need to be dropped first before he can provide his advice -we can then consult Environmental Health.

I will be away on annual leave for the next two weeks, returning on Monday 14<sup>th</sup> August, so it would be good if you can copy my team leader, Paul Ihringer, in to your reply.

I think it would be worth us all agreeing an Extension of time until 28<sup>th</sup> August to allow for this information to be re-submitted, consulted on, and for the s106 Agreement to be signed and sealed.

Kind regards,

Tom

**Tom Webster BA. (Hons) DIP TP MRTPI**  
**Principal Planner– South Area Major Projects Team**

Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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My usual working hours are: Monday to Friday, 09:00am to 17:15pm.

Planning and Development services can be contacted as follows: Development Management - [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk); Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk); Planning Policy - [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk); Conservation - [design.conservations@cherwell-dc.gov.uk](mailto:design.conservations@cherwell-dc.gov.uk). For the latest information on Planning and Development please visit [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** Friday, July 14, 2023 5:19 PM  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F- conditions

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I wasn't aware there was a missing undertaking so I have nudged the client's solicitor in that regard. Thanks for the tip.

Kind regards

**Henry Venners**

office: 01865 326 823  
JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** Friday, July 14, 2023 4:46 PM  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F- conditions

Hi Henry,

Thank you for your email.

The draft S106 Agreement, prepared by Womble Bond Dickinson on behalf of Cherwell District Council, has been submitted to Oxfordshire County Council (OCC), but my understanding is that OCC have not yet received an undertaking from your clients to commence work on their part of the S106 Agreement.

Your comments on, and proposed amendments to, the conditions are noted. I will review them early next week and double check with the relevant consultees to make sure they are happy with the suggested amendments.

Kind regards,

Tom

**Tom Webster** BA. (Hons) DIP TP MRTPI  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** Friday, July 14, 2023 2:31 PM  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F- conditions

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Hi Tom

As time moves on my client is still waiting for the s106 to be progressed. We are hopeful that this will be moved soon.

With that in mind and as we had discussed previously we were looking again at conditions and triggers. I want to be sure that they have a sensible way ahead.

I will forward an email from the contamination chap which I hope helps to clarify why the buildings need to be dropped before he can confirm his contamination advice. Presently we are in a catch-22 as we need to remove the buildings for the contamination to go ahead but condition 9 prevents demolition. Please can we edit condition 9 to allow for demolition? My suggested wording is as attached.

If we do that condition 10 does not really make sense as development will have occurred indeed has to have occurred to find any contamination which might lurk unseen. Again I have edited it as showing

Condition 11 is I think wrong as it refers to itself not condition 10 so I have edited it, not least it was missing a trigger point

12 remains okay

Condition 17 warns against works during bird nesting season

My client would like to do demolition in August/September but condition 15 as worded would preclude that. I would like it please if this could be amended to allow demolition and contamination testing etc.

I really don't see any harm in allowing that to occur before the enhancement strategy is approved. can that condition please be amended to allow demolition? The site is a car lot with no present ecological interest (see ecology report), thus there is nothing to be lost by allowing demolition one stage earlier, there is only gain to be made later. I have tightened up your condition a touch.

That would leave condition 19 as the only one as a precommencement.

We have started to work on that CEMP. if we devised that CEMP scheme before the s106 was signed could we send it in for approval before decision notice issued?

Kind regards

**Henry Venners**

office: 01865 326 823

JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** Tuesday, April 4, 2023 3:23 PM  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Hi Henry,

There is no need to send you a draft decision notice, as the suggested conditions are set out in the 9<sup>th</sup> March Planning Committee report (see attached) which were brought over from the July 2022 Planning Committee report.

Kind regards,

Tom

**Tom Webster** BA. (Hons) DIP TP MRTPI  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** 31 March 2023 19:01  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

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I forgot earlier to also remind you if we could please have a full draft decision notice for perusal?

I await my client's reply on other things but just thought of this.

Kind regards

**Henry Venners**

office: 01865 326 823  
JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** 31 March 2023 14:34  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Dear Henry,

Thank you for your email.

Planning is very much a case of, each case on its own merits. In this instance, Members requested a viability review trigger point as late in the process as possible. Therefore, this proposed trigger point reflects the resolution of the Members.

My manager and I also think it is a very fair trigger point as it allows the applicant to construct the buildings, and sell the majority of the residential units (thereby bringing capital in), before the viability of the scheme is re-assessed. We feel this is a pragmatic, and not an unduly onerous, solution.

I look forward to hearing confirmation from your clients, so that the s106 agreement can be progressed and a decision can be issued.

Kind regards,

Tom

**Tom Webster BA. (Hons) DIP TP MRTPI**  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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---

**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** 31 March 2023 14:20  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

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Thanks for these thoughts and coming back so quickly I am not sure I can respond myself this week, given time pressures of today, and being away next week. however- I did ask whether these such mechanisms had been used on any other site within CDC. Can you enlighten me please?

I have not seen such an onerous requirement previously, and fairness is important in the planning system.

Kind regards

**Henry Venners**

office: 01865 326 823

JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** 31 March 2023 14:05  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Further to my email below.

I would also expect the viability review obligation to make it clear that the final four flats cannot be occupied until the viability review work is completed and an affordable housing contribution payment timetable has been agreed with the Council.

Our legal team have been instructed some time ago to prepare a s106 agreement. My understanding is that it is being outsourced to an external party.

Kind regards,

Tom

**Tom Webster BA. (Hons) DIP TP MRTPI**  
**Principal Planner– South Area Major Projects Team**  
Development Management Division



Communities Directorate  
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---

**From:** Thomas Webster  
**Sent:** 31 March 2023 14:00  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Dear Henry,

My manager and I have given the matter some thought. Although I had suggested a trigger point of 9 months post construction in my committee report, the Members, at the 9<sup>th</sup> March Planning Committee, made it clear it they would want to see the trigger point as late as is practically possible to ensure that the most amount of up to date evidence is available.

To this end, we suggest that the viability review trigger point is as follows:

The first 11 flats can be occupied, but after that a viability review must be carried out whereby any developer profits over 15%, will be split with the Council 50/50 up until the point that the affordable housing contribution requirement of £609k, is paid.

I hope this is helpful.

Kind regards,

Tom

**Tom Webster** BA. (Hons) DIP TP MRTPI  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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Follow us on Twitter @Cherwellcouncil

My usual working hours are: Monday to Friday, 09:00am to 17:15pm.

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---

**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** 31 March 2023 13:41  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

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Hi Thomas

Is there any update? I am away next week and would like to pass on an update to my client. I must say I am still mystified as to the additional delay. I was thinking this could be passed to the lawyers still.

Even if we don't like what you are going to propose we will have to go to appeal and need to have a planning obligation for that. My client though wants to make progress with the Council and I am not sure we are making progress just now? hence my request for an update please.

Kind regards

**Henry Venners**

office: 01865 326 823  
JPPC ref:

---

**From:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Sent:** 23 March 2023 10:51  
**To:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

Dear Henry,

Thank you for your email, and please accept my apologies for not being able to take your phone calls this week - I have been tied up in meetings.

Just to confirm, we cannot agree to your 12 month trigger point suggestion. I will be talking to my manager and colleagues and will respond shortly with a suggested approach to the viability review mechanism, as it is quite a delicate obligation.

Kind regards,

Tom

**Tom Webster BA. (Hons) DIP TP MRTPI**  
**Principal Planner– South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council

Tel: 01295 221634  
Email: [Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Find us on Facebook [www.facebook.com/cherwelldistrictcouncil](http://www.facebook.com/cherwelldistrictcouncil)  
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My usual working hours are: Monday to Friday, 09:00am to 17:15pm.

Planning and Development services can be contacted as follows: Development Management - [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk); Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk); Planning Policy - [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk); Conservation - [design.conservations@cherwell-dc.gov.uk](mailto:design.conservations@cherwell-dc.gov.uk). For the latest information on Planning and Development please visit [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

---

**From:** Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>  
**Sent:** 23 March 2023 10:45  
**To:** Thomas Webster <[Thomas.Webster@cherwell-dc.gov.uk](mailto:Thomas.Webster@cherwell-dc.gov.uk)>  
**Cc:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Subject:** RE: KIDLINGTON GARAGE - Planning 22/0017/F

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Dear Thomas

You have not been cc'd into the mail below. This was why I was desperate to talk to you.

I still feel we should talk please, if you get the chance to call.

Kind regards

**Henry Venners**

office: 01865 326 823  
JPPC ref:

---

**From:** Bob Rendell <[bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk)>  
**Sent:** 23 March 2023 10:18  
**To:** Ian Boll <[Ian.Boll@Cherwell-DC.gov.uk](mailto:Ian.Boll@Cherwell-DC.gov.uk)>  
**Cc:** Yvonne Rees <[Yvonne.Rees@Cherwell-DC.gov.uk](mailto:Yvonne.Rees@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>; Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>; Matt Chadwick <[matt.chadwick@jppc.co.uk](mailto:matt.chadwick@jppc.co.uk)>; Alison Stokes <[Alison.Stokes@Cherwell-DC.gov.uk](mailto:Alison.Stokes@Cherwell-DC.gov.uk)>  
**Subject:** RE: Mr Rendell - 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Ian

Apologises, but unfortunately, I must once again write and request your intervention on the above planning application, I believe we are now dealing with the eighth planning officer in respect of this scheme.

We instructed Savills to prepare and submit an affordable housing viability report and then funded a report prepared by Bidwells on behalf of your authority, the two reports broadly agreed with each other in so far as they both concluded that the scheme could unfortunately not support any contribution towards affordable housing. However, in discussion with your officer and in order to mitigate this finding, we agreed with your officer's

suggestion that there should be a further viability test undertaken at a period of nine months following the implementation of planning.

Your officers report went to the planning committee with a recommendation for approval on the basis of no affordable housing contribution and a further viability test at a period of nine months following the implementation of planning. This was subsequently approved by the planning committee subject to more consideration of the time period for the further viability test.

Your officer has now written, asking us to fund external consultant advice regarding the timing of a further viability test. In our opinion this further engagement with external consultants is going cause additional unnecessary delay and cost to a planning process that your authority has previously agreed already taken far too long. We have tried to engage with your officer to advise that unfortunately, we are not prepared to pay for further external consultant advice as we believe given Bidwells report this is completely unnecessary. We are however, if of assistance, prepared to agree to an extension to the period for the further viability test, from nine months to twelve months following implementation of planning.

I would please ask you to consider the above and do all you can to ensure that planning is concluded as swiftly as possible.

Kind regards

Bob Rendell  
Sweetcroft Homes

---

**From:** Ian Boll <[Ian.Boll@Cherwell-DC.gov.uk](mailto:Ian.Boll@Cherwell-DC.gov.uk)>  
**Sent:** Monday, December 5, 2022 6:04 PM  
**To:** Bob Rendell <[bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk)>  
**Cc:** Yvonne Rees <[Yvonne.Rees@Cherwell-DC.gov.uk](mailto:Yvonne.Rees@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>; Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Henry Venners <[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>; Matt Chadwick <[matt.chadwick@jppc.co.uk](mailto:matt.chadwick@jppc.co.uk)>; Alison Stokes <[Alison.Stokes@Cherwell-DC.gov.uk](mailto:Alison.Stokes@Cherwell-DC.gov.uk)>  
**Subject:** RE: Mr Rendell - 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Bob

Thank you for your email and I apologise for the delay and lack of response. I did speak with the planning team on this case last week and was given assurances that it was due to be reviewed shortly. We do unfortunately have a backlog in reviewing applications, compounded by a lack of resource in the planning team however I am asking that this is prioritised.

Can I suggest that we arrange a teams meeting for the week after next (Alison cc'd to arrange) by which time I am hopeful that it will have moved forward.

Regards

Ian

Ian Boll  
Corporate Director – Communities  
Cherwell District Council  
DD: 01295 221628  
[ian.boll@cherwell-dc.gov.uk](mailto:ian.boll@cherwell-dc.gov.uk)



**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

---

**From:** Bob Rendell <[bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk)>

**Sent:** 05 December 2022 15:46

**To:** Ian Boll <[Ian.Boll@Cherwell-DC.gov.uk](mailto:Ian.Boll@Cherwell-DC.gov.uk)>

**Cc:** Yvonne Rees <[Yvonne.Rees@Cherwell-DC.gov.uk](mailto:Yvonne.Rees@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>;

Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Henry Venners

<[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>; Matt Chadwick <[matt.chadwick@jppc.co.uk](mailto:matt.chadwick@jppc.co.uk)>

**Subject:** RE: Mr Rendell - 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

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Dear Ian

I am writing to seek your urgent assistance in progressing our planning application.

We submitted our affordable housing viability report (copy attached) to Cherwell on the 24<sup>th</sup> October 2022 and despite repeated requests from our planning consultants for an update have heard nothing in response.

We are absolutely desperate to progress this matter and would appreciate the opportunity to discuss with you via a video call and would be grateful if you would please advise your availability.

Many thanks

Bob Rendell

---

**From:** Bob Rendell

**Sent:** 28 July 2022 19:07

**To:** Ian Boll <[Ian.Boll@cherwell-dc.gov.uk](mailto:Ian.Boll@cherwell-dc.gov.uk)>

**Cc:** Yvonne Rees <[Yvonne.Rees@cherwell-dc.gov.uk](mailto:Yvonne.Rees@cherwell-dc.gov.uk)>; Nathanael Stock <[Nathanael.Stock@cherwell-dc.gov.uk](mailto:Nathanael.Stock@cherwell-dc.gov.uk)>; Neil

Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Henry Venners

<[henry.venners@jppc.co.uk](mailto:henry.venners@jppc.co.uk)>; Matt Chadwick <[matt.chadwick@jppc.co.uk](mailto:matt.chadwick@jppc.co.uk)>

**Subject:** Re: Mr Rendell - 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Hi Ian

Many thanks for your response and continued support in regards to this matter.

I look forward to receiving a figure from your housing officer in respect of the offsite provision of affordable housing at the earliest opportunity so that the 106 agreement can be progressed.

Best regards

Bob Rendell

On 27 Jul 2022, at 07:13, Ian Boll <[Ian.Boll@cherwell-dc.gov.uk](mailto:Ian.Boll@cherwell-dc.gov.uk)> wrote:

Dear Mr Rendell

Thank you for your email of 29 June 2022 highlighting your concerns with the progress the Council had made at that time with your planning application (reference 22/00017/F) for the erection of flats at Kidlington Garage, Bicester Road, Kidlington. Thank you also for your recent email of 21 July in which you kindly acknowledged the attention the application has subsequently received.

I noted that the Team Leader within the Planning Team responded on 29 June to apologise and to undertake to pick the matter up with the case officer for the application.

I am pleased that we were then able to make swift progress and that the application was presented to the July Planning Committee. I am aware that the committee resolved to grant planning approval subject to the finalisation of the required legal agreement.

As you note, there are indeed challenges with recruitment which increases the pressure on staff to deal with our high caseloads. We are certainly seeking to address these in the interest of dealing with applications and associated matters in as timely and professional a way as we can.

Whilst the application has only recently been to Committee, I will certainly ensure that the necessary officers are sighted on the delays you have experienced in the interest of completing the legal agreement as soon as possible.

My apologies for those delays. I am pleased that we seem to have moved now to a positive outcome.

Kind regards

Ian Boll  
Corporate Director – Communities  
Cherwell District Council  
DD: 01295 221628  
[Ian.boll@cherwell-dc.gov.uk](mailto:Ian.boll@cherwell-dc.gov.uk)

[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA

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Follow us on Twitter @cherwellcouncil



**From:** Bob Rendell <[bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk)>  
**Sent:** Wednesday, June 29, 2022 8:43 am  
**To:** Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>; Yvonne Rees <[Yvonne.Rees@Cherwell-DC.gov.uk](mailto:Yvonne.Rees@Cherwell-DC.gov.uk)>; Councillor Leslie Sibley <[Leslie.Sibley@Cherwell-DC.gov.uk](mailto:Leslie.Sibley@Cherwell-DC.gov.uk)>  
**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>; Lee Chapman <[lee.chapman@sweetcroft.co.uk](mailto:lee.chapman@sweetcroft.co.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Some people who received this message don't often get email from [bob.rendell@sweetcroft.co.uk](mailto:bob.rendell@sweetcroft.co.uk). [Learn why this is important](#)

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Morning Joel

Many thanks for your email and continued your continued chasing of the Local Authority. It is clear from the ongoing lack of response from Cherwell that the planning system within the Local Authority has failed. I don't believe that this the fault of the officers who I am sure are doing their best in difficult circumstances, however the Local Authority itself is clearly under resourced and suffering from low morale and must be held to account for its ongoing failures. Accordingly, I would be most grateful if you would please provide me with a simple timeline of events and note the numerous failures of the Local Authority to communicate, I will then take this up with the Leader of the Council Les Sibley and the Local MP Layla Moran.

Sweetcroft Homes is a well respected local business and we are finding it impossible to operate and plan our workload within the current failed planning system. The impact on our business is such that we will have to make people redundant and much needed homes will not be delivered.

Best regards

Bob Rendell  
CEO Sweetcroft Homes

---

**From:** Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>  
**Sent:** 28 June 2022 17:09  
**To:** Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>  
**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>; Bob Rendell <[bobrendell@gmd.uk](mailto:bobrendell@gmd.uk)>; Lee Chapman <[lee.chapman@sweetcroft.co.uk](mailto:lee.chapman@sweetcroft.co.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Andy, Nat & Paul.

Further to the continued emails can someone **please** come back to me and give us an update, where we are with this application and who is now looking after it?

We have emailed housing independently for an update given the lack of response, to which we await comments.

If my email below was not clear the lack of correspondence or update to this application and the continued mishandling is unacceptable and our clients are now rightly fed up. The extension of time that was afforded to the application to go to committee runs out in the coming days.

I await your immediate clarification as to what will be done.

Joel Day

Architect

For and on behalf of Anderson Orr Architects

Anderson Orr

Phone +44 (0)1865 873936  
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**From:** Joel Day

**Sent:** 21 June 2022 17:49

**To:** 'Andy Bateson' <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>

**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; 'Paul Ihringer' <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>;

Bob Rendell <[bobrendell@gmd.uk](mailto:bobrendell@gmd.uk)>; Lee Chapman <[lee.chapman@sweetcroft.co.uk](mailto:lee.chapman@sweetcroft.co.uk)>

**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Andy,

Further to the below email thread can you please as a matter of urgency please come back to me via telecom or email to provide a comprehensive update on this application.

As can be seen from the application file this application was due for determination in April, this was not achieved due to the departure of Gavin Forrest. The application was duly then reallocated to Samantha Taylor, whereby she confirmed as per the attached that the scheme would be recommended for approval and was proposed to be heard at the June committee. Follow this despite numerous chase emails and telecom messages we have heard nothing more than confirmation they have passed on my clients solicitors details for S106 advancement.

The June committee date has now passed, we are yet to receive housing comments and no other update.

This is clearly totally unacceptable, my client has lost all patience and requires an urgent update with a clear timeline setting out how you proposed to resolve these matters

Kind Regards

---

**From:** Joel Day

**Sent:** 15 June 2022 09:13

**To:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>

**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>

**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Morning Paul,

Thanks for the introduction to Andy, who I am sure will understand our concerns and urgency regarding this application given its history and will come back to us at the earliest opportunity.



Kind Regards

---

**From:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Sent:** 14 June 2022 16:42  
**To:** Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>  
**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>  
**Subject:** RE: 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

Dear Joel

I have had no involvement with this development since it was reallocated. I have copied in Sam's line manager, Andy Bateson, who should be able to advise.

Regards

Paul

**Paul Ihringer**  
**Team Leader – Householder Plus Team**  
Development Management  
Communities Directorate  
Cherwell District Council  
Direct Dial: 01295 221817  
Email: [paul.ihringer@cherwell-dc.gov.uk](mailto:paul.ihringer@cherwell-dc.gov.uk)

Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)  
Find us on Facebook: [www.facebook.com/cherwelldistrictcouncil](https://www.facebook.com/cherwelldistrictcouncil)  
Follow us on Twitter: @Cherwellcouncil

---

**From:** Joel Day <[j.day@andersonorr.com](mailto:j.day@andersonorr.com)>  
**Sent:** 14 June 2022 16:34  
**To:** Paul Ihringer <[Paul.Ihringer@Cherwell-DC.gov.uk](mailto:Paul.Ihringer@Cherwell-DC.gov.uk)>  
**Cc:** Neil Perry <[n.perry@andersonorr.com](mailto:n.perry@andersonorr.com)>  
**Subject:** 18112\_KIDLINGTON GARAGE - Planning update - 22/00047/SO and 22/0017/F

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Dear Paul,

Could you please give me a call on 07966 495 631 at your earliest convenience please?

I am concerned about our application for the Kidlington Garage site and the upcoming committee date as we are yet to receive any correspondence back from Samantha on conditions for the application, or a committee report ahead of the hearing. In addition we need comments from housing and the affordable housing contributions for the S106 – and as it stands none of the above is provided with committee this month fast approaching.

Either a call or explanation by urgent return would be appreciated as our client is understandably frustrated about the process and anxious about the committee itself in light of the above.

Kind Regards

JoelDay  
Architect

# AndersonOrr

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Web [andersonorr.com](http://andersonorr.com)  
Social [LinkedIn](#) | [Instagram](#)

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EP10

**From:** [Duncan Chadwick](#)  
**To:** [Chris Wentworth](#)  
**Subject:** RE: Station Approach, Banbury - Application No. 22/01564/OUT  
**Date:** 31 October 2023 09:11:43  
**Attachments:** [image002.png](#)  
[image006.png](#)  
[image013.png](#)  
[image015.png](#)  
[image016.jpg](#)  
[image017.png](#)  
[image019.png](#)  
[image021.png](#)  
[image004.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image014.png](#)  
[image018.png](#)

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Dear Chris

Good morning.

I have just heard that the legal cost undertakings with both CDC and OCC legal teams have been agreed, over three months after the application was resolved to be approved by the Council's Planning Committee on 13<sup>th</sup> July 2023. I do hope now that the s106 obligation – which is very similar to the previous version associated with App. No. 18/00293/OUT – can now be completed quickly.

To allow time for this to occur I agree to a further extension of time for the issuing of the permission until 27<sup>th</sup> November 2023.

Regards  
Duncan

**Duncan Chadwick BSc MSc MRTPI**  
Managing Director

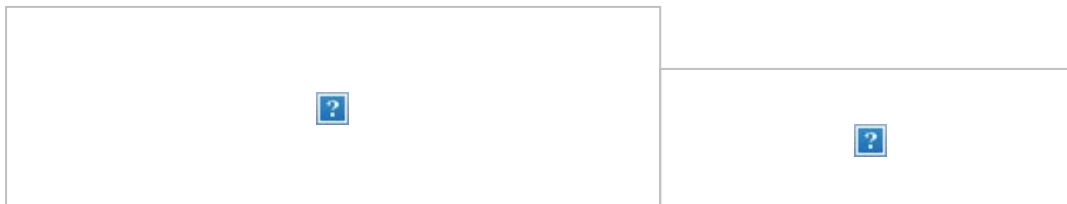
- ☐ +44 (0)7415 867344
- ☐ [duncan@chadwicktownplanning.co.uk](mailto:duncan@chadwicktownplanning.co.uk)
- ☐ [www.chadwicktownplanning.co.uk](http://www.chadwicktownplanning.co.uk)

**Chadwick Town Planning Limited**

Registered Office: 7 Rectory Road, Hook Norton, Banbury, Oxfordshire, OX15 5QQ

Registered in England: No. 13175963

VAT Registration No. 371 4873 78



---

**From:** Chris Wentworth <[Chris.Wentworth@cherwell-dc.gov.uk](mailto:Chris.Wentworth@cherwell-dc.gov.uk)>  
**Sent:** Monday, September 25, 2023 10:08 AM  
**To:** Duncan Chadwick <[duncan@chadwicktownplanning.co.uk](mailto:duncan@chadwicktownplanning.co.uk)>  
**Subject:** RE: Station Approach, Banbury - Application No. 22/01564/OUT

Thank you for the update Duncan. I shall update the application accordingly.

Regards

**Chris Wentworth MRTPI**

**Principal Planner – Major Projects (North)**

Development Management Division  
Communities Directorate  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

Working Days: Monday – Thursday Only

Tel: 01295 221 750

Email: [chris.wentworth@cherwell-dc.gov.uk](mailto:chris.wentworth@cherwell-dc.gov.uk)

Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Facebook: [www.facebook.com/cherwelldistrictcouncil](https://www.facebook.com/cherwelldistrictcouncil)

Twitter: @cherwellcouncil

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Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk);

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---

**From:** Duncan Chadwick <[duncan@chadwicktownplanning.co.uk](mailto:duncan@chadwicktownplanning.co.uk)>

**Sent:** Monday, September 18, 2023 8:29 AM

**To:** Chris Wentworth <[Chris.Wentworth@cherwell-dc.gov.uk](mailto:Chris.Wentworth@cherwell-dc.gov.uk)>

**Subject:** Station Approach, Banbury - Application No. 22/01564/OUT

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Dear Chris

Good morning.

It appears that the s106 obligation work for my client's application at Station Approach, Banbury (App. No. 22/01564/OUT) has now been passed to Emily FitzHerbert, Solicitor at Oxfordshire County Council.

Emily has made contact and I have put her in touch with my client's solicitors. I hope that now – some 9 weeks after the Planning Committee's resolution to approve the application – progress can be made.

As the extension of time is about to expire, I will agree a further extension for a month until 20<sup>th</sup> October 2023. I hope this is acceptable.

Regards



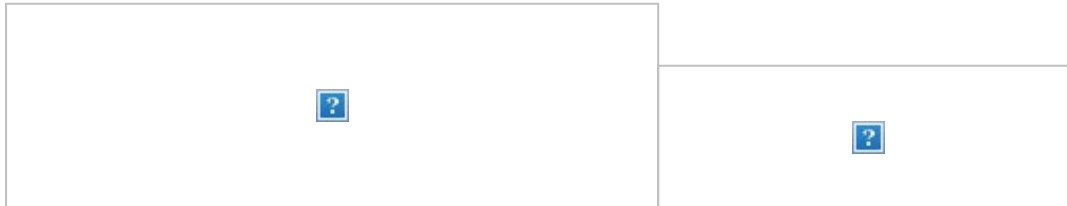
Duncan

**Duncan Chadwick BSc MSc MRTPI**  
Managing Director

- ☐ [+44 \(0\)7415 867344](tel:+441235867344)
- ☐ [duncan@chadwicktownplanning.co.uk](mailto:duncan@chadwicktownplanning.co.uk)
- ☐ [www.chadwicktownplanning.co.uk](http://www.chadwicktownplanning.co.uk)

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EP1P

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**From:** Jarvis, Harriet <harriet.jarvis@persimmonhomes.com>  
**Sent:** 10 November 2023 11:36  
**To:** Planning Policy  
**Subject:** RE: Cherwell Housing Delivery Monitor Update 2023

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Hi Chris,

Thanks for your email. I have since spoken to a colleague and the 75-100 completions a year is probably optimistic at the moment. I would reduce this to 250 and we can review in a years' time.

Kind regards,

**Harriet Jarvis** | Planner

**Persimmon (South Midlands)** | Aspen House, Birmingham Road, Studley, Warwickshire, B80 7BG

**Direct line** | 01527 361130 | **Switchboard** | 01527 851200

**Email** | [harriet.jarvis@persimmonhomes.com](mailto:harriet.jarvis@persimmonhomes.com) **Web** | [persimmonhomes.com](https://persimmonhomes.com) | [charleschurch.com](https://charleschurch.com)



---

**From:** Planning Policy <Planning.Policy@Cherwell-DC.gov.uk>  
**Sent:** Friday, November 10, 2023 11:06 AM  
**To:** Jarvis, Harriet <harriet.jarvis@persimmonhomes.com>  
**Subject:** RE: Cherwell Housing Delivery Monitor Update 2023

Hi Harriet,

Thank you for the phone call. We are estimating that out of the 1,000 homes in the outline that 350 homes will be built between April 2023 the end of March 2028, so between 75 and 100 a year. Would you be able to let me know whether you think this is correct.

Many thanks.

Chris.

**Chris Thom**  
**Principal Planning Policy Officer**  
**Planning Policy, Conservation and Design**  
**Environment and Place Directorate**  
**Cherwell District Council**  
Direct Dial 01295 221849  
[chris.thom@cherwell-dc.gov.uk](mailto:chris.thom@cherwell-dc.gov.uk)  
[www.cherwell.gov.uk](https://www.cherwell.gov.uk)  
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---

**From:** Jarvis, Harriet <[harriet.jarvis@persimmonhomes.com](mailto:harriet.jarvis@persimmonhomes.com)>  
**Sent:** Monday, October 23, 2023 2:55 PM  
**To:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Subject:** RE: Cherwell Housing Delivery Monitor Update 2023

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Hi Simon,

Yes we do, we are currently building out the first phase of 14/01932/OUT which has outline planning permission for 1,000 units. Construction will begin on the second and possibly third phases within the next five years.

Kind regards,

**Harriet Jarvis** | Planner

**Persimmon (South Midlands)** | Aspen House, Birmingham Road, Studley, Warwickshire, B80 7BG

**Direct line** | 01527 361130 | **Switchboard** | 01527 851200

**Email** | [harriet.jarvis@persimmonhomes.com](mailto:harriet.jarvis@persimmonhomes.com) **Web** | [persimmonhomes.com](http://persimmonhomes.com) | [charleschurch.com](http://charleschurch.com)



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**From:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Sent:** 23 October 2023 12:17  
**To:** Jarvis, Harriet <[harriet.jarvis@persimmonhomes.com](mailto:harriet.jarvis@persimmonhomes.com)>  
**Subject:** RE: Cherwell Housing Delivery Monitor Update 2023

Good morning Harriet,

Thank you for your email and the update on the ownership of this site. I'll update our mailing list for this development going forwards.

Can I please confirm if Persimmon has any developments programmed to commence in the Cherwell district area over the next five years?

Kind regards

**Simon Barlow MRTPI**  
**Principal Planner – Infrastructure Lead**  
**Planning Policy, Conservation and Design**  
**Communities Directorate**  
**Cherwell District Council**

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**From:** Jarvis, Harriet <[harriet.jarvis@persimmonhomes.com](mailto:harriet.jarvis@persimmonhomes.com)>  
**Sent:** Friday, October 13, 2023 4:20 PM  
**To:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Subject:** RE: Cherwell Housing Delivery Monitor Update 2023

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Hi Simon,

The site being built out under applications 18/01206/OUT and 21/00056/REM is owned by Kendrick Homes, not Persimmon. I am not in a position to advise you but Andrew Cockayne should be able to help.

Kind regards,

**Harriet Jarvis** | Planner

**Persimmon (South Midlands)** | Aspen House, Birmingham Road, Studley, Warwickshire, B80 7BG

**Direct line** | 01527 361130 | **Switchboard** | 01527 851200

**Email** | [harriet.jarvis@persimmonhomes.com](mailto:harriet.jarvis@persimmonhomes.com) **Web** | [persimmonhomes.com](http://persimmonhomes.com) | [charleschurch.com](http://charleschurch.com)



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**From:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Sent:** 13 October 2023 15:07  
**To:** Jarvis, Harriet <[harriet.jarvis@persimmonhomes.com](mailto:harriet.jarvis@persimmonhomes.com)>  
**Subject:** FW: Cherwell Housing Delivery Monitor Update 2023

Good afternoon Harriet,

I got an automated email from your colleague, Elliot Rowen, stating he had left Persimmon and was hoping that you might be able to assist us with this enquiry please?

Kind regards

**Simon Barlow MRTPI**  
**Principal Planner – Infrastructure Lead**  
**Planning Policy, Conservation and Design**  
**Communities Directorate**  
**Cherwell District Council**  
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**From:** Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Sent:** Wednesday, October 4, 2023 1:43 PM  
**To:** 'elliot.rowen@persimmonhomes.com' <[elliot.rowen@persimmonhomes.com](mailto:elliot.rowen@persimmonhomes.com)>  
**Cc:** 'andrew.cockayne@kendrick.co.uk' <[andrew.cockayne@kendrick.co.uk](mailto:andrew.cockayne@kendrick.co.uk)>; Planning Policy <[Planning.Policy@Cherwell-DC.gov.uk](mailto:Planning.Policy@Cherwell-DC.gov.uk)>  
**Subject:** Cherwell Housing Delivery Monitor Update 2023

Dear Sir/Madam,

Cherwell District Council is currently preparing its 2023 Annual Monitoring Report (AMR) which includes an update of the Housing Delivery Monitor. You are receiving this email as our records show you have an interest in one of the developments that we are monitoring. We would be grateful if you could complete the attached form and return it to us by **24 October 2023**.

If have any queries please do contact us by responding to this email or by telephone 01295 221849.

The Planning Policy Team  
**Communities Directorate**  
**Cherwell District Council**

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EP1Q



---

**From:** Mike Robinson <mike.robinson@ocplanning.co.uk>  
**Sent:** 07 November 2023 09:30  
**To:** Nathanael Stock  
**Subject:** FW: Acknowledgements for Application 23/02990/PREAPP  
**Attachments:** Acknowledgement Letter\_2302990PREAPP.pdf

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Morning Nat,

Just to confirm our meeting on Thursday at 3pm in your offices in Bodicote.

I will be accompanied by Andrew Aldridge from Deanfield Homes and Yang Chen from Finc Architects.

Kind regards

**Mike Robinson** BA (Hons) DipTP MRTPI  
Director

**Office:** 01608 652775  
**Mobile:** 07435 446072  
**Email:** [mike.robinson@ocplanning.co.uk](mailto:mike.robinson@ocplanning.co.uk)  
**Web:** [www.ocplanning.co.uk](http://www.ocplanning.co.uk)



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---

**From:** Mike Robinson  
**Sent:** Tuesday, October 31, 2023 4:01 PM  
**To:** Andrew Aldridge (andrew.aldridge@cala.co.uk) <andrew.aldridge@cala.co.uk>; Ross Stewart <Ross.Stewart@deanfieldhomes.co.uk>  
**Subject:** FW: Acknowledgements for Application 23/02990/PREAPP

Acknowledgment letter from CDC for Hook Norton.

**Mike Robinson** BA (Hons) DipTP MRTPI  
Director

**Office:** 01608 652775  
**Mobile:** 07435 446072  
**Email:** [mike.robinson@ocplanning.co.uk](mailto:mike.robinson@ocplanning.co.uk)  
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**From:** CDC Development Management <[planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk)>

**Sent:** Tuesday, October 31, 2023 3:59 PM

**To:** Mike Robinson <[mike.robinson@ocplanning.co.uk](mailto:mike.robinson@ocplanning.co.uk)>

**Subject:** Acknowledgements for Application 23/02990/PREAPP

Please find attached our Acknowledgements document for application 23/02990/PREAPP.

Planning and Development

Development Management



Oxford & Country Planning  
14 Stirling Way  
Moreton-in-Marsh  
Gloucestershire  
GL56 0GS

Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Please ask for:	<b>Nathanael Stock</b>	Direct Dial:	<b>01295 221886</b>
Email:	<b><a href="mailto:nathanael.stock@cherwell-dc.gov.uk">nathanael.stock@cherwell-dc.gov.uk</a></b>	Our Ref:	<b>23/02990/PREAPP</b>

October 31st 2023

Dear Sir/Madam,

Acknowledgement of Pre-Application Enquiry

Application No.: 23/02990/PREAPP

Applicant’s Name: Deanfield Homes

Proposal: Erection of up to 43 new homes

Location: Land North Of Railway House, Station Road , Hook Norton

Parish(es): Hook Norton Hook Norton Hook Norton

I acknowledge receipt of your pre-application enquiry and fee of 2388.00. The enquiry was received on 25 October 2023 and was validated on 30 October 2023.

If you have requested a meeting, we will contact you to arrange this.

We aim to have the whole process completed within 25 working days of the validation date, depending on the type of enquiry. We will be in touch with you if, for some reason, this changes, but please be assured that your enquiry will be dealt with as quickly as possible.

Yours faithfully

Cherwell Planning Team

EP1R

---

**From:** Planning Policy <Planning.Policy@Cherwell-DC.gov.uk>  
**Sent:** 10 November 2023 15:00  
**To:** Councillor Nigel Morris  
**Subject:** RE: RE: Cherwell Housing Delivery Monitor Update 2023

Hi,

Further to the below. Would you be able to let me know if you have any plans to submit a Reserve Matters planning application in the next year or two for land at Deerfields farm?

Many thanks.

Chris.

**Chris Thom**  
**Principal Planning Policy Officer**  
**Planning Policy, Conservation and Design**  
**Environment and Place Directorate**  
**Cherwell District Council**  
Direct Dial 01295 221849  
[chris.thom@cherwell-dc.gov.uk](mailto:chris.thom@cherwell-dc.gov.uk)  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)  
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---

**From:** Planning Policy  
**Sent:** Thursday, October 26, 2023 9:48 AM  
**To:** 'nanimorris@googlemail.com' <nanimorris@googlemail.com>; 'Sunita.Burke@Brown-co.com' <Sunita.Burke@Brown-co.com>  
**Subject:** RE: Cherwell Housing Delivery Monitor Update 2023

Dear Sir/Madam,

Cherwell District Council previously wrote to you concerning the update of our Housing Delivery Monitor, and to the best of our knowledge we've not yet received a response from you. We would be grateful if you could complete the attached form and return it to us by **31 October 2023**.

If have any queries please do contact us by responding to this email or by telephone 01295 221849.

The Planning Policy Team  
**Communities Directorate**  
**Cherwell District Council**  
[planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk)

[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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EP1S

---

**From:** Megan Wilson <Megan.Wilson@dlpconsultants.co.uk>  
**Sent:** 23 October 2023 09:44  
**To:** Caroline Ford  
**Cc:** Jeanette Davey; Imogen Hopkin; Katherine Daniels; Jon Goodall; Nathanael Stock; Andy Bateson; Chris Thom  
**Subject:** RE: Disputed Sites: SE Bicester Wretchwick Green  
**Attachments:** Bicester 10 (002).docx; ON302533.pdf; ON303783.pdf; ON343626.pdf; ON343942.pdf; ON362545.pdf; ON362546.pdf; ON364506.pdf; PL 04B - Indicative Masterplan \_ 2020 05 26.pdf

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Good Morning Caroline,

Further to your recent correspondence with Jon, in respect of Bicester 10, for information, please see attached plan showing the land ownerships across the site – along with the land registry titles for each parcel.

It would appear that Thomas Homes own all of the land subject to the outline planning permission and there is no indication on the land registry portal of any imminent change on the register.

All the best,

**Megan Wilson BSc (Hons) MSc MRTPI CIHCM**  
**Associate Director**  
**Strategic Planning Research Unit**  
**DLP Planning Limited**

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V1 - Velocity  
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S1 4BY

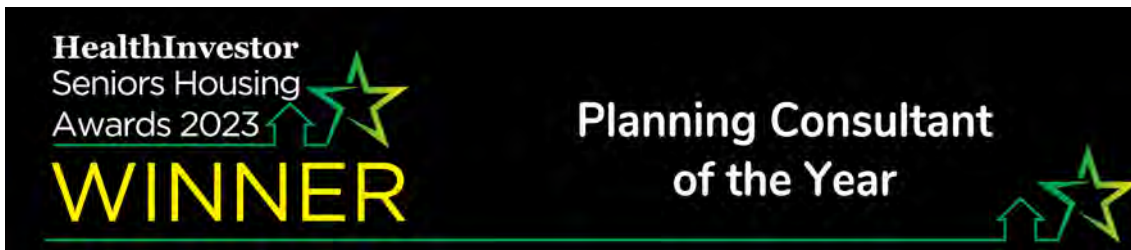
t: 0114 2289190  
m: 07825 635217

email: [Megan.Wilson@dlpconsultants.co.uk](mailto:Megan.Wilson@dlpconsultants.co.uk)

[www.dlpconsultants.co.uk](http://www.dlpconsultants.co.uk)







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---

**From:** Caroline Ford <Caroline.Ford@Cherwell-DC.gov.uk>

**Sent:** Friday, October 20, 2023 9:50 AM

**To:** Jon Goodall <jon.goodall@dlpconsultants.co.uk>; Nathanael Stock <Nathanael.Stock@Cherwell-DC.gov.uk>; Andy Bateson <Andy.Bateson@cherwell-dc.gov.uk>; Chris Thom <Chris.Thom@Cherwell-DC.gov.uk>

**Cc:** Jeanette Davey <Jeanette.Davey@cherwell-dc.gov.uk>; Imogen Hopkin <Imogen.Hopkin@cherwell-dc.gov.uk>; Katherine Daniels <Katherine.Daniels@Cherwell-DC.gov.uk>; Megan Wilson <Megan.Wilson@dlpconsultants.co.uk>

**Subject:** RE: Disputed Sites: SE Bicester Wretchwick Green

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Morning John,

Please see attached here a few comments on the appendix 1 – disputed sites schedule. I've only commented on south area strategic sites – I'll leave Andy to comment on the others and also the query on Saltway (as Linda isn't working today).

@Andy Bateson – on Graven Hill, are the LDO units in addition to the 745 or included within – I thought included within but there are two rows in the table.

Hope this helps for now. I'm around all day if you need anything more.

Kind regards  
Caroline

**Caroline Ford** BA. (Hons) MA MRTPI  
**Team Leader – South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221823  
Email: [caroline.ford@cherwell-dc.gov.uk](mailto:caroline.ford@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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---

**From:** Jon Goodall <[jon.goodall@dlpconsultants.co.uk](mailto:jon.goodall@dlpconsultants.co.uk)>

**Sent:** Thursday, October 19, 2023 6:10 PM

**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>; Chris Thom <[Chris.Thom@Cherwell-DC.gov.uk](mailto:Chris.Thom@Cherwell-DC.gov.uk)>

**Cc:** Jeanette Davey <[Jeanette.Davey@cherwell-dc.gov.uk](mailto:Jeanette.Davey@cherwell-dc.gov.uk)>; Imogen Hopkin <[Imogen.Hopkin@cherwell-dc.gov.uk](mailto:Imogen.Hopkin@cherwell-dc.gov.uk)>; Katherine Daniels <[Katherine.Daniels@Cherwell-DC.gov.uk](mailto:Katherine.Daniels@Cherwell-DC.gov.uk)>; Megan Wilson <[Megan.Wilson@dlpconsultants.co.uk](mailto:Megan.Wilson@dlpconsultants.co.uk)>

**Subject:** RE: Disputed Sites: SE Bicester Wretchwick Green

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Hi Caroline,

Attached is the latest version of the SoCG. The site comments are unchanged. Practically most of the information received today is really useful in outlining more detail to an Inspector but doesn't necessarily change the substance of the bullets. That said, if you could summarise 1 or 2 bulleted additions to each site to clarify my questions/responses to the Appellant that would be really helpful. I also need to finish my Ambrosden Proof...

I don't think we use the bullets to concede any sites though, just leave that for Inspectors to decide but we will have to be realistic.

I think unless I've missed it the only site I'm waiting for a further response on is **Salt Way and how we demonstrate clear evidence for the other 113 units** without current RM.

Assuming (as is most likely) we only have a realistic prospect of winning Salt Way, Upper Heyford and the 20 units at NW Bicester pending the 123 units RM supply would be as follows versus LHN710 or LHN742. That assumes we win windfall, small sites etc. which we should.

LPA - vs LHN 2023	LPA - vs LHN Published
3551	3710
710	742
3550	3710
3728	3896

746	779
3818	3818
5.12	4.90
90	-78

Best Wishes,

**Jon Goodall MA (Cantab) MSc**  
 Director  
**Strategic Planning Research Unit**  
**DLP Planning Limited**

4 Abbey Court  
 Fraser Road  
 Priory Business Park  
 Bedford  
 MK44 3WH

**m** 07930 067715

**t** 01234 832 740

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**email:** [jon.goodall@dlpconsultants.co.uk](mailto:jon.goodall@dlpconsultants.co.uk)



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---

**From:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>  
**Sent:** Thursday, October 19, 2023 5:55 PM  
**To:** Jon Goodall <[jon.goodall@dlpconsultants.co.uk](mailto:jon.goodall@dlpconsultants.co.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>; Chris Thom <[Chris.Thom@Cherwell-DC.gov.uk](mailto:Chris.Thom@Cherwell-DC.gov.uk)>  
**Cc:** Jeanette Davey <[Jeanette.Davey@cherwell-dc.gov.uk](mailto:Jeanette.Davey@cherwell-dc.gov.uk)>; Imogen Hopkin <[Imogen.Hopkin@cherwell-dc.gov.uk](mailto:Imogen.Hopkin@cherwell-dc.gov.uk)>; Katherine Daniels <[Katherine.Daniels@Cherwell-DC.gov.uk](mailto:Katherine.Daniels@Cherwell-DC.gov.uk)>; Megan Wilson <[Megan.Wilson@dlpconsultants.co.uk](mailto:Megan.Wilson@dlpconsultants.co.uk)>  
**Subject:** RE: Disputed Sites: SE Bicester Wretchwick Green

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Hi Jon,

I tend to agree - @Chris Thom – would this be consistent with what you are thinking re. the AMR. Where are we ending up on the 5yr calculation if we concede this (and others...).

I don't think there is any other strategic infrastructure needed related to Wretchwick Green that would be delivered prior to REMs – I'm pretty sure that everything else will be on site itself to be delivered by the developer.

Is there anything specifically I can help with on the Hempton SOCG – sorry, just wondering if there is anything particular rather than me going through the whole thing, especially with the site updates sent?

Thanks  
Caroline

**Caroline Ford** BA. (Hons) MA MRTPI  
**Team Leader – South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221823  
Email: [caroline.ford@cherwell-dc.gov.uk](mailto:caroline.ford@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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---

**From:** Jon Goodall <[jon.goodall@dlpconsultants.co.uk](mailto:jon.goodall@dlpconsultants.co.uk)>  
**Sent:** Thursday, October 19, 2023 5:33 PM  
**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>; Chris Thom <[Chris.Thom@Cherwell-DC.gov.uk](mailto:Chris.Thom@Cherwell-DC.gov.uk)>  
**Cc:** Jeanette Davey <[Jeanette.Davey@cherwell-dc.gov.uk](mailto:Jeanette.Davey@cherwell-dc.gov.uk)>; Imogen Hopkin <[Imogen.Hopkin@cherwell-dc.gov.uk](mailto:Imogen.Hopkin@cherwell-dc.gov.uk)>; Katherine Daniels <[Katherine.Daniels@Cherwell-DC.gov.uk](mailto:Katherine.Daniels@Cherwell-DC.gov.uk)>; Megan Wilson <[Megan.Wilson@dlpconsultants.co.uk](mailto:Megan.Wilson@dlpconsultants.co.uk)>  
**Subject:** RE: Disputed Sites: SE Bicester Wretchwick Green

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Hi Caroline,

With the best will in the world it would look better to concede this site going forward. We don't really want to air any 'dirty laundry' surrounding the utilities.

It's good to have Redrow on-board but not enough in itself. Will there be any other progress with strategic infrastructure in addition to the Pioneer Roundabout to assist with future progress before RMs are lodged/determined or even Conditions discharged?

Best Wishes,

**Jon Goodall MA (Cantab) MSc**  
Director  
**Strategic Planning Research Unit**  
**DLP Planning Limited**

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Fraser Road  
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**From:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>  
**Sent:** Thursday, October 19, 2023 5:20 PM  
**To:** Jon Goodall <[jon.goodall@dlpconsultants.co.uk](mailto:jon.goodall@dlpconsultants.co.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>; Chris Thom <[Chris.Thom@Cherwell-DC.gov.uk](mailto:Chris.Thom@Cherwell-DC.gov.uk)>  
**Cc:** Jeanette Davey <[Jeanette.Davey@cherwell-dc.gov.uk](mailto:Jeanette.Davey@cherwell-dc.gov.uk)>; Imogen Hopkin <[Imogen.Hopkin@cherwell-dc.gov.uk](mailto:Imogen.Hopkin@cherwell-dc.gov.uk)>; Katherine Daniels <[Katherine.Daniels@Cherwell-DC.gov.uk](mailto:Katherine.Daniels@Cherwell-DC.gov.uk)>  
**Subject:** RE: Disputed Sites: SE Bicester Wretchwick Green

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Hi John,

Apologies for the delay. See comments in red below which I hope helps.

Kind regards  
Caroline

**Caroline Ford** BA. (Hons) MA MRTPI  
**Team Leader – South Area Major Projects Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
Tel: 01295 221823  
Email: [caroline.ford@cherwell-dc.gov.uk](mailto:caroline.ford@cherwell-dc.gov.uk)  
Web: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Jon Goodall <[jon.goodall@dlpconsultants.co.uk](mailto:jon.goodall@dlpconsultants.co.uk)>  
**Sent:** Wednesday, October 18, 2023 4:37 PM  
**To:** Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>; Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>; Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>; Chris Thom <[Chris.Thom@Cherwell-DC.gov.uk](mailto:Chris.Thom@Cherwell-DC.gov.uk)>  
**Cc:** Jeanette Davey <[Jeanette.Davey@cherwell-dc.gov.uk](mailto:Jeanette.Davey@cherwell-dc.gov.uk)>; Imogen Hopkin <[Imogen.Hopkin@cherwell-dc.gov.uk](mailto:Imogen.Hopkin@cherwell-dc.gov.uk)>; Katherine Daniels <[Katherine.Daniels@Cherwell-DC.gov.uk](mailto:Katherine.Daniels@Cherwell-DC.gov.uk)>  
**Subject:** Disputed Sites: SE Bicester Wretchwick Green  
**Importance:** High

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Hi All,

I am going to send separate emails regarding individual sites disputed from the Milcombe Hearing.



The bulleted columns correspond to the positions of each parties (the Council's being essentially the NW Bicester evidence and limited updates received since.

That will be easier to review. Please consider the overarching text below and make any additions you can to the bullets or respond to the highlighted points:

We've had a very forensic look at disputed sites this afternoon. I am fairly disappointed with the Inspector giving a lot of lee-way/weight to bullets raised in their disputed matters that I think err towards certainty of delivery rather than realistic prospect.

Notwithstanding I am not wholly surprised of the close scrutiny to clear evidence given the lack of written material or approval of RM for all the forecasts we rely upon for the remainder of the five year period (3.5 years net of the 18mo. already passed).

Judgement potentially will come down negatively for several sites, but bearing in mind we are disputing small totals it is worth trying to explain where any activity post 1 April 2022 is in-line with original expectations or demonstrating how objections to applications can be overcome and when DNs might be issued because we might still align the expectations to year 5.

<p><b>Bicester 12 – South East Bicester (Wretchwick Green)</b></p> <p><b>50 dwellings disputed</b></p>	<ul style="list-style-type: none"> <li>• Outline planning permission in place for allocated site. Discharge of Conditions application relating to the Design Code in progress with active engagement to reach agreement with landowners and way forward on highways and drainage.</li> <li>• Council expect RM application in 2024. No delivery forecast until year 5 (2026/27)</li> <li>• Pioneer Roundabout now constructed.</li> <li>• Legal Agreement signed spring 2022.</li> </ul>	<ul style="list-style-type: none"> <li>- This is a large site with many dwellings</li> <li>- The Council's H... "developable" ... Nevertheless, i... the deliverable...</li> <li>- The forecast de... back each time... – the LP consid... 2031 but now e... 450 dwellings a... (a shortfall of 1...</li> <li>- The site only h... the onus is on... of deliverability...</li> <li>- There is no app... written agreem...</li> <li>- The Council's e... May was that a... in summer 202... now has pushe...</li> <li>- An application... conditions was... in November 2... objected to it.</li> <li>- The application... made in July 2... determination...</li> <li>- An application... (condition 9) h... timing and pha...</li> </ul>
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- How is engagement with the applicant/landowner undertaken in providing the expectations for RM submissions. What evidence is there from meetings / emails etc. for the submission now being 2024? Strictly the Appellant is wrong to say RM date of 2023 or 2024 would change the forecast when you made it in the published position, but historically successive published assessments have pushed supply back 12+ months so what can we say to ensure that doesn't happen again

We are only actively considering the Design Code at the moment. This is advanced because a lot of work was done on it a few years ago but we are going to have to seek updates because it does not reflect updated guidance/ policy such as the LTN1/20 guidance.

I'm not aware of a recent communication stating REM will be submitted 2024 (@Chris Thom have they advised anything through the AMR work on this)? Redrow indicated they would have acquired the site early in 2024 so this may give some more urgency to when submissions are made.

In a meeting earlier this year they indicated they wouldn't be able to enable any delivery/ occupations until 2028/29 because of the utility capacity issues at Bicester – this may have changed or things might change (the Council is looking at utilities at Bicester given this is a huge constraint).

- Any details of the pre-commencement conditions being submitted?

We don't have any other submissions other than the design code.

- Any details of the Phasing Condition coming in? Presumably that does inform expectations for RMs?

No.

- What is the nature of objections to 22/01978/DISC for the Design Code/Masterplan. Look They don't look huge but there are still some from e.g. OCC Highways 3 October 2023. Can they be overcome?

Yes, as above, I think they are resolvable but they are related to technical matters and generally where requirements have changed since they drafted the Design Code and will be reliant on the applicant being willing to amend the Design Code (I don't see how we can accept they don't to be honest).

Best Wishes,

Jon

**Jon Goodall MA (Cantab) MSc**

Director

**Strategic Planning Research Unit**

**DLP Planning Limited**

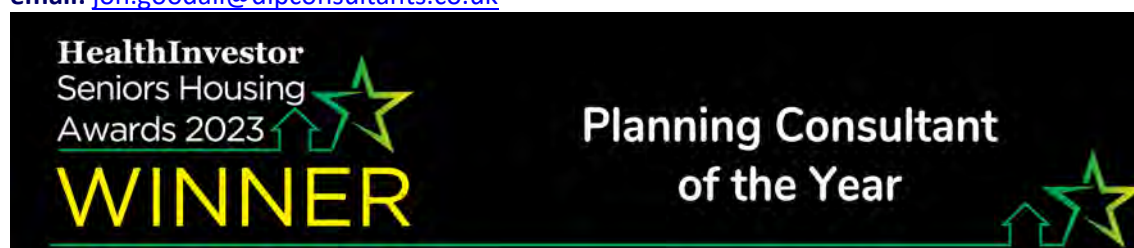
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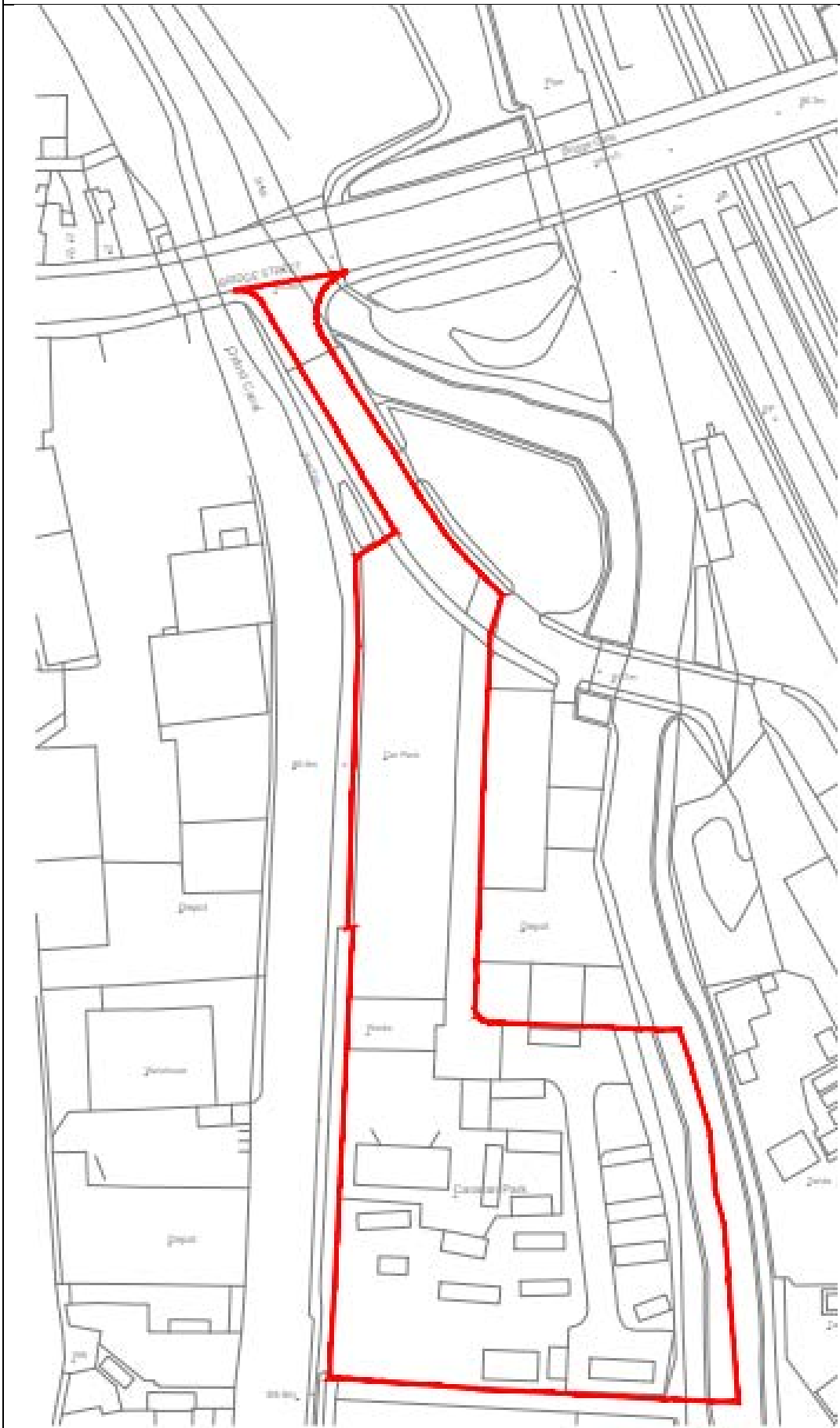
EP2

Schedule of disputed sites

Sites Identified by the Council as being “Severely at Risk”

Site Name:	Canalside, Banbury											
LPA ref(s):	18/00293/OUT											
Area (Hectares)	0.657											
Total Capacity (Dwellings)	63											
Location Plan attached?	Yes											
Site Plan attached?	No											
Site ownership	Multiple ownership											
Planning status of the site	The site does not have planning permission. The site previously had outline planning permission for 63 dwellings, but the permission expired in June 2022. A resolution to grant outline planning permission for 63 dwellings was made in July 2023 subject to a S106 agreement, but the S106 has not been signed.											
Site owner / promoter’s progress towards development	As above, a resubmission outline planning application for 63 dwellings was submitted in May 2022 but the decision notice has still not been issued.											
	Council’s Evidence						Appellant’s Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	33	30	63	0	0	0	0	0	0
Comments on Deliverability	The AMR states:  “Outline permission for 63 dwellings expired in June 2022. A new outline application for 63 dwellings (22/01564/OUT) at Station Road was approved in July 2023 subject to signing of a section 106 agreement. Site is part of a wider allocation in the adopted Cherwell Local Plan and the wider site is proposed to be allocated for mixed use development in the draft Local Plan Review 2040. Projection allows sufficient time (circa 3 years) for reserve matters submission and determination.”  The Council’s document “Sites Appellant Claims Lack Clear Evidence” states:  “Named Housebuilder? No.  S106 progress? - Chased by agent on behalf of applicant to move drafting of S.106 forward. - A formal extension of time sought and agreed between parties. - Lack of resource within Legal Services slowed progress initially. However, the drafting work has been outsourced to 3rd party legal firm. - Terms of agreement and associated costs have been agreed and is to be based upon previously agreed (but never implemented) permission and associated S.106 agreement.						<b>Current planning status?</b> <ul style="list-style-type: none"><li>The site does not have planning permission. Whilst an outline planning application for 63 dwellings was approved on 25 June 2019, no reserved matters applications were made and the consent expired in June 2022 (ref: 18/00293/OUT).</li><li>A resubmission outline application for 63 dwellings was submitted on 25 May 2022 and is pending determination (ref: 22/01564/OUT). The application was considered at planning committee on 13 July 2023 where it was resolved that approval be granted subject to the signing of a Section 106 agreement to secure the following:<ul style="list-style-type: none"><li>35% affordable housing provision.</li><li>Canal towpath contribution of £57,750.</li><li>Cemetery contribution (to be determined).</li><li>Community hall contribution of £8,673.78.</li><li>Footbridge contribution of £39,462.</li><li>Health and wellbeing contribution of £54,432.</li><li>Offsite indoor sports facility contribution of £52,601.56.</li><li>Offsite outdoor sports facility contribution of £127,072.89.</li><li>Waste contribution of £6,678.</li><li>LEAP offsite contribution of £20,779.15.</li></ul></li><li>However, the S106 has not been signed to date and therefore the decision notice has not been published.</li><li>The Council’s evidence does not indicate that the S106 agreement is imminent.</li></ul>					

	<p>- Confirmation of legal representatives acting for applicant have also been provided.</p> <p>Promoter engagement? Not aware of any.</p> <p>Infrastructure / enabling works provided by surrounding sites? None undertaken.</p> <p>There are no major viability or infrastructure issues affecting the deliverability of this site. It is not reliant on other sites coming forward.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.”</p>	<ul style="list-style-type: none"> <li>At the Heyford Park Inquiry, the Council explained that an extension of time to agree the S106 expired w/e 8<sup>th</sup> December 2023</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>There is no clear evidence to demonstrate that progress is being made towards the submission of a reserved matters application. This is not surprising given the outline planning permission has not been issued and the previous consent expired.</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>A written agreement between the Council and the developer has not been provided.</li> <li>The Council’s evidence confirms that there is no housebuilder.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>No clear evidence of firm progress with any site assessment work has been provided.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>The site does not have planning permission. An outline planning application has been pending determination for over 1.5 years. The application was approved at planning committee in July 2023 subject to the signing of a Section 106 agreement, however, the s106 has not been signed to date. Even if the S106 is signed and consent is granted, the site will remain a category b) site and the Council would need to provide clear evidence for its inclusion.</li> <li>The evidence the Council has provided is not “clear evidence that housing completions will begin on site within five years.”</li> <li>The site fails to meet the definition of “deliverable” as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>63 dwellings</b> from the Council’s supply.</li> </ul>
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Site Name:	Bankside Phase 2											
LPA ref(s):	19/01047/OUT – Banbury 4											
Area (Hectares)	39.23											
Total Capacity (Dwellings)	825											
Location Plan attached?	Yes											
Site Plan attached?	Yes											
Site ownership	Multiple ownership											
Planning status of the site	The site does not have planning permission.											
Site owner / promoter's progress towards development	An outline planning application for up to 825 dwellings was submitted in June 2019. The decision notice has still not been issued, over 4.5 years later.											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	0	50	50	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“Planning application for 700 dwellings (17/01408/OUT) was received in June 2017. A new application (19/01047/OUT) for a residential development of up to 825 dwellings was approved subject to legal agreement in July 2021. It is assumed that 2 housebuilders will be on site at a peak of 50 homes per year per developer. The expected delivery rates allow sufficient lead-in time for Outline and Reserved Matters approvals and construction time. Five years from the base date is considered sufficient time for the first dwellings to come forward.”</p> <p>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“Named Housebuilder(s) Hallam / Henry Box [Henry Boot]</p> <p>S106 progress? Meeting with LPA and applicant and legal representatives (Minutes attached). August 2023. Following on from this a S.106 agreement has been drafted and is broadly agreed between LPA, OCC and Hallam. Correspondence on the matter last provided Nov 2023 whereby a further EoT has been requested to bring matters to a close (informally agreed at meeting in Nov 23 – awaiting written confirmation. Conditions agreed between parties.</p> <p>Promoter engagement? Hallam Land Management</p> <p>Infrastructure / enabling works provided by surrounding sites? Within S.106/S.278 - Provision of new link road between Oxford Road and Bankside/Longford Park by end of 2025.</p> <p>Developer submission (Framptons) received on 30 October 2023.</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>The site does not have planning permission.</li> <li>An outline planning application for up to 700 dwellings was submitted on 30 June 2017, however this was withdrawn on 09 September 2021 (ref: 17/01408/OUT).</li> <li>A further outline planning application for up for 825 dwellings; green infrastructure including formal (playing fields with changing rooms, allotments) and informal open space; landscaping and associated infrastructure including a balancing pond; on land off the A4260, with access off the existing Longford Park access off the A4260 (Oxford Road), and a new access off the A4260 (Banbury Road) was submitted on 05 June 2019 by Hallam Land Management and is still pending determination, over 4.5 years later (ref: 19/01047/OUT). The application was considered at planning committee on 15 July 2021 where it was resolved that approval be granted subject to the signing of a Section 106 agreement to secure the following: <ul style="list-style-type: none"> <li>30% on site affordable housing.</li> <li>Play spaces to include a MUGA, NEAP and 2 LAP/LEAPS with commuted sums for ongoing management.</li> <li>Open space of approx. 5.98 hectares.</li> <li>Allotment site with pathways to and within the site.</li> <li>Outdoor sports provision to include sports pitches and community pavilion/changing rooms.</li> <li>Indoor sports contribution of £688,831.11.</li> <li>Community development worker contribution of £65,941.26.</li> <li>Community development fund contribution of £400.</li> <li>Wase and recycling contribution of £111 per dwelling.</li> <li>Cemetery contributions (TBC).</li> <li>Strategic transport contribution of £121,476 towards BAN1 Hennef Way improvements.</li> <li>Strategic transport contribution of £215,537.12 towards Ban 2 Tramway Road improvements.</li> <li>Bridge Street junction improvement contributions of £150,750.</li> </ul> </li> </ul>					

	<p>It states that the Council's trajectory is unduly pessimistic and should be updated.</p> <p>Their representation to the Local Plan regulation 18 consultation supports the continued allocation of this site which shows their ongoing commitment to the delivery of this site.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period."</p> <p>The Council has also provided a draft S106 agreement, minutes of a meeting between Hallam and the Council in August 2023 and an email from the planning agent to the Council in response to a request for a proforma and the proforma is completed</p>	<ul style="list-style-type: none"> <li>- Oxford Road cycleway contributions of £47,466.</li> <li>- Oxford Canal Pedestrian and Cycle Route contribution of £610,000.</li> <li>- Public transport service contributions of £770,000.</li> <li>- Traffic Regulation Order contribution of £6,380.</li> <li>- Travel Plan monitoring contribution of £2,346.</li> <li>- PROW contribution of £90,000.</li> <li>- Nursery and Primary Education contribution of £2,776,896.</li> <li>- Secondary education contributions of £6,050,576.</li> <li>- SEN contributions of £411,345.</li> <li>- Land reservation of 4.88ha to supply a 600-place secondary school to be provided at no cost to the County Council.</li> <li>- Land option of 1.89ha for a potential future expansion if required.</li> </ul> <ul style="list-style-type: none"> <li>• However, the Section 106 has still not been signed to date.</li> <li>• It is almost 2.5 years since a resolution to grant permission was made.</li> <li>• Despite meetings and the Council's comments, the S106 has not been signed. Indeed, a further extension of time has been requested in November.</li> <li>• At the Heyford Park Inquiry, the Council explained that there was an outstanding "thorny issue" in relation to the need to relocate a football club (BUFC) but an application has not been made for the relocation and a legal agreement is not in place.</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>• No clear evidence has been provided to demonstrate that firm progress is being made towards the submission of a reserved matters application.</li> <li>• This is not surprising given that the outline permission is yet to be issued.</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>• The planning agent's proforma is scant in detail. It provides build rates from 2025/26 but no timescales for when the S106 is going to be signed and outline permission issued, detail on the conditions that will require discharging and how and when that will happen, when the first RM application will be made and what that will be for, when infrastructure is to be put in place, when a start on site is going to be made and how long the construction will take.</li> <li>• I respectfully invite the Inspector to consider this proforma alongside those proformas which Braintree provided and were rejected as clear evidence by the Secretary of State (appendix EP2). The Braintree proformas provide much more information than the proforma provided here but were not considered to represent clear evidence in that case.</li> <li>• Similarly, the emails provided by South Oxfordshire and West Oxfordshire also provide much more information than Cherwell have provided in this case and they were rejected by Inspectors as being clear evidence.</li> <li>• Securing the trajectory from the owner's planning agent is not clear evidence.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>• No clear evidence has been provided.</li> <li>• This is a very large site and there will be a lot of planning and construction work before any dwellings would be delivered. Despite this, the Council has provided no clear evidence of any such site assessment work.</li> <li>• The S106 agreement refers to condition 4 of the draft outline planning permission requiring a phasing plan. This has not been provided. It is not known what the phasing will be.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>• No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>• The site does not have planning permission. An outline planning application has been pending determination for over 4.5 years. The application was</li> </ul>
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		<p>recommended for approval at planning committee in July 2021 subject to the signing of a Section 106 agreement, however, the s106 has been signed to date and the latest position is that another . Even if the S106 is signed and outline planning permission is granted, the site will remain as a category b) site and the Council will need to provide clear evidence for the inclusion of this site in the 5YHLS.</p> <ul style="list-style-type: none"><li>• The relocation of BUFC is also a constraint to development</li><li>• Within this context, it is not surprising that the previous 5YHLS position at 1<sup>st</sup> April 2022 did not include the site in the 5YHLS and concluded: “This is a developable site as outline permission has yet to be secured”. This remains the case, yet the Council now claims the site is deliverable. It is not clear why the Council’s position has changed.</li><li>• The evidence the Council has provided is not “clear evidence that housing completions will begin on site within five years.”</li><li>• The site fails to meet the definition of “deliverable” as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>50 dwellings</b> from the Council’s supply.</li></ul>



Location plan and proposed site plan





Site Name:	Land opposite Hanwell Fields Recreation, adjacent to Dukes Meadow Drive, Banbury											
LPA ref(s):	21/03426/OUT											
Area (Hectares)	3.6											
Total Capacity (Dwellings)	78											
Location Plan attached?	Yes											
Site Plan attached?	No											
Site ownership	Manor Oak Homes											
Planning status of the site	The site does not have planning permission.											
Site owner / promoter's progress towards development	An outline planning application has been pending determination since October 2021.											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	28	50	78	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“Outline planning application (21/03426/OUT) for up to 78 dwellings and associated open space was approved subject to legal agreement in April 2022. The application was submitted on behalf of a housebuilder, Manor Oak Homes, who will be developing the site. Signing of section 106 agreement is imminent. Projection is consistent with build rates in Banbury generally in recent years”</p> <p>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“Named Housebuilder Manor Oak Homes</p> <p>Confirmation of Legal Agreement, DOC and RM timeframes? S.106 has been drafted by CDC and has been passed to applicant and their legal representative for comment/assessment. This was due to be undertaken towards end of Nov 23. Awaiting further comments from the applicant.</p> <p>Build trajectory? Currently being advertised. REM no later than 18 months with occupations through 2027 &amp; Q1 '28</p> <p>Any infrastructure or viability constraints? No</p> <p>Developer Submission (AR Planning for Manor Oak) received on 23 October 2023 which supports the trajectory proposed.</p> <p>The developer has also responded to the regulation 18 consultation on the Cherwell Local Plan Review and affirmed that in addition to the 78 dwellings currently granted subject to legal agreement a further submission of 117</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>The site does not have planning permission. An outline planning application for up to 78 dwellings was submitted on 06 October 2021 by Manor Oak Homes and is still pending determination (ref: 21/03426/OUT).</li> <li>The application was considered at planning committee on 07 April 2022 where it was resolved that approval be granted subject to the signing of a Section 106 agreement to secure the following: <ul style="list-style-type: none"> <li>Provision of and commuted sum for maintenance of open space.</li> <li>Provision of Local Area of Play and LEAP and commuted sum for maintenance,</li> <li>Off-site outdoor sports facilities enhancement of up to £157,328.34.</li> <li>Off-site indoor sports facilities improvements of up to £65,125,85.</li> <li>Community hall facility enhancements of up to £89,178.26.</li> <li>£106 per dwelling for bins.</li> <li>30% affordable housing provision.</li> <li>Provision of public art – up to £17,472.</li> <li>Public transport contribution of £117,156.</li> <li>Public transport infrastructure contribution.</li> <li>Travel Regulation Order of £2,250 to accommodate new bus stop.</li> <li>Travel Plan monitoring.</li> <li>PROW improvements of £10,000.</li> <li>Strategic Highway contribution of £70,000 towards active travel improvements.</li> <li>Obligation to enter into a S278 agreement to secure a bus stop, dropped kerb facilities and pedestrian paths.</li> <li>£631,503 towards secondary education capacity.</li> <li>£63,327 towards secondary school land contribution.</li> <li>£37,757 contribution to SEN school capacity.</li> <li>£7,329 contribution towards expansion and efficiency of household waste recycling centres.</li> </ul> </li> </ul>					

	<p> dwellings would shortly be submitted. The developer can therefore be demonstrated to be committed to bringing this scheme forward.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.”</p> <p>The Council has also provided the sales particulars – they confirm that Manor Oak Homes is the promoter and they have no right to bid or match the sale price, an email from the planning agent and the proforma. The proforma states “Section 106 agreement drafted and discussions ongoing”. The proforma states:</p> <p>“Whilst the site is technically ‘developable’ currently, pending finalisation of the S106, it is anticipated that this will be sealed shortly.</p> <p>Upon grant of permission RMs would be submitted within 18 months and determined within 24. This would result in the delivery of the site 2025 through to 2027 completion”</p> <p>The Council also provides email correspondence between Manor Oak Homes and the Council dated 15<sup>th</sup> November. The Council states that the S106 has been with the promoter’s solicitor for some time. The promoter states that they are meeting their solicitor in mid November to review the S106 with a view to agreeing it.</p>	<ul style="list-style-type: none"> <li>• The S106 has still not been signed.</li> <li>• The Council has not provided any explanation why this remains the case</li> <li>• The latest position was that it was to be agreed in the middle of November, but that did not happen.</li> <li>• A further outline planning application for Phase 2 of the development comprising 176 dwellings was submitted by Manor Oak Homes on 06 October 2022. However, the application was withdrawn on 14 June 2023 (ref: 22/03064/OUT).</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>• There is no evidence to demonstrate that firm progress is being made towards the submission of a reserved matters application.</li> <li>• This is not surprising because the planning permission has not yet been issued and the site has not been sold to a developer.</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>• A written agreement between the Council and the developer has not been provided. It is not known who the developer will be.</li> <li>• At the Heyford Park inquiry, the Council still claimed that Manor Oak Homes are the developer of the site, but they are the promoter and do not build homes.</li> <li>• Whilst a proforma from the planning agent on behalf of the promoter has been provided, this confirms (contrary to what is suggested in I12A) that the site is to be sold to a housebuilder and that will happen when the outline planning permission has been issued.</li> <li>• The timescales provided by the planning agent presume the issuing of the planning permission in winter 2023/24 and a start on site in spring / summer 2025 and assumes build rates. But this has not been confirmed by a developer.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>• No clear evidence has been provided.</li> <li>• The proforma explains that work on the pre-commencement conditions is awaiting the formal grant of the permission</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>• The proforma explains that there are no issues with viability or infrastructure.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>• The site does not have planning permission. An outline planning application has been pending determination for over 2 years. The application was recommended for approval at planning committee in April 2022 subject to the signing of a Section 106 agreement, however, the s106 has still not been signed over 1.5 years later.</li> <li>• Even if the S106 is signed and outline planning permission is granted, the site will remain a category b) site and the Council will need to provide clear evidence for the inclusion of this site.</li> <li>• The council did not consider the site was deliverable at 1<sup>st</sup> April 2022 or when it published its previous position in February 2023.</li> <li>• The evidence the Council has provided is not “clear evidence that housing completions will begin on site within five years.”</li> <li>• The site fails to meet the definition of “deliverable” as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>78 dwellings</b> from the Council’s supply.</li> </ul>
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Site Name:	Land Adjoining Withycombe Farmhouse, Stratford Road, A422 Drayton											
LPA ref(s):	22/02101/OUT											
Area (Hectares)	14.09											
Total Capacity (Dwellings)	250											
Location Plan attached?	Yes											
Site Plan attached?	Yes											
Site ownership	Multiple ownership											
Planning status of the site	The site does not have planning permission.											
Site owner / promoter's progress towards development	An outline planning application for up to 250 dwellings was submitted in July 2022 and is still pending determination.											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	0	50	50	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“Outline planning application for a residential development comprising up to 250 dwellings was permitted in February 2023 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>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“Named Housebuilder Bloor Homes</p> <p>Confirmation of Legal Agreement, DOC and RM timeframes? S106 now agreed and being circulated for signing prior to sealing next week. PPA sought by developer for REM application submission intended for Jan. '24.</p> <p>Reasons for any S106 delay? Legal resources</p> <p>Build trajectory? Bloor's currently building phase 2 to north from which this site will gain access. Intend construction start as early as Q2/Q3 '24, upon completion of 2nd phase.</p> <p>Any infrastructure or viability constraints? No, all issues resolved in S106.</p> <p>Developer submission (Bloor Homes) received on 13 October 2023 confirming delivery within the five years.</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>The site does not have planning permission.</li> <li>An outline planning application for up to 250 dwellings, public open space, landscaping and associated supporting infrastructure was submitted by Bloor Homes on 14 July 2022 and is still pending determination, almost 1.5 years later (ref: 22/02101/OUT). The application was considered at planning committee on 09 February 2023 where it was resolved that approval be granted subject to the signing of a Section 106 agreement to secure the following: <ul style="list-style-type: none"> <li>Community Hall facilities improvement of £285,827.12.</li> <li>Outdoor sports provision contribution of £504,257.50.</li> <li>Indoor sport provision contribution of £208,736.70.</li> <li>Public art/public realm contribution of £56,000.</li> <li>Community development worker contribution of £16,938.68.</li> <li>Community development fund contribution of £11,250.</li> <li>Provision of and commuted sum for maintenance of open space.</li> <li>Public transport services contribution of £262,750.</li> <li>Highway works contribution of £224,358.97.</li> <li>PROW contribution of £60,000.</li> <li>Travel Plan monitoring of £1,558.</li> <li>Secondary education contribution of £1,994,220.</li> <li>Secondary school land contribution of £199,980.</li> <li>Special education contribution of £134,611.</li> <li>Household waste recycling centres contribution of £23,490.</li> <li>Thames Valley Police contribution of £44,482.20.</li> </ul> </li> <li>However, the S106 agreement has not been signed.</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>The Council's evidence states that a reserved matters application is going to be submitted next month but it has not provided any details such as the layout, draft reports, statements, etc.</li> </ul>					

	<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>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.”</p> <p>The Council also provides is a site layout plan for the developer’s current development in Banbury. It does not relate to this phase and an email from the developer dated 13<sup>th</sup> October which explains that subject to the S106 being agreed (hopefully by the end of October) they will be delivering units from this site within the next 5 years</p>	<p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>• A written agreement between the Council and the developer has not been provided. The email from the developer simply states that subject to the signing of a S106 hopefully by the end of October (which did not happen), then dwellings will be delivered within this site in the 5YHLS period.</li> <li>• The site does not have outline planning permission yet, there have been no applications to discharge conditions or applications for reserved matters. Within this context, a start on site in Q2/Q3 2024 is unrealistic.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>• No evidence of firm progress with any site assessment work has been provided.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>• No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>• The site does not have planning permission. An outline planning application has been pending determination for 1.5 years. The application was recommended for approval at planning committee in February 2023 subject to the signing of a Section 106 agreement, however, the s106 has not been signed to date.</li> <li>• Even if the S106 is signed and outline planning permission is granted, the site will remain as a category b) site and the Council will need to provide clear evidence of deliverability. .</li> <li>• The Council has not provided any “clear evidence that housing completions will begin on site within five years.”</li> <li>• The site fails to meet the definition of “deliverable” as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>50 dwellings</b> from the Council’s supply.</li> </ul>
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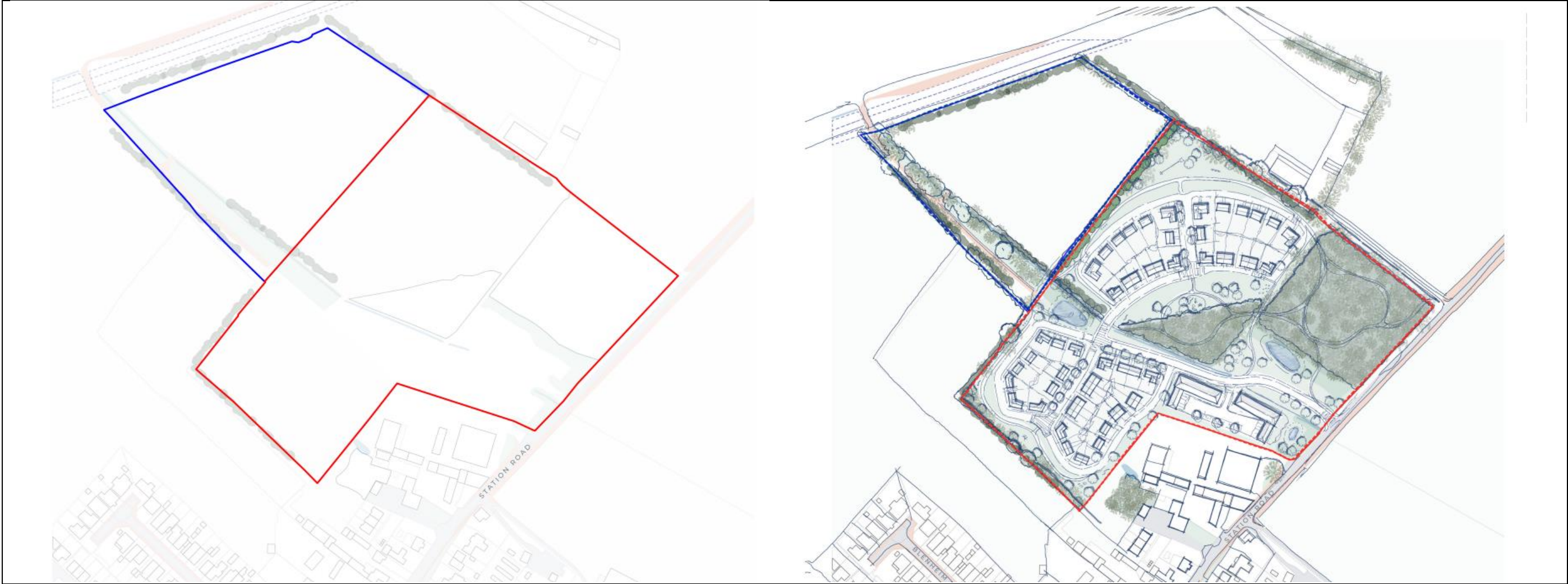
Location plan and proposed site plan





Site Name:	OS Parcel 2778, Grange Farm, Northwest of Station Cottage, Station Road, Launton											
LPA ref(s):	21/04112/OUT											
Area (Hectares)	5.80											
Total Capacity (Dwellings)	65											
Location Plan attached?	Yes											
Site Plan attached?	Yes											
Site ownership	Greencore Homes											
Planning status of the site	The site only has outline planning permission.											
Site owner / promoter's progress towards development	A pre-application meeting with Greenacre Homes has recently taken place. Pre-application community engagement has taken place.											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	30	35	65	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“Outline application for the erection of up to 65 dwellings granted following an appeal in November 2022. The expected delivery rates allow sufficient lead-in time for Outline and Reserved Matters approvals and construction time. Greencore homes are developing and are advertising the site. A reserved matters application is expected imminently.”</p> <p>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“Named Housebuilder – Greencore Homes (submitted DISC and NMA apps)</p> <p>2 no. DISC apps have been received associated with outline 21/04112/OUT.</p> <p>23/02290/DISC – Discharge of Condition 16 (Great Crested Newt licence) of 21/04112/OUT. Submitted in August 23 and approved in October 23 (app form and decision attached).</p> <p>23/02291/DISC – Archaeological Written Scheme of Investigation) of 21/04112/OUT. Submitted in August 23 and approved in October 23 (app form and decision attached).</p> <p>Non-Material Amendment application has been submitted in August 2023 associated with Great Crested Newt District Licence. Ref 23/02231/NMA. Approved in Sept 2023 (Decision Notice attached).</p> <p>Pre-application enquiry submitted by Greencore under ref 23/00484/PREAPP. It was the intention to discuss the reserved matters process as part of the pre-app process as Greencore were in the process of acquiring the site at that time. Pre-</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>An outline planning application for up to 65 dwellings was submitted on 08 December 2021 and refused by the Council on 22 April 2022 (ref: 21/04112/OUT). The application was subsequently allowed on appeal on 03 November 2022.</li> <li>No reserved matters applications have been submitted to date.</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>The Council's evidence indicates that Greencore Homes are preparing an application for reserved matters. The documents state that a reserved matters application was to be submitted in autumn but a pre-application meeting has just taken place.</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>A written agreement between the Council and Greencore Homes has not been provided.</li> <li>It is not known what Greencore's anticipated start and build out rates are.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>The Council's evidence provides some detail in relation to the discharge of 2 conditions regarding newts and archaeology.</li> <li>No other evidence has been provided.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>The site only has outline planning permission. No reserved matters applications have been submitted to date and there is no written agreement from the developer.</li> <li>The latest information is that a pre-application meeting has recently taken place.</li> <li>The evidence the Council has provided is not “clear evidence that housing completions will begin on site within five years.”</li> </ul>					

	<p>app request was withdrawn as fee not paid and was superseded by new pre-app submission ref 23/01945/PREAPP.</p> <p>Pre-app ref 23/01945/PREAPP – This is an open pre-app enquiry that is seeking advice from the LPA on the requirements for a Reserved Matters application. Submitted in July 2023 and ongoing discussions between case officer and agent through August 2023 (email trail attached). LPA had a meeting with agent to discuss pre-app Nov 2023 (email confirmation attached). Developer website advertising homes <a href="https://www.greencorehomeslaunton.co.uk/">https://www.greencorehomeslaunton.co.uk/</a></p> <p>This supports assumptions on delivery as the site is being actively promoted by the housebuilders, Greencore.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.”</p> <p>The Council also provides the public consultation boards from Greencore explaining that a reserved matters application is to be submitted in Autumn 2023 and an email from the planning agent to the Council confirming a pre-application.</p>	<ul style="list-style-type: none"> <li>• The site fails to meet the definition of “deliverable” as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>65 dwellings</b> from the Council's supply.</li> </ul>
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Site Name:	Land at Deerfields Farm, Canal Lane, Bodicote											
LPA ref(s):	19/02350/OUT											
Area (Hectares)	1.10											
Total Capacity (Dwellings)	26											
Location Plan attached?	Yes											
Site Plan attached?	Yes											
Site ownership	Mr Nigel Morris											
Planning status of the site	The site only has outline planning permission.											
Site owner / promoter's progress towards development	No evidence of progress since granting outline consent.											
	Council's Comments						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	26	0	26	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“Outline permission was granted in November 2022 for up to 26 dwellings. The expected delivery rates allow sufficient lead-in time for Outline and Reserved Matters approvals and construction time.”</p> <p>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“Housebuilder? None confirmed yet.</p> <p>Confirmation of DISC and RM timeframes? No.</p> <p>Locate advert? No.</p> <p>Build trajectory and developer engagement? Sought guidance from promoter but no response received.</p> <p>Any infrastructure or viability constraints? No.”</p> <p>The Council's evidence is also email correspondence between the Council and the owner. The Council's policy officer asks on 10<sup>th</sup> November 2023:</p> <p>“Would you be able to let me know if you have any plans to submit a Reserve Matters planning application in the next year or two for land at Deerfields farm?”</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>An outline planning application for up to 26 dwellings was submitted on 23 October 2019 and approved on 18 November 2022 (ref: 19/02350/OUT).</li> <li>No reserved matters applications have been submitted to date.</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>There is no evidence to demonstrate that firm progress is being made towards the submission of a reserved matters application.</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>No written agreement between the Council and a developer has been provided.</li> <li>The Council's evidence confirms that there is no housebuilder.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>No evidence has been provided.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>The site only has outline planning permission. No reserved matters applications have been submitted to date, nor has any evidence been provided to demonstrate that firm progress is being made towards the submission of any reserved matters applications.</li> <li>Indeed, no evidence has been provided from the owner to support the inclusion of this site</li> <li>The Council has not provided any “clear evidence that housing completions will begin on site within five years.” The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a reduction of <b>26 dwellings</b> from the Council's supply.</li> </ul>					



Location plan and proposed site plan



Site Name:	OS Parcel 3489 adjoining and south west of B4011, Ambrosden											
LPA ref(s):	22/01976/OUT											
Area (Hectares)	9.36											
Total Capacity (Dwellings)	75											
Location Plan attached?	Yes											
Site Plan attached?	Yes											
Site ownership	Multiple											
Planning status of the site	The site does not have planning permission.											
Site owner / promoter's progress towards development	An outline planning application for up to 75 dwellings was submitted in June 2022 and is still pending determination.											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	25	35	60	0	0	0	0	0	0
Comments on Deliverability	<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>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“Housebuilder? No.</p> <p>Confirmation of Legal Agreement, DISC and RM timeframes? None.</p> <p>Reasons for any S106 delay? N/A.</p> <p>Build trajectory?</p> <p>Developer approached for update, but no response received, despite a reminder.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period”</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>The site does not have planning permission. An outline planning application for up to 75 dwellings was submitted on 01 June 2022 by Hallam Land Management and is still pending determination, over 1.5 years later (ref: 22/01976/OUT).</li> <li>The application was considered at planning committee on 02 February 2023 where it was resolved that approval be granted subject to the signing of a Section 106 agreement to secure the following: <ul style="list-style-type: none"> <li>- Provision of and commuted sum for maintenance of open space.</li> <li>- Provision of LEAP and commuted sum for maintenance.</li> <li>- £106 per dwelling for bins.</li> <li>- 35% on site affordable housing provision.</li> <li>- Public transport contribution of £96,305 for bus services.</li> <li>- PROW contribution of £25,000.</li> <li>- Delivery of a public footway to allow pedestrian access to the village.</li> <li>- Obligation to enter into a S278 agreement to secure new site access, footway, realignment of existing kerb line, relocation of speed limit signs, provision of cycle path and street lighting.</li> <li>- £590,266 towards secondary school education capacity.</li> <li>- £62,144 towards secondary school land contribution.</li> <li>- £44,871 towards SEN school capacity.</li> <li>- £7,047 towards expansion and efficiency of Household Waste Recycling Centres.</li> <li>- £360 per person for local health services.</li> </ul> </li> <li>However, the Section 106 agreement has been signed to date.</li> <li>At the Heyford Park Inquiry, the Council explained that there is an outstanding issue in relation to Biodiversity Net Gain (BNG), which is to be provided outside of Cherwell that has not been resolved</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p>					

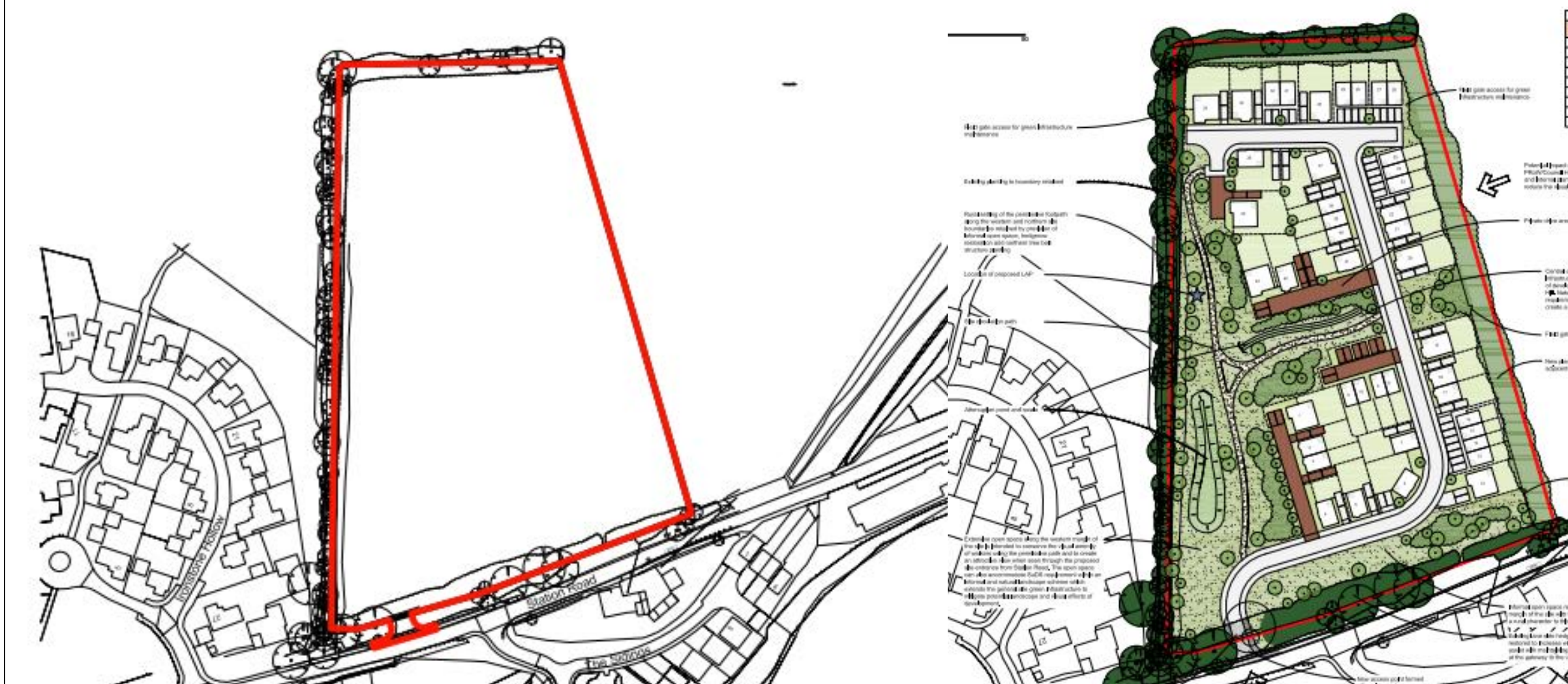


		<ul style="list-style-type: none"> <li>No evidence has been provided to demonstrate that firm progress is being made towards the submission of a reserved matters application. This is not surprising given that the outline consent has yet to be issued. <b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></li> <li>No written agreement between the Council and the developer has been provided.</li> <li>The Council's comments state that the developer was approached for an update but a response was not received. <b>Firm progress with site assessment work?</b></li> <li>No clear evidence of firm progress has been provided. <b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></li> <li>No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>The site does not have planning permission. An outline planning application has been pending determination for over 1.5 years. The application was recommended for approval at planning committee in February 2023 subject to the signing of a Section 106 agreement, however, the s106 has not been signed to date.</li> <li>Even if the S106 is signed and consent is granted, the site will remain as a category b) site and the Council will need to provide clear evidence for its inclusion.</li> <li>The Council has not provided any "clear evidence that housing completions will begin on site within five years." No evidence has been provided from the promoter.</li> <li>The site fails to meet the definition of "deliverable" as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>60 dwellings</b> from the Council's supply.</li> </ul>
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Site Name:	Land North of Railway House, Station Road, Hook Norton											
LPA ref(s):	21/00500/OUT											
Area (Hectares)	2.26											
Total Capacity (Dwellings)	43											
Location Plan attached?	Yes											
Site Plan attached?	Yes											
Site ownership	Unknown											
Planning status of the site	The site only has outline planning permission.											
Site owner / promoter's progress towards development	A pre-application meeting with Deanfield Homes has taken place											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	25	18	43	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“Outline application approved following appeal for 43 homes in August 2022. Section 106 is agreed.”</p> <p>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“Pre-app enquiry submitted by Deanfield Homes in Oct 23 for up to 43 homes. Meeting subsequently undertaken in 8 Nov 23 (Email attached). Pre-App Ref 23/02990/PREAPP</p> <p>No constraints to development.</p> <p>It has been assumed that some dwellings will be delivered at the end of the 5 year period based on the adopted overall 5 year land supply methodology of outline permissions coming forward at the end of the 5 year period.</p> <p>It should be noted that historically smaller residential development sites within the rural areas have a very strong rate of delivery.”</p> <p>The Council also provides email correspondence and confirmation of a pre-application between the Council and Deanfield Homes.</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>An outline planning application for up to 43 dwellings was submitted on 16 February 2021 by Greystoke Land Ltd and refused by the Council on 21 June 2021 (ref: 21/00500/OUT). The application was subsequently allowed on appeal on 18 August 2022.</li> <li>No reserved matters applications have been submitted to date.</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>There is no clear evidence to demonstrate firm progress is being made towards the submission of a reserved matters application.</li> <li>The Council refers to a pre-application meeting but the details and outcome of that have not been provided</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>No written agreement between the Council and a developer has been provided.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>No evidence has been provided.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>The site only has outline planning permission. No reserved matters applications have been submitted to date.</li> <li>The Council has not provided any “clear evidence that housing completions will begin on site within five years.” The site fails to meet the definition of “deliverable” as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>43 dwellings</b> from the Council's supply.</li> </ul>					

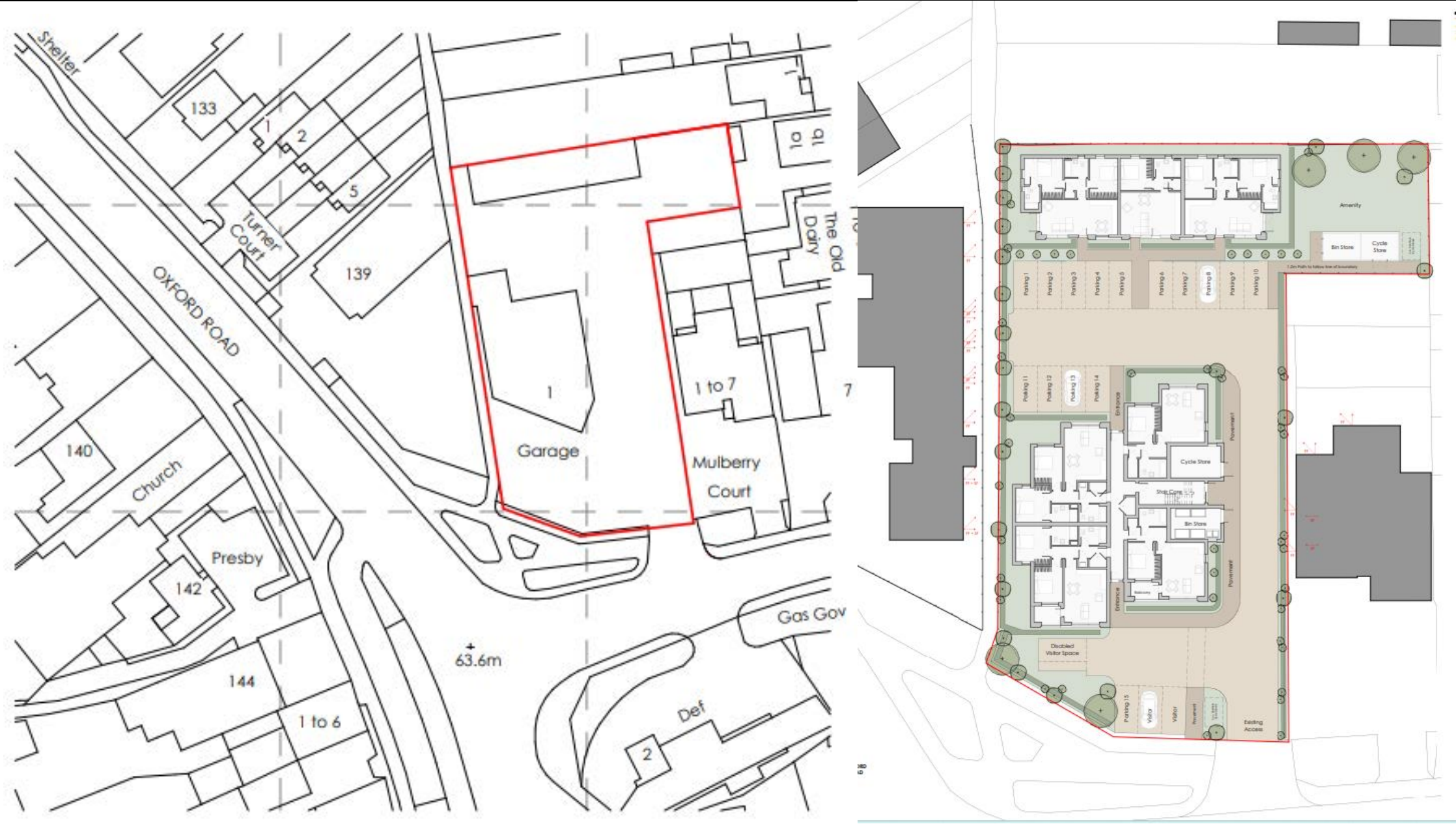


Site Name:	Kidlington Garage, 1 Bicester Road, Kidlington											
LPA ref(s):	22/00017/F											
Area (Hectares)	0.22											
Total Capacity (Dwellings)	15											
Location Plan attached?	Yes											
Site Plan attached?	Yes											
Site ownership	Multiple ownership											
Planning status of the site	The site does not have planning permission.											
Site owner / promoter's progress towards development	A full planning application for 15 dwellings has been pending determination since January 2022.											
	Council's Comments						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	15	0	0	15	0	0	0	0	0	0
Comments on Deliverability	<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>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“Housebuilder – Sweetcroft Homes.</p> <p>Full planning app, so no RM required.</p> <p>The timescales condition will be the usual 'build within three years' of permission. However, no details on build out rate provided.</p> <p>The delay in the S.106 agreement has been to do with refinement to various obligations. Case officer anticipates a revised draft s.106 agreement from the applicant by 30th Nov 23 with both the applicant and council working towards issuing planning permission before Christmas 2023.</p> <p>There is a viability mechanism. The Council's developer contributions have been agreed but a viability review mechanism is needed to try and secure some affordable housing before all the flats are occupied.</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>The site does not have planning permission.</li> <li>A full planning application for 15 dwellings was submitted on 05 January 2022 and is still pending determination, over 1.75 years later (ref: 22/00017/F). The application was recommended for approval at planning committee on 14 July 2022 subject to the signing of a Section 106 agreement to secure the following: <ul style="list-style-type: none"> <li>Off-site affordable housing equivalent to 35% (approx. £609,000).</li> <li>Off-site outdoor sports facilities contribution of £5,557.76.</li> <li>Off-site indoor sports facilities contribution of £3,160.56.</li> <li>Community hall facilities contribution of £11,128.</li> <li>Waste and recycling facilities contribution of £1,665.</li> <li>Traffic Regulation Order contribution of £6,225.</li> <li>CDC monitoring fees of £1,500.</li> </ul> </li> <li>However, the S106 was not signed, and the application was taken back to planning committee on 09 March 2023 due to the applicant submitting a viability assessment in November 2022 which concluded that the off-site affordable housing contribution would not be viable.</li> <li>The application was again recommended for approval on 09 March 2023 subject to the signing of an S106 agreement to secure the above heads of terms, excluding the affordable housing provision but subject to a viability review mechanism.</li> <li>However, the S106 agreement has still not been signed to date.</li> <li>In addition, the LLFA issued an objection to the application on 29 September 2023, which states that the following have <u>not</u> been provided: a flood risk assessment; a detailed drainage strategy; a surface water catchment plan;</li> </ul>					

	<p>Dwellings delivered in the 5 year period based on overall 5 year land supply methodology of full permissions coming forward within the 5 year period.”</p> <p>The Council also provides email correspondence between the agent and the Council in relation to the S106 agreement. It refers to the viability mechanism described above. The latest email in the correspondence is dated July 2023.</p>	<p>technical approval from public sewer undertaker; a flow exceedance plan; or a detailed maintenance schedule. None of this information has been provided to date.</p> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"><li>• As above, an application has been pending determination for over 1.75 years.</li></ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"><li>• No evidence has been provided.</li></ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"><li>• No evidence has been provided.</li></ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"><li>• No evidence has been provided.</li></ul> <p><b>Summary</b></p> <ul style="list-style-type: none"><li>• The site does not have planning permission. A full planning application for 15 dwellings has been pending determination for over 1.75 years. Whilst the application was recommended for approval at planning committee on 14 July 2022 and again on 09 March 2023, the S106 has been signed to date. There is no clear evidence to demonstrate that firm progress is being made towards the signing of a Section 106 agreement.</li><li>• The Council has not provided any “clear evidence that housing completions will begin on site within five years.” The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a reduction of <b>15 dwellings</b> from the Council’s supply.</li></ul>
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Location plan and proposed site plan



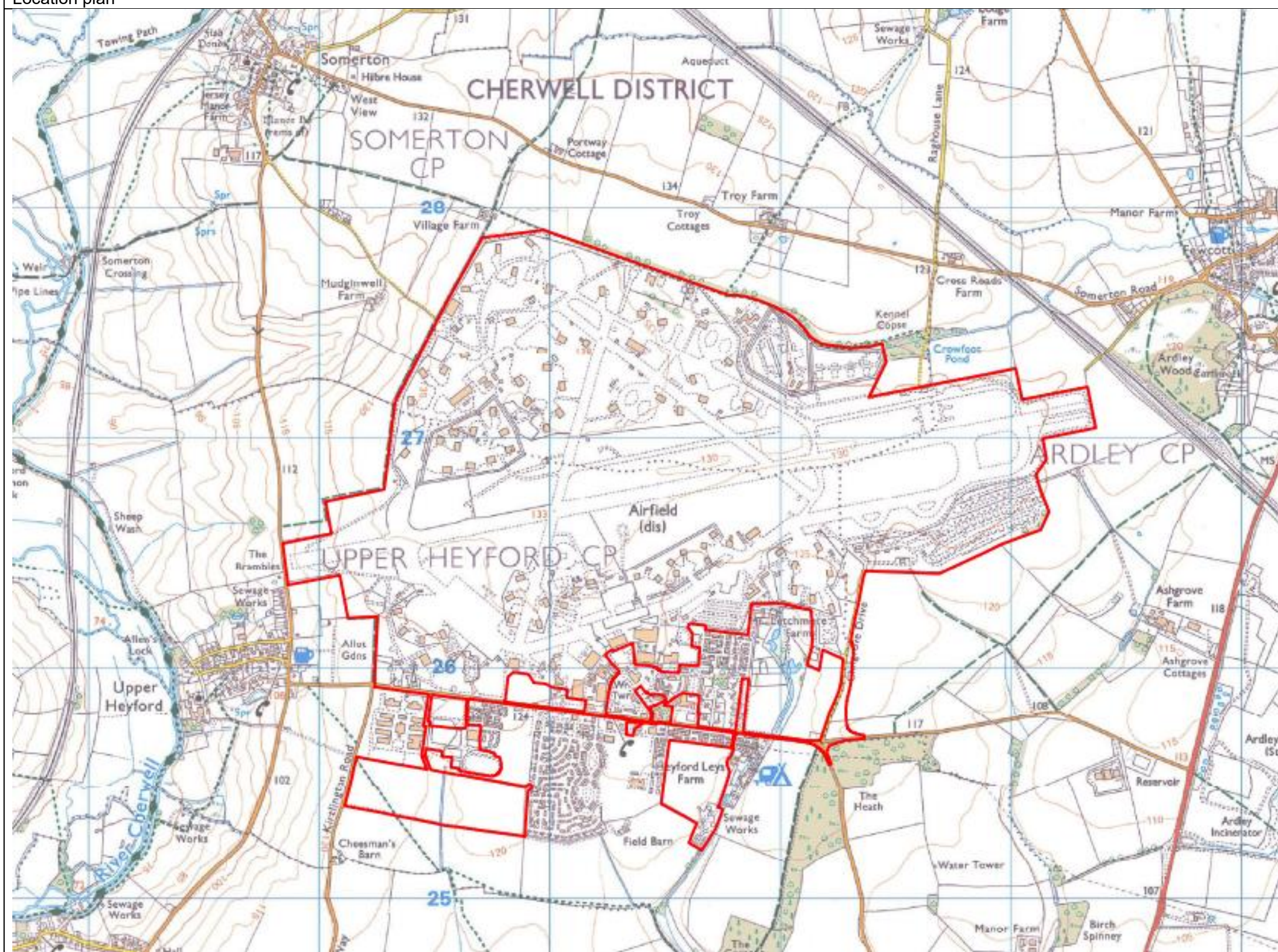
Other disputed sites

Site Name:	Former RAF Upper Heyford											
LPA ref(s):	18/00825/HYBRID 22/02255/REM											
Area (Hectares)	449.2											
Total Capacity (Dwellings)	1,175											
Location Plan attached?	Yes											
Site Plan attached?	No											
Site ownership	Dorchester Living											
Planning status of the site	At the base date, this part of the site had outline planning permission for a mixed-use development including up to 1,175 dwellings and reserved matters consent for 138 dwellings. This remains the case											
Site owner / promoter’s progress towards development	The Council refers to further reserved matters applications being made for 182 dwellings.											
	Council’s Evidence						Appellant’s Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	38	100	75	125	150	488	Clear evidence provided for 138					138
Comments on Deliverability	<p>The AMR states:</p> <p>“A new Hybrid application for 1175 dwellings was approved in September 2022. Reserved matters (22/02255/REM) is approved for phase 10 for 138 dwellings. The Councils latest monitoring shows that foundations are in place for the majority of the homes with some near completion. Recent history of delivery on the site with 250 dwellings completed in 2022/23. Dorchester is a long standing and active developer on the site and there are two developers at Heyford Park. Dorchester Living are in partnership with Picture Living who will deliver private rented dwellings. Over the last five years an average of 100 new homes per year were built at Heyford Park. It is anticipated that this level of delivery will continue. Dorchester anticipate that they will deliver over 150 dwellings per year going forward including delivering phase 10 at the same time as future phases. They do not identify any infrastructure constraints to delivery. Discussions are occurring with the developer concerning future reserved matters applications which are expected shortly. Dorchester's website indicates a range of new homes for sale.”</p> <p>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"><li>• A hybrid planning application seeking outline planning permission for a large mixed-use development including up to 1,175 dwellings, retail and employment buildings, a new medical centre, a new primary school, community buildings, open space, sports facilities, public park, buildings for filming activities and associated infrastructure was submitted on 10 May 2018 by Dorchester Living Ltd and approved on 09 September 2022, over 4 years later (ref: 18/00825/HYBRID).</li><li>• A reserved matters application for 138 dwellings was submitted on 27 July 2022 by Heyford Park Developments Ltd and approved on 27 February 2023 (ref: 22/02255/REM).</li><li>• No further reserved matters applications have been made to date.</li><li>• The Council relies on the submission of a phasing plan by Dorchester Living. However, at the Heyford Park inquiry, the Council explained that on 4<sup>th</sup> December 2023, the developer (Dorchester Living) had withdrawn the application to discharge the condition relating to the phasing plan (LPA ref: 22/03016/DISC). Dorchester are a rule 6 party to the Heyford Park appeal.</li></ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"><li>• The Council’s trajectory states that discussions are occurring with the developer concerning future reserved matters applications which are expected shortly.</li></ul>					

	<p>“What is the clear evidence for timeframes for next RM submissions for +350 units from year 3. Is this agreed with Dorchester in terms of infrastructure timings for the Heyford Park Inquiry?</p> <p>Developer Submission (Dorchester) received on 3 November 2023. Dwellings delivered during the 5 year period.</p> <p>It should be noted that the developers are projecting a faster rate of delivery than assumed by the Council.</p> <p>Dorchester’s committed new build completions to end Q1 2028 = 23 dwellings (built and occupied in the last 6 months at Phase 9A approved under 16/02446/F) + 270 (approved and under construction in Phases 9B – 9G also approved under 16/02446/F) + 5 (new occupations at Phase 8C under 19/00446/F in last 6 months) + 9 (built but not yet occupied at Phase 8C) + 34 (built and occupied in last 6 months in Phases 5C and 7A approved under 10/01642/OUT, 19/00439/REM &amp; 19/00440/REM) + 138 (currently under construction at Phase 10 and approved under 22/02255/REM) = 479 dwellings.</p> <p>In addition, Dorchester also anticipate the following additional completions within the next five years based on their phasing plan submission under 22/03016/DISC: 6 dwellings (at Phase 13) + 114 (Phase 11) + 62 (Phase 17) which are all due to be the subject in new reserved matters application submissions in Feb. 2024 and with construction expected Q1/Q2 2025 = 182.</p> <p>These additional occupations all appear quite likely to the LPA.</p> <p>Dorchester also suggest that: 100 dwellings (at Phase 23A) + 100 (56% of Phase 16) + 16 (Phase 39) + 62 (62% of Phase 23B) + 42 (42% of Phase 12) = 320 dwellings could all come forward over the next 5 years. That would bring construction and occupation rates up to almost 200dpa, which is not considered likely by the LPA so have not been included in the Council’s supply calculations.”</p>	<ul style="list-style-type: none"> <li>• However, the Council has not provided any clear evidence to demonstrate that firm progress is being made on these further reserved matters applications.</li> <li>• As above, the Inspector required that by 30<sup>th</sup> November the Council needed to provide the Appellants with all the clear evidence it relied on for sites that fall in category b) such as this site. The Council did not provide us with any information. Reference is made to a response by the developer on 3<sup>rd</sup> November, but this has not been provided.</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>• The Council’s evidence refers to a submission dated 3<sup>rd</sup> November 2023, but that has not been provided.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>• No evidence has been provided.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>• No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>• The site has outline planning permission for a large mixed-use development including up to 1,175 dwellings. A reserved matters application for 138 dwellings was approved in February 2023.</li> <li>• The 138 dwellings are included along with the other phases at Heyford Park.</li> <li>• The Council’s case is unclear: <ul style="list-style-type: none"> <li>- It refers to 293 dwellings at phase 9 (i.e. 270 + 23) (the AMR shows only 218 of these were left to be built at the base date - page 15)</li> <li>- It refers to 14 dwellings at phase 8C (the AMR shows that phase 8C had completed before the base date – page 15);</li> <li>- It refers to 34 dwellings at phases 5C and 7A (the AMR shows that phase 7A had been completed by the base date and the other reference to 19/004400/REM refers to phase 8A rather than 5C but in any case it was completed before the base date as shown in the AMR)</li> <li>- It refers to the 138 dwellings on this site, which are included in the 5YHLS</li> <li>- The Council then accepts the 182 dwellings on phases 11, 13 and 17 but reject Dorchester’s suggestion of any other phases in the 5YHLS period.</li> <li>- Therefore, the Council accepts 320 dwellings on this part of the site, not 488</li> </ul> </li> </ul> <p>• In summary, the Council has not provided clear evidence for an additional <b>350 dwellings to the 138 figure</b>. The evidence it has provided is unclear and only supports an additional 182 dwellings rather than 350.</p> <p>• In addition, the phasing plan the Council relies on has been withdrawn.</p>



Location plan





Site Name:	Drayton Lodge Farm											
LPA ref(s):	18/01882/OUT											
Area (Hectares)	18.7											
Total Capacity (Dwellings)	320											
Location Plan attached?	Yes											
Site Plan attached?	Yes											
Site ownership	Vistry Homes											
Planning status of the site	Outline planning permission											
Site owner / promoter's progress towards development	Start on site expected in 2024											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	50	50	75	75	320	0	30	50	50	50	250
Comments on Deliverability	<p>The AMR states:</p> <p>“Outline permission for up to 320 dwellings is secured. The site was acquired by Vistry Group which consist of Bovis Homes and Linden Homes in November 2020. Reserved matters application (22/02357/REM) has now been approved in May 2023. Most conditions have now been discharged. Projection is consistent with build rates in Banbury generally in recent years. Developer has estimated that the majority of the site will be built out in 5 year period and they will start on site in early 2024..”</p> <p>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“Correspondence from Vistry informing CDC of Management Company to transfer for areas of open space including play areas, sports pitches, all ecological areas and potentially the SUDs features (email attached March 23). CDC advised that such details would need to form a DISC application and required prescribed info contained within schedule 3 (April 23).</p> <p>Construction vehicle routing discussed in July 2023 following complaints from residents about traffic through Hanwell village. Email sent to applicant confirming approved routing with the CTMP.</p> <p>Developer Submission (Vistry Homes) received 10 November 2023. Generally supports the Council's assumptions.”</p> <p>The Council also provides detail on the landscape plan and construction traffic as referred to above.</p>						<ul style="list-style-type: none"> <li>The site has detailed consent for 320 dwellings</li> <li>The developer has responded to a recent request by the Council in relation to the delivery of this site to explain that 30 dwellings should be included in the first year, followed by 50 dwellings.</li> <li>This means 250 dwellings should be included in the 5YHLS period; a reduction of <b>70 dwellings</b> from the Council's position.</li> </ul>					

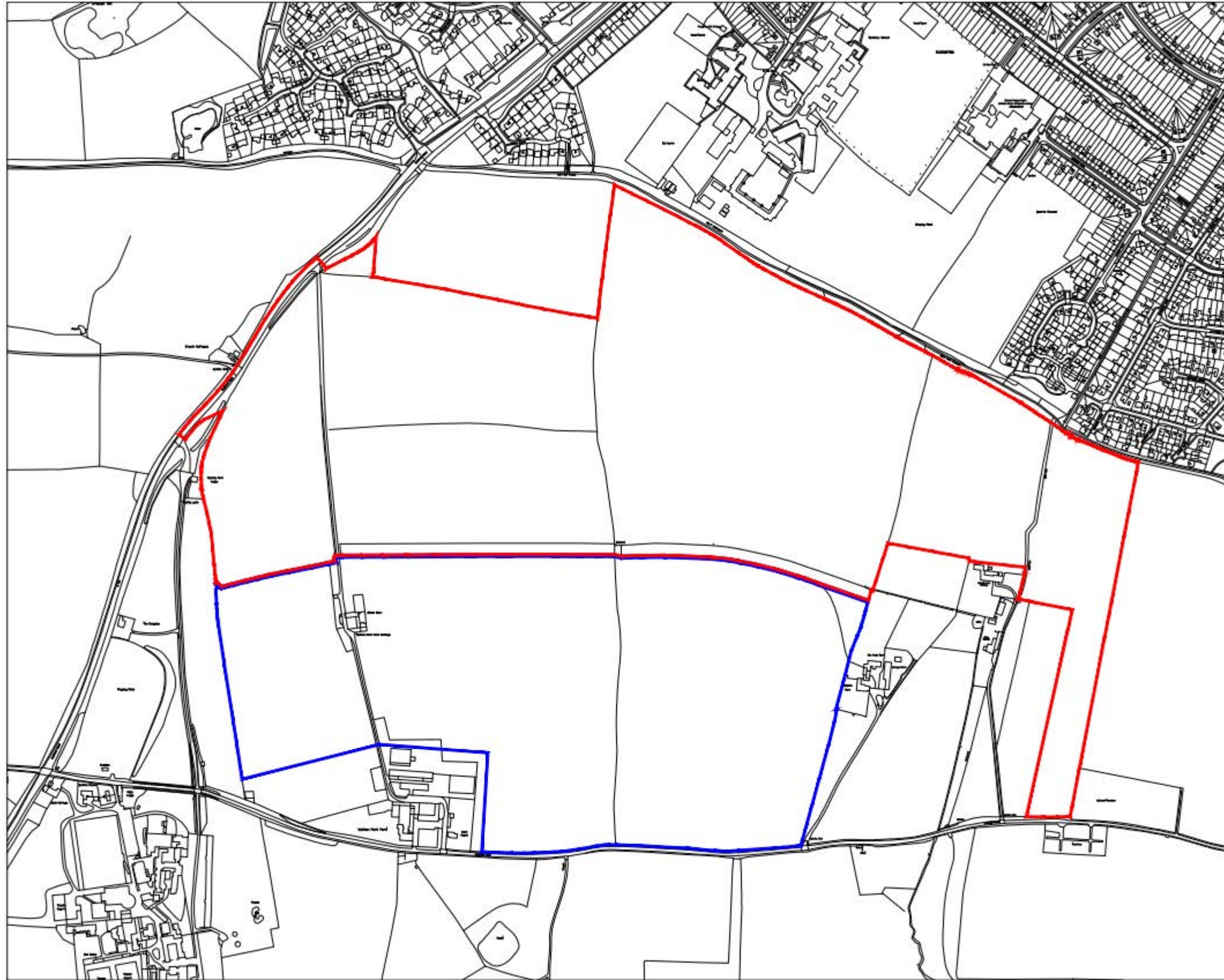
	<p>The Council also provided email correspondence between the developer and the Council.</p> <p>The email from the Council dated 10th November 2023 states:</p> <p>“We are currently estimating that the site (320 dwellings) will be built out by March 2028, so therefore about 75 dwellings per year. Do you think this is achievable?”</p> <p>The response from the developer also dated 10th November 2023 states:</p> <p>“with the market how it is, we are assuming it will be around 30 for 2024 then 50 per annum onwards.....so built out by 3030. But this may be more in line with your assumption should the market get back on track again.”</p>	
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Site Name:	South of Salt Way - East											
LPA ref(s):	14/01932/OUT											
Area (Hectares)	52.46											
Total Capacity (Dwellings)	1,000											
Location Plan attached?	Yes											
Site Plan attached?	No											
Site ownership	Persimmon / Charles Church											
Planning status of the site	The site has outline planning permission for 1,000 dwellings and reserved matters consent for 237 dwellings.											
Site owner / promoter's progress towards development	The developer has explained that 250 dwellings should be considered deliverable in the 5YHLS period.											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	50	75	75	100	100	400	Clear evidence of 237 dwellings across the 5YHLS period					237
Comments on Deliverability	<p>The AMR states:</p> <p>“Outline permission for the 1000 homes is secured. This covers the remaining area of the site which is the majority of the strategic allocation. Reserved matters for two of the development parcels (22/02068/REM) were permitted in April 2023 for 237 dwellings. Reserved matters has also been granted for a spine road (20/03702/REM) and link road (20/03724/REM) serving the school and a foul water pumping station (21/03950/REM). No known delays in developers starting on site, conditions discharged, S106 obligations varied to allow early road construction to facilitate speedier development (21/00653/M106), ground works in place. Infrastructure will be delivered based on the number of occupations meaning that there will be no significant delays in delivering the homes permitted. Persimmon homes are developing the 237 homes in Phases 1 &amp; 3. Discussions are underway on reserve applications for further phases. Charles Church is currently preparing an application (anticipated Dec. '23) for the Phase 2 land (south of Phases 1 &amp; 3 – zoned for 110-122 dwellings). Projection is consistent with build rates on this site and in Banbury generally in recent years. There are two house builders on site. A significant proportion of the site is forecast to be completed within the 5 year period. Developer has indicated that development is likely to be delivered in line with the projection.”</p> <p>The Council's document “Sites Appellant Claims Lack Clear Evidence” states:</p> <p>“This is generally fine but do we have any confirmed correspondence with the promoter for the next RM submission?</p> <p>Developer Submission (Persimmon homes) received on 10 November 2023. This assumes a delivery of 250 within the next 5 years.</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>An outline planning application for a mixed-use development including up to 1,000 dwellings was submitted on 17 November 2014 and approved on 19 December 2019 (ref: 14/01932/OUT).</li> <li>A reserved matters application for 237 dwellings was submitted by Persimmon Homes on 11 July 2022 and was approved on 20 April 2023 (ref: 22/02068/REM).</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>As above, a reserved matters application for part of the site has been approved. No clear evidence of firm progress being made towards the submission of other reserved matters applications has been provided.</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>A written agreement between the Council and the developer has not been provided.</li> <li>The developer has explained to the Council that the build rate of 75-100 dwellings per annum is optimistic and indicated that 250 dwellings should be included.</li> <li>Whilst the AMR states that the developer has indicated that development is likely to be in line with the projection, this is not the case. The Council has included 400 dwellings instead.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>No clear evidence of firm progress on site assessment work has been provided. Whilst some site assessment work has been undertaken as part of the recently approved reserved matters application, some conditions on the outline planning permission have not been discharged.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p>					

	<p>However, looking at historic delivery in Banbury this appears to be unduly pessimistic projection.”</p> <p>The Council also provided email correspondence between the Council and Persimmon.</p> <p>The email from the developer on 23<sup>rd</sup> October states:</p> <p>“we are currently building out the first phase of 14/01932/OUT, which has outline planning permission for 1,000 units/ Construction will begin on the second and possibly third phases within the next five years”.</p> <p>The response from the Council dated 10th November 2023 refers to a phone call and then states:</p> <p>“We are estimating that out of the 1,000 homes in the outline that 350 homes will be built between April 2023 the end of March 2028, so between 75 and 100 a year. Would you be able to let me know whether you think this is correct”</p> <p>The reply from Persimmon, also dated 10th November 2023 states:</p> <p>“I have since spoken to a colleague and the 75-100 completions a year is probably optimistic at the moment. I would reduce this to 250 and we can review in a years’ time”</p>	<ul style="list-style-type: none"><li>• Reserved matters consent has been granted for a spine road and link road serving the school, as well as a foul water pumping station. No information has been provided regarding viability or ownership constraints.</li></ul> <p><b>Summary</b></p> <ul style="list-style-type: none"><li>• The site has outline planning permission for up to 1,000 dwellings and detailed consent for 237 dwellings.</li><li>• 237 dwellings are deliverable in the five year period. However, no clear evidence of firm progress towards the submission of any other reserved matters applications has been provided. Indeed the evidence the Council has provided would only support 250 dwellings in the 5YHLS period.</li><li>• The Council has not provided any “clear evidence that housing completions will begin on site within five years.” The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a reduction of <b>163 dwellings</b> from the Council’s supply.</li></ul>
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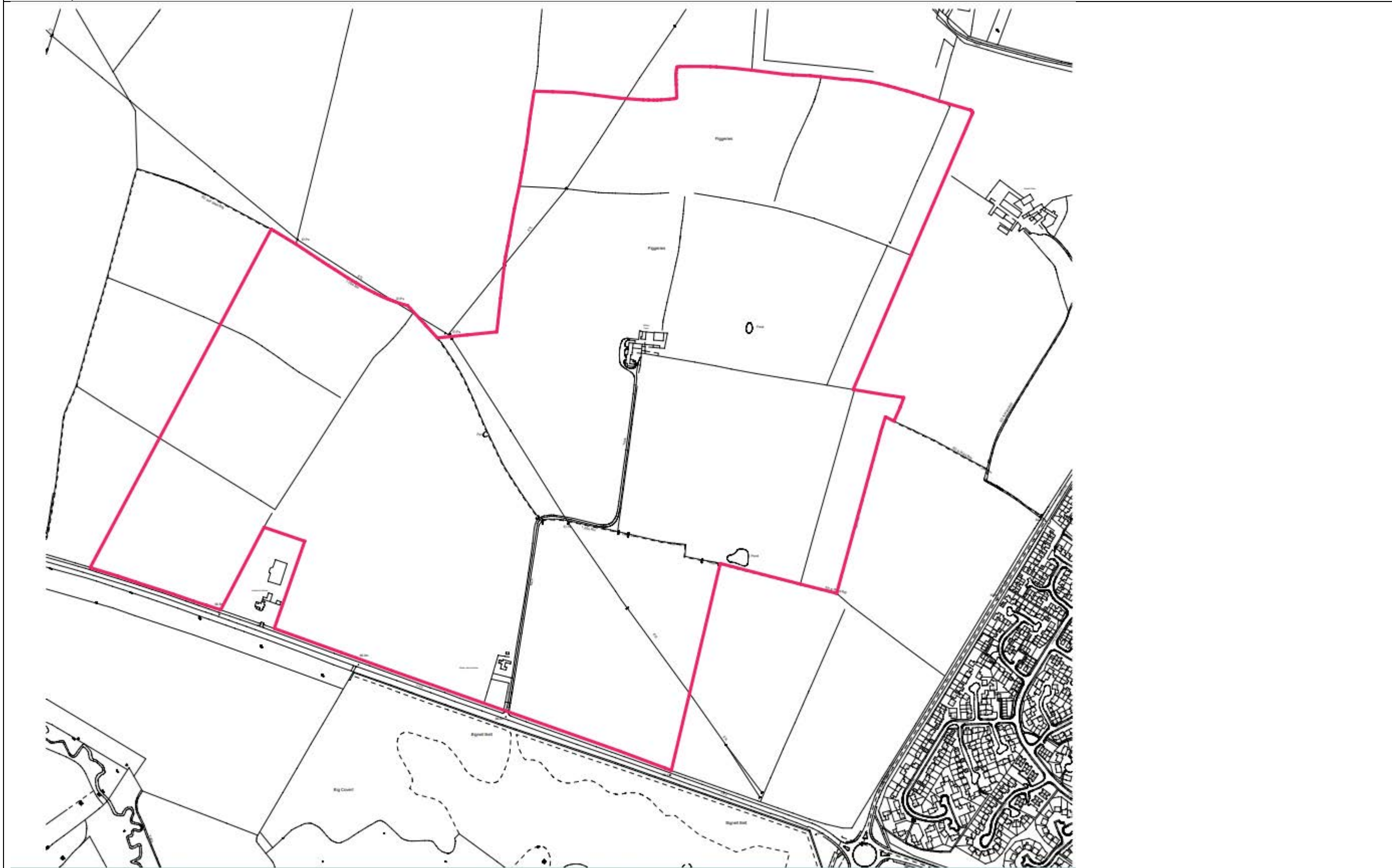




Site Name:	North West Bicester Phase 2											
LPA ref(s):	14/02121/OUT											
Area (Hectares)	90.30											
Total Capacity (Dwellings)	1,700											
Location Plan attached?	Yes											
Site Plan attached?	No											
Site ownership	Cala Homes											
Planning status of the site	The site has outline planning permission. A reserved matters application for 123 dwellings is pending determination.											
Site owner / promoter's progress towards development	As above – Cala Homes has applied for RM for 123 dwellings											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	50	50	100	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“Outline planning permission for 1700 homes on land to the north of Middleton Stoney Road, forming part of the wider North West Bicester strategic allocation was secured by P3EcoLtd on 30 January 2020. A Reserved Matters application (21/02339/REM) for 500 of the 1700 homes (forming phase 1) was submitted on behalf of Countryside Properties in July 2021 and was subsequently withdrawn. Applications continue to be submitted for Discharge of Conditions (including Phasing Plan and Design Code) and Reserved Matters for access arrangements, road layouts and a first residential phase of 123 dwellings (23/00214/REM, 23/00170/REM, 23/01493/REM and 23/01586/REM and 23/00207/DISC, 23/01496/DISC and 23/01558/DISC). The active engagement between developer (Cala homes) and Council relating to delivery of Reserved Matters are separate to restrictions imposed by infrastructure delivery as 500 dwellings are permitted on the site for 1700 dwellings prior to strategic infrastructure needing to be in place. Cala homes have submitted a phasing plan which indicates development will start in 2024. Due to the absence of reserved matters permission the site will not deliver homes before 2026/27.”</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>An outline planning application for 1,700 dwellings was submitted on 19 December 2014 and approved on 30 January 2020 (ref: 14/02121/OUT).</li> <li>A reserved matters application for 500 dwellings was submitted on 05 July 2021 however the application was withdrawn on 03 November 2022 (ref: 21/02339/REM).</li> <li>A reserved matters application for 123 dwellings was submitted on 09 June 2023 by Cala Homes and is pending determination (ref: 23/01586/REM). The application is subject to objections from statutory consultees as follows: <ul style="list-style-type: none"> <li>Environment Agency comment (dated 31 August 2023) - detailed information regarding the hydrological and hydro-geological context of the development needs to be provided.</li> <li>Oxfordshire County Council objection (dated 27 July 2023) - Layout relative to spine roads will need to be reviewed because of changes needed to those roads to provide cycle facilities on both sides; amount of car parking is in excess of Oxfordshire Parking Standards; amount of cycle parking is insufficient to meet Oxfordshire Parking Standards; and improvements needed to maximise cycle and pedestrian connectivity.</li> <li>Thames Valley Police holding objection (dated 21 July 2023) – “have some concerns with the proposals in terms of the potential for crime and disorder, and for that reason I am unable to support this application in its current form.” – multiple amendments required.</li> <li>Strategic Housing objection (dated 25 October 2023) – the affordable housing mix is not in accordance with S106 requirements or the Council's suggested revised mix and the design and layout does not promote adequate tenure distribution or integration.</li> </ul> </li> <li>It is unknown whether these outstanding issues will be resolved or when.</li> <li>Two identical reserved matters applications for Phase 1A infrastructure comprising two junctions and two sections of internal road were submitted on</li> </ul>					

		<p>23 and 24 January 2023 and are pending determination (refs: 23/00214/REM and 23/00170/REM). The applications are subject to an objection from Oxfordshire County Council (dated 01 March 2023) on the basis that the secondary access is insufficiently wide.</p> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"><li>• As above, a reserved matters application is pending determination subject to outstanding objections.</li></ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"><li>• No written agreement with the developer has been provided.</li></ul> <p><b>Firm progress with site assessment work?</b></p> <p>No clear evidence of firm progress with site assessment work has been provided.</p> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"><li>• The Council's trajectory states: "The active engagement between developer (Cala homes) and Council relating to delivery of Reserved Matters are separate to restrictions imposed by infrastructure delivery as 500 dwellings are permitted on the site for 1700 dwellings prior to strategic infrastructure needing to be in place."</li></ul> <p><b>Summary</b></p> <ul style="list-style-type: none"><li>• The site only has outline planning permission. Whilst a reserved matters application for 500 dwellings was made in July 2021, the application was subsequently withdrawn. A revised reserved matters application for 123 dwellings was submitted in June 2023 and is pending determination. However, the application is subject to several outstanding objections. It is unknown whether the application will be approved.</li><li>• The Council has not provided any "clear evidence that housing completions will begin on site within five years." The site fails to meet the definition of "deliverable" as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>100 dwellings</b> from the Council's supply.</li></ul>
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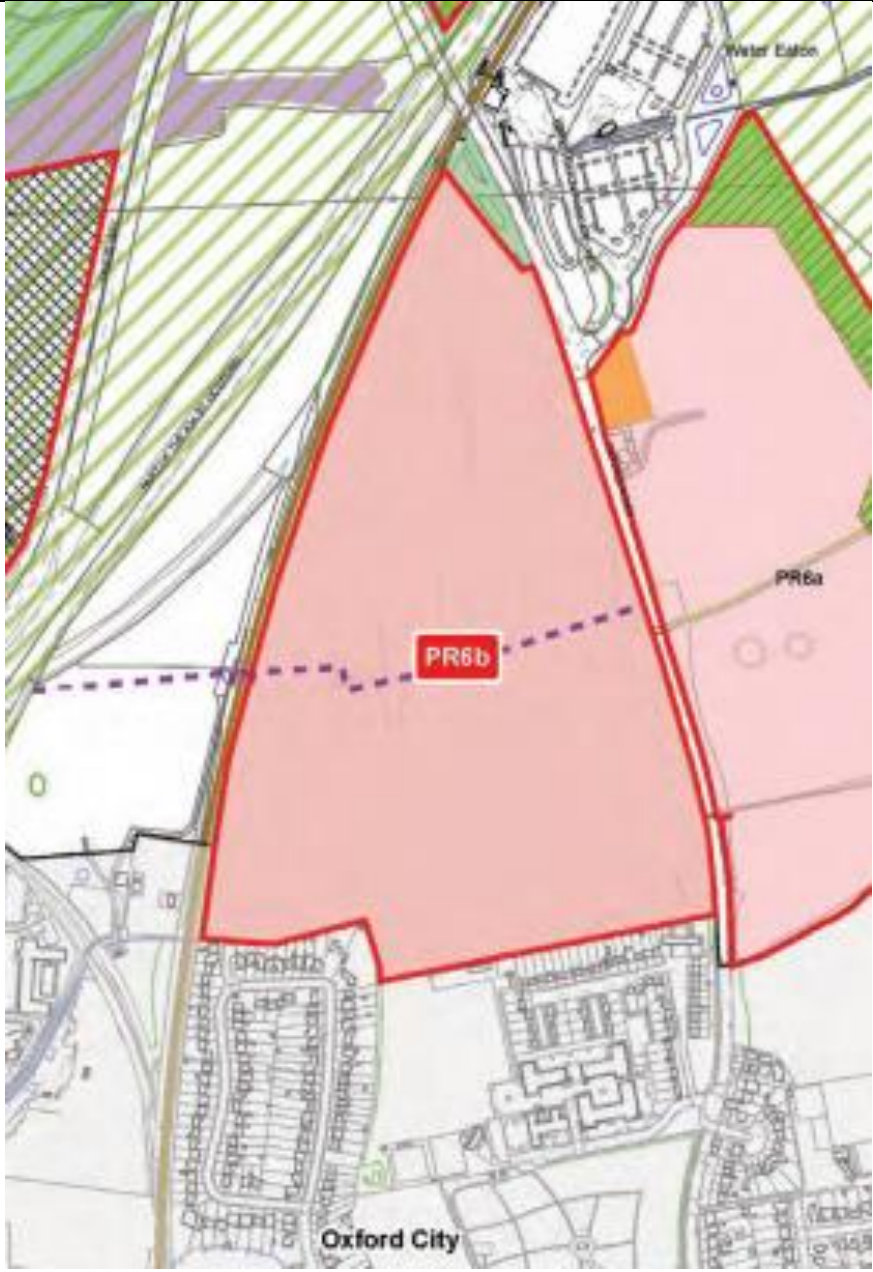




Site Name:	Former RAF, Upper Heyford											
LPA ref(s):	21/03523/OUT											
Area (Hectares)												
Total Capacity (Dwellings)	31											
Location Plan attached?	No											
Site Plan attached?	No											
Site ownership	The site has not been sold to DWH											
Planning status of the site	The site has outline planning permission. A reserved matters application has not been made. Instead a new planning application has been made for 126 dwellings but that remains undertermined.											
Site owner / promoter's progress towards development	As above, a full planning application has been made, but this is not determined. It was validated in October 2022 (LPA ref: 22/03063/F)											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	10	21	31	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“An outline application for 31 homes on land within the allocation by Pye Homes was approved in September 2023. The expected delivery rates allow sufficient lead-in time for Reserved Matters approvals and construction time. Application (22/03063/F) now submitted by David Wilson homes resulting in additional dwellings and expected to be determined shortly. Anticipated legal agreement in line with existing agreement. Further developer interest indicates delivery within the 5 year period.”</p>						<ul style="list-style-type: none"> <li>Outline planning permission was granted for Pye Homes but they are no longer taking the site forward.</li> <li>The Milcombe Inspector did not consider the site was deliverable. Paragraph 42 of the appeal decision states:</li> </ul> <p>The allocated site has extant planning permission although this is unlikely to be implemented following the submission of a separate planning application for David Wilson Homes which has not yet been granted with unresolved objections related to biodiversity net gain. The Council expect the planning application to go to committee before the end of 2023 with David Wilson starting on site in early 2024. However, David Wilson do not currently own the site and so I consider this timescale to be ambitious given the processes involved in completing the acquisition. I consequently deduct 30 of the projected dwellings for 2024-2025.</p> <p>Consequently, we remove this site from the deliverable supply.</p>					

Partial Review sites

Site Name:	Land West of Oxford Road, North Oxford											
LPA ref(s):	PR6b											
Area (Hectares)	32											
Total Capacity (Dwellings)	670											
Location Plan attached?	Yes											
Site Plan attached?	No											
Site ownership	Unknown											
Planning status of the site	The site is allocated for approximately 670 dwellings in the Cherwell Local Plan Partial Review. The site does not have planning permission.											
Site owner / promoter’s progress towards development	No planning applications have been submitted to date.											
	Council’s Evidence						Appellant’s Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	0	30	30	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“A draft Development Brief was subject to public consultation between January and March 2022 and is due for approval shortly. The expected delivery rates allow for lead-in times of planning applications (outline followed by reserved matters) and construction.”</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"><li>• The site does not have planning permission. No planning applications have been submitted to date.</li></ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"><li>• There is no clear evidence to demonstrate that firm progress is being made towards the submission of a planning application.</li></ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"><li>• No evidence has been provided.</li></ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"><li>• No evidence has been provided.</li></ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"><li>• No evidence has been provided.</li></ul> <p><b>Summary</b></p> <ul style="list-style-type: none"><li>• The site does not have planning permission, nor has a planning application been submitted to date. There is no clear evidence to demonstrate that firm progress is being made towards the submission of a planning application.</li><li>• The Council has not provided any “clear evidence that housing completions will begin on site within five years.” The site fails to meet the definition of “deliverable” as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>30 dwellings</b> from the Council’s supply.</li></ul>					

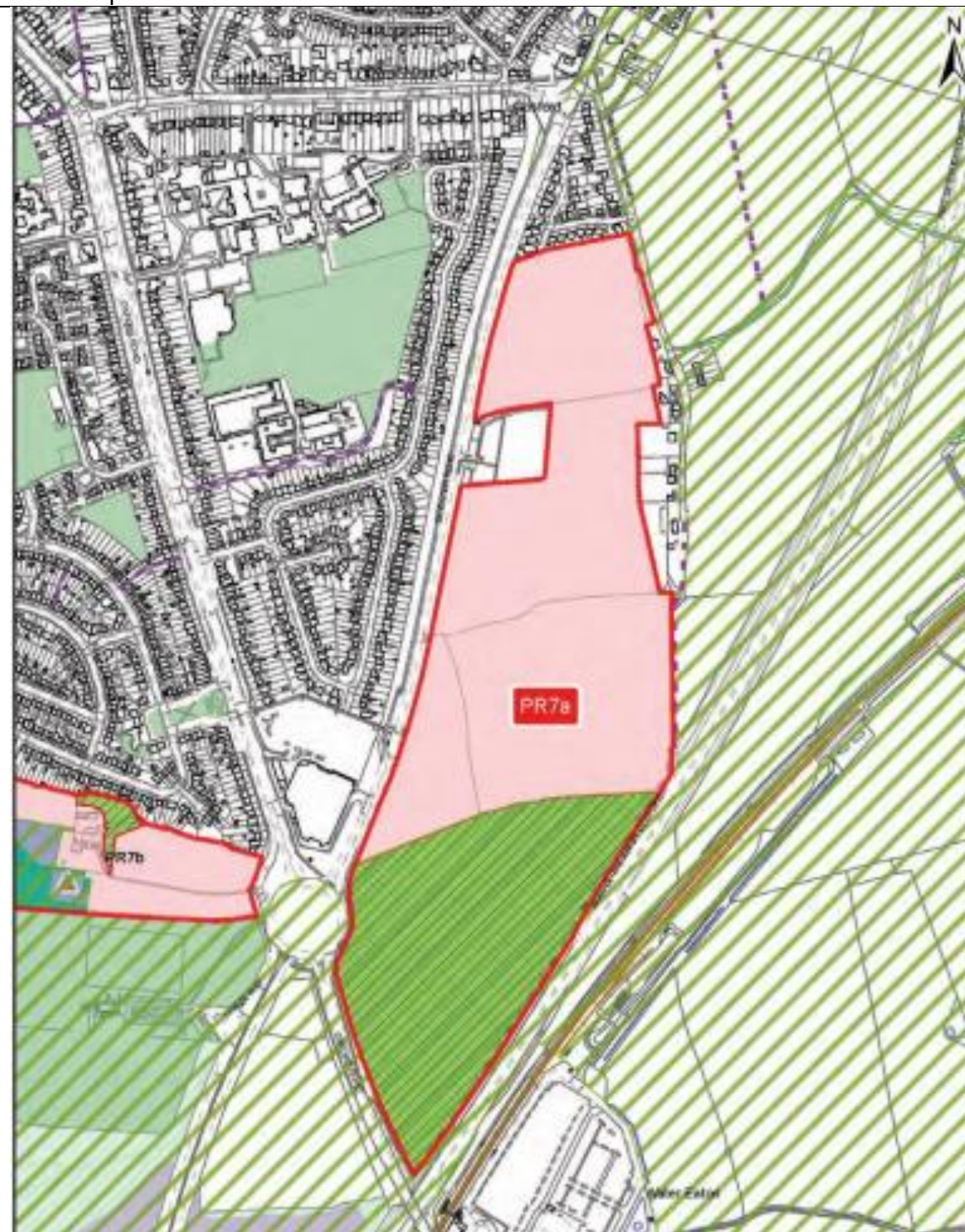


Site Name:	Land South East of Kidlington											
LPA ref(s):	PR7a											
Area (Hectares)	32											
Total Capacity (Dwellings)	430											
Location Plan attached?	Yes											
Site Plan attached?	No											
Site ownership												
Planning status of the site	The site is allocated for approximately 430 dwellings in the Cherwell Local Plan Partial Review. The site does not have planning permission.											
Site owner / promoter's progress towards development	Two planning applications are pending determination.											
	Council's Comments						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	0	30	30	0	0	0	0	0	0
Comments on Deliverability	<p><b>The AMR states:</b></p> <p>"Outline application (22/00747/OUT) for 370 homes was approved subject to section 106 in October 2023. The expected delivery rates allow for lead-in times of planning applications (reserved matters) and construction. Planning application (22/03883/F) received for the site from Hill residential for 96 dwellings which is due for consideration shortly."</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>The site does not have planning permission.</li> <li>An outline planning application for up to 370 dwellings was submitted on 11 March 2022 by Barwood Development Securities and is still pending determination (ref: 22/00747/OUT). The application was considered at planning committee on 05 October 2023 where it was recommended for approval subject to the signing of a S106 agreement to secure the following: <ul style="list-style-type: none"> <li>50% on-site affordable housing.</li> <li>OCCG contribution of up to £319,680.</li> <li>Thames Valley Police contribution of £52,607.40.</li> <li>Public Art/Realm contribution of £82,880.</li> <li>On site provision of LEAPs, NEAPs, sports pitches and allotments.</li> <li>Indoor sports provision contribution of £308,930.32</li> <li>Community hall contribution of £423,032.08.</li> <li>Community Development Worker contribution of £33,877.36.</li> <li>Community Development Fund contribution of £16,650.</li> <li>Public transport service contribution of £418,470.</li> <li>Public transport infrastructure contribution of £35,616.</li> <li>Travel Plan monitoring contribution of £1,446.</li> <li>PROW contribution of £55,000.</li> <li>Secondary education contribution of up to £2,670,150.</li> <li>Secondary education land costs of up to £233,023.</li> <li>SEN development contribution of up to £260,248.</li> <li>OCC Transport contributions of £572,168 for cycleway/footway extension; £560,994 for improved bus lanes; £45,214 for signalised junctions; £35,927 for public realm improvements; and TBC contribution for cycle superhighway.</li> <li>Open space maintenance contributions including LAP/LEAP maintenance of £179,549.95; LEAP/NEAP maintenance of £540,048.31; and MUGA maintenance of £73,215.11.</li> </ul> </li> </ul>					

		<ul style="list-style-type: none"> <li>- Library services contribution of £39,698.</li> <li>- Waste and recycling services contribution of up to £34,765.</li> <li>• However, the Section 106 agreement has not been signed to date.</li> <li>• In addition, a full planning application for 96 dwellings was submitted on 23 December 2022 by Hill Residential and is still pending determination (ref: 22/03883/F). The application is subject to an outstanding objection from the Environment Agency regarding drainage issues.</li> <li>• The application is due to be considered at planning committee on 07 December 2023 where it is recommended for approval subject to a) addressing the concerns of the Environment Agency; b) the signing of a Section 106 agreement to secure the following: <ul style="list-style-type: none"> <li>- 50% on-site affordable housing.</li> <li>- OCCG contribution £84,648.</li> <li>- Public Art/Realm contribution of £18,816.</li> <li>- Outdoor sports provision contribution of £193,634.88.</li> <li>- Indoor sports provision contribution of £80,154.89.</li> <li>- Community Hall contribution of £109,754.04.</li> <li>- Public transport services contribution of £95,910.</li> <li>- Public transport infrastructure contribution of £34,395.</li> <li>- Travel Plan monitoring contribution of £1,558.</li> <li>- PROW contribution of £12,280.</li> <li>- Secondary education contribution of £676,438.</li> <li>- Secondary education land costs of £61,030.</li> <li>- SEN development contribution of £53,845.</li> <li>- OCC Transport contributions of £238,411 towards the London-Oxford Mobility Hub; £94,188 towards the Cycle Superhighway; £133,208 towards roundabout enhancement; £176,679 towards bus lane improvements; £28,346 to junctions to improve bus movements; £6,157 towards public realm enhancements; and £6,640 towards a Traffic Regulation Order.</li> <li>- Open space maintenance contributions including LAP/LEAP maintenance of £179,549.95; LEAP/NEAP maintenance of £540,048.31; and MUGA maintenance of £73,215.11.</li> <li>- Library services contribution of £10,354.</li> <li>- Waste and recycling services contribution of £9,020.</li> <li>- 0.7ha of land towards extension of existing cemetery.</li> <li>- Contributions towards open space, play provision and allotments TBC.</li> </ul> </li> <li>• It is unknown whether the EA's concerns will be addressed or whether an S106 will be signed.</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>• As above, two applications are pending determination.</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>• No evidence has been provided.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>• No evidence has been provided.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>• No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>• The site does not have planning permission. An outline planning application for 370 dwellings is pending determination subject to the signing of a Section 106 agreement. It is unknown whether the s106 will be signed. Even if signed, a reserved matters application will need to be submitted to and approved by the Council. This can be a lengthy process.</li> </ul>
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		<ul style="list-style-type: none"><li>• In addition, a full planning application for 96 dwellings is pending determination. The application is due to be considered at planning committee on 07 December 2023 where it is expected to be recommended for approval subject to a) addressing the concerns of the Environment Agency; b) the signing of a Section 106 agreement. However, it is unknown whether the planning committee will agree with officer recommendations. It is also unknown whether the concerns of the EA have been addressed and whether a Section 106 agreement will be signed.</li><li>• The Council has not provided any “clear evidence that housing completions will begin on site within five years.” The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a reduction of <b>30 dwellings</b> from the Council’s supply.</li></ul>
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Site Name:	Land at Stratfield Farm, Kidlington											
LPA ref(s):	PR7b											
Area (Hectares)	10.5											
Total Capacity (Dwellings)	120											
Location Plan attached?	Yes											
Site Plan attached?	No											
Site ownership	Manor Oak Homes											
Planning status of the site	The site does not have planning permission. The site is allocated for approximately 120 dwellings in the Cherwell Local Plan Partial Review											
Site owner / promoter's progress towards development	An outline planning application is pending determination.											
	Council's Evidence						Appellant's Comments					
Trajectory	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS	Year 1	Year 2	Year 3	Year 4	Year 5	5YHLS
	2023/24	2024/25	2025/26	2026/27	2027/28		2023/24	2024/25	2025/26	2026/27	2027/28	
	0	0	0	0	20	20	0	0	0	0	0	0
Comments on Deliverability	<p>The AMR states:</p> <p>“Development Brief for the site was approved in November 2021. Outline application (22/01611/OUT) for 118 homes was submitted on behalf of a housebuilder (Manor Oak Homes) in May 2022 and was approved subject to section 106 in October 2023. Full application (22/01756/F) for alterations and repairs to farmhouse and annexe; refurbishment and partial rebuilding of existing outbuildings to provide 2 no dwellings and erection of 2 no new dwellings was submitted in June 2022 and was approved in October 2023. The expected delivery rates allow for lead-in times of planning applications (reserved matters) and construction.”</p>						<p><b>Current planning status?</b></p> <ul style="list-style-type: none"> <li>The site does not have planning permission.</li> <li>An outline planning application for up to 118 dwellings was submitted on 30 May 2022 by Manor Oak Homes and is still pending determination (ref: 22/01611/OUT). The application was considered at planning committee on 05 October 2023 where it was recommended for approval subject to the signing of a Section 106 agreement to secure the following: <ul style="list-style-type: none"> <li>50% on-site affordable housing.</li> <li>OCCG contribution of £101,800.</li> <li>Thames Valley Police contribution of £25,180.</li> <li>Public Art/Realm contribution of £26,432 plus 7% maintenance.</li> <li>Outdoor sports contribution of £238,009.54.</li> <li>Indoor sports contribution of £98,532.72.</li> <li>Community hall contribution of £134,921.52.</li> <li>Community Development Worker contribution of £16,938.68.</li> <li>Community Development Fund contribution of £5,310.</li> <li>Public transport contribution of £133,458.</li> <li>Travel Plan monitoring contribution of £1,558.</li> <li>Secondary education contribution of £712,020.</li> <li>Secondary education land costs of £74,900.</li> <li>SEN Development contribution of £62,819.</li> <li>Canal Towpath works contribution of £47,489.40 to the County Council and £372,000 to the Canals and Rivers Trust.</li> <li>OCC Transport contributions of £185,567 towards cycleway/footway extension; TBC amount to Airport Travel Hub; £181,937.59 towards bus lane improvements; £14,659 towards signalised junctions; £11,614 towards public realm improvements; and TBC amount towards cycle superhighway.</li> <li>Canal Bridge contribution of between £150,000 - £250,000.</li> <li>Open space maintenance costs.</li> </ul> </li> </ul>					

		<ul style="list-style-type: none"> <li>- Library service contribution of £12,700.</li> <li>• However, the S106 agreement has not been signed to date.</li> </ul> <p><b>Firm progress being made towards the submission of an application?</b></p> <ul style="list-style-type: none"> <li>• No clear evidence has been provided to demonstrate that firm progress is being made towards the signing of a Section 106 agreement or a reserved matters application</li> </ul> <p><b>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</b></p> <ul style="list-style-type: none"> <li>• A written agreement between the Council and a developer has not been provided.</li> </ul> <p><b>Firm progress with site assessment work?</b></p> <ul style="list-style-type: none"> <li>• No clear evidence of firm progress with site assessment work has been provided.</li> </ul> <p><b>Clear relevant information about viability, ownership constraints or infrastructure provision?</b></p> <ul style="list-style-type: none"> <li>• No evidence has been provided.</li> </ul> <p><b>Summary</b></p> <ul style="list-style-type: none"> <li>• The site does not have planning permission. An outline planning application for 118 dwellings has been pending determination for over 1 year. The application was considered at planning committee on 05 October 2023 where it was resolved that approval be granted subject to the signing of a Section 106 agreement, however the S106 has been signed to date.</li> <li>• Even if the S106 is signed, the site will remain a category b) site and the Council will need to provide clear evidence for its inclusion</li> <li>• The Council has not provided any “clear evidence that housing completions will begin on site within five years.” The site fails to meet the definition of “deliverable” as set out on page 69 of the Framework and should be removed from the supply. This results in a reduction of <b>20 dwellings</b> from the Council's supply.</li> </ul>
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EP3



# Annual Monitoring Report 2023

(01/04/2022 – 31/03/2023)





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## 1 Introduction

### What is the Annual Monitoring Report?

- 1.1 The Cherwell District Council AMR reviews progress in preparing the Council's planning policy documents and assesses whether its existing development plan policies are effective. It provides monitoring information, amongst other things, on employment, housing, and the natural environment.
- 1.2 This AMR covers the period 1 April 2022 – 31 March 2023. A base date of 31 March 2023 is used for monitoring performance against specified indicators. The AMR also includes an up-to-date report on Local Plan progress when measured against the Local Development Scheme (LDS) (September 2023).
- 1.3 The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20 July 2015. The Local Plan provides the strategic planning policy framework for the District. Policies within the Plan replace some of the saved policies of the previously adopted Cherwell Local Plan 1996. Policy Bicester 13 of the Local Plan was re-adopted on 19 December 2016 following the outcome of a legal challenge. The re-adopted policy is identical to that originally adopted by the Council on 20 July 2015, other than the deletion of the words, '*That part of the site within the Conservation Target Area should be kept free from built development*' from the third bullet point of the policy's key site-specific design and place shaping principles.
- 1.4 This is the ninth AMR to monitor against the indicators and targets from the adopted Local Plan 2011-2031 Part 1. However, as the Plan was adopted on 20 July 2015 which is partly through the monitoring period of 2015/16 this is the seventh AMR that fully reports on these indicators. Some data is unavailable therefore not all indicators can be reported.
- 1.5 The Cherwell Local Plan 2011-2031 Part 1 Partial Review – Oxford's Unmet Housing Need was adopted by Cherwell District Council on 7 September 2020. The Plan provides the strategic planning framework and sets out strategic site allocations including a housing trajectory to provide Cherwell District's share of the unmet housing needs of Oxford to 2031.
- 1.6 This is the third AMR to monitor against the indicators and targets from the adopted Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need. However, as the Plan's adoption on 7 September 2020 was partly through the monitoring period of 2020/21, this is the second AMR to report on these indicators.

## Purpose of the Annual Monitoring Report

- 1.7 The purpose of the AMR is to:
- Monitor the preparation of Cherwell's Local Plan against timetables in the Local Development Scheme (LDS);
  - Assess the extent to which policies are being achieved; and
  - Review key actions taken under the duty to co-operate.

## Legislative Background

- 1.8 The Council has a statutory obligation to produce an authority monitoring report which monitors the implementation of the Local Development Scheme and the extent to which the policies in Local Plans are being achieved. Subject to these requirements, it is a matter for individual Councils to decide the content on their monitoring reports.

## Structure of the Cherwell Annual Monitoring Report

- **Section 2** reports on the delivery of Cherwell District's Local Plan and other supporting documents, providing a review of progress against the targets and milestones set out in the Local Development Scheme.
  - **Section 3** looks at the progress made on neighbourhood planning within the district.
  - **Section 4** sets out detailed monitoring results using specific indicators from the adopted Local Plan 2011-2031 Part 1.
  - **Section 5** sets out detailed monitoring results using specific indicators from the adopted Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need.
  - **Section 6** looks at progress on infrastructure delivery.
- 1.9 For further information relating to the AMR, please contact the Council's Planning Policy and Conservation team:

Tel: 01295 221779

Email [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk)

## 2 Cherwell Planning Policy Documents

- 2.1 The existing statutory Development Plan comprises:
- Cherwell Local Plan 2011-2031 Part 1 (July 2015 incorporating Policy Bicester 13 re-adopted December 2016);
  - Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need;
  - The saved policies of the adopted Cherwell Local Plan 1996; and
  - The made (adopted) Neighbourhood Plans for:
    - Adderbury;
    - Bloxham;
    - Hook Norton;
    - Mid Cherwell; and
    - Weston-on-the-Green
- 2.2 The Development Plan also includes the saved policies of the Oxfordshire Minerals and Waste Local Plan 1996, the production of which is a Oxfordshire County Council function. A new Minerals and Waste Core Strategy Part 1 was adopted on 12 September 2017. Progress on the Minerals and Waste Local Plan Part 2 – Site Allocations is reported by Oxfordshire County Council.

### Local Development Scheme Progress

- 2.3 The Local Development Scheme (LDS) is a rolling business plan for the preparation of key planning policy documents relevant to future planning decisions. An updated LDS was published in September 2023, reflecting revisions to the timetable of the Cherwell Local Plan Review. However, this annual monitoring report covers the period from 1 April 2022 to 31 March 2023 which predates the publication of this revised LDS, and therefore the LDS that this AMR reports on is the version that was published in September 2021, and was revised in December 2022 to reflect the cessation of the Oxfordshire Plan 2050. It provides for:
- **Cherwell Local Plan Review** – a review of the adopted Cherwell Local Plan 2011-2031 to ensure key planning policies are kept up to date for the future, to assist implementation of the Oxfordshire Plan 2050 and to update the 2015 Cherwell Local Plan 2011-2031 (Part 1) and replace the remaining saved policies of the 1996 Local Plan.
  - **Community Infrastructure Levy Charging Schedule** which would (if implemented) raise funds to deliver off-site infrastructure that will support the development proposed within Cherwell and alter the Council’s approach to only asking for ‘Section 106’ developer contributions.
  - **Oxfordshire Plan 2050** – a countywide strategic plan to be prepared jointly on behalf of the five district local planning authorities, with the support of the County Council through the Oxfordshire Growth Board.

### **Cherwell Local Plan Review**

- 2.4 Progress on the preparation of the Cherwell Local Plan Review continued in the 2022/23 monitoring year. At the start of the monitoring year, it was envisaged that the Local Plan would assist in the implementation of the Oxfordshire Plan and align with the overarching vision and framework set by that plan.
- 2.5 Following the formal decision to cease work on an Oxfordshire wide plan, the Council has revisited elements of the evidence base. The preparation of these documents, which are crucial to the preparation of a “sound” plan which will pass examination, inevitably delayed the programme.
- 2.6 Since 1 April 2023, a regulation 18 consultation on the draft Cherwell Local Plan Review has taken place. This occurred between 22 September and 3 November 2023.

### **Community Infrastructure Levy (CIL) Charging Schedule**

- 2.7 The Council previously consulted upon a Preliminary Draft (Feb – March 2016) and a Draft CIL Charging Schedule (Nov 2016 – Jan 2017). Work on a potential CIL was put on hold while a national policy review was undertaken and in anticipation of further Government guidance which has since been published.
- 2.8 In the 2022/23 monitoring year, preliminary work was carried out with a view to bringing forward a Community Infrastructure Levy charging schedule. It is anticipated that a new Draft CIL Charging Schedule will be consulted on during the 2023/24 monitoring year.
- 2.9 On 17 March 2023, the government published a consultation on potential reforms to the system of developer contributions in England. The Council will continue to monitor the progress of these proposed reforms and take stock of the government’s proposals when more information becomes available.

### **Oxfordshire Plan 2050**

- 2.10 Work on the joint plan for Oxfordshire ceased in August 2022, following a failure to reach agreement on the approach to planning for future housing needs within the framework of the Oxfordshire Plan. The framework for long-term and growth is through local plans including the Cherwell Local Plan Review 2040. A revised Local Development Scheme was prepared in December 2022 and was subsequently updated in September 2023, reflecting the cessation of the Oxfordshire Plan 2050 and consequential delays to the programme for the Cherwell Local Plan Review 2040.

### **Supplementary Planning Documents**

- 2.11 No work on Supplementary Planning Documents (SPDs) was undertaken during the 2022/23 monitoring year.

**Duty to Co-operate**

- 2.12 Local Councils are expected to consider strategic issues relevant to their areas through a statutory 'Duty to Co-operate' established by the Localism Act (2011) and described in the National Planning Policy Framework (NPPF).
- 2.13 During the monitoring period 2022/23 the Council:
- Continued to work with the Oxfordshire authorities as part of the Future Oxfordshire Partnership to implement the Oxfordshire Housing and Growth Deal 2018.
  - Supported the preparation of the Oxfordshire Plan 2050 which included attendance at regular officer liaison meetings and evidence base steering groups.
  - Following the cessation of the Oxfordshire Plan, jointly commissioning a Housing and Employment Needs Assessment (HENA) with Oxford City Council.
  - Continued to meet its statutory obligations under the Duty to Cooperate as set out in the formal Duty Cooperate Statement accompanying the Consultation Draft Cherwell Local Plan Review 2040.

### 3 Neighbourhood Planning

- 3.1 Neighbourhood Development Plans (“Neighbourhood Plans”) were introduced in 2011 as a way for communities to decide the future of the places where they live and work. They are intended as a tool for communities to come together and say where they think new houses, businesses and shops should go, and what they should look like.
- 3.2 A Neighbourhood Development Plan that has been adopted as a part of the development plan for a local authority’s area is known as a “made” Neighbourhood Plan. As indicated in paragraph 2.1 above, there are currently five “made” Neighbourhood Plans in Cherwell District:

**Table 1 "Made" Neighbourhood Development Plans in Cherwell District**

Neighbourhood Plan Area	Designated Date	Date plan “made”	Monitoring Year
Adderbury	3 June 2013	16 June 2018	2018/19
Bloxham	3 June 2013	19 December 2016	2016/17
Hook Norton	3 June 2013	19 October 2015	2015/16
Mid Cherwell	7 April 2015	14 May 2019	2019/20
Weston-on-the-Green	2 November 2015	19 May 2021	2021/22

- 3.3 In addition to the made neighbourhood plans listed at Table 1 above, eight Parish Councils have had their administrative areas designated as Neighbourhood Areas. During the monitoring period from 1 April 2022 to 31 March 2023, two new neighbourhood areas have been designated: Hampton Gay & Poyle and Bletchingdon was designated in October 2022 and Milcombe in January 2023. No further neighbourhood areas have been designated since 1 April 2023.

**Table 2 Designated Neighbourhood Area in Cherwell District**

Neighbourhood Plan Area	Designated Date	Monitoring Year
Bodicote	04 January 2016	2015/16
Deddington	02 December 2013	2013/14
Hampton Gay & Poyle, and Bletchingdon	25 October 2022	2022/23
Islip	17 February 2022	2021/22
Merton	02 December 2013	2013/14
Milcombe	03 January 2023	2022/23
Stratton Audley	03 June 2013	2013/14
Shipton on Cherwell & Thrupp	11 February 2019	2018/19

Deddington Neighbourhood Plan

- 3.4 Deddington Parish Council is progressing the preparation of its new neighbourhood plan. A pre-submission (regulation 14) plan was published in late 2022 and was consulted on between 22 November 2022 and 11 January 2023. A further Regulation 14 consultation was held between late March 2023 and 6 May 2023 on the draft Neighbourhood Plan's Strategic Environment Assessment.
- 3.5 Following the end of the AMR monitoring period, the draft Deddington Neighbourhood Plan was submitted to Cherwell District Council in May 2023, and a consultation on the submission Neighbourhood Plan (Regulation 16) was held between 9 June 2023 and 21 July 2023. The Deddington Neighbourhood Plan proceeded to examination in August 2023. At the time of writing this AMR, (October 2023) the Neighbourhood Plan examination is ongoing.

Mid-Cherwell Neighbourhood Plan

- 3.6 The Mid-Cherwell Neighbourhood Plan covering the parishes of Duns Tew, North Aston, Somerton, Fritwell, Ardley with Fewcott, Upper Heyford, Middle Aston, Steeple Aston, Lower Heyford, Middleton Stoney, Kirtlington and Heyford Park) is currently under the early stages of a review.

## 4 Monitoring Results – Cherwell Local Plan 2011-2031 Part 1

- 4.1 For each policy in the Cherwell Local Plan 2011-2031 (Part 1), there is an indicator and a target used to measure the policy's effectiveness. This section sets out the detailed monitoring results using indicators from the adopted Local Plan 2011-2031 (Part 1). The Monitoring Framework is included at Appendix 5.

### Theme One: Developing a Sustainable Local Economy

- 4.2 Cherwell Local Plan 2011-2031 (Part 1) Policy SLE 1 seeks to protect existing employment land and buildings for employment (B class) uses. The Policy supports the delivery of employment development on allocated sites. Since the adoption of the Local Plan, there have been changes to the use classes order. As of 1 September 2020 'Class E' has replaced those uses in Classes A1, A2 and A3, B1 (Office) and D1a-b (Classes B2 and B8 remain valid). As applications are determined using the use class in effect at the point the application was submitted, there is now an increasing number of Class E applications. This has an impact on the effectiveness and accuracy of the monitoring for office accommodation (new floorspace and floorspace lost).
- 4.3 The strategic employment allocations (including mixed-use sites for housing and employment) in the 2015 Local Plan, as well as development on non-allocated sites, are monitored. Employment (non-commercial) monitoring for 2022/23 was only carried out on sites where more than 200 sqm of employment floor space is proposed.

**Table 3 Employment completions on allocated land during 2022/23 (sqm)**

Location	B1	B2	B8	Mixed B Use	E	Total
Banbury	0	0	0	16,890	0	16,890
Bicester	0	0	23,195	21,994	1,750	46,939
Kidlington	6,575	0	0	0	0	6,575
Rural Areas	0	0	0	0	0	0
<b>Cherwell Total</b>	<b>6,575</b>	<b>0</b>	<b>23,195</b>	<b>38,884</b>	<b>1,750</b>	<b>70,404</b>

**Table 4 Employment commitments on allocated land at 31 March 23 (sqm)**

Location	B1	B2	B8	Mixed B Use	E	Total
Banbury	0	0	0	16,340	0	16,340
Bicester	248,645.46	20,520	83,861	0	0	353,026.46
Kidlington	0	0	0	0	0	0
Rural Areas	19,965	9,250	5,960	0	14,840	50,015
<b>Cherwell Total</b>	<b>268,610.46</b>	<b>29,770</b>	<b>89,821</b>	<b>16,340</b>	<b>14,840</b>	<b>419,381.46</b>



**Table 5 Employment completions on non-allocated land during 2022/23 (sqm)**

Location	B1	B2	B8	Mixed B Use	E	Total
Banbury	0	0	-1,664	0	0	-1,664
Bicester	0	2,536	0	0	0	2,536
Kidlington	0	0	0	0	0	0
Rural Areas	413	0	1,076	895	4,021	6,405
<b>Cherwell Total</b>	<b>413</b>	<b>2,536</b>	<b>-588</b>	<b>895</b>	<b>4,021</b>	<b>7,277</b>

**Table 6 Employment commitments on non-allocated land at 31 March 2023 (sqm)**

Location	B1	B2	B8	Mixed B Use	E	Total
Banbury	-410	823	2,079	0	0	2,492
Bicester	713	264	-162	1,194	321	2,330
Kidlington	0	362	0	0	0	362
Rural Areas	2,669.50	177	2,656.50	1,022	20,192.70	26,717.70
<b>Cherwell Total</b>	<b>2,972.50</b>	<b>1,626</b>	<b>4,573.50</b>	<b>2,216</b>	<b>20,513.70</b>	<b>31,901.70</b>

Employment Completions

4.4 Table 7 shows the total employment floorspace completed during 2022/23 (net). The 'net' figures reflect the overall completion totals considering any losses which include redevelopments and changes of use away from commercial use.

4.5 Tables 3 – 7 include commitments and completions which have been made within Class E. This may include non-traditional employment uses (such as retail and leisure) and are included for indicative purposes.

**Table 7 Employment completions during 2022/23 (sqm)**

Location	B1	B2	B8	Mixed B Use	E	Total
Banbury	0	0	-1,664	16,890	0	15,226
Bicester	0	2,536	23,195	21,994	1,750	49,475
Kidlington	6,575	0	0	0	0	6,575
Rural Areas	413	0	1,076	895	4,021	6,405
<b>Cherwell Total</b>	<b>6,988</b>	<b>2,536</b>	<b>22,607</b>	<b>39,779</b>	<b>5,771</b>	<b>77,681</b>

Employment Commitments

4.6 Table 8 shows the total employment commitments at 31/03/2023. Employment commitments include sites which have been granted planning permission in the past and remain extant, this includes development on allocated and non-allocated sites.

- 4.7 As of 31 March 2023, there was outstanding employment floorspace to be implemented equating to 451,283.16 sqm. Development at Bicester contributed to most of the total commitment for employment floorspace (81%), followed by the Rural Areas (15%), Banbury (4%), and Kidlington (less than 0.1%).

**Table 8 Employment commitments at 31 March 2023 (sqm)**

Location	B1	B2	B8	Mixed B Use	E	Total
Banbury	-410	823	2,079	16,340	0	18,832
Bicester	249,358.46	20,784	83,699	1,194	321	355,356.46
Kidlington	0	362	0	0	0	362
Rural Areas	22,634.50	9,427	8,616.50	1,022	35,032.70	76,732.70
<b>Cherwell Total</b>	<b>271,582.96</b>	<b>31,396</b>	<b>94,394.50</b>	<b>18,556</b>	<b>35,353.70</b>	<b>451,283.16</b>

- 4.8 **Banbury** – 2 of the commercial buildings at Banbury 15 adjacent to the M40 were delivered and DPD moved into one early 2023. The other unit is being built now and will be completed in next year's allocation. There are two losses of employment space in High Street and Ruscote Avenue, totalling 410 sqm.
- 4.9 **Bicester** – Bicester Heritage delivered 3 employment commitments this year with the delivery of an hotel/conference facility and 2 other buildings. The delivery of the next phase of Symmetry Park has been completed and Syncreon Technology UK Ltd occupied this building.
- 4.10 **Kidlington and Rural Areas** – There were more deliveries at Oxford Technology Park. These premises were mainly built and occupied immediately, showing there is a constant requirement for this type of employment premises. There was one loss of employment space in Cropredy from Office to residential of 387.3 sqm. A wide range of employment completions have occurred in the year 22/23 applications with 6 of these being conversions from agricultural/horticulture to B2, B8 or E planning categories.

**Table 9 Land on Local Plan Employment Allocations without planning permission on 31 March 2023 (ha)**

Location	Remaining Allocated Area (ha)
Banbury	5.87
Bicester	26.40
Rural Areas	0
<b>Total</b>	<b>32.27</b>

- 4.11 Table 9 shows the total remaining allocated land available in the district (32.27ha) excluding land with planning permission (on Local Plan allocations). However, sites

‘committed’ for development (i.e. with planning permission) are still ‘available’ since it is possible that the permission may expire unimplemented or may be superseded by another planning permission.

- 4.12 The employment trajectory in the Local Plan 2011-2031 shows how strategic sites will be delivered and the Council continues to work with promoters and others to bring forward strategic sites. Table 10 provides details of the status of each of the strategic sites in the Local Plan employment trajectory. The Council is exploring the potential and suitability of sites for employment through the next Local Plan process.

**Table 10 Status of Local Plan Employment Allocations**

Location	Comments
<b>Banbury</b>	<p><u>Banbury 6: Employment Land West of the M40</u></p> <ul style="list-style-type: none"> <li>- This strategic site provides for 35 ha of mixed employment generating development.</li> <li>- 29.1 ha of development (units 1-5, 6, 7, 8 and 9) has been completed under various planning permissions.</li> <li>- Planning permission was granted for the construction of two new logistics warehouses (units 9 and 10) (20/00608/F) in August 2020. Land within CDC amounts to 4.4 ha. Development has been completed.</li> <li>- There is no planning permission in place for the remaining area of 5.87 ha.</li> </ul> <p><u>Banbury 15: Employment Land Northeast of Junction 11</u></p> <ul style="list-style-type: none"> <li>- This strategic site comprises 13 ha of land for mixed employment generating development.</li> <li>- Planning permission was granted in July 2020 for commercial development (19/00128/HYBRID) divided by part A and B. Part A, which has an area of 3.31 ha is completed. Development on Part B has not yet started.</li> </ul>
<b>Bicester</b>	<p><u>Bicester 1: Northwest Bicester</u></p> <ul style="list-style-type: none"> <li>- A new zero-carbon mixed-use development totaling 390 ha of land. 10 ha of total land allocated is expected to provide for employment uses within the Plan period. All of the allocated land for employment development has planning permission and has been completed.</li> </ul>

Bicester 2: Graven Hill

- This predominantly brownfield site is proposed for a mixed-use development totaling 241 ha of land. 26 ha of the total land allocation is expected to provide for employment uses within the Plan period.
- Planning permission (11/01494/OUT) for all 26 ha of employment provision was granted in August 2014 and this was subsequently amended by a section 73 application (19/00937/OUT), approved in January 2020.
- The Primary school which was 3.3365ha has been built. The row of local centre units has been built with some occupied. The area allocated to a pub/restaurant community centre and fulfilment centre have not been completed to date. No significant employment development has started on site in the D site which is South-East of the site behind Graven Hill hill/woods.

Bicester 4: Bicester Business Park

- 29.5 ha of land to the southwest of Bicester proposed for employment-generating development.
- Part of the site was granted outline planning permission in 2010 for the construction of a B1 business park and a hotel (07/01106/OUT) but this has lapsed and was superseded by 17/02534/OUT which has now also lapsed, and a new application 23/01080/OUT was submitted in April 2023 but has not been determined yet.
- There is no planning permission in place for the remaining area of 5.387.80 ha

Bicester 10: Bicester Gateway

- A strategic development site totaling 18 ha of land for the provision of business uses.
- The allocation has been brought forward in parts.
- The land to the west of Wendlebury Road comprises two parcels of land. Phase 1a which is related to a hotel is completed. The southern parcel (phase 1b) has a reserved matters permission for B1 employment development. A planning outline 20/00293/OUT was granted in April 2021 but this site has not been commenced.
- Phase 2 comprising the remainder of the Bicester 10 allocation, located to the east of Wendlebury Road was granted planning permission for B1 development and a health and racquets club on 15.8 ha of land in September 2020 (19/01740/HYBRID).

Location	Comments
	<ul style="list-style-type: none"> <li>- Reserved matters consent for phase 1 of the employment development, comprising 4no. units within two separate buildings, was granted in December 2020</li> <li>- 22/01632/REM covers 9 units 11,309 sqm of employment land approved on 13 October 2022.</li> <li>- 22018945/REM was granted 12<sup>th</sup> October 2022 consent for a further 4 units with 10,195sqm was passed.</li> <li>- All 18 ha of the land allocated for employment development has planning permission.</li> </ul> <p><u>Bicester 11: Employment Land at North-East Bicester</u></p> <ul style="list-style-type: none"> <li>- A strategic employment development site of 15 ha.</li> <li>- Outline planning permission (15/01012/OUT) was granted in May 2016 and various reserved matters have been approved pursuant to this outline consent.</li> <li>- Development of the northern part of the allocation – 10.5 ha of land – is complete.</li> <li>- There is no planning permission in place for the remaining 4.5 ha of the allocation. A new planning application has been submitted on this site since 1<sup>st</sup> April 2023 and is still to be approved. (21/02286F)</li> </ul> <p><u>Bicester 12: Southeast Bicester</u></p> <ul style="list-style-type: none"> <li>- A mixed-use site for employment and residential development totaling 155 ha of land. 40 ha of total land allocated expected to provide for employment uses within the Plan period. However, it is unlikely that this will be implemented in full as the consented schemes have a lower employment floorspace.</li> <li>- Units A1, A2 and B (16/00861/HYBRID and 18/00091/F) to the south-east of the allocation adjacent to the A41 are complete and cover 11.01 ha of land. A further 5.47 ha of land has planning permission for the development of Unit C (19/00388/F). This has been completed.</li> <li>- 7 ha employment provision (60% B1 40% B8) (16/01268/OUT) was approved on 20<sup>th</sup> May 2022 to the north of Units A1, A2, B and C. The remaining Local Plan employment land allocation without planning permission is 16.52 ha. The land will be reviewed as part of the preparation of the Draft Local Plan.</li> </ul>

Location	Comments
<b>Rural Areas</b>	<p><u>Former RAF Upper Heyford</u></p> <ul style="list-style-type: none"> <li>- Mixed use land allocation of 520 ha in the Local Plan (Policy Villages 5). Approximately 120,000 sqm of the land area is for employment provision.</li> <li>- Outline planning permission (10/01642/OUT) was granted in 2011 for the proposed new settlement 'Heyford Park' comprising residential and employment uses, and a school. The application site measures approximately 76.3 ha in total.</li> <li>- A Hybrid application (18/00825/HYBRID) for 1,175 dwellings, retail uses, a medical centre, employment uses, a new school, a community building, areas for indoor and outdoor sports, and additional education facilities was approved subject to legal agreement on 5 November 2020. The application was subsequently approved on 09 September 2022 yielding 8.3ha of employment floorspace with up to 35,175 sqm of new build employment in the proposed Creative City area.</li> </ul>
<b>Kidlington</b>	<ul style="list-style-type: none"> <li>- 14/02067/OUT was approved 10<sup>th</sup> October 2016 for a new build Technology Park South of Oxford Airport comprising 40,362 sqm of research and development laboratory storage and ancillary space. To date they are all being brought forward by a phasing application 17/00559/F for 14 units within 10 buildings.</li> </ul>

Table 11 Employment Permissions at 31 March 2023 (ha)

Extant permissions on allocations		Extant Permissions on Non-Allocations		Total Extant Permissions	
Location	Site Area (ha)	Location	Site Area (ha)	Location	Site Area (ha)
Banbury	14.12	Banbury	2.44	Banbury	16.56
Bicester	48.41	Bicester	3.03	Bicester	51.44
Kidlington	6.14	Kidlington	0.04	Kidlington	6.18
Rural Areas	77.8	Rural Areas	37.89	Rural Areas	115.69
<b>Total</b>	<b>146.47</b>	<b>Total</b>	<b>43.36</b>	<b>Total</b>	<b>189.83</b>

4.13 Table 11 shows the amount of land with planning permissions at 31 March 2023<sup>1</sup>. A total of 189.83 ha has been permitted with 77% being at strategic allocations. In terms of the planning permissions in Table 11, only new build employment development is shown, not changes of use between employment uses since this would result in no overall gain in employment land.

<sup>1</sup> In the 2021-22 Annual Monitoring Report, the calculations presented in table 11 were presented using a gross value for site areas. For this Annual Monitoring Report, the methodology has reverted to the net areas of extant employment permissions, in line with the approach taken in the 2021-22 Annual Monitoring Report.

**Table 12 Total Employment Land Available on Allocations (adopted Local Plan 2011-2031 and Non-Statutory Local Plan 2011) at 31 March 2023 (ha)**

Location	Total Area (ha)
Banbury	19.99
Bicester	74.81
Kidlington	6.14
Rural Areas	77.8
<b>Total</b>	<b>178.7</b>

- 4.14 Table 12 shows the total employment land available on Local Plan allocations is 178.7 ha (this includes the remaining undeveloped land within allocated sites, a proportion of which will have planning permission). Planning permissions are in place on 146.47 ha of this allocated land. A large proportion of this is located at Bicester where there are six strategic allocations for employment and mixed-use development, and in the Rural Areas where there is a substantial allocation for employment provision at the Former RAF Heyford development.

**Table 13 Loss of employment land to non-employment use (includes completions on allocations and non-allocations) during 2022/23**

Location	Land Area (ha)
Banbury	0.17
Bicester	0.02
Kidlington	0.04
Rural Areas	0.09
<b>Cherwell Total</b>	<b>0.32</b>

- 4.15 During 2022/23, 0.32 ha of employment land was lost to other uses. This is an increase from 2021/22 where total losses equated to 0.22ha.

### Town Centres

- 4.16 Policy SLE 2 Securing Dynamic Town Centres sets out the policy relating to retail development and confirms that main town centre uses in out-of-centre locations will only be supported if no central or edge-of-centre sites are suitable or available, with preference given to accessible sites, well connected to the centre. The target is for no net loss of town centre use floorspace within town centres. Policy SLE 2 also sets out local thresholds for the retail impact test. The Monitoring Framework indicator and target requires a Retail Impact Assessment to be submitted with 100% of applications over the thresholds set out in Policy SLE 2.

- 4.17 During 2022/23, no planning applications submitted to the Council exceeded the thresholds set out in Policy SLE 2, and therefore no retail assessments were submitted to the Council.

### Tourism

- 4.18 The amount of completed tourism developments (including D use class uses and Sui Generis) is an indicator used to measure the effectiveness of Policy SLE 3 Supporting Tourism Growth. The target is for an annual increase in completed tourism developments over the plan period.
- 4.19 In September 2020, the Use Classes Order was reformed to introduce new use classes E and F, which replaced most of the former A, B1, and D use classes. For the purposes of this annual monitoring report, applicable uses permitted and completed under the new E and F use classes will be recorded against the Former D1 use class.
- 4.20 During 2022/23, 1,020 sqm of D use class uses (or equivalent class E / F1 developments) and Sui Generis were completed, made up of the completion of a multi-use hall and associated facilities. There was a loss of 237 sqm of sui generis uses due to the conversion of D uses to a class E use, and a small net loss at an existing site in sui generis uses due to renovation works.

**Table 14 Completed tourism developments during 2022/23**

Use Class	Net floorspace completions (sqm) 2022/23
Former D1 (now E(d) and F1)	1,020
Former D2 (now Sui Generis)	0
Sui Generis	-237
<b>Total</b>	<b>783</b>

- 4.21 The effectiveness of Policy SLE 3 is also measured by the number of visitors to tourist attractions in the district with the target being an annual increase over the plan period. There is no comparable data for this indicator.

### Transport

- 4.22 Policy SLE 4 Improved Transport and Connections states that the Council will support key transport proposals. In respect of transport, Policy SLE 4 requires new development to provide financial and/or in-kind contributions to mitigate the transport impacts of development. This will support delivery of the infrastructure and services needed to facilitate travel by sustainable modes, whilst also enabling improvements to be made to the local and strategic road and rail networks.



- 4.23 Progress of transport schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of completed and new transport infrastructure projects.
- 4.24 Policy SLE5 of the Local Plan sets out the Council's relevant policy in relation to the London to Birmingham high speed railway link and states that "Cherwell District Council will work with High Speed 2 Ltd, with the aim of influencing the design and construction of the route through Oxfordshire". A breakdown of progress on the scheme to date is summarised below.
- 4.25 As per the 2022 AMR:
- Phase One was issued with "Notice to Proceed" by the Department for Transport on 15 April 2020 and contracts for the detailed design and construction work have now been signed.
  - HS2 made two applications to Oxfordshire County Council under Schedule 17 of the HS2 Act for the use of lorry routes to compounds in Oxfordshire. Both routes (M40 Junction 9 via the A41 and A4421) have been approved and are "live".
- 4.26 Since the publication of the 2022 AMR:
- A Schedule 17 Construction Lorry Route to the A4421 Site Compounds just north of Newton Purcell has been approved. This will be from the north via the M40 J10, the A43, and A421 to ease traffic volumes from the south via the A4421.
  - An application was made for a Schedule 17 approval for the building works and other construction works (earthworks, fencing, lighting, accesses etc.) required for the construction of the HS2 line at Mixbury, taking in the disused railway northeast of The Oaks Farm, Finmere and including Westbury Viaduct, Westbury Embankment, Mixbury Cutting, Mixbury Embankment, Featherbed Lane Overbridge, and associated earthworks, drainage ditches and other mitigation measures.
  - An application was made for a Schedule 17 approval for fencing and maintenance gate as part of the ancient woodland translocation at the Hollow Barn Mossycorner receptor site at land 600m west of Fulwell Road, Brackley.
  - An application was made for a Schedule 16 approval for the restoration of land at Warren Farm in Finmere following works to the Tower Line.

## Theme Two: Building Sustainable Communities

Five-year housing land supply

- 4.27 A land supply update has been produced with a base date of 31 March 2023 for permissions and completions, and informed by developer expectations as of November 2023. The land supply update forms part of this AMR and is included at Appendix 1. Using the latest Standard Method calculation there is a need to provide 710 dwellings per annum to meet Cherwell's needs.
- 4.28 The district can demonstrate a 5-year housing land supply of 5.5 years for Cherwell's requirements. It cannot yet demonstrate a five-year supply for the district's contribution to Oxford's unmet needs requirement, but the sites identified in the Cherwell Local Plan 2011-2031 (Part 1) Partial Review are progressing through the planning system.

Housing Completions

- 4.29 Table 15 shows the annual housing completions in Cherwell since 2011. The total number of housing completions (net) between 2011 and 2023 is 12,312 dwellings. During 2022/23, 1,318 (net) housing completions were recorded, an increase of 143 from the 2021/22 monitoring year.
- 4.30 Since 2015 in six out of seven years housing completions in the district have remained higher than the annualised planned requirement of 1,142 per annum. Completions from 2015 to 2023 total 10,247, or an average of 1,281 per annum.

**Table 15 Housing completions from 1 April 2011 to 31 March 2023**

	Banbury			Bicester			Elsewhere			District			
	GF	PDL	Total	GF	PDL	Total	GF	PDL	Total	GF	PDL	Total	PDL %
<b>2011/12</b>	34	102	136	40	26	66	118	36	154	192	164	356	<b>46%</b>
<b>2012/13</b>	4	38	42	116	14	130	50	118	168	170	170	340	<b>50%</b>
<b>2013/14</b>	12	22	34	137	33	170	119	87	206	268	142	410	<b>35%</b>
<b>2014/15</b>	222	106	328	193	30	223	119	276	395	534	412	946	<b>44%</b>
<b>2015/16</b>	257	96	353	307	60	367	316	389	705	880	545	1425	<b>38%</b>
<b>2016/17</b>	349	59	408	309	62	371	141	182	323	799	303	1102	<b>27%</b>
<b>2017/18</b>	530	86	616	315	40	355	266	150	416	1111	276	1387	<b>20%</b>
<b>2018/19</b>	521	133	654	272	165	437	252	146	398	1045	444	1489	<b>30%</b>
<b>2019/20</b>	502	96	598	178	106	284	170	107	277	850	309	1159	<b>27%</b>
<b>2020/21</b>	356	87	443	296	180	476	126	147	273	778	414	1192	<b>35%</b>
<b>2021/22</b>	467	44	511	272	79	351	169	157	326	908	280	1188	<b>24%</b>
<b>2022/23</b>	424	57	481	392	54	446	78	313	391	894	424	1318	<b>32%</b>
<b>Totals</b>	<b>3588</b>	<b>1016</b>	<b>4606</b>	<b>2821</b>	<b>855</b>	<b>3676</b>	<b>1924</b>	<b>2108</b>	<b>4032</b>	<b>8333</b>	<b>3979</b>	<b>12312</b>	<b>32%</b>

- 4.31 In 2022/23, 34% of completions were at Bicester, 36% at Banbury and 30% elsewhere. 32% of the 1,318 homes delivered during the monitoring year were on previously developed land. Of the 12,312 homes built since 2011, 37% have been at Banbury, 30% at Bicester and 33% elsewhere in the district.
- 4.32 There were 10 self-build dwellings completed at Graven Hill during 2022/23.
- 4.33 Table 16 shows the progress being made on strategic sites (100 or more dwellings) that were under construction at 31 March 2023.

Table 16 Progress of Strategic Sites

Site	No. of developers (May 2022)	Completions								
		2022/23	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15
Bankside Phase 1, Banbury (Longford Park) (now complete)	3	5	113	52	167	96	142	140	218	148
Land adjoining and West of Warwick Road, Banbury (now complete)	2	17	74	105	93	11	0	0	0	0
Land East of Southam Road, Banbury (Local Plan Site Banbury 2) (now complete)	1	19	63	46	82	122	100	99	6	0
Land South of Salt Way and West of Bloxham Road, Banbury (Local Plan Site Banbury 16)	1	75	53	49	52	42	0	0	0	0
North of Hanwell Fields, Banbury (Local Plan Site Banbury 5)	1	93	52	59	54	117	106	57	0	0
South of Salt Way – East (Local Plan Site Banbury 17)	1	131	51	0	3	16	62	37	27	0
West of Bretch Hill, Banbury (Local Plan Site Banbury 3)	1	83	74	45	51	85	93	14	0	0
Graven Hill, Bicester (Local Plan Site Bicester 2)	Primarily 1 with multiple self-builders	35	68	176	44	122	28	1	0	0
Kingsmere, South West Bicester Phase 1	1 (two sales outlets)	100	128	95	110	205	196	231	210	179
Kingsmere, South West Bicester Phase 2	4	251	147	155	12	0	0	0	0	0
North West Bicester Eco-Town Exemplar Project, Bicester (Local Plan Site Bicester 1) (now complete)	2	0	32	46	41	29	65	0	90	0
Former RAF Upper Heyford (Local Plan Site Villages 5)	2	250	19	76	58	97	103	106	166	46

- 4.34 Table 17 shows the housing completions recorded since 2011 for strategic sites (100 or more), non-strategic sites (10-99) and windfall development (<10 homes). Table 18 shows this data for permissions (note this includes all permissions not all will be considered “deliverable” supply for the purposes of calculating the five-year land supply).

**Table 17 Breakdown of Housing Completions (net) from 1 April 2011 – 31 March 2023**

	Banbury	Bicester	Elsewhere	District
<b>Strategic Sites</b>	3,510	2,960	802	7,272
<b>Non-Strategic Sites</b>	590	461	2,355	3,406
<b>Windfalls (&lt;10)</b>	504	255	875	1,634
<b>Totals</b>	<b>4,604</b>	<b>3,676</b>	<b>4,032</b>	<b>12,312</b>

**Table 18 Breakdown of sites with extant permission (net) 2011 – 2023**

	Banbury	Bicester	Elsewhere	District
<b>Strategic Sites</b>	1,508	3,851	1,376	6,735
<b>Non-Strategic Sites</b>	300	228	429	957
<b>Windfalls (&lt;10)</b>	62	45	202	309
<b>Totals</b>	<b>1,870</b>	<b>4,124</b>	<b>2,007</b>	<b>8,001</b>

### Housing Density

- 4.35 The indicator looks at net housing density of completions. However, due to the way in which data is recorded in planning applications, only the gross site area is available. As such, the housing density is reported lower than has actually been achieved.

**Table 19 Gross housing density of large, completed sites during 2022/23 (10 or more dwellings)**

	2022/23
<b>Total Site area (gross)</b>	<b>68.44</b>
<b>No. of dwellings on large sites</b>	<b>1,930</b>
<b>Gross housing Density</b>	<b>28.20</b>

- 4.36 The housing density of large, completed sites (10 or more dwellings) during 2022/23 is 28.20 dwellings per hectare (dph) which is a decrease from the previous year (38.96). Of the 43 large, completed sites in 2022/23, five have a gross site area in excess of 5 ha, collectively accounting for 45.64 ha of the total site area and 1,309 of the dwellings in the reported figures. The net developable area has been calculated

for these sites, where the respective developers have made sufficient information available to do so.

### Affordable Housing

**Table 20 Net Affordable Housing Completions**

Year	Affordable housing completions (net)
2011/12	204
2012/13	113
2013/14	140
2014/15	191
2015/16	322
2016/17	278
2017/18	426
2018/19	510
2019/20	400
2020/21	295
2021/22	178
2022/23	181
<b>Totals</b>	<b>3,238</b>

4.37 There were 181 net affordable housing completions during 2022/23 which is broadly in line with the previous year (178). This is below the Council's target of 190 affordable housing completions pa.

4.38 From the 181 affordable housing completions there were 117 affordable rented tenure and 64 shared ownership.

### Housing Mix

4.39 Policy BSC4 Housing Mix reports completions by number of bedrooms. This data is not readily available due to the way in which it is not consistently recorded on planning applications. Therefore, no reporting is available for this indicator.

### Area Renewal

4.40 Policy BSC 5 states that the Council will support area renewal proposals that direct investment to improve the physical and community fabric of the district to improve social outcomes, improve health and well-being, educational attainment, and employment outcomes. Monitoring indicator targets are for improvements in levels of deprivation in the district and positive trends across all the Brighter Futures in Banbury programme indicators.

- 4.41 Brighter Futures in Banbury is a strong long term partnership programme delivering new opportunities, innovative projects and high-quality focussed services in Ruscote, Neithrop and Grimsbury and Castle Wards.
- 4.42 The Brighter Futures in Banbury Programme Annual Report is available to view on the Council's website  
<https://www.cherwell.gov.uk/info/118/communities/483/brighter-futures-in-banbury/2>.

### Travelling Communities

- 4.43 The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers whilst respecting the interests of the settled community.
- 4.44 Policy BSC 6: Travelling Communities of the adopted Cherwell Local Plan 2011-2031 (Part 1) provides a sequential and criteria-based approach for considering opportunities and planning applications. The Policy sets a requirement of 19 (net) additional pitches to meet the needs of Gypsies and Travellers from 2012 to 2031. It also requires 24 (net) additional plots for Travelling Showpeople from 2012 to 2031.
- 4.45 Since the adoption of the Local Plan Part 1, a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) for Cherwell, Oxford, South Oxfordshire and Vale of White Horse Councils was published in June 2017. It identifies a new objectively assessment of need for each authority based on the definitions of Gypsies and Travellers and Travelling Showpeople for planning purposes (Annex 1 of the Government's Planning Policy for Traveller Sites (PPTS), 2015). The 2017 GTAA has informed the examination and adoption of Local Plans covered by the study's area, and is the most up to date assessment of need available.

**Table 21 Existing Supply of Gypsy and Traveller Pitches at 31 March 2023**

Site	Supply at 31 March 2017	Net Loss / Gain						Net Running Totals
		17/18	18/19	19/20	20/21	21/22	22/23	
Bicester Trailer Park, Chesterton	8	0	0	0	0	0	0	8
Corner Meadow, Farnborough Road, Mollington	15	0	0	0	0	0	6*	21
Horwood Site, Ardley Road, Ardley	1	0	0	0	0	0	0	1
Land adjoining A34 by Hampton Gay and Poyle	8	3	0	0	0	0	0	11

Site	Supply at 31 March 2017	Net Loss / Gain						Net Running Totals
		17/18	18/19	19/20	20/21	21/22	22/23	
Land North East of HM Bullington Prison, Widnell Lane, Piddington	0	0	0	6	0	0	0	6
Land South West of Woodstock Road, Yarnton	3	0	0	0	0	0	0	3
Land West of M40, Kirtlington Road, Chesterton	0	0	0	3	0	0	0	3
Lower Heyford Road, Caulcott	5	0	0	0	0	0	0	5
Station Caravan Park, Banbury	10	-10	0	0	0	0	0	0
Summer Place, Blackthorn Road, Launton	2	2	0	4	0	0	0	8
The Stable Block, Farnborough Road, Mollington	5	0	0	0	0	0	0	5
<b>Totals</b>	<b>57</b>	<b>-5</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>71</b>

\* Retrospective planning permission was granted for nine additional pitches at this site, but whether there were 12 or 15 extant pitches on site at 31 March 2017 is disputed. As the planning permission allows a total of 21 pitches on the site, the net gain is reported as six additional pitches for consistency with previously recorded / reported data.

- 4.46 At 31 March 2023, the total supply of Gypsy and Traveller pitches was 71 therefore there has been a net gain of 14 pitches since 1 April 2017.
- 4.47 The assessment identifies a need for 7 additional pitches for households for Cherwell by 2032 where it is known that they meet the planning definition. It also highlights that there are many households where it is 'unknown' whether the new planning definition of Gypsies and Travellers is met. Should further information arise, it states that the overall need could increase by up to 12 pitches. Additionally, a potential need for 8 pitches is highlighted due to the closure of the Smiths Caravan Park.
- 4.48 The Assessment advises that for 'unknown' travellers 'it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not they meet the planning definition...' based on interviews that have taken place (paragraph 7.28 of the assessment).



4.49 Table 22 shows the remaining 2017 GTAA requirement for Gypsy and Traveller sites.

**Table 22 Planned requirements for Gypsy and Traveller Pitches (source: Gypsy & Traveller Accommodation Assessment, 2017)**

2017 GTAA Requirements	
No. of additional pitches required 2017-2032	15 (7+8)
Completions (2017-2020)	14
Remaining Requirement 2019-2032	1 pitch (15-14)

- 4.50 As of 31 March 2023 there was one planning application pending determination, and one scheme which has appealed against refusal of permission. As of the time of writing in October 2023, both cases remain undetermined. If permission is granted for both pending applications, then five additional pitches may come forward.
- 4.51 Table 23 provides the five-year supply calculation based on the 2017 GTAA requirements. It does not include an allowance for 'unknown' need but which includes the potential need for 8 pitches arising from the Smiths Caravan Park site (a site that was previously included in the district's supply).
- 4.52 Taking into account the pitches delivered during the period 1 April 2022 to 31 March 2023, there is a surplus of 8 pitches from recent completions, leading to a base requirement of -3 over the next five years, which is treated as 0 for the purposes of calculating the five-year supply needs for the period 2023-28. Therefore there is no need for additional pitches to be delivered over the next five years. Nonetheless, needs may arise due to unforeseen circumstances such as a need for intensification of existing sites to accommodate growing families.

**Table 23 Calculation of 5 Year Land Supply for Gypsy and Traveller Pitches (Using methodology from GTAA, June 2017)**

		<b>Five Year Period 2023 - 28 (from 1 April 2023)</b>
<b>a</b>	Objective Assessment of Need (2017 - 2032) (meeting the Planning Definition)	15 (7+8)
<b>b</b>	Annual Requirement (a/15)	1
<b>c</b>	Requirement to date (b x years)	6
<b>d</b>	Completions	14*
<b>e</b>	Surplus at 31/3/23 (c-d)	-8
<b>f</b>	Base Requirement over next 5 years (b x 5)	5
<b>g</b>	Base Requirement over next 5 years plus shortfall (f + e)	-3
<b>h</b>	Revised Annual Requirement over next 5 years (g/5)	-0.6
<b>i</b>	Deliverable Supply over next 5 Years	0
<b>j</b>	Total years supply over next 5 years (i/h)	<b>0</b>
<b>k</b>	Shortfall (g- i)	0

\* There is no projected completion for 2022/23 added to roll forward to 2023-2028

4.53 Table 24 shows the current supply position for plots for Travelling Showpeople. Table 26 shows the five-year supply calculation based on 2017 GTAA requirements and a need for 12 plots from 2017-2032. The 'unknown' need from Travelling Showpeople (not included in the calculation) is only 1 plot. There remains a five-year land supply of zero years as no new supply has yet been identified.

**Table 24 Existing Supply of Travelling Showpeople Plots at 31 March 2023**

Site	No. of Pitches in 2017	Net Loss / Gain						Net Running Totals
		17/18	18/19	19/20	20/21	21/22	22/23	
Rose's Yard, Blue Pitts, Bloxham	3	0	0	0	0	0	0	3
Carousel Park, Bloxham	2	0	0	0	0	0	0	2
Faircare, Bloxham	6	0	0	0	0	0	0	6
Hebborn's Yard, Gosford	3	0	0	0	0	0	0	3
<b>Totals</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>

**Table 25 Planned requirements for Travelling Showpeople Plots (Source: Gypsy & Traveller Accommodation Assessment, 2017)**

2017 GTAA Requirements	
No. of additional pitches required 2017-2032	12
Completions (2017-2020)	0
Remaining Requirement 2019-2032	12 plots
Current Projected Supply 2020-2032	0 plots

**Table 26 Calculation of 5 Year Land Supply for Travelling Showpeople plots (Using methodology from GTAA, June 2017)**

		Five Year Period 2023 - 28 (from 1 April 2023)
<b>a</b>	Plot Requirement (2017 - 2032) (meeting the Planning Definition)	12
<b>b</b>	Annual Requirement (a/15)	0.80
<b>c</b>	Requirement to date (b x years)	4.8
<b>d</b>	Completions	0*
<b>e</b>	Shortfall at 31/3/21 (c-d)	4.8
<b>f</b>	Base Requirement over next 5 years (b x 5)	4.0
<b>g</b>	Base Requirement over next 5 years plus shortfall (f + e)	8.8
<b>h</b>	Revised Annual Requirement over next 5 years (g/5)	1.8
<b>i</b>	Deliverable Supply over next 5 Years	0
<b>j</b>	Total years supply over next 5 years (i/h)	<b>0</b>
<b>k</b>	Shortfall (g- i)	8.8

\* projected completion of 0 for 2022/23 added to roll forward to 2023-2028

### Education

4.54 The effectiveness of Policy BSC 7 Meeting Education Needs is measured by the timely provision of education infrastructure to meet development needs in accordance with strategic site delivery and as set out in the IDP.

4.55 Progress of education schemes is recorded in the IDP Update.

Health and Well Being

- 4.56 The effectiveness of Policy BSC 8 Securing Health and Well Being is measured by the timely provision of health infrastructure to meet development needs in accordance with strategic site delivery and as set out in the IDP.
- 4.57 Progress of health and wellbeing schemes is recorded in the IDP Update.

Public Services and Utilities

- 4.58 The effectiveness of Policy BSC 9 Public Services and Utilities is measured by the timely provision of public services and utilities infrastructure to meet development needs in accordance with strategic site delivery and as set out in the IDP.
- 4.59 Progress of public services and utilities infrastructure schemes is recorded in the IDP Update.

Open Space, Sport, Recreation and Community Facilities

- 4.60 Provision of open space, sport, recreation, and community facilities is managed by Cherwell Local Plan 2011-2031 (Part 1) Policies BSC 10, BSC 11 and BSC 12. Policies BSC 11 and BSC 12 set qualitative and local standards of provision for outdoor and indoor recreation. Progress of open space, sport, recreation, and community facilities schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of open space and recreation infrastructure projects.
- 4.61 An open space audit was undertaken as part of the Cherwell Open Space, Sport and Recreation Assessment and the emerging Open Space and Play Areas Strategy and the updated Playing Pitch and Sports Facilities Strategies (2018) contain baseline information on deficiencies in recreation provision. The findings of the 2018 studies informed the Active Communities Strategy 2019-2023 approved by the Council in June 2019.
- 4.62 To date progress against policies BSC 10, BSC 11 and BSC 12 have not been reported. These indicators will not be monitored in future AMRs as the policies will be superseded by the Cherwell Local Plan Review 2040.

## Theme Three: Ensuring Sustainable Development

### Mitigating and Adapting to Climate Change

- 4.63 Several indicators have been developed to measure progress towards achieving the targets for Policy ESD 1 Mitigating and Adapting to Climate Change. There is some overlap with regards to the monitoring of Policy ESD 1 and other policies in the Plan. Indicators that are reported under Policy ESD 1 are: carbon emissions in the district per capita, permissions granted contrary to Environment Agency advice on flood risk grounds, and access to services and facilities by public transport, walking and cycling.
- 4.64 Carbon emissions per capita in the District were 10.4 tonnes in 2010. In 2021, the latest year for which data is available, estimates place the figure at approximately 7 tonnes.
- 4.65 The number of permissions granted contrary to Environment Agency advice on Flood Risk grounds is reported under Policy ESD 6.
- 4.66 The Monitoring Framework lists former National Indicator (NI) 175 'access to services and facilities by public transport, walking and cycling' as an indicator of whether the aims of Policy ESD 1 are being achieved. The NI framework was set up as a way of standardising local authority progress against set targets. However, since NI was made voluntary in 2010, the Council does not routinely collect data to report on NI 175. Without broad NI reporting mechanisms, the Council, performance against them is not reported in this AMR.

### Energy and Sustainable Construction

- 4.67 Policies ESD 2 – 4 of The Cherwell Local Plan (Part 1) 2011-2031 seek to address energy and climate considerations. Policy ESD 2 supports an 'energy hierarchy' – reducing energy use, promoting energy efficiency, and making use of renewable energy and allowable solutions. Policy ESD 3 encourages the use of sustainable design and construction measures and Policies ESD 4 and ESD 5 focus on developing the capacity to generate renewable energy within the district, setting out the policy requirements for such projects.
- 4.68 Several indicators and targets have been developed to measure the effectiveness of Policies ESD 2 – 4; these are addressed in turn below. However, monitoring progress against some of the indicators is not currently feasible. One of the indicators listed in the Monitoring Framework, linked to Policy ESD 3 is '% of new dwellings completed achieving water use below 110 litres /person/day'. All new dwellings are required to meet the mandatory national standard set out in the Building Regulations of 125 litres/person/day. Policy ESD 3 seeks a reduced level of water use in recognition of the district being in an area of water stress. The reduced limit of 10 litres/person/day is not currently monitored and requires further liaison with Development Management and water utility companies to identify how to achieve this target.

- 4.69 Another indicator listed in the Monitoring Framework, linked to Policy ESD 3 is 'completed non-residential development achieving BREEAM Very Good, BREEAM Excellent'. All non-residential development is typically required by condition to be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision. There is however currently no requirement for developers to provide evidence that the development has achieved the required BREEAM rating.
- 4.70 The Council does not currently record the number of energy statements submitted or the number of district heating feasibility assessments submitted with planning applications. As this has not been monitored to date, it will not be reported in future AMRs. Suitable indicators will be considered through the Cherwell Local Plan Review.
- 4.71 In relation to monitoring of Policy ESD 4, no district heating schemes were permitted during 2022/23.

**Table 27 Permitted renewable energy capacity by type**

Type	No. of applications granted permission in 2022/23
Wind	0
Solar PV	36
Solar thermal	1
Ground source	0
Air source	5
Biomass	0
<b>Total</b>	<b>42</b>

- 4.72 During 2022/23, 42 planning applications were approved for renewable energy schemes which is an increase from 27 in 2021/22. The renewable energy schemes approved were mostly small-scale domestic installations. A small number of larger renewable schemes were permitted, such as the installation of solar photovoltaic equipment on the roofs of business premises such as garden centres and supermarkets. Two permissions granted for installation of ground mounted solar panel systems in fields at Glebe Farm, Sibford Gower and Leadenporch Farm, Deddington.
- 4.73 The majority of small-scale energy schemes, especially solar PV schemes, benefit from permitted development rights and do not require planning permission. Whilst it is not possible to identify and record these installations from planning application data, the Department for Business, Energy and Industrial Strategy have published renewable electricity data. The latest data confirms that at the end of 2022, there had been 3,547 photovoltaic installations in Cherwell. This is an increase of 381 installations since the end of 2021.

Flooding

- 4.74 Two indicators and targets have been developed to measure the effectiveness of Policy ESD 6 in seeking to manage and reduce flood risk in the district: the number of permissions granted contrary to Environment Agency advice on flood risk grounds and Flood Risk Assessments received for development proposals within Flood Zones 2 & 3, within 1 ha of Flood Zone 1, or 9m of any watercourse.
- 4.75 The Environment Agency publishes a list of applications they have lodged objections to on flood risk grounds to assist Local Authorities who are completing their annual monitoring reports. The list is designed to be as inclusive as possible and produced yearly and provides a starting point for Local Planning Authorities to check their own records.
- 4.76 During 2022/23, the Environment Agency lodged objections on flood risk grounds to six planning applications<sup>2</sup> that were submitted for development proposals in Cherwell. Of these, the Council permitted two planning applications and four are currently not determined. The two applications that were granted planning permission were granted permission following submission of further documents to resolve initial Environment Agency objections. For one application, following further discussion the Environment Agency conditionally withdrew their objection subject to the inclusion of six planning conditions as a part of the decision. The Council included the conditions on the decision notice and planning permission was granted for the proposed development. One permission was granted with unresolved objections from the Environment Agency during 2022/23; in this case the further information requested by the Environment Agency was submitted by the developer, however no response was received from the Environment Agency following a request for further comment.

**Table 28 Planning applications received during 2022/23 for development proposals within Flood Zone 1, 2 or 3, or within 9m of any watercourse.**

Development Location	Applications Received
Flood Zone 1 exceeding 1 ha in area	72
Flood Zones 2 or 3	100
Within 9m of any watercourse	37
<b>Total</b>	<b>209</b>

<sup>2</sup> Seven planning applications are shown in the list published by the Environment Agency, however one of these is a duplicate of another entry recorded for the 2022/23 period, meaning there are six unique entries.

- 4.77 During 2022/23, there were 209 planning applications for development proposals within Flood Zones 2 and 3, 9m of any watercourse or greater than 1 ha in area and located within Flood Zone 1.

***Note: This data contains duplicate entries where a development proposal is located in more than one development location. For example, if a development proposal is located in Flood Zone 2 and is also within 9m of a watercourse then it will be counted twice, once per development location.***

- 4.78 Policy ESD 7 sets out the Council's approach to Sustainable Drainage Systems (SuDS). The Monitoring Framework target is for an annual increase in completed SuDS schemes in the district over the plan period. The Council does not currently record the number of completed SuDS schemes in the district.

### Water Resources

- 4.79 Alongside other policies in the Plan, Policy ESD 8 seeks to reduce the impact of development on the water environment, maintain water quality, ensure adequate water resources, and promote sustainability in water use. Data published by the Environment Agency confirms that the monitoring target for Policy ESD 8 has been achieved – there have been no planning permissions granted during 2022/23 contrary to an Environment Agency objection on water quality grounds.

### Biodiversity and the Natural Environment

- 4.80 Through policies ESD 9 – 11 of The Cherwell Local Plan (Part 1) 2011-2031, the Council seeks the protection of the Oxford Meadows SAC (Policy ESD 9), protection and enhancement of biodiversity and the natural environment (Policy ESD 10) and Conservation Target Areas (Policy ESD 11).
- 4.81 There were no planning permissions granted within 1000m of the Oxford Meadows SAC contrary to consultee advice during 2022/23.
- 4.82 Information on biodiversity has been provided by the Thames Valley Environmental Records Centre (TVERC) in their Biodiversity Annual Monitoring Report.

**Table 29 Designated sites of intrinsic environmental value**

Designated Site	Area in hectares (2020)	Area in hectares (2021)	Area in hectares (2022)	Area in hectares (2023)	As % of Cherwell (2023)
Local Wildlife Sites (LWS)	1,469.48	1,460.93	1,457.73	1457.77	2.47%
Local Geological Sites (LGS)	139.46	139.46	139.53	139.53	0.23%



- 4.83 Local sites are non-statutory areas designated at local level for their significant nature conservation value. They include both local wildlife sites (designated for significant biodiversity value) and local geological sites (designated for their significant geological value). There are 89 Local Wildlife Sites and 12 Local Geological Sites within Cherwell. The data in Table 29 shows that the area of LWS has increased very slightly since last year whilst the area of LGS has remained the same.
- 4.84 The Single Data List 160-00 (SDL160) aims to measure the performance of local authorities at protecting their local biodiversity and geodiversity, by assessing the implementation of positive conservation management on Local Sites. The implementation of positive conservation management, defined as management which contributes to maintaining or enhancing the features of interest for which a site has been selected, is widely used for assessing improvements in biodiversity and geodiversity.
- 4.85 Due to a variety of restrictions relating to the COVID-19 pandemic, Natural England did not produce a SDL160 dataset for 2019/20 or 2020/21. The most recent SDL160 dataset was published in January 2023 and provides information for the 2021/22 monitoring period (no information has been published for the 2022/23 monitoring period as of the time of writing). The most recent SDL160 dataset shows that in 2021/22 there was a slight increase in the condition of Local Wildlife Sites compared to 2018/19 (the last year prior to 2021/22 for which data is available). The majority of Local Geological Sites across Oxfordshire were deemed to be in good condition in 2021/22.
- 4.86 Table 30 provides details of the 41 UK priority habitats which have been identified within Cherwell. The area of priority habitats has increased from 3,780 ha in 2022 to 3,863 ha in 2023. The changes in the UK priority habitats largely represent an improved understanding of the habitat resource in Cherwell, rather than the creation or loss of habitat. For example, from 2020/21 there has been a reclassification of 'Ponds' to 'Eutrophic Standing Waters', and for 2023 'possible priority grassland habitat' has been reclassified as 'Hedgerow (priority habitat)' which is reflected in the data.

**Table 30 Changes in priority habitats by number and type**

UK priority habitat type	Area (ha) 2020	Area (ha) 2021	Area (ha) 2022	Area (ha) 2023
Coastal and floodplain grazing marsh	1,401.67	1,400.51	1,400.51	1,409.04
Eutrophic standing water	110.76	121.47	121.47	240.84
Lowland calcareous grassland	97.84	97.84	97.41	95.12
Lowland dry acid grassland	7.34	7.34	7.34	7.76
Lowland fens	41.81	41.70	39.07	39.62

UK priority habitat type	Area (ha) 2020	Area (ha) 2021	Area (ha) 2022	Area (ha) 2023
Lowland meadows	518.71	515.55	510.08	509.44
Lowland mixed deciduous woodland	983.28	982.85	988.07	978.21
Lowland wood pasture and parkland	438.46	438.46	438.46	437.22
Open mosaic habitats on previously developed land	56.34	56.34	56.34	57.16
Ponds	2.80	0	0	0
Possible priority grassland habitat	41.63	41.63	41.63	0
Purple moor grass and rush pasture	5.57	4.78	4.78	4.78
Reedbeds	17.50	17.50	17.50	17.46
Rivers	0.94	0.94	0.94	0.92
Traditional orchards	26.79	26.79	26.79	26.79
Wet woodland	29.35	29.61	30.18	28.92
Hedgerow (Priority Habitat)	0	0	0	9.83
Lowland Heathland	0	0	0	0.20
<b>Total area of priority habitat</b>	<b>3,780.78</b>	<b>3,783.29</b>	<b>3,780.56</b>	<b>3,863.33</b>

4.87 Table 31 provides details of the number of UK priority species which have been identified within Cherwell. The number of UK priority species listed in Cherwell is 130. Two species have been removed from the list as no new records have been added to the TVERC database within the last ten years:

- Grayling
- Large Garden Bumblebee

**Table 31 Change in numbers of UK priority species**

	2012-2022	2013-2023
<b>Number of UK priority species</b>	132	130

4.88 There are 50 SSSI's wholly or partly within Cherwell covering approximately 1.17% of the District. These sites are of national importance for nature conservation and are protected from damaging activities. Summary data for SSSI condition is provided in Table 32, based on condition assessments carried out by Natural England from 2003 to 2023.

Table 32 SSSI condition for 2022-2023

Condition	No. of units or part units 2022/23	Sum of hectares 2022/23	% in Cherwell
Favourable	33	537	77.9%
Unfavourable/Declining	2	5	0.7%
Unfavourable/No change	1	6	0.9%
Unfavourable/Recovering	12	132	19.2%
Destroyed	2	9	1.3%
<b>Total</b>	<b>50</b>	<b>689</b>	

Table 33 Distribution and Status of Farmland Birds

(Mean counts per squares (i.e. density per square kilometre) of farmland birds in Cherwell. Results generated from data supplied by the BTO/JNCC/RSPB Breeding Bird Survey)

Species	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Corn Bunting	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.20
Goldfinch	6.20	3.29	2.40	4.33	8.43	6.00	7.43	11.62	1.60	4.00	4.80
Greenfinch	2.40	1.29	3.80	1.67	1.71	0.71	0.29	0.38	0.40	0.80	0.10
Grey Partridge	0.00	0.00	0.00	0.00	0.14	0.00	0.00	0.00	0.00	0.00	0.20
Jackdaw	5.60	4.00	3.60	3.83	13.14	5.57	5.71	25.62	3.40	31.80	11.10
Kestrel	0.40	0.71	1.80	0.50	0.00	0.57	0.29	0.50	0.00	0.10	0.40
Lapwing	7.40	2.57	2.00	1.00	0.57	2.43	5.14	3.75	0.00	6.20	2.20
Linnet	5.00	3.00	6.40	8.33	7.57	15.14	7.43	3.75	1.20	9.10	11.60
Reed Bunting	2.40	4.00	3.80	4.33	2.00	3.43	3.00	1.50	0.40	2.20	1.50
Rook	49.20	29.86	12.80	13.67	9.57	15.71	17.00	14.00	8.20	4.70	4.80
Skylark	14.40	11.86	11.80	15.67	13.29	13.71	15.71	14.38	7.60	15.00	16.50
Starling	19.60	26.14	7.60	0.00	27.14	6.43	1.86	6.12	2.40	2.70	5.20
Stock Dove	0.80	0.71	1.20	0.50	1.29	3.29	3.71	1.75	1.00	3.90	3.10
Tree Sparrow	0.00	0.00	1.20	0.00	2.14	0.00	0.00	0.00	0.00	0.00	0.00
Turtle Dove	0.00	0.43	0.00	0.00	0.00	0.14	0.00	0.00	0.00	0.00	0.00
Whitethroat	4.00	6.43	4.20	3.33	2.86	3.86	3.43	3.50	3.80	2.20	4.40
Woodpigeon	35.40	46.86	50.40	28.83	37.14	40.57	39.43	23.75	21.80	27.50	54.30
Yellow Wagtail	0.00	0.43	0.00	0.00	0.14	0.14	0.29	0.12	0.00	0.20	0.50
Yellowhammer	21.40	6.29	9.00	8.33	6.00	6.29	7.00	3.50	3.00	8.30	5.50
<b>Index</b>	<b>1.00</b>	<b>0.85</b>	<b>0.70</b>	<b>0.54</b>	<b>0.77</b>	<b>0.71</b>	<b>0.68</b>	<b>0.66</b>	<b>0.31</b>	<b>0.68</b>	<b>0.73</b>

4.89 This indicator uses an established list of 19 species, identifiable as farmland birds, compiled by the RSPB. The Tree Sparrow has been excluded from this in Oxfordshire due to a lack of data. Survey data were generated by the British Trust for Ornithology (BTO), survey volunteers and compiled by BTO officers from the BTO/JNCC/RSPB Breeding Bird Surveys, in specific 1km by 1km squares and then used to determine a

farmland bird index. These records were then made available to TVERC for processing at a district-specific level, using the methodology established by RSPB Central England Office staff. To establish a timeframe from which any kind of meaningful trend can be identified, a shifting baseline has been used. Changes in bird populations in subsequent years (over a 10-year period) are then stated relative to that baseline. This latest assessment of the farmland bird index uses a baseline of 2012.

- 4.90 Farmland bird density and the index are given in Table 33. There was a change in the index compared with 2021. The data provided this year includes new data for previous years, based on new survey information. Therefore, the index values reported this year are slightly different to those reported last year. The farmland bird index for Cherwell for 2022 (the most recent year for which data is available) is 0.73, which shows the index increased by 0.05 compared to 2021.

**Table 34 Distribution and Status of Water Voles**

Year	Number of sections surveyed along the Oxford Canal (per 500m stretch)	Positive surveys	% positive
2019	14	1	7
2020	17	4	24
2021	13	0	0
2022	13	1	8

- 4.91 Thirteen surveys for water voles were carried out along the Oxford Canal in 2022 (the most recent year for which surveys were conducted), with one positive sighting. This is a greater number of positive surveys than in 2021.

**Table 35 UK priority habitat resource in CTAs in Cherwell**

Priority Habitat	Total area (ha) 2020	Total area (ha) 2021	Total area (ha) 2022	Total area (ha) 2023
Coastal and floodplain grazing marsh	935.90	935.90	1,138.27	1,146.98
Eutrophic standing waters	83.59	83.36	92.62	130.75
Lowland calcareous grassland	73.80	73.80	73.31	71.01
Lowland dry acid grassland	7.33	7.33	7.34	7.34
Lowland fens	36.08	36.80	34.74	34.81
Lowland meadows	497.09	492.83	486.85	493.52
Lowland mixed deciduous woodland	353.66	355.04	373.53	364.23

Priority Habitat	Total area (ha) 2020	Total area (ha) 2021	Total area (ha) 2022	Total area (ha) 2023
Lowland wood pasture and parkland	280.17	280.17	279.59	278.37
Open mosaic habitats on previously developed land	0.11	0.11	0.11	0.11
Ponds	1.35	0.00	N/A	N/A
Possible priority grassland habitat	14.22	14.22	27.95	0
Purple moor grass and rush Pasture	5.57	4.78	4.78	4.78
Reedbeds	17.19	17.19	17.19	17.05
Rivers	0.35	0.35	0.34	0.32
Traditional orchards	4.61	4.61	4.65	4.65
Wet woodland	19.01	19.27	20.90	19.63
Hedgerow (Priority Habitat)	0	0	0	9.73
<b>TOTAL</b>	<b>2,330.04</b>	<b>2,327.77</b>	<b>2,562.16</b>	<b>2,583.27</b>

- 4.92 Table 35 details the UK priority habitats within Conservation Target Areas (CTAs) in Cherwell. CTAs identify some of the most important areas for biodiversity, where targeted conservation action will have the greatest benefit. The total area of UK priority habitat within Conservation Target Areas in Cherwell has increased from 2,562 ha in 2022 to 2,583.27 ha in 2023. The changes in the UK priority habitats are mostly attributable to new information such as confirmation of boundaries of habitat types.

### Landscape

- 4.93 The Monitoring Framework identifies the indicators and targets to consider when determining the effectiveness of Policy ESD 12 Cotswold AONB: built development permitted in the AONB and permissions granted contrary to the advice of the AONB Management Board. Targets for both indicators have been met – no planning permissions were granted for major development within the AONB and no permissions were granted for development within the AONB contrary to the advice of the AONB Management Board during 2022/23.
- 4.94 Policy ESD 13 seeks to conserve and enhance the distinctiveness and highly valued landscape character of the District. It has not been possible to gather data in relation to the monitoring indicators/targets for Policy ESD 13: the number and location of completed urban fringe restoration/improvement schemes or the number of permissions granted contrary to Landscape Officer advice in order to consider the effectiveness of the policy for this year's report.

### Oxford Green Belt

- 4.95 Part of Cherwell District falls within the Oxford Green Belt and Policy ESD 14 seeks the protection of the Green Belt in accordance with national planning policy. The indicator for this policy is completed development in the Green Belt complying with Policy ESD 14. This policy has not previously been monitored due to the availability of data. The Cherwell Local Plan Review 2040 will review how development in the Green Belt is recorded and analysed to ensure future indicators are effective.

### The Built and Historic Environment

- 4.96 Several indicators and targets have been developed to measure the effectiveness of Policy ESD 15 The Character of the Built and Historic Environment. Due to the way in which data has been collected over the plan period it has not been possible to gather data regarding the number of permissions granted contrary to consultee advice on heritage or design grounds. Nor has it been possible to collect data on the percentage of permitted and completed developments with Design and Access Statements that address the criteria of Policy ESD 15. The Cherwell Local Plan Review 2040 will review how development which impacts the historic environment is recorded and analysed to ensure future indicators are effective.
- 4.97 A post 2005 appraisal and management plan for all 60 conservation areas in the district was achieved in 2018/19. No new conservation area appraisals were adopted in 2022/23. Two conservation area appraisals were in progress at 31 March 2023: Bloxham and Grimsbury.

### The Oxford Canal

- 4.98 A target in relation to measuring the effectiveness of Policy ESD 16 The Oxford Canal is for an increase in completed transport / recreation / leisure / tourism uses within 1km of the Oxford Canal over the plan period. During 2022/2023, there are no completed developments related to transport/recreation/leisure/tourism within 1 km of the Oxford Canal.
- 4.99 There were no planning permissions granted contrary to consultee advice on heritage grounds.

### Green Infrastructure

- 4.100 Policy ESD 17 sets out the Council's approach to ensure the maintenance and enhancement of the District's green infrastructure network. The Monitoring Framework target is for a net gain in green infrastructure provision over the plan period. Progress of green infrastructure schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of completed and new green infrastructure projects.

## Cherwell's Places

4.101 Housing and Employment completions at strategic allocations for Bicester, Banbury and Former RAF Heyford are reported elsewhere in this report (Theme 2) which provides a comprehensive overview of the status of the main allocations. For succinctness these findings are not repeated here.

### Other Indicators – Policy Bicester 5 Strengthening Bicester Town Centre

4.102 Policy Bicester 5 is concerned with strengthening the town centre. Several indicators and targets have been developed in the Monitoring Framework to measure the effectiveness of this Policy: permitted residential development at ground floor level in Bicester town centre, town centre vacancies, diversity of uses, and completed town centre uses within and outside of Bicester town centre.

4.103 As noted in Theme 2, the indicators associated with floorspace have become more challenging due to the introduction of Class E. As such, one figure is now reported (previously uses A1-5, B1a and D2)

4.104 Vacancy rates within Bicester town centre were assessed as part of the Retail Needs Study to accompany the Local Plan Review.

**Table 36 Net gain in town centre uses in Bicester (sqm)**

Location	E	Total
Within Bicester town centre	-100.6	<b>-100.6</b>
Outside Bicester town centre	9,502.66	<b>9,502.66</b>
<b>Bicester Total</b>	<b>9,402.06</b>	<b>9,402.06</b>

4.105 There were no town centre uses completions within Bicester town centre in 2022/23. 9,502.66 sqm of floor space falling into town centre uses was completed outside of Bicester Town Centre in 2022/23, and 100.6 sqm of class E floorspace was lost within Bicester Town Centre through the conversion of office space to residential use.

### Other Indicators – Policy Bicester 7 Meeting the Need for Open Space, Sport & Recreation

4.106 Policy Bicester 7 sets out how the Council will seek to address current and future deficiencies in open space, sport and recreation provision in Bicester. However, it has not been possible to obtain data for the monitoring indicators: community woodland provision in Bicester; and type of permitted/completed development at Stratton Audley Quarry. For details of urban edge park schemes in Bicester refer to Policy BSC 10.

Other Indicators – Policy Bicester 8 Former RAF Bicester

- 4.107 Policy Bicester 8 relates to Former RAF land in Bicester of 141.5 ha for the provision of heritage tourism uses, leisure, recreation, employment, and community uses. There is a planning application of 2.23 ha of employment uses (21/01224/OUT) which was granted planning permission in March 2023. There is no planning application or permission in place for the remaining area.

Other Indicators – Policy Bicester 9 Burial Site Provision in Bicester

- 4.108 Policy Bicester 9 is concerned with burial site provision in Bicester. No developer contributions data for burial site provision is available at this time. However, an update will be provided in future AMRs if data becomes available.

Other Indicators – Policy Banbury 1 Banbury Canalside

- 4.109 Policy Banbury 1 relates to Banbury Canalside – land between Banbury Town Centre and Banbury Railway Station. The Council's December 2022 Local Development Scheme (LDS) and the subsequent update published in September 2023 removed the Banbury Canalside SPD from the LDS, and it is not the Council's intention to progress the preparation of a Banbury Canalside SPD at this time.
- 4.110 In taking this decision, the Council acknowledges that Banbury Canalside remains a key priority. The Cherwell Local Plan Review retains a strong focus on regeneration for this area, with a different policy mix to the adopted local plan. As SPDs are required to expand on adopted policies, the Council considered that an SPD that could not reflect the proposed changes set out in the Local Plan Review would not be an effective tool to guide the development of the local area. Other work, such as understanding the viability of the area, improvements to the area around the station and master planning will continue to be undertaken.

Other Indicators – Policy Banbury 7 Strengthening Banbury Town Centre

- 4.111 Policy Banbury 7 is concerned with strengthening the town centre. Several indicators and targets have been developed in the Monitoring Framework to measure the effectiveness of this Policy: permitted residential development at ground floor level in Banbury town centre, town centre vacancies, diversity of uses, and completed town centre uses within and outside of Banbury town centre. These are dealt with in turn below.
- 4.112 As noted in Theme 2, the indicators associated with floorspace have become more challenging due to the introduction of Class E. As such, one figure is now reported (previously uses A1-5, B1a and D2)
- 4.113 Data on vacancy rates within Banbury town centre was collated in 2021 as part of the Retail Needs Study to accompany the Local Plan Review.



**Table 37 Town Centre uses completions within and outside of Banbury town centre (sqm)**

Location	E	Total
<b>Within Banbury town centre</b>	-1,808	<b>-1,808</b>
<b>Outside Banbury town centre</b>	-2,232.4	<b>-2,232.4</b>
<b>Banbury Total</b>	<b>-4,040.4</b>	<b>-4,040.4</b>

4.114 During 2022/23, 1,808 sqm of Class E floor space was lost within Banbury town centre. This was mostly through the conversion of office space above retail units into residential uses. Outside of the town centre a further 43.4 sqm of office space was converted to residential use, 4,415 sqm of class E(g) office floor space was demolished, and 2,226 sqm of new class E floorspace was created (comprising new retail floorspace and day nursery / creche floorspace) – a net loss of 2,232.4 sqm outside of the town centre area.

**Other Indicators:**

- **Policy Banbury 11 Meeting the need for Open Space, Sport & Recreation**
- **Policy Banbury 12 Land for the Relocation of Banbury United FC**
- **Policy Banbury 13 Burial Site Provision in Banbury**
- **Policy Banbury 14 Cherwell Country Park**

4.115 Since the 2021/22 AMR there has been no further updates to these indicators

**Other Indicators – Policy Kidlington 1 Accommodating High Value Employment Needs**

4.116 The Cherwell Local Plan recognises that London-Oxford Airport and Langford Lane industrial estate in Kidlington and Begbroke Science Park play an important role in the District's wider employment context and Policy Kidlington 1 seeks to reinforce and strengthen the emerging cluster of high value industries in this area.

4.117 6,575 sqm of employment development was completed at the Oxford Technology Park in 2022/23. The location of the development falls within Green Belt land in Kidlington beyond the Local Plan review areas. The completed floor space comprises 3,796 sqm of office floor space (formerly use class B1a) and 2,779 sqm of research and development floor space (formerly use class B1b).

**Other Indicators – Policy Kidlington 2 Strengthening Kidlington Village Centre**

4.118 Policy Kidlington 2 is concerned with supporting the village centre and ensuring that the everyday shopping needs of residents are met. Several indicators and targets have been developed in the Monitoring Framework to measure the effectiveness of this Policy: permitted residential development at ground floor level in Kidlington village

centre, village centre vacancies, diversity of uses, and completed town centre uses within and outside of Kidlington village centre.

- 4.119 There were no permissions granted for residential development at ground floor level in Kidlington village centre during 2022/23. The monitoring target for this indicator was therefore met in 2022/23. Data on vacancy rates within Kidlington village centre was collated in 2021 as part of the Retail Needs Study to accompany the Local Plan Review

**Table 38 Town Centre uses completions within and outside of Kidlington Village Centre**

Location	E	Total
Within Kidlington village centre	0	0
Outside Kidlington centre	3,395.8	3,395.8
<b>Kidlington Total</b>	<b>3,395.8</b>	<b>3,395.8</b>

- 4.120 There were no town centre uses completions within Kidlington village centre in 2022/23. Outside Kidlington village centre, 3,796 sqm of office space was created, and 400.2 sqm of D2 floor space was converted to sheltered housing, representing a net gain of 3,395.8 sqm of E class uses in 2022/23.

#### Other Indicators – Policy Villages 1 Village Categorisation and Policy Villages 2 Distributing Growth Across the Rural Areas

- 4.121 The Cherwell Local Plan 2011-2031 (Part 1) directs the majority of development to the two main towns in Cherwell with a proportion of the overall growth expected to come forward in the rural areas. Policy Villages 1 is intended to manage small-scale development in the built-up limits of villages while Policy Villages 2 identifies 750 dwellings to be delivered in Category A villages on sites of 10 or more dwellings. It was intended that sites would be allocated in an emerging Local Plan Part 2 (now Local Plan Review).
- 4.122 Policy Villages 1 provides a categorisation of villages to guide the consideration of small-scale proposals for residential development within the built-up limits of settlements.
- 4.123 Policy Villages 2 of the adopted Local Plan 2011-2031 provides for an additional 750 dwellings at Category A villages (2014-2031) in addition to the rural allowance for small site 'windfalls and planning permissions as at 31 March 2014. Therefore, new planning permissions given at the Category A villages from 1 April 2014 and completions on those sites will contribute to the requirement of 750 dwellings.

- 4.124 Table 39 shows dwellings that are either completed or under construction on sites with within the rural area. During 2022/23 there were 86 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. Between 1 April 2014 and 31 March 2023 there have been a total of 792 completions, with a further 100 dwellings under construction but not completed at 31 March 2023, totalling 892 dwellings.
- 4.125 Table 40 shows there are an additional 303 dwellings with planning permission on sites with planning permission but construction has not yet started.
- 4.126 Since 1 April 2014 a total of 1,195 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings, including 792 completions. The requirement to deliver 750 new dwellings at Category A villages set out in Policy Villages 2 has therefore been met. However, rural sites are likely to continue to be an important source of supply in the district.
- 4.127 There is one rural strategic allocation namely the Former RAF Upper Heyford included in the adopted Local Plan 2011-2031. The completion figure for Policy Villages 2 excludes any completions at this strategic allocation.

Table 39 Completions and commitments at "Category A" settlements from 1 April 2014 to 31 March 2023

Site	Location	Dwellings with planning permission	Completions during 14/15	Completions during 15/16	Completions during 16/17	Completions during 17/18	Completions during 18/19	Completions during 19/20	Completions during 20/21	Completions during 21/22	Completions during 22/23	Total Completions	Site Status
OS Parcel 9100 Adjoining And East Of Last House Adjoining And North Of Berry Hill Road Adderbury	Adderbury	40	0	0	0	0	0	0	0	0	0	0	Under construction
East of Deene Close, Aynho Road, Adderbury	Adderbury	60	2	49	9	0	0	0	0	0	0	60	Complete
Land North of Milton Road, Adderbury	Adderbury	37	0	0	1	30	5	1	0	0	0	37	Complete
Land off Banbury Road, Adderbury	Adderbury	25	0	0	0	6	3	16	0	0	0	25	Complete
Ambrosden Court, Merton Road, Ambrosden	Ambrosden	44	0	0	22	22	0	0	0	0	0	44	Complete
Church Leys Field, Blackthorn Road, Ambrosden	Ambrosden	85	0	0	0	0	20	41	24	0	0	85	Complete
Land North of Station Road, Bletchingdon	Bletchingdon	61	0	0	0	5	19	14	8	12	3	61	Complete
Cotefield Farm, Bodicote	Bodicote	4	0	0	0	0	4	0	0	0	0	4	Complete
Cotefield Farm, Bodicote Phase 2, Bodicote	Bodicote	95	0	0	0	0	0	29	36	30	0	95	Complete

Site	Location	Dwellings with planning permission	Completions during 14/15	Completions during 15/16	Completions during 16/17	Completions during 17/18	Completions during 18/19	Completions during 19/20	Completions during 20/21	Completions during 21/22	Completions during 22/23	Total Completions	Site Status
The Paddocks, Chesterton	Chesterton	45	0	0	0	2	38	5	0	0	0	45	Complete
Hempton Gate Land North Of Hempton Road And West Of Wimborn Close Deddington	Deddington	14	0	0	0	0	0	0	0	0	0	0	Under construction
Land South Of Home Farm House Clifton Road Deddington	Deddington	15	0	0	0	0	0	0	0	0	0	0	Under construction
Stone Pits, Hempton Road, Deddington	Deddington	21	0	0	0	0	0	0	0	3	18	21	Complete
Land North of Hook Norton Primary School And South Of Redland Farm, Sibford Road, Hook Norton	Hook Norton	54	0	0	0	0	14	30	10	0	0	54	Complete
2-4 High Street, Kidlington	Kidlington	16	0	0	0	0	0	0	0	16	0	16	Complete
4 The Rookery, Kidlington	Kidlington	20	0	20	0	0	0	0	0	0	0	20	Complete
British Waterways Site, Langford Lane, Kidlington	Kidlington	10	0	0	0	0	0	0	0	10	0	10	Complete
Co Op, 26 High Street, Kidlington	Kidlington	54	0	0	0	0	0	8	0	46	0	54	Complete

Site	Location	Dwellings with planning permission	Completions during 14/15	Completions during 15/16	Completions during 16/17	Completions during 17/18	Completions during 18/19	Completions during 19/20	Completions during 20/21	Completions during 21/22	Completions during 22/23	Total Completions	Site Status
Kidlington Green Social Club 1 Green Road Kidlington	Kidlington	32	0	0	0	0	0	0	0	0	32	32	Complete
Kings Two Wheel Centre, 139 Oxford Road, Kidlington	Kidlington	10	0	0	0	0	0	0	10	0	0	10	Complete
South East of Launton Road And North East of Sewage Works, Blackthorn Road, Launton	Launton	66	0	0	0	0	0	0	0	34	11	45	Under construction
Land North of The Green and adj. Oak Farm Drive, Milcombe	Milcombe	44	0	0	0	0	0	0	0	38	6	44	Complete
Land to the South of South Side Steeple Aston	Steeple Aston	10	0	0	0	0	0	0	0	0	10	10	Complete
Land North of Oak View, Weston on the Green	Weston on the Green	20	0	0	0	0	0	0	0	14	6	20	Complete
The Ley Community, Sandy Lane, Yarnton	Yarnton	10	0	0	0	0	0	0	0	0	0	0	Under constructiont
	<b>TOTAL</b>	<b>892</b>	<b>2</b>	<b>69</b>	<b>32</b>	<b>65</b>	<b>103</b>	<b>144</b>	<b>88</b>	<b>203</b>	<b>86</b>	<b>792</b>	

**Table 40 Sites with planning permission that have not yet commenced**

Site	Location	Dwellings with planning permission
Land North Of Merton Road Ambrosden	Ambrosden	84
Land At Tappers Farm Oxford Road Bodicote	Bodicote	46
OS Parcel 9507 South Of 26 And Adjoining Fewcott Road Fritwell	Fritwell	28
Land South And Adj To Cascade Road Hook Norton	Hook Norton	12
Land North Of Railway House Station Road Hook Norton	Hook Norton	43
OS Parcel 2778 Grange Farm Northwest Of Station Cottage Station Road Launton	Launton	65
OS Parcel 4300 North Of Shortlands And South Of High Rock Hook Norton Road Sibford Ferris	Sibford Ferris	25
	<b>TOTAL</b>	<b>303</b>

**Other Indicators – Policy Villages 3 Rural Exception Sites**

- 4.128 Policy Villages 3 sets out the Council’s planning policy in regard to rural exception sites. No affordable homes on exception sites were completed during 2022/23, and none are in the process of coming forward at the time of writing (October 2023)

**Other Indicators – Policy Villages 4 Meeting the Need for Open Space, Sport & Recreation**

- 4.129 Policy Villages 4 seeks to address existing open space, sport and recreation deficiencies in Kidlington and the rural areas. Monitoring targets for Policy Villages 4 are as set out in Policy BSC 11 and BSC 12 and the Infrastructure Delivery Plan and progress of open space, sport and recreation facilities schemes in the rural areas is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of new open space, sport and recreation facilities schemes.

**SA/SEA Adoption Statement – Cherwell Local Plan 2011-2031 Part 1 (July 2015)**SA Objectives and Suggested Indicators

- 4.130 The SA/SEA Adoption Statement (July 2015) sets out the monitoring indicators for monitoring the effects of the Cherwell Local Plan 2011-2031 Part 1 on the SA objectives. The majority of the suggested indicators have already been included in the Monitoring Framework of the adopted Local Plan Part 1. However, there were three not included which related to SA Objectives 5 (crime) and 14 (waste).
- 4.131 SA Objective 5 seeks “To reduce crime and disorder and the fear of crime.” The suggested indicator for this objective is by recorded crime levels in Cherwell District and data for 2022/23 is presented in Table 42. During 2022/23 there were a total of 14,560 recorded crimes in the district which is an increase of 771 from the previous

year (13,789). The majority of crimes recorded were violent (36%), followed by public order (10%), other crimes (10%), anti-social behaviour (9%) and shoplifting (9%).

- 4.132 SA Objective 14 seeks “To reduce waste generation and disposal and achieve the sustainable management of waste.” The latest data published by DEFRA which is presented in Table 41 confirms that in 2021/22 (the most recent year for which data is available), 55.30% of Cherwell’s household waste was sent for reuse, recycling and compost. This broadly maintains the levels achieved in 2019/20 and 2020/21, and is higher than the England average of 42.50% in 2021/22. Oxfordshire County Council is responsible for minerals and waste and progress on achieving this objective will be recorded on the County’s website:  
<https://www.oxfordshire.gov.uk/cms/content/new-minerals-and-waste-local-plan>.

**Table 41 Percentage of household waste sent for reuse, recycling and composting (annual) in Cherwell District during 2013/14 – 2022/23 (Source: [lginform.local.gov.uk](http://lginform.local.gov.uk))**

Period	Percentage
2013/14	53.90
2014/15	54.80
2015/16	55.10
2016/17	56.50
2017/18	55.60
2018/19	54.20
2019/20	55.10
2020/21	55.60
2021/22	55.30
2022/23	Data not available



Table 42 Crime Rates in Cherwell District during 2022/23 (Source: [www.ukcrimestats.com](http://www.ukcrimestats.com))

	ASB	Burglary	Robbery	Vehicle	Violent	Shoplifting	CD&A	Other Theft	Drugs	Bike Theft	Theft from the person	Weapons	Public Order	Other	Total
<b>March 2023</b>	78	57	4	59	426	147	103	50	39	7	10	6	143	107	<b>1,236</b>
<b>February 2023</b>	115	32	3	38	394	133	81	51	46	3	12	10	100	102	<b>1,120</b>
<b>January 2023</b>	94	36	3	48	351	104	68	48	25	5	18	9	111	98	<b>1,018</b>
<b>December 2022</b>	69	27	9	50	417	101	78	49	16	2	27	9	79	114	<b>1,047</b>
<b>November 2022</b>	108	45	3	64	422	70	100	45	36	6	16	5	123	72	<b>1,115</b>
<b>October 2022</b>	105	32	10	75	433	108	90	51	21	13	29	5	128	125	<b>1,225</b>
<b>September 2022</b>	99	26	5	52	418	97	112	51	19	21	13	11	125	142	<b>1,191</b>
<b>August 2022</b>	162	37	5	61	521	121	122	60	26	25	20	10	143	177	<b>1,490</b>
<b>July 2022</b>	142	28	4	48	454	109	109	47	27	17	19	12	142	150	<b>1,308</b>
<b>June 2022</b>	111	40	8	55	423	101	116	47	26	9	11	12	134	151	<b>1,244</b>
<b>May 2022</b>	140	24	3	59	496	99	105	51	28	8	14	14	146	142	<b>1,329</b>
<b>April 2022</b>	124	36	11	39	417	119	102	41	28	12	13	12	153	130	<b>1,237</b>
<b>TOTALS</b>	<b>1,347</b>	<b>420</b>	<b>68</b>	<b>648</b>	<b>5,172</b>	<b>1,309</b>	<b>1,186</b>	<b>591</b>	<b>337</b>	<b>128</b>	<b>202</b>	<b>115</b>	<b>1,527</b>	<b>1,510</b>	<b>14,560</b>

## 5 Monitoring Results – Cherwell Local Plan 2011-2031 (Part 1) Partial Review

- 5.1 For each policy in the Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need, there is an indicator and a target which will be used to measure the policy’s effectiveness and to assess whether or not the objectives are being met. This section sets out the detailed monitoring results using specific indicators from the adopted Local Plan 2011-2031 (Part 1) Partial Review. The detailed Monitoring Framework is included at Appendix 6.
- 5.2 This is the third AMR to monitor against the indicators and targets from the adopted Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need.

### Housing Completions

- 5.3 To date there has been no housing completions at the Partial Review sites. Residential completions will be reported in future AMRs. However, progress is being made with development briefs either now either published or nearing completion.
- 5.4 At 31 March 2023, there were no extant planning permissions in place for any of the Partial Review sites. Planning applications have been submitted for three of the partial review sites. They are detailed in Table 43. None of these planning applications had been determined by 31 March 2023.

**Table 43 Pending planning applications for the Partial Review sites**

Partial review site allocation	Planning application number	Site address	Date submitted	Number of dwellings
PR7a	22/00747/OUT	Land At Bicester Road Kidlington	11/3/22	370
PR7b	22/01611/OUT	Stratfield Farm 374 Oxford Road Kidlington	30/5/22	118
PR9	21/03522/OUT	Os Parcel 3673 Adjoining And West Of 161 Rutten Lane Yarnton	14/10/21	540

- 5.5 Since 31 March 2023, two further planning applications have been submitted for the PR6a and PR8 partial review site allocations. All five planning applications were pending determination at 1 October 2023.

### Housing Mix, Tenure and Size

- 5.6 Policy PR2 Housing Mix, Tenure and Size sets out that the strategic developments provided for under Policies PR6 to PR9 will be expected to meet specific requirements to help meet Oxford’s housing needs in terms of use, tenure (including affordable

housing), dwelling size, key worker provision and self-build or self-finish housing. The Monitoring Framework target is to deliver the requirements of Policy PR2.

- 5.7 Due to there being no housing completions at the Partial Review sites to date, this indicator will be reported in future AMRs.

### Transport

- 5.8 Policy PR4a Sustainable Transport states that strategic sites are to provide proportionate financial contributions directly related to the development for:
- Highways improvements to infrastructure and services for public transport;
  - Provision of land to support implementation of schemes in LTP4, A44/A4260 and other transport mitigation assessment; and
  - Improved bus service
    - A44/A4144 corridor
    - A4260/A4165
    - Cross corridors: Langford Lane, Frieze Way
- 5.9 Progress of transport schemes is recorded in the IDP Update. Section 7 of this AMR monitors the implementation of Policy PR1, Policy PR11 and delivery of the Infrastructure Schedule requirements and contains a summary of completed and new transport infrastructure projects.

### Kidlington Centre

- 5.10 Policy PR4b sets out the Council's approach to sustainable transport improvements and associated infrastructure to reduce private motorised through traffic along the A4260 in Kidlington and improve the built and natural environment along this corridor. The Monitoring Framework target is to delivery Policy PR4b requirements and Kidlington Masterplan.
- 5.11 Progress of transport schemes is recorded in the IDP Update. Section 7 of this AMR monitors the implementation of Policy PR1, Policy PR11 and delivery of the Infrastructure Schedule requirements and contains a summary of completed and new transport infrastructure projects.

### **Green Infrastructure**

- 5.12 Policy PR5 sets out that the strategic developments provided for under Policies PR6 to PR9 will be expected to protect and enhance green infrastructure and incorporate green assets and the water environment into the design approach for each site. The Monitoring Framework target is to deliver the policy requirement to secure green infrastructure improvements.
- 5.13 Progress of green infrastructure schemes is recorded in the IDP Update. Section 7 of this AMR monitors the implementation of Policy PR1, Policy PR11 and delivery of the

Infrastructure Schedule requirements and contains a summary of completed and new green infrastructure projects.

### **SA/SEA Adoption Statement – Cherwell Local Plan 2011-2031 (Part 1) Partial Review (September 2020)**

#### SA Objectives and Suggested Indicators

- 5.14 The SEA Directive requires monitoring of the significant environmental effects of the implementation of a plan or programme and this monitoring framework is set out in the Sustainability Appraisal accompanying the Local Plan Partial Review. The SA lists a number of 'significant effects indicators'. The majority of the suggested indicators have already been included in the Monitoring Framework of the adopted Local Plan Part 1 and the Partial Review.

## **6 Monitoring progress of infrastructure provision**

- 6.1 The Infrastructure Delivery Plan (IDP) contains the infrastructure required to support the adopted Cherwell Local Plan 2011-2031 Part 1 (July 2015) and the Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need.
- 6.2 The IDP is a live document adjusted over time to reflect changes in circumstances and strategies alongside the annual monitoring of Local Plan infrastructure Policy INF1 and Policy PR11.
- 6.3 This AMR update includes summary tables of infrastructure progress. The IDP Update for November 2023 can be viewed in appendix 3.

## 7 Future Monitoring

- 7.1 The Local Plan 2011-2031 Part 1 was adopted in July 2015 which means that this is the sixth AMR to cover the full monitoring year. There are still several indicators from the Monitoring Framework within the Plan that cannot be monitored but which will be explored in future AMRs.
- 7.2 The Cherwell Local Plan 2011-2031 Part 1 Partial Review – Oxford’s Unmet Housing Need was adopted in September 2020. This is the second AMR to monitor against the indicators and targets from the Monitoring Framework within the Plan.
- 7.3 Monitoring is important to ensure the successful delivery and implementation of the Cherwell Local Plan 2011-2031 and in preparing future evidence and policy documents. Monitoring highlights good and poor performance, where action might be necessary and ultimately where policies might need to be reviewed.
- 7.4 The Local Plan Monitoring Framework is closely linked to the monitoring framework developed for the Local Plan Sustainability Appraisal, which sets out the monitoring indicators for monitoring the effects of the Cherwell Local Plan 2011-2031 Part 1 on the SA objectives.

# **Appendix 1 - Cherwell District Council Housing Land Supply Statement**

**December 2023**

## **Introduction**

1. Following the decision of the Council's Executive in February 2023 the Council published a Land Supply Statement (February 2023) which adopted a district local housing need figure as calculated by the Standard Method for the purpose of assessing housing land supply for Cherwell's needs. The Housing Land Supply position statement concluded that the district had a five year supply of 5.4 years.
2. This Housing Land Supply Statement (December 2023) was prepared in November 2023 and is an appendix to the Council's 2023 Annual Monitoring Report. It replaces the February 2023 statement. The review of the projections for future delivery was undertaken in November 2023 informed by consultations with the development industry, development management colleagues, infrastructure providers and historic information. The housing completion and permission data it relies upon is that verified at 31 March 2023.
3. This statement assesses the housing land supply position for Cherwell for the five-year period 1 April 2023 to 31 March 2028. Separate Housing Land Supply Statements may be published from hereon to provide flexibility in when the Council produces its statement in response to significant changes of circumstance and to enable reporting earlier in the calendar year following the verification of housing completion and permission data.

## **National Policy Context**

4. The five-year housing land supply (or '5YHLS') is an important 'test'. Where authorities fall below 5 years the 'tilted balance' in the National Planning Policy Framework (NPPF) applies with the presumption in favour of sustainable development.
5. The NPPF (paragraph 74) requires local planning authorities to:

"identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old."
6. Footnote 39 to paragraph 74 explains that the housing requirement in adopted strategic policies may continue to be used if the policies have been reviewed and found not to require updating. This is known as a regulation 10A review (under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).
7. Footnote 39 states:

"Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exist, it should be calculated using the standard method set out in national planning guidance".
8. Accordingly, where adopted strategic policies are five years old and in the absence of a review finding them to be up to date, LPAs should use their Standard Method figure for monitoring purposes.



## **Current Circumstances**

### **Cherwell Local Plan 2011-2031**

9. Since the publication of the 2021 AMR, there has been a material change in circumstances to warrant a change to the standard method for the purpose of assessing housing land supply for Cherwell.
10. In December 2022 the Council published a Housing and Economic Needs Assessment (HENA) produced jointly with Oxford City Council to inform their respective Local Plan processes. THE HENA considers the Oxfordshire's Functional Economic Market Area (FEMA) and the Oxfordshire Housing Market Area (HMA).
11. The HENA is new up to date evidence of housing need, which provides an assessment of housing need which is materially different to that in the 2014 SHMA. It indicates that the 2014 SHMA is now out of date. This is the conclusion of a 'Regulation 10A' review of the strategic policies in the Cherwell Local Plan 2011-2031 presented to the Council's Executive on 6 February 2022. As the housing requirement in the adopted strategic policies in the 2015 Local Plan is based on the 2014 SHMA, it further indicates that these strategic policies do, in the words of NPPF para 74 and footnote 39, require updating.
12. In view of these circumstances, it is appropriate to apply the standard methodology for the assessment of local housing need for Cherwell for the purpose of calculating the five-year housing land supply.

### **Cherwell Local Plan 2011-2031 Partial Review – Oxford's Unmet Housing Needs**

13. A partial review of the Local Plan to meet Oxford's unmet needs was adopted in September 2020. The Partial Review makes provision for 4,400 homes over the plan period of which 1,700 are to be delivered 2021-2026 and the remaining homes by 2031 (i.e. over a 10-year period). This results in a stepped housing requirement as follows:

Year	2021/22 – 2025/26	2026/27 – 2030/31	Total
Housing requirement	340 x 5 years	540 x 5 years	4400

14. Policy 12a of the Partial Review states:  
"The Council will manage the supply of housing land for the purpose of constructing 4,400 homes to meet Oxford's needs. A separate five-year housing land supply will be maintained for meeting Oxford's needs".
15. As the Partial Review Plan is not yet five years old (adopted in 2020), there is no justification to change the approach to monitoring land supply associated with this plan.
16. Furthermore, the unmet need figure is fixed, following agreement through a duty-to-cooperate process, and has recently been found sound and adopted after examination of Oxford City's Local Plan and Cherwell's Partial Review Plan (amongst others), and so the reliance on the 2014 SHMA is less important. As the adopted strategic policies (which contain the unmet need component of the housing requirement) in the Partial Review Plan are less than five years old, the Standard Method does not apply for the purposes of calculating unmet need for Oxford.

17. The evidence provided by the 2022 HENA will update the quantum of unmet need to be planned for in Cherwell, but this will not apply until the emerging Cherwell 2040 Local Plan Review has been subject to Examination and is adopted. In view of these circumstances, the housing requirements of the Partial Review of the Local Plan will be applied for the purpose of calculating the five-year housing land supply for Cherwell's contribution to Oxford's unmet housing need.

### **Five Year Housing Land Supply Assessments**

18. The standard method local housing need figure for Cherwell District is presently 710 dwellings per annum (dpa). This figure has been calculated using the Government's Planning Practice Guidance, in accordance with NPPF paragraph 74 footnote 39. A requirement of 710 homes per annum will therefore be applied to assessing the five year supply of deliverable housing sites for Cherwell. This figure has been used at recent appeals, for example in relation to a site in Finmere, and accepted by Inspectors. The latest government standard method figure for Cherwell will be used in any future updates on supply.
19. The NPPF defines the word 'deliverable':  
"Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.
20. In particular:  
  
<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>  
a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).  
b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."  
Paragraph 74 also states that: "The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:  
a) 5% to ensure choice and competition in the market for land; or  
b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or  
c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply."
21. Footnote 40 does not apply as the Local Plan Part 1 is not recently adopted. It should also be noted that at the present time the Council has not decided to submit an annual position statement on its five-year supply to the Planning Inspectorate for consideration for the Partial Review.
22. Footnote 41 cross-refers to the Government's Housing Delivery Test results whereby if delivery is under 85% then the Council needs to apply a 20% buffer to the

deliverable supply. The most recent Housing Delivery Test result for Cherwell is 153% therefore the 5% buffer under paragraph 74 a) should be applied to the five-year supply calculation.

### **Cherwell's Five Year Housing Land Supply**

23. A Housing Delivery Monitor is below setting out the district's position in relation to housing completions, permissions, and housing supply from deliverable and other sites.
24. The AMR contains the details of housing completions since the base date of the Local Plan (1 April 2011).
25. Under the Government's standard method there is no need to take any shortfall prior to the base date of the five-year housing land supply calculation into account.
26. Cherwell has a range of small and strategic sites which are being built out. As reported in the AMR there were 1,318 completions in the 2022/23 monitoring year from a range of sites including small rural sites and large, strategic allocations.
27. The Housing Delivery Monitor details the sources of supply for the period from April 2023 to align with the monitoring year and historic monitoring data.
28. Evidence on the deliverability of sites including information on anticipated buildout has been recorded as of November 2023. This is reflected in the commentary that accompanies all deliverable and developable supply included within the Housing Delivery Monitor to provide an accurate picture of available supply.
29. Sources of evidence include:
  - Questionnaires sent to all known agents/developers requesting updates on projected buildout
  - Discussions with Development Management Officers and other council departments engaged in the delivery of sites
  - A review of Building Control Records to establish if notices have been received to indicate that developers are aligning the necessary additional consents ahead of construction.

30. A summary of supply from deliverable sites over the five year period is shown below:

	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	5 year Supply	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions
<b>CDC Total Supply</b>	<b>853</b>	<b>761</b>	<b>703</b>	<b>890</b>	<b>914</b>	<b>4121</b>	<b>969</b>	<b>1049</b>	<b>1033</b>	<b>9457</b>	<b>7172</b>
Banbury Supply	275	286	282	285	355	1483	395	485	460	1147	<b>2823</b>
Bicester Supply	231	86	110	199	175	801	300	300	273	7923	<b>1674</b>
Other Areas	347	389	311	281	259	1587	74	64	100	387	<b>1825</b>
Windfall	0	0	0	125	125	250	200	200	200	0	<b>850</b>

31. Developers have told us that challenging market conditions may result in a slight drop off in supply in the short term but towards the middle and end of the 5 year period delivery is expected to pick up as conditions improve. Inflation is likely to have peaked meaning that the cost of lending is likely not to increase further and may come down. Market conditions, such as increased build costs, also do not necessarily mean that delivery will be slow just that the margins achieved by developers for sales are lower in some cases.
32. None of projected supply figures in the years within the 5 year period are higher than the number of completions achieved in Cherwell District in recent years, for example 1318 in 2022/23 and 1175 in 2021/22. The Council's latest monitoring for 2023/24 shows that sites continue to deliver new homes and there are a significant number of planning permissions in place. The 5 year projection is considered reasonable and robust on this basis.

### **Banbury**

33. Strategic allocations in Banbury account for most of the supply in Banbury over the next 5 years (1483 dwellings). These are predominantly from South of Salt Way (Banbury 17), Drayton Lodge Farm (Banbury 18) and land west of the Southam Road (Banbury 2) dwellings. Most of the remaining supply is from a mixture of smaller allocated sites in the urban area and unallocated sites with planning permission.
34. Strategic sites in Banbury have a recent history of development starting within 5 years of an outline permission being granted. For example at land east of the Southam Road (Banbury 2), the outline permission was initially granted in December 2013, development started in 2015, completions were being recorded by 2016 and the site was completed in 2022. At land west of Bretch Hill (Banbury 3), the outline permission was initially granted in March 2016, development started in 2016, completions were recorded in this same year and the site is almost complete in 2023.

At Salt Way (Banbury 17), outline permission was granted for part of the site in 2018, development started in 2021 and completions recorded in 2022. The Council expects this trend of speedy delivery from the grant of outline permission to continue going forward with often the same house builders remaining in the town and on sites.

35. Strategic housing sites at Banbury, including Longford Park, West of the Warwick Road, east of the Southam Road, Saltway and north of Hanwell Fields have delivered on average 85 dwellings per annum between 2018 and 2023. On sites in Banbury that provide for the future supply there is more than one developer/promoter which is likely to lead to faster delivery.

### **Bicester**

36. Delivery at Bicester has been somewhat slower than at Banbury with many of the allocations still only at Outline stage. Whilst the projection for delivery is still significant at some 851 homes over 5 years this is substantially below that envisaged in the 2015 plan.
37. There are several reasons for this including the delivery of essential infrastructure to deliver growth. Cherwell District Council is working proactively with partners including Homes England to unlock development. As of November 2023 when updating the Housing Delivery Monitor a cautious approach has been taken in assessing delivery. For example, it is anticipated that delivery from Northwest Bicester will be around 100 dwellings in the proceeding 5 year period with the remainder expected to come forward in years 6-9 and beyond the plan period. Progress is being made towards granting reserve matters consent for outline permissions at North West Bicester. Planning permission was also granted on appeal for 530 dwellings at North West Bicester. Dwellings permitted from this site have not been included within the 5 year period despite it being within the Local Plan allocation as its granting was relatively recent. However, dwellings may be delivered at the end of the 5 year period. Bicester is a sustainable location for development and has a record of delivery more generally with over 1700 dwellings at South West Bicester being delivered in the last circa 20 years.

### **Other Areas**

38. Other Areas are expected to deliver 1587 homes over the next 5 years. The majority of the supply will come from Heyford Park. There are three developers/promoters at Heyford Park on sites that will contribute to future supply. Most of the site will be developed by Dorchester who is a long standing and active developer on the site. Dorchester Living are in partnership with Picture Living who will deliver private rented dwellings. An average of 100 new homes a year have been built on the site over the last 5 years. It is anticipated that this level of delivery will continue, including within the 5 year period. Dorchester actually anticipate that they will deliver 200 dwellings per year in the medium term. Discussions are occurring with the developer concerning future reserved matters applications which are expected shortly. Smaller sites in Cherwell generally have a history of being built out within 5 years of the grant of permission.

## Windfalls

39. No windfall allowance is included within the deliverable supply for the first 3 years. This is to avoid double counting as the known sites are included within the allowance for small sites (sites less than 10 dwellings) or, where they are larger than 10 dwellings are included within the monitor. After year 3 an allowance of 125 dwellings is included. This reflects past trends. Windfall completions on small sites have averaged 140 per year since 2011.

## Calculation of Cherwell's five year housing land supply

40. Using the standard method local housing need figure as the requirement and the projected supply for the period 2023-28, the five-year housing land supply calculation for the district is set out below.
41. The five-year housing land supply position in the district excluding the Partial Review area is **5.5** years.

Step	Description	Five year period 2023 to 2028
a	Requirement (2023 – 2031) Standard Method	5680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	5 year requirement plus 5% buffer (C + 5%)	3,728
e	Revised annual requirement over next 5 years (d/5)	745.6
f	Deliverable supply over next 5 years	4121
g	Total years supply over next 5 years (f/e)	<b>5.53 years</b>
h	Surplus (f-d)	393

## Partial Review five housing land supply – Oxford’s unmet housing needs

42. There has been progress on the allocated sites within the Partial Review area since the last monitoring update with several of the development briefs now adopted, applications submitted and some approved. With the Partial Review adopted recently in September 2020, a legal challenge taking place into 2021, and development briefs required to be completed, significant progress on these sites has been achieved. 80 homes in total is considered to be a reasonable assumption based on discussions with case officers and information received from the development industry and promoters. Nevertheless, this leaves a land supply in the partial review area as **0.1** years or a shortfall of some 2,839 dwellings. Discussions are continuing with promoters and developers on submitting further applications shortly.

Step	Description	Five year period 2023 to 2028
a	Partial Review requirement 2021-26	1,700
b	Annual Requirement (a / 5)	340
c	Partial Review requirement 2026-31	2,700
d	Annual Requirement (c / 5)	540
e	Requirement to date (b x years)	680
f	Completions 2021-23	0
g	Shortfall at 31/3/23 (f - e)	680
h	Base requirement over next 5 years ((b x 3) + (d x 2))	2100
i	Base requirement over next 5 years ((b x 3) + (d x 2) plus shortfall	2780
j	Base requirement over next 5 years plus 5% buffer (i x 1.05)	2919
k	Revised Annual Requirement over next 5 years (j / 5)	584
l	Deliverable Supply over next 5 Years	80
m	Total years supply over next 5 years (l / k)	<b>0.1</b>
N	'Shortfall' (f – d)	2,839

Appendix 1 - Five Year Land Supply Position Statement - (Excluding sites completed at 31 March 2022)																				
Area	Category	Site name and address	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/23 (net)	Completions to 31/03/23 - land supply sites (excludes historic completions)	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions to 2031	
Banbury	BANBURY 1 - BANBURY CANALSIDE	Canalside	18/00293/OUT Caravan site, Station Road	Allocation	Outline permission for 63 dwellings expired in June 2022. A new outline application for 63 dwellings (22/01564/OUT) at Station Road was approved in July 2023 subject to signing of a section 106 agreement. Site is part of a wider allocation in the adopted Cherwell Local Plan and the wider site is proposed to be allocated for mixed use development in the draft Local Plan Review 2040. Projection allows sufficient time (circa 3 years) for reserve matters submission and determination.	Lapsed	Deliverable	0	0	0	0	0	33	30	0	0	0	0	0	63
Banbury	BANBURY 1 - BANBURY CANALSIDE	Canalside	18/01569/F Robert Keith Car Sales	Allocation	Previous application has lapsed. However work has started on site with former buildings set to be demolished. A new application (23/00276/F) received in February 2023 to vary a condition was permitted in May 2023. This is a full application, allowing development to commence towards the beginning of the 5 year period.	Lapsed	Deliverable	0	0	0	9	10	0	0	0	0	0	0	0	19
Banbury	BANBURY 1 - BANBURY CANALSIDE	Canalside	Remainder of the Banbury 1 Allocation	Allocation	This is the remainder of the strategic allocation in the adopted Local Plan 2011-2031 for 700 homes (Banbury 1). Work on the Supplementary Planning Document has been put on hold . This is a developable site as planning permission has yet to be secured. Site to be kept under review through the Draft Local Plan Review. However, at the current time it remains allocated and developable should an application come forward.	Allocation	Developable	0	0	0	0	0	0	0	0	100	100	372	200	
Banbury	BANBURY 2 - HARDWICK FARM, SOUTHAM ROAD (EAST AND WEST)	Land East of Southam Road	13/00159/OUT Multiple Full and RMs	Allocation Reserved matters	Complete	Complete	Complete	0	537	0	0	0	0	0	0	0	0	0	537	
Banbury	BANBURY 2 - HARDWICK FARM, SOUTHAM ROAD (EAST AND WEST)	Land West of Southam Road	18/00273/OUT 19/02226/RE M	Allocation Reserved matters	One part of a strategic allocation in the adopted Local Plan 2011-2031 (Banbury 2). Reserved Matters for 90 dwellings is secured by Sanctuary Housing. All conditions discharged. Section 73 application being considered regarding lighting impact during development on ecology but expected to be resolved shortly. Ground works have started on site in 2023 and are continuing. Beechgrove homes are the developer and are advertising the opportunity to purchase the homes.	Granted	Deliverable	90	0	0	45	45	0	0	0	0	0	0	90	



Area	Category	Site name and address	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/23 (net)	Completions to 31/03/23 - land supply sites (excludes historic completions)	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions to 2031	
Banbury	BANBURY 3 - WEST OF BRETCH HILL	West of Bretch Hill	13/00444/OUT 17/00189/F	Allocation Full	The site is currently under construction by Bloor Homes with the majority of the homes already built. Developer remains on site with no known significant barriers to the remainder of the dwellings being completed.	Under construction	Deliverable	35	445	35	0	0	0	0	0	0	0	0	0	480
Banbury	BANBURY 4 - BANKSIDE PHASE 2	Bankside Phase 2	19/01047/OUT	Allocation Outline	Planning application for 700 dwellings (17/01408/OUT) was received in June 2017. A new application (19/01047/OUT) for a residential development of up to 825 dwellings was approved subject to legal agreement in July 2021. It is assumed that 2 housebuilders will be on site at a peak of 50 homes per year per developer. The expected delivery rates allow sufficient lead-in time for Outline and Reserved Matters approvals and construction time. Five years from the base date is considered sufficient time for the first dwellings to come forward.	-	Deliverable	0	0	0	0	0	0	50	100	100	100	475	350	
Banbury	BANBURY 5 - NORTH OF HANWELL FIELDS	North of Hanwell Fields	15/01589/REM Persimmon Phase 2	Allocation Reserved matters	Complete	Complete	Deliverable	0	515	0	0	0	0	0	0	0	0	0	515	
Banbury	BANBURY 5 - NORTH OF HANWELL FIELDS	North of Hanwell Fields	19/02126/F Persimmon Phase 3	Allocation Full	Complete	Complete	Deliverable	0	36	0	0	0	0	0	0	0	0	0	36	
Banbury	BANBURY 5 - NORTH OF HANWELL FIELDS	North of Hanwell Fields	18/01206/OUT Broken Furrow Outline	Allocation Reserved matters	Outline permission for up to 46 homes was secured n March 2020. Reserved matters application (21/00056/REM) was approved in November 2021. The site is almost is complete. Built by Kendrick homes.	Under construction	Deliverable	12	27	12	0	0	0	0	0	0	0	0	39	
Banbury	BANBURY 8 - BOLTON ROAD	Bolton Road	21/04202/F	Allocation Full	Planning application 21/04202/F for the redevelopment of the Former Buzz Bingo, Bolton Road for 80 retirement living apartments including communal facilities, access, car parking and landscaping was submitted in December 2021 and was permitted in August 2022. Ground works have started on the site and is beng built by Churchill Living.	Granted	Deliverable	80	0	0	40	40	0	0	0	0	0	0	80	
Banbury	BANBURY 8 - BOLTON ROAD	Bolton Road	-	Allocation	The former Buzz Bingo site has been granted permission (ref 21/04202/F) for 80 retirement living appartments and is under construction. This is the remainder of the site which is developable only for the remaining 120 dwellings. The site is identified in the draft Cherwell Local Plan Review 2040.		Developable	0	0	0	0	0	0	0	0	60	60	0	120	

Area	Category	Site name and address	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/23 (net)	Completions to 31/03/23 - land supply sites (excludes historic completions)	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions to 2031
Banbury	BANBURY 16 - LAND SOUTH OF SALT WAY AND WEST OF BLOXHAM ROAD	Land South of Salt Way and West of Bloxham Road	14/01188/OUT 17/00669/RE M 18/01973/RE M	Allocation Reserved matters	The site is being developed by Redrow Homes and is very advanced with nearly all the homes built. 75 completions were recorded in 2022/3 and the Council's latest monitoring identifies further completions during 2023/24. There are no known restrictions meaning the remainder of the site cannot be completed. Build out rates on site and in Banbury generally also support this conclusion.	Under construction	Deliverable	72	271	72	0	0	0	0	0	0	0	0	343
Banbury	BANBURY 17 - SOUTH OF SALT WAY	South of Salt Way - East	12/00080/OUT 14/01225/RE M	Allocation Reserved matters	Complete		Complete	0	145	0	0	0	0	0	0	0	0	0	145
Banbury	BANBURY 17 - SOUTH OF SALT WAY	South of Salt Way - East	15/01326/OUT 19/00895/RE M	Allocation Reserved matters	Reserved Matters is secured and the site is being developed by David Wilson Homes and Barrett. 131 completions were recorded in 2022/3 and the Council's latest monitoring identifies further completions during 2023/24. Two house builders on site means that the site will be delivered early within the 5 year period. Projection is consistent with build rates on this site and in Banbury generally in recent years.	Under construction	Deliverable	101	179	75	26	0	0	0	0	0	0	0	280
Banbury	BANBURY 17 - SOUTH OF SALT WAY	South of Salt Way - East	21/03639/F	Allocation	Planning application 21/03639/F for a re-plan of the western parcel of 19/00895/REM for 107 dwellings, that is an additional 23 dwellings to the 84 already consented for this part of the site, was approved subject to legal agreement in May 2022. Two house builders on site means that the site will be completed within the 5 year period.	Granted	Deliverable	0	0	0	0	23	0	0	0	0	0	0	23

Area	Category	Site name and address	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/23 (net)	Completions to 31/03/23 - land supply sites (excludes historic completions)	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions to 2031	
Banbury	BANBURY 17 - SOUTH OF SALT WAY	South of Salt Way - East	14/01932/OUT	Allocation Outline	Outline permission for the 1000 homes is secured. This covers the remaining area of the site which is the majority of the strategic allocation. Reserved matters for two of the development parcels (22/02068/REM) were permitted in April 2023 for 237 dwellings. Reserved matters has also been granted for a spine road (20/03702/REM) and link road (20/03724/REM) serving the school and a foul water pumping station (21/03950/REM). No known delays in developers starting on site, conditions discharged, S106 obligations varied to allow early road construction to facilitate speedier development (21/00653/M106), ground works in place. Infrastructure will be delivered based on the number of occupations meaning that there will be no significant delays in delivering the homes permtted. Persimmon homes are developing the 237 homes in Phases 1 & 3. Discussions are underway on reserve applications for further phases. Charles Church is currently preparing an application (anticipated Dec. '23) for the Phase 2 land (south of Phases 1 & 3 – zoned for 110-122 dwellings). Projection is consistent with build rates on this site and in Banbury generally in recent years. There are two house builders on site. A significant proportion of the site is forecast to be completed within the 5 year period. Developer has indicated that development is likely to be delivered in line with the projection.	Granted	Deliverable	1000	0	50	75	75	100	100	100	100	100	100	300	700
Banbury	BANBURY 18 - DRAYTON LODGE FARM	Drayton Lodge Farm	18/01882/OUT	Allocation Outline	Outline permission for up to 320 dwellings is secured. The site was acquired by Vistry Group which consist of Bovis Homes and Linden Homes in November 2020. Reserved matters application (22/02357/REM) has now been approved in May 2023. Most conditions have now been discharged. Projection is consistent with build rates in Banbury generally in recent years. Developer has estimated that the majority of the site will be built out in 5 year period and they will start on site in early 2024.	Granted	Deliverable	320	0	0	50	50	75	75	70	0	0	0	320	

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Area	Category	Site name and address	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/23 (net)	Completions to 31/03/23 - land supply sites (excludes historic completions)	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions to 2031	
Bicester	BICESTER 1 - NORTH WEST BICESTER	North West Bicester Eco-Town Exemplar Project	19/01036/HYB RID Mixed use centre	Allocation Hybrid	Full planning permission for 16 flats above the local centre units is secured. The Council's latest monitoring information shows that construction of the local centre units has started. Delivery is currently expected in 2024.	Granted	Deliverable	16	0	0	16	0	0	0	0	0	0	0	0	16
Bicester	BICESTER 1 - NORTH WEST BICESTER	North West Bicester Eco-Town Exemplar Project	21/01227/F Elmsbrook phase 4 partial replan	Allocation Full	This is a partial re-plan of the western part of phase 4 and proposes an additional 3 dwellings to the 54 originally approved on this part of the site under 10/01780/HYBRID. The site is being developed by Crest Nicholson and the Council's latest monitoring information shows that the site is almost complete.	Under construction	Deliverable	25	32	25	0	0	0	0	0	0	0	0	57	
Bicester	BICESTER 1 - NORTH WEST BICESTER	North West Bicester Phase 2	14/02121/OUT	Allocation Outline	Outline planning permission for 1700 homes on land to the north of Middleton Stoney Road, forming part of the wider North West Bicester strategic allocation was secured by P3EcoLtd on 30 January 2020. A Reserved Matters application (21/02339/REM) for 500 of the 1700 homes (forming phase 1) was submitted on behalf of Countryside Properties in July 2021 and was subsequently withdrawn. Applications continue to be submitted for Discharge of Conditions (including Phasing Plan and Design Code) and Reserved Matters for access arrangements, road layouts and a first residential phase of 123 dwellings (23/00214/REM, 23/00170/REM, 23/01493/REM and 23/01586/REM and 23/00207/DISC, 23/01496/DISC and 23/01558/DISC). The active engagement between developer (Cala homes) and Council relating to delivery of Reserved Matters are separate to restrictions imposed by infrastructure delivery as 500 dwellings are permitted on the site for 1700 dwellings prior to strategic infrastructure needing to be in place. Cala homes have submtted a phasing plan which indicates development will start in 2024. Due to the absence of reserved matters permission the site will not deliver homes before 2026/27.	Granted	Deliverable	1700	0	0	0	0	50	50	50	50	50	1450	250	

Area	Category	Site name and address	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/23 (net)	Completions to 31/03/23 - land supply sites (excludes historic completions)	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions to 2031	
Bicester	BICESTER 1 - NORTH WEST BICESTER	North West Bicester Phase 2 (Remainder)	17/00455/HYB RID 21/01630/OUT 21/04275/OUT Hawkwell Village	Allocation Outline	Outline application 14/01675/OUT for employment development and 150 dwellings on land to the south west of the railway line was allowed at appeal in November 2017. Application 17/00455/HYBRID for highways and residential development (150 dwellings), submitted on behalf of Albion Land was approved on 7 August 2017. Application for employment uses (21/3177/F) was approved in July 2022. Employment development has been built in the south east corner of the north west Bicester site. Application 14/01641/OUT for 900 dwellings was approved subject to legal agreement in October 2015. Application made by Hallam land management in December 2021 for 3100 homes but has yet to be determined. To support NW Bicester, 2 bridges were installed under the railway at the start of April 2021. The delivery of roads is to follow and work is ongoing to resolve any funding gaps. The Council is working closely with the promoters of the site and other agencies to move the site forward and provide the necessary infrastructure and funding to unlock the remaining phases. However, this site can only be considered developable at this stage. Part of the wider site granted at appeal for 530 dwellings in July 2023 could also be delivered prior to strategic infrastructure being in place and there is some prospect that this could see delivery starting within 5 years.		Developable	0	0	0	0	0	0	0	0	50	50	50	3738	150
Bicester	BICESTER 2 - GRAVEN HILL	Graven Hill	16/01802/OUT Outline remainder	Allocation Outline	Outline application has lapsed meaning that dwellings are not expected to be delivered during the 5 year period.	Lapsed	Developable	0	0	0	0	0	0	0	0	50	50	50	945	150
Bicester	BICESTER 2 - GRAVEN HILL	Graven Hill	20/02345/LDO (expired) 20/02345/LDO Local Development Order variuos confirmations of compliance 22/02312/RE M	Allocation Local Development Order	A revised Local Development Order for 276 plots was adopted in November 2020 which, along with 17/02107/LDO (now expired), helped facilitate the delivery of initial self-build dwellings on the site. This is a self-build development with primarily 1 housebuilder. Several of these plots are now under construction. The current LDO will remain in force until December 2023. Existing permissions expected to be delivered over the next 5 year period based on past site delivery rates and some short term uncertainty on delivery mechanisms.	Under construction	Deliverable	141	135	25	25	25	25	41		0	0	0	276	
Bicester	BICESTER 2 - GRAVEN HILL	Graven Hill	Various RMs	Allocation Reserved matters	Existing permissions expected to be delivered over the next 5 year period based on past site delivery rates.	Under construction	Deliverable	184	344	25	25	50	50	34	0	0	0	0	528	

Area	Category	Site name and address	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/23 (net)	Completions to 31/03/23 - land supply sites (excludes historic completions)	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions to 2031	
Bicester	BICESTER 2 - GRAVEN HILL	Graven Hill	Allocation remainder	Allocation	The remaining 200 homes will be provided on land at Langford Park. This is a developable site and will be kept under review.	-	Developable	0	0	0	0	0	0	0	0	0	0	0	200	0
Bicester	BICESTER 3 - SOUTH WEST BICESTER PHASE 2	South West Bicester Phase 2	13/00847/OUT Outline remainder	Allocation Outline	Outline permission for up to 709 homes was secured in May 2017. 60 homes remain as commitments under this Outline permission. Forecast delivery of specialist housing for older people corresponds to requirements in signed legal agreement. Discussions on-going with developer/promoter. Planning application expected in November 2023. Application for alternative scheme for 82 homes likley to be made. This demonstrates on-going commitment to bringing the site forward. Infrastructure works including roads and utilities are already in place to service the parcel.	Granted	Deliverable	60	0	0	0	0	60	0	0	0	0	0	0	60
Bicester	BICESTER 3 - SOUTH WEST BICESTER PHASE 2	South West Bicester Phase 2	18/00647/RE M Parcel H and I	Allocation Reserved matters	The site is currently under construction by Cala Homes with most of the site built. Developer anticipates that the site will be built out early in the 5 year period.	Under construction	Deliverable	55	192	50	5	0	0	0	0	0	0	0	0	247
Bicester	BICESTER 3 - SOUTH WEST BICESTER PHASE 2	South West Bicester Phase 2	18/01777/RE M Parcels N, O and P	Allocation Reserved matters	Complete	Complete	Complete	0	176	0	0	0	0	0	0	0	0	0	0	176
Bicester	BICESTER 3 - SOUTH WEST BICESTER PHASE 2	South West Bicester Phase 2	19/02225/RE M Parcels J, L and M	Allocation Reserved matters	The site is currently under construction by Barratt David Wilson with nearly all of the homes already built. Developer anticipates that the site will be built out early in the 5 year period.	Under construction	Deliverable	29	197	29	0	0	0	0	0	0	0	0	0	226
Bicester	BICESTER 10 - BICESTER GATEWAY BUSINESS PARK	Bicester Gateway Business Park, Wendlebury Road, Bicester	20/00293/OUT	Allocaton Outline	Outline planning permission in place for allocated site. Reserved Matters applied for in respect of employment (knowledge cluster) elements (22/02025/REM) 21/02723/OUT – planning permission for variation of condition of 20/00293/OUT to remove co-working hub – Planning permission granted 12 October 2021. Will de-link the delivery of the hub and residential development allowing for faster delivery. The residential scheme indicated blocks of apartments which would enable swifter delivery due to the nature of the development. Discussions occuring with developer, who is the landowner, on developing site for new homes.	Granted	Deliverable	273	0	0	0	0	0	50	50	50	23	100	173	



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Area	Category	Site name and address	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/23 (net)	Completions to 31/03/23 - land supply sites (excludes historic completions)	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions to 2031	
Other Areas	VILLAGES 5 - FORMER RAF UPPER HEYFORD	Former RAF Upper Heyford	17/02006/RE M Parcel B3 partial re-plan	Allocation Reserved matters	Complete	Complete	Complete	0	21	0	0	0	0	0	0	0	0	0	0	21
Other Areas	VILLAGES 5 - FORMER RAF UPPER HEYFORD	Former RAF Upper Heyford	17/00983/RE M Parcels B4A and B4B	Allocation Reserved matters	The site is being developed by Vistry Homes and the site is almost complete.	Under construction	Deliverable	50	50	50	0	0	0	0	0	0	0	0	0	100
Other Areas	VILLAGES 5 - FORMER RAF UPPER HEYFORD	Former RAF Upper Heyford	19/00439/RE M Phase 7A	Allocation Reserved matters	Complete	Complete	Complete	0	11	0	0	0	0	0	0	0	0	0	0	11
Other Areas	VILLAGES 5 - FORMER RAF UPPER HEYFORD	Former RAF Upper Heyford	19/00440/RE M Phase 8A	Allocation Reserved matters	Complete	Complete	Complete	0	24	0	0	0	0	0	0	0	0	0	0	24
Other Areas	VILLAGES 5 - FORMER RAF UPPER HEYFORD	Former RAF Upper Heyford	19/00446/F Phase 5D	Allocation Full	Complete	Complete	Complete	0	11	0	0	0	0	0	0	0	0	0	0	11
Other Areas	VILLAGES 5 - FORMER RAF UPPER HEYFORD	Former RAF Upper Heyford	19/00446/F Trenchard	Allocation Full	Complete	Complete	Complete	0	31	0	0	0	0	0	0	0	0	0	0	31
Other Areas	VILLAGES 5 - FORMER RAF UPPER HEYFORD	Former RAF Upper Heyford	19/00446/F Phase 8C	Allocation Full	Complete	Complete	Complete	0	15	0	0	0	0	0	0	0	0	0	0	15
Other Areas	VILLAGES 5 - FORMER RAF UPPER HEYFORD	Former RAF Upper Heyford	16/02446/F Phase 9	Allocation Full	Phase 9 of the development at Heyford Park is under construction by Dorchester Living. The Council's latest monitoring shows that development has started on a significant proportion of the homes not yet built. Dorchester anticipates phase 9 to be completed by 2026/27.	Under construction	Deliverable	218	78	50	75	93	0	0	0	0	0	0	0	296
Other Areas	VILLAGES 5 - FORMER RAF UPPER HEYFORD	Former RAF Upper Heyford	15/01357/F	Allocation	A full application for 89 homes on a greenfield site within the strategic allocation by Pye Homes was approved subject to legal agreement in January 2022. Application permitted in September 2023 with the section 106 signed. Application (22/03063/F) now submitted by David Wilson homes resulting in additional dwellings and expected to be determined shortly. Anticipated legal agreement in line with existing agreement. Further developer interest indicates delivery within the 5 year period.	-	Deliverable	0	0	0	19	30	40	0	0	0	0	0	0	89

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Area	Category	Site name and address	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/23 (net)	Completions to 31/03/23 - land supply sites (excludes historic completions)	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions to 2031
Other Areas	OTHER AREAS - UNALLOCATED SITES (10 or more dwellings)	The Ley Community, Sandy Lane, Yarnton	20/01561/F	Full	Full planning permission is secured and the Council's latest monitoring information shows that all 10 homes are under construction. Sweetcroft homes are the developer.	Granted	Deliverable	10	0	10	0	0	0	0	0	0	0	0	10
Other Areas	OTHER AREAS - UNALLOCATED SITES (10 or more dwellings)	Kidlington Garage, 1 Bicester Road, Kidlington	22/00017/F	Full	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.		Deliverable	0	0	0	0	15	0	0	0	0	0	15	
Other Areas	OTHER AREAS - SMALL SITES (1 to 9 dwellings)	-	-	WINDFALL	Small sites with permission	Small sites	Deliverable	202	876	70	70	62	0	0	0	-	-	-	1078
Windfall	Small sites windfall	District-wide small sites windfall allowance	-	WINDFALL	Windfall completions on small sites have averaged 140 per year since 2011.	Small sites	Deliverable	-	-	0	0	0	125	125	100	100	100	-	550
Windfall	Large sites windfall	District-wide large sites windfall allowance	-	WINDFALL	Windfalls expected from large sites		Deliverable	-	-	0	0	0	0	0	100	100	100	-	300
										853	761	703	890	914					

TOTALS	8001	9448	853	761	703	890	914	969	1049	1033	9457
4121											

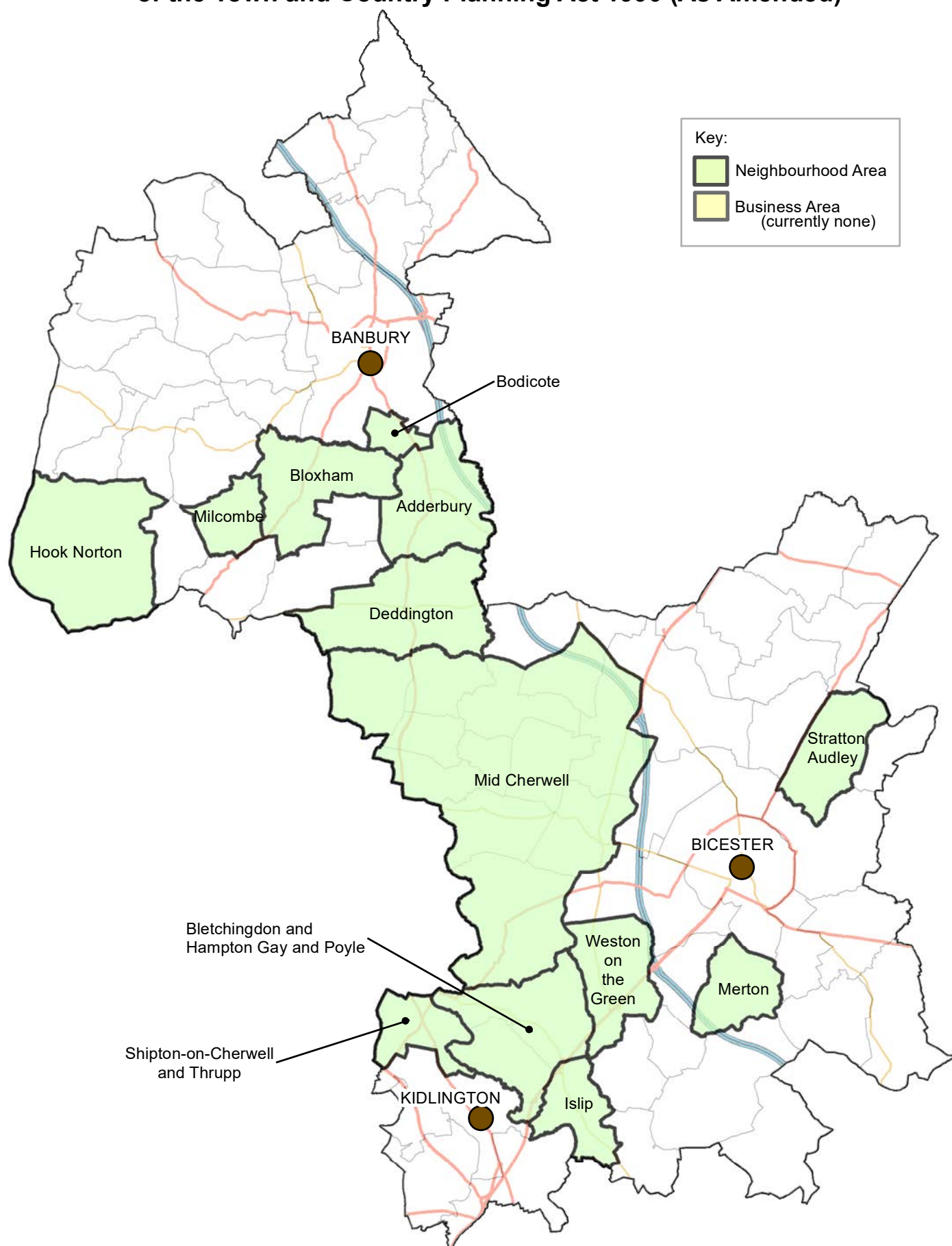
5.5 years supply

Area	Category	Site name and address	Site Area (ha)	Local Plan status	Planning application reference	Permission type (Allocation, Full, Outline, Reserved Matters)	Available and achievable evidence	Scheme status at 01/04/23	Conclusion	Planning Permissions at 31/03/23 minus units built & recorded at 31/03/25 (net)	Completions 01/04/11 to 31/03/23	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Post 2031	Total Completions and Projected Completions 2011-2031
Kidlington area	PARTIAL REVIEW SITES - OXFORD'S UNMET NEED	Land East of Oxford Road, North Oxford	48	Local Plan allocation (2020) - PR6a (690 homes)	-	Allocation	A Scoping Opinion has been received. A draft Development Brief was subject to public consultation between January and March 2022 and is due for approval shortly. The expected delivery rates allow for lead-in times of planning applications (outline followed by reserved matters) and construction.	-	Developable	0	0	0	0	0	0	0	25	50	50	565	125
Kidlington area	PARTIAL REVIEW SITES - OXFORD'S UNMET NEED	Land West of Oxford Road, North Oxford	32	Local Plan allocation (2020) - PR6b (670 homes)	-	Allocation	A draft Development Brief was subject to public consultation between January and March 2022 and is due for approval shortly. The expected delivery rates allow for lead-in times of planning applications (outline followed by reserved matters) and construction.	-	Deliverable	0	0	0	0	0	0	30	75	75	100	390	280
Kidlington area	PARTIAL REVIEW SITES - OXFORD'S UNMET NEED	Land South East of Kidlington, Kidlington	32	Local Plan allocation (2020) - PR7a (430 homes)	-	Allocation	Outline application (22/00747/OUT) for 370 homes was approved subject to section 106 in October 2023. The expected delivery rates allow for lead-in times of planning applications (reserved matters) and construction. Planning application (22/03883/F) received for the site from Hill residential for 96 dwellings which is due for consideration shortly.	-	Deliverable	0	0	0	0	0	0	30	50	100	100	150	280
Kidlington area	PARTIAL REVIEW SITES - OXFORD'S UNMET NEED	Land at Stratfield Farm, Kidlington	10.5	Local Plan allocation (2020) - PR7b (120 homes)	-	Allocation	A Development Brief for the site was approved in November 2021. Outline application (22/01611/OUT) for 118 homes was submitted on behalf of a housebuilder (Manor Oak Homes) in May 2022 and was approved subject to section 106 in October 2023. Full application (22/01756/F) for alterations and repairs to farmhouse and annexe; refurbishment and partial rebuilding of existing outbuildings to provide 2 no dwellings and erection of 2 no new dwellings was submitted in June 2022 and was approved in October 2023. The expected delivery rates allow for lead-in times of planning applications (reserved matters) and construction.	-	Deliverable	0	0	0	0	0	0	20	30	40	30	0	120
Kidlington area	PARTIAL REVIEW SITES - OXFORD'S UNMET NEED	Land East of the A44, Begbroke	190	Local Plan allocation (2020) - PR8 (1950 homes)	-	Allocation	The expected delivery rates allow for lead-in times of planning applications (outline followed by reserved matters) and construction. A development brief is in preparation between the Council and promoters. Planning application (23/02098/OUT) submitted for circa 1800 homes and other uses.	-	Developable	0	0	0	0	0	0	0	50	100	225	1575	375
Kidlington area	PARTIAL REVIEW SITES - OXFORD'S UNMET NEED	Land West of Yarnton, Yarnton	99	Local Plan allocation (2020) - PR9 (540 homes)	-	Allocation	A Development Brief for the site was approved in November 2021. Outline application (21/03522/OUT) for 540 homes was submitted in October 2021 and is pending consideration. An appeal has been submitted against non-determination. The expected delivery rates allow for lead-in times of planning applications (outline followed by reserved matters) and construction.	-	Deliverable	0	0	0	0	0	0	0	75	75	75	315	225
												0	0	0	0	80	305	440	580	2995	1405

## **Appendices**

### **Appendix 2: Neighbourhood Planning Parishes Map (November 2023)**

**Cherwell District Council**  
**Neighbourhood and Business Area Designations**  
**Under Sections 61G (8) and 61H (4)**  
**of the Town and Country Planning Act 1990 (As Amended)**



## **Appendices**

### **Appendix 3: Infrastructure Delivery Plan Update (December 2023)**

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## **Context to Infrastructure Update 2023 (01/04/2022– 31/03/2023)**

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- 1.2 LP 2015 IDP Update Banbury Projects**
- 1.3 LP 2015 IDP Update Kidlington and Rural Areas Projects**
- 1.4 LPPR 2020 Infrastructure Schedule Projects Update**

### **Section 2 – Infrastructure Update 2023**

- 2.1 LP 2015 IDP Update Bicester Projects**
- 2.2 LP 2015 IDP Update Banbury Projects**
- 2.3 LP IDP Update Kidlington and Rural Areas Projects**
- 2.4 LPPR 2020 Infrastructure Schedule Projects Update**

## **Context to the Cherwell Local Plans Infrastructure Update 2023 (01/04/2022 – 31/03/2023)**

Infrastructure is an essential part of sustainable development supporting increased housing provision and economic growth, mitigating against climate change and facilitating improved quality of life within communities.

The Infrastructure Delivery Plan (IDP) contains the infrastructure required to support Cherwell Local Plan Part 1 adopted in July 2015 and it is set out in Appendix 8 of the Plan.

The Cherwell Local Plan Partial Review was adopted in September 2020. It is a focused Plan addressing Cherwell's apportionment of Oxford's unmet housing needs in the southern part of Cherwell. The infrastructure required to support the Local Plan Partial Review is detailed in Appendix 4 of that Plan.

The IDP and Infrastructure Schedule are live documents adjusted overtime to reflect changes in circumstance and strategies alongside the yearly monitoring of both Plans and infrastructure Policies INF1 and PR11 Infrastructure Delivery.

The Infrastructure Update, December 2023 reports on both Local Plans. It lists schemes for Bicester, Banbury, Kidlington and Rural areas identified by infrastructure providers to support the Plans' proposals. It follows from the previous update published in February 2022 and covers the Annual Monitoring Report (AMR) period: 1 April 2022 to 31 March 2023.

It includes adjusted phasing periods to reflect project updates as the plan period progresses and projects are completed: short term 2021-2025, medium term 2025-2029 and long term 2029-2031.

The Update provides a renumbering of schemes following completion of numerous infrastructure projects to date.

The infrastructure tables include information on known schemes, their main aim, priority, phasing, delivery partners, costs, delivery status and links to the local plan policies including site policies. This helps monitoring the delivery of the Local Plans and guide infrastructure investment over the adopted Plan periods to 2031. The information could assist prospective developers identifying potential planning obligations but does not confine negotiations at development management level for specific development proposals.

Section 1 of the Infrastructure Update shows all known scheme completions and new projects since the first publication of the LP 2015 IDP and LPPR 2020 Infrastructure Schedule as well as schemes which have undergone substantial changes. Schemes completed or added new in this monitoring period are shaded grey for ease of reference. The summary tables also show pipeline projects, those known to be at early project development stage. These pipeline projects are not part of the IDP or Infrastructure Schedule but could be included in future updates subject to their progression as part of infrastructure providers' plans and programmes.

Section 2 contains the infrastructure tables for both Plans' areas, updated to include changes to existing infrastructure schemes and new schemes to be delivered to 2031.

More detailed information on infrastructure provision will arise through the progression of new Local Plans and Neighbourhood Plans. This includes the emerging Local Plan Review 2040.

## **Section 1 – Infrastructure Update 2023 Summary Tables**



1.1 IDP Update Bicester Projects				
No. Project	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Update
Transport and movement				
2a (New)	Bicester North Station Forecourt - Parking Capacity Improvements	Supporting economic growth and new homes with better access to the national rail network.	Necessary	Upper deck of car park is life expired, survey work commissioned with a view to agreeing a work programme in 2024. Potential options for additional parking on adjacent land being explored.
Comp (3)	Charbridge Lane crossing- Conversion of current level crossing of A4144 Bicester eastern perimeter road with Oxford- Bletchley Railway line into grade separated overbridge.	Supporting economic growth and new homes with better access to the national rail network.	Critical	Project complete
Comp (9d)	Improvements to A41 corridor: Ploughley Road junction with the A41 – signalisation.	Improvements to strategic highways capacity To improve journey time reliability and traffic flow while improving access for all forms of transport.	Necessary	Project complete
Comp (13)	Pioneer Roundabout.	To improve journey time reliability and traffic flow while improving access for all forms of transport.	Necessary	Scheme complete
Comp (14a)	Park & Charge infrastructure at Cattle Market and Claremont Car Parks	To reduce pollution from road traffic.	Desirable	Project complete
Education				
No new projects or completions				
Utilities				
Comp (30a)	Bicester STW Upgrade.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Upgrades to Bicester STW completed in 2022, providing increased treatment capacity, reducing the need for untreated discharges in wet weather.
Flood risk				
No new projects or completions				
Emergency and rescue services				
No new projects or completions				
Health				
No new projects or completions				

## 1.1 IDP Update Bicester Projects

No. Project	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Update
<b>Community Infrastructure</b>				
45 (New)	Expansion and operation of the Museum Resource Centre at Standlake	To provide sufficient storage for archeological finds from development and ensure its safekeeping	Necessary	TBC
<b>Open space, recreation and biodiversity</b>				
Comp (48a)	Elmsbrook Forest School/Pocket Park.	Provision of open space and green infrastructure to meet Eco Town standards.	Necessary	Project delivered
Comp (55)	Dangerfields/Kings End Conservation Area/Shakespeare Drive Access improvements (including board walk) and potential for nature and habitat projects.	To improve the management of habitat/green spaces and the connection of people with nature.	Desirable	Project delivered
Comp (58)	North West Bicester Nature Reserve.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats; opportunities for green infrastructure improvements along watercourse.	Desirable	Project delivered
60 (New)	Enhancement of Local Wildlife sites	Restoration, maintenance and new habitat creation associated with Local Wildlife Sites. The network of local wildlife sites is vital to sustaining populations of the UK's wildlife, and appropriate land management is often essential to enable this wildlife to survive and flourish.	Necessary	New project to meet the objectives of the Local Nature Recovery Strategy being developed by Oxfordshire County Council.

1.2 IDP Update Banbury Projects				
No. Project	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Update
Transport and movement				
Comp (22)	Cycle route improvements at Waterloo Drive, between Fraser Close and Middleton Road.	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists.	Desirable	Scheme complete
Education				
Comp (31)	Expansion of William Morris Primary School by 35 places (to serve Warwick Rd & Bretch Hill and Drayton Lodge Farm).	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Scheme complete
Utilities				
35 (New)	Banbury Sewage Treatment works upgrade programme to increase capacity from 266 to 490 liters per second, reducing the need for untreated discharges in wet weather and providing a higher quality of treated effluent going to watercourses.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Work is planned to be completed during the 2025-2030 regulatory period.
Flood risk				
No new projects or completions				
Emergency and rescue services				
No new projects or completions				
Health				
No new projects or completions				
Community Infrastructure				
60 (New)	Expansion and operation of the Museum Resource Centre at Standlake	To provide sufficient storage for archeological finds from development and ensure its safekeeping	Necessary	TBC
Open space, recreation and biodiversity				
77 (New)	Enhancement of Local Wildlife sites	Restoration, maintenance and new habitat creation associated with Local Wildlife Sites. The network of local wildlife sites is vital to sustaining populations of the UK's wildlife, and appropriate land management is often essential to enable this wildlife to survive and flourish.	Necessary	New project to meet the objectives of the Local Nature Recovery Strategy being developed by Oxfordshire County Council.

1.3 IDP Update Kidlington and Rural Areas Projects				
No. Project	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Update
<b>Transport and movement</b>				
Comp (6)	A34 on-slip improvements to the Pear Tree and Botley junction interchanges to the immediate south of the district.	Support delivery of strategic development with sufficient upgrades to road and active travel infrastructure.	Desirable	A scheme of various highway improvements on the Botley Road corridor was completed in 2023. No further phases of work planned.
<b>Education</b>				
No new projects or completions				
<b>Utilities</b>				
No new projects or completions				
<b>Flood risk</b>				
No new projects or completions				
<b>Emergency and rescue services</b>				
No new projects or completions				
<b>Health</b>				
No new projects or completions				
<b>Community Infrastructure</b>				
38 (New)	Reconfiguration and refurbishment of Kidlington Library to provide additional capacity for growth	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	TBC
39 (New)	Expansion and operation of the Museum Resource Centre at Standlake	To provide sufficient storage for archeological finds from development and ensure its safekeeping	Necessary	TBC
<b>Open space, recreation and biodiversity</b>				
62 (New)	Enhancement of Local Wildlife sites	Restoration, maintenance and new habitat creation associated with Local Wildlife Sites. The network of local wildlife sites is vital to sustaining populations of the UK's wildlife, and appropriate land management is often essential to enable this wildlife to survive and flourish.	Necessary	New project to meet the objectives of the Local Nature Recovery Strategy being developed by Oxfordshire County Council.

## 1.4 LPPR Oxford Unmet Needs

No.	Projects	Main aim	Priority Critical Necessary Desirable	Update
<b>Transport and movement</b>				
6d (New)	Bus service improvement to Eastern Arc	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Financial contributions to support public transport connectivity between PR6/7 sites and Eastern Arc – notably major employment sites – are being sought.
<b>Education</b>				
No new projects or completions				
<b>Utilities</b>				
46 (New)	Waste Management Capacity: Building new or enhancing existing Household Waste Recycling Centre (HWRC) sites to deal with increased demand Sites should be designed to manage waste in accordance with the hierarchy, promoting reduction and reuse.	Ensure waste and recycle facilities grow at the same rate as communities needs.	Necessary	Further project specific information to be added as project development progresses.
<b>Flood risk</b>				
No new projects or completions				
<b>Emergency and rescue services</b>				
No new projects or completions				
<b>Health</b>				
No new projects or completions				
<b>Community Infrastructure</b>				
59 (New)	Reconfiguration and refurbishment of Kidlington Library to provide additional capacity for growth	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	TBC
60 (New)	Expansion and operation of the Museum Resource Centre at Standlake	To provide sufficient storage for archeological finds from development and ensure its safekeeping	Necessary	TBC
<b>Open space, recreation and biodiversity</b>				
No new projects or completions				

## **Section 2 – Infrastructure Update 2023**

- LP 2015 IDP Update Bicester Projects
- LP 2015 IDP Update Banbury Projects
- LP 2015 IDP Update Kidlington and Rural Areas Projects
- LPPR 2020 Infrastructure Schedule Update - LPPR Oxford Unmet Needs Projects

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
Transport & movement											
1	East West Rail Phase 2 - Oxford to Milton Keynes.	Supporting economic growth and new homes with better access to the national rail network.	Necessary	Short term (2020-2024)	c. £1.2 Billion	Secured	East West Rail Consortium Network Rail OCC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy 9	All Bicester sites	Network Rail Statement of Case	Construction in progress. Negotiations in progress about the operation of EWR.
2	Investigating plans for Bicester North Station Forecourt.	Supporting economic growth and new homes with better access to the national rail network.	Necessary	Short term	TBC	Secured	Chiltern Railways OCC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy 9	All Bicester sites	OCC Chiltern Railways CDC	OCC working with Chiltern Railways on their aspirations for the station forecourt. New cycle stands and shared path have now been installed and a shuttle bus service is being operated between Bicester North and Bicester Village, in partnership with Value Retail.
2a (New)	Bicester North Station Forecourt - Parking Capacity Improvements	Supporting economic growth and new homes with better access to the national rail network.	Necessary	Short term	TBC	TBC	Chiltern Railways			Chiltern Railways	Upper deck of car park is life expired, survey work commissioned with a view to agreeing a work programme in 2024. Potential options for additional parking on adjacent land being explored.
Comp (3)	Charbridge Lane crossing- Conversion of current level crossing of A4144 Bicester eastern perimeter road with Oxford- Bletchley Railway line into grade separated overbridge.	Supporting economic growth and new homes with better access to the national rail network.	Critical	Short term	TBC	Committed	East West Rail Consortium Network Rail OCC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC1	Bicester 1 – North West Bicester Bicester 11 – North East Bicester Bicester 12 – South East Bicester Bicester 13 – Gavray Drive	OCC	Project complete
3 (4)	London Road level crossing changes, providing for pedestrians, cyclists and vehicles.	To avoid severance of the town centre from the development areas to the south east of the town.	Necessary	Short term	c. £100m	TBC	TBC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local Transport Plan: LTP4	Bicester 2 – Graven Hill Bicester 12 – South East Bicester	OCC	EWR Co. is progressing options work
4 (5)	Electrification of railway lines.	Supporting economic growth and new homes with better access to the national rail network.	Necessary	Medium - long term	c. £120m	Secured	DFTNetwork Rail	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local TransportPlan: LTP4 Policy 9	All Bicester sites	OCC	Network Rail Decarbonisation Strategy (July 2020) has identified the route through Bicester and Banbury for electrification. Funding has not been identified for the period ending 2029, however Chiltern Railways has plans to introduce decarbonised units over the period 2027 - 2030.
5 (6)	Ensuring delivery of high- quality public transport from all strategic development sites to Bicester Town Centre and rail stations.	Improving access and facilities at town centre and train stations.	Critical	Short to long term	Costs TBC for each strategic allocation	To be funded by securing contributions from strategic allocations	OCC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC2	All strategic sites	LTP OCC	An improved service to / from Heyford Park is expected to commence in February 2024.

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
6a (7a)	Ensuring delivery of high- quality public transport: Through route for buses between the A4421 Charbridge Lane and the A41 Aylesbury Road.	New bus services.	Critical	Short term	TBC	TBC	OCCBus operatorsPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 PolicyBIC2	Bicester 12 – South East Bicester	CDC	No bus service currently operates along Charbridge Lane. Future pattern of services depends on routes to serve Graven Hill and Wretchwick Green to be delivered through Bicester 12 - South East of Bicester.
6b (7b)	Bus route between North West Bicester Ecotown (Bicester 1) to employment areas Extension route. Exploring the potential of extending Ecotown bus route to serve other areas of the town.	Connecting residential areas with existing and future employment centres.	Desirable	Medium term	TBC	TBC	OCC Bus operators Private sector developers	Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC2	Bicester 1 - North West Bicester Bicester 5 - Strengthening Bicester Town Centre Bicester 6 - Bure Place Phase 2	LTP	The developer funding for Bicester 1 expired in May 2023 and OCC is now funding a partial replacement. There are no current plans to extend this bus service, and no progress on Bicester 4
6c (7c)	Bus only link west of Howes LaneLink to the Howes Lane and Lords Lane (A4095) realignment	Connecting residential areas with existing and future employment centres	Necessary	Long term	TBC	TBC	OCCBus operators Private sector developers	Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC2	Bicester 1 - North West Bicester	CDC internal	This bus link is being considered as a part of the A4095 realignment design.
7a (8a)	Improvements to A41 corridor: Infrastructure improvements and bus priority to enable greater reliability on the A41 corridor to/from Junction 9 to Ploughley Road.	Serve all strategic sites by bus to Premium Route standards.	Necessary	Short term	TBC	To be funded by securing S106 contributions and LGF	OCC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC 2	South West Bicester Phase 1 Bicester 3 - South West Bicester Bicester 4 - Bicester Business Park Bicester 5- Strengthening Bicester Town Centre Bicester 6 - Bure Place Phase 2 Bicester 10 - Bicester Gateway	LTP OCC	A41 options assessment work has been completed. The next step is to engage with stakeholders and the community on a package of phased measures.
7b (8b)	Bus infrastructure on bus routes through North West Bicester and Middleton Stoney Road.	Serve all strategic sites by bus to Premium Route standards.	Necessary	Short term	TBC	TBC	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC 2	Bicester 1 North West Bicester	CDC	Bus route and infrastructure being secured on individual planning permissions at NW Bicester, to provide a circular route north and south of the railway.
7c (8c)	NW Bicester Bus service connecting to Bicester Town Centre.	Serve all strategic sites by bus to Premium Route standards.	Necessary	Short term	TBC	TBC	OCC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC 2	Bicester 1 North West Bicester	CDC	E1 bus service now withdrawn due to expiry of developer contract, and 505 withdrawn due to expiry of contract with other local authority. OCC now funding partial replacement service 500.



2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
8a (9a)	Highway capacity improvements to peripheral routes: eastern corridor Local Transport Plan 4 and its Bicester Strategy address traffic and travel demands growth resulting from LP1 to 2031.	Improvements to strategic highways capacity.	Critical	Short - medium term	c. £16,837,894	Some funding secured	OCC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in BicesterLocal Transport Plan: LTP4 policy BIC1	All Bicester sites	OCC	Work to establish design principles for the eastern corridor improvements that facilitate connectivity to the strategic sites and improve vehicle capacity will be undertaken.
8b (9b)	Charbridge Lane dualling south of new bridge to Gavray Drive, including additional capacity required under the railway.	Supporting economic growth and new homes with better access to the national rail network.	Critical	Short - medium term	c.£7.25m for Charbridge Lane additional capacity	Some funding secured	Private sector developers OCC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC1	Bicester 1 – North West Bicester Bicester 11 – North East Bicester Bicester 12 – South East Bicester Bicester 13 – Gavray Drive	OCC	Work to establish design principles for the eastern corridor improvements that facilitate connectivity to the strategic sites and improve vehicle capacity will be undertaken.
8c (9c)	Highway capacity improvements to peripheral routes: southern corridor Provision of new highway link in the form of a south east perimeter road.	Improvements to strategic highways capacity.	Critical	Short - medium term	c. £21.3m for SEPR Western Section	Some funding secured	OCC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in BicesterLocal Transport Plan: LTP4 policy BIC1	All Bicester sites	OCC	The A41 options work has concluded. The next step will be engagement with stakeholders and community on a phased package of measures, including the south east link road.
Comp (9d)	Improvements to A41 corridor: Ploughley Road junction with the A41 – signalisation.	Improvements to strategic highways capacity To improve journey time reliability and traffic flow while improving access for all forms of transport.	Necessary	Short term	TBC	TBC	Private sector developers OCC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local Transport Plan: LTP4 policy BIC2	Bicester 12 – South East Bicester Bicester 13 – Gavray Drive	OCC	Project complete
8d (9e)	Highway capacity improvements to peripheral routes: Western corridorChanges and improvements to Howes Lane/Bucknell Road Junction: North West Bicester Ecotown all other phases(Howes Lane and Lords Lane (A4095) realignment)	Improvements to strategic highways capacityTo improve journey time reliability and traffic flow while improving access for all forms of transport	Critical	Short to medium term	c.£27.4m	S38. Part completed.	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Securing dynamic town centres (SLE2) in support of strategic growth in BicesterLocal TransportPlan: LTP4 Policy BIC1	South West Bicester Phase 1 Bicester 1 - North West Bicester Bicester 3 - South West Bicester Bicester 1 - North West Bicester Bicester 4 - Bicester Business Park Bicester 10 - Bicester Gateway	Planning applications information OCCLTPLP Part 1	Funding being sought to continue the design work for the A4095 and its delivery. Negotiations are ongoing.Short term changes to Howes Lane/Bucknell Road junction have been completed.

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
8e (9f)	Highway capacity improvements to peripheral Banbury Road Roundabout Improvements (junction of A4095 and B4100)	Improvements to strategic highways capacity To improve journey time reliability and traffic flow while improving access for all forms of transport	Critical	Medium term	c.5.5m	Seeking funding for the scheme	Private sector developers OCC	Local Plan: Improved Transport and Connections (SLE 4) and Securing dynamic town centres (SLE2) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC1	Bicester 1 - Northwest Bicester	CDC internal	Scheme approved; continuing engagement on the details of the scheme. Due to start construction January 2024.
8f (9g)	Caversfield junction improvements (Junction of Aunt Ems Lane and B4100).	To reduce pollution from road traffic.	Critical	Medium term	TBC	Being sought from development at NW Bicester	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) insupport of strategic growth in Bicester	Bicester 1 - Northwest Bicester	Planning applications information Bicester STS LTP	14/01384/OUT has not been taken forward. This junction is being considered under planning application 21/04275/OUT
9 (10)	Central corridor: Kings End and Queens.	To reduce traffic congestion and provide environmental improvements.	Necessary	Short - Medium	c. £850k	To funded by securing S106 contributions and LGF	OCC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policies BIC1 and BIC2	All Bicester sites	Planning application information OCC LTP	Proposal for improvements included in the Bicester LCWIP (agreed by OCC Cabinet in September 2020). Wider public realm work not yet progressed.
10 (11)	Town centre access improvements Phase 2: Bell Lane / Sheep Street including a pedestrian crossing.	To improve journey time reliability and traffic flow while improving access for all forms of transport – including buses, cyclists and pedestrians to improve access to Bicester Town Centre.	Necessary	Short term	TBC	TBC	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Securing dynamic town centres (SLE2) in support of strategic growth in BicesterLocal Transport Plan: LTP4 PoliciesBIC1 and BIC2	Bicester 5 - Strengthening Bicester Town CentreAll sites	OCC	Options and concept design work has recently commenced
11 (12)	Improvements to Middleton Stoney Road Roundabout eastern end.	To improve journey time reliability and traffic flow while improving access for all forms of transport.	Necessary	Short term	TBC	Secured	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Securing dynamic town centres (SLE2) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policies BIC1 and BIC2	South West Bicester Phase 1Bicester 1 - North West Bicester Bicester 2 - Graven HillBicester 3 - South West Bicester Bicester 4 - Bicester Business Park Bicester 5 - Strengthening Bicester Town CentreBicester 6 - Bure Place Phase 2Bicester 10 - Bicester Gateway	Planning application information OCC	Improvements are expected to be secured on Bicester Village planning permission ref 22/03513/F
Comp (13)	Pioneer Roundabout.	To improve journey time reliability and traffic flow while improving access for all forms of transport.	Necessary	Short term	TBC	Some funding secured	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Securing dynamic town centres (SLE2) in support of strategic growth in BicesterLocal TransportPlan: LTP4 Policies BIC1 and BIC2	Bicester 5 - Strengthening Bicester Town CentreBicester 6 - Bure Place Phase 2 All Bicester sites	Planning application informatio n OCC	Scheme complete

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
12 (14)	Electric vehicle initiatives. Including charging points for electric vehicles A number of charging points locations completed across the town. Wider provision under consideration.	To reduce pollution from road traffic.	Desirable	Short to Long term	TBC	TBC	CDC OCC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy 22	All Bicester sites	CDC	To be dealt with on site by site basis and through other external funding bids. Park and Charge Project – use of district council car parks as EV charging hubs for residents without access to off-road parking.
Comp (14a)	Park & Charge infrastructure at Cattle Market and Claremont Car Parks	To reduce pollution from road traffic.	Desirable	Short term	Completed	Secured	CDC OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy 23	All Bicester sites	OCC	Project complete
13 (15)	Car Club.	To reduce pollution from road traffic.	Desirable	Short to long term	TBC	TBC	OCC CDC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Bicester	All Bicester sites	CDC	To be aligned with Bicester Sustainable Transport Strategy. STS published in October 2015. Car club launched as part of NW Bicester, will be expanded into rest of town if it becomes viable to do so.
14a (16a)	Bicester pedestrian and cycle links: Banbury Road footpath and cycle path crossing (northern end - southern end).	Physical improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Short term	Part completed	c.£300k secured	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester Local TransportPlan: LTP4 Policy BIC 2	Bicester 1 - North West Bicester Bicester 8 - Former RAF Bicester Bicester 11 - North East Bicester Bicester 5 - Strengthening Bicester Town Centre Bicester 6 - Bure Place Phase 2	OCC	The crossing linking the two paths north of the railway line is being sought through development.
14b (16b)	Bicester pedestrian and cycle links: Buckingham Road from Bicester North Station access to town centre.	Physical improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Short term	TBC	c.£300k secured	OCC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC 2	Bicester 1 - North West Bicester Bicester 8 - Former RAF Bicester Bicester 11 - North East Bicester Bicester 5 - Strengthening Bicester Town Centre Bicester 6 - Bure Place Phase 2	LTP OCC	Options and concept design work has recently commenced

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
14c (16c)	Bicester pedestrian and cycle links: East Bicester to town centre (via Bicester Village Station).	Physical Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Short - medium term	TBC	TBC	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 PolicyBIC 2	Bicester 5 - Strengthening Bicester Town Centre Bicester 2 - Graven Hill Bicester 4 - Bicester Business Park Bicester 12 - South East BicesterBicester 13 - Gavray Drive	LTP	Improving links via Bicester Village Station will be sought as part of EWR active travel measures. No further update at this stage.
14d (16d)	Bicester pedestrian and cycle links: Graven Hill cycle route on London Road.	Physical improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Short term	c.552k	Part committed	OCC CDC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC 2	Bicester 2 - Graven Hill	OCC Planning application information	In design and delivery stage through Tranche 3 Active Travel Funding.
14e (16e)	Bicester pedestrian and cycle links: Connectivity of Graven Hill to Town Centre. Public, pedestrian and cycle access from Graven Hill and Langford Park Farm to A41 underpass.	Improve potential connectivity with town centre.	Desirable	Short - medium term	TBC	TBC	CDC OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climatechange (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC 2	Bicester 2 - Graven Hill	CDC	To be aligned with Bicester Sustainable Transport Strategy. Progress is being made with land ownership through local user group. Ongoing work is required to complete this pedestrian / cycle link.
14f (16f)	Bicester pedestrian and cycle links: Southern connectivity project. Kingsmere, Bicester Business Park, Graven Hill, Bicester Village Station, Bicester Village and into the town centre.	Physical Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Short - medium term	c. £5m	TBC	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC 2	South West Bicester Phase 1Bicester 3 - South West Bicester Phase 2Bicester 5 - Strengthening Bicester Town Centre Bicester 2 - Graven Hill Bicester 4 - Bicester Business Park Bicester 12 - South East Bicester Bicester 13 - Gavray Drive	OCC	Discussions have been held with Network Rail via local bike user group about permitting pedestrians via the 'cattle creep'. OCC looking at feasibility for a complete route from Graven Hill to Kingsmere picking up this and the scheme above.

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14g (16g)	Bicester pedestrian and cycle link: Oxford Road to Field StreetPart of central corridor (see earlier schemes).	Physical Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Short term	c. £5m	Committed	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal TransportPlan: LTP4 (Policy BIC 2)	South West Bicester Phase 1Bicester 3 - South West Bicester Phase 2Bicester 5 - Strengthening Bicester Town Centre Bicester 4 - Bicester Business Park	OCC	Oxford Road to the Kings End/Church Street junction complete. The rest of the scheme was postponed to be reviewed as part of wider strategy work on the corridor. The Bicester Town Centre access strategy will be further progressed through the Local Transport Plan.
14h (16h)	A4421 proposed footway / cycle track.	Physical Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Short - Medium	c.203K	TBC	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 (Policy BIC 2)	Bicester 8 – Former RAF Bicester	CDC	Wretchwick Green S278 works include enhancements / widening of the shared use footway/ cycleway on west side of A4421 between Rodney House roundabout and Gavray Drive.This also includes the provision of signalised and informal crossing points and a new shared use footway / cycleway along Peregrine Way loop.
14i (16i)	Bicester pedestrian and cycle Links: The Cooper School to the town centre.	Physical Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Desirable	Short term	TBC	TBC	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC 2	All Bicester sites	LTP OCC	Options and feasibility work currently underway to look at Bicester North Station to the town centre. Will be looking to extend this pedestrian and cycle link up to Cooper School.
14j (16j)	Bicester pedestrian and cycle links: Improving connections to rights of way network.	Physical Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Desirable	Short to long term	TBC	Being sought from development at NW Bicester	OCC CDC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local Transport Plan: LTP4 policy BIC1	All Bicester sites	LTP	To be aligned with Bicester Sustainable Transport Strategy. STS published in October 2015.

2.1 IDP Update Bicester Projects											
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15 (17)	Bicester pedestrian and cycle links: Providing cycle access to North West Bicester schoolsUpgrade of the field path alongside the railway to a full pedestrian / cycle route (with trespass proof fencing) to provide access to Bicester North station and onwards to the Launton Road employment area.This route would feed into the current toucan crossings on Banbury Road and Buckingham Road and connect with the southern end of the Banbury Road Express Way Improvement Bucknell Road to Queens Avenue Off road cycling link and traffic calming to Shakespeare Drive Middleton Stoney off site cycle route Footpath access to Caversfield Church.	Physical Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Desirable	Short - medium term	TBC	Being sought from development at NW Bicester	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC 2	Bicester 1 - Northwest Bicester	LTP CDC	Funding being sought from developments at NW Bicester for improvements on Middleton Stoney Road, Shakespeare Drive, Banbury Road and upgrade of path alongside railway.
15a (17a)	Shakespeare Drive cycle and traffic calming scheme.	Physical Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Desirable	Short term	TBC	Being sought from development at NW Bicester	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC 2	Bicester 1 - Northwest Bicester	CDC	Funding being sought from developments at NW Bicester.
15b (17b)	Middleton Stoney Road cycle route: Phase 1	Physical improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Desirable	Short - medium term	TBC	Eastern End completed	OCC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC 2	Bicester 1 - Northwest Bicester	CDC	Extension scheme being designed and delivered through Active Travel Tranche 3 funding. Design underway in the 2023/24 financial year.

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15c (17c)	Cycle route: Lords Lane to Banbury RoadRoute alongside and to the north of the railway.	Physical Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Desirable	Medium term	TBC	Being sought from development at NW Bicester	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC 2	Bicester 1 - Northwest Bicester	CDC	Funding being sought from developments at NW Bicester.
15d (17d)	Cycle improvements: Bucknell Road/George Street/Queens Avenue.	Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Desirable	Medium term	TBC	Being sought from development at NW Bicester	OCC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC 2	Bicester 1 - Northwest Bicester	CDC	This project is not currently being sought from development at NW Bicester, which is focusing on Middleton Stoney Rd, Shakespeare Drive, Banbury Rd and the route alongside the railway.
15e (17e)	Bicester pedestrian and cycle links: Banbury Road.	Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Desirable	Short term	TBC	Being sought from development at NW Bicester	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC 2	Bicester 1 - Northwest Bicester	CDC	Funding being sought from development at NW Bicester
15f (17f)	Bicester pedestrian and cycle links: Caversfield crossing.	Improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Short term	TBC	TBC	OCC CDC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC 2	Bicester 1 - Northwest Bicester	CDC	Crossing of B4100 secured via S106 agreement for development at NW Bicester, ref 21/01630/OUT
16 (18)	Bicester pedestrian and cycle links: joining up the horse-riding network across the wider area using public rights of way to improve routes for commuting and recreation.	Improving public rights of way.	Desirable	Short to long term	TBC	TBC	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) insupport of strategic growth in Bicester	All Bicester sites	LTP	To be aligned with Bicester Sustainable Transport Strategy. STS published in October 2015.

2.1 IDP Update Bicester Projects											
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16a (18a)	Improvements to Bicester Bridleway 9 and Bucknell Bridleway 4.	Improving public rights of way.	Desirable	Short term	TBC	Developer contributions	OCC CDC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Bicester	NW Bicester	CDC	Funding being sought from development at NW Bicester
16b (18b)	Field paths/public rights of way between North West Bicester and Bucknell Village.	Improving public rights of way.	Desirable	Short term	TBC	Developer contributions	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) insupport of strategic growth in Bicester	NW Bicester	CDC	Funding being sought from development at NW Bicester
17 (19)	Improving street environment and facilities for pedestrians and cyclists: Providing better footways and pedestrian crossing facilities at bus stops Provide cycle stands at bus stops where possible and at key locations.	Improvements to facilities for cycling and walking.	Desirable	Short to long term	TBC	Some funding secured	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC 2	All Bicester sites	LTP	Some cycle parking has been delivered at bus stops and in the town centre through the Travel Demonstration Project Additional cycle parking on Sheep Street has been provided.Additional wayfinding signs are required from Wretchwick Green development through Langford Village and onwards towards town centre. Also, improvements to footways, cycleways and crossings required from Wretchwick Green development have been secured.
18 (20)	Market Square improvements Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Physical improvements to cycling and walking routes to key destinations.	Necessary	Short term	c. £2-3m	Part secured	OCC CDC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in BicesterLocal Transport Plan: LTP4 Policy BIC 2	Bicester 5 - Strengthening Bicester Town Centre	OCC CDC	Funding secured through district council + held s106. Engagement and conclusion of options/ feasibility stage to be undertaken this financial year.
19 (21)	Bicester Local Cycling and Walking Infrastructure Plan (LCWIP)schemes.	Improvements to facilities for cycling and walking.	Necessary	Short to long term	TBC	TBC	OCC CDC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in Bicester Local Transport Plan: LTP4 Policy BIC 2	Bicester LCWIP 2020 All Bicester sites	OCC	Schemes being designed and delivered as mentioned above: - London Road - Middleton Stoney Road - Bicester North - town centre
Education											
20a (22a)	Primary School 2 FE (NW Eco Town).	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education.	Critical	Long term	c. £11.5m	Developer contributions	OCC Education providers Private sector developers	Local Plan: Meeting education needs (BSC7) NW Bicester Masterplan	Bicester 1 - North West Bicester	OCC Planning applications information NW Bicester Masterplan	Funding to be secured as part of Ecotown development phases. 4 Primary Schools will be needed to meet the needs arising from the entire site capacity.  This is the second ecotown school, which is projected to be needed around 2028



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20b (22b)	Primary School 2 FE (NW Eco Town).	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education.	Critical	Long term	c. £11.5m	Developer contributions	OCC Education providers Private sector developers	Local Plan: Meeting education needs (BSC7) NW Bicester Masterplan	Bicester 1 - North West Bicester	OCC Planning applications information NW Bicester	Funding to be secured as part of Ecotown development phases. 4 Primary Schools will be needed to meet the needs arising from the entire site capacity.  This is the third ecotown school, which is projected to be needed around 2030
20c (22c)	Primary School 2FE (NW Eco Town).	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education.	Critical	Long term	c. £11.5m	Developer contributions	OCCEducation providersPrivate sector developers	Local Plan: Meeting education needs (BSC7) NW Bicester Masterplan	Bicester 1 - North West Bicester	OCCPlanning applications informationNW Bicester Masterplan OCC	Funding to be secured as part of Ecotown development phases.4 Primary Schools will be needed to meet the needs arising from the entire site capacity.This is the fourth ecotown school, which is projected to be needed around 2033
20d (22d)	Primary school (1 x 2FE) - North West Bicester phase 1- Exemplar site (Elmsbrook) Gagle Brook Primary School Phase 2 (1 FE).	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education.	Critical	Short term	c. £11.5m	Developer contributions	OCC Education providers Private sector developers	Local Plan: Meeting education needs (BSC7) NW Bicester Masterplan	Bicester 1 - North West Bicester	OCC	The expansion of Gagle Brook Primary School is currently indicated to be needed c2026
21 (23)	1 FE expansion of St Edburg's CE Primary School onto a satellite site - South West Bicester Phase 2.	Expand the schools and colleges provision to match the needs of residents and businesses.Provide opportunities for local people to improve the quality of their life: Skills, training and education.	Critical	Short - medium term	c. £11.5m	c.114k securedDeveloper contributions	OCCEducation providersPrivate sector developers	Local Plan: Meeting education needs (BSC7)	South West Bicester Phase 1 Bicester 3 - South West Bicester Phase 2	OCCPlanning applications information	Completion of building works due 2024. Latest cost £13.256m, of which, £10.906m from S106.
22 (24)	Primary School - South East Bicester Up to 3FE with inclusive Foundation Stage.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short - medium term	C. 17.1m	TBC / Developer Contributions	OCC Education providers Private sector developers	Local Plan: Meeting education needs (BSC7)	Bicester 12 - South East Bicester Bicester 13 - Gavray Drive	OCC Pupil Place Plan Nov. 2016	Currently expected to be more likely as a 2fe school. Timescale changed to reflect slower progress of development

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23 (25)	Up to 3 FE Primary School - Graven Hill.	Expand the schools and colleges provision to match the needs of residents and businesses.Provide opportunities for local people to improve the quality of their life: Skills, training and education.	Critical	Short term	C. 17.1m	Committed	OCCEducation providersPrivate sector developers	Local Plan: Meeting education needs (BSC7)	Bicester 2 - Graven Hill	OCC	Opened Sept 2023 as a 2fe school. May require expansion in the longer term.
24 (26)	New secondary school provision to accommodate growth to 2040: New Secondary School - North West Bicester - Shared use cultural facilities of secondary school under consideration.Pending feasibility.	Expand the schools and colleges provision to match the needs of residents and businesses.Provide opportunities for local people to improve the quality of their life: Skills, training and education.	Critical	Short term	c.£35m	Developer contributions	OCCEducation providersPrivate sector developers	Local Plan: Meeting education needs (BSC7)	All Bicester sites	LPPlanning applications information OCCCDC	To be delivered following the progression of the Strategic Sites through the planning application process, LGF bids and education provider funds Site at SW Bicester Phase 1 for secondary education secured under 06/00967/OUT.Contributions secured towards secondary school provision as part of Northwest Bicester Phase 1 (Exemplar) and Albion Land planning permission at NW Bicester Phase 2. Now not expected until c2030 due to slower delivery of housing.
25 (27)	Special Education Needs:Expansion of provision based on approximately 1.5% of additional pupils attending SEN schools.	Expand SEN Education provision to match the needs of residents and businesses.	Necessary	Medium to long term	TBC	Developer contributions	OCCEducation providers Private sector developers	Local Plan: Meeting education needs (BSC7)	All Bicester sites	OCCPupil Place Plan, Nov.2016CDC internal	SEND esource bases have now opened.There is an ongoing need for more special school capacity, being delivered through a county-wide strategy.
26 (28)	Early Years Education: Seek additional space as required within new community facilities and/or schools to deliver required provision	Expand Early Years Education provision to match the needs of residents and businesses.	Necessary	Short to long term	TBC	Developer contributions	OCC CDC Education providers Private sector developers	Local Plan: Meeting education needs (BSC7)	All Bicester sites	OCC	Additional provision included in new schools, and the expansion of St Edburg's CE Primary School.

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Utilities											
27 (29)	Water supply links and network upgrades.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water Private sector developers	Local Plan: Public Service and Utilities (BSC9)	All Bicester sites	Thames Water	To be funded and provided as development comes forward. Capacity to be in place before development commences. Phasing of development may be used to enable the relevant infrastructure to be put in place. All developments over 250 properties must be modelled. The developer cannot build within 3m of distribution mains. A piling condition must be sought due to the above. Developers engage with Thames Water at the earliest opportunity to draw up water and drainage strategies. Free TW pre-planning service which confirms if capacity exists to serve new development of if upgrades are required.
28 (30)	Sewerage links and treatment works upgrade.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short to medium term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water Private sector developers	Local Plan: Public Service and Utilities (BSC9)	All Bicester sites	Thames Water / Anglian Water	Thames Water are continuing to investigate the impact of groundwater on the sewer network in the area. This will help inform their long-term planning.
Comp (30a)	Bicester STW Upgrade.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short term	£8m	To be funded by TW and private developers	Thames Water Private sector developers	Local Plan: Public Service and Utilities (BSC9)	All Bicester sites	Thames Water	Upgrades to Bicester STW completed in 2022, providing increased treatment capacity, reducing the need for untreated discharges in wet weather.
29 (31)	Water conservation measures at North West Bicester to reduce water demand and aim for water neutrality.	Ensure utilities infrastructure grows at the same rate as communities.	Desirable	Short to long term	TBC	TBC	Thames Water Private sector developers	Local Plan: Public Service and Utilities (BSC9)	Bicester 1 - North West Bicester	CDC	To be delivered through the implementation of North West Bicester Masterplan Partnership working will be necessary to agree a water strategy to achieve water neutral development Rainwater harvesting incorporated in Elmsbrook (NW Bicester Phase 1).
30 (32)	Bicester Green Reuse Centre permanent relocation.	Ensure utilities infrastructure grows at the same rate as communities	Necessary	Short - Medium	TBC	TBC	TBC	Local Plan: Public Service and Utilities (BSC9) Mitigating and adapting to Climate Change (ESD1)	All Bicester sites	CDC	Bicester Green lease at Mackay trading estate ended in March 2017, relocated temporarily to Claydon's Yard but long- term solution required.
31 (33)	Extension of North West Bicester use of heat from Ardley Energy Recovery Facility to the rest of the town.	Ensure utilities infrastructure grows at the same rate as communities.	Necessary	Medium term	c.£61m	TBC	CDC Private developers OCC DECC VIRIDOR EA	Local Plan: Public Service and Utilities (BSC9) Mitigating and adapting to Climate Change (ESD1)	All Bicester sites	CDC	Feasibility work is complete however the project is not being pursued at this point in time.
32 (34)	Banks for glass and other materials.	Ensure utilities infrastructure grows at the same rate as communities.	Necessary	Short term	c. £45K	Secured	Secured	Local Plan: Public Service and Utilities (BSC9) Mitigating and adapting to Climate Change (ESD1)	All Bicester sites	CDC	To be delivered through planning obligations as appropriate.

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
33 (35)	Waste Management Capacity: Building new or enhancing existing Household Waste Recycling Centre (HWRC) sites to deal with increased demand. Sites should be designed to manage waste in accordance with the hierarchy, promoting reduction and reuse before recycling then recovery and disposal.	Ensure waste and recycle facilities grow at the same rate as communities needs	Necessary	Medium term	TBC	Developer contributions	OCC	Local Plan:Public Service and Utilities (BSC9) Mitigating and adapting to Climate Change (ESD1)OCC Minerals and Waste Local Plan and emerging Core Strategy	All Bicester sites	OCC	Further project specific information to be added as project development progresses.
Flood risk											
No projects were recorded for future capital works at the time of the 2023 update											
Emergency and rescue services											
34 (36)	Extension/adaptation and alterations to existing Bicester Police Station and delivery of new FIU Facility at NW Bicester	Ensure emergency and rescue infrastructure grows at the same rate as communities.	Necessary	Long term	TBC	Financial contributions secured through NW Bicester development	TVP	Local Plan: Public Service and Utilities (BSC9)	All Bicester sites	TVP	Contributions secured in various S106 Agreements, awaiting release of funds
35 (37)	Provision of touchdown police facilities as part of new community facilities.	Ensure emergency and rescue infrastructure grows at the same rate as communities.	Necessary	Short to long term	TBC	TBC	Thames Valley Police Private sector developers	Local Plan: Public Service and Utilities (BSC9)	All Bicester sites	TVP	To be explored as part of provision of community facilities. Engagement by TVP through planning application process.
36 (38)	Infrastructure required to directly serve new development including fleet, staff, set up costs and kit, upgrades to existing radio and emergency centre call capacity and siting of ANPR cameras.	Ensure emergency and rescue infrastructure grows at the same rate as communities.	Necessary	Short to long term	TBC	TBC	TVP Private sector developers	Local Plan: Public Service and Utilities (BSC9)	All Bicester sites	TVP	Contributions secured in various S106 Agreements, awaiting release of funds
Health											
37 (39)	Bicester Health Centre - Exploring need to support additional practice infrastructure as a result of new growth.	Ensure health infrastructure grows at the same rate as communities.	Necessary	Short - medium term	TBC	TBC	OCCG Bicester Health Centre, Alchester Medical Group Montgomery House	Local Plan: Public Service and Utilities (BSC9)	All Bicester sites	OCCG	Exploring the provision of Bicester Central primary care improvements. Planning permission granted for 2 storey wings and the permission implemented through construction of the hospital, this enables construction of a second storey as and when needed. To be considered as part of town wide Health care model. Scheme 41b.

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
38 (40)	Extension to Bicester Community Hospital to provide a second storey.	Ensure health infrastructure grows at the same rate as communities.	Desirable	Medium term	TBC	TBC	NE Locality CCG	Local Plan: Securing Health and Wellbeing (BSC8) All Bicester sites	All Bicester sites	OCCG	Exploring the provision of Bicester Central primary care improvements. Planning permission granted for 2 storey wings and the permission implemented through construction of the hospital, this enables construction of a second storey as and when needed. To be considered as part of town wide Health care model. Scheme 41b.
39a (41a)	New GP premises to serve North West Bicester.	Ensure health infrastructure grows at the same rate as communities.	Critical	Medium term	c. £7.5m	TBC	OCCG Bicester Health Centre, Alchester Medical Group, Montgomery House Surgery	Local Plan: Securing Health and Wellbeing (BSC8)	South West Bicester Phase 1 Bicester 1 - North west Bicester Bicester 2 - South West Bicester Phase 2	North West Bicester Masterplan Dec. Masterplan Dec. OCCG	This will be delivered through the North West Bicester Masterplan (Land requirement of 0.2 ha south of the railway Line). Land at Himley Village will be safeguarded until provision is met.
39b (41b)	New surgery to serve South Bicester at Graven Hill.	Ensure health infrastructure grows at the same rate as communities.	Critical	Short term	c.£7.5m	TBC	OCCGBicester Health Centre, Alchester Medical Group, Montgomery House Developers	Local Plan: Securing Health and Wellbeing (BSC8)	All Bicester sites	OCCG CDCNorth East Oxfordshire Locality Based Primary Care Plan Jan 2018	Health and Wellbeing model potentially serving up to 50,000 patients. To be developed in two phases. Planning application for Bicester Health and Wellbeing hub at Gravel Hill (21/01454/F) expected to be decided in early 2022.Kingsmere site will be safeguarded until provision is met. Delivery of first phases anticipated 2023/2024.
Community Infrastructure											
40 (42)	Indoor Recreation to be provided as part of development throughout Bicester in accordance to Local Plan standards. Sports Facilities Strategy, October 2018 forecasts the future needs for sport and recreation up to 2031.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Short to long term	Project specific (below)	Some funding committed	Bicester Town Council CDC Private sector developers Schools Local clubs	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	All Bicester Sites	Local Plan Sports Facilities Strategy 2018	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Table 10 Public access agreements to privately owned sites Dual use agreements to allow public use of school facilities Undertaking feasibility studies regarding the development of existing sites and identifying opportunities to secure new sites as development sites come forward.
40a (42a)	Expansion of existing Bicester Leisure Centre including a new indoor sports hall and new learning pool.	Ensure indoor recreation infrastructure grows at the same rate as communities.	Necessary	Medium term	c.2.2m	Secured through developer contributions for NW Bicester development	CDC OCCBicester TC Private sector developers Sports clubs and organisations Schools Sports England	Local Plan: Indoor Sport Recreation and CommunityFacilities (BSC12)	All Bicester Sites	CDC	Development of existing leisure provision based on existing footprint of building, with a focus on a new learner pool. Funding to be sought from new developments via S106 agreements.Feasibility study and indicative plan completed in 2017Commissioned consultants to look at project options for expansion following from the initial feasibility study.

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
40b (42b)	3 new community facilities (one which will be a sports pavilion including nursery facilities and space for adult day care as required) - North West Bicester.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Short - Medium	TBC	TBC	CDC LMO	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Bicester 1 - Northwest Bicester	North West Bicester Masterplan Dec	4 community facility/hall (1 for Phase 1 below) are required to meet the needs arising from the entire site capacity (6,000 dwellings) and/or if NW Bicester were to come forward at a faster rate than currently envisaged in the Local Plan. This would be delivered through the NW Bicester Masterplan. However, it is possible that one of the community halls at NW Bicester may not need to be provided until after 2031, depending on how quickly the site is developed. 2 permanent community halls and the sports pavilion are pending outline resolution to grant consent subject to s106 as part of 14/01384/OUT and 14/01641/OUT.
40c (42c)	Community facility/centre (including nursery facilities) – North West Bicester Phase 1.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Short term	Secured	Secured	CDC LMO	Local Plan Indoor Sport Recreation and Community Facilities (BSC12)	Bicester 1 - Northwest Bicester	North West Bicester Masterplan Dec 2013 Planning application information	1 community facility/centre secured through Planning permission 10/01780/HYBRID. Temporary facility already operating. Elmsbrook Community Centre has a resolution to approve (19/01036/HYBRID). Anticipated delivery in next two years.
40d (42d)	Local centre with community facility/centre - South East Bicester. Unless alternative provision agreed. (c.700-830m2 community facility).	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Medium term	TBC	TBC	CDC Private sector developers	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Bicester 12 - South East Bicester	Local Plan CDC	Provision of a permanent community hall included under planning application 16/01268/OUT which has a resolution to grant consent subject to s106. An energy audit on the size of the building needs to be undertaken.
40e (42e)	Community facility/centre - Graven Hill.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Short - medium term	Committed	Committed	CDC Private sector developers	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Bicester 2- Graven Hill	Planning applications information CDC	Meanwhile space agreed and plans are developing for permanent space on site. Community worker active on development.
41 (43)	Place of worship - North West Bicester Ecotown (0.5ha) Site to be reserved for future development.	Ensure social infrastructure grows at the same rate as communities.	Desirable	Short - medium term	TBC	TBC	CDC Private sector developers	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Bicester 1 - North West Bicester	Local Plan	Pending outline resolution to grant consent subject to S106 as part of 14/01384/OUT
42 (44)	Burial site provision anticipated in the NW Bicester eco town area subject to suitability of ground conditions.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Short - medium term	TBC	TBC	Town Council CDC Private sector developers	Local Plan: Public Service and Utilities (BSC9)	Bicester 9: Burial site provision in Bicester	Local Plan Bicester Town Council	CDC and Town Council to work with land owners to secure a suitable site as well as undertake interim measures to extend the capacity of the existing cemetery.
43 (45)	The provision of public art to enhance the quality of the place, legibility and identity: Installation of public art including participatory workshop in SW Bicester.	Improve health, social and cultural wellbeing.	Desirable	Short term	TBC	TBC	CDC	Local Plan: The Character of the Built and Historic Environment (ESD15)	Bicester sites with a direct relationship with this project	Developer Contributions SPD 2018 CDC	Phase 1 public art works completed and installed. Participatory workshops on hold due to Covid-19. Additional phase 2 requirements under discussion.

2.1 IDP Update Bicester Projects

No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
44 (46)	Exploring the potential development of a multi- service community hub through the extension and remodelling of adjacent county sites in Launton Road.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Desirable	Short - medium term	TBC	TBC	Garden Town and Place Programme Board	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Bicester sites with a direct relationship with this project	CDC	Community spaces audit carried out in 2020.
45 (New)	Expansion and operation of the Museum Resource Centre at Standlake	To provide sufficient storage for archeological finds from development and ensure its safekeeping	Necessary	Medium-Long Term	TBC	Developer Contributions	OCC	PR: Infrastructure Delivery (PR11), Community Facilities (BSC 12)	All Bicester sites	OCC	TBC
Open space, recreation and biodiversity											
46 (47)	Amenity open space, natural and semi-natural green space and Parks and Gardens to be provided as part of development throughout Bicester in accordance to Local Plan standards. Green Spaces Strategy 2008 identified existing deficiencies to 2026: 7ha park 3.4 ha natural/semi-natural space through new provision/public access agreements to privately owned sites 4.2 ha amenity open space These were partially updated in the Open Space update 2011: Natural/semi-natural green space.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	Cost/ provision to be determineed for each development site	Part secured	CDC Private sector developers	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	All Bicester Sites	Open space update 2011 Cherwell Open Space and Play Areas study 2022 Cherwell Green and Blue Infrastructure Strategy 2022	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9 and the Cherwell Green & Blue Infrastructure Strategy. New provision by public bodies or organisations; and Public access agreements to privately owned sites. Some secured through: North West Bicester Phase 1 (Exemplar site- Elmsbrook) S106 (10/01780/HYBRID) South West Bicester Phase 1 (06/00967/OUT) South West Bicester Phase 2 (13/00847) Graven Hill (11/01494/OUT) Some in the process of being secured through resolution to approve for North West Bicester sites (17/00455/HYBRID) (14/01384/OUT) (14/01641/OUT) (14/02121/OUT).

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
47 (48)	Green Infrastructure at North West Bicester Eco Town: 40% green open space as mix of public and private open space. This is to include sports pitches and plays areas and a number of community allotments. In addition, options are being developed through the Northwest Bicester Master Plan (Dec.2013) such as: a nature reserve, a community farm, formal and informal park areas.	Provision of open space and green infrastructure to meet Eco Town standards(40% of the eco- town total area should be allocated to green space, of which at least half should be public).	Necessary	Short to long term	TBC	Part secured	CDCPrivate sector developers	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Bicester 1 - North West Bicester Bicester 7 - Meeting the needs for Open Space, Sport and Recreation	North West BicesterMasterplan december 2013Planning applications information	20% public open space secured through S106 (10/01780/HYBRID) for Phase 1 - Exemplar site Work commenced on site. Some secured through: North West Bicester Phase 1 (Exemplar site- Elmsbrook) S106 (10/01780/HYBRID)South West Bicester Phase 1 (06/00967/OUT) South West Bicester Phase 2 (13/00847) Graven Hill 11/01494/OUT)Some in the process of being secured through resolution to approve for North West Bicester sites (17/00455/HYBRID) (14/01384/OUT) (14/01641/OUT) (14/02121/OUT).
Comp (48a)	Elmsbrook Forest School/Pocket Park.	Provision of open space and green infrastructure to meet Eco Town standards.	Necessary	Short term	TBC	c.£24K secured	CDCPrivate sector developers	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Bicester 1 - North West Bicester Bicester 7 - Meeting the needs for Open Space, Sport and Recreation	CDC	Project delivered
48 (49)	Community Woodland (43ha): Chesterton (Burnehyll Community Woodland).	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed. Enhance natural environment by maximising opportunities for improving biodiversity.	Desirable	Short to long term	c.£0.5m	Some committed	CDCChesterton Parish Council Private sector developers	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure(ESD17)	South West Bicester Phase 1 Bicester 3 - South West Bicester Phase 2 Bicester 7 - Meeting the Need for Open Space, Sport and Recreation	Local Plan CDC	Land secured through South East Bicester Phase 2 (13/00847/OUT) Application permitted in May 2017.The legal transfer took place 24 August 2020 and the site is now in CDC's ownership. Design is being finalized. Preliminary work relating to public access is being progressed.Woodland planting (1000+ trees) in the balancing pond area. Planted by the community in November/December 2021. Site management measures to ensure acceptable use of the woodland to be implemented by March 2022.
49 (50)	Stratton Audley Quarry (Elm Farm Quarry) Country Park Low intensity recreation use due to Local Wildlife Designation.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.Enhance natural environment by maximising opportunities for improving biodiversity.	Desirable	Short to long term	TBC	Partially completed	Parish Council CDC OCC BBOWT	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Bicester 7 - Meeting the Need for Open Space, Sport and Recreation	Local Plan CDC	Restoration of the former quarry to a Country Park continues.



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50 (51)	Allotments to be provided as part of development throughout Bicester in accordance to Local Plan standards.Green Spaces Strategy 2008 identified existing deficiencies to 2026: Allotments - 2.6ha These were partially updated in the Open Space update 2011: Allotments - 8.1ha.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Desirable	Short to long term	TBC	Part secured	CDCBicester Town Council Private sector developers	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	All Bicester Sites	Local Plan Open Space Update 2011Cherwell Green and Blue Infrastructure Strategy 2022Planning applications information	To be delivered through policy requirement for all sites comprising 275 + dwellings.Part secured through: North West Bicester Phase 1 (Exemplar site- Elmsbrook) S106. (10/01780/HYBRID)Graven Hill s.106s (11/01494/OUT)South West Bicester Phase 1 (06/00967/OUT) South West Bicester Phase 2 (13/00847) Some in the process of being secured through resolution to approve for North West Bicester sites (17/00455/HYBRID) (14/01384/OUT) (14/01641/OUT) (14/02121/OUT).
51 (52)	North West Bicester Community Farm and allotment provision.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	TBC	TBC	A2 Dominion Private sector developers CDC	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Bicester 1 - North West Bicester	CDC	Community farm and 2 allotment sites north of the railway line to be secured through S106s linked to resolution to approve for (14/01384/OUT)One further allotment site to the south of the railway line to be secured through resolution to approve for (14/02121/OUT)All other applications across the Northwest Bicester site allocation to contribute according to adopted standards.
52 (53)	North West Bicester Country Park.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	TBC	TBC	A2 Dominion Private sector developers	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Bicester 1 - North West Bicester	CDC	To be secured through S106s linked to resolution to approve for (14/01384/OUT).
53 (54)	Community Garden projectsTwo locations in Bicester - in the proximity of the Garth and Bure ParkImproving access to green spaces and opportunities for food growing or enhancing green spaces or bio-diversityIncreasing opportunities for participation and reducing social isolationImproved health and wellbeing for residents.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Desirable	Short term	Secured	Secured	Bicester Town CouncilCDCHarvest at Home	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	All Bicester sites	CDC	Work commenced on Garth Walled Garden growing space. Other local food growing spaces are also underway.
Comp (55)	Dangerfields/Kings End Conservation Area/Shakespeare DriveAccess improvements (including board walk) and potential for nature and habitat projects.	To improve the management of habitat/green spaces and the connection of people with nature.	Desirable	Short term	TBC	TBC	CDC	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	All Bicester sites	CDC	Project delivered

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54 (56)	Children's play areas, sports pitches and courts to be provided as part of development throughout Bicester in accordance to Local Plan standards.Paying Pitches Strategy 2018 identifies needs to 2031 for:Footballc.8ha additional playing field (c.5ha if AGDs developed). Need improvement of existing pitches and ancillary facilities. three full size 3G football pitches (sites to be confirmed) Stadia pitch (FA compliant) with ancillary facilities for Bicester Town FC and some community pitchesCricket5 pitches RUgby UnionBicester RFC – 4 grass pitches on a single site1 additional hockey pitch.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	TBC	Part secured	CDCBicester Town Council Private sector developers Sports clubs and organisations Schools	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	All Bicester Sites	LPPlaying Pitch Strategy 2018Green Spaces Strategy 2008	To be delivered through: • Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9 • New provision by public bodies or organisations • Public access agreements to privately owned sites • Dual use agreements for community access to school facilities Some secured through: North West Bicester Phase 1 (Exemplar site- Elmsbrook) S106. (10/01780/HYBRID) South West Bicester Phase 1 (06/00967/OUT South West Bicester Phase 2 (13/00847) Graven Hill s.106s (11/01494/OUT) Some in the process of being secured through resolution to approve for North West Bicester sites (17/00455/HYBRID) (14/01384/OUT) (14/01641/OUT) (14/02121/OUT).
54a (56a)	c.14 hectares of Sport pitches: North West Bicester Ecotown.	Ensure play and sports infrastructure grows at the same rate as communities and Eco standards for open space are met.	Necessary	Short - medium term	TBC	TBC	A2 Dominion Private sector developers	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11)Green Infrastructure (ESD17)	Bicester 1 - North West Bicester	CDC	Some secured through: North West Bicester Phase 1 (Exemplar site- Elmsbrook) S106. (10/01780/HYBRID)Some in the process of being secured through resolution to approve for North West Bicester sites (17/00455/HYBRID) (14/01384/OUT) (14/01641/OUT) (14/02121/OUT).
54b (56b)	North West Bicester: Sports pavilion	Ensure play and sports infrastructure grows at the same rate as communities and Eco standards for open space are met.	Necessary	Short - medium term	TBC	TBC	A2 Dominion Private sector developers	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Bicester 1 - North West Bicester	CDC	To be secured through S106s linked to resolution to approve for (14/01641/OUT). Linked to 43b.
54c (56c)	Sport pitches: Graven Hill.	Ensure play and sports infrastructure grows at the same rate as communities.	Necessary	Short term	TBC	TBC	Private sector developers	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure(ESD17)	Bicester 2- Graven Hill	Planning applications information CDC	Graven Hill s.106s (11/01494/OUT) Allocation of land has been committed. Facility mix is yet to be agreed.
54d (56d)	Whitelands Sports Village Phase 3 P3b – Tennis courts	Ensure play and sports infrastructure grows at the same rate as communities and develop competition level facilities	Necessary	Medium term	c. £500k	TBC	Private sector developers	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	South West Bicester	CDC internal	Procurement process completed and contract for design and construction awaited. Additional funding to be secured but potential for some LTA Legacy Fund. Permission granted. Next steps to be agreed early 2019.

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54e (56e)	Wretchwick Green (SE Bicester Bicester 12)Two artificial hockey Pitches, one youth football pitch and a sports pavilion to serve sports facilities on site.	Ensure play and sports infrastructure grows at the same rate as communities.	Necessary	Short - medium term	TBC	TBC	Private sector developers	Local Plan: Open Space, Outdoor Sport RecreationProvision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11)Green Infrastructure (ESD17)	South East Bicester	CDC	Currently being negotiated through Bicester 12 S106s.
54f (56f)	Whitelands Sports Village improving rugby provision.	Ensure play and sports infrastructure grows at the same rate as communities and develop competition level facilities.	Desirable	Short term	TBC	TBC	Private sector developers	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	South West Bicester	CDC	Further feasibility assessment to be undertaken.
55 (57)	Proposals for development to achieve a net gain in biodiversity.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	Part secured	To be funded by securing development contributions	CDC OCC BBOWTPPrivate sector developers	Local Plan:Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	All Bicester Sites	OCC	Preparations are being made for the introduction of mandatory net gain from January 2024. The Local Plan Review includes a specific BNG policy which is being consulted on.
Comp (58)	North West Bicester Nature Reserve.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats; opportunities for green infrastructure improvements along watercourse.	Desirable	Medium term	TBC	To be funded by securing development contributions	CDC BBOWT Private sector developers	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Green Infrastructure (ESD17)	Bicester 1 North West Bicester	CDC Bicester Masterplan	Project delivered
56 (59)	Ecological Mitigation and Compensation - habitat creation and management.To be secured as part of development throughout.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	Some secured	To be funded by securing development contributions	CDC OCC BBOWTPPrivate sector developers	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure(ESD17)	All Bicester Sites	CDC	Secured through planning application consultations. Some already secured: Bicester Wetland nature reserve, owned by Thames Water and managed by the Banbury Ornithological Society, is enhancing the site in accordance with s106 funded offset scheme.

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No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
57a (60a)	Restoration, maintenance and new habitat creation at Tusmore and Shelswell Park.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	Bicester 1 - North West Bicester	Local Plan Oxfordshire CDC	Several sites in this CTA gave survey permission to BBOWT as part of the Oxfordshire Local Wildlife Sites Project.
57b (60b)	Restoration, maintenance, new habitat creation at River Ray Conservation Target Area.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	Bicester 1 - North West Bicester Bicester 12 - South East Bicester	Local Plan Oxfordshire CDC	BBOWT has had the green light from National Lottery Heritage Fund to submit a full application for up to £5million for the Reconnecting Bernwood Otmoor and Ray Project. This accords with one of the focus areas in the Cherwell Green & Blue Infrastructure Strategy.
57c (60c)	River Ray Conservation Target Area	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	Bicester 1 - North West Bicester Bicester 12 - South East Bicester	Local Plan Oxfordshire CDC	BBOWT - ongoing lowland meadow maintenance in its Upper Ray Reserves, south of Bicester, all of which have potential for biodiversity. BBOWT's Reconnecting Bernwood Otmoor and Ray Project, if approved for funding, will provide further opportunities for biodiversity improvements.
58 (61)	Restoration, maintenance, new habitat creation along the River Ray catchment.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of BAP.	Desirable	Short - medium term	£47k	Some funding secured	CDC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	All Bicester sites	CDC	The Council supports BBOWT through the LWS Project and Wild Bicester to maximise opportunities for improving biodiversity. There are also opportunities through catchment partnership work led by BBOWT and Thames21.
59 (62)	Wild Bicester project.	To improve the management of habitat/green spaces and the connection of people with nature.	Desirable	Short - medium term	TBC	Some funding secured	BBOWT OXON	Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	All Bicester sites	CDC	Currently being delivered. Bicester Green Gym on various sites and groups based at Bicester Community Garden and Langford Community Orchard also improve management and connect people with nature.

2.1 IDP Update Bicester Projects											
No.	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
60 (New)	Enhancement of Local Wildlife sites	Restoration, maintenance and new habitat creation associated with Local Wildlife Sites. The network of local wildlife sites is vital to sustaining populations of the UK's wildlife, and appropriate land management is often essential to enable this wildlife to survive and flourish.	Necessary	Short to long term	TBC	TVERC / BBOWT (in part via CDC annual grant funding)	Oxfordshire Local Wildlife Sites ProjectTVERCBBOWT		All Bicester sites	CDC / OCC	New project to meet the objectives of the Local Nature Recovery Strategy being developed by Oxfordshire County Council.

2.2 IDP Update Banbury Projects											
No.	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
Transport and movement											
1	Rail Electrification from Oxford – Banbury - Leamington Spa including road bridge alterations at Bridge Street, and A422 Hennef Way.	Providing increased rail capacity to support economic growth and new homes with better access to the national rail network.	Desirable	Medium term	TBC	TBC	Network Rail Chiltern Railways OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN3	All Banbury sites	Network Rail website HLOS 2012	Network Rail Decarbonisation Strategy (July 2020) has identified the route through Bicester and Banbury for electrification.
2	Re-designing the station forecourt to create an interchange that will provide for through bus services and feature a taxi rank, better cycle facilities, and more pedestrian space, with an improved public realm giving a sense of arrival.	Supporting economic growth and new homes with better access to the national rail.	Desirable	Short to long term	c. £6m	Some funding secured	Chiltern Railways Network Rail DfT	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN3	All Banbury sites	LTP	Cycle hub complete. Some elements will be delivered as part of the Tramway Road scheme. Conversations are ongoing with delivery partners.
3	Car parking routeing and guidance system.	To provide better traffic circulation in the town centre - leading to reduced congestion and improved route choices.	Necessary	Short - Medium	c. £0.5m	TBC	CDC OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 PolicyBAN3	Banbury 7 - Strengthening Banbury Town Centre Banbury 8- Land at Bolton Road Banbury 9 - Spiceball Development Area	OCC	Signage scheme for Castle Quay agreed and in place.
4	Reviewing the need for a bus station and rejuvenating and/or relocating Banbury Bus Station, including adding capacity and better linkage with the town centre. Existing bus station site or new site at George Street as one option to be explored.	Improved accessibility delivered from enhanced transport networks.	Necessary	Short - Medium	c. £8m	TBC	OCC CDC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN2	All Banbury sites	Early work on emerging Banbury master plan	Work on town centre bus access and movement ongoing, related to delivery of BSIP-funded Cherwell Street bus lane.
5	Banbury Station Masterplan.	To align CRCL aspirations to improve Banbury station with the Local Transport Plan.	Critical	Short-Medium term	TBC	TBC	Chiltern Railways Network Rail DfT	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in BanburyLocal Transport Plan: LTP4 Policy BAN2	All Banbury sites	Chiltern Railways	Chiltern Railways are progressing a masterplan for Banbury station in 2023/24 alongside Network Railway and local partners. A number of "quick win" upgrade / refurbishment projects are planned in the short term which will run ahead of the preparation of the longer term strategic improvement plan.
5a	Increase number of buses serving the railway station.	Improved access to and facilities at rail station.	Necessary	Short term	TBC	Tramway scheme has some Growth Deal Funding secured.	OCC	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in BanburyLocal Transport Plan: LTP4 PolicyBAN2	All Banbury sites	LTP OCC	Linked to the Banbury Rail Station Plans as part of discussions with Chiltern Railways and Network Rail and with scheme 8 to open up a bus link via Tramway Road (Submission by OCC to productivity fund to open up the Tramway access for buses) Work is ongoing on the Tramway Road scheme.

2.2 IDP Update Banbury Projects											
No.	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
6	Developing interurban services through enhancements or new services:Improving the Oxford to Banbury bus service (especially on the Banbury to Deddington section) and quality of bus, along with equipping vehicles with real-time information equipment Improve the frequency ofthe Deddington to Banbury bus service.	New or improved bus services	Necessary	Short to medium term	c. £400K	Some funding secured	OCCBus Operators Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) in support of strategic growth in BanburyLocal Transport Plan: LTP4 Policy BAN2	All Banbury sites	LTP	Following Covid, S4 is now partially supported by OCC. New X4 express peak links to/from Oxford provided from September 2023. Services 200 (Daventry) and 500 (Brackley/Bicester) now financially supported by OCC.
7	Serve all Strategic Development Sites by bus service, which may lead to new bus routes or changes to existing provision.	New or improved bus services Improve the transport and movement networks into and through the town.	Critical	Short to long term	TBC	To be funded by securing contributions from strategic allocations	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate Change (ESD1) in support of strategic growth in BanburyLocal Transport Plan: LTP4 Policy BANBanbury Bus Strategy Objective 5	All Banbury sites	LTP OCC	Single Banbury-wide tender to be issued to start in February 2024, taking into account comments received in recent consultation.
8	Bus link between Bridge Street and Tramway Road to better serve the railway station, Canalside redevelopment and Longford Park (Bankside);	New or improved bus services Improve the transport and movement networks into and through the town.	Necessary	Short - medium term	£4.5m	TBC	OCCPrivate sector developers Bus operators Chiltern Railways Network Rail	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategicgrowth in BanburyLocal Transport Plan: LTP4 Policy BAN2Banbury Bus Strategy Objective 3	Bankside Phase 1Banbury 1- Canalside Banbury 4 - Bankside Phase 2	LTP OCC	Detail design is underway.
9	Bus priority or other changes at junctions to reduce bus journey times.	New or improved bus services Improve the transport and movement networks into and through the town.	Necessary	Short - medium term	TBC	TBC	OCCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in BanburyLocal Transport Plan: LTP4 Policy BAN2 Banbury BusStrategy Objective 2	All Banbury sites	LTP OCC	TBC
10	Introduction of Real Time Information technology on buses and at bus stops.	New or improved bus services Improve the transport and movement networks into and through the town	Desirable	Short to long term	TBC	TBC	OCC Bus operators	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN2	All Banbury sites	LTP	To be secured through developer contributions. Negotiations ongoing with supplier.
11	Improving the routing, quality and level of bus services and facilities to employment areas and new residential areas and the introduction of real time information technology on buses and bus stops.	New or improved bus services Improve the transport and movement networks into and through the town.	Desirable	Short to long term	c. £5m	c. £2.2m	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in BanburyLocal Transport Plan: LTP4 Policy BAN2Banbury Bus Strategy Objective 1	All Banbury sites	LTP OCC	Expected new bus service to/from Chalker Way to start in February 2024.

2.2 IDP Update Banbury Projects											
No.	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
12a	Improving capacity of north south routes: Cherwell Street/ A4620 Windsor Street corridor (covering junction with Oxford Road, Swan Close Road, and Bridge Street) Including bus priority measures at Cherwell St: Banbury Cherwell St bus lane.	Improving capacity of the highways network.	Critical	Short - medium term	c. £8m	Some funding committed	OCC	Local Plan: Improved Transport and Connections (SLE 4) Local Transport Plan: LTP4 Policy BAN1	Banbury 1 - Canalside Banbury 7 - Strengthening Banbury Town Centre Banbury 8 - Land at Bolton Road Banbury 9 - Spiceball Development Area	LTP OCC	Options and feasibility work on the Cherwell bus lane is being carried out this financial year
12b	Improving capacity of north south routes: Bankside Corridor (covering the junction with A4260 Oxford Road and Hightown Road).	Improving capacity of the highways network.	Necessary	Short - medium term	c. £10m	TBC	OCC	Local Plan: Improved Transport and Connections(SLE 4) Local Transport Plan:LTP4 Policy BAN1	Bankside Phase 1 Banbury 4 - Bankside Phase 2 Banbury 6 - Land West of the M40Banbury 12 - Relocationof Banbury United FC	LTP OCC	Chicanes have been removed and replaced with traffic calming cushions, and cycle lanes introduced.
13	Traffic management of A361 South Bar Street (covering the junction with A361 Bloxham Road).	Improving capacity of the highways network Improve the transport and movement networks into and through the town.	Necessary	Short - medium term	c. £2m	Some funding committed	OCC	Local Plan: Improved Transport and Connections (SLE 4) Local Transport Plan: LTP4 Policy BAN1	Banbury 1 - Canalside Banbury 7 - Strengthening Banbury Town Centre Banbury 8 - Land at Bolton Road Banbury 9 - Spiceball Development Area	LTP OCC	This scheme is not being progressed and will undergo review through the area transport strategy review (LTCP).
14a	East-west strategic movements: Hennef Way corridor to address existing congestion issues and support growth within Banbury (signalisation likely).	Improving capacity of the highways network.	Critical	Short to long term	c. £18m	Some funding committed	OCC	Local Plan: Improved Transport and Connections (SLE 4)Local Transport Plan: LTP4 Policy BAN1	Banbury 2 Hardwick Farm/Southam Road Banbury 6 - Land West of the M40	OCC	M40J11 has been fully signalised and MOVA operation system installed as part of HS2 works Options assessment undertaken for Southam Road junction improvements.
14b	East-west strategic movements: Warwick Road Corridor (covering the roundabout junctions with A422 Ruscote Avenue and Orchard Way).	Improving capacity of the highways network Improve the transport and movement networks into and through the town.	Necessary	Medium term	c. £2.5m	Some funding committed	OCC	Local Plan: Improved Transport and Connections (SLE 4) Local Transport Plan: LTP4 Policy BAN1	Banbury 3 - West of Bretch Hill Banbury 10 - Bretch Hill Regeneration Area	OCC	Work was postponed due other priorities but the brief is currently being reconsidered to commission the work.
15	Internal Spine Road Serving Development- East of Bloxham Road	Accommodating a new direction of growth with a comprehensive highways and access solution.	Necessary	Short term	c.£2.5m	Developer Contributions	Private sector developers	Local Plan: Improved Transport and Connections (SLE 4)Local Transport Plan: LTP4 Policy BAN1	Banbury 17 - South of Salt Way - East	CDC OCC	Secured through planning applications. S38 approvals in progress.



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16	Review Town Centre traffic circulation, including bus routeing. Town centre, Spiceball, Bolton Road and Calthorpe Street.	Improving capacity of the highways network.	Necessary	Short term	c. £3.25m	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4) Local Transport Plan: LTP4 Policy BAN1	Banbury 1 - Canalside Banbury 7 - Strengthening Banbury Town Centre Banbury 8 - Land at Bolton Road Banbury 9 - Spiceball Development Area	OCC	TBC
17	Electric vehicle initiatives. Including charging points for electric vehiclesA number of charging points locations completed across the town. Wider provision under consideration.	To reduce pollution from road traffic.	Desirable	Short to long term	TBC	TBC	CDC OCC	Local Plan: Improved Transport and Connections (SLE 4)Local Transport Plan: LTP4 Policy 22	All Banbury sites	CDC	Consider with individual applications in particular at town centre development and the station.
18a	Provide footways and cycleways from all Strategic Sites joining up with the existing network.	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists.	Necessary	Short to long term	TBC	Some committed	OCC CDC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN4	All Banbury sites	OCC	Cycle facility secured on Banbury 15 planning permission, between Banbury Gateway and Hennef Way.
18b	Provide footways cycleways connecting to other strategic development sites in North West Banbury - Drayton Lodge.	Improving cycling and walking routes.	Necessary	Short term	TBC	Developer Contributions	CDC OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in BanburyLocal Transport Plan: LTP4 Policy BAN4	Banbury 18 - Drayton Lodge Farm	CDC	TBC
19	Improving walking routes between the railway station, bus station and town centre via Bridge Street and/or through Canalside redevelopment with wide footpaths, dropped kerbs and signage;	Improved access to and facilities at rail station.	Necessary	Short - medium term	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN4	Banbury 1 - Canalside Banbury 7 - Strengthening Banbury Town Centre Banbury 8 - Land at Bolton Road Banbury 9 - Spiceball Development Area	LTP OCC	Being considered as part of Banbury Rail Station Masterplan and also Canalside development discussions. OCC is seeking for a route to be safeguarded through development of the former caravan site.
20	Waterside pedestrian and cycle path from Riverside car park to Spiceball Park Road.	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists.	Desirable	Short term	c. £0.75m	TBC	OCC CDC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in BanburyLocal Transport Plan: LTP4 Policy BAN4	Banbury 9 - Spiceball Development Area	OCC	Delivered as part of Castle Quay 2

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21	Cycle and pedestrian way route improvements at Daventry Road/A422 Hennef Way.	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists.	Desirable	Short term	Part of 14a above	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN4	Banbury 2 Hardwick Farm/Southam Road Banbury 6 - Land West of the M40 Banbury 15 - Employment Land North East of Junction 11	OCC	Currently being delivered by development.
Comp (22)	Cycle route improvements at Waterloo Drive, between Fraser Close and Middleton Road.	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists.	Desirable	Short term	c. £0.1m	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN4	Banbury 1 - Canalside	OCC	Scheme complete
22 (23)	New Perimeter Bridleway Providing Pedestrian / Cycle / Horse Riding route from White Post Road to Bloxham Road and circular connection with Salt Way - South of Salt Way –East.	Improving cycling and walking routes. Mitigation of impact from development of land to the south of Salt Way.	Desirable	Short - medium term	TBC	Committed	CDC OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN4	Banbury 17 - South of Salt Way - East	CDC	Permissive bridleway as part of open space being picked up through reserved matters planning applications on sites south of Salt Way.
23 (24)	Delivering schemes such as the Hanwell Fields 4 cycle routes along the Former Minerals Railway providing improvements to the Mineral Railway route between the existing Highlands.	Improving cycling and walking routes.	Desirable	Short - medium term	TBC	Part secured	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN4	All Banbury sites	LTP OCC	This route is now in the approved Banbury LCWIP.
23a (24a)	Banbury Health routes.	Improving cycling and walking routes.	Desirable	Short term	Secured	Secured	CDC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN5	All Banbury sites	CDC	Commenced. Was intended to be complete by March 2022.
24 (25)	Improving connections to the rights of way network.	Improving cycling and walking routes.	Desirable	Short to long term	TBC	Some funding secured	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN4	All Banbury sites	LTP	Hardwick Farm/Southam Road (13/00158/OUT & 13/00159/OUT)
25 (26)	Improve bridleway 120/45 from the Salt Way to Oxford Road with surface and safety improvements.	Improving bridleway routes.	Desirable	Short term	c. £0.6m	Funding secured	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury	All Banbury sites	OCC	TBC

2.2 IDP Update Banbury Projects											
No.	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
26 (27)	Providing cycle stands at bus stops where possible and at key locations	Improving street environment and facilities for pedestrians and cyclists Provide sustainable movement routes for pedestrian and cyclists	Desirable	Short to medium term	TBC	TBC	OCC CDCPrivate sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in BanburyLocal Transport Plan: LTP4 Policy BAN4	All Banbury sites	LTP	To be funded through planning obligations from new development in addition to other capital funding.Cycle stands are to be provided at the new bus stop on Warwick Road serving the Drayton Lodge Farm development
27 (28)	Improving the pedestrian environment in Banbury, particularly in the town centre and to/within residential and employment areas; providing cycle stands at bus stops where possible.	Improvements to public realm.	Desirable	Short - medium term	TBC	TBC	OCC CDC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Banbury Local Transport Plan: LTP4 Policy BAN4	Banbury 1- Canalside Banbury 7 - Strengthening Banbury Town Centre Banbury 8- Land at Bolton Road Banbury 9 - Spiceball Development Area Banbury 10 - Bretch Hill Regeneration Areas	LTP	Town centre walking zone identified in the approved Banbury LCWIP. Work to start on an Action Plan for the zone.
Education											
28 (29)	2FE primary school South of Salt Way.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short term	c. £11.5m	Developer Contributions	OCC	Local Plan: Meeting education needs (BSC7)	Banbury 17 - South of Salt Way East Banbury 16- South of Saltway West	LP OCC	CDC will work with OCC, developers and schools to facilitate the timely provision of new schools. Banbury 16 has planning permission and Banbury 17 is under consideration. Timing will depend on housing delivery. Timescale has been revised to 2027/28
29 (30)	2FE primary school Bankside Phase 1 & 2 (Longford Park Primary School Phase 2 - Expansion to 2 FE.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short - medium term	c. £8.58m (1.5 FE already delivered)	Secured	OCC	Local Plan: Meeting education needs (BSC7)	Bankside Phase 1 Banbury 4: BanksidePhase 2	LP OCC	Expansion to 2FE not yet scheduled. To include additional early years provision. Timing has been revised to 2027/28
Comp (31)	Expansion of William Morris Primary School by 35 places (to serve Warwick Rd & Bretch Hill and Drayton Lodge Farm).	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short term	TBC	Secured	OCC	Local Plan: Meeting education needs (BSC7)	Banbury 3 - West of Bretch Hill Banbury 18 - Drayton Lodge	OCC	Scheme complete
30 (32)	New secondary school provision - a total of 251 places required. Includes potential new secondary school – location to be determined.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Medium to long term	c.£30m	Developer Contributions	OCC	Local Plan: Meeting education needs (BSC7)	All Banbury sites	LP OCC	This is not expected to be delivered before 2028. Warriner School in Bloxham is providing an extra 56 places per year group from 2019 Expansion of Blessed George Napier School is being planned to provide an addition 60 places per year group. Timing is dependent on housing delivery.

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31 (33)	Special Needs Education: Expansion of provision based on approximately 1.5% of additional pupils attending SEN schools.	Expand the schools and colleges provision to match the needs of residents and businesses.	Necessary	Short to long term	TBC	Some funding committed Developer contributions	OCC	Local Plan: Meeting education needs (BSC7)	All Banbury sites	OCC	SEND reource base due to open at Cherry Fields Primary School January 2024. Ongoing need for more special school capacity, being delivered through a county-wide strategy.
31a (33a)	New 100-place special school at Bloxham, also serving the Banbury area.	Expand the schools and colleges provision to match the needs of residents and businesses.Provide opportunities for local people to improve the quality of their life: Skills, training and education.	Necessary	Short term	TBC	Some funding committed	OCC, Education providers Private sector developers	Local Plan: Meeting education needs (BSC7)	All Banbury sites	OCC	Bloxham Grove special school will be opening in January 2024.
32 (34)	Early Years education: Seek additional space as required within new community facilities and/or schools to deliver required provision.	Expand Early Years provision to match the needs of residents and businesses.	Necessary	Short to long term	TBC	Developer contributions	OCC	Local Plan: Meeting education needs (BSC7)	All Banbury sites	OCC	Early years provision to be included within new primary schools. Further project specific information to be added as project development evolves.
Utilities											
33 (35)	Water supply links and network upgrades.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short to long term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water Private sector developers	Local Plan: Public Service and Utilities (BSC9)	All Banbury sites	Discussio ns with Utility providers LP	Some scoped in the Thames Water 2015-2020 business plan and some as part of the 2020- 2025. To be funded and provided as development comes forward. Capacity to be in place before development commences. In some instances, phasing of development may be used to enable the relevant infrastructure to be put in place. All developments over 250 properties must be modelled. The developer cannot build within 3m of distribution mains. A piling condition must be sought due to the above. TW recommends that developers engage with them at the earliest opportunity to draw up water and drainage strategies. TW offer a free pre-planning service which confirms if capacity exists to serve new development of if upgrades are required.
34 (36)	Sewerage links and treatment works upgrade.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short to long term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water Private sector developers	Local Plan:Public Service and Utilities (BSC9)	All Banbury sites	Thames Water / Anglian Water	To be funded and provided as development comes forward. Capacity to be in place before development commences. In some instances, phasing of development.

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No.	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
35 (New)	Banbury Sewage Treatment works upgrade programme to increase capacity from 266 to 490 liters per second, reducing the need for untreated discharges in wet weather and providing a higher quality of treated effluent going to watercourses.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Medium term	TBC	To be funded by TW and private developers	Thames Water	Local Plan: Public Service and Utilities (BSC9)	All Banbury sites	Thames Water	Work is planned to be completed during the 2025-2030 regulatory period.
36 (37)	Upgrading of Hanwell Fields water booster station.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short - medium term	TBC	To be funded by site developers and utility providers	Thames Water Private sector developers	Local Plan:Public Service and Utilities (BSC9)	Banbury 5 - North of Hanwell Fields	Local Plan Planning applications information	To be funded and provided as development comes forward. Capacity to be in place before development commences. In some instances, phasing of development.
37 (38)	Upgrading of Hardwick Hill booster pumps.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short - medium term	TBC	To be funded by site developers and utility providers	Thames Water Private sector developers	Local Plan: Public Service and Utilities (BSC9)	Banbury 5 - North of Hanwell Fields	Local Plan Planning applications information	To be funded and provided as development comes forward. Capacity to be in place before development commences. In some instances, phasing of development may be used.
38 (39)	Relocating or realigning of twin foul rising main at Canalside.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short - Medium	TBC	To be funded by site developers and utility providers	Thames Water EA CDC	Local Plan: Public Service and Utilities (BSC9)	Banbury 1 - Canalside	Local Plan Draft Canalside SPD 2009	To be implemented as part of the delivery of Canalside.
39 (40)	Extension and enlargement of Bankside Phase 1 connections and pumping station if required.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short - Medium	TBC	TBC	Utility provider Private sector developer	Local Plan:Public Service and Utilities (BSC9)	Banbury 4 - Bankside Phase 2	Local Plan	The two rising main connections required to enable Bankside Phase 1 have been delivered. A strategic scheme for Phase 1 will be required. A strategic scheme for all growth in Banbury is currently underway.
40 (41)	Relocation and/or realignment of existing electricity and gas service infrastructure.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short to long term	TBC	TBC	SSE	Local Plan: Public Service and Utilities (BSC9)	Banbury 1 - Canalside	Discussions with Utility providers and LP representations	To be secured and delivered through the development process.
41 (42)	2 new electrical substations.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short - medium term	TBC	To be funded by site developers Utility providers	SSE	Local Plan: Public Service and Utilities (BSC9)	Banbury 5 - North of Hanwell Fields	Local Plan Planning applications information	In process of signing S106 as per of resolution to approve Banbury 5-North of Hanwell Fields (12/01789/OUT).
42 (43)	Reinforcement of existing electricity network: Banbury to Bloxham.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short term	c.£28 m	TBC	TBC	Local Plan:Public Service and Utilities (BSC9)	All Banbury sites	CDC	Addressing generation and demand constraints in Banbury. The grid in Bloxham does not have enough demand load and with Epwell having too much generation is feeding electricity back the wrong way. Banbury also needs increased demand but has spare capacity for generation. Upgrade expected to take two years to complete and will involve linkages going through the road system through the centre of Banbury. Commenced. It will take effect from 2023.

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43 (44)	CHP at Canalside.	Ensure utilities infrastructure grows at the same rate as communities.	Necessary	Short - Medium	TBC	TBC	CDC	Local Plan: Public Service and Utilities (BSC9) Mitigating and adapting to Climate Change (ESD1)	Banbury 1 - Canalside	Draft Canalside SPD 2009	To be implemented as part of Canalside delivery.
44 (45)	Banks for glass and other recyclable materials.	Ensure utilities infrastructure grows at the same rate as communities.	Desirable	Short to long term	TBC	To be funded by securing development contributions	CDC	Local Plan:Public Service and Utilities (BSC9) Mitigating and adapting to ClimateChange (ESD1)	All Banbury sites	CDC	To be delivered through planning obligations as appropriate.
45 (46)	Waste Management Capacity: Building new or enhancing existing Household Waste Recycling Centre (HWRC) sites to deal with increased demand Sites should be designed to manage waste in accordance with the hierarchy, promoting reduction and reuse.	Ensure waste and recycling facilities grow at the same rate as communities needs.	Necessary	Medium term	TBC	Developer contributions	OCC	Local Plan: Public Service and Utilities (BSC9) Mitigating and adapting to Climate Change (ESD1) OCC Minerals and Waste Local Plan and emerging Core Strategy	All Banbury sites	OCC	Further project specific information to be added as project development progresses.
Flood risk											
46 (47)	Further flood management measures for Canalside	Reduce probability of flooding.	Critical	Short - Medium	TBC	To be funded by Canalside development	EA CDC OCC	Local Plan: Sustainable Flood Risk Management (ESD 6) Sustainable Drainage Systems (ESD7) Water Resources (ESD8)	Banbury 1 - Canalside	Canalside SFRA	To be delivered through on- site design and Sustainable Urban Drainage for Canalside in consultation with EA and Lead Local Flood.
Emergency and rescue services											
47 (48)	Extension, adaptations and alterations to Banbury Police Station.	Ensure emergency and rescue infrastructure grows at the same rate as communities.	Necessary	TBC	TBC	TBC	TVP	Local Plan: Public Service and Utilities (BSC9)	All Banbury sites	TVP	Contributions secured in various S106 Agreements, awaiting release of funds
48 (49)	Provision of touchdown police facilities as part of new Community facilities.	Ensure emergency and rescue infrastructure grows at the same rate as communities.	Necessary	Short to long term	TBC	TBC	Thames Valley Police Private sector developers	Local Plan: Public Service and Utilities (BSC9)	All Banbury sites	TVP	To be explored as part of provision of community facilities.
49 (50)	Infrastructure required to directly serve new development including fleet, staff, set up costs and kit, upgrades to existing radio and emergency centre call capacity and siting of ANPR cameras.	Ensure emergency and rescue infrastructure grows at the same rate as communities.	Necessary	Short to long term	TBC	TBC	TVP	Local Plan:Public Service and Utilities (BSC9)	All Banbury sites	TVP	Contributions secured in various S106 Agreements, awaiting release of funds

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Health											
50 (51)	Exploring delivery of healthcare through primary care network provision and additional primary care facilities to meet growing population need.	Ensure health infrastructure grows at the same rate as communities.	Necessary / critical	Short - medium term	TBC	TBC	Existing Health care estate premises owners, inc. practices NHS	Local Plan: Securing Health and Wellbeing (BSC8) Area Renewal (BSC5)	All Banbury sites	OCCG	OCCG commissioning an options appraisal for Banbury primary medical care estates – all future projects subject to the outcome of this report.
51 (52)	Additional GP provision in North Banbury.	Ensure health infrastructure grows at the same rate as communities.	Necessary	Short - medium term	c.£5m	TBC	Oxfordshire CCG	Local Plan: Securing Health and Wellbeing (BSC8) Area Renewal (BSC5)	All Banbury sites	OCCG	Currently progressing developer contributions negotiations with developers.
52 (53)	Additional GP provision in South Banbury.	Ensure health infrastructure grows at the same rate as communities.	Critical	Short term	c.£5m	TBC	OCCG	Local Plan: Securing Health and Wellbeing (BSC8) Area Renewal (BSC5)	All Banbury sites	OCCG	Currently progressing developer contributions negotiations with developers.
Community Infrastructure											
53 (54)	Indoor Recreation to be provided as part of development throughout Banbury in accordance to Local Plan standards. Sports Facilities Strategy, November 2022 2018 forecasts the future needs for sport and recreation up to 2040.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Short to long term	TBC	Some committed	Banbury Town Council CDC	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	All Banbury sites	Built Facilities Strategy, 2022	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Table 10 Public access agreements to privately owned sites Dual use agreements to allow public use of school facilities Undertaking feasibility studies regarding the development of existing sites and identifying opportunities to secure new sites as development sites come forward.
54a (55a)	Exploring increasing capacity/expanding facilities at Spiceball Leisure Centre to provide 3G mini football	Ensure social infrastructure grows at the same rate as communities.	Necessary	Short - Medium	TBC	TBC	CDC	Local Plan: Indoor Sport Recreation andCommunity Facilities (BSC12)	All Banbury sites	CDC	Option not to be pursued at present time.
54b (55b)	Expansion and improvements to Hanwell Fields (Rotary Way) Community Hall.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Short term	c.100K	Secured	CDC	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Banbury 5 - North of Hanwell Fields West of Warwick Road	Planning applications information	Improvements to Hanwell Fields instead of new small facility agreed. Link to 57a
55a (56a)	New Community Facility - South of Saltway.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Short - medium term	TBC	TBC	CDC Private developers	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Banbury 17 - South of Salt Way - East	CDC	To be delivered by developer directly.
55b (56b)	New Community Facility - Drayton Lodge.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Short - medium term	TBC	TBC	CDC Private developers	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Banbury 18 - Drayton Lodge Farm	CDC	To be delivered by developer directly.



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56 (57)	Exploring provision of community hub facilities that enable multi agency facilities to be co-located including provision of library accomodation	Ensure social infrastructure grows at the same rate as communities.	Desirable	Short - medium term	TBC	TBC	OCC CDC	Local Plan:Public Service and Utilities (BSC9) Indoor Sport Recreation andCommunity Facilities (BSC12)	All Banbury sites	OCC	TBC
57 (58)	Extension to Burial Site.	Ensure social infrastructure grows at the same rate as communities	Necessary	Short - medium term	TBC	TBC	Town Council CDC	Local Plan: Public Service and Utilities (BSC9)	All Banbury sites	Banbury Town Council	CDC working with Banbury Town Council to facilitate sufficient burial space over the lifetime.
58 (59)	Provision of public art to enhance the quality of the place, legibility and identity.	Improve health, social and cultural wellbeing.	Desirable	Short term	TBC	TBC	CDC	Local Plan: The Character of the Built and Historic Environment (ESD15)	Banbury sites with a direct relationship to this project	Developer Contributions SPD 2018	Artist appointed to create 'The Figure of Industry' sculpture. Installation planned summer 2021.
59 (60)	Indoor tennis provision: 3 courts by 2031.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Short - Medium	TBC	TBC	LTA CDC	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	All Banbury sites	CDC	Scheme being developed. Awaiting LTA position on available funding.
60 (New)	Expansion and operation of the Museum Resource Centre at Standlake	To provide sufficient storage for archaeological finds from development and ensure its safekeeping	Necessary	Medium-Long Term	TBC	Developer Contributions	OCC	PR: Infrastructure Delivery (PR11), Community Facilities (BSC 12)	All Banbury sites	OCC	TBC
Open space, recreation and biodiversity											
61	Amenity open space, natural and seminatural green space and Parks and Gardens to be provided as part of development throughout Banbury in accordance to Local Plan standards. Green Spaces Strategy 2008 identified existing deficiencies to 2026: 3.3 ha park on the north west outskirts of the town3.7 ha natural/seminatural space through new provision/public access agreements to privately owned sites3.5 ha amenity open space These were partially updated in the Open Space update 2011:8.81 ha natural/ seminatural green space.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	Cost/provision to be determined for each development site	Part secured	CDC	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	All Banbury sites	Cherwell Green and Blue Infrastructure Strategy 2022	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9 and the Cherwell Green & Blue Infrastructure Strategy.



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No.	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
61a	Bankside Community Park (c.38.51 ha).	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Desirable	Short term	Funding secured	Funding secured	CDCBodicote Parish Council Banbury Town Council Private sector developers	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision- Outdoor Recreation (BSC11) Green InfrastructureESD17)	Bankside Phase 1 Banbury 4 - Bankside Phase 2	LP	Secured as part of Bankside Phase 1 S106 (05/01337/OUT) work on site commenced in Dec. 2013.
61b	Open space provision at West of Bretch Hill. Minimum 3ha including parks and gardens, natural and semi-natural green space, amenity areas, civic spaces, allotments and community gardens, and outdoor provision for children and young people.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	TBC	TBC	CDC	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) The Oxford Canal (ESD16) Green Infrastructure (ESD17)	Banbury 3 - West of Bretch Hill	LP	To be delivery through policy requirement in accordance with LP Tables 7, 8 and 9.
62	Canal Towpath improvements (3000 linear metre)- Access to the Countryside (urban centre to Cherwell Country Park).	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short term	c.£200K	TBC	CDC	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) The Oxford Canal (ESD16) GreenInfrastructure (ESD17)	All Banbury sites	CDC	On-going funding through planning obligations from new development.
63	Open space that follows the canal and river corridor and supports greater connectivity of the area. Linking with existing open space to contribute to the objective of creating a linear park and thoroughfare from the north of the town to Bankside in the south.	Ensure open space and amenity infrastructure grows at the same rate as communities.	Necessary	Short - Medium	TBC	To be delivered as part of development proposal	CDC	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure ( ESD17) TheOxford Canal (ESD16)	Bankside Phase 1Banbury 1- Canalside Banbury 9 - Spiceball Development Area	Local Plan Draft Canalside SPD 2009	To be delivered through the implementation of Canalside and Spiceball Development Area.
64	Allotments to be provided as part of development throughout Banbury in accordance to Local Plan standards.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Desirable	Short to long term	TBC	Part secured	CDC	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	All Banbury sites	Local Plan Green Spaces Strategy 2008	To be delivered through policy requirement for all sites comprising 275 + dwellings.
65a	Hanwell Fields orchard	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Desirable	Short to long term	TBC	Committed	CDC Private developers	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11)Green Infrastructure (ESD17)	All Banbury sites	Local Plan Green Spaces Strategy 2008	Committed through planning permission for North of Hanwell Fields (12/01789/OUT).

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65b	Community Garden projects.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Desirable	Short term	Secured	Secured	CDC	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	All Banbury sites	CDC	The Hill to be delivered by end of 2021 Grimsbury area to be delivered by the end of March 2022.
66	Banbury Country Park(30ha) previously known as Cherwell Country Park–District Park northeast of Banbury to include walks, meadows, trees/woodland, carparking. Includes Wildmere Community Woodland Phase 1.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Desirable	Short term	£240K	Committed	CDC	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Banbury 14 - Cherwell Country ParkAll Banbury Sites	CDC	Phase 1: land purchase, bridges, fencing, signage/interpretation, footpath, park furniture and fishing platforms Character Area 5 known as the Roman Meadow is now owned by CDC (since October 2020)
67	Banbury Country Park (30ha) Phase 2.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Desirable	Short - Medium	c.£217K	TBC		Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Banbury 14 - Cherwell Country Park All Banbury Sites	CDC	Phase 2: Woodland Planting, biodiversity improvements, car park west and cycle way link.
68	Banbury Country Park (30ha) - Phase 3: children's play area, public art, improved access from the canal and Grimsbury Wood, habitat improvement works, community planting initiatives and car park east.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Desirable	Short - Medium	c.£190.2K	TBC	CDC	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11)Green Infrastructure (ESD17)	Banbury 14 - Cherwell Country ParkAll Banbury Sites	CDC	Phase 3: children's play area, public art, improved access from the canal and Grimsbury Wood, habitat improvement works, community planting initiatives and car park east.

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69	Children's play areas, sports pitches and courts to be provided as part of development throughout Banbury in accordance to Local Plan standards. Paying Pitches Strategy 2018 identifies needs to 2031 for: Football: 8 ha additional playing field area, with pitches provided across all sizes (5ha if AGP are provided). Improved pitches and ancillary facilities.3 full size 3G football turf pitches (assumes use of hockey surface pitch(es) at North Oxfordshire Academy, Banbury Academy and Blessed George Napier Academy) Sites with stadia pitch with ancillary facilities plus community pitches for Banbury United FC and Easington Sports FC Cricket: 6 pitches.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	Project specific (below)	Project specific (below)	CDC	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision- Outdoor Recreation (BSC11)Green Infrastructure (ESD17)	All Banbury sites	CDC	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9.
69a	Provision of a large all- weather pitch (70m x 106m) and new changing facilities at North Oxfordshire Academy (NOA) for education and community use.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short term	TBC	Committed	CDC NOA	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision- Outdoor Recreation	All Banbury sites	CDC	Project specification being finalised ahead of planning application.
69b	Provision of sport pitches and pavilion - Saltway.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short term	TBC	Committed	CDC, Banbury Academy	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation	Banbury 17 - South of Salt Way - East	CDC	TBC
69c	Community Sport pitches - Banbury 4.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short term	TBC	Committed	CDC, Banbury Academy	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision- Outdoor Recreation	Banbury 4 - Bankside Phase 2	CDC	TBC

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69d	North Oxfordshire Academy 3G pitch provision.	Ensure social infrastructure grows at the same rate as communities.	Desirable	Short term	TBC	Committed	NOA CDC	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Banbury sites with a direct relationship to this project	CDC	S106 part funded scheme for delivery in 2021.
70	Relocation of Banbury United Football Club.	Secure long term facilities for the club. Facilitate the redevelopment of Canalside with improved access to the railway station	Critical	Short - Medium	c. £2.5m - 3m	TBC	Tilstone / New College / Banbury Utd	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11)	Land for the Relocation of Banbury United Football Club - Banbury12Canalside - Banbury 1	LP CDC	TBC
71a	Children Play areas – North of Hanwell Fields 1 LEAP and 3 LAPs.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short term	TBC	Committed	CDC	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision- Outdoor Recreation	Banbury 5 – North of Hanwell Fields	CDC	Committed through planning permissions 12/01789/OUT and
71b	Children Play areas – West of Warwick Road combined LAP and LEP provision as part of the site's central green.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short term	TBC	Committed	CDC	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation	Banbury 10	CDC	Committed through planning permission 13/00656/OUT.
71c	Children Play areas – Bankside Phase 1 (Longford Park) Provision of 3 children equipped areas.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short term	TBC	Committed	CDC	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision- Outdoor Recreation	Banbury 1 - Canalside	CDC	Committed through planning permission 05/01337/OUT.
72	Explore the potential of a "Movement Network" - link open spaces together in Banbury. There is potential to explore a movement network addressing accessibility and habitat fragmentation through the emerging Banbury Masterplan and the next Local Plan.	Address the fragmentation of natural environment by improving/providing green infrastructure corridors and increase accessibility of open spaces.	Desirable	Short to long term	TBC	TBC	CDC	Local Plan: Open Space, Outdoor SportRecreation Provision (BSC10)Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	All Banbury sites	CDC	Banbury Fringe Circular Walk has existed for many years – towpath on the east side, Saltway on the south side, rights of way on the west side, mineral railway on the north side – various parks and green spaces along its route. Some open spaces have been connected in the town along walking health routes. Also through digitisation of these routes and the Banbury Fringe Walk now appear on the Go Jauntly app - <a href="https://www.cherwell.gov.uk/info/3/leisure-and-culture/246/circular-walks-in-cherwell">https://www.cherwell.gov.uk/info/3/leisure-and-culture/246/circular-walks-in-cherwell</a>

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73	Proposals for development to achieve a net gain in biodiversity.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	Part secured	To be funded by securing development contributions	CDC OCC BBOWT	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11)Green Infrastructure (ESD17)	All Banbury sites	CDC	Preparations are being made for the introduction of mandatory net gain from January 2024. The Local Plan Review includes a specific BNG policy which is being consulted on.
74	Ecological Mitigation and Compensation - habitat creation and management. To be secured as part of development throughout Banbury.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDC OCC BBOWT	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	All Banbury sites	CDC	Secured through planning application consultation.
74a	Restoration, maintenance, new habitat creation at Northern Valleys Conservation Target Area.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDC Wild Oxfordshire BBOWT	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11)Green Infrastructure (ESD17)	All Banbury sites	Local Plan OCC CDC	No project identified at this stage but potential area for biodiversity offsets from local development if net gain is not achieved on- site. The Council supports BBOWT through the LWS Project to maximise opportunities for improving biodiversity. There are additional opportunities through catchment partnership work led by BBOWT and Thames21.
74b	Restoration, maintenance, new habitat creation at North Cherwell Conservation Target Area.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDC Wild Oxfordshire BBOWT	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11)Green Infrastructure (ESD17)	All Banbury sites	CDC	The areas of Banbury Country Park that are in CDC ownership are in this CTA so there are many opportunities for habitat improvement works and projects. Banbury Country Park is a potential habitat bank in terms of biodiversity net gain offsets. The Council supports BBOWT through the LWS Project and Wild Banbury to maximise opportunities for improving biodiversity. There are also opportunities through catchment partnership work led by BBOWT and Thames21.
75	Wild Banbury Projects: New pond creation and Spiceball Park.	Enhancing urban habitats for wildlife and bringing people into contact with nature.	Desirable	Short term	£1,590 on tree work including chipping brush£1,593 on planting in and around ponds£7,327 on new interpretation boards	TBC	Banbury TC BBOWT	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	All Banbury sites	CDC	Banbury TC sites are securing biodiversity improvements and connecting people with nature through the Wild Bicester volunteer group particularly in Spiceball Park and Hanwell Fields wetland. Banbury CAG do this in the Bridge Street Community Garden and Browning Road Orchard. Also there is the potential of orchard tree planting on some Banbury TC sites through Banbury CAG/Banbury Trees.

2.2 IDP Update Banbury Projects											
No.	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
76	Salt Way Action Group (SW AG) management plan.	Enhance natural environment by maximising opportunities for improving biodiversity.	Desirable	Short - medium term	TBC	TBC	Salt Way Action Group Banbury TC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	Bankside Phase 1 (Longford Park) Banbury 4 - Bankside Phase 2	CDC	Management work is ongoing.
77 (New)	Enhancement of Local Wildlife sites	Restoration, maintenance and new habitat creation associated with Local Wildlife Sites. The network of local wildlife sites is vital to sustaining populations of the UK's wildlife, and appropriate land management is often essential to enable this wildlife to survive and flourish.	Necessary	Short to long term	TBC	TVERC / BBOWT (in part via CDC annual grant funding)	Oxfordshire Local Wildlife Sites Project TVERC BBOWT		All Banbury sites	CDC / OCC	New project to meet the objectives of the Local Nature Recovery Strategy being developed by Oxfordshire County Council.

2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
Transport and movement											
1	London Oxford Airport and Langford Lane Industrial Estate / Oxford Technology Park	Supporting economic growth of employment clusters such as the one formed by the Oxford London Airport and Langford Lane Industrial estate.	Critical	TBC	TBC	TBC	DfT Airport Operator OCC CDC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4)	Kidlington 1: Accommodating High Value Employment Needs (1A. Langford Lane / London Oxford Airport)	Local Plan	To be progressed through the emerging Local Plan, liaison with Airport operator and existing businesses at the airport and on the Langford Lane Industrial Estate / Oxford Technology Park.
2	High Speed 2 Proposed route to run through Cherwell's Fringford Ward.	High Speed rail connecting UK's major cities.	N/A	Medium - long term	TBC	TBC	HS2 Ltd (DfT)	Local Plan: High Speed Rail 2 - London to Birmingham (SLE 5)	Local Plan: High Speed Rail 2 0 London to Birmingham (SLE 5)	Local Plan National Infrastructure Plan, Dec.	Phase 1 was issued with "Notice to Proceed" by the DfT on 15 April 2020 and construction works are underway.
3	Improving the level of public transport to and from London Oxford Airport and Langford Lane Industrial Estate / Oxford Technology Park.	Ensuring delivery of high-quality public transport.	Necessary	Short term	c. £400K	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4)	Local Plan: Improved Transport and Connections (SLE 4) Kidlington 1: Accommodating High Value Employment Needs (1A. Langford Lane / London Oxford Airport)	LTP	Oxford Airport is now served by four buses per hour between Woodstock, Kidlington and Oxford. Langford Lane Industrial Estate now served by two buses per hour, seven days per week. S106 funding enhanced evening bus services.
4	Implementation of a bus lane on Bicester Road (C43) using additional land rather than just existing highway.	Ensuring delivery of high-quality public transport.	Necessary	TBC	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4)	Local Plan: Improved Transport and Connections (SLE 4)  Kidlington Non-strategic sites to be identified in the next Local Plan	LTP	Construction to commence imminently
5a	Accessing Oxford Northern Approaches – Northern Gateway Site Link Road	Identified in LTP4 as part of the Oxford Transport Strategy. Delivery expected to be monitored as part of that area strategy and LTP4.		TBC	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4)	Kidlington Non-strategic sites to be identified in the next Local Plan	LTP	Works at Pear Tree substantially complete and commissioning of all new traffic signals booked for w/c 25 September 2023. Works on Loop Farm to Cassington Road, Yarnton section to be substantially completed by end September with signals at bus gate and toucan crossing switched on w/e 29 September.
5b	Potential road link between A40 and A44 (Part of the above) (A40- A44 Strategic Link Road)	Identified in LTP4 as part of the Oxford Transport Strategy. Delivery expected to be monitored as part of that area strategy and LTP4.		TBC	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4)	Kidlington Non-strategic sites to be identified in the next Local Plan	LTP	Options assessment undertaken but project currently on hold

2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
Comp (6)	A34 on-slip improvements to the Pear Tree and Botley junction interchanges to the immediate south of the district.	Support delivery of strategic development with sufficient upgrades to road and active travel infrastructure.	Desirable	Short - medium term	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4)	All Kidlington Sites	OCC	A scheme of various highway improvements on the Botley Road corridor was completed in 2023. No further phases of work planned.
6a (7a)	Road network improvements: Remedial road safety measures such as installing Vehicle Active Signage; build outs or lining/surface measures to address speeding.	To improve highways safety.	Necessary	TBC	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) insupport of strategic growth in Kidlington	Kidlington Non-strategic sites to be identified in the next Local Plan	LTP	To be progressed further through future Local Plan consultations and Kidlington Framework Masterplan
6b (7b)	Road network improvements: Remove clutter and ensure the routing is correct on the strategic road network particularly from the A44, A40 and A34 of signage to Kidlington.	To improve highways safety.	Necessary	TBC	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Kidlington	Kidlington Non-strategic sites to be identified in the next Local Plan	LTP	To be progressed further through the Local Plan and Kidlington Framework Masterplan.
7 (8)	Joining up the riding network across the wider area using public rights of way so that routes for commuting and recreation are improved.	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists.	Desirable	Short to long term	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) insupport of strategic growth in Kidlington	Kidlington Non-strategic sites to be identified in the next Local Plan	LTP	Contributions continuing to be sought to join up the active travel network. Kidlington LCWIP adopted December 2021.
8 (9)	Linking Kidlington to the railway station at Water Eaton (Oxford Parkway) to promote the opportunity for cycling and walking.	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists.	Necessary	TBC	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Kidlington	Kidlington 1: Accommodating High Value Employment Needs (Langford Lane and Begbroke Science Park) Non-strategic sites to be identified in the next Local Plan DPD, Neighbourhood Plans	LTP	Contributions continuing to be sought to promote active travel connections to Oxford Parkway.  Kidlington Roundabout construction task order expected October 2023 so that agreed works at the roundabout can start to be constructed.
9 (10)	Improving cycling and walking links to the Langford Lane area and shopping facilities in the centre of Kidlington.	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists.	Necessary	TBC	TBC	Part secured	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) insupport of strategic growth in Kidlington	Kidlington 1: Accommodating High Value Employment Needs (Langford Lane and Begbroke Science Park)	LTP	Negotiating for part of this route through development proposals in the area



2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
10 (11)	Improvements of footways: widening, resurfacing, dropped kerbs and new or improved crossing points, which will contribute to greater containment and thus support their vitality and economic success, including the business parks and London Oxford Airport.	Improving cycling and walking Provide sustainable movement routes for pedestrians and cyclists.	Necessary	Short to long term	TBC	TBC	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Kidlington	Kidlington 1: Accommodating High Value Employment Needs (Langford Lane and Begbroke Science Park) Policy Kidlington 2: Strengthening Kidlington Village Centre	LTP	Negotiating improved walking and cycling routes through development proposals in the area
11 (12)	Pedestrianisation of part of the High Street, wider footways and pedestrian crossings.	Improving public realm.	Necessary	TBC	TBC	TBC	OCC CDC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) insupport of strategic growth in Kidlington	Kidlington 2: Strengthening Kidlington Village Centre	LTP	To be progressed further through the Kidlington Framework Masterplan.
12a (13a)	Improvements to facilities for cyclists and pedestrians at key destinations and employment sites including London Oxford Airport and the rail station at Water Eaton.	Improving cycling and walking Provide sustainable.	Necessary	TBC	TBC	TBC	OCC CDC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Kidlington	Kidlington 1: Accommodating High Value Employment Needs (Langford Lane and Begbroke Science Park) Policy Kidlington 2: Strengthening Kidlington Village Centre)	LTP	Negotiating improved walking and cycling routes through development proposals in the area
12b (13b)	Cycle parking infrastructure in the 5K area.	Improvements to cycling infrastructure.	Necessary	Short term	Secured	Part completed	CDC	Local Plan: Improved Transport and Connections(SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth in Kidlington	Kidlington/Water Eaton Kidlington 1: Accommodating High Value Employment Needs (Langford Lane and Begbroke Science Park) Policy Kidlington 2: Strengthening Kidlington Village Centre)	CDC	Providing and installing 2 cycle racks per Parish with opportunity for PCs to invest in more racks. Commenced, was expected to be complete by end of March 2022.
13 (14)	Local and Area Bus Services - Former RAF Upper Heyford.	New or improved bus services with connections to other transport nodes Improved Accessibility Provide sustainable travel options.	Necessary	Short to long term	TBC in addition to approved scheme	Developer Contributions in addition to approved scheme	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growth Local Transport Plan: LTP4 Policy BIC2	Policy Villages 5	CDC/OCC	Service 250 withdrawn in February 2023 following Heyford Park S106 expiry. New service 25 to/from Bicester operates hourly Mon-Sat. Expanded service (30 mins Mon-Sat, hourly Sunday) expected to start February 2024.

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No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
14 (15)	Improving bus stops on the A44 to access inter-urbanservices as well as the ability of the site to support and benefit from the local bus service that penetrates the strategiclocation immediately to the south. A conjoined strategy with the adjoining residential-led promotions remains essential.	Support delivery of strategic development with sufficient upgrades to road and active travel infrastructure.	Desirable	Short - Medium	TBC	TBC	OCC Private sector developers	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategic growthLocal Transport Plan: LTP4 Policy BIC2	PR8 and PR9	OCC	Contributions are being sought from site promoters.
15 (16)	Improvements to the Public Rights of Way Network including re-opening of historic routes (including the Portway)- Former RAF Upper Heyford.	Improvements to the network in addition to measures secured as part of the approved scheme.	Necessary	Short to long term	TBC in addition to approved scheme	Developer Contributions in addition to approved scheme	OCC	Local Plan: Improved Transport and Connections (SLE 4) and Mitigating and Adapting to Climate change (ESD1) in support of strategicgrowth	Policy Villages 5	CDC/OCC	Reopening of Aves Ditch overdue - condition on historic planning permission at Heyford has not been discharged.Contributions secured on policy Villages 5 towards upgrade of bridleway link to Bicester.
16 (17)	Highways Improvements and Traffic Management Measures (including to the rural road network to the west and at Middleton Stoney) - Former RAF Upper Heyford.	Improvements to the highways network as required by the Highways Authority in addition to the approved scheme. Including capacity improvements and village traffic calming subject to Transport Assessment.	Critical	Short to long term	TBC in addition to approved scheme	Developer Contributions in addition to approved scheme	OCC	Local Plan: Improved Transport and Connections (SLE 4) Local Transport Plan: LTP4 Policy BIC1	Policy Villages 5	OCC/CDC	Contributions and works package secured on policy Villages 5.
17 (18)	M40 Junction 10 capacity improvements.	Required by National Highways and OCC.	Critical	Short term	c.£18.8m	TBC	National Highways OCC	Local Plan: Improved Transport and Connections (SLE 4)Local Transport Plan: LTP4 Policy 1	Policy Villages 5	CDC/OCC	Work originally due to start on site in 2024, but modelling work is ongoing so commencement may be delayed.
Education											
18 (19)	New Primary and Secondary Schools	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education	Critical	Short to long term	TBC	Developer Contributions	OCC Schools	Local Plan: Meeting education needs (BSC7)	Policy Villages 5 & Non-strategic sites to be identified in the Next Local Plan and Neighbourhood Plans	OCC	No new schools required for Kidlington and rural areas, except those identified as the Partial Review Oxford Unmet Needs sites. Other rural developments which benefit from these school would be required to contribute towards the cost in a proportionate manner.
19 (20)	Expansion of existing primary schools - Location depends on the distribution of rural housing.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short to long term	£11.5K	Developer Contributions	OCC	Local Plan: Meeting education needs (BSC7)	Non-strategic sites to be identified in the next Local Plan Neighbourhood Plans	OCC	Contributions, including land and funding for expanded schools will be sought from site promoters. No currently identified expansions except those identified as needed for the Partial Review Oxford Unmet Needs sites or Heyford

2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
19a (20a)	Heyford Primary School Places (expansion of Free School from 420 places to 700 or new 1 to 1.5FE Primary School)	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education	Critical	Short to medium term	TBC	Developer Contributions (developer direct provision)	OCC Schools	Local Plan: Meeting education needs (BSC7)	Villages 5 - Former RAF Upper Heyford	OCC	Contributions, including land and funding for expanded schools are being sought from site promoters. Current expectation is that a new site and building for a 1.5fe primary school will be directly delivered by the developer
20 (21)	Expansion of secondary school capacity - Location depends on the distribution of rural housing.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short - medium term	c.£3.89m for 11-16 with further c.£276K	Developer Contributions	OCC	Local Plan: Meeting education needs (BSC7)	Non-strategic sites to be identified in Next Local Plan Neighbourhood Plans	OCC	Contributions, including land and funding for expanded schools will be sought from site promoters. No currently identified expansions except those identified as needed for the Partial Review Oxford Unmet Needs sites, Heyford and areas near Woodstock.
21 (22)	Special Needs Education – expansion of existing provision	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short to medium term	TBC	Developer Contributions	OCC Schools	Local Plan: Meeting education needs (BSC7)	Non-strategic sites to be identified in the next Local Plan Neighbourhood Plans	OCC	Ongoing need for more SEND capacity, being delivered through a county-wide strategy.
21a (22a)	New SEN School in Bloxham	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short term	Committed	Committed	OCC DfT	Local Plan: Meeting education needs (BSC7)	Non-strategic sites to be identified in the next Local Plan Neighbourhood Plans	OCC	Bloxham Grove special school opening January 2024.
22 (23)	Early Years Education - seek additional space within new community facilities and/or schools to allow for delivery of Children's Centres services and early years provision.	Early years provision to match the needs of residents and businesses.	Necessary	Short to long term	TBC	Developer Contributions	OCC	Local Plan: Meeting education needs (BSC7)	Non-strategic sites to be identified in Next Local Plan Neighbourhood Plans	OCC	Specific infrastructure to be identified through future Local Plan consultations, Kidlington Framework Masterplan and Neighbourhood Plans work.
23 (24)	Heritage Centre - Former RAF Upper Heyford	To help conserve the heritage value of the site	Necessary	Medium to long term	TBC	TBC	Private sector developers CDC Third Sector	Local Plan: Supporting Tourism Growth (Policy SLE 3)	Policy Villages 5: Former RAF Upper Heyford	CDC	To be secured and delivered through the development process

2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
Utilities											
24 (25)	Water supply links and network upgrades.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short to long term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water Private sector developers	Local Plan: Public Service and Utilities (BSC9)	Non-strategic sites to be identified in the next Local Plan Former RAF Upper Heyford (TBC)	Thames Water	To be funded and provided as development comes forward. Capacity to be in place before development commences.Phasing of development may be used to enable the relevant infrastructure to be put in place. All developments over 250 properties must be modelled. The developer cannot build within 3m of distribution mains. A piling condition must be sought due to the above. Developers engage withThames Water at the earliest opportunity to draw up water and drainage strategies.Free TW pre-planning service which confirms if capacity exists to serve new development of if upgrades are required.
25 (26)	Water supply links and network upgrades (for the parishes of Ardley, Cottisford, Finmere, Fringford, Fritwell, Godington, Hardwick with Tusmore, Hethe, Mixbury, Newton Purcell with Shelswell, Somerton, Stoke Lyne and Stratton Audley).	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Throughout plan period	Costs to be determined as individual development comes forward	To be funded by Anglian Water and private developers	Anglian Water Private sector developers	Local Plan:Public Service and Utilities (BSC9)	Non-strategic sites to be identified in the next Local Plan Former RAF Upper Heyford (TBC)	Discussions with utility providers and LP representations Thames Water	Some scoped in the Thames Water 2015-2020 business plan and some as part of the 2020- 2025. To be funded and provided as development comes forward. Capacity to be in place before development commences.
26 (27)	Sewerage links and treatment works upgrade.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short to long term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water Anglian Water Private sector developers	Local Plan: Public Service and Utilities (BSC9)	Non-strategic sites to be identified in the next Local Plan	Thames Water / Anglian Water	Some scoped in the Thames Water 2015-2020 business plan and some as part of the 2020- 2025. To be funded and provided as development comes forward. Capacity to be in place before development commences.
27 (28)	Relocation and/or realignment of existing electricity and gas service infrastructure.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short to long term	Costs to be determined as individual development comes forward	TBC	SSEPrivate sector developers	Local Plan:Public Service and Utilities (BSC9)	Non-strategic sites to be identified in Next Local Plan	LP	To be secured and delivered through the development process Specific infrastructure to be identified through future local plan consultations.
28 (29)	Rural Gigabit Hub Site Programme. Enable full fibre infrastructure installation at village/community centres, schools and health sites.	Provision of digital infrastructure to support community services which are dependent on high speed connectivity.	Necessary	Short term	c.£8m (Countywide)	Secured	OCC DCMS	Local Plan:Public Service and Utilities (BSC9)	County Wide	OCC	Village Halls: Bourtons , Epwell , Hanwell, Hethe, Middleton Stoney, Mollington , Sibford, Tadmarton, Weston On The Green Primary School: Bishop Carpenter, Dr Radcliffes C Of E, Edward Field,Fritwell C Of E, Hornton, Sibford Gower,William Fletcher Libraries: Hook Norton, Woodgreen Bloxham Village Museum Cropredy Surgery Hook Norton Surgery Kidlington Ambulance Station Sibford Surgery The Key Medical Practice Alkerton Waste Recycling Centre

2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
29 (30)	Utilisation of Energy from heat from Ardley Energy Recovery Facility - Former RAF Upper Heyford.	Utilisation of heat from Ardley EfW Plant - To be investigated.	Desirable	Short to long term	TBC	TBC	CDC	Local Plan: Mitigating & Adapting to Climate Change (Policy ESD1) Energy Hierarchy (Policy ESD 2)Decentralised Energy Systems (Policy ESD 4)	Policy Villages 5	CDC/OCC	No progress made.
30 (31)	Waste Management Capacity: Building new or enhancing existing Household Waste Recycling Centre (HWRC) sites to deal with increased demand Sites should be designed to manage waste in accordance with the hierarchy, promoting reduction and reuse.	Ensure waste and recycle facilities grow at the same rate as communities needs.	Necessary	Medium term	TBC	Developer Contributions	OCC	Local Plan: Public Service and Utilities (BSC9) Mitigating and adapting to Climate Change (ESD1) OCC Minerals and Waste Local Plan and emerging Core Strategy OCC HWRC Strategy	All Oxford unmet need sites	OCC	Further project specific information to be added as project development progresses.
Flood risk											
No schemes identified in the 2022 update. Specific infrastructure to be identified through the next Local Plan, Kidlington Framework Masterplan and Neighbourhood Plans work.											
Emergency and rescue services											
31 (32)	Neighbourhood Police Office - Upper Heyford.	Ensure emergency and rescue infrastructure grows at the same rate as communities.	Necessary	Short - medium term	Committed	Committed	TVP and Private sector developers	Local Plan: Public Service and Utilities (BSC9)	Policy Villages 5 - Former RAF Upper Heyford	TVP	Discussions ongoing with developer regarding delivery - anticipated in 2024
32 (33)	Infrastructure required to directly serve new development including fleet, staff, set up costs and kit, upgrades to existing radio and emergency centre call.	Ensure emergency and rescue infrastructure grows at the same rate as communities.	Necessary	Short to long term	TBC	TBC	TVP	Local Plan: Public Service and Utilities (BSC9)	Policy Villages 5 - Former RAF Upper Heyford	TVP	Contributions secured through s106 agreements.
Health											
33 (34)	Primary Health Care Provision - Former RAF Upper Heyford.	Ensure health infrastructure grows at the same rate as communities.	Necessary	Short - medium term	TBC	TBC (in addition to approved scheme)	NHS Trust Development Authority Oxfordshire CCG	Securing Health & Well- Being (Policy BSC 8)	Policy Villages 5 - Former RAF Upper Heyford	OCCG	Contributions to GP practice within the Primary Healthcare catchment area.
34 (35)	New or expanded GP premises in Kidlington, Begbroke and Yarnton area.	Ensure health infrastructure grows at the same rate as communities.	Critical	Short - medium term	c.7.5m	TBC	Existing Health care estate premises owners, inc. practices NHS Property Services OCCG	Securing Health & Well- Being (Policy BSC 8)	PR6a PR6b PR7a PR7b PR8 PR9	OCCG	Dependent on development timing.

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Community Infrastructure											
35 (36)	Indoor Recreation to be provided as part of development throughout Kidlington and the Rural areas in accordance to Local Plan standards.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Short to long term	Project specific (below)	Project specific (below)	Parish Councils CDC Private sector developers Schools Local clubs	Local Plan: Indoor Sport Recreation and Community Facilities (BSC12)	Villages 4 - Meeting the Need for Open Space, Sport and Recreation Non-strategic sites to be identified in the next Local Plan	Sports Facilities Strategy, October 2018	To be delivered through: • Development sites through the planning application process in accordance to Local Plan requirements and Table 10 • Public access agreements to privately owned sites • Dual use agreements to allow public use of school facilities Currently undertaking feasibility studies regarding the development of existing sites and identifying opportunities to secure new sites as various development sites come on stream. Sports studies identify the future needs for playing pitches and increased
36 (37)	Establishment of Local Centre - Former RAF Upper Heyford.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Critical	Short to long term	TBC - Part secured through approved scheme	TBC - Part secured through approved scheme	Private sector developers CDC	Local Plan: Indoor Sport, Recreation & Community Facilities (BSC 12)	Policy Villages 5 - Former RAF Upper Heyford	CDC	Through implementation of Policy Villages 5 and developer contributions Artist has been appointed by Dorchester Group
37 (38)	Creation of a new community hub at Former RAF Upper Heyford that has the capability to accommodate multiple community related services including access to library.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Desirable	Short term	c.£0.5m	TBC	Private sector developers OCC	Local Plan: Indoor Sport, Recreation & Community Facilities (BSC 12)	Policy Villages 5 - Former RAF Upper Heyford	OCC	Ongoing development discussions with main site developer.
38 (New)	Reconfiguration and refurbishment of Kidlington Library to provide additional capacity for growth	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Medium-Long Term	c. 0.35m	Developer Contributions	OCC	PR: Infrastructure Delivery (PR11), Community Facilities (BSC 12)	All Oxford unmet need sites	OCC	TBC
39 (New)	Expansion and operation of the Museum Resource Centre at Standlake	To provide sufficient storage for archeological finds from development and ensure its safekeeping	Necessary	Medium-Long Term	TBC	Developer Contributions	OCC	PR: Infrastructure Delivery (PR11), Community Facilities (BSC 12)	All Oxford unmet need sites	OCC	TBC
40 (39)	Heritage Centre - Former RAF Upper Heyford.	To help conserve the heritage value of the site.	Desirable	Short - Medium	TBC	TBC	Private sector developers CDC	Local Plan: Indoor Sport, Recreation & Community Facilities (BSC 12)	Policy Villages 5: Former RAF Upper Heyford	CDC	To be secured and delivered through the development process.



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41 (40)	Provision of burial space to serve this expanding new community.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	TBC	TBC	Developer contributions	Private sector developers CDC		Policy Villages 5 - Former RAF Upper Heyford	CDC Officers	This project is still in the early stages and will be subject to identifying an appropriate location and delivery mechanism.
Open space, recreation and biodiversity											
42 (41)	Amenity open space, natural and semi-natural green space and Parks and Gardens to be provided to Local Plan standards.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	Cost/ provision to be determined once sites identified in the next Local Plan or Neighbourhood Plans	TBC	Parish Councils CDC Private sector developers	Local Plan:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Kidlington and rural areas Villages 4 - Meeting the Need for Open Space, Sport and Recreation	Cherwell Open Space and Play Areas 2022Cherwell Green and Blue Infrastructure Strategy 2022	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9 and the Cherwell Green & Blue Infrastructure Strategy.
43 (42)	KidlingtonGreen Spaces Strategy 2008 identified existingdeficiencies to 2026:Rural 0.4 ha park ideally on the northern outskirts of Kidlington1.1ha natural/semi- natural green space2ha amenity open spaceThese were partially updated in the Open Space update 2011.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	Cost/ provision to be determined once sites identified in the next Local Plan or Neighbourhood Plans	TBC	Parish Councils CDC Private sector developers	Local Plan:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Kidlington and rural areas Villages 4 - Meeting the Need for Open Space, Sport and Recreation Non-strategic sites to be identified in the next Local Plan	Cherwell Open Space and Play Areas 2022Cherwell Green and Blue Infrastructure Strategy 2022	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9 New provision by public bodies or organisations Public access agreements to privately owned sites future Local Plan consultations will seek to include allocations to help address deficiencies in open space sport and recreation for the plan period.
44 (43)	Rural North Sub-area Green Spaces Strategy 2008 identified existingdeficiencies to 2026: 5.3 ha natural/semi- natural green space2.6 ha amenity open spaceThese were partially updated in the Open Space update 20116.38 ha amenity open space with priority provision in Adderbury, Bloxham and Bodicote, Cropredy and Sifford Wards.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	Cost/ provision to be determined once sites identified in the next Local Plan or Neighbourhood Plans	TBC	Parish Councils CDC Private sector developers	Local Plan:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Kidlington and rural areas Villages 4 - Meeting the Need for Open Space, Sport and Recreation Non-strategic sites to be identified in the next Local Plan	Cherwell Open Space and Play Areas 2022Cherwell Green and Blue Infrastructure Strategy 2022	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9 New provision by public bodies or organisations Public access agreements to privately owned sites future Local Plan consultations will seek to include allocations to help address deficiencies in open space sport and recreation for the plan period.

2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
45 (44)	Rural Central Sub-Area Green Spaces Strategy 2008 identified existing deficiencies to 2026: 1.5 ha amenity open space.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	Cost/ provision to be determined once sites identified in the next Local Plan or Neighbourhood Plans	TBC	Parish Councils CDC Private sector developers	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Kidlington and rural areas Villages 4 - Meeting the Need for Open Space, Sport and Recreation Policy Villages 5 - Former RAF Upper Heyford Non-strategic sites to be identified in next Local Plan	Cherwell Open Space and Play Areas 2022 Cherwell Green and Blue Infrastructure Strategy 2022	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9 New provision by public bodies or organisations Public access agreements to privately owned sites future Local Plan consultations will seek to include allocations to help address deficiencies in open space sport and recreation for the plan period.
46 (45)	Rural South Sub-area Green Spaces Strategy 2008 identified existing deficiencies to 2026: 2.7 ha amenity open space These were partially updated in the Open Space update 2011: 2.87 ha amenity open space with priority provision in Gosford and Water Eaton, Kirtlington, Launton, Otmoor and Yarnton.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	Cost/ provision to be determined once sites identified in the next Local Plan or Neighbourhood Plans	TBC	Parish Councils CDC Private sector developers	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Kidlington and rural areas Villages 4 - Meeting the Need for Open Space, Sport and Recreation Non-strategic sites to be identified in next Local Plan	Cherwell Open Space and Play Areas 2022 Cherwell Green and Blue Infrastructure Strategy 2022	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9 New provision by public bodies or organisations Public access agreements to privately owned sites future Local Plan consultations will seek to include allocations to help address deficiencies in open space sport and recreation for the plan period.
47 (46)	Green Space Network Heyford Park.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed in line with the Green & Blue Infrastructure Strategy.	Necessary	Short - medium term	TBC	Part Secured (for approved scheme)	CDC	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Villages 5 - Former RAF Upper Heyford	Planning applications information	Secured through S106 for Former RAF Upper Heyford (08/00716/OUT) (18/00825/HYBRID)
48 (47)	Allotments to be provided as part of development throughout Kidlington and rural areas in accordance to Local Plan standards.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Desirable	Short to long term	TBC	Part secured	Parish Councils CDC Private sector developers	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Kidlington and rural areas Villages 4 - Meeting the Need for Open Space, Sport and Recreation Policy Villages 5 - Former RAF Upper Heyford Non-strategic sites to be identified in the next Local Plan	Cherwell Green and Blue Infrastructure Strategy 2022	Future Local Plan consultations will include allocations to help address deficiencies in open space sport and recreation for the plan period.



2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
49 (48)	Children's play areas, sports pitches and courts to be provided as part of development throughout Kidlington and rural areas in accordance to Local Plan standards.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	TBC	TBC	CDC	Local Plan:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Kidlington and rural areas Villages 4 - Meeting the Need for Open Space, Sport and Recreation Policy Villages 5 - Former RAF Upper Heyford Non-strategic sites to be identified in the next Local Plan	Local Plan Playing Pitch Strategy 2008	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9.
50 (49)	Playing Pitches Strategy 2018 identifies needs to 2031 for: Kidlington Football One 3G pitch deficiency likely to require a one 3G pitch during the plan period.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	TBC	TBC	CDC	Local Plan:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Kidlington and rural areas Villages 4 - Meeting the Need for Open Space, Sport and Recreation Non-strategic sites to be identified in the next Local Plan	Local Plan Playing Pitches Strategy 2018	To be delivered through: Development sites through the planning application process in accordance to Local Plan requirements and Tables 8 and 9.
51 (50)	Provision of a football pitch at Milton Road, Adderbury.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	TBC	TBC	c.£657k committed	CDC	Local Plan: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11)	Kidlington and rural areas Villages 4 - Meeting the Need for Open Space, Sport and Recreation	CDC	CDC are supporting the Parish Council to develop viable plans.
52 (51)	Playing fields Heyford Park Refurbishment of tennis courts Provision of: new cricket facilities Grass pitches: 2 football and 1 softball.	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short term	TBC	Part Committed (for approved scheme)	CDC Private developers	Local Plan:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11)Green Infrastructure (ESD17)	Villages 5 - Former RAF Upper Heyford	Planning applications information	Funding part committed through S106 for Former RAF Upper Heyford (08/00716/OUT).
53 (52)	Explore the potential of a "Movement Network" - link open spaces together at Kidlington. There is the potential to explore a movement network addressing accessibility and habitat fragmentation through the emerging Kidlington Framework Masterplan and next Local Plan.	Address the fragmentation of natural environment by improving/providing green infrastructure corridors and increase accessibility of open spaces.	Desirable	Short to long term	TBC	TBC	CDC Parish Council Private sector developers	Local Plan:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) Green Infrastructure (ESD17)	Village 4 - Meeting the needs for Open Space, Sport and Recreation Non-strategic sites to be identified in next Local Plan	CDC	CDC are working with Kidlington Parish Council to improve biodiversity on Parish Council owned land. Some open spaces have been connected in the village along walking health routes (called zoo trails). Also through digitisation of these routes and the Explorer routes in and around the village onto the Go Jauntly app - <a href="https://www.cherwell.gov.uk/info/3/leisure-and-culture/246/circular-walks-in-cherwell">https://www.cherwell.gov.uk/info/3/leisure-and-culture/246/circular-walks-in-cherwell</a> Wild Kidlington Project Officer continues to work well with KPC to improve biodiversity on Parish Council owned land. Also Cherwell Green & Blue Infrastructure Strategy is relevant here.

2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
54 (53)	Explore the potential for improvements to the Canal corridor at Kidlington.	Improving/providing green infrastructure corridors and increase accessibility of open spaces.	Desirable	Short to long term	TBC	TBC	CDC	Local Plan:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision- Outdoor Recreation (BSC11) GreenInfrastructure (ESD17)	Village 4 - Meeting the needs for Open Space, Sport and Recreation Non-strategic sites to be identified in next Local Plan	CDCCherwell Green and Blue Infrastructure Strategy 2022	TBC
55 (54)	Proposals for development to achieve a net gain in biodiversity. To be secured as part of development.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDC OCC BBOWT	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	Village 4 - Meeting the needs for Open Space, Sport and Recreation Non-strategic sites to be identified in next Local Plan	Cherwell Open Space and Play Areas 2022 Cherwell Green and Blue Infrastructure Strategy 2022	The Environment Act Nov. 2021 made it mandatory for development to achieve at least a 10% net gain in value for biodiversity. The Council's Executive endorsed 'seeking a minimum of 10% biodiversity net gain through engagement with the planning process' in October 2019.
56 (55)	Ecological Mitigation and Compensation - habitat creation and management.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	Kidlington and Rural areas Non-strategic sites to be identified in next Local Plan Neighbourhood Plans	Cherwell Open Space and Play Areas 2022Cherwell Green and Blue Infrastructure Strategy 2022	Secured through planning application consultation.
57 (56)	Restoration, maintenance and new habitat creation at Upper and Lower Cherwell Conservation Target Areas.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	TBC	CDC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	PR6a PR6b PR7a PR7b PR8 PR9	Local Plan OCC CDC	The Council will work with Wild Oxfordshire, Natural England, Green Places Fund and private developers to deliver restoration, maintenance and new habitat creation.The Council supports Wild Oxfordshire (which includes Wild Kidlington) and BBOWT (which includes the LWS Project) to maximise opportunities for improving biodiversity. There are also opportunities through catchment partnership work led by BBOWT and Thames21.
58a (57a)	Restoration, maintenance and new habitat creation at Upper and Lower Cherwell Conservation Target Areas: Happy Valley ProjectUpper Thames Wader GroupWider Kidlington area.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Desirable	Annual project	TBC	Funded by Natural England	CDC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	PR6a PR6b PR7a PR7b PR8 PR9	CDC	Happy Valley Project – landowners working together along the Deddington Brook catchment to improve their local environment. Funded by Natural England and supported by BBOWT.The Upper Thames Wader Group - working on the Curlew Recovery Project supported by Wild Oxfordshire Wider Kidlington area - focus of extended Oxfordshire Local Wildlife Sites project (includes sites within Lower Cherwell CTA (along the River Cherwell and Oxford Canal), the Oxford Meadows and Farmoor CTA to the south). Potential for restoration of some declining sites.

2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
58b (57b)	Kidlington Biodiversity Projects: St Mary's Fields Nature Reserve. Lyne Road Green (hedgerow planting).	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Desirable	Short term	TBC	TBC	Parish Council CDC, Wild Oxfordshire	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	Kidlington and Rural areas Non-strategic sites to be identified in next Local Plan Neighbourhood Plans	CDC internal	Owned by KPC, St Mary's Fields continues to be managed by a keen volunteer group and supported by Wild Kidlington. Lyne Road Green is also owned by KPC and has been the greenspace focus of Wild Kidlington. Habitats are created, managed and restored on both sites. Wild Oxfordshire which the Council funds on an annual basis advises local Parish groups on how best to protect and enhance the natural environment.
59 (58)	Otmoor Basin reserve expansion.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	TBC	TBC	Being sought	CDC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	Kidlington and Rural areas Non-strategic sites to be identified in next Local Plan Neighbourhood Plans	Local Plan OCC CDC	CDC has met with the RSPB about the reserve becoming a habitat bank but no firm conclusion has been reached. Funding has been secured to provide a training base on the Reserve. The Reserve is funded on an annual basis by the Council in terms of habitat management.
60 (59)	Restoration of s41 NERC Act habitats on Parish sites.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	TBC	TBC	TBC	CDCWild Oxfordshire BBOWT TOE2	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)	Kidlington and Rural areas Non-strategic sites to be identified in next Local Plan Neighbourhood Plans	CDC internal	A number of projects detailed in the 2022 update are ongoing and active. These include: St Mary's Fields Nature Reserve, Park Hill Copse, Kidlington habitat restoration; The Slade LNR, Bloxham habitat restoration; Island Pond Nature Reserve in Launton and Adderbury Lakes LNR habitat restoration. New orchard planted in Deddington in October 2021 by Deddington Environment Network (TOE funding) and Sustainable Kirtlington is working on setting up a community orchard.
61 (60)	Establishment of enhanced and new wildlife habitats & corridors - Former RAF Upper Heyford.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC (in addition to approved scheme)	TBC /Developer Contributions (in addition to approved scheme)	Private sector developers CDC	Local Plan: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Green Infrastructure (ESD17)	Policy Villages 5	CDC/OCC	Ardley and Heyford Conservation Target Area has been approved.

2.3 IDP Update Kidlington and Rural Areas Projects											
No.	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
62 (New)	Enhancement of Local Wildlife sites	Restoration, maintenance and new habitat creation associated with Local Wildlife Sites. The network of local wildlife sites is vital to sustaining populations of the UK's wildlife, and appropriate land management is often essential to enable this wildlife to survive and flourish.	Necessary	Short to long term	TBC	TVERC / BBOWT (in part via CDC annual grant funding)	Oxfordshire Local Wildlife Sites ProjectTVERCBBOWT		Kidlington and Rural areas Non-strategic sites to be identified in next Local Plan Neighbourhood Plans	CDC / OCC	New project to meet the objectives of the Local Nature Recovery Strategy being developed by Oxfordshire County Council.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
Transport & movement											
1	Explore potential for a new rail station/halt between Kidlington and Begbroke.	Identify potential for future new rail services and stations that reduce the reliance on private car for inter urban travel.	Desirable	Medium term	N/A	N/A	Network Rail, OCC, Rail providers, Begbroke Science Park/Oxford University	LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) OxIS Stage 2 Sept. 2017	PR8	LP1 PR	A new Oxfordshire Rail Strategy following on from LTCP is expected in 2024 and will address this.  Policy PR8 safeguards land so that future opportunities are not prevented. Delivery of LP1 PR does not depend on this scheme.
2	Expansion of Oxford Parkway (formerly Water Eaton) P&R.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Necessary	Short - medium term	TBC	Local Growth Fund bids, developer contributions.	OCC, bus service providers, private developers	LTP4 LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) P&R Study, OCC May 2016 OxIS Stage 2 Sept 2017	All Kidlington Sites	OCC OTS	An Oxfordshire Mobility Hub Strategy was approved in 2023. There is some funding to address mobility hubs and the needs of Oxford Parkway Park & Ride are being considered as part of this.
3	P&R at London Oxford Airport.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Necessary	Short - medium term	c. £17m	Local Growth Fund bids, Developer contributions, other third party contributions.	OCC, bus service providers, private developers	LTP4LP1: Improved Transport and Connections (SLE4)LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery(PR11)P&R Study, OCC May 2016OxIS Stage 2 Sept 2017	All Kidlington Sites	OCC OTS	Funding from developers is being sought.
4	Bus Lane and bus stop improvements along the A4260/A4165.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	Scheme specific below	Scheme specific below	OCC, bus service providers, private developers	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites	OCC OTS TA (ITP) BSIP 2021	Funding from developers is being sought.
4a	Improved bus lane provision on the A4165 between Kidlington roundabout and past the new housing sites.	Reduce the proportion and overall number of car journeys.	Critical	Short - medium term	c. £3.87m	Potential sources of funding include: Emerging Oxfordshire Growth Deal	OCC, bus service providers, private developers	LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11) A44 & A4260Corridor Study, OCC April 2017 OxIS Stage2, Sept. 2017	All Kidlington Sites	OCC OTS TA (ITP)	Options assessment complete; design and delivery being discussed with developers.

## 2.4 LPPR Oxford Unmet Needs Update Projects

No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
4b	A4260 – southbound bus lane from The Moors to Benmead Road.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	TBC	off - February	OCC, bus service providers, private developers	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept. 2017	All Kidlington Sites	OCC OTS TA (ITP)	TBC
4c	A4260 Southbound bus lane from Bicester Road/A4260 junction to Kidlington roundabout.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	TBC		OCC, bus service providers, private developers	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11) A44 & A4260Corridor Study, OCC April 2017 OxIS Stage 2, Sept. 2017	All Kidlington Sites	OCC OTS TA (ITP)	TBC
5	Signalised junctions along the A4260/A4165 corridor to improve bus movements (including Bus Gate near Kidlington centre).	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	Scheme specific below	Scheme specific below	OCC, bus service providers, private developers	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites	OCC OTS TA (ITP)	Initial corridor study set out the outline schemes through these sections.
5a	A4260/Bicester Road Signalised junction – RT detection and advanced stop line.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	c.£0.313m	Potential sources of funding include: Local Growth Fund bids, developer contributions	OCC, bus service providers, private developers	LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites		TBC

## 2.4 LPPR Oxford Unmet Needs Update Projects

No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
5b	A4260/Lyne Road Signalised junction - RT detection, advance stop line and toucan crossing.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	c. £0.313m	Potential sources of funding include: Local Growth Fund bids, developer contributions	OCC, bus service providers, private developers	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites		TBC
5c	Langford Lane/A4260 junction improvements with bus lanes on some approaches.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	TBC	Potential sources of funding include: Local Growth Fund bids, developer contributions	OCC, bus service providers, private developers	LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites		TBC
6	Bus Lane improvements along the A44.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	Scheme specific below	Scheme specific below	OCC, bus service providers, private developers	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	PR8 PR9	OCC OTS TA (ITP)	Optioneering and feasibility designs are complete for all three sections along the A44.
6a	Northbound and southbound bus lane on A44 between Langford Lane and Bladon.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	£3.89m	Potential sources of funding include: Oxfordshire Growth Deal North Oxford All Modes Corridor Improvements, Local Growth Fund bids, developer contribution		LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept2017	PR8PR9	OCC OTS TA (ITP)	TBC

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
6b	Southbound bus lane on A44, between Langford Lane and Spring Hill junction.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	TBC		OCC, bus service providers, private developers	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11)	PR8 PR9	OCC OTS TA (ITP)	Options assessment complete.
6c	Southbound bus lane on A44 between Spring Hill junction and Pear Tree interchange.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	TBC			LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	PR8PR9	OCC OTS TA (ITP)	Works at Pear Tree interchange and to Cassington Road to be completed within roadway September 2023, with only some landscaping works continuing beyond that time.
6d (New)	Bus service improvement to Eastern Arc	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Medium term	£2.16m	S106	OCC Bus operators Developers	LTP4: OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) LP1 PR	PR6a, PR6b, PR7a, PR7b	CDC	Financial contributions to support public transport connectivity between PR6/7 sites and Eastern Arc – notably major employment sites – are being sought.
7	4 buses per hour service between Oxford and Begbroke routed Land East of the A44 development site (A44/A4144 corridor).	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	Pending development	Bus operator and developer funded	OCC, bus service providers, private developers	LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	PR8	OCC OTS TA (ITP)	Funding from developers at PR8/PR9 is being sought.



2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
8	Junction improvements facilitating cross- corridor bus movements (A44 to/from A4260).	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	Scheme specific below	Scheme specific below	OCC, bus service providers, private developers	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites	OCC OTS TA (ITP)	Optioneering and feasibility designs are near completion for 8a and 8b through Growth Deal Funding.
8a	Left turn bypass lane from A4095 Upper Campsfield Road to A44.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	c. £1.04m	Potential sources of funding include: Oxfordshire Growth Deal Oxford All Modes Corridor Improvement, Local Growth Fund Bids, developer	OCC, bus service providers, private developers	LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites	OCC OTS	TBC
8b	Bus only left turn filter A44 to Langford Lane (General traffic to turn left from additional lane at junction).	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Necessary	Short - medium term	c. £1.04m	contribution	OCC, bus service providers, private developers	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites	TA (ITP)	Scheme priority downgraded from "critical" to "necessary" due to main traffic flow remaining on A44.
8c	Signalising A4095 Upper Campsfield Road/A4260 junction and enhancement of pedestrian/cycle crossings.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	c. £1.04m	Potential sources of funding include: s278 plans as part of Minerals planning application, Local Growth Fund bids, developer contributions	OCC, bus service providers, private developers	LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites	OCC OTS	8c was identified within the A44/A4260 corridor study but no further progress has been made at this stage.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
8d	Upgrade of outbound bus stop on A4165 opposite Parkway.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	TBC	TBC	OCC, bus service providers, private developers	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites	TA (ITP)	The cycle super highway along the A4260 between Kidlington Roundabout and Oxford city centre along the A4165 is going through optioneering and feasibility design through Growth Deal funding currently.
9	Cycle super highway along the A4260/A4165 to/from Oxford Parkway.	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	c. £2.1m-5.25m	Potential sources of funding include: s278 plans as part of Minerals planning application, Local Growth Funds bids	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites	TA (ITP)	Funding from developers is being sought.
9a	Cycle super highway along A4165 to/from Oxford Parkway to Oxford city centre.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	N/A		OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept 2017	All Kidlington Sites		TBC
10	Pedestrian and cycle improvements linking Kidlington, Begbroke and Yarnton: Potential closure/unadoption of Sandy Lane to form green cycle/pedestrian route linking the A44 and the A4260 (Subject to consultation with OCC). This will be the central spine of a network of footpaths/cycle ways through Land east of the A44 (PR8) and it will be cycle/pedestrian/ wheelchair accessible.Improving Green Lane linking Sandy Lane/Yarnton Road and the A44 tobecome a cycle track.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	Scheme specific below	Scheme specific below	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11)A44 & A4260Corridor Study, OCC April 2017OxIS Stage 2, Sept. 2017	All Kidlington Sites	TA (ITP)	Funding from developers is being sought. Some works will be provided as on-site infrastructure.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
11	Public Realm improvements on the A4260 between Benmead Road and Yarnton Road.	Integration of land use and transport in response to provide safe and attractive environments particularly in and around settlement centres.	Necessary	Short term	c.£0.50m	Potential sources of funding include: Local Growth Fund bids, DFT competitive fund, Developer contributions, Local authority budget	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11) LP1 PR:InfrastructureLP1 PR: Kidlington centre (PR4b) Kidlington Masterplan A44 & A4260Corridor Study, OCC April 2017	All Kidlington Sites	OCC TA (ITP)	Outline scheme identified through the A44/A4260 corridor study.
11a	20mph zone in centre of Kidlington on A4260 between Lyne Road and Sterling Approach.	Integration of land use and transport in response to provide safe and attractive environments particularly in and around settlement centres.	Desirable	Short - medium term	TBC	Potential sources of funding include: Local Growth Fund bids, DFT competitive fund, Developer contributions, Local authority budget	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11) LP1 PR:InfrastructureLP1 PR: Kidlington centre (PR4b) Kidlington Masterplan A44 & A4260Corridor Study, OCC April 2017	All Kidlington Sites	OCC TA (ITP)	20mph zone implemented on A4260 between Benmead Road and Yarnton Road. 20mph zone also implemented in residential streets throughout Kidlington.
12	Walking/cycling/ wheelchair accessibility from land at Stratfield Farm (PR7b) to key facilities on the A4165 including proposed sporting facilities at Land South East Kidlington (PR7a) and Oxford Parkway.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	On-site transport mitigation/ design considerations	Development proposal	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4)LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery(PR11) LP1 PR:	PR7b	CDC	To be delivered by development proposal.
13	New public bridleways suitable for pedestrians, all-weather cycling, wheelchair use and horse riding, and connecting with existing public right of way network.	Improving accessibility and active travel.	Desirable	Short - medium term	Site/design considerations	Development proposals	OCC	LTP4: OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11)	PR8 PR9	CDC	Funding from developers is being sought. Some bridleways may be provided as on-site infrastructure.
14	Walking/cycling/ wheelchair accessibility from land at Stratfield Farm (PR7b) to Land east of the A44 (PR8) (including suitable crossing.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	c.£503k*	Development proposals	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11) LP1 PR:Infrastructure	PR7bPR8	TA (ITP) CDC	Funding from developers is being sought, but there is an expectation that these works will be provided as on-site infrastructure.
15	New public bridleway/green link connecting Land at Stratfield Farm (PR7b) with Land East of the A44 (PR8) across the Oxford Canal, and exploration of links with the wider PRoW east of the A4165.	Improving accessibility and active travel.	Necessary	Short - medium term				LTP4: OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) LP1 PR: Infrastructure	PR7b PR8		Funding from developers is being sought.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
16	Wheelchair accessible Pedestrian/Cycle bridge over the Oxford Canal linking Stratfield Farm (PR7b) to Land East of the A44 (PR8).	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	C. £503	Private Developers	OCCPrivate developersCanal and Rivers Trust	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11) LP1 PR:Infrastructure	PR7B PR8	CDC OCC	Funding from developers is being sought.
17	Sandy Lane – pedestrian and cycle new link over railway.	Improve sustainable cross corridor connections between the A44 and the A4260.	Critical	Short - medium term	c. £2m-5m	Pending development proposal	OCC	LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11)	PR8	OCC TA (ITP)	Network Rail has undertaken EIA scoping and public consultation on proposals for a new link. The current planning application at PR8 proposes a different pedestrian and cycle link. Discussions continue between parties.
17a	Sandy Lane Level Crossing pedestrian/cycle bridge (Delivered with scheme 17.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	c.£0.52m	Pending development proposal	OCC	LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11)	PR8	OCC TA (ITP) A44 & A4260Corridor Study, OCC April 2017 OxIS Stage 2, Sept. 2017	Network Rail has undertaken EIA scoping and public consultation on proposals for a new link. The current planning application at PR8 proposes a different pedestrian and cycle link. Discussions continue between parties.
18	Kidlington roundabout: provision of pedestrian/cycle crossing at the roundabout.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	c. £5.8m	Potential sources of funding include: Emerging Oxfordshire Growth Deal	OCC	LTP4: OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept. 2017	PR6a PR6b PR7a PR7b	OCC	Construction task order expected in October 2023 to enable construction to commence at Kidlington Roundabout.
19	Public vehicular, cycle, pedestrian and wheelchair connectivity within the Land West of Yarnton site to services and facilities in Yarnton including William Fletcher Primary School.	Ensure safe access and integration with existing road network.	Critical	Short - medium term	Transport mitigation / design considerations	Development proposal	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11)	PR9	OCC	see County transport comments on PR9 planning application.
20	New walking and cycling routes from Land West of Yarnton (PR9) through Yarnton.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	Transport mitigation/ design considerations	Development proposal	OCC	LTP4: OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11)	PR9	TA (ITP)	see County transport comments on PR9 planning application.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
21	Cycle and pedestrian improvements along the A44 (between Bladon Roundabout and Peartree Roundabout) enabling: a) improved cycling facilities to link onto planned improvements to Pear Tree Roundaboutb) pedestrian / cycle crossing through Langford Lane junction and across the A44 (Shared Use Path improvements and new provision).	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short - medium term	Apportioned cost of A44 and Woodstock Road scheme c.£8.23m	Potential sources of funding include: Emerging Oxfordshire Growth Deal	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11)A44 & A4260Corridor Study, OCC April 2017 OxIS Stage 2, Sept. 2017	PR8PR9	OCC TA (ITP)	Optioneering and feasibility design work is nearing completion through Growth Deal Funding.
22	Cycle and pedestrian improvements along Langford Lane including enhancement to formalise crossing, Shared Use Path (SUP) on the western end of Langford Lane and hybrid cycle lanes for the eastern end.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	c.£0.772m	Private Developers	Private Developers	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR:Infrastructure Delivery (PR11)A44 & A4260Corridor Study, OCC April 2017 OxIS Stage 2, Sept. 2017	Kidlington 1a	CDC OCC	To be delivered in support of development within London-Oxford Airport / Langford Lane employment area
23	Reduction of speed limit and pedestrian/cycling crossing at key locations along the A44 (from Sandy Lane to Cassington Road).	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	Transport mitigation / design considerations	Development proposal	OCC	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) A44 & A4260 Corridor Study, OCC April 2017 OxIS Stage 2, Sept. 2017	PR8 PR9	OCC TA (ITP)	TBC
24	Footpaths/cycleways within proposed development sites that link new development to existing and proposed networks	Improving sustainable transport accessibility and active travel	Critical	Short to medium term	Scheme specific below	Scheme specific below	OCCprivate developers	LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)OxIS Stage 2, Sept 2017	All LP1 PRsites	PRoWManagement Plan 2014	To be delivered directly by development proposals
25	Pedestrian / cycling / wheelchair accessibility from land east of Oxford Road (PR6a) to Water Eaton Park and Ride and Oxford Parkway Station.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	Site transport mitigation/ design consideration	Development proposal	OCC	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) OxIS Stage 2, Sept 2017	PR6a	TA (ITP)	see County transport comments on PR6a planning application.
26	Pedestrian/cycling/wheelchair accessibility from land west of Oxford Road (PR6b) to the employment opportunities at Oxford's Northern Gateway.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	Site transport mitigation/ design consideration	Development proposal	OCC	LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)OxIS Stage 2, Sept 2017	PR6b	TA (ITP)	Delivery likely to be linked to Green Infrastructure schemes below.
27	Upgrade existing footbridge over the railway linking to Northern Gateway to pedestrian/cycle/Wheelchair accessible providing links to Northern Gateway.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	Site transport mitigation/ design consideration	Development proposal	OCC	LTP4: OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) OxIS Stage 2, Sept 2017	PR6b	OCC TA (ITP)	To be delivered by development proposal.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
28	Pedestrian / cycling / wheelchair accessibility across A4165 from Land west of Oxford Road (PR6b) to services and facilities at Land East of Oxford Road (PR6a) and Oxford Parkway.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	Site transport mitigation/ design consideration	Development proposal	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)OxIS Stage 2, Sept 2017	PR6b	TA (ITP)	To be delivered by development proposal.
29	Footway along southbound carriage way of Bicester Road.	Improving sustainable transport accessibility and active travel.	Critical	Medium term	Site transport mitigation/ design consideration	Development proposal	OCC	LTP4:OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11)	PR7a	TA (ITP)	To be delivered by development proposal.
30	Pedestrian/cycling/wheelchair accessibility to Oxford Parkway, Water Eaton P&R, across to Bicester Road and to formal sports pitches on site.	Improving sustainable transport accessibility and active travel.	Critical	Medium term	Site transport mitigation/ design consideration	Development proposal	OCC	LTP4:OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	PR7a	CDC	To be delivered by development proposal.
31	Vehicular spine route through Land East of the A44 (suitable for use by buses).	Reduce the proportion and overall number of car journeys and help deliver the transport changes provided for by the Oxford Transport Strategy.	Critical	Short term	On-site transport mitigation/ design considerations	Development proposal	OCC	LTP4: OTS LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) OxIS Stage 2, Sept 2017	PR8	TA (ITP)	see County transport comments on PR8 planning application.
32	Highways Works to Kidlington Roundabout/Oxford Road to enable site access for Land at Stratfield Farm.	Ensure safe access and integration with existing road network.	Critical	Short - medium term	Site transport mitigation/ design considerations	Development proposal	OCC	LP1 PR: Infrastructure Delivery (PR11)	PR7b	OCC	Construction task order expected in October 2023 to enable construction to commence at Kidlington Roundabout.
33	Pedestrian/Cycle bridges (wheelchair accessible).	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	TBC	TBC	OCC	LTP4: OTSLP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)LP1 PR: Infrastructure	All Oxford unmet need sites	N/A	TBC
33a	Pedestrian/Cycle bridge over the Oxford Canal and Railway.	Improving sustainable transport accessibility and active travel.	Critical	Short - medium term	TBC	TBC	OCC	LTP4: OTS LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a) LP1 PR: Infrastructure Delivery (PR11) LP1 PR: Infrastructure	PR8	TA (ITP)	TBC

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
Education											
34	Primary School 2FE at Land East of Oxford Road.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short - medium term	c. £11.5m	Developer contributions	OCC	LP1: Meeting education needs (BSC7) LP1 PR: Infrastructure Delivery (PR11)	PR6a PR6b PR7a PR7b	OCC	County education comments on the PR6a application require this 2FE primary school.
35	Additional permanent accommodation at Edward Field Primary School.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short - medium term	Specific project costs TBC (standard expansion rates are £ 15,256	Pending development proposal	OCC	LP1: Meeting education needs (BSC7) LP1 PR: Infrastructure Delivery (PR11)	PR7a PR7b	OCC	Expansion of primary school capacity within Kidlington not currently identified as required for adopted Local Plan scale of development.
36	Primary School 3FE at Land East of the A44.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short - medium term	C. 17.1m	Developer contributions	OCC	LP1: Meeting education needs (BSC7) LP1 PR: Infrastructure Delivery (PR11)	PR8	OCC	County education comments on the PR8 BID application require suitable primary school provision.
36a	Primary School 2FE at Land East of the A44 if required- in consultation with the LEA and unless otherwise agreed with CDC.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Medium term	c. £11.5m	Developer contributions	OCC	LP1: Meeting education needs (BSC7) LP1 PR: Infrastructure Delivery (PR11)	PR8	OCC	County education comments on with PR8 BID application require suitable primary school provision.
37	Additional permanent accommodation at William Fletcher Primary School	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short - medium term	Specific project costs TBC (standard expansion rates are set out within developer contributions guide from OCC)	Developer contributions	OCC	LP1: Meeting education needs (BSC7) LP1 PR: Infrastructure Delivery (PR11)	PR9	OCC	County education comments on the PR9 application require land and funding for expanding William Fletcher primary school.
38	Secondary school (1100-place) at Land East of the A44.	Expand existing and provide new schools to match the needs of residents and businesses.	Critical	Short - medium term	c. £34m	Developer contribution and Education and Skills Funding Agency funding streams for capital investment in school provision	OCC	LP1: Meeting education needs (BSC7) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	OCC	County education comments on the PR8 BID application require suitable secondary school provision. Contributions are sought from various developers. Required school size currently estimated as 900-places, but sufficient land required to protect ability to expand to 1100 places.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
39	SEN and early years school provision to meet projected needs either on site (including land) or adequate contributions to enable existing facilities to expand.	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Short - medium term	TBC	Developer contributions	OCC	LP1: Meeting education needs (BSC7) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	OCC	Funding from developers is being sought.
Utilities											
40	Water supply links and network upgrades.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short - medium term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water	LP1: Public Service and Utilities (BSC9) LP1: Water Resources (ESD8) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	Thames Water on LP1 IDP	TW preparing AMP7 (2020-2025) which will provide specification of upgrades.To be funded and provided as development comes forward.
41	Sewerage links and treatment works upgrade.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short - medium term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water	LP1: Public Service and Utilities (BSC9) LP1: Water Resources (ESD8) LP1 PR: Infrastructure Delivery (PR11)	Non-strategic sites to be identified in the next Local Plan	Thames Water / Anglian Water	Some scoped in the Thames Water 2015- 2020 business plan and some as part of the 2020- 2025. To be funded and provided as development comes forward. Capacity to be in place before development commences.
41a	Wastewater Infrastructure upgrades required to serve Site Policy PR6a	Ensure utilities infrastructure grows at the same rate as communities	Critical	Medium term	Costs to be determine d as individual developm ent comes forward	To be funded by TW and private developers	Thames Water Private sector developers	LP1: Public Service and Utilities (BSC9) LP1: Water Resources (ESD8) LP1 PR:Infrastructure Delivery (PR11)	LP1: Public Service and Utilities (BSC9) LP1: Water Resources (ESD8) LP1 PR:Infrastructure Delivery (PR11)	WCS Nov.2017	Early engagement with TW and with the Environment Agency (EA) and Natural England(NE) when necessary
41b	Wastewater Infrastructure upgrades maybe required to serve Site Policy PR8	Ensure utilities infrastructure grows at the same rate as communities	Critical	Medium term	Costs to be determine d as individual developm ent comes forward	To be funded by TW and private developers	Thames Water Private sector developers	LP1: Public Service and Utilities (BSC9) LP1: Water Resources (ESD8) LP1 PR: Infrastructure Delivery (PR11)	LP1: Public Service and Utilities (BSC9) LP1: Water Resources (ESD8) LP1 PR: Infrastructure Delivery (PR11)	WCS Nov.2017	Early engagement with TW and with the Environment Agency (EA) and Natural England (NE) when necessary
42	Oxford WwTW upgrade will be required	Ensure utilities infrastructure grows at the same rate as communities	Critical	Short - medium term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water	LP1: Public Service and Utilities (BSC9) LP1: Water Resources (ESD8) LP1 PR:Infrastructure Delivery (PR11)	PR6aPR6bPR9	WCS Nov 2017	Thames Water are finalising plans for a major upggrade at Oxford STW, costed at more than £130m which will provide a significant increase in treatment capacity, larger storm tanks and a higher quality of treated effluent going to the river. Exact delivery date for these works TBC.



2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
43	Cassington WwTW upgrade to improve its ability to treat the volumes of incoming sewage and reduce need for untreated discharges in wet weather.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water	LP1: Public Service and Utilities (BSC9) LP1: Water Resources (ESD8) LP1 PR: Infrastructure Delivery (PR11)	PR7a PR7b PR8	WCS Nov.2017	Thames Water is currently developing an upgrade programme with a view to delivery in 2025.
44	Water conservation measures.	Promote sustainable use of water: Maintaining quality and adequate resources.	Critical	Short to medium term	Costs to be determined as individual development comes forward	To be funded by TW and private developers	Thames Water	LP1: Water Resources (ESD8)LP1: Protection of Oxford Meadows SAC (ESD9)LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites		Developers to engage with TW to draw up water and drainage strategies outlining the developments water and waste water infrastructure.
45	Agreement in principle needed with DNO (Southern Electric Power Distribution) for any modification to overhead lines or development beneath overhead lines/undergrounding of overhead lines in relation to any development site.	Ensure utilities infrastructure grows at the same rate as communities.	Critical	Short - medium term	Costs to be determined as individual development comes forward	To be funded by SEPD and private developers	SEPD Private sector developers	LP1: Public Service and Utilities (BSC9) LP1 PR: Infrastructure Delivery (PR11)	PR6a PR6b PR6c PR7a PR8 PR9	SEPD	TBC
46 (New)	Waste Management Capacity: Building new or enhancing existing Household Waste Recycling Centre (HWRC) sites to deal with increased demand Sites should be designed to manage waste in accordance with the hierarchy, promoting reduction and reuse.	Ensure waste and recycle facilities grow at the same rate as communities needs.	Necessary	Medium term	TBC	OCC, Developer Contributions	OCC	Local Plan:Public Service and Utilities (BSC9) Mitigating and adapting to Climate Change (ESD1) OCC Minerals and Waste Local Plan andemerging Core StrategyOCC HWRC Strategy	All Oxford unmet need sites	OCC	Further project specific information to be added as project development progresses.
Flood risk											
47 (46)	Agreement in principle from TW that foul drainage from the site will be accepted into their network as part of any planning application	Reducing potential flooding and pollution risks from surface water.	Critical	Short to medium term	Costs to be determine d as individual developm ent comes forward	TW Private sector developers	TW Private sector developers	LP1: Sustainable Flood Risk Management (ESD6) LP1: Sustainable Drainage Systems (SuDs) (ESD7) LP1: Water Resources (ESD8)	All LP1 PR sites	SFRA L2May 2017	To be delivered by development proposal
48 (47)	Site specific FRA with detailed analysis and ground investigation to inform SuDS techniques and demonstrating suitable dry site access and egress for each development site.		Critical	Short to medium term	Costs to be determine d as individual developm ent comes forward	Private sector developers	EA TW Private sector developers	LP1: Protection of Oxford Meadows SAC (ESD9) LP1 PR: Infrastructure Delivery (PR11)	All LP1 PR sites	SFRA L2May 2017	To be delivered by development proposal
49 (48)	Provision of blue corridors for public open space/ recreation within those areas of the site in FZ 3.	Reducing potential flooding and pollution risks from surface water.	Critical	Short - medium term	TBC	Private sector developers	EA	LP1: Protection of Oxford Meadows SAC (ESD9) LP1 PR: Infrastructure Delivery (PR11)	PR6a PR7a PR8	SFRA	To be delivered by development proposal.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
Emergency and rescue services											
50 (49)	Provision of Neighbourhood Policing facilities to serve the additional growth identified in the area. This could be through the provision of new touchdown offices as part of planned community Facilities/Centres on the identified new housing sites or through the adaptation/alteration and/or extension of existing TVP facilities in the local area.	To ensure the delivery of safe and secure communities where crime and the fear of crime is minimised.	Necessary	Short - medium term	Not known at this stage	To be funded via Developer contributions	CDC TVP	LP1 – BSC9: Public Services and Utilities LP1 PR: Infrastructure Delivery (PR11) LP1 PR: Infrastructure	All Kidlington Sites	TVP	Linked to progress of delivery of new housing schemes. Further updates pending the determination of planning applications and the securing of s106 funds.
Health											
51 (50)	New or expanded GP premises in Kidlington, Begbroke and Yarnton area.	Ensure health infrastructure grows at the same rate as communities.	Critical	Short - medium term	c.7.5m	TBC	Existing Health care estate premises owners, inc. practices NHS Property Services OCCG	LP1: Securing health and wellbeing (BSC8) LP1 PR: Infrastructure Delivery (PR11)	PR6a PR6b PR7a PR7b PR8 PR9	OCCG	Dependent on development timing.
Community infrastructure											
52 (51)	Sports hall at PR8 Secondary School for shared community use –one additional 4 court sports hall to Sport England specification .	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Short - medium term	c. £2.34m	Private developers	OCC CDC	LP1: Indoor Sport Recreation and Community Facilities (BSC12) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	CDC OCC	To be delivered with scheme38 above.
53 (52)	Development of leisure provision at Kidlington Leisure Centre.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Medium term	c. £5.71m	Private developers	CDC	LP1: Indoor Sport Recreation and Community Facilities (BSC12) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	CDC	TBC
54 (53)	Community building as part of onsite local centre at Land East of Oxford Road (community facility space of no less than 522m2).	Creation of a sustainable, mixed use development which provides opportunities for community cohesion.	Necessary	Short - medium term	c. £1.25m	Private developers	CDC	LP1: Indoor Sport Recreation and Community Facilities (BSC12)LP1 PR: InfrastructureDelivery (PR11)	PR6aPR6b	CDC	To be delivered by development proposal.
55 (54)	Community building as part of onsite local centre at Land East of A44 (community facility space of no less than 862m2).	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Short - medium term	c. £1.8m	Private developers	CDC	LP1: Indoor Sport Recreation and Community Facilities (BSC12) LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	To be delivered by development proposal.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
56 (55)	Extension to Kidlington Cemetery.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Medium term	c. £142.8k	Private sector developers	Kidlington PC CDC	LP1: Indoor Sport Recreation and Community Facilities (BSC12) LP1 PR: Infrastructure Delivery (PR11)	PR7a	CDC	TBC
57 (56)	Expansion of community facilities located at St John's Baptist Church.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Short - Medium	TBC	Private developers	CDC	LP1: Indoor Sport Recreation and Community Facilities (BSC12) LP1 PR: Infrastructure Delivery (PR11)	PR7aPR7b	CDC	To be delivered by development proposal.
58 (57)	Expansion of community facility in the vicinity	Ensure social infrastructure grows at the same rate as communities	Necessary	Medium term	TBC through work on site's development brief	Private developers	CDC Private Developers	LP1: Indoor Sport Recreation and Community Facilities (BSC12) LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	TBC
59 (New)	Reconfiguration and refurbishment of Kidlington Library to provide additional capacity for growth	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure.	Necessary	Medium-Long Term	c. 0.35m	Developer Contributions	OCC	PR: Infrastructure Delivery (PR11), Community Facilities (BSC 12)	All Oxford unmet need sites	OCC	TBC
60 (New)	Expansion and operation of the Museum Resource Centre at Standlake	To provide sufficient storage for archeological finds from development and ensure its safekeeping	Necessary	Medium-Long Term	TBC	Developer Contributions	OCC	PR: Infrastructure Delivery (PR11), Community Facilities (BSC 12)	All Oxford unmet need sites	OCC	TBC
Open space, recreation and biodiversity											
61 (58)	Oxford Canal – Improvement to towpath infrastructure.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Short - Medium	TBC	Private developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) LP1: The Oxford Canal (ESD16) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	All sites subject to consultation with Canal and Rivers Trust	Canal & River Trust Nov 16- Jan 17 Consultation	The canal with its towpath provides a direct route into central Oxford from the Kidlington/Begbroke area.
62 (59)	Measures for the protection and enhancement of the Oxford Canal corridor and towpath including the creation and restoration of water vole habitat in the Lower Cherwell Conservation Target Area and the of a dark.	Ensure social infrastructure grows at the same rate as communities.	Necessary	Short - Medium	c.£112.2 k	Private developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) LP1: TheOxford Canal (ESD16) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR:Infrastructure Delivery (PR11)	PR7bPR8	CDC	To be delivered by development proposals Costs to be apportioned.

## 2.4 LPPR Oxford Unmet Needs Update Projects

No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
63 (60)	Compensatory land for open space, countryside access and improvements c.19.6 ha at Land east of the Oxford Road (PR6a) c.30h at Land at Frieze Farm if need for replacement Golf Course is demonstrated (PR6b and PR6c) c. 11ha at Land South East of Kidlington for sports provision/new open green space/park c. 6.80 ha at Land at Stratfield Farm c.79 ha at Land East of the A44 (PR8) c. 24.8ha at Land West of Yarnton.	Compensatory improvements to Green Belt land environmental quality and accessibility.	Critical	Short - medium term	Scheme specific below	Scheme specific below	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP: Oxford Green Belt (ESD14)LP1 PR: The OxfordGreen Belt (PR3)LP1 PR: Infrastructure Delivery (PR11)	PR6aPR7aPPR7bPR8PR9	CDC	To be delivered by development proposals.
64 (61)	Provision of formal sports, play areas and allotments to adopted standards.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	Scheme specific below	Private developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	CDC	To be delivered by development proposals.
65 (62)	Formal sports provision at Land East of Oxford Road.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	c.£ 147.8K	Private Developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR6a	CDC	To be delivered by development proposals.
66 (63)	Formal sports provision at Land East of the A44.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	c.£ 79.8K	Private Developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR:Infrastructure Delivery (PR11)	PR8	CDC	To be delivered by development proposals.

## 2.4 LPPR Oxford Unmet Needs Update Projects

No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
67 (64)	Formal sports provision at Land West of Yarnton.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	c.£ 222.2K	Private Developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	To be delivered by development proposals.
68 (65)	Converting existing Hockey AGP at Kidlington and Gosford Leisure Centre to 3G and increasing its size.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	c. £400k	Private developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	CDC	TBC
69a (66a)	Conversion of grass pitch into 3G pitch at Stratfield Brake to increase year round use of facilities.	Improve health, social and cultural wellbeing.	Desirable	Short - Medium	TBC	TBC	TBC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	CDC	TBC
69b (66b)	Formal sport pitches provision at Land South East of Kidlington (PR7a) including: 4ha of football pitches.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Medium term	c. £3.17m	Private developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	CDC	Provision of land at PR7a. To be delivered by development proposals.
70 (67)	Play areas provision at Land East of Oxford Road including: 3 LAPs, 2 LEAPs, 1 NEAP and 1 MUGA	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	c.£1.05m	Private Developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR6a	CDC	To be delivered by development proposals.

## 2.4 LPPR Oxford Unmet Needs Update Projects

No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
71 (68)	Play areas provision at Land West of Oxford Road including: 2 including: 2 LAPs, 1 LEAP, 1 NEAP	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	c.£756.4k	Private Developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR6b	CDC	To be delivered by development proposals.
72 (69)	Play areas provision at Land South East of Kidlington including: 1 LAP and 1 LEAP	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Medium term	c.£217.8k	Private Developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR7a	CDC	To be delivered by development proposals.
73 (70)	Play areas provision at Land at Stratfield Farm including: 1 LAP and 1 LEAP	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	c.£217.8k	Private Developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local	PR7b	CDC	To be delivered by development proposals.
74 (71)	Play areas provision at Land East of the A44 including: 5 LAPs, 3 LEAPs, 2 NEAPs and 1 MUGA.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	c.£1.8m	Private Developers	CDC	Standards of Provision – Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	To be delivered by development proposals.
75 (72)	Play areas provision at Land West of Yarnton including: 2 LAPs, 1 LEAP, 1 NEAP and 1 MUGA.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	c.£840k	Private Developers	CDC	Standards of Provision – Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	To be delivered by development proposals.

## 2.4 LPPR Oxford Unmet Needs Update Projects

No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
76 (73)	Allotments to be provided at Land East of Oxford Road (0.47ha).	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Necessary	Short - medium term	c.£140k	Private developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR6a	CDC	To be delivered by development proposals.
77 (74)	Allotments to be provided at Land at Land West of Oxford Road (0.38ha).	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Necessary	Short - medium term	c.£113.2k	Private developers	CDC	LP1:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR6b	CDC	To be delivered by development proposals.
78 (75)	Allotments to be provided at Land South East of Kidlington.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Necessary	Medium term	c.£59.5k	Private developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR7a	CDC	To be delivered by development proposals
79 (76)	Allotments to be provided at Land at Stratfield Farm.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Necessary	Short - medium term	c.£59.5k	Private developers	CDC	LP1:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR7b	CDC	To be delivered by development proposals.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
80 (77)	Retention or replacement (to an equivalent quantity and quality) of the existing allotments at Land East of the A44 and extending allotment space in accordance with adopted.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Necessary	Short - medium term	c.£536k*	Private developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	To be delivered by development proposals.
81 (78)	Allotments to be provided at Land West of Yarnton.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Necessary	Short - medium term	c.£113.2k	Private developers	CDC	LP1:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	To be delivered by development proposals.
82 (79)	Exploring marked running routes associated with both existing green space and new open space on strategic sites as part of development briefs.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short - medium term	Through work on site's development brief	Private developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	CDC	To be delivered by development proposals.
83 (80)	A replacement Golf facility at Land at Frieze Way Farm PR6c should the need for replacement be demonstrated.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Critical	Short - medium term	c. £4m	Private developers	CDC	LP1:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR: InfrastructureDelivery (PR11)	PR6bPR6c	CDC	*should the need for replacement be demonstrated.
84 (81)	Amenity open space, natural and semi natural green space and Parks and Gardens to be provided as part of development in accordance with standards.	Ensure open space and amenity infrastructure grows at the same rate as communities and current deficiencies in provision are addressed.	Necessary	Short to long term	Scheme specific below	Private developers CDC	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	CDC	To be delivered through: Development sites through the planning application process in accordance with adopted Local Plan requirements and the preparation of site development briefs.



2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
85 (82)	Retention of c. 3 ha of land in agricultural as part of Land East of the Oxford Road (PR6a).	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Desirable	Short - medium term	N/A	N/A	CDC	LP1:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR: InfrastructureDelivery (PR11)	PR6a	CDC	TBC
86 (83)	Retention of c. 12 ha of land in agricultural as part of Land East of the A44 (PR8).	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Desirable	Short - medium term	N/A	N/A	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	TBC
87 (84)	Retention of c. 39 ha of land in agricultural as part of Land West of Yarnton (PR9).	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Desirable	Short - medium term	N/A	N/A	CDC	LP1:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR: InfrastructureDelivery (PR11)	PR9	CDC	TBC
88 (85)	Extension to Cutteslowe Park (c.11ha) including land set aside for the creation of wildlife habitats and for nature trail/circular walks accessible from the new primary school.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Desirable	Short - medium term	c. £2.2m	Private sector developers	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR6a	CDC	TBC

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
89 (86)	Enhancements to woodland area (along northern boundary of PR6b).	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Desirable	Short - medium term	c. £199.5k	Funded by development proposal	CDC	LP1:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR:Infrastructure Delivery (PR11)	PR6b	CDC	To be delivered by development proposal.
90 (87)	Enhanced area of woodland along the south-eastern boundary of Land south East of Kidlington (PR7a) and the establishment of a new area of woodland planting.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Desirable	Medium term	c.£342k	Funded by development proposal	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR7a	CDC	To be delivered by development proposal.
91 (88)	Protection and improvement of Orchard in Stratfield Farm.	Provision of open space and green infrastructure to meet growth needs and addressing changing attitudes towards food growing.	Necessary	Short - medium term	c. £110.1k	Funding by development proposal	CDC	LP1:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR7b	CDC	To be delivered by development proposal.
92 (89)	Maintenance and enhancement of protected trees, existing tree lines and hedgerows.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term	c.£40.8k	Funded by development proposal	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR7b	CDC	To be delivered by development proposal.

## 2.4 LPPR Oxford Unmet Needs Update Projects

No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
93 (90)	Re-creation and restoration of hedgerows reflecting historic field pattern and enhancement of existing.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term			CDC	LP1:Open Space, Outdoor Sport Recreation Provision (BSC10) Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR7b	CDC	To be delivered by development proposal.
94 (91)	Nature conservation area (c.5.3 ha), incorporating the community orchard (scheme 88 above) and with potential to link to and extend Stratfield Brake DWS.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term	c. £1.28m	Private sector developer	CDC OCC BBOWT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR7b	CDC	To be developed by development proposal.
95 (92)	Public open green space as informal canal side parkland on 23.4 hectares of land as shown.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term	c. £4.7m	Development proposal	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	To be delivered by development proposal.
96 (93)	New publicly accessible Local Nature Reserve (c. 29 ha) based on Rowel Brook at Land East of the A44.	Provision of open space and green infrastructure to meet growth needs and facilitate active travel.	Necessary	Short - medium term	c. £5.95m	Development proposal	CDC OCC BBOWT	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	To be delivered by development proposal.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
97 (94)	A nature conservation area on c. 12.2 ha of land to the east of the railway line, south of the Oxford Canal and north of Sandy Lane.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	c. £2.49m	Development proposal	CDC OCC BBOT	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	To be delivered by development proposal.
98 (95)	Local Nature Reserve at Land West of Yarnton	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	c. £59.1k	Development proposal	CDC OCC BBOWT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	To be delivered by development proposal.
99 (96)	New community woodland (7.8 ha) to the north west of PR9 developable area and to the east of Dolton Lane.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term	c. £2.3m	Development proposal	CDC	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	To be delivered by development proposal.
100 (97)	Green Infrastructure corridors and active travel: Green Infrastructure network connecting wildlife corridors (including through developable areas), improving existing corridors and improving and protecting hedgerows network and protection of mature trees.	Provision of open space and green infrastructure to meet growth needs and facilitate active travel.	Necessary	Short to long term	Scheme specific below	Scheme specific below	CDC	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	All Kidlington Sites	CDC	To be delivered by development proposal.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
101 (98)	Green infrastructure corridor (c.8 ha) incorporating a pedestrian, wheelchair and all- weather cycle route along PR6a's eastern boundary.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term	c. £1.6m	Private sector developers	CDC BBOWT	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	PR6a	CDC	To be delivered by development proposal
102 (99)	Green infrastructure network with connected wildlife corridors, including within the residential area, and the improvement of the existing network including through the protection/enhancement of the existing hedgerow network and the protection of mature trees.	Provision of open space and green infrastructure to meet growth needs and facilitate active travel.	Necessary	Short - medium term	c.£816k	Private sector developers	CDC BBOWT	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	PR6a	CDC	To be delivered by development proposal.
103 (100)	Examination of provision of wildlife corridors over or under the A34 and A4260 (Frieze Way) to Stratfield Break DWS.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	Pending development proposal	Pending development proposal	CDC OCC BBOT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR6b	CDC	To be delivered by development proposal.
104 (101)	Green infrastructure network with connected wildlife corridors, including within the residential area, and the improvement of the existing network including within the Lower Cherwell Conservation Target Area and to the Meadows West of the Oxford Canal Local.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term	c.£581	Private sector developers	CDC OCC BBOWT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR7b	CDC	To be delivered by development proposal.
105 (102)	Protection and enhancement of Sandy Lane and Yarnton Lane as green links and wildlife corridors and wildlife connectivity from Sandy Lane to the proposed Local Nature Reserve at Land east of the A44 (PR8).	Provision of open space and green infrastructure to meet growth needs and facilitate active travel.	Necessary	Short - medium term	Delivered through schemes 92 and 94	Private sector developers	CDC OCC BBOWT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	To be delivered by development proposal.

2.4 LPPR Oxford Unmet Needs Update Projects											
No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
106 (103)	Green infrastructure network with connected wildlife corridors, including within the residential area and alongside the railway line.	Provision of open space and green infrastructure to meet growth needs and facilitate active travel.	Necessary	Short - medium term	c. £161.2k	Private sector developers	CDC OCC BBOWT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	To be delivered by development proposal
107 (104)	Green infrastructure network with connected wildlife corridors, including within the developable area. The improvement of the existing network including hedgerows between the proposed Community.	Provision of open space and green infrastructure to meet growth needs.	Necessary	Short - medium term	c. £3.36m	Private sector developers	CDC OCC BBOWT	LP1: Open Space, Outdoor Sport Recreation Provision (BSC10)Local Standards of Provision - Outdoor Recreation (BSC11) Green Infrastructure (ESD17)LP1: Improved Transport and Connections (SLE4) LP1 PR: Sustainable Transport (PR4a)LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	To be delivered by development proposal.
108 (105)	Protection and enhancement of existing wildlife corridors, including along Frogwelldown Lane District Wildlife Site and Dolton Lane, and the protection of existing hedgerows and trees.	Enhance natural environment by providing opportunities to improve biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	c. £4.6m	Development proposal	CDC OCC BBOWT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	To delivered by development proposal.
109 (106)	Development proposals for Land East of the A44 (PR8) are required to undertake an investigation of the former landfill site south of Sandy Lane to then remediate the site for a use compatible with the proposals and retained uses in the area as detailed in Policy PR8.	Establishing if land contamination has the potential to be present on historic land uses and surrounding area and explore remediation.	Desirable	Short - medium term	Pending development proposal	Private developer	CDC EA	1996 Local Plan Saved Policy: Development on contaminated Land (ENV12)	PR8	CDC	To delivered by development proposal.
110 (107)	Ecological Mitigation and Compensation - habitat creation and management.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDCOCC BBOWTPrivate sector developers	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	Kidlington and Rural areas Non-strategic sites to be identified in next Local Plan Neighbourhood Plans	CDC	Secured through planning application consultation.

## 2.4 LPPR Oxford Unmet Needs Update Projects

No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
111 (108)	Farmland bird compensation required from proposals for site policies PR6a, PR7a, PR7b, and PR9.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short to long term	TBC	To be funded by securing development contributions	CDC OCC BBOWT Private sector developers	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR6a PR7a PR7b PR9	CDC	TBC
112 (109)	Restoration, maintenance, new habitat creation at Lower Cherwell Conservation Target Area.	Ensure that people can access a network of green and blue infrastructure network and to support biodiversity.	Necessary	Short to long term	Site mitigation/ development brief considerations	Private sector developers	CDC	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR6aPR6bPR7aPR7bPR8PR9	CDC	To be delivered following the progression of the strategic sites through the planning.
113 (110)	Protection of the orchard and waterbody at St. Frideswide Farm.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Desirable	Short - medium term	TBC	TBC	CDC	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR6a	CDC	TBC
114 (111)	Community Woodland east of Dolton Lane PR9.	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term	TBC	TBC	CDC OCC BBOWT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	TBC

2.4 LPPR Oxford Unmet Needs Update Projects

No.	Projects	Main aim	Priority Critical Necessary Desirable	Phasing St 2021- 2025 Mt 2025- 2029 Lt 2029 - 2031	Costs (where known)	Funding (where known)	Main Delivery Partners	Policy links (LP, LTP policies)	LP site policy	Source	2023 update
115 (112)	Local Nature Reserve based on Rowel Brook at Land East of the A44 (PR8).	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term	TBC	TBC	CDC OCC BBOWT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10) Conservation Target Areas (ESD11) Green Infrastructure (ESD17) LP1 PR: Infrastructure Delivery (PR11)	PR8	CDC	TBC
116 (113)	Local Nature Reserve based on Frogwelldown Lane DWS and educational opportunities for PS (PR9).	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of s41 NERC Act habitats.	Necessary	Short - medium term	TBC	TBC	CDC OCC BBOWT	LP1: Protection and Conservation of Biodiversity and the Natural Environment (ESD10)Conservation Target Areas (ESD11) Green Infrastructure (ESD17)LP1 PR: Infrastructure Delivery (PR11)	PR9	CDC	TBC



## **Appendices**

### **Appendix 4: List of Replaced and Retained Saved Policies**

#### Appendix 4: List of Replaced and Retained Saved Policies

Policy Number	Description	Replaced or Retained	Replacement Policy	Does this Affect the Adopted Proposals Map 1996?
Saved Policies of the Cherwell Local Plan 1996				
GB1	Development in the Green Belt	replaced	ESD 14	Yes
GB2	Outdoor Recreation in the Green Belt	retained	-	
GB3	Major Development Sites in the Green Belt	retained	-	
H1	Allocation of sites for housing	replaced	BSC 1 Bicester 1 Bicester 2 Bicester 3 Bicester 12 Bicester 13 Banbury 1 Banbury 2 Banbury 3 Banbury 4 Banbury 5 Banbury 8 Banbury 16 Banbury 17 Banbury 18 Banbury 19 Villages 2 Villages 5	Yes (except BSC1 and Villages 2)
H4	Housing schemes for the elderly and disabled	replaced	BSC 4	No
H5	Affordable Housing	replaced	BSC 3	No
H6	Rural Exception Sites	replaced	Villages 3	No
H12	Housing in the rural areas	replaced	Villages 1 Villages 2 Villages 3	No
H13	Residential development in category 1 settlements	replaced	Villages 1	No
H14	Residential development in category 2 settlements	replaced	Villages 1	No
H15	Residential development in category 3 settlements	replaced	Villages 1	No
H16	White land at Yarnton	retained	-	
H17	Replacement dwellings	retained	-	

H18	New dwellings in the countryside	retained	-	
H19	Conversion of buildings in the countryside	retained	-	
H20	Conversion of farmstead buildings	retained	-	
H21	Conversion of buildings in settlements	retained	-	
H23	Residential Caravans	retained	-	
H25	Sites for travelling showpeople	replaced	BSC6	No
H26	Residential canal moorings	retained	-	
EMP1	Allocation of sites for employment generating development	part replaced sites replaced at Bicester, Banbury and Kidlington Rural sites retained	SLE 1 Bicester 1 Bicester 2 Bicester 4 Bicester 10 Bicester 11 Bicester 12 Banbury 1 Banbury 6 Banbury 15 Kidlington 1 Villages 5	Yes
EMP3	Employment generating development at Kidlington, Yarnton and Begbroke (East)	replaced	SLE1	No
EMP4	Employment generating development in the rural areas	replaced	SLE1	No
S2	Proposals for retail development in the shopping centre and town centre, Banbury	replaced	SLE 2 Banbury 7	Yes
S3	Primary shopping frontages, Banbury	replaced	Banbury 7	Yes
S8	Redevelopment of land north of Bridge Street and east of the inner relief road, Banbury for recreational or cultural use	replaced	Banbury 1	Yes
S9	Change of use of residential buildings in Banbury town centre	replaced	Banbury 7	Yes
S10	Development in Banbury commercial areas	replaced	Banbury 7	Yes
S12	Development proposals in Bicester town centre	replaced	SLE 2 Bicester 5	Yes
S13	Primary shopping frontages, Bicester	replaced	Bicester 5	Yes
S15	Redevelopment of land at Franklin's	replaced	Bicester 6	Yes

	Yard, Bicester			
S21	Development in Kidlington shopping centre	replaced	SLE 2 Kidlington 2	Yes
S22	Provision of rear servicing, Kidlington	retained	-	
S25	Retail development in the rural areas	replaced	SLE2	No
S26	Small scale ancillary retail outlets in the rural areas	retained	-	
S27	Garden centres in the rural areas	retained	-	
S28	Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington shopping centres	retained	-	
S29	Loss of existing village services	retained	-	
TR1	Transportation funding	retained	-	
TR7	Development attracting traffic on minor roads	retained	-	
TR8	Commercial facilities for the motorist	retained	-	
TR10	Heavy Goods vehicles	retained	-	
TR11	Oxford Canal	retained	-	
TR14	Formation of new accesses to the inner relief road and Hennef Way, Banbury	retained	-	
TR16	Access Improvements in the vicinity of Banbury Railway Station	retained	-	
TR20	Reservation of land for road schemes at Bicester	replaced	SLE 4	Yes
TR22	Reservation of land for road schemes in the countryside	retained	-	
R1	Allocation of land for recreation use	part replaced	Bicester 13	Yes
R5	Use of redundant railway lines and disused quarries for recreation purposes	retained	-	
R7	Protection and enhancement of the recreational roles of the Oxford Canal and River Cherwell	replaced	ESD 16	No
R9	Facilities for canal users	replaced	ESD 16	No
R12	Provision of public open space in association with new residential development	replaced	BSC 11	No
R14	Reservation of land for community buildings in association with housing	replaced	BSC 12	No

	developments at Hanwell Fields, Banbury and Slade Farm, Bicester			
T2	Proposals for hotels, motels, guest houses and restaurants within settlements	retained	-	
T3	Land reserved for hotel and associated tourist or leisure based development, in vicinity of junction 11 of the M40, Banbury	retained	-	
T5	Proposals for new hotels, motels, guesthouses and restaurants in the countryside	retained	-	
T7	Conversion of buildings beyond settlements to self-catering holiday accommodation	retained	-	
AG2	Construction of farm buildings	retained	-	
AG3	Siting of new or extension to existing intensive livestock and poultry units	retained	-	
AG4	Waste disposal from intensive livestock and poultry units	retained	-	
AG5	Development involving horses	retained	-	
C1	Protection of sites of nature conservation value	replaced	ESD 10	Yes
C2	Development affecting protected species	replaced	ESD 10 ESD 11	No
C4	Creation of new habitats	replaced	ESD 10	No
C5	Protection of ecological value and rural character of specified features of value in the District	retained	-	
C6	Development proposals adjacent to the River Thames	retained	-	
C7	Landscape conservation	replaced	ESD 13	No
C8	Sporadic development in the open countryside	retained	-	
C9	Scale of development compatible with a rural location	replaced	ESD 13	No
C10	Historic landscapes, parks and gardens and historic battlefields	replaced	ESD 13 ESD 15	Yes
C11	Protection of the vista and setting of Rousham Park	retained	-	
C12	Development in the Cotswold Area of Outstanding Natural Beauty	replaced	ESD 12	Yes

C13	Areas of High Landscape Value	replaced	ESD 13	Yes
C14	Countryside Management Projects	retained	-	
C15	Prevention of coalescence of settlements	retained	-	
C17	Enhancement of the urban fringe through tree and woodland planting	replaced	ESD 13	Yes
C18	Development proposals affecting a listed building	retained	-	
C21	Proposals for re-use of a listed building	retained	-	
C23	Retention of features contributing to character or appearance of a conservation area	retained	-	
C25	Development affecting the site or setting of a schedule ancient monument	retained	-	
C27	Development in villages to respect historic settlement pattern	replaced	ESD 15	No
C28	Layout, design and external appearance of new development	retained	-	
C29	Appearance of development adjacent to the Oxford Canal	retained	-	
C30	Design Control	retained	-	
C31	Compatibility of proposals in residential areas	retained	-	
C32	Provision of facilities for disabled people	retained	-	
C33	Protection of important gaps of undeveloped land	retained	-	
C34	Protection of views of St Mary's Church, Banbury	retained	-	
C38	Satellite dishes in conservation areas and on listed buildings	retained	-	
C39	Telecommunication masts and structures	retained	-	
ENV1	Development likely to cause detrimental levels of pollution	retained	-	
ENV2	Redevelopment of sites causing serious detriment to local amenity	retained	-	
ENV6	Development at Oxford Airport, Kidlington likely to increase noise nuisance	retained	-	

ENV7	Development affecting water quality	replaced	ESD 8	No
ENV10	Development proposals likely to damage or be at risk from hazardous installations	retained	-	
ENV11	Proposals for installations handling hazardous substances	retained	-	
ENV12	Development on contaminated land	retained	-	
OA2	Protection of land at Yarnton Road Recreation ground, Kidlington for a new primary school	retained	-	
GB1	Saved Policy of the Central Oxfordshire Local Plan (Cherwell) 1992 - Development in the Green Belt	replaced	ESD 14	Yes
H2	Saved Policy of the Oxfordshire Structure Plan 2005 - Upper Heyford	replaced	Villages 5	Yes

## **Appendices**

### **Appendix 5: Adopted Local Plan 2011-2031 Part 1 Monitoring Framework**



## Appendix 5: Adopted Local Plan 2011-2031 Monitoring Framework

### A Strategy for Development in Cherwell

Policy Reference	Policy Title	Local Plan Indicators	Target
PSD 1	Presumption in favour of Sustainable Development	Monitoring of PSD1 is undertaken by Sustainability Indicators	Monitoring of PSD1 is undertaken by Sustainability Indicators

### Policies for Development in Cherwell

#### Theme One: Policies for Developing a Sustainable Local Economy

Policy Reference	Policy Title	Local Plan Indicators	Target
SLE 1	Employment Development	Employment commitments and completions on allocated employment land per sub area (Banbury, Bicester, Kidlington, Rural Areas)	100% take up of allocations by the end of the plan period
SLE 1	Employment Development	Employment commitments and completions on non-allocated employment land per sub area (Banbury, Bicester, Kidlington, Rural Areas)	Yearly increase in employment use class commitments and completions
SLE 1	Employment Development	Completions resulting in a loss of employment use to non employment use per sub area (Banbury, Bicester, Kidlington, Rural Areas)	No overall net loss of employment land
SLE 2	Securing Dynamic Town Centres	Town centre use (including use classes A1-A5, B1a, D2) completions within and outside of each of the town centres	No net loss of town centre use floor space within town centres
SLE 2	Securing Dynamic Town Centres	No. of retail impact assessments submitted with planning applications	100% of applications over the thresholds set out in Policy SLE2
SLE 3	Supporting Tourism Growth	Completed tourism developments (including D use class uses, Sui Generis uses)	An annual increase in completed tourism developments over the plan period
SLE 3	Supporting Tourism Growth	Number of visitors to tourist attractions in the District	An annual increase over the plan period
SLE 3	Supporting Tourism Growth	Number of visitors to tourist attractions in the District	An annual increase over the plan period

SLE 4	Improved Transport and Connections	Completed transport improvement schemes	Timely provision of transport infrastructure in accordance with strategic site delivery and as set out in the IDP
SLE 4	Improved Transport and Connections	Developer contributions to transport infrastructure	To meet development needs, as set out in the IDP
SLE 5	High Speed Rail 2 – London to Birmingham	Level of Council involvement with the proposed High Speed Rail Link	Respond to all relevant Government consultations on HS2  Respond to all planning applications relating to HS2.

## Theme Two: Policies for Building Sustainable Communities

Policy Reference	Policy Title	Local Plan Indicators	Target
BSC 1	District Wide Housing distribution	Housing commitments and completions per sub area (Banbury, Bicester, Kidlington, rural areas)	As set out in Policy BSC1
BSC 2	The Effective and Efficient Use of Land	% of residential completions on previously developed land	As set out in Policy BSC2
BSC 2	The Effective and Efficient Use of Land	Net housing density of completions	As set out in Policy BSC2
BSC 3	Affordable Housing	Net affordable housing completions/acquisitions per tenure	As set out in Policy BSC3
BSC 3	Affordable Housing	No. of self-build completions	An annual increase in the number of self-build completions
BSC 4	Housing Mix	Number of completed dwellings per number of bedrooms	As set out in Policy BSC4
BSC 4	Housing Mix	Number of 'extra care' completions	As set out in Policy BSC4
BSC 5	Area Renewal	Completed development per type in the 'area of renewal'	Improvements in levels of deprivation in the District
BSC 5	Area Renewal	The 'Brighter Futures in Banbury' Performance Measures Package Reports	Positive trends across all the Programme's indicators
BSC 6	Travelling Communities	Completed/Lost Gypsy & Traveller Plots/Travelling Showpeople Pitches, by location (location criteria as set out in Policy BSC6)	Provision for new pitches to meet identified shortfall as set out in Policy BSC6

BSC 7	Meeting Education Needs	Completed education infrastructure	Timely provision of education infrastructure in accordance with strategic site delivery and as set out in the IDP
BSC 7	Meeting Education Needs	Developer contributions to education infrastructure	To meet development needs, as set out in the IDP
BSC 8	Securing Health and Well Being	Completed health care infrastructure	Timely provision of health infrastructure in accordance with strategic site delivery and as set out in the IDP
BSC 8	Securing Health and Well Being	Developer contributions to health care infrastructure	To meet development needs, as set out in the IDP
BSC 8	Securing Health and Well Being	Completions at Bicester Community Hospital	Replacement of Bicester Community Hospital within the plan period
BSC 9	Public Services and Utilities	Completed public services/utilities infrastructure	Timely provision of public services/utilities infrastructure in accordance with strategic site delivery and as set out in the IDP
BSC 9	Public Services and Utilities	Developer contributions to public services/utilities	To meet development needs, as set out in the IDP
BSC 10	Open Space, Outdoor Sport & Recreation Provision	Amount, type and location of open space/sport/recreation facilities	No net loss of open space/outdoor sport/recreation sites
BSC 10	Open Space, Outdoor Sport & Recreation Provision	Areas deficient in recreation provision by type and amount	Annual improvements over the plan period
BSC 10	Open Space, Outdoor Sport & Recreation Provision	Completed built development on (former) sites of open space, outdoor sport and recreation	No net loss of open space/outdoor sport/recreation sites
BSC 10	Open Space, Outdoor Sport & Recreation Provision	Open spaces in the District meeting quality standards	A yearly improvement in the quality of sites/facilities
BSC 11	Local Standards of Provision - Outdoor Recreation	Developer contributions to open space/sport/recreation facilities per typology	As set out in policy BSC11
BSC 12	Indoor Sport, Recreation and Community	Developer contributions to open space/sport/recreation facilities per typology	As set out in policy BSC12

	Facilities		
BSC 12	Indoor Sport, Recreation and Community Facilities	Completed community facilities infrastructure	As set out in policy BSC12

### Theme Three: Policies for Ensuring Sustainable Development

Policy Reference	Policy Title	Local Plan Indicators	Target
ESD 1	Mitigating and Adapting to Climate Change	Carbon emissions in the District per capita	Reductions over the plan period
ESD 1	Mitigating and Adapting to Climate Change	Permissions granted contrary to Environment Agency advice on Flood Risk grounds	No permissions granted contrary to EA advice on flood risk grounds
ESD 1	Mitigating and Adapting to Climate Change	Access to services and facilities by public transport, walking and cycling	Improvement over the plan period, linked to Oxfordshire LAA target (National Indicator 175)
ESD 2	Energy Hierarchy	Number of Energy Statements submitted	As set out in Policy ESD2 i.e. required for all major applications
ESD 3	Sustainable Construction	% of new dwellings completed achieving water use below 110 litres/person/day	As set out in Policy ESD3
ESD 3	Sustainable Construction	Completed non residential development achieving BREEAM Very Good, BREEAM Excellent	As set out in Policy ESD3
ESD 4	Decentralised Energy Systems	Number of District Heating Feasibility Assessments submitted	As set out in Policy ESD4 i.e. required for all applications for 100 dwellings or more
ESD 4	Decentralised Energy Systems	Number of permitted District heating schemes in the District	Increase over the plan period
ESD 5	Renewable Energy	Permitted renewable energy capacity per type	Increase over the plan period
ESD 6	Sustainable Flood Risk Management	Permissions granted contrary to Environment Agency advice on flood risk grounds	No permissions granted contrary to EA advice on flood risk grounds
ESD 6	Sustainable Flood Risk Management	Flood Risk Assessments received for development proposals within Flood Zones 2 & 3, within 1 ha of Flood Zone 1, or 9m of any watercourse	As set out in Policy ESD6 i.e. required for all proposals meeting the locational criteria
ESD 7	Sustainable Drainage	Completed SuDS schemes in the District	Annual increase over the plan period

	Systems (SuDS)		
ESD 8	Water Resources	Number of permissions granted contrary to Environment Agency advice on water quality grounds	No permissions granted contrary to EA advice on water quality grounds
ESD 9	Protection of the Oxford Meadows SAC	Number of permissions granted contrary to consultee (Environment Agency, BBOWT, CDC/OCC etc) advice on water quality grounds within the SAC catchment	No permissions granted contrary to consultee (EA, BBOWT, CDC/OCC etc) advice on water quality grounds within the SAC catchment
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Total LWS/LGS area	A net gain in total areas of biodiversity importance in the District
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Changes in priority habitats by number & type	An annual increase over the plan period
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Changes in priority species by number & type	A net gain in priority species by number and type
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Ecological condition of SSSIs	100% of SSSI units in favourable or unfavourable recovering condition
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Distribution and status of farmland birds	A yearly increase in the District index of farmland bird presence
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Distribution and status of water voles	A yearly increase in the presence of water voles
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Permissions granted contrary to tree officer advice	No permissions granted contrary to tree officer advice
ESD 10	Protection and	Permissions granted contrary to	No permissions granted

	Enhancement of Biodiversity and the Natural Environment	biodiversity consultee advice	contrary to biodiversity consultee advice
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Number of Ecological Surveys submitted with applications	Ecological Surveys to accompany all planning applications which may affect a site, habitat or species of known or potential ecological value
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Local Sites in Positive Conservation Management	A net gain in Local Sites in Positive Conservation Management
ESD 11	Conservation Target Areas	Total amount of Natural Environment and Rural Communities (NERC) Act s41 Habitats of Principal Importance within active Conservation Target Areas (CTAs)	A net gain of relevant NERC Act Habitats in active CTAs within the District
ESD 11	Conservation Target Areas	Permissions granted in Conservation Target Areas contrary to biodiversity consultee advice	No permissions granted in Conservation Target Areas contrary to biodiversity consultee advice
ESD 12	Cotswolds AONB	Built development permitted in the AONB	No major development in AONB
ESD 12	Cotswolds AONB	Permissions granted contrary to the advice of the AONB Management Board	No permissions granted contrary to the advice of the AONB Management Board
ESD 13	Local Landscape Protection and Enhancement	Number and location of urban fringe restoration/improvement schemes completed	An annual increase over the plan period
ESD 13	Local Landscape Protection and Enhancement	Permissions granted contrary to Landscape Officer advice	No permissions granted contrary to Landscape Officer advice
ESD 14	Oxford Green Belt	Completed development (per type) in the Green Belt	All development in Green Belt to comply with Policy ESD14
ESD15	The Character of the Built Environment	Permissions granted contrary to the advice of English Heritage/consultee advice on heritage grounds	All development impacting on non designated/designated heritage assets to comply with ESD15
ESD15	The Character of the Built Environment	Permissions granted contrary to design consultee advice on design grounds	No permissions granted contrary to design consultee advice on design

			grounds
ESD15	The Character of the Built Environment	% of permitted and completed developments with Design and Access Statements (that address the criteria of policy ESD15).	All new developments to complete a Design and Access Statement
ESD15	The Character of the Built Environment	Number of new (and reviews of) conservation area appraisals	Review 6 Conservation Areas annually
ESD16	The Oxford Canal	Completed transport/recreation/leisure/tourism uses within 1km of the Oxford Canal	Increase over the plan period
ESD16	The Oxford Canal	Permissions granted contrary to consultee advice on heritage grounds	No permissions granted contrary to consultee advice on heritage grounds
ESD17	Green Infrastructure	Completed green infrastructure schemes	A net gain in green infrastructure provision over the plan period
ESD17	Green Infrastructure	Developer contributions to green infrastructure	To meet development needs and as identified in IDP/Green Infrastructure Strategy

### Policies for Cherwell's Places Bicester

Policy Reference	Policy Title	Local Plan Indicators	Target
Bicester 1	North West Bicester Eco-Town	Housing, infrastructure, employment completions at North West Bicester	As set out in policy Bicester 1 (and agreed masterplan/detailed planning documents)
Bicester 1	North West Bicester Eco-Town	Environmental standards of completed development at NW Bicester	As set out in policy Bicester 1
Bicester 1	North West Bicester Eco-Town	Embodied impacts of construction to be monitored, managed and minimised	As set out in policy Bicester 1
Bicester 1	North West Bicester Eco-Town	Sustainability metrics to be agreed and monitored	As set out in policy Bicester 1
Bicester 2	Graven Hill	Housing, infrastructure, and employment completions at Graven Hill	As set out in policy Bicester 2 (and agreed masterplan/detailed planning documents)
Bicester 3	South West Bicester Phase 2	Housing and infrastructure completions at South West	As set out in policy Bicester 3 (and agreed

		Bicester Phase 2	masterplan/detailed planning documents)
Bicester 4	Bicester Business Park	Completed employment development at Bicester Business Park	As set out in policy Bicester 4 (and agreed masterplan/detailed planning documents)
Bicester 5	Strengthening Bicester Town Centre	Permitted residential development at ground floor level in Bicester Town Centre	No residential floorspace permitted at ground floor level
Bicester 5	Strengthening Bicester Town Centre	Town centre vacancies	No increase in vacancy rates over the plan period
Bicester 5	Strengthening Bicester Town Centre	Diversity of uses	Maintain or improve the balance of uses within the town centre over the plan period
Bicester 5	Strengthening Bicester Town Centre	Completed town centre uses (including use classes A1-A5, B1a, D2) within and outside of Bicester Town Centre	No net loss of town centre use floorspace within Bicester Town Centre
Bicester 6	Bure Place Town Centre Redevelopment Phase 2	Completions (plot level) at Bicester Town Centre Phase 1 & 2	Development to accord with Policy BIC6 and agreed masterplan/detailed planning documents for the site
Bicester 7	Meeting the Need for Open Space, Sport & Recreation	Urban edge park schemes in Bicester	An annual increase in such schemes over the plan period
Bicester 7	Meeting the Need for Open Space, Sport & Recreation	Community woodland provision in Bicester	An annual increase in provision over the plan period
Bicester 7	Meeting the Need for Open Space, Sport & Recreation	Type of permitted/completed development at Stratton Audley Quarry	In accordance with a planning consent
Bicester 8	Former RAF Bicester	Completed development at former RAF Bicester	Development to accord with any agreed masterplan/detailed planning documents
Bicester 9	Burial Site Provision in Bicester	Developer contributions for Burial Site in Bicester	To meet needs and as set out in IDP
Bicester 10	Bicester Gateway	Employment and infrastructure completions at Bicester Gateway site	As set out in Policy Bicester 10 (and agreed masterplan/detailed planning documents)
Bicester 11	Employment Land at North East Bicester	Employment and infrastructure completions at Employment	As set out in Policy Bicester 11 (and agreed



		Land at North East Bicester	masterplan/detailed planning documents)
Bicester 12	South East Bicester	Employment, housing and infrastructure completions at South East Bicester	As set out in Policy Bicester 12 (and agreed masterplan/detailed planning documents)
Bicester 13	Gavray Drive	Housing and infrastructure completions at Gavray Drive	As set out in policy Bicester 13 (and agreed masterplan/detailed planning documents)

## Policies for Cherwell's Places

### Banbury

Policy Reference	Policy Title	Local Plan Indicators	Target
Banbury 1	Banbury Canalside	Employment, housing and infrastructure completions at Canalside	As set out in Policy Banbury 1 and Canalside SPD (i.e. masterplan/detailed planning documents)
Banbury 1	Banbury Canalside	Progress on completing the Canalside Supplementary Planning Document	As set out in an up to date Local Development Scheme
Banbury 2	Hardwick Farm, Southam Road (East and West)	Housing and infrastructure completions at Southam Road	As set out in Policy Banbury 2 (and agreed masterplan/detailed planning documents)
Banbury 3	West of Bretch Hill	Employment, housing and infrastructure completions at West of Bretch Hill	As set out in Policy Banbury 3 (and agreed masterplan/detailed planning documents)
Banbury 4	Bankside Phase 2	Housing and infrastructure completions at Bankside Phase 2	As set out in Policy Banbury 4 (and agreed masterplan/detailed planning documents)
Banbury 5	Land North of Hanwell Fields	Housing and infrastructure completions at Land North of Hanwell Fields	As set out in Policy Banbury 5 (and agreed masterplan/detailed planning documents)
Banbury 6	Employment Land West of the M40	Employment and infrastructure completions at Land West of the M40	As set out in policy Banbury 6 (and agreed masterplan/detailed planning documents)
Banbury 7	Strengthening Banbury Town Centre	Permitted residential development at ground floor level in Banbury Town Centre	No residential floorspace permitted at ground floor level

Banbury 7	Strengthening Banbury Town Centre	Town centre vacancies	No increase in vacancy rates over the plan period
Banbury 7	Strengthening Banbury Town Centre	Diversity of uses	Maintain or improve the balance of uses over the plan period
Banbury 7	Strengthening Banbury Town Centre	Completed town centre uses (including use classes A1-A5, B1a, D2) within and outside of Banbury Town Centre	No net loss of town centre use floorspace within Banbury Town Centre
Banbury 8	Bolton Road Development Area	Housing, Retail and Leisure Completions on the Bolton Road site	In accordance with Policy Banbury 8 and the Masterplan/detailed planning documents for the site
Banbury 9	Spiceball Development Area	Completions at the Spiceball Development Area	In accordance with Policy Banbury 9 and the Masterplan/detailed planning documents for the site
Banbury 10	Bretch Hill Regeneration Area	Completed development in the Brech Hill Regeneration Area by type	Increase over the plan period
Banbury 11	Meeting the Need for Open Space, Sport & Recreation	Completed open space/sport/recreation facility provision within Banbury	As set out in Policy BSC10 and BSC11
Banbury 12	Meeting the Need for Open Space, Sport & Recreation	Completions at the relocation site for Banbury United FC	As set out in policy Banbury 12, to be achieved over the plan period
Banbury 13	Burial Site Provision in Banbury	Developer contributions for Burial Site in Banbury	To meet needs and as set out in the IDP
Banbury 14	Cherwell Country Park	Progress on delivering the Cherwell Country Park	As set out in Policy Banbury 11
Banbury 15	Employment Land North East of Junction 11	Employment and infrastructure completions at Employment Land North East of Junction 11	As set out in policy Banbury 15 (and agreed masterplan/detailed planning documents)
Banbury 16	Land South of Salt Way: West	Housing and infrastructure completions at Land at South of Salt Way: West	As set out in policy Banbury 16 (and agreed masterplan/detailed planning documents)
Banbury 17	Land South of Salt Way: East	Housing and infrastructure completions at Land at South of Salt Way: East	As set out in policy Banbury 17 (and agreed masterplan/detailed planning documents)
Banbury	Land at Drayton	Housing and infrastructure	As set out in policy Banbury 18

18	Lodge Farm:	completions at Land at Drayton Lodge Farm	(and agreed masterplan/detailed planning documents)
Banbury 19	Land at Higham Way	Housing and infrastructure completions at Land at Higham Way	As set out in policy Banbury 19 (and agreed masterplan/detailed planning documents)

### Policies for Cherwell's Places Kidlington

Policy Reference	Policy Title	Local Plan Indicators	Target
Kidlington 1	Accommodating High Value Employment Needs	Employment completions in Kidlington (at a. Langford Lane/London-Oxford Airport and b. Begbroke Science Park)	An annual increase over the plan period
Kidlington 1	Accommodating High Value Employment Needs	Completed employment development on Green Belt land in Kidlington beyond review areas	To accord with Policy ESD14
Kidlington 2	Strengthening Kidlington Village Centre	Permitted residential development at ground floor level in Kidlington Village Centre	No residential floorspace permitted at ground floor level
Kidlington 2	Strengthening Kidlington Village Centre	Village centre vacancies	No increase in vacancy rates over the plan period
Kidlington 2	Strengthening Kidlington Village Centre	Diversity of uses	Maintain or improve the balance of uses within the town centre over the plan period
Kidlington 2	Strengthening Kidlington Village Centre	Completed town centre uses (including use classes A1-A5, B1a, D2) within and outside of Kidlington Village Centre	No net loss of town centre use floorspace within Kidlington Village Centre

### Policies for Cherwell's Places Our Villages and Rural Areas

Policy Reference	Policy Title	Local Plan Indicators	Target
Villages 1	Village Categorisation	Completed development per village category and size of scheme (number of dwellings)	As set out in policy Villages 1
Villages 2	Distributing Growth Across the Rural Areas	Land allocations made in the rural areas	As set out in policy Villages 2 and to be set out in the Local Plan Part 2.

Villages 2	Distributing Growth Across the Rural Areas	Completions on allocated sites in rural areas	100% take up of allocations over the plan period
Villages 2	Distributing Growth Across the Rural Areas	Completions on non-allocated sites in rural areas	As set out in the criteria in policy Villages 1 and 2
Villages 3	Rural Exception Sites	Completions on rural exception sites	To meet needs as per Policy Villages 3
Villages 4	Meeting the Need for Open Space, Sport & Recreation	Developer contributions to open space/sport/recreation facilities in the rural areas	As set out in policy BSC11 and BSC12 and the Infrastructure Delivery Plan
Villages 4	Meeting the Need for Open Space, Sport & Recreation	Open space/sport/recreation facilities created in the rural areas	As set out in policy Villages 4, BSC11, BSC12 and the Infrastructure Delivery Plan
Villages 5	Former RAF Upper Heyford	Housing, employment and infrastructure completions at Former RAF Upper Heyford	As set out in policy Villages 5, and agreed masterplan/detailed planning documents

### The Infrastructure Delivery Plan

Policy Reference	Policy Title	Local Plan Indicators	Target
INF 1	Infrastructure	Projects provided to date in the Infrastructure Delivery Plan	Key infrastructure to be delivered in accordance with the Infrastructure Delivery Plan

### Duty to Cooperate

Reference	Title	Local Plan Indicators	Target
DTC 1	Duty to cooperate – Partial Review of the Cherwell Local Plan Part 1	Meet milestones for Partial Review of the Cherwell Local Plan Part 1 as set out in the Local Development Scheme (Nov 2014)	Adoption of a Partial Review of the Cherwell Local Plan 2011-31 Part 1 addressing wider unmet need within the housing market area within 2 years of Local Plan Part 1 adoption.

## **Appendices**

### **Appendix 6: Adopted Local Plan 2011-2031 (Part 1) Partial Review Monitoring Framework**

## Appendix 6 – Monitoring Framework

### Plan Monitoring Schedule

Policy Reference	Policy Title	Local Plan Indicators	Targets
PR1	Achieving Sustainable Development for Oxford's Needs	<p>4,400 homes – commitments and completions</p> <p>Delivering the Vision, objectives and Policies in the Plan</p> <p>Delivery of the Infrastructure Schedule and Infrastructure Plan requirements</p>	<p>Deliver the requirements of Policy PR1:</p> <p>Sites delivered by 2031</p> <p>Delivery of Infrastructure requirements</p>
PR2	Housing Mix, Tenure and Size	<p>Net affordable housing completions/acquisitions per tenure, mix and size that specifically meet the needs of Oxford City.</p> <p>-80% affordable/social rent -20% intermediate affordable -25 -30% - 1 bed -30 -35% - 2 bed -30 -35% - 3 bed -5 -10% - 4+ beds</p> <p>Mix of sizes of market homes – create socially mixed and inclusive communities</p> <p>Provision for key workers as part of both affordable and market homes</p> <p>Self-build or self –finish housing</p>	Deliver the requirements of Policy PR2.
PR3	The Oxford Green Belt	<p>Removal of areas of land in association with the strategic development sites</p> <p>PR6a – 32.09 ha PR6b – 31.5 ha PR7a – 20.7 ha PR7b – 5.2 ha PR8 – 111.79 ha PR9 – 27.2 ha</p> <p>PR3a – 7.5 ha PR3b – 0.7 ha PR3c – 12.77 ha PR3d – 9.2 ha PR3e – 14.7 ha</p> <p>Safeguarding of land identified in the policy</p>	<p>Safeguarding of land beyond plan period for development</p> <p>Establish clear permanent boundaries to the Green Belt</p>

<b>Policy Reference</b>	<b>Policy Title</b>	<b>Local Plan Indicators</b>	<b>Targets</b>
PR4a	Sustainable Transport	<p>Strategic sites to provide proportionate financial contributions directly related to the development for:</p> <p>Highway improvements to Infrastructure and services for public transport</p> <p>Provision of land to support implementation of schemes in LTP4, A44/A4260 and other transport mitigation assessment</p> <p>Improved bus service</p> <ul style="list-style-type: none"> <li>• A44/A4144 corridor</li> <li>• A4260/A4165</li> <li>• Cross corridors: Langford Lane, Frieze Way.</li> </ul>	<p>Deliver policy PR4a:</p> <p>Secure proportionate financial contributions for sustainable transport from strategic sites.</p> <p>Identify schemes for delivery</p> <p>S106 legal agreements for transport delivery with timescales. Include transport provision in masterplans for strategic sites</p>
PR4b	Kidlington Centre	<p>Sustainable transport improvements</p> <p>Associated infrastructure</p> <p>Improve natural and built environment</p>	Deliver Policy PR4b and Kidlington Masterplan
PR5	Green Infrastructure	<p>Protect and enhance green infrastructure (GI)</p> <p>Incorporate existing GI in new layouts</p> <p>Connect existing and new GI</p> <p>Restore and/or recreate habitats in new development</p> <p>Protect existing trees and new planting</p> <p>Provide GI along movement corridors</p> <p>Maintain GI</p> <p>GI benefits to the Green Belt</p> <p>Multi-functioning GI</p>	<p>Deliver Policy PR5:</p> <p>Secure Green Infrastructure improvements</p>
PR6a	Land East of Oxford Road	Residential completions	<p>Deliver Policy PR6a:</p> <p>Preparation of Development Brief</p>
PR6b	Land West of Oxford Road	Residential completions	<p>Deliver policy PR6b:</p> <p>Preparation of Development Brief</p>

<b>Policy Reference</b>	<b>Policy Title</b>	<b>Local Plan Indicators</b>	<b>Targets</b>
PR6c	Land at Frieze Farm	Reservation of land for replacement golf facility if required	Deliver policy PR6c:  Preparation of Development Brief if required
PR7a	Land South East of Kidlington	Residential completions	Deliver policy PR7a  Preparation of Development Brief
PR7b	Land at Stratfield Farm	Residential completions	Deliver policy PR7b  Preparation of Development Brief
PR8	Land East of the A44	Residential completions	Deliver policy PR8  Preparation of Development Brief
PR9	Land West of Yarnton	Residential completions	Deliver policy PR9  Preparation of Development Brief
PR11	Infrastructure Delivery	Projects contained in the Infrastructure Schedule accompanying the adopted LPI PR and their delivery according to its phasing Prepare and provide Infrastructure Schedule updates in cooperation with relevant infrastructure partners	Key Infrastructure to be delivered in accordance with LPI PR Infrastructure Schedule
PR12a	Delivering Sites and maintaining Housing Supply	Ensuring delivery of sites and demonstrating a 5 year housing land supply	Monitoring of housing delivery and progress of sites in the Council's AMR including 5 year housing land supply calculations
PR12b	Sites Not Allocated in the Partial Review	If delivery of LPI PR housing falls below 95% of the LPI PR housing target for a period of 3 years, CDC will publish an action plan and will indicate whether the requirements of Policy PR12b should be triggered.	Deliver LPI PR site policies in accordance with the Plans Housing Trajectory



EP4

## Housing Land Supply Position Statement (Update) January 2023

### Context

The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.

This changes the calculation of the five year land supply as shown in the Council's 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

Table 1

Step	Description	Five Year Period 2023-2028
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

Additionally, it is advised at paragraph 226 of the revised NPPF:

*“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required 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, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

Alternatively, Table 2 below shows the calculation of deliverable housing land supply measured against a four year requirement.

Table 2

Step	Description	Four Year Period 2023-2027
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	4 year requirement (b x years)	2,840
d	Deliverable supply over next 4 years	3,207 (from 2023 AMR)
e	Total years supply over next 4 years (d/b)	4.5
f	Surplus (d-c)	367

EP5A



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## Appeal Decision

Hearing Held on 18 October 2023

Site visit made on 18 October 2023

**by K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

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**Appeal Ref: APP/C3105/W/23/3325113**

**Land to the rear of No 12 and South of Dismantled Railway Heath Close, Milcombe OX15 4RZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Stoic Roofing and Construction and Abbeymill Homes against the decision of Cherwell District Council.
  - The application Ref 22/02104/F, dated 12 July 2022, was refused by notice dated 19 June 2023.
  - The development proposed is erection of 35 2 storey dwelling houses, construction of access off Rye Hill together with garaging, parking, open space with LAP, landscaping and all enabling works.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of 35 2 storey dwelling houses, construction of access off Rye Hill together with garaging, parking, open space with LAP, landscaping and all enabling works, in accordance with the terms of the application, Ref 22/02104/F, dated 12 July 2022. This is subject to the conditions in the Schedule in the appendix of this Decision.

### Procedural Matter

2. The Hearing was adjourned to allow for the completion of a S106 Agreement with Cherwell District Council and Oxfordshire County Council. A final copy of a completed S106 Agreement was submitted on 8 November 2023 and the Hearing was closed in writing.
3. The submitted S106 agreement covers a number of planning obligations that are required by policies BSC3, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 (Local Plan) to ensure the delivery of affordable housing and facilities and services that are essential for development to take place or to mitigate the impact of the development.
4. The S106 would secure the provision of; affordable housing; highways works; the provision and maintenance of open space and woodland; a Sustainable Drainage System scheme and Local Area for Play. It would also secure financial contributions for; improvements to Milcombe Village Hall along with measures to allow for the provision of indoor sporting opportunities at the venue; new facilities and improvements to existing GP facilities; the purchase of land in Milcombe for outdoor sports pitches and associated building/ equipment or

towards the improvement of facilities at Bloxham Recreation Ground; primary education facilities and special education needs and development facilities. It also secures financial contributions for the provision of public art within the vicinity of the site; to ensure a bus service is integrated into the development and the expansion and efficiency of household waste and recycling centres serving the site.

5. Given the policy requirements and infrastructure needs arising from the development I am satisfied that all of the above obligations are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably relate in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
6. As I am satisfied that the provisions of the submitted agreement would meet the necessary tests I have taken them into account in my Decision. The second reason for refusal is not therefore a main issue for the appeal.

### **Application for Costs**

7. At the Hearing an application for costs was made by Stoic Roofing and Construction and Abbeymill Homes against Cherwell District Council. This application is the subject of a separate Decision.

### **Main Issues**

8. The main issues are:
  - Whether the scale and location of the proposal would be appropriate for residential development having regard to the spatial strategy in the development plan.
  - The effect on the character and appearance of the area.
  - Whether a deliverable 5 year housing land supply exists.

### **Reasons**

#### *Location of Development*

9. Measuring approximately 22ha on the western edge of Milcombe, the pasture land that forms the appeal site is on the edge but outside the built up boundary of the village and therefore in the countryside.
10. Saved Policy H18 of the Cherwell Local Plan 1996 identifies that new dwellings beyond the built up limits of settlements are only permitted under certain circumstances listed in the policy. The proposed development does not fall within any of the exceptions listed in the Policy.
11. Policy BSC1 of the Local Plan distributes growth across the district, directing it primarily to the main towns of Bicester and Banbury with more limited growth in rural areas.
12. The strategy within the Local Plan is reflected in Policy Villages 1 which categorises the villages in the District, identifying which ones are in principle best placed to sustain different levels of residential development. Policy Villages 1 is relevant to the appeal in so far as it classifies Milcombe as a Category A village which the Council confirmed at the Hearing is considered the most

sustainable form of settlement in the rural areas of the District, with a number of services and facilities including a village shop, recreation ground, community building, church and bus stops. The parties disagree as to whether the public house in the village is currently open. However, even if it is currently closed the use has not been lost with the Council confirming that there has been no planning applications proposing a change of use at the site.

13. Whilst the Council propose to downgrade the categorisation of the settlement through the Local Plan review this has not been tested at examination. Given the very early stage of the Council in the plan making process the Council themselves acknowledge that the intention cannot be given any weight. Given the range of services and facilities in the village and proximity to nearby settlements which are reasonably accessible, the site cannot be described as isolated in the countryside.
14. Policy Villages 2 of the Local Plan deals with the distribution of growth across the rural areas. It is broken down into 2 parts. The first part identifies that 'a total of 750 homes will be delivered at Category A villages' with 'the determination of applications for planning permission' being one source of supply. Whilst the Council identify that there are 1074 dwellings either built, under construction or with planning permission across the category A villages only 703 have been completed which is below the number identified in the policy.
15. Although the Council consider that when taken as a whole the 750 has been reached and exceeded, it was acknowledged at the Hearing that the 750 identified in the policy is not a limit. Noting the findings of other appeal decisions referred to by the Council in support of their case, there is little evidence before me that there has been a material exceedance in the number of dwellings that has resulted in harm to the locational strategy of the district. As such, and given the location of the site to the adjacent built up edge of the settlement with access to services and facilities, I consider the site to be an appropriate location for development, subject to compliance with the 11 bullet points that form the second part of Policy Villages 2, the most relevant of which are covered within main issue 2 of my Decision.
16. The Council say that the development would lead to significant additional growth of the village when considered alongside other development that has occurred in the settlement since the Local Plan was adopted. However, the development has been incremental over this time and the scheme proposed would constitute a 10% increase in the size of the settlement. I do not consider this to be a significant harmful addition given the position of the village in the settlement hierarchy or the level of growth directed to the rural areas.
17. The development would be contrary to Policy Villages 2 of the Local Plan and Saved Policy H18 of the Cherwell Local Plan 2015. However, of the reasons identified I conclude that the location of the appeal site outside the built up limits of Milcombe and the conflict with the policies would only cause limited harm to the spatial strategy of the development plan.

#### *Character and Appearance*

18. Accessed off Rye Hill, the site is well screened from the west and north west due to woodland and mature trees and hedgerow that run along a dismantled railway line. There is also established vegetation to the north and south. Views

into the site are not completely blocked by the vegetation in all places but it provides a good level of screening with only glimpsed views into the site from Main Road and Rye Hill. To the east are properties that front onto Heath Close comprising of 2 storey detached houses and detached bungalows. Other residential development in the area includes more recently constructed detached and semi detached dwellings at Oak Farm Close and Oak Farm Drive using a mixture of ironstone and red brick.

19. There is dispute between the parties regarding the ecological value of the site. At the Hearing the Council confirmed that, despite falling within the Swere Valley and Upper Stour Conservation Target Area, there were no objections to the development from the Council's Environmental Protection Officer, Arboricultural Officer or Ecology department, subject to appropriately worded planning conditions. They confirmed that this was a consequence of the proposed biodiversity net gain proposed by the scheme. I have no reason to take a different view. Whilst interested parties raised concern regarding the nearby NERC designation, it was confirmed by the Council that the designation would not be affected by the development. There is little before me to indicate otherwise.
20. The site provides an attractive rural edge to the settlement. The scheme would introduce built development into an area with a currently open agricultural appearance and would consequently have an urbanising effect from the built development, supporting infrastructure and associated paraphernalia. However, the retention of the existing vegetation would mitigate the impact to some extent by softening views into the site.
21. The Council has criticised the proposed layout of the site as a result of the retained landscaping. From my observations on site I disagree with the Council's assertion that the layout would not be reflective of other development in the settlement. I consider that the loss of vegetation to enable buildings to face onto the main road, as proposed by the Council, would be more harmful in this edge of settlement location. Similarly, whilst there is no separate pedestrian access onto the main road, there are pedestrian routes within the proposed layout. I do not think resident permeability would be compromised by the layout and therefore disagree with the Council's view on this matter.
22. The appellant identifies that the proposed density of the development is 22.5 dwellings per hectare, a figure that is not contested by the Council. This density would be lower than some neighbouring development in the settlement and lower than the 30 dwellings per hectare identified in Policy BSC2 of the Local Plan. However, the policy identifies that a lower density is acceptable where justifiable planning reasons exist. Given the edge of settlement location, proposed retention of existing vegetation, provision of open space and biodiversity net gain, I consider there to be justifiable reasons for the lower density proposed.
23. Whilst interested parties raised concern regarding the proposed materials for the construction of the development, the Council is satisfied that the matter can be dealt with through an appropriately worded planning condition. I agree.
24. Based on the evidence before me and my observations on my site visit, I am of the view that the scheme would cause moderate harm to the character and appearance of the area. It would conflict with the part of the National Planning Policy Framework (NPPF) that recognises the intrinsic character and beauty of

the countryside and seeks to ensure development contributes to and enhances the natural environment. However, the severe adverse harm identified in Policy Villages 2 of the Local Plan would be avoided.

#### *5 Year Housing Land Supply*

25. The Local Plan covers the administrative area of the District. It sets out the scale and distribution of housing development within the District, directing development to the main towns of Bicester and Banbury. The Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford Unmet Housing Need (Partial Review) makes separate provision for contributing towards meeting the unmet needs of Oxford, adopting a strategy that seeks to avoid undermining the strategy of the Local Plan and the planned delivery of growth at Bicester, Banbury and Former RAF Upper Heyford. The strategy for Oxford is to provide homes where people can most readily connect to Oxford. As such it directs development to meet Oxford's needs to the areas of north Oxford, Kidlington, Yarnton and Begbroke along the A44 corridor.
26. The provision for Oxford is monitored separately to Cherwell with supply falling significantly short of the 5 year housing land supply requirement at 0.2 years. The Council claim a housing land supply of 5.37 years within the Cherwell District area, excluding Oxford. The appellant disputes the figures and the way the Council has calculated the 5 year housing land supply suggesting that there is a 2.85 year housing land supply, including Oxford's needs and 4.78 years if they are excluded.

#### *Requirement*

27. The Local Plan was adopted in 2015 and therefore is over 5 years old and so the assessment of housing land supply is against local housing need using Government's standard methodology. The Partial Review was adopted in 2020 and so is not more than 5 years old.
28. The Council says the requirement for Cherwell should exclude Oxford. The appellant says that it should include it. The Partial Review sets out a clear strategy for development. It is clear that Policies PR1 and PR3 of the Partial Review state that the Council will deliver 4,400 homes to help meet Oxford's unmet housing needs and deliver those homes on identified land to be taken out of the Green Belt.
29. There is nothing in paragraph 74 of the NPPF that requires the use of a single administrative area when calculating housing land supply. The NPPF encourages cross boundary working and co-operation and the Partial Review seeks specifically to address Oxford's needs through the strategy contained within it. The Inspector examining the Partial Review accepted the approach of separating the Council's commitment to meeting Oxford's unmet needs from their own commitments. There has been no change in circumstances since this time and so there is no reason to take a different view. Whilst the Council is considering an alternative approach as part of their Local Plan review, it is at an early stage of preparation and subject to change.
30. There is dispute between the parties with regards the base date for the calculation of the projected annual average household growth. I have used the current year as the starting point, reflecting guidance in the Planning Practice Guidance. The appellant promoted the use of 2022 as the starting point with



reference to an appeal decision in support of their case. However, I do not have all the information that informed the approach in that decision and my assessment is based on the information before me.

31. With corresponding affordability adjustments, the local housing need is 3,728 dwellings incorporating a 5% buffer to ensure choice and competition in the market for land. This reflects the fact that the January 2022 Housing Delivery test results show that the Council has exceeded delivery expectations over the past 3 years.

#### *Housing Land Supply*

32. The NPPF defines the meaning of deliverable. The site must be available now, offer a suitable location for development now and be achievable with a reasonable prospect of delivery over the 5 year period. Sites with detailed planning permission are assumed to be deliverable unless there is evidence to indicate otherwise. Sites with outline planning permission or allocated sites are only considered deliverable where there is clear evidence that delivery will take place within 5 years.
33. The Council's case is that it can demonstrate a deliverable 5 year housing land supply of 4008 dwellings from 1 April 2022 to 31 March 2027 which equates to 5.37 years. The appellant argues it is closer to 4.78 years.
34. In considering the elements of supply that remain in dispute it should be noted that my assessment is based on the evidence presented as part of the Hearing. It is therefore a snapshot in time, representing the situation as it stood at the time of the Hearing.

#### *Bicester 1 NW Bicester Phase 2*

35. The site is subject to an outline planning permission for 1,700 dwellings with the Council anticipating first completions in year 5 of the trajectory. Whilst there has been reserved matters applications they are still pending approval and subject to objections that are yet to be resolved. There is a lack of clear evidence to support delivery and so 20 dwellings should be deducted.

#### *Bicester 3 SW Bicester Phase 2*

36. The site has outline planning permission for 709 dwellings, 649 of which have reserved matters approval and are under construction. The remaining 60 dwellings, expected to be specialist housing for older people is not currently subject to a reserved matters application and there was no clear evidence from the Council to demonstrate when it can be expected. The 60 dwellings should consequently be deducted.

#### *Bicester 12 – South East Bicester*

37. The site has outline planning permission for 1,500 dwellings on an allocated site, 50 of which the Council expects will come forward within year 5 of the delivery forecast. However, there is no written evidence to support the Council's assertion that reserved matters will come forward in 2024. There is no clear evidence to support the phasing or timing of delivery thereafter. I therefore deduct 50 dwellings.

*Bicester 10 – Bicester Gateway Business Park, Wendlebury Road*

38. Outline planning permission is in place for the allocated mixed use site which includes 283 dwellings, 80 of which the Council suggest will come forward during year 5. The Council rely on reference to a confidential pre application discussion in which the developer, Thomas Homes, provided details of delivery within 5 years.
39. During the Hearing the appellant provided written confirmation that the owner of the site does not plan to bring the site forward in the short-medium term due to viability issues with the proposed scheme. In the circumstances the 80 dwellings should be removed from the supply.

*Land South of Salt Way - East*

40. This allocated site has outline planning permission for 1000 dwellings. Reserved matters for 237 dwellings has been granted and the parties agree that these dwellings can be expected to come forward within the 5 year period. I have no reason to disagree.
41. The Council project that a further 113 dwellings will come forward within the 5 years. The trajectory is based on 5 developers being on site but currently there is only one. There is no clear evidence to support the delivery of the additional 113 dwellings and so this should be deducted from the supply.

*Former RAF Heyford*

42. The allocated site has extant planning permission although this is unlikely to be implemented following the submission of a separate planning application for David Wilson Homes which has not yet been granted with unresolved objections related to biodiversity net gain. The Council expect the planning application to go to committee before the end of 2023 with David Wilson starting on site in early 2024. However, David Wilson do not currently own the site and so I consider this timescale to be ambitious given the processes involved in completing the acquisition. I consequently deduct 30 of the projected dwellings for 2024-2025.

*Partial Review Area*

43. There is disagreement between the parties regarding the supply figures associated with the Partial Review area. As I have concluded that the Partial Review Area should not be included in the considerations of this appeal I have not considered the supply issues raised in relation to the sites.

*Conclusion*

44. For the reasons outlined I am of the view that the Council can demonstrate through clear evidence that it has sufficient housing land for the delivery of 3595 dwellings within the 5 year period 2022-2027. On the basis of a 5 year housing need of 3728, including a 5% buffer to provide choice and competition in the market, the Council has a 4.82 year housing land supply. The Council cannot demonstrate a 5 year housing land supply and so paragraph 11d of the NPPF is engaged.

## **Other Matters**

45. The site lies within an area of archaeological interest, located within proximity of a possible deserted medieval village. The appellant has undertaken an archaeological assessment and the Planning Archaeologist at Oxfordshire County Council has raised no objection subject to appropriately worded planning conditions requiring a staged programme of archaeological investigation during construction. I have no reason to take a different view.

## **Planning Balance**

46. I have found that the Council cannot demonstrate a 5 year housing land supply. As such paragraph 11d of the NPPF indicates that permission should be granted unless i) the application of policies in the NPPF that protect areas or assets of importance provides a clear reason for refusing the development proposed or ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
47. There is no evidence before me to indicate there are any policies in the NPPF that provide a clear reason for refusing the development. As such paragraph 11di does not apply in this case. Nevertheless, an absence of harm in this regard is a neutral consideration in the planning balance.
48. The development would conflict with Saved Policy H18 of the Cherwell Local Plan 2015 and Policy Villages 2 of the Local Plan. Nonetheless, for the reasons identified the adverse impact arising from the conflict with the development plan would be limited and would not seriously undermine the spatial strategy of the Local Plan.
49. The proposal would contribute 35 dwellings to the housing land supply and make a contribution towards the delivery of affordable housing which I give significant weight. In addition there would be economic benefits to the local economy both during construction and occupation of the development thereafter. The development would also generate biodiversity net gain. I give this moderate weight.
50. Overall, I consider that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole. Consequently, the presumption in favour of development applies.
51. Applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, whilst the development would conflict with Saved Policy H18 of the Cherwell Local Plan 2015 and Policy Villages 2 of the Local Plan the presumption in favour of the development constitutes a material consideration of significant weight that justifies a determination other than in accordance with the development plan.

## **Conclusion and Planning Conditions**

52. For the reasons given, I conclude that the appeal should be allowed subject to conditions.

53. A list of planning conditions has been drawn up by the Council with input from the appellant. I have taken into account paragraph 56 of the NPPF which identifies that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.

#### *Implementation*

54. The statutory implementation period has been imposed and the approved plans specified for the avoidance of doubt and in the interests of proper planning (conditions 1, 2).

#### *Design and Appearance*

55. A number of conditions seek to ensure quality of design. This includes conditions requiring further specification including sample panels to ensure materials are appropriate to the appearance of the locality and details of external lighting.
56. Good quality hard and soft landscaping including open space/ play space will enhance the development and can have a positive impact on the quality of life of occupants. Details of these measures and provisions for their maintenance during the first 5 years are therefore necessary. Similarly, a condition protecting existing trees in line with an arboricultural method statement will ensure such trees are retained and integrated into the development (conditions 6, 7, 8, 18, 19, 20, 22, 28, 29, 30).

#### *Drainage*

57. The installation of an approved drainage system and sustainable drainage in accordance with a phasing plan is necessary to ensure timely delivery across the site and will address the concerns raised by interested parties regarding the condition of the land in parts of the site resulting in poor drainage (conditions 25, 26, 27).

#### *Archaeology*

58. Conditions requiring the preparation of a Written Scheme of Investigation and subsequent staged programme of archaeological evaluation and mitigation will ensure the identification, recording, analysis and archiving of any heritage matters within the site (conditions 11, 12).

#### *Parking*

59. A plan providing detail of the proposed parking provision for vehicles on the site along with provision to ensure the retention of garaging spaces for the parking of motor vehicles will ensure adequate off street parking and highway safety (conditions 3, 33).
60. Whilst concern was raised by interested parties regarding the access onto Rye Hill the scheme incorporates traffic management measures contained in the drawing listed in condition 2. A separate condition on this matter is not therefore necessary.

### *Living Conditions*

61. Demonstration that all habitable rooms achieve specified noise level protection will ensure the creation of a satisfactory living environment free from intrusive noise levels. A construction method statement will protect the living conditions of nearby residents as well as the environment. The submission of details of enclosures along boundary treatments will safeguard the privacy of the occupants of existing neighbouring dwellings as well as proposed new dwellings (conditions 4, 5, 21, 23).

### *Ecology*

62. The submission and implementation of a Landscape and Ecology Management Plan will enable the protection of habitats of importance to biodiversity conservation. Interested parties raised concern on the impact of the development on Great Crested Newts. A condition requiring a Great Crested Newt Licence and necessitating compliance with its terms and conditions will ensure any adverse impacts on Great Crested Newts are adequately mitigated and compensated (conditions 9, 10, 24).

### *Contamination*

63. A desk study and site walk over to identify any contaminative uses on the site along with steps should and contamination be found is necessary to ensure any ground and water contamination is identified and adequately addressed (conditions 13, 14, 15, 16, 17).

### *Sustainable Travel*

64. The provision of covered cycle parking facilities on site and the issue of travel information packs to the first occupants of the new dwellings is necessary to promote sustainable transport options (conditions 31, 32).

*K Ford*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

Tim Northey	Planning Director Abbeymill Homes (Planning Matters)
Ben Pycroft	Director Emery Planning Partnership (Housing Land Supply Matters)

### **FOR THE LOCAL PLANNING AUTHORITY**

Jeanette Davey	Principal Planning Officer (South) Cherwell District Council (Planning Matters)
Jon Goodall	Director DLP Planning Limited (Housing Land Supply Matters)

## **DOCUMENTS SUBMITTED AS PART OF HEARING**

Email from Thomas Homes dated 18.10.23 regarding site at Bicester Gateway

Updated list of planning conditions

Open Space Plan MIL-PL56A

S106 Planning Obligation dated 8.11.23

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall not be carried out otherwise than in complete accordance with the approved plans MIL-PL01A, MIL-PL02P, MIL-PL03, MIL-PL04, MIL-PL05A, MIL-PL06A, MIL-PL07, MIL-PL08, MIL-PL09A, MIL-PL10A, MIL-PL11, MIL-PL12, MIL-PL13A, MIL-PL14, MIL-PL15, MIL-PL16A, MIL-PL17, MIL-PL18, MIL-PL19, MIL-PL20, MIL-PL21, MIL-PL22A, MIL-PL23A, MIL-PL24A, MIL-PL25, MIL-PL26A, MIL-PL27, MIL-PL28, MIL-PL29, MIL-PL30, MIL-PL31, MIL-PL40, MIL-PL41, MIL-PL42A, MIL-PL43, MIL-PL44A, MIL-PL45, MIL-PL50E, MIL-PL53E, MIL-PL55D, MIL-PL56A, 8220308\_6102 Rev B unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
3. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed parking provision for vehicles to be accommodated within the site, including details of the proposed surfacing and drainage of the provision, has been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
  - a) The parking of vehicles of site operatives and visitors;
  - b) The routing of HGVs to and from the site;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development;
  - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
  - g) Measures to control the emission of dust and dirt during construction;
  - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
  - i) Delivery, demolition and construction working hours;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.



5. No development shall commence unless and until a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the details approved in the Construction Traffic Management Plan.

6. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

7. No development shall take place until the existing tree(s) to be retained have been protected in accordance with an Arboricultural Method Statement which details the protective measures where Root Protection Areas are impacted. A pre-commencement site meeting must be arranged to ensure tree protection has been put in place and regular monitoring will be required to ensure the protection remains in place for the duration of the development for compliance.

The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and / or demolition and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

8. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

9. No development hereby permitted shall take place other than in accordance with the terms and conditions of the Council's organisational licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Land West of Heath Close, Milcombe: Impact Plan for great crested newt District Licensing (Version 3)", dated 11th July 2023

10. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt



with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

11. Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority

12. Following the approval of the Written Scheme of Investigation referred to in condition 12, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce and accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within 2 years of the completion of the archaeological fieldwork.

13. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

14. If a potential risk from contamination is identified as a result of the work carried out under condition 13, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

15. If contamination is found by undertaking the work carried out under condition 14 prior to the commencement of the development hereby

permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

16. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

17. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

18. No development shall commence above slab level unless and until a stone sample panel in natural ironstone (minimum 1 metre squared in size) has been constructed on site and has been inspected and approved in writing by the Local Planning Authority. The external walls of the dwelling(s) to be constructed out of stone shall be laid, dressed and coursed in full accordance with the approved sample panel and shall be retained as such thereafter. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

19. No development shall commence above slab level unless and until a brick sample panel (minimum 1 metre squared in size) has been constructed on site and has been inspected and approved in writing by the Local Planning Authority. The external walls of the dwellings to be constructed out of brick shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in full accordance with the approved sample panel and shall be retained as such thereafter. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

20. Samples of the tiles/slates (including ridge tiles) to be used in the covering of the roof of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those

works. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

21. No development shall commence above slab level unless and until a report has been submitted to and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

22. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure, in respect of those dwellings which are intended to be screened, shall be erected prior to the first occupation of those dwellings and shall be retained as such thereafter.

23. Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

24. The development hereby approved shall not be occupied unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

25. The approved drainage system shall be implemented in full accordance with the approved Detailed Design prior to the first occupation of any dwelling on the site (with the exception of the permeable paving for each individual dwelling, which must be installed prior to occupation of that dwelling):

Document: Flood Risk and Drainage Assessment

Ref: 30322

Issue: September 2022

Drawing: Below Ground Drainage Layout Sheet 1

Drawing No: 30322/6001, P05

Drawing: Below Ground Drainage Layout Sheet 2

Drawing No: 30322/6002, P05

Drawing: Exceedance flow plan

Drawing No: SK 6150

Issue: 22/09/2022

Drawing: Below Ground Drainage Details Sheet 1

Drawing no: 30322/6101, P01

Drawing: Below Ground Drainage Details Sheet 2

Drawing no: 30322/6102, P01

Drawing: Below Ground Drainage Details Sheet 3

Drawing no: 30322/6103, P01

All relevant Hydraulic calculations produced via Microdrainage

Date: 22/09/2022

File: SWS 2.MDX

26. Prior to the commencement of the approved drainage system, a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Lead Flood Authority. Thereafter the development shall be carried out strictly in accordance with the approved phasing plan.

27. Prior to the first occupation of each phase, a record of the installed SuDS and site-wide drainage scheme shall be submitted for each phase in accordance with the agreed phasing plan and be approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

28. Prior to the first occupation of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include: -

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
- (d) details of boundary treatments.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

29. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and

seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

30. A schedule of landscape maintenance of the landscape details as shown in the landscape scheme for the life of the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

31. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

32. Prior to first occupation of any dwelling hereby approved a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

33. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order), the garage(s) shown on the approved plans shall be retained for the garaging of private motor vehicles and shall not be converted to provide additional living accommodation.

END OF SCHEDULE

EP5B



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## Appeal Decision

Inquiry held on 6-9 June 2023

Site visit made on 28 June 2023

**by Tom Bristow BA MSc MRTPI AssocRICS**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> September 2023

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**Appeal Ref: APP/G1630/W/23/3314936**

**Truman's Farm, Manor Lane, Gotherington, Gloucestershire GL52 9QX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Lioncourt Strategic Land Ltd. against Tewkesbury Borough Council ('TBC').
  - The application Ref 22/00650/FUL is dated 27 May 2022.
  - The development proposed is described on the application form as 'residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works'.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works at Truman's Farm, Manor Lane, Gotherington, Gloucestershire GL52 9QX, subject to the conditions in the first schedule to this decision and to the obligations contained within the planning agreements under section 106 of the 1990 Act dated 23 June 2023 with Gloucestershire County Council ('GCC') and 26 June 2023 with Tewkesbury Borough Council ('TBC').

### Preliminary matters

2. Each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise.<sup>1</sup> The development plan includes policies of the Gotherington Neighbourhood Development Plan ('GNDP'), of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 ('JCS'), and of the Tewkesbury Borough Plan ('TBP').<sup>2</sup> The function of the TBP was to fulfil a remit under, rather than to review, the JCS.
3. I have had regard to various other material considerations including the National Planning Policy Framework ('NPPF'), the Planning Practice Guidance ('PPG'), the Cotswolds National Landscape Management Plan 2023-2025 ('NLMP') related to the Cotswolds Area of Outstanding Natural Beauty ('AONB'), and the Cotswolds Conservation Board's Position Statement regarding development in the setting of the AONB ('PS'). I understand work reviewing the JCS and TBP is yet at an early stage. There is also no substantive argumentation before me in respect of its future direction.

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended.

<sup>2</sup> Made 19 September 2017, adopted 11 December 2017, and adopted 8 June 2022 respectively.



4. This proposal follows an unsuccessful appeal in 2017.<sup>3</sup> An application, initially for 49 homes, was also refused in 2021 (ref. 21/00019/FUL.). I have, however, reached a decision based on the current scheme in present circumstances.<sup>4</sup> The 2017 scheme was moreover in outline and for up to 65 dwellings.<sup>5</sup> That appeal was also determined at a juncture where there was no dispute that the Council were able to demonstrate a five year housing land supply of deliverable sites relative to needs ('5YHLS'), to which NPPF paragraphs 68 and 74 now relate. That is now in dispute.
5. A further difference between the scheme before me and that advanced via application ref. 21/00019/FUL is that a locally equipped area of play ('LEAP') is now proposed. The plans representing the current scheme are listed under section 8.0 of the statement of common ground between the appellant and TBC.<sup>6</sup> Some are amended or updated compared to those originally submitted, as are some associated documents.<sup>7</sup> That is notably the case of plan no. DLA 2016.L.06.P11, which shows the LEAP, and is reflected in the updated Landscape and Visual Assessment ('LVA').<sup>8</sup> The planning agreement with TBC also relates to the design, funding and maintenance of the LEAP. None of the foregoing documentation, however, significantly changes the nature of the development proposed. The appeal process has afforded opportunity for comment in respect of it. There is therefore no reason to discount any of the foregoing from my assessment.
6. The appeal is against the failure of TBC to reach a decision in respect of application ref. 22/00650/FUL within the relevant statutory period. Nevertheless TBC have set out at appeal that, had they been in a position to do so, they would have refused permission for 8 putative reasons. Of those reasons, 4 related to addressing the implications of the scheme via obligations were resolved via the inquiry to the satisfaction of TBC (by virtue of the planning agreements referenced above).
7. The planning agreements do not resolve the objections of Gothington Parish Council ('GPC') or of the Manor Lane Action Group ('MLAG') to the proposal, both 'Rule 6 parties',<sup>9</sup> represented by Eddie McLarnon and Christine White respectively. Whilst there is significant overlap between the position of TBC in respect of the development proposed and that of the Rule 6 parties, there are inevitably differences of perspective. I address those nuances, and all other matters, insofar as they are principal important controversial issues.

## Main issues

8. Against the background above, the main issues are (i) whether TBC is able to demonstrate a 5YHLS, (ii) whether the location of the appeal site is suitable for housing with reference to the spatial approach in the development plan,

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<sup>3</sup> Ref. APP/G1630/W/17/3167141, Core Document ('CD') F.11.

<sup>4</sup> Cognisant of the judgement in Fox Strategic Land & Property Ltd. v Secretary of State for Communities and Local Government [2012] EWCA Civ. 1198.

<sup>5</sup> Notwithstanding the original proposal there was for up to 75 dwellings.

<sup>6</sup> CD C.14.

<sup>7</sup> CD A.28 to A.35, an accommodation schedule, correspondence of 10 November 2022 on behalf of Key Transport Consultants Ltd., and correspondence of 17 November 2022 on behalf of the Tyler Grange Group Limited.

<sup>8</sup> CD A.32.

<sup>9</sup> Under the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 as amended.



(iii) the effect of the proposal on community cohesion, and (iv) the effect of the proposal on landscape and local character.

## Reasons

### *The site*

9. The appeal site is a roughly pentagonal parcel of land amounting to some 4.15 hectares.<sup>10</sup> It is bisected by the line of an historic hedgerow shown in map regression in the appellant's Heritage Assessment ('HA'). That hedgerow is now partial, barely perceptible towards Manor Lane. The common boundary with the rear gardens of properties along Manor Lane demarcates the easternmost extent of the Gotherington settlement boundary here.<sup>11</sup> That hedgerow remains more discernible heading further across the site towards the line of the Gloucestershire Warwickshire (Heritage) Railway ('GWR'), being punctuated by an ash, oak, and cluster of smaller trees in that direction (T2, T3 and G4 in the appellant's Arboricultural Impact Assessment, 'AIA').
10. The embanked railway line represents the arcing westwards boundary of the AONB in this location. The appellant's Design and Access Statement ('DAS') refers to the 'more dramatic hillside' character of the AONB beyond. The topography of the site rises close to the embankment, albeit otherwise the site slopes only gently. At the time of my site visit the site appeared managed as grassland or, in part, had been potentially drilled with some crop. There is limited information as to the agricultural history here. There is, however, no substantive countervailing evidence to the summary of the site's current nature in the appellant's Ecological Impact Assessment and Biodiversity Net Gain Report ('EcIA').
11. Aside from by the collection of agricultural buildings at Truman's Farm, the site is otherwise enclosed by hedgerows with occasional field accesses. Beyond those agricultural buildings falls grade II listed Truman's Farmhouse which, according to the list entry, traces its origins to the late sixteenth century.<sup>12</sup> That, and the presence of historic buildings nearby and elsewhere may be said to reflect a 'time depth' at Gotherington as referenced in the DAS, notwithstanding the absence of a Conservation Area. The GWR represents a late nineteenth century intervention. Passenger services were withdrawn around 1960, the line now a popular tourist attraction.
12. Vegetation along the site boundary with the plots of Manor Lane properties is relatively light. That appears to reflect the comparative recency of that boundary in landscape terms. Nos. 3 to 11 Manor Lane, the rear gardens of which extend up to the appeal site, in their regular spacious arrangement, materials and understated detailing, appear quintessentially mid-to-late twentieth century. As a rule, properties either side thereof, with the exception of no. 44 Gretton Road which is of broadly similar era, appear older. Towards the north-east of the appeal site are further fields between the appeal site and Gotherington Nurseries. Squarely on the opposite side of Gretton Road falls GNDP allocation GNDP02/3, or Privet Court as it has now become. At the time of my site visit several of the dwellings at Privet Court were occupied.

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<sup>10</sup> 3.95ha also referenced in the evidence before me.

<sup>11</sup> GNDP, figure 6.

<sup>12</sup> List entry no. 1091687.

13. Gretton Road becomes Malleson Road by the junction with Cleeve Road to the west of the site. Gretton Road and Malleson Road wind centrally through Gotherington, resulting in a principally east-west linear form to the Village. A short distance west of the Village, Malleson Road joins the A435, which heads south to Bishop's Cleeve (the built form of which now extends to a few fields over). The wider landscape here is criss-crossed with public rights of way. I walked along many during my site visit, between about 14:00 and 18:00, based on walking routes helpfully suggested by GPC and MLAG.
14. Footpath AGO22 heads perpendicularly westwards away from Manor Lane close to Truman's Farm, flanking Gotherington Primary School. Footpaths AGO33 and AGO43 splinter shortly after the railway bridge to the south of the site, both heading upwards into the AONB (intersecting with footpath AGO30 as they go). AGO33 continues to track upwards, leading to Nottingham Hill. Nottingham Hill Camp, likely initially an Iron Age promontory fort, is scheduled.<sup>13</sup> On the opposite side of Gretton Road, next to Privet Court, Bridleway AGO27, part of Sabrina Way, heads into the AONB proceeding north-westwards (intersecting with footpath AOX23 in short order). Thereabouts the topography rises towards both Crane Hill and Woolstone Hill beyond Woolstone Hill Farm.<sup>14</sup>
15. 45 dwellings, most detached or semi-detached, are proposed. They would be located to the west of the appeal site. The dwellings proposed would be essentially traditional in form and proportions, understated in design. As is present throughout the Village, extensive stone facing is proposed. Existing properties close to the site are predominantly substantial dormer bungalows. Dwellings proposed closest to the settlement boundary would be two storey, declining to one-and-a-half or single storey heading north-eastwards. The eastern side of the site would be principally open, albeit landscaped. That side of the site would also host the LEAP, a pumping station and an attenuation pond associated with the scheme. 40% of the dwellings proposed would be affordable housing (as defined in the NPPF).
16. Vehicular access would be achieved by removing a section of hedgerow alongside Gretton Road, facing towards the access to Privet Court. The appellant's Road Safety Audit ('RSA') sets out how Gretton Road is 'a traditional rural route that is relatively narrow and abutted by hedgerows close to the carriageway and as such is inappropriate for pedestrian movements'. That position is informed by current approaches to road safety; many rural environments are characterised by similar circumstances as here. In that context I note that Gretton Road here is relatively straight and subject to a 30mph speed limit. Nevertheless, the scheme has been informed by the RSA. The appellant's Transport Statement ('TS') sets out how the proposal would also include an 'uncontrolled crossing with dropped kerbs and tactile paving is proposed at the western end of the site to access the footway on the northern side of Gretton Road, which is being constructed as part of the residential development opposite the site [Privet Court]. There would also be a further pedestrian access to the site, broadly opposite Sabrina Way, which would again punch through the roadside hedge.

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<sup>13</sup> List entry no. 1004864.

<sup>14</sup> Woolstone Hill also apparently referenced as Oxenton Hill on certain maps.

*Housing land supply*

17. Criterion 3.iii. to JCS policy SP1 sets a housing requirement of at least 9,899 for Tewkesbury Borough. That equates to 495 dwellings per annum ('dpa'), differing from what is given as 8,640 'demographically' derived needs. The difference between the two figures reflects a conscious approach to addressing economic growth, boosting the delivery of affordable housing, and providing for some flexibility in land supply. JCS policy REV1 requires a partial review of the housing supply for Gloucester and Tewkesbury to commence 'immediately upon adoption of the JCS'.
18. Policy REV1 stems from the withdrawal of the allocation at MOD Ashchurch, following the Defence Infrastructure Organisation's position in that regard at the tail end of the JCS examination. That resulted in anticipated delivery declining abruptly by approximately 2,400 dwellings over the plan period relative to the overall requirement.<sup>15</sup> Whilst that anticipated shortfall appears to have significantly lessened over time,<sup>16</sup> an immediate review has not occurred. Arguably now any review could not be 'immediate'. There is no clear indication as to any future review timescale.<sup>17</sup>
19. At the time of the examining Inspector's report into the JCS, housing delivery in the Borough had been strong. There had been an 'oversupply of 254 dwellings against the annualised housing requirement of 495...'.<sup>18</sup> The concept of oversupply was relevant in the appeal decision of 12 January 2021, whereby 50 dwellings were allowed at land off Ashmead Drive, Gotherington (the '2021 appeal').<sup>19</sup> At that juncture the Inspector explained how since the base date of the JCS there had been 'an overall surplus of 1,115 dwellings' relative to the requirement in policy SP1 as above. Nevertheless the Inspector there reached the position that past additional supply should not be counted ahead. By consequence the Inspector found that forward housing land supply stood at about 2.4 years' worth.<sup>20</sup>
20. A challenge to the 2021 appeal was unsuccessful.<sup>21</sup> The potential for guidance in respect of oversupply was referenced in the NPPF prospectus published (22 December 2022). Whether that will be taken forward is, however, hypothetical. Setting that aside, the 2021 Housing Delivery Test data ('HDT') for Tewkesbury Borough Council stood at 159% relative to the previous three years' requirement.<sup>22</sup> HDT across the JCS area is similarly strong. In the foregoing context there has evidently not been 'significant under delivery' of housing over the previous three years with reference to NPPF paragraph 74. c).
21. The 11 December 2022, however, marked the fifth birthday of the adoption of the JCS. NPPF paragraph 74 sets out that a supply of specific deliverable sites should be calculated relative to 'local housing need ('LHN') where the strategic

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<sup>15</sup> CD D.18, paragraphs 75 to 88.

<sup>16</sup> Closing statement on behalf of the Council, paragraph 24.

<sup>17</sup> Albeit that paragraph 21 of the Inspector's decision in respect of an appeal at Land at Oakley Farm refers to the estimated adoption as 'winter 2024/ spring 2025' (appeal ref. APP/B1605/W/21/3273053, CD F.4)

<sup>18</sup> CD D.18, paragraph 95.

<sup>19</sup> APP/G1630/W/20/3256319, CD F.7.

<sup>20</sup> Ibid., paragraph 63.

<sup>21</sup> *Tewkesbury Borough Council v Secretary of State for Housing Communities and Local Government* [2021] EWHC 2782 (Admin) (18 October 2021), CD F.18.

<sup>22</sup> Within the terms of HDT methodology.

- policies are more than five years old<sup>39</sup>.' Footnote 39 sets out that it does not apply where strategic policies have been reviewed and found not to require updating. As with the immediate partial review required pursuant to JCS policy REV1, that has not occurred.
22. LHN generates, as a minimum, a housing need figure of 578dpa for the Borough. In the light of the unsuccessful challenge to the 2021 appeal, TBC do not propose that any oversupply in terms of delivery in previous years be counted or cast forward. I note, however, that Jeremy Butterworth's housing proof on behalf of TBC notes that oversupply over the first 11 years of the plan stands at 815 dwellings.<sup>23</sup>
  23. That is significantly less than 1,115 cited by the Inspector in respect of the 2021 appeal. The reasons behind that are unclear. The absence of a review in terms of identifying provision towards the tail-end of the plan may be a factor. Setting that entirely aside, however, TBC and the appellant agree that the 5YHLS requirement ('5YHLSR') is 3,035 dwellings, representing 607dpa.
  24. A central area of dispute between TBC and the appellant is whether 2,000 homes derived from three JCS urban extension allocations should be 'counted' towards anticipated forward supply in the Borough specifically. Those allocations are at Innsworth and Twigworth, South Churchdown and North Brockworth. They are respectively subject to JCS policies A1, A2 and A3.<sup>24</sup> Criterion 2 to JCS policy SP2 explains how the 'unmet needs', i.e. those needs which cannot be accommodated within the administrative boundaries of Gloucester City Council will be delivered on strategic allocations sites identified via policy SA1 (which refers to policies A1 to A7).
  25. On 26 June 2023 an appeal decision was allowed at Alderton.<sup>25</sup> There the Inspector explained 'in this circumstance it is common ground that no 5-year supply can be demonstrated as the supply falls between 2.27 and 3.32 years'.<sup>26</sup> The 'in this circumstance' caveat refers to the implication of discounting contributions from the allocations above. I have adopted the convention of the Inspector there as referring to those allocations, for brevity if not exactitude, as 'donor sites'. The Alderton decision followed an earlier appeal decision at Twynning where the legitimate contribution that donor sites make towards the TBC's 5YHLS was also at issue.<sup>27</sup>
  26. The role of donor sites, somewhat surprisingly, remains in dispute. Overall, the updated statement of common ground between TBC and the appellant puts those parties' respective positions in terms of forward housing land supply as 6.68 or 2.14 years' worth (4,055 or 1,302 dwellings relative to the 5YHLSR of 3,035).
  27. As summarised in Jeremy Butterworth's housing proof on behalf of TBC, that Tewkesbury would meet a proportion of needs instead arising in respect of Gloucester City Council's administrative area 'was not an agreement dictated by national policy or guidance; it is the product of cooperation between the

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<sup>23</sup> CD C.22, paragraph 5.3.2.

<sup>24</sup> All of which have overall capacities exceeding the proportion included by TBC in their position on 5YHLS.

<sup>25</sup> APP/G1630/W/22/3310117.

<sup>26</sup> Ibid. paragraph 31.

<sup>27</sup> APP/G1630/W/21/3284820, CD F.1.

JCSS authorities to address the needs identified in the JCS'.<sup>28</sup> Via that proof it is also contended that establishing and maintaining a 5YHLS has 'nothing to do with plan making', in contrast to setting a housing requirement.<sup>29</sup>

28. TBC also argue that the approach arrived at via the JCS was over the plan period of 2011 to 2031, rather than directed towards a rolling 5YHLS. I am further directed to be concerned with the 'concept of delivery which is distinct to the concept of deliverability'.<sup>30</sup> Moreover TBC emphasise that inputs to LHN calculations, both 2014 based household projections ('HHP2014') and median workplace-based affordability ratios, are set out by local planning authority area rather than reflecting areas covered by joint plans. There is some logic in the foregoing, but only so much.
29. Albeit that the precise redistribution or allocation of housing amongst JCS authorities was not prescribed by national policy or guidance, it was evidently informed by them and by the Duty to Cooperate ('DtC'). All iterations of the NPPF since the original version of 2012 have referred to the need to boost significantly the supply of housing, and that consistency with national policy is a test of a plan's soundness. The exercise of the DtC is, moreover, not a matter of process without effect.
30. Neither the NPPF nor PPG alter the statutory basis for decision taking set out above. It appears that TBC lean heavily on that fact on the one hand (in the eventuality I were to find that the most important policies should be deemed out of date). However, on the other hand, TBC appear to disregard the statutory basis for decision-taking on account of the methodology by which LHN is established. Those are contradictory positions.
31. The JCS could not have foreseen the LHN methodology, and explanatory text to a policy does not have the same force as the policy wording itself. Nonetheless JCS paragraph 3.2.23 sets out how 'dwellings being delivered on urban extensions to Gloucester or Cheltenham will contribute solely to the needs of the area's respective OANs and land supply calculations'.<sup>31</sup> Donor sites were therefore not only envisaged as the logical marrying up of anticipated delivery across the JCS area with aggregated needs. They were consciously attributed to land supply in constituent authorities' areas.
32. An appeal is not some form of re-examination of a development plan. Development plan policies are the fundamental starting point for decision-taking. Establishing a 5YHLS is therefore inextricably linked with plan-making. There is also circularity between the two, which plays out over a long period of time. To some extent housing requirements inform delivery. Delivery in turn informs projections. Projections inform a requirement. That circularity is recognised via the use of 2014-based household projections ('HHP2014') to avoid inputting under-delivery in LHN calculations.<sup>32</sup>

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<sup>28</sup> CD 22, paragraph 3.1.18.

<sup>29</sup> Ibid., paragraph 4.2.5, noting that appeal ref. APP/J1860/W/19/3242098 is brought to my attention ostensibly in support of that position, CD F.19.

<sup>30</sup> Ibid., paragraph 5.4.5.

<sup>31</sup> Distinguishing circumstances here from in respect of the interaction between Vale of White Horse and Oxford City referred to in Cameron Austin-Fell's proof in respect of housing on behalf of the appellant, CD C.18.

<sup>32</sup> PPG Reference ID: 2a-005-20190220.



33. The use of HHP2014 in LHN is also significant. HHP2014 were found to make no meaningful difference to the objectively assessed housing need upon which the JCS was premised.<sup>33</sup> It cannot therefore be argued that any agreement that TBC accommodate the unmet needs of others, or any oversupply relative to housing requirements, is now baked into the calculation of LHN in this instance.
34. I acknowledge that, in the main, Councils enable rather than deliver housing directly. However in a similar manner to my reasoning in paragraph 30 above, TBC's arguments in that regard appear contradictory. Paul Instone's proof of evidence on behalf of TBC in respect of planning, for example, states how 'it is essential that planning decisions reflect reality and actual housing delivery outcomes...'.<sup>34</sup> Setting that aside, NPPF paragraph 74 sets out how a 5YHLS should be updated annually, by its nature reflecting delivery.
35. Moreover, nowhere in the NPPF or PPG is it expressly stated that LHN was intended as a broader shift to planning on an authority-by-authority basis (as might be the simplified summary of the TBC's position). LHN is the 'baseline' for local requirements. The DtC remains. There are multiple references to joint working in the NPPF.<sup>35</sup>
36. Furthermore, and of quite some significance, there is nothing to indicate other than that TBC and Gloucester City Council currently both 'claim' forecast supply from donor sites.<sup>36</sup> That position may of course change in time. Nonetheless that appears to represent a bizarre situation where some housing delivery at donor sites would be occupied once but counted twice.
37. I therefore find that 2,000 homes arising from donor sites should be discounted from the TBC's position in respect of anticipated forward supply. Therefore on that basis alone forward housing land supply stands, at best, at 3.39 years (some 2,055 dwellings).<sup>37</sup> That is a significant shortfall.<sup>38</sup> Accordingly the most important policies should be deemed out of date for the purposes of NPPF paragraph 11.d), a finding which neither alters the statutory basis for decision taking nor indicates the weight to ascribe to any policy conflict.<sup>39</sup>

#### *Location of development*

38. Criterion 1 to JCS policy SP1 makes provision for the delivery of approximately 35,175 new homes over the plan period across constituent authorities. Bullet iii. to criterion 3 specifies the housing requirement for TBC as 'at least 9,899 new homes'. Recognising that the JCS is a strategic document, criterion 2 to policy SP1 sets out how housing is to be delivered, namely by development 'within existing urban areas through District plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch'.

<sup>33</sup> CD D.18, paragraph 48.

<sup>34</sup> CD C.20, paragraph 5.48.

<sup>35</sup> Paragraphs 17.a) and 24 to 27.

<sup>36</sup> CD C.18, paragraph 10.2.

<sup>37</sup> CD C.15 (as updated at the Inquiry).

<sup>38</sup> Even were 815 dwellings 'oversupplied' since 2011 accounted forward, effectively 'raising' delivery to 2,869, a 5YHLS would still not be in evidence.

<sup>39</sup> TBC identifying what it considers to be a smaller clutch of policies to be 'most important' relative to a more expansive list advanced by the appellant.

39. At its core the approach in JCS policy SP1 is consistent with the objectives of NPPF paragraphs 104 and 105, i.e. in seeking to 'locate jobs near to the economically active population, increasing sustainability, and reducing out-commuting thereby reducing carbon emissions from unsustainable car use.' That consistency is not intrinsically affected by the absence of a 5YHLS, albeit the mechanism by which development was envisaged to come forward in that respect, via criterion 2 to policy SP1, is now evidently out of date.
40. JCS policy SP2 thereafter sets 9 criteria governing the distribution of development. In summary, development is directed towards a hierarchy of settlements in rough proportion to their size and function (consistent with the foregoing objectives). Criterion 5 to JCS policy SP2 is of particular relevance. Along with 11 other settlements, Gotherington is identified as a Service Village.<sup>40</sup> Bullet ii. to criterion 5 is that 'the service villages will accommodate in the order of 880 new homes'. That applies, however, to allocations rather than to applications.
41. Albeit evidence created at a particular point in time, JCS table SP2c refers to a 2015 Settlement Audit Refresh 'SAR'.<sup>41</sup> Any methodology that attributes numerical scores to qualitative factors is inevitably imperfect. Nonetheless in the 2017 iteration of the SAR Gotherington is ranked sixteenth overall, with only 5 other Service Villages ranking higher.
42. JCS policy SD10 acts in consort with policies SP1 and SP2. Criterion 2 to JCS policy SD10, unsurprisingly, sets out how development will be permitted where allocated via the development plan. That is evidently not the case here. Criterion 3 to JCS policy SD10 accords support to housing development on previously developed land 'in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages...'. The appeal site is instead agricultural land.
43. The scheme would similarly not accord with the circumstances defined in the remaining criteria to policy SD10, nor those in TBP policy RES3, where certain other types of development may be acceptable.<sup>42</sup> Albeit applying to different forms or types of development than the proposal here, those criteria nevertheless remain aligned with various provisions of the NPPF.
44. Although pre-dating the JCS, the GNDP was nonetheless informed by its preparation. GNDP paragraphs 5.6 and 5.7 explain how the figure of 'in the order' of 880 in JCS policy SP2 had been 'disaggregated' to settlements. That was by way of TBC's February 2015 document entitled 'Approach to Rural Sites' ('ARS').<sup>43</sup> The ARS balances multiple factors to arrive at a numerical apportionment of housing, including accessibility to 'Cheltenham and Gloucester' (*sic*), informing an apportionment of 86 homes for Gotherington between 2011 and 2031.

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<sup>40</sup> Table SP2c, cross referenced in criterion 5 of policy SP2.

<sup>41</sup> An earlier iteration to the 2017 version at CD D.3.

<sup>42</sup> The scheme is not 'very small scale' brought forward as a rural exception site, as 'infilling', via the Community Right to Build or neighbourhood development order, via other 'specific exceptions' such as rural workers' dwellings, nor does it involve the re-use of existing buildings or the replacement or subdivision thereof.

<sup>43</sup> The ARS and GNDP cross-reference iterations of the SAR.

45. It is worth pausing to reflect on where Service Villages are located. Twynning falls to the north of Tewkesbury, Tewkesbury itself being broadly to the north of Cheltenham and Gloucester. Gotherington is to the north-east of Cheltenham, Alderton some distance beyond the Village in that direction. Neither Twynning nor Alderton could rationally be said to be as accessible to Cheltenham and Gloucester as Gotherington. Minsterworth is to the south-west of Gloucester, roughly comparable in distance from Cheltenham as Gotherington is to Gloucester.
46. Spatially Gotherington is therefore relatively well placed amongst Service Villages in terms of accessibility. That may partially account for why a figure of 86 homes was derived for Gotherington, more than the simple average of 73 that would be generated by dividing 880 dwellings by 12 Service Villages.
47. The proposal does not, however, benefit from support via GNDP policy GNDP01. That policy instead accords conditional support to infill development within the Village. Policy GNDP02 makes provision for three housing allocations (GNDP02/1, GNDP02/2 and GNDP02/3). Those allocations, now built out, are mapped at GNDP figure 6. GNDP02/1 is to the far west of the Village, to the north of Malleson Road by no. 116. GNDP02/2 is obliquely opposite GNDP02/1, accessed also via Shutter Lane. GNDP02/3 (Privet Court) also has a frontage to Gretton Road, being to the north thereof and squarely opposite the appeal site.
48. At the time of the 2011 census there were 448 dwellings recorded at Gotherington. Combining anticipated provision from allocations and 26 housing completions since 2011, the GNDP envisaged that 92 dwellings would come forward here to 2031. In proportionate terms, that would represent a 21% increase.
49. Via the 2021 appeal, however, up to 50 dwellings were allowed at land off Ashmead Drive.<sup>44</sup> MLAG therefore calculate that the current number of dwellings approved at Gotherington since 2011 now stands at 148, with applications yet to be determined for a further 20.<sup>45</sup> Numerically 148 dwellings relative to 448 represents a 33% increase, an additional 45 would reflect growth of some 43% in those terms.
50. The Inspector who determined an appeal in 2021 at Willow Bank Road Alderton allowed development that would have increased the size of that Service Village by 36% relative to 2011.<sup>46</sup> Conversely the representation of CPRE Gloucestershire refers to a 2015 appeal at land east of St. Margaret's Drive Alderton.<sup>47</sup> There an appeal was dismissed that would have increased the size of that village by 39%. A lesser proportionate increase to a village was also allowed by an Inspector at Gretton Farm.<sup>48</sup>
51. However there is no proportionate threshold set in the development plan beyond which expansion of Service Villages would be considered

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<sup>44</sup> Ref. APP/G1630/W/30/3256319, CD F.7, following an unsuccessful earlier appeal APP/G1630/W/17/3175559, CD F.6.

<sup>45</sup> MLAG closing statement, paragraphs 4.4 and 4.8.

<sup>46</sup> APP/G1630/W/20/3259637, CD F.10.

<sup>47</sup> APP/G1630/A/14/2222147.

<sup>48</sup> APP/G1630/W/22/3296143.



unacceptable. The figure of 880 dwellings has also not stood the test of time in the light of the inability of TBC to demonstrate a 5YHLS. That figure is indivisible from the numerical approach to directing development across the JCS area. Statistics are also, at best, crude approximations for effects. Statistics also belie detail or judgements. It could also, legitimately, be said that the proposal would represent a 19% level of growth at Gotherington relative to planned-for levels.<sup>49</sup>

52. Policy GNDP02 also sets five criteria which development other than allocations are encouraged to meet. They are, in summary, a preference for development that a) adjoins the settlement boundary, b) maintains the Village's east-west linear form, c) safeguards the AONB, d) maintains separation to Bishop's Cleeve and Woolstone, and e) otherwise accords with the GNDP.
53. Those criteria, however, relate to the eventuality that 'the future development plan identifies an additional need for further strategic housing development'. GNDP policies GNDP03 and GNDP11 set out circumstances in which unallocated development outside the settlement boundary may be acceptable. In a similar manner to JCS policy SD10 and TBP policy RES3, none apply expressly to the development proposed.
54. Conflict with the development plan may be said to represent harm in and of itself. The NPPF emphasises the importance of a genuinely plan-led system, and also notes how neighbourhood plans enable the creation of a shared community vision for an area.<sup>50</sup> Logically there must come a point where unplanned housing delivery skews the strategic approach to locating development, or interferes with the objectives that a plan is designed to achieve.<sup>51</sup>
55. However, as above bullet ii. to criterion 3 of JCS policy SP1 seeks to enable provision of 'at least' 9,899 homes. Bullet ii. to criterion 5 of JCS policy SP2 employs a similar phrase, i.e. 'in the order of' 880 homes. Numerically neither of those figures therefore reflects an inherent limit beyond which any additional development would be unacceptable. I have also reasoned above that Gotherington is relatively well placed relative to other Service Villages in terms of accessibility.
56. I appreciate that policy GNDP02 was not conceived of to provide a basis for decision-taking. Nevertheless the appeal site adjoins the settlement boundary. The scheme would maintain the prevailing east-west axis to Gotherington, and would fall neither between the Village and Bishop's Cleeve nor Woolstone. Moreover GNDP allocation GNDP02/3, or Privet Court as it has now become, faces the appeal site on the opposite side of Gretton Road. I will return to the relationship of the scheme to the village, but there is no real differentiation between the two in terms of location.

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<sup>49</sup> Subtracting 92 dwellings from 148, and adding 45 proposed here gives 101. 448 dwellings as at 2011 plus 92 planned for makes 540. 101 is approximately 19% of 540.

<sup>50</sup> Including at paragraphs 15 and 29, albeit that the GNDP is now approaching its sixth birthday with reference to NPPF paragraph 14. a)

<sup>51</sup> That criterion 5 to JCS policy SP2 refers to taking account 'existing levels of growth' reinforces that point; the accumulation of multiple smaller schemes over time may be significant collectively.

57. I acknowledge that there are limited local employment opportunities at Gotherington. Future residents would be, to some extent, reliant upon the use of private vehicles (including given the relatively limited bus service operational here). However the economy is not now so dependent on physical employment spaces as it once was. Any additional development at Service Villages would, moreover, increase car-reliance and associated emissions to greater or lesser degree (arguably to a greater degree at several Service Villages other than Gotherington). I therefore conclude that the effects of the development proposed in terms of its location would be acceptable.

*Community cohesion*

58. TBC aver that the proposal risks the 'erosion of community cohesion'.<sup>52</sup> They also state how 'negative social impacts can however result where the number of dwellings in a settlement is substantially increased without proportionate increases in infrastructure, employment opportunities and other local services'.<sup>53</sup> GPC and MLAG argue similarly, also making observations regarding the relationship of the site and proposal to the existing Village.
59. To some extent the TBC's position is a spur to the second main issue above, being relevant also to JCS policy SP2. Criterion 5 to JCS policy SP2 refers to taking into account the 'environmental, economic and social impacts [of development] including existing levels of growth over the plan period' (my emphasis).
60. As reasoned above, however, criterion 5 to JCS policy SP2 is directed towards establishing allocations rather than to determining applications. As the appellant notes, even if it were directed towards decision-taking, 'measures to mitigate' adverse effects are sought. As a phrase 'community cohesion' is referenced in the NPPF. However that is in relation to crime, disorder and the fear thereof.<sup>54</sup> There are no substantive arguments before me that those issues are of particular relevance here.<sup>55</sup>
61. NPPF paragraph 8.b), however, articulates the social objective to planning as to 'support strong, vibrant and healthy communities,' including by addressing future needs. The concept of community cohesion could be said to be relevant there. Albeit that the NPPF has been revised since the 2017 appeal, that is nevertheless the premise upon which the previous Inspector's reasoning was based. There are also parallels in that respect with the Inspector's reasoning in a 2015 appeal at St. Margaret's Drive Alderton.<sup>56</sup>
62. Whilst TBP policy RES5 is also referenced by TBC in respect of cohesion, that appears principally focussed on the design of housing development. There is only a glancing reference to development being of an appropriate scale relative to the relevant settlement. Planning should, however, ensure appropriate provision of (social) infrastructure.<sup>57</sup> That angle to the concept of community cohesion was, amongst other things, addressed by the Inspector who determined the 2021 appeal.

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<sup>52</sup> CD C.8, paragraph 1.4

<sup>53</sup> Ibid., paragraph 5.20, said to draw from the Housing Background Paper of October 2019 at appendix E.

<sup>54</sup> NPPF paragraphs 92.b) and 130. f).

<sup>55</sup> Nor in respect of TBP policy HEA1.

<sup>56</sup> APP/G1630/A/14/2222147.

<sup>57</sup> Being referred to, amongst other locations, at NPPF paragraphs 11, 34 and 124.

63. In that context my reasoning under this main issue focusses in turn on the social objective to planning, implications for infrastructure and how the scheme would relate to the existing Village.

*The social objective to planning*

64. The proposal has generated significant local concern, GPC referring to 151 objections. MLAG further contend that, as a result of the number of proposals here and elsewhere, the extent of local objection may be underrepresented on account of consultation fatigue. As stated previously, the population of Gotherington has increased in recent years resulting in some change.
65. There is evidence before me indicating that various local clubs or associations are stretched to, or beyond, capacity (including the local football, cricket and history clubs). MLAG's closing statement explains how 'since the Inquiry, an organiser of the Wine Club has advised that it has again reached capacity'. MLAG also intimate that prospective residents of the development proposed would be less time rich than existing residents, and thereby less likely to actively contribute to Village life. MLAG also point out how 'the practice of saying 'hello' to everyone you pass is already less common than it used to be'.
66. I acknowledge that change can be disquieting. However that is in large part based on perception. It might equally be argued that changes in the size or composition of a community do not intrinsically negatively affect cohesion. Additional people may bring positive energy and different experiences. Clubs at Gotherington are organised by its residents. New residents may support existing clubs and activities, for example enabling events to run more often, or themselves generate new propositions.
67. Paragraph 3.20 of the GNDP references the 'imperative' of ensuring local services are maintained. I understand that recently the Village bakery and hairdressers, for clarity two different services, have recently shut down. Wider economic forces and consumption preferences unarguably played a role in that. Nevertheless a growing population inherently brings increased trade (some of which, given the opportunity, is likely to be localised). That is recognised via NPPF paragraph 79. There is therefore nothing to indicate that undue harm would arise in respect of the social objective of planning in itself.

*Implications for infrastructure*

68. It is not axiomatic that 'increases in infrastructure' are necessary as population rises as it is put by TBC.<sup>58</sup> Nonetheless, community infrastructure at Gotherington is comparatively limited. GPC explain how the Village Hall has a fire certificate for only 80 people, and that there is limited parking provision there and in association with the neighbouring Rex Rhodes building. I understand that the Old Chapel by the junction of Gretton Road and Cleeve Road has a useable floorspace of only around 48 square metres, sufficient only to seat a maximum of 40 people.
69. Freeman's Field next to the Village Hall has been the focus of recreation at Gotherington since 1964. I am told, however that the area devoted to

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<sup>58</sup> Noting that NPPF paragraph 57 sets out the tests for establishing where planning obligations may legitimately be sought (and by extension, taken into account).

recreation is now only around 1.47ha, and that there is limited capacity also at the associated John Woolley Sports Pavilion (which opened in 2016). I heard, in particular, arguments as to how there is real difficulty in funding expansion of recreational provision (reflecting the difficulty of practically securing additional land). There is also an acknowledged issue with existing pitch quality.<sup>59</sup> Constraints in terms of local infrastructure have been a long-running factor in the assessment of proposals for development here.

70. Ostensibly reflecting population growth, MLAG are of the view that there is less community infrastructure than there was in 2017 or 2021.<sup>60</sup> Whilst that may be felt to be the case, notwithstanding certain practical challenges, GPC has evidently worked hard to fund provision. A fair chunk of money has been, or is intended to be, spent locally on improvements.
71. I understand that the Old Chapel was, for example, renovated and re-opened for community use in 2021. It is not uncommon for community facilities to have limited physical or parking capacity relative to the local population to which they relate. In line with my reasoning in paragraph 66 above, whilst certain existing clubs may be approaching their natural limit, or oversubscribed, that is not automatically correlated with physical capacity.
72. Moreover NPPF paragraph 55 directs that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (in that order of preference). I appreciate there are practical challenges in identifying suitable projects for funding in and around Gotherington, however based on the evidence before me that does not appear to represent a fundamental barrier to additional growth.
73. Returning to the provisions of the development plan, JCS policies INF4, INF6 and INF7 relate to infrastructure provision. Criterion 2 to policy INF6, in particular, sets out a list of additional infrastructure or service types to which contributions may be sought. JCS policies SD11 and SD12 make provision in terms of housing mix, standards and affordable housing. Those provisions logically apply irrespective of whether or not a 5YHLS can be demonstrated (as they relate to the implications or quality of housing rather than its quantity). Planning obligations must only be sought where they meet the tests set out in NPPF paragraph 57, also contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended (the 'CIL Regulations'). TBC has CIL in place.
74. The planning agreements under section 106 of the 1990 Act commit all those with a legal interest in the land to the fulfilment of certain obligations in the eventuality that the appeal were to be allowed, conditional on my reasoning. The agreement with the County Council dated 23 June 2023 contains obligations by way of financial contributions towards school transport, library funding and primary education (along with the County Council's costs associated with the implementation and monitoring thereof). Financial contributions in respect of management and maintenance of open space, the LEAP, towards improvement of playing pitches in the general area of the site

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<sup>59</sup> CD D.26, GPC closing statement.

<sup>60</sup> MLAG Closing statement, paragraph 4.5

(£19,811), in respect of refuse management and monitoring are contained within the agreement with TBC.

75. GPC state that 208 of 210 pupil places at Gotherington Primary School are taken, excluding a waiting list of 12 individuals. I heard heartfelt testimony from Sarah Barsby-Finch as to the adverse social implications of living in the Village but being unable to access a school place. However I understand that GCC administers school places based on an area-based, as opposed to individual school, methodology.<sup>61</sup> I therefore understand that many school places at Gotherington Primary School are already 'taken' by those who live beyond the Village.
76. That may be on account of various factors, albeit that the existing demographic of Gotherington will be amongst them. Arguably in the longer term an increased local population may aid community cohesion as children living in the Village will form an increased component of all places over time.<sup>62</sup>
77. In any event, however, many individuals in the wider area travel to school elsewhere. The scheme would not significantly alter that. Whilst I appreciate there have been delays in the anticipated provision of a new school towards Bishop's Cleeve off the A435, provision of social infrastructure invariably entails some complexities. Neither GCC nor TBC maintain an objection to the scheme with reference to JCS policies INF4, INF6 and INF7 based on the foregoing contributions towards school transport and primary education.
78. I appreciate that the site is some distance from the centre of Gotherington around Freeman's Field. MLAG indicate that the site falls some 885m from it, referring to the Government's Manual for Streets (2007, 'MfS') in that context. However the figure of 800m in paragraph 4.4 of MfS figure is given as approximate guidance in the context of walkable neighbourhoods being 'typically characterised' by walking distances of 'about' that distance.
79. With that in mind both the distance and experience of walking between the appeal site and Freeman's Field would be comparable with walking between the latter and Privet Court (or between properties towards the south of Manor Lane). The Old Chapel and Village Shop are both closer around Cleeve Road.
80. Moreover the scheme would provide for a LEAP, complementary to existing leisure provision in respect of which there are challenges locating available land. I acknowledge that no public rights of way run through the appeal site. However I am also told, and saw during my site visit, how public rights of way nearby including Sabrina Way are relatively well used. Subject to being sensitively designed and well managed, the LEAP would in my view be a welcome part of community provision.
81. The planning agreement with TBC also contains provisions securing 40% affordable housing in line with JCS policy SD12, a proportion of housing compliant with approved document M4(2) and M4(3)(b) of Approved Document M in respect of accessibility, and also compliance with the Nationally Described Space Standards 2015 pursuant to policy SD11.

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<sup>61</sup> Reference is made to the 'Gotherington Primary Academy and/ or the Bishop's Cleeve Primary Planning Area'.

<sup>62</sup> MLAG indicating that process may, however, take seven or more years given the existing composition of the school and operating eligibility requirements for places.



82. There is an appropriate basis for all contributions, including as evidenced via representations of relevant consultees and associated methodologies.<sup>63</sup> There is no dispute between TBC or GCC and the appellant over the justification or appropriateness of any of the planning agreements. Given my reasoning above, the obligations contained within the S106 are necessary to make the development proposed acceptable and also accord with the relevant provisions of NPPF paragraph 57 and CIL Regulation 122.
83. Drawing together my reasoning, although the proposal would increase the population at Gotherington and may put some strain on existing community facilities and organisations, that would neither be excessive, nor would conflict arise with relevant elements of the development plan or provisions of NPPF paragraph 8.b).

*Landscape and local character*

84. As above, the site falls next to the AONB. The AONB has an irregular boundary, which here tracks along the eastern side of the railway to the bridge over Gretton Road by Gotherington Halt. The boundary then 'returns' towards the Village along the opposite side of Gretton Road, after a while heading up into the landscape by Sabrina Way. Thereafter the AONB extends roughly from the Tirl Brook towards Woolstone Hill.
85. Section 85(1) of the Countryside and Rights of Way Act 2000 as amended (the '2000 Act') places a duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. NPPF paragraph 176 sets out that 'great weight should be given to conserving and enhancing 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 these issues.' It further sets out how 'the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'
86. There is a distinction in NPPF paragraph 176 between development within areas of outstanding natural beauty and within their setting. Nevertheless the provisions of section 85(1) of the 2000 Act apply to the exercise or performance of any functions 'in relation to, or so as to affect, land in an area of outstanding natural beauty...' (my emphasis). The PPG explains how section 85(1) is relevant to considering development outside of areas of outstanding natural beauty but which might have an effect on their setting or protection.<sup>64</sup>
87. Addressing the landscape implications of proposal, including in relation to areas of outstanding natural beauty, is intricate and has been litigious. The Cotswolds National Landscape Board's representations refer to the judgement in *Monkhill* in that context.<sup>65</sup> Paragraph 63 of that judgement sets out that NPPF policy on areas of outstanding natural beauty is capable of representing

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<sup>63</sup> Including Gloucestershire County Council's School Places Strategy 2021-2026 (published March 2021) and GCC's Local Development Guide (updated March 2021).

<sup>64</sup> Reflected via PPG Reference ID: 8-039-20190721.

<sup>65</sup> *Monkhill Ltd v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 1993 (Admin) (24 July 2019).

- a 'clear reason' for refusing the development proposed (a phrase now in NPPF paragraph 11.d)i.
88. Logically the inverse is also the case; if there is no 'clear reason', NPPF paragraph 11.d)i. would not be engaged. Moreover 'great weight', as referred to in NPPF paragraph 176, does not displace the need for judgement as to the effects of a given scheme.
  89. Various development plan policies set out how development should, in broader than AONB terms, integrate appropriately with its surrounding context.<sup>66</sup> Bullet points b) and a) to NPPF paragraph 174 set out how planning policies and decisions should contribute to and enhance the natural and local environment by both 'recognising the intrinsic character and beauty of the countryside' and by 'protecting and enhancing valued landscapes'. In the context of bullet point a) to NPPF paragraph 174, there was some discussion at the inquiry on the judgement in *Stroud*.<sup>67</sup>
  90. The judgement in *Stroud* addresses the distinction between a designated landscape and a valued landscape. The two may differ. Moreover that a landscape, or element thereof, is 'valued' by local residents does not inherently mean that it amounts to a valued landscape. In short the judgement in *Stroud* refers to demonstrable attributes that would take an area 'out of the ordinary'.<sup>68</sup> The judgement in *Stroud* is referred to in the Landscape Institute's Technical Guidance note 02/21 'Assessing landscape value outside national designations' ('TGN02/21'), albeit with a note of caution.<sup>69</sup>
  91. In this instance the site falls within a Special Landscape Area ('SLA'), designated under TBP policy LAN1. Albeit that JCS policies SD6 and SD7 are relevant to landscape considerations, the sole reference to the SLA in the JCS is to saved policies of the Tewkesbury Borough Local Plan 2006. The JCS did not supersede the saved policy governing SLA (LND2). The 'reasoned justification' to TBP policy LAN1 explains how SLAs are local landscape designations originally introduced through the 1982 Gloucester Structure Plan.
  92. As referenced in the NLMP, the AONB itself was designated in 1966 and extended in 1990. I understand that the boundaries of the SLA and AONB, insofar as relevant to the vicinity of the appeal site, have not been amended since their initial establishment.<sup>70</sup> There is some contention that the railway marks something of an artificial boundary to the AONB. Whilst the boundary to the AONB is as it is, that argument effectively relates to a judgement as to the landscape value of the site.
  93. The reasoned justification to TBP policy LAN1 explains, however, how Special Landscape Areas 'are defined as areas of high quality countryside of local significance. While SLAs are of a quality worthy of protection in their own right, they also play a role in protecting the foreground setting for the

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<sup>66</sup> Including JCS policy SD4 and GNDP policy GNDP10.

<sup>67</sup> *Stroud DC v SSCLG & Gladman Developments Ltd* [2015] EWHC 448 Admin.

<sup>68</sup> *Ibid.*, also referring at paragraph 26 to the differential referred to in paragraph 86 of this decision.

<sup>69</sup> Including at paragraph A4.1.4.

<sup>70</sup> As discussed at the Inquiry, TBP paragraph 8.4 explaining that the boundaries are unaltered from the 'Tewkesbury Borough Local Plan to 2011'.

adjacent Cotswolds AONB. The SLA is defined where the topography is a continuation of the adjacent AONB and/or where the vegetation and associated features are characteristic of the AONB’.

94. Whilst there is also reference to the SLA being established with reference to identifiable physical features in the landscape, the methodology that led to its establishment has passed into history. It is therefore somewhat difficult to establish the ‘identified quality’ of the landscape in the development plan, the phrase used in NPPF paragraph 174.
95. In that context, Stuart Ryder’s proof in respect of landscape matters on behalf of TBC honestly explains how they have ‘professional difficulties in classifying all SLA areas as a valued landscape on the basis of the original 1982 classification with no access to original assessment and justification for inclusion in the SLA formation.’<sup>71</sup>
96. It is important to note that although this appeal deals with a site, that site is also part of a landscape (whatever spatiality is used to define a landscape).<sup>72</sup> All that intricacy aside, however, I accept the Council’s central premise that implications are all centred on judgement of landscape quality and effects.<sup>73</sup>
97. Both Stuart Ryder’s proof, and that of Michael Davies on behalf of the appellant, refer to TGN02/21 and to the Landscape Institute’s Guidelines for Landscape and Visual Impact Assessment: Third edition (updated November 2021, ‘GLVIA3’). Both have completed respective versions of ‘box 5.1’ to GLVIA3 interpreted with reference to TGN02/21.
98. GLVIA3 and TGN02/21 put some methodological rigour to assessing landscape value and the effects of proposed development. Whilst those documents represent a standardised approach, in a similar vein to my reasoning in paragraph 41 of this decision in respect of the RSA, they inevitably seek to quantify what is, at its heart, a qualitative assessment. The same is true of any evidence (which cannot hope to be comprehensive or uncontroversial in terms of inputs, viewpoints and categorisations).
99. The value of a site, along with its susceptibility and sensitivity to change and the effects of proposed development are inherently matters of judgement. I do not go behind the development plan in that the site falls within the SLA, but nevertheless the respective versions of ‘box 5.1’ are useful in reaching a judgement. Local residents, GPC and MLAG may, entirely understandably, take a different view to the positions of the appellant, TBC and me. TBC also, however, contend that the proposal would ‘also cause harm to significant views identified in the Gotherington Neighbourhood Development Plan.’
100. Albeit that GNDP appendix 3 appears focussed principally on assessing potential implications of site allocations, policy GNDP10 nevertheless sets out how special consideration should be given to certain locally significant views.

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<sup>71</sup> CD C.25, paragraph 4.8.

<sup>72</sup> Noting the judgement in *CEG Land Promotions II Ltd v Secretary of State for Housing, Communities and Local Government* [2018] EWHC 1799 (Admin), [2019] PTSR 353 referenced in the closing statement on behalf of the Council in that context.

<sup>73</sup> Council closing statement, paragraphs 38 and 45.



That is not to the exclusion of also considering 'other views from footpaths and publicly accessible places'.

101. I am conscious of my footsteps relative to those of the Inspector in 2017 (albeit that they did not expressly tussle with the concept of a valued landscape as opposed to a designated one). Whilst also acknowledging the qualitative nature of assessing landscape effects, the previous Inspector identified that the scheme in that instance would have reduced the 'SLA to just a relatively thin sliver at this point'. Notwithstanding certain moderating factors, notably landscaping, the Inspector there was also of the view that harm would result on account of the inter-relationship of the scheme and AONB, and that the scheme would also have been at odds with 'the generally linear form of the village...'.

#### *Consideration*

102. Against the statutory and policy context above, the proposal would inevitably overwrite what is essentially natural and open land.<sup>74</sup> That would be within the SLA and the development would be visible in conjunction with the AONB (both looking towards the AONB and from within it looking outwards). In summary, amongst other things, and with varying emphases, JCS policies SD6 and SD7, TBP policies RES5, LAN1 and LAN2, and GNDP policies GNDP02, GNDP09 and GNDP10 seek to suitably preserve landscape character. The proposal would intrinsically conflict with the approach in those policies in that regard.
103. The approach in the foregoing policies remains broadly consistent with the NPPF regardless of housing land supply. Nonetheless, as above, NPPF paragraph 170. b) sets out how planning policies should recognise the intrinsic character and beauty of the countryside. Recognise is not synonymous with protect. There is divergence between TBC and the appellant as to whether the site has attributes that might suggest it being a valued landscape, or part thereof.
104. In that context the site rises somewhat as it approaches the railway embankment, the HA indicating the site has experienced some colluvium deposition by consequence. As shown in the LVA, most notably from higher ground to the east and south-east towards Nottingham Hill, the site is widely visible in conjunction with parts of the AONB.<sup>75</sup> The site is also visible in connection with elements of the AONB from various private vantage points, notably from within properties and their plots along Manor Lane. The PS sets out how views out of and into the AONB 'can be very significant'.
105. The site falls within National (landscape) Character Area 107, the Cotswolds ('NCA107').<sup>76</sup> The key characteristics of NCA107 include its undulating geology, notably limestone, dramatic escarpments with open vistas, and an historic landscape incised by valleys and patches of woodland (beech hangers at upper scarps, oak and ash more characteristic of river valleys). The presence of large areas of common land and an extensive network of public

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<sup>74</sup> Notwithstanding that the land has been much altered by human intervention, including agriculture itself, and that it features trees and is bounded by hedgerows.

<sup>75</sup> Notably from RVP 05, RVP 06, RVP 13, RVP 14 and RVP 15.

<sup>76</sup> Towards the fringes of National Character Area 105, Severn and Avon Vales (Natural England 20 March 2013).

rights of way is also noted. The NLMP summarises that the Cotswolds is a 'rich mosaic of historical, social, economic, cultural, geological and geomorphological and ecological features'. The NLMP includes, as special features, tranquillity, openness and the prevalence of arable land.

106. The Gloucestershire Landscape Character Assessment (2006, 'GLCA') identifies that the site falls within the Vale of Gloucester Landscape Character Area ('SV6B'),<sup>77</sup> defined by the rising landform of the Cotswolds escarpment and Oxenton Hill. The GLCA describes how 'intermittent small ridges, hillocks and undulations that rise above the general level of the Vale are important local features'. I saw how the landscape rising towards Nottingham Hill beyond the railway line includes such features. Albeit limestone is present throughout the Village as a building material, the GLCA notes how Gotherington grew up around a superficial deposition of Cheltenham Sand and Gravel (overlying the Charmouth Mudstone Formation). The GLCA also refers to a greater mix of arable and grazing land than indicated via higher-level studies, with low hedgerows punctuated by trees representing a common boundary treatment as at the appeal site.
107. As defined in the Cotswolds AONB Landscape Character Assessment (2016), the site falls within the Cooper's Hill to Winchcombe Landscape Character Type ('LCT2D').<sup>78</sup> Of note relative to other studies is that LCT2D is described therein as less extensively wooded than elsewhere, characterised by large unenclosed areas of rough grassland on upper slopes and improved pasture in moderately sized enclosures elsewhere.
108. There is a degree of topographic, visual and broader perceptive connection between the site and AONB in terms of character and appearance. At present, notwithstanding any intermittent agricultural use, the site contributes to the rural environs of Gotherington. In that context the site presently embodies broader sensory qualities, including as a result of its relative tranquillity and lack of illumination, which are shared with the AONB.
109. However, for the most part, the site is essentially level and slopes only gently, verging on imperceptibly. It possesses no lively geophysical features. There is a more marked change in the landform from the embankment heading eastwards,<sup>79</sup> and also heading north-west along Sabrina Way. The crests of Woolstone Hill and of Nottingham Hill are instead part of the Birdlip Limestone Formation. Albeit an artificial intervention, the railway line cuts a logical contour through the landscape. Neither in elevation nor topography is the site distinctly different to much other land around Gotherington, including that to which GNDP allocations relate.
110. As inherent in the GLCA characterisation of SV6B set out above, the land here is partially defined by the rising landform elsewhere. The site is effectively framed by, rather than itself creating or enabling, viewpoints and vistas of dramatic escarpments. In my view its qualities of being essentially open, natural and tranquil should not be over-stated. From most, if not all, public vantage points the site is inevitably seen in conjunction with mid-to-late twentieth century development along Manor Lane and elsewhere.

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<sup>77</sup> Within the 'Settled Unwooded Vale' Landscape Character Type.

<sup>78</sup> Part of the wider 'Escarpment'.

<sup>79</sup> Noting LVA figure 10 in particular.

111. From panoramas obtainable towards Nottingham Hill and Woolstone Hill, the site forms a comparatively small landscape component (and then one seen in the context of other elements of the Village). That is similarly the case of the fleeting experience of the site if travelling along the GWR. Whilst the site is surrounded by hedgerows, and there is the remnant of a historic hedge line through it, the site is also bisected by power lines. It is set next to the principal highway through the Village and directly opposite Privet Court (which has physically extended development along Gretton Road here by around 130m since the 2017 appeal).
112. It is also worth noting that the previous Inspector referred to a Landscape and Visual Sensitivity Study ('LVSS') undertaken for TBC in November 2014. I understand the LVSS informed the process by which Service Villages were identified via the JCSS to accommodate development. The Inspector noted how the site, falling within wider land parcel 'Goth-05', was identified as having medium landscape sensitivity to new development. The LVSS is also referred to in the appellant's landscape note.<sup>80</sup> Only 'Goth-04' and 'Goth-06' amongst land encircling Gotherington were found in the LVSS to have both a lower level of landscape and visual sensitivity.<sup>81</sup> Unlike either of those land parcels, there are no public rights of way through the appeal site.
113. Truman's Farmhouse is grade II listed and some of its outbuildings are historic. Gotherington is dotted with listed buildings, principally astride Gretton Road. Notwithstanding the extensive historic lineage of the area, there is nothing to suggest any particular historic or archaeological significance to the site other than being ridge and furrow at some juncture before enclosure in 1807 (and potentially featuring the remnants of a late medieval trackway).<sup>82</sup>
114. As the HA notes, however, evidence of medieval farming is 'widespread in this area'. It is widespread elsewhere. There is no evidence of any associative value of the site, as opposed to the 'rich historical mosaic' of the AONB. Consequently the value of the site to the AONB may fairly be said to be limited. As above the SLA was, in part, established based on the ostensible affinity of land outside the AONB with that inside it, which is not readily apparent here.
115. TBC's and the appellant's respective versions of 'box 5.1' take differential slants in terms of the factor of natural heritage, leaning principally towards physiographic interest and ecology respectively. Within the terms of that factor,<sup>83</sup> however, both are relevant. Physiographically, I have reasoned above that the site only has a limited similarity with the attributes of the AONB. There is undoubtedly some ecological value to the site. However, commensurate with its history as agricultural land, that is comparatively limited.<sup>84</sup> The site is therefore not noteworthy in terms of natural heritage.

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<sup>80</sup> CD D.22.

<sup>81</sup> Goth 4 being central within the village overlapping with the 2021 appeal site. Goth 6 heading away from Manor Lane by footpath AGO22.

<sup>82</sup> The site having previously been subject to geophysical survey and archaeological investigation in relation to application 16/00539/OUT, without significant outcomes.

<sup>83</sup> 'Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest which contribute positively to the landscape'.

<sup>84</sup> CD A.8.

116. TBC's perspective on the TGN02/12 factor of 'distinctiveness', it appears, derives principally from the site's interaction with the Cotswold Escarpment. However I have reasoned that the site now features none of the small ridges, hillocks or undulations the GLCA aptly describes as important local features. I have also set out above how the site is effectively defined by virtue of its different qualities to much of the AONB. The site does not possess, topographically, historically, or more broadly in terms of perception, meaningfully different qualities from much of the rural environs of Gotherington.
117. Similarly, in respect of the TGN02/12 factor of 'functional', TBC's perspective leans heavily towards the site's function as part of a landscape to the AONB.<sup>85</sup> However, intrinsic in my reasoning above is that the site does not, in itself, provide a 'clearly identifiable and valuable function, particularly in the healthy functioning of the landscape'.
118. TBC's position in terms of landscape condition is that 'the site and its contextual area is in a good landscape condition with limited detracting features other than ongoing construction of housing to the north of the site'. There are, however, are other 'detracting features' (see paragraphs 110 and 111 above).
119. The site might fairly be described as a typical field managed for low-intensity agriculture. There is some evidence of hedgerow loss, albeit historic, and there are few trees. Hedgerows are of variable quality, and none appear important within the terms of the Hedgerows Regulations 1997 as amended (as set out in the HA). Albeit I accept that MLAG object to its characterisation as such, in respect of this factor the site representing an 'everyday to good' landscape condition is a fair summary.
120. Turning for comprehensiveness to the other factors in box 5.1, there is no strong cultural resonance or associative value to the site. There is presently no inherent recreational value to the site, other than insofar as it contributes to that which exists elsewhere. That is in contrast to other elements of the SLA which are instead characteristically criss-crossed by public rights of way. There is evidently some tranquillity by virtue of the site's current nature and use. However, as above that is qualified by various factors. There appears to be a stronger sense of tranquillity within the SLA to the north and south of the linear form of Gotherington as opposed to along Gretton Road and Malleson Road. The site is evidently not a wilderness.
121. Nearby residents understandably place considerable value upon the site as part of the landscape, along with outcome 14 of the AONBMP referring to health and wellbeing (which may of course be aided by the presence of nature and a natural outlook). However for the foregoing reasons the site does not possess demonstrable attributes out of the ordinary.

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<sup>85</sup> Albeit that it is also stated, accurately but flatly, that 'it also acts as part of the setting to the east of Gotherington'.

*The effect of the development proposed*

122. Albeit reduced since the scheme in 2017, the proposal would inevitably result in some landscape harm; 45 homes and associated infrastructure would be significant, including in proportional terms to Gotherington. Three breaks in the roadside hedge would be created, amounting to a total of about 35 metres of loss. A large part of the site would become residential in character, diverging from its current appearance as part of a farm at the periphery of the Village.
123. I acknowledge that the scheme would not reflect the single line of development, contended by MLAG in particular to be typical at the fringes of Gotherington. The level of density proposed would exceed that at Manor Lane and the residential density in other locations around the Village. The site would also be arranged along a roughly north-west to south-east axis.
124. The scheme would inevitably be visible from within the AONB and in conjunction with views towards it. I accept that there are other vantage points than those in the LVA from where views of the site may be obtained of the site, or in relation to the site and the AONB. I also acknowledge that the representations of the site are hypothetical (albeit that there is no robust evidence indicating that they are anything other than a suitable basis for considering the scheme within the terms of their own methodologies).
125. Both proofs on behalf of the appellant and TBC in respect of landscape broadly agree that the scheme would have a particular effect in relation to the experience of walkers, sensitive receptors, proceeding downwards from Nottingham Hill and taking in the vista in that broad direction. That the scheme would bring additional residents to a place whereby the AONB might be appreciated is a somewhat incidental argument (which could be true of any development, however incongruous).
126. Although trite the scheme would, however, affect a small proportion of the SLA, of the setting of the AONB, the setting of Gotherington and the consistent landscape characterisation parcels of which it is part. Only 1.8 hectares would be 'developed', some 54% of the site area being given over to public open space and landscaping.<sup>86</sup> As set out above the scale of dwellings proposed would decline heading north-eastwards through the site as the SLA tapers between the AONB boundaries there.
127. In form, architecture and materials the dwellings proposed would not be discordant with neighbouring properties, or many properties elsewhere at Gotherington. The maximum height of properties would respect those of Privet Court (as could be secured via condition related to ground levels). Noting the reference in NPPF paragraph 124 to the efficient use of land, there is no compelling justification for emulating previous patterns of development in current circumstances.<sup>87</sup>
128. The pattern of development at Gotherington is also not without variety. Although to the north of Gretton Road properties tend to be arranged in single plot depth, that is not the case between Shutter Lane and Cleeve Road. 'The

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<sup>86</sup> CD C.19, notwithstanding any categorisation of the associated pond, pumping station and LEAP.

<sup>87</sup> Also acknowledge via JCS policy SD10, criterion 6.



Lawns' also tracks behind Gretton Road. Manor Lane itself spurs off from Gretton Road southwards. As planting and landscaping matures, including at the bund proposed by the collection of buildings at Truman's Farm, the proposed dwellings would become more recessive (albeit they would inevitably not be occluded from view).

129. In terms of the morphology and historic development of the Village, the proposal would maintain the prevailing east-west form of the village overall. By retaining a significant proportion of the roadside hedge, by virtue of the scale of dwellings declining north-eastwards, and by dint of the on-site landscaping proposed, the proposal would not in my view unduly extend the built form of Gotherington. Instead there would be a reasonably comfortable transition to the rural environs of the Village.
130. TBC contend that the proposal would also cause harm to significant views identified in the Gotherington Neighbourhood Development Plan. GNDP policy GNDP10 sets out how special consideration should be given to certain locally significant views (albeit not to the exclusion of also considering 'other views from footpaths and publicly accessible places'). Eight significant views are identified in policy GNDP10, linking to GNDP figure 2. Viewpoints are in turn annotated on GNP figure 3. The nearest viewpoints are nos. 4-8. Those are referenced in GNDP figure 2 as comprising either 'views from Manor Lane' or 'view from Nottingham Hill' within the terms of policy GNDP10.
131. It appears, however that views from Manor Lane are to the west, across 'Goth-6' rather than in the direction of the appeal site. Logically there would be no interference with that view. More broadly buildings at Truman's Farm and the landscaping proposed between existing buildings there and the appeal site would substantially screen intervisibility. At GNDP figure 3, viewpoint 5 is indicated as taken from within the appeal site towards Gretton Road, albeit that appears referenced as the view from Nottingham Hill.
132. As reasoned above the scheme would inevitably be visible as viewed from Nottingham Hill and rights of way leading through the AONB there. However viewpoint 5 appears to be squarely towards Privet Court, such that the scheme would not appear obtrusive viewed in conjunction with it. Other viewpoints indicated, notably nos. 9 to 13, are at a significant distance from the appeal site, such that there would be no meaningful visibility of the scheme (if any at all).
133. Acknowledging that there would be an amalgamation of different effects given the relative sensitivity of receptors, as a fair summary reflecting on the value of the site, its susceptibility and sensitivity to change, the adverse landscape effects of the scheme would be moderate declining towards minor as planting matures. That weighting is arrived at through the lens of NPPF paragraph 176 and section 85(1) of the 2000 Act. Relative to the character of the Village and the built environment, any harm by virtue of the scheme would be limited.
134. As in *Monkhill*, there may be instances where effects in respect of landscape and scenic beauty may provide a clear reason for refusing development in line with NPPF paragraph 11.d)i. However that would not occur here for the above reasons.

## Other matters

135. In addition to comments regarding the issues above, I have taken careful account of all representations in respect of the proposal. Those representations include concerns over the potential implications of the scheme in respect of heritage, flooding, biodiversity, food security, global warming, the living conditions of nearby residents, traffic, utility provision, and the potential for the scheme to presage other development.

### *Heritage*

136. The site is some distance from grade II listed Truman's Farmhouse, about 35m. By virtue of reflecting the former agricultural context in which the listed building emerged, the site has a value to the surroundings in which it is experienced. However that contribution is slight; there are substantial agricultural buildings, of varying age, between the site and listed building. The wider context in which the Farmhouse is set would remain semi-rural (but equally partially residential). As set out above there is little historic value embodied in the site directly, archaeologically or associatively. Consequently, and subject to the bund and other landscaping proposed the proposal would have such limited effect so as to preserve the setting of the listed building, and no undue effect in terms of historic interest more broadly.<sup>88</sup>

### *Flooding*

137. Local residents have highlighted how flooding has occurred in this area previously. There is particular reference to flooding by the railway bridge off Manor Lane and around Sabrina Way, likely arising on account of the topography at the former and by virtue of blockages at the culvert beneath Gretton Road near the latter. However the site itself is within flood zone 1, i.e. at low probability of flooding. As also set out in the Flood Risk Assessment and Drainage strategy ('FRA'), there is some potential for flooding in extreme events focussed towards the north-east of the site (where site and watercourse capacity is exceeded, noting the limited capacity of the site in respect of infiltration drainage).
138. Nonetheless, subject to the approach in section 6.5 of the FRA, namely a piped system and attenuation and retention basin, there is nothing to indicate that the scheme could not suitably deal with adverse conditions (subject to adherence to associated drainage strategy plan 5143652-ATK-DR-D-003 Revision P 5). Development will, in any event, need to adhere to the relevant provisions of Building Regulations 2010 in respect of drainage and waste disposal.<sup>89</sup> My view in that respect accords with that of GCC as lead local flood authority, who summarise the effects of flood risk as 'minimal'.

### *Biodiversity*

139. As described in the EcIA, building upon previous studies, the ecological or biodiversity value of the site is reflected both within its flora and the fauna it supports (principally concentrated around boundaries). There is reference within the EcIA to the site being used by, or offering suitable habitat to, various species including, great crested newts, bats, birds, dormice, slow

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<sup>88</sup> Cognisant of the duty on me under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

<sup>89</sup> Guidance in respect of which is currently provided via Approved Document H.

worms and hedgehogs. Local residents have drawn my attention in particular to birdlife and to pipistrelle bats here.

140. Section 40 of the Natural Environment and Rural Communities Act 2006 as amended places a duty on me in respect of the conservation and enhancement of biodiversity, notwithstanding that the 10% biodiversity net gain ('BNG') requirement envisaged by section 98 of the Environment Act 2021 has yet to be commenced. Similarly, in brief, JCS policy SD9 and NPPF paragraph 174 seek to protect and enhance biodiversity, both referencing the value of ecological networks.
141. The proposal would inevitably change the nature of the site, entailing the loss of some habitat and altering the value of the site to certain species. That said, for the most part, the ecological value of the site is limited reflecting the nature of improved grassland and tall ruderal growth.<sup>90</sup> The site is not designated on account of its ecological value and there is no meaningful inter-relationship with areas that are protected in that respect (albeit there are such areas in the wider area including the Dixon Wood Special Area of Conservation). I have noted above that the HA does not indicate that any hedgerows should be considered important in terms of heritage value with reference to the Hedgerow Regulations 1997 as amended.
142. Plan no. 2466\_P22 Revision B in the AIA shows that, aside from in respect of site accesses, all trees would be retained, thereby preserving the most ecologically significant features. Subject to landscaping and planting, whilst the proposal would inherently reduce the quantity of 'natural' land at the site, the EcIA also sets out that the scheme would deliver BNG of about 132.07% (with the overall quantity of hedgerow to be increased by about 29.41%). That, in my view, is significant. Such benefits would not otherwise arise, for example were the site to be maintained in agricultural use or more of the site were to be developed (as previously proposed).
143. There is nothing to indicate, subject to a sensitive landscaping scheme, that the LEAP, attenuation basin or pumping station would hinder the foregoing. Appropriate sensitive approaches to managing existing ecology during construction could be secured via appropriately worded conditions. I acknowledge that the BNG figure of 132.07% is theoretical, and may be affected by the behaviour of individuals or by predation associated with domestic animals. However that is nevertheless significant headroom above 10%, such that even were those factors to affect the future ecological value of the site there would remain a significant benefit.

#### *Food security*

144. The NPPF prospectus of 22 December 2022 refers to food security in a planning context, notwithstanding that NPPF paragraph 174. b) already sets out how planning should take account of the benefits of the best and most versatile agricultural land ('BMV'). It has also been argued that the scheme would potentially lead to 'farmland abandonment', by virtue of lessening the overall holding associated with Truman's Farm below a viable level. MLAG also presented concerns that the site is well within 300 metres of agricultural

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<sup>90</sup> CD A.8, paragraph S.2.



buildings at Truman's Farm, contending that breaches a cordon sanitaire which should be maintained (to ensure the ability to hold livestock there).

145. The proposal would take some land out of productive agricultural use. However even if the site were BMV, the loss thereof would be modest (set against the totality of such land in TBC's administrative area and across the JCS authorities' areas). That some agricultural land will be lost to development is also inherent in the approach in the JCS and TBP. There is no robust evidence indicating that housing needs in the Borough or across the JCS can wholly be accommodated by virtue of the re-use of previously developed land; donor sites indicating to the contrary.
146. Whilst the scheme would reduce the agricultural land holdings at Truman's farm, there is no robust indication that would inherently sterilise other land from productive agricultural use. Many farms also operate across non-contiguous land. There is little evidence before me in respect of existing farming practices here, albeit hypothetically the site may lend itself to grazing, and the farm buildings may be capable of accommodating livestock.
147. The derivation of MLAG's suggested 300 metre cordon sanitaire is unclear, 400 metres instead applying in relation to permitted development rights enabling the erection, extension or alteration of an agricultural building. However permitted development rights relate to development that may be undertaken without specific planning permission, rather than establishing a cordon sanitaire as a rule.<sup>91</sup> In many instances, as is evidently the case here, dwellings and agricultural buildings are located unproblematically far closer to one another. Accepting agricultural activities are, moreover, the logical corollary of living at the periphery of many rural villages. Whilst there is therefore nothing substantive to indicate that the proposal would lead to farmland abandonment, undue constraints to existing or future farming practices, or reciprocally in terms of the living conditions of the occupants of the dwellings proposed, I nonetheless accord limited weight against the proposal by virtue of the loss of agricultural land (assessed as if BMV).

#### *Global warming*

148. MLAG contend that 'the building of an estate on this location would in itself constitute a loss of countryside for the sake of increased urban development; this at a time when governments around the world are trying to reverse the effects of global warming and the decline of many species. We believe this proposal is therefore contrary to Government policy.'<sup>92</sup> Whilst I acknowledge the sentiment behind that statement, it is the function of planning to marry up different interests in the use of the land in environmental, social and economic dimensions. No one objective of the development plan, nor of the NPPF, takes primacy over any other. To suggest, as that does, that development inherently conflicts with Government policy is incorrect.

#### *Living conditions of existing residents*

149. The proposal would affect views from properties along Manor Lane, and I have noted above how the scheme is relatively dense compared to development

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<sup>91</sup> Notwithstanding that parallel provisions do not exist in respect of more recent permitted development rights for the conversion of agricultural buildings to other uses.

<sup>92</sup> CD C.10, paragraph 5.8.

elsewhere at Gotherington. In that context I acknowledge that the presence of the dwellings and residential activity here would affect the outlook and privacy from which certain properties along Manor Lane currently benefit (notwithstanding that construction would inevitably be temporary and could be managed sensitively via conditions). Living conditions are, in large part, dependent on perception.

150. Nonetheless, as set out in the officer report the minimum separation between properties along Manor Lane and the rear elevations of the dwellings proposed would be 25 metres. That is, in absolute and relative terms, a reasonable separation distance. In relative terms there are comparable separation distances between rear-facing elevations in other locations about the Village.<sup>93</sup> I acknowledge that there would be a closer inter-relationship with no. 44 Gretton Road towards the south-west of the site. However the rear elevation of that property instead faces south-east (towards the rear garden of no.1 Manor Lane). As noted in TBC's officer report, the nearest proposed dwelling at plot 1 would have only a single first floor window facing towards no. 44, serving an ensuite, which could be secured as obscured-glazed via condition.<sup>94</sup>
151. Subject to the foregoing condition, and more broadly subject to a suitably approach to retaining and augmenting boundary features in terms of landscaping, the proposal would not result in undue effects in respect of the living conditions of those nearby (in accordance with the relevant provisions of JCS policies SD4, SD14 and NPPF paragraph 130.f).

#### *Traffic*

152. Being historic in origin, neither Gretton Road nor Malleson Road were designed to accommodate the number of vehicle movements they now do. At the time of my site visit, and in the absence of parking restrictions, a number of drivers had parked along Gretton Road (effectively reducing the space available to motorists to single carriageway). Local residents have identified pinch points in the surrounding highway network where congestion occurs at times, notably at the junction of Malleson Road and the A435 and at junction 9 of the M5. I accept that traffic levels fluctuate, for example around school time or when events are being held at Prescott Hill.
153. The proposal would add to vehicular movements around the local highway network. Nevertheless the effects of 45 new dwellings would be limited relative to baseline conditions. The appellant's Transport Assessment sets out how the scheme would result in approximately 34 or 30 two way vehicular trips in the morning and afternoon peak, representing approximately one additional vehicle on the network every two minutes or so. There are no personal injury collisions recorded in the vicinity of the appeal site over the last 5 years, and appropriate visibility splays and access geometry would be achieved.<sup>95</sup> Albeit that an increase in potential traffic is inevitably unwelcome, the proposal would not result in undue effects in that respect.

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<sup>93</sup> For example between Yew Tree Drive and Ashmead Drive and around Cinder Close and Brunel Drive.

<sup>94</sup> Drawing no. 046 Rev. A originally, 0.18 Rev. A subsequently.

<sup>95</sup> Noting that neither GCC nor National Highways object to the scheme.

*Utilities provision*

154. Several residents have referred, more broadly than in respect of community cohesion, to utilities or service provision here being strained (citing electricity outages, low water pressure and limited connectivity in particular). That may be the case, nevertheless separate provisions exist by virtue of the Water Industries Act 1991 as amended and the Electricity Act 1989 as amended (including the obligation to facilitate connections). Albeit that connectivity, whether by virtue of broadband or wireless telecommunications, is practically provided by a plurality of organisations, the economic case for improved provision is aided by population increase.

*The potential for further development*

155. Reflecting that the scheme before me has a long history, I am told originating as a scheme for 95 dwellings set out at a public exhibition in 2016, some have expressed concern that allowing the appeal has the potential to presage further development here (or more broadly). Whilst I understand that perspective, I have nonetheless assessed the scheme on its merits. Any other scheme would also be assessed on its merits at that juncture.

*Housing provision*

156. As set out above, at best, there is a significant anticipated shortfall in housing delivery over the coming five years. That is relative to a needs figure established through LHN which has risen substantially since the approach in the JCS (even more so when considered relative to the 'demographically derived' needs figure referenced therein). In my view a shortfall is likely to persist for some time. Some degree of anticipated shortfall has evidently been present since the 2021 Inspector's decision, now approaching three years old.

157. The JCS remains unreviewed in line with REV1 or otherwise, ostensibly resulting in the bizarre situation referred to in paragraph 36 of this decision. Meaningful resolution is only likely to be made in line with significant progress reviewing the development plan in light of the foregoing, and given the presence of various protective designations across the JCS area. There is little clarity in that respect at present.

158. In my view it is of central importance to keep in mind that housing is occupied by people. Dealing with numbers sometimes obscures that. The lack of a sufficient forward pipeline of deliverable housing sites will inevitably mean that the housing needs of many people will not be met. The proposal would be significantly socially beneficial considered in that light. There would also be associated economic benefits in supporting employment during the construction and maintenance of dwellings. As observed above, future residents would also bring trade to nearby services facilities, and may themselves generate other opportunities and community vibrancy.

159. The proposal would also provide for 40% affordable housing as defined by the NPPF. The JCS itself was, as noted by the examining Inspector, a strategy which could not deliver sufficient affordable housing relative to needs within its own terms.<sup>96</sup> TBC do not dispute the affordable housing statistics contained within Cameron Austin-Fell's proof. That proof sets out how net affordable

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<sup>96</sup> CD D.18, paragraph 51.

housing need in the Borough is around 345dpa, some 70% of the JCS annual requirement of 495dpa.

160. In the 2021-22 monitoring year the number of households eligible for affordable housing in Tewkesbury stood at 1,763, reflecting only a marginal reduction since 2017-18. Looking forward within the parameters of the JCS to 2031 and its housing trajectory, there is likely to be a significant accumulation of unmet affordable housing need in the region of 2,174 (albeit that affordable housing may come forward other than by virtue of representing a proportion of market-led housing).<sup>97</sup> Whilst it appears that median workplace based affordability ratios here have recently levelled out from a previously clear upwards trend, that neither reflects marked improving affordability nor, in the light of the foregoing, the likely start of a likely downwards trend.
161. There are, I accept, only limited needs for affordable housing arising at Gotherington specifically as opposed to elsewhere. Although that might in itself be a product of local demographics and the constraints of the housing market here, there are nonetheless significant and unabating needs for affordable housing in Tewkesbury (and also across the constituent authorities of the JCS). The benefits of the proposal directly, and by consequence of, housing delivery and affordable housing provision may therefore fairly be summarised as significant.

### **Planning balance**

162. NPPF paragraph 11.d) applies by virtue of the most important policies for determining the proposal being deemed out of date. At best forward housing supply in TBC's administrative area stands at 3.39 years, a significant shortfall. In this instance NPPF policies which 'protect areas of assets of particular importance' do not provide a clear reason for refusing the development proposed. Consequently NPPF paragraph 11.d)ii. applies, i.e. permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
163. As above, that finding neither alters the statutory basis for decision taking, nor do relevant provisions of the development plan cease to exist. Nevertheless I have reasoned that the proposal would be acceptable in terms of its location relative to the approach in the development plan and NPPF and would not, in that respect, undermine a plan-led system. I have also reasoned that the proposal would not unduly affect community cohesion.
164. As a matter of judgement, aggregated landscape effects would be moderate declining towards minor as planting matures, with any harm relative to the character of the Village being limited. Whilst relevant provisions of the development plan are consistent with the NPPF in that regard, the development plan must be considered as a whole (as must the NPPF). There would also be limited harm resulting from the loss of agricultural land. In all other respects the development proposed would be acceptable, or could be rendered so subject to conditions or obligations. However that the scheme would not result in undue effects in respect of other matters, as in relation to community cohesion, is effectively neutral in the overall balance.

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<sup>97</sup> Cd C.18, table 11.3.

165. On the other hand, taking account of the extent of housing land supply shortfall and the likelihood of it persisting, I accord significant weight to the benefits of the scheme in terms of housing provision, affordable housing, and associated economic benefits. The proposal would also entail significant BNG. The adverse impacts of granting permission would therefore not significantly and demonstrably outweigh the benefits assessed through the lens of NPPF paragraph 11.d)ii. With reference to the statutory basis for decision-taking, other material considerations therefore justify allowing the appeal.

### **Conclusion**

166. For the reasons given above, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below and the obligations contained in the planning agreements under section 106 of the 1990 Act.

### **Conditions**

167. In addition to requiring commencement within the relevant statutory period via condition 1, for clarity and so as to ensure that the proposal is implemented as assessed above, I have imposed condition 2 requiring adherence to the relevant supporting plans (as necessarily modified by consequence of discharging other conditions or the obligations contained in the planning agreement with TBC). For similar reasons conditions 3-7 are also necessary, following my reasoning in paragraphs 126 to 129 above (and, notwithstanding the AIA, pursuant to the duty on me in respect of trees under section 197 of the 1990 Act in respect of conditions 6 and 7).
168. Albeit that the planning agreement with TBC makes detailed provision in respect of the LEAP and there are indications before me as to the design, the foregoing is a bilateral arrangement between the appellant and TBC (outwith the relevant provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended, the 'DMPO', applicable to applications under section 73 of the 1990 Act). Accordingly condition 8 requiring agreed details in that respect is also necessary, including to ensure that the LEAP integrates suitably with its surroundings.
169. As above, and pursuant to section 41 of the Natural Environment and Rural Communities Act 2006 as amended, conditions 9, 10 and 11 are necessary. Condition 11 is also, in part, justified pursuant to my reasoning in paragraph 108 above (namely to ensure any adverse effects of illumination relative to prevailing character are minimised).
170. Notwithstanding drainage plan 5143652-ATK-DR-D-003 P5 and the relevant provisions of the Building Regulations 2010 as amended, to secure compliance with the final bullet of TBP policy ENV2, condition 12 is also necessary. To minimise waste and ensure efficient use of resources in line with policy WCS2 of the Gloucestershire Waste Core Strategy (adopted November 2012) and policy SR01 of the Minerals Local Plan for Gloucestershire (adopted March 2020) I have imposed condition 13. Condition 14 is also necessary to ensure compliance with policy WCS2 in respect of residential use in addition to construction.

171. Conditions 15 and 16 are necessary in respect of the living conditions of those nearby, including with reference to NPPF 130. f). Pursuant to my reasoning above, condition 17 is also necessary to safeguard the privacy of the occupants of neighbouring no. 44. Similarly, and also to ensure that the site provides suitable provision for future occupants including in relation to accessibility, highway safety and accessibility, I have imposed condition 18.
172. Paragraph 1.3 of the Government's Statutory Guidance related to Part 2A of the Environmental Protection Act 1990 as amended sets out that the starting point should be that land is not contaminated land unless there is a reason to consider otherwise. Given the agricultural history to the site the propensity for contamination to be present is likely relatively low, albeit not inherently absent.<sup>98</sup> Therefore as a precautionary approach to addressing contamination unexpectedly encountered, I have imposed condition 19.
173. Seven conditions are pre-commencement.<sup>99</sup> They are necessary as undertaking any development has the potential to affect topography, trees, the existing nature of the site in respect of landscaping and ecology, the living conditions of those nearby, and to have implications in terms of waste generation and disposal.
174. It is unnecessary to impose conditions related to a noise assessment associated with the GWR and requiring that a welcome pack to new residents be provided. Noise, or more accurately sound, generated by the GWR is intermittent. Stood by the line as a train passed, any noise in that respect is not particularly intrusive. People make an informed choice about where to live. Many may see the proximity of the GWR as appealing. A welcome pack, ostensibly advanced as a means of fostering inclusivity, is not necessary to make the development acceptable in planning terms (however well intentioned).
175. In imposing conditions I have had regard to the NPPF, the PPG and statute. In that context I have amended the wording of certain conditions put to me, and amalgamated some also, to ensure that all are appropriate without altering their fundamental aims.

*Tom Bristow*

INSPECTOR

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<sup>98</sup> PPG Reference ID: 33-003-20190722.

<sup>99</sup> Nos. 3, 6, 7, 9, 10, 13 and 14.



## **SCHEDULE 1, CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 2 to this decision (except as necessarily modified pursuant to discharging other conditions in this schedule or obligations contained within the associated planning agreement dated 26 June 2023 under section 106 of the Town and Country Planning Act 1990 as amended).
- 3) Notwithstanding condition 2, no development hereby permitted shall take place until details of site and development levels have been submitted to, and agreed in writing by, the local planning authority. Details shall include the existing levels on site and adjoining land, finished ground levels and ridge heights. The development shall accord with the agreed details.
- 4) Before their use as part of the development hereby permitted, samples or details, or both, of all external building, boundary treatment and surfacing materials to be used shall have been submitted to, and agreed in writing by, the local planning authority. The development shall accord with the agreed samples and details.
- 5) Before any construction works specifically and solely related to the attenuation pond and pumping station as shown on approved plan DLA.2016.L.06.P11 are undertaken, a drainage strategy shall have been submitted to, and agreed in writing by, the local planning authority. The drainage strategy shall include details of any associated engineering works, levels, design, geometry, materials, boundary treatments and a programme of implementation and planting in respect of those elements of the development hereby permitted. The development shall accord with the agreed details.
- 6) No development hereby permitted, including any site preparation, shall be undertaken until a scheme for the protection of relevant trees and hedgerows has been submitted to, and agreed in writing by, the local planning authority. That scheme shall include a tree protection plan or plans, an arboricultural method statement, and shall accord with the guidance in British Standard 5837: 2012, Trees in relation to demolition and construction (or successor document). The development shall be undertaken in accordance with the agreed scheme.
- 7) No dwelling hereby permitted shall be occupied until a landscaping scheme encompassing both hard and soft landscaping has been submitted to, and agreed in writing by, the local planning authority. The landscaping scheme shall be in broad accordance with approved plan no. DLA 2016.L.06.P11, and shall include, by way of annotated plans or otherwise, details of:
  - i.all existing trees and hedges on the application site (including in respect of the accurate position, canopy spread and species of each tree and hedge, and any proposals for felling or pruning and any proposed changes

within the ground level, or other works intended to be carried out, within the relevant canopy spread),

ii. the layout of proposed trees, hedges, shrubs and grassed areas,

iii. a schedule of proposed planting (indicating species, sizes at time of planting and numbers or densities of plants),

iv. a written specification outlining cultivation and other operations associated with planting,

v. the treatment of pedestrian links to the site,

vi. a programme for undertaking landscaping, and

vii. a schedule of landscaping maintenance for a minimum period of five years from first installation.

All planting, seeding and turfing shall be carried out in line with the agreed details in the first planting season following the first occupation of any dwelling hereby permitted. Any planting, seeding or turfing carried out shall be maintained in accordance with the agreed schedule of maintenance. Any trees or plants which, within a period of five years from the carrying out of landscaping pursuant to this condition, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) Notwithstanding condition 2, before the construction of the Local Equipped Area for Play ('LEAP'), details thereof shall have been submitted to, and agreed in writing by, the local planning authority. Details shall include levels, materials, surface materials, boundary treatments and a programme of implementation. The development shall accord with the agreed details.
- 9) No development hereby permitted shall take place until a Construction and Environmental Management Plan ('CEMP') has been submitted to, and agreed in writing by, the local planning authority. The CEMP shall accord with, and expand upon where necessary, the measures outlined in the associated Ecological Impact Assessment and BNG report of 27 May 2022, the Outline Dormouse Mitigation Strategy of 13 August 2021, the Outline Great Crested Newt Mitigation Strategy of August 2021, and shall include detailed method statements in order to avoid impacts to retained habitat of importance, namely hedgerows and trees, and protected and priority fauna. The agreed CEMP shall be adhered to throughout construction.
- 10) No development hereby permitted shall take place until a Landscape and Ecological Management Plan ('LEMP') has been submitted to, and approved in writing by, the local planning authority. The LEMP shall accord, and expand upon where necessary, the measures outlined in the associated Ecological Impact Assessment and BNG report of 27 May 2022, the Outline Dormouse Mitigation Strategy of 13 August 2021, and shall demonstrate that the habitat net gains and hedgerow net gains set out in paragraph S.6 of the Ecological Impact Assessment and BNG report of 27 May 2022 will be



achieved. The agreed LEMP shall be implemented, adhered to, and maintained in accordance with the approved details.

- 11) No dwelling hereby permitted shall be occupied until a lighting design strategy ('LDS') has been submitted to, and agreed in writing by, the local planning authority. The LDS shall accord with, and expand upon where necessary, the measures outlined in the associated Ecological Impact Assessment and BNG report of 27 May 2022, and shall include details of:

- i.sensitive areas,
- ii.dark corridors to be safeguarded,
- iii.the design or specification of external lighting including shields, cowls or blinds where appropriate,
- iv.a description of the luminosity and warmth of lights including a lux contour map
- v.the location and elevation of light fixings, and
- vi.methods to control lighting such as timer operation or passive infrared sensors.

The agreed LDS shall be implemented, adhered to, and maintained in accordance with the agreed details.

- 12) No dwelling hereby permitted shall be occupied until a drainage scheme for the disposal of foul water flows for the site has been submitted to, agreed in writing by the local planning authority, and implemented as agreed.
- 13) No development hereby permitted shall take place until a site waste management plan ('SWMP') has been submitted to, and agreed in writing by, the local planning authority. The SWMP shall include details of:

- i.the types and amount of waste materials forecast to be generated from the development during site preparation and construction,
- ii.the specific measures to be employed for dealing with the aforementioned materials so as to minimise their creation, maximise the amount of re-use and recycling on-site, maximise the amount of off-site recycling of any wastes that are unusable on-site and minimise the overall amount of waste sent to landfill, and
- iii.the proposed proportions of recycled content that will be used in construction materials.

The agreed SWMP shall be adhered to throughout construction.

- 14) No dwelling hereby permitted shall be occupied until a waste management scheme ('WMS') has been submitted to, and agreed in writing by, the local planning authority. The WMS shall include details of appropriate and

adequate space and infrastructure to allow for the separate storage of non-recyclable and recyclable waste materials. The agreed WMS shall be implemented before any dwelling hereby permitted is first occupied, including on a phase basis aligned with occupancy as necessary. Once implemented the agreed WMS shall thereafter be maintained.

- 15) No development hereby permitted shall take place until a Construction Management Plan ('CMP') has been submitted to, and agreed in writing by, the local planning authority. The CMP shall include details of:
- i. site access and egress (including any which are temporary),
  - ii. staff and contractor facilities and anticipated travel arrangements and advisory routes,
  - iii. measures to mitigate dust, noise, vibration and illumination (including in respect of any piling, power floating, machinery operation and vehicle reversing),
  - iv. measures to control any leaks or spillages, and for managing silt and any pollutants,
  - v. measures for the disposal and recycling of waste,
  - vi. locations for loading, unloading, and storing plant, waste and construction materials,
  - vii. measures to prevent mud and dust from being carried onto the highway,
  - viii. arrangements for vehicle turning,
  - ix. arrangement to receive abnormal loads or unusually large vehicles,
  - x. a highway condition survey, and
  - xi. methods of communicating the CMP to staff, visitors and neighbouring residents and businesses.

The agreed CMP shall be adhered to throughout construction.

- 16) No works related to the development hereby permitted, including operation of machinery, groundworks, construction and deliveries shall take place outside of the following hours: 08:00 to 18:00 Mondays to Fridays inclusive, 08:00 to 13:00 on Saturdays. No works related to the development hereby permitted shall take place at any time on Sundays or on Bank or Public Holidays.
- 17) Notwithstanding condition 2, before the dwelling hereby permitted at plot 1 is occupied, the first floor south-west facing window shown on approved plans GOCR-PL-018 Rev. A and GoGR-PL-019 Rev. A shall be installed as obscure glazed and shall be non-openable to a height of 1.7 metres above internal finished floor level. Once installed as such the foregoing window shall thereafter be maintained as such.

- 18) No dwelling hereby permitted shall be occupied until the following have been implemented and made available for use in accordance with the agreed plans, as agreed pursuant to other conditions in this schedule, or as previously submitted to and agreed in writing by the local planning authority: means of access for vehicles pedestrians and cyclists, and secure bicycle storage. Once implemented as agreed the foregoing shall thereafter be maintained only for their intended purposes.
- 19) If, during the course of undertaking the development hereby permitted, any unforeseen contamination is encountered, measures for remediation shall be submitted to, and agreed in writing by, the local planning authority before development affecting the relevant part of the site proceeds. Development shall be undertaken in accordance with any agreed remediation measures.

## **SCHEDULE 2, APPROVED PLANS**

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|---------|--|
| i.      | DLA 2016.L.06.P11 - LANDSCAPE MASTERPLAN               |
| ii.     | GOGR-PL-001 C -SITE LOCATION PLAN                      |
| iii.    | GOGR-PL-002 F - PLANNING LAYOUT                        |
| iv.     | GOGR-PL-003 A - MATERIALS PLAN                         |
| v.      | GOGR-PL-004 A -BOUNDARIES PLAN                         |
| vi.     | GOGR-PL-005 B -AFFORDABLE HOUSING                      |
| vii.    | GOGR-PL-006.0C -ACCOMMODATION SCHEDULE                 |
| viii.   | GOGR-PL-006.1A - AFFORDABLE HOUSING SCHEDULE           |
| ix.     | GOGR-PL-007 D - STOREY HEIGHTS PLAN                    |
| x.      | GOGR-PL-009 B -PARKING PLAN & SCHEDULE                 |
| xi.     | GOGR-PL-011 D - WASTE COLLECTION PLAN                  |
| xii.    | GOGR-PL-012 D - PROPOSED AREAS FOR MANAGED MAINTENANCE |
| xiii.   | GOGR-PL-001 A DOUBLE GARAGE PLAN AND ELEVATIONS        |
| xiv.    | GOGR-PL-002 A TWIN GARAGE PLANS AND ELEVATIONS         |
| xv.     | GOGR-PL-003 A SINGLE GARAGE PLANS AND ELEVATIONS       |
| xvi.    | GOGR-PL-004 - POPLAR FLOOR PLANS                       |
| xvii.   | GOGR-PL-005 - POPLAR ELEVATIONS                        |
| xviii.  | GOGR-PL-006 - CLEMATIS FLOOR PLANS                     |
| xix.    | GOGR-PL-007 - CLEMATIS ELEVATIONS                      |
| xx.     | GOGR-PL-008 - LIME FLOOR PLANS                         |
| xxi.    | GOGR-PL-009 - LIME ELEVATIONS                          |
| xxii.   | GOGR-PL-010 - ROWAN FLOOR PLANS                        |
| xxiii.  | GOGR-PL-011 - ROWAN ELEVATIONS                         |
| xxiv.   | GOGR-PL-012 - CAMELLIA FLOOR PLANS                     |
| xxv.    | GOGR-PL-013 - CAMELLIA ELEVATIONS                      |
| xxvi.   | GOGR-PL-014 A - BEECH FLOOR PLANS                      |
| xxvii.  | GOGR-PL-015 A - BEECH ELEVATIONS                       |
| xxviii. | GOGR-PL-016 - CEDAR FLOOR PLANS                        |
| xxix.   | GOGR-PL-017 - CEDAR ELEVATIONS                         |
| xxx.    | GOGR-PL-018 A - WALNUT FLOOR PLANS                     |
| xxxi.   | GOGR-PL-019 A - WALNUT ELEVATIONS                      |
| xxxii.  | GOGR-PL-020 A - SYCAMORE FLOOR PLANS                   |
| xxxiii. | GOGR-PL-021 A - SYCAMORE ELEVATIONS                    |
| xxxiv.  | GOGR-PL-022 A - 1B2P FLOOR PLANS                       |
| xxxv.   | GOGR-PL-023 A - 1B2P ELEVATIONS                        |

xxxvi.	GOG-PL-024	A - 1B2P BUNGALOW M4(3) FLOOR PLANS
xxxvii.	GOG-PL-025	A - 1B2P BUNGALOW M4(3) ELEVATIONS
xxxviii.	GOG-PL-026	- 2B4P BUNGALOW M4(3) FLOOR PLANS
xxxix.	GOG-PL-027	- 2B4P BUNGALOW M4(3) ELEVATIONS
xl.	GOG-PL-028	A - 2B4P M4(2) FLOOR PLANS
xli.	GOG-PL-029	A - 2B4P M4(2) ELEVATIONS
xlii.	GOG-PL-026	A - 2B4P M4(2) ELEVATIONS
xliii.	GOG-PL-031	A - 3B5P M4(2) FLOOR PLANS
xliv.	GOG-PL-032	A - 3B5P M4(2) ELEVATIONS
xl.	GOG-PL-033	- 4B7P M4(2) FLOOR PLANS
xlvi.	GOG-PL-034	- 4B7P M4(2) ELEVATIONS
xlvi.	GOG-PL-009	- STREET SCENES
xlvi.	5143652-ATK-DR-D-003 P5	- PROPOSED SURFACE WATER DRAINAGE STRATEGY
xlix.	FIGURE 3 OF TRANSPORT STATEMENT DATED MAY 2022	- PROPOSED SITE ACCESSES AND PEDESTRIAN CONNECTION

### SCHEDULE 3, APPEARANCES

#### FOR THE APPELLANT:

Peter Goatley KC	No5 Barristers' Chambers
Nathan McLoughlin	McLoughlin Planning
Michael Davies	Davies Landscape Architects
Cameron Austin-Fell	RPS group
David Tingay	Key Transport Consultants Ltd.
Rachel Chatting	Tyler Grange Group Ltd.
Harry Du Bois-Jones	Tyler Grange Group Ltd.

#### FOR THE LOCAL PLANNING AUTHORITY:

Robin Green	Cornerstone Barristers
Paul Instone	Applied Town Planning Ltd.
Stuart Ryder	Ryder Landscape Consultants Ltd.
Jeremy Butterworth	J Butterworth Planning Ltd.
Stephen Chandler	Gloucestershire County Council

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**'RULE 6' PARTIES:**

Eddie McLarnon	On behalf of Gotherington Parish Council
Christine White	On behalf of the Manor Lane Action Group

**THIRD/ INTERESTED PARTIES:**

Nicola Wilson	Local resident
Marianne Andrews	Local resident
Sarah Barsby-Finch	Local resident
Michael Stevens	Local resident

EP5C



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## Appeal Decision

Inquiry opened on 10 January 2023

Site visits made on 1 November 2022 and on 9 and 13 January 2023

**by Mrs J Wilson BA (Hons) BTP MRTPI DMS**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> March 2023

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**Appeal Ref: APP/G1630/W/21/3284820**

**Part Parcel 0025, Hill End Road, Twyning, Gloucestershire, GL20 6JD, 389971, 237249.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
  - The appeal is made by Hayfield Homes against Tewkesbury Borough Council.
  - The application Ref 21/00291/OUT, is dated 2 March 2021.
  - The development proposed is an Outline application for up to 55 dwellings and detailed access from Hill End Road, with all other matters reserved.
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### Decision

1. The appeal is dismissed, and planning permission is refused.

### Preliminary Matters

2. The application is made in outline with only access to be determined. Accompanying the application is a Framework Plan which I have treated as illustrative. Additional plans not part of the original submission indicate how the access, visibility splays and retaining walls would be formed, these were confirmed to have been the subject of consultation during the life of the application by Tewkesbury Borough Council (the Council). I have therefore considered these detailed plans in respect of the access.
3. The Council set out its putative reasons for refusal in April 2022, these refer to the emerging policies of the Tewkesbury Borough Plan (the TBP). The TBP was adopted by the Council on 8 June 2022 and I have considered the appeal on the basis of the adopted rather than the emerging policies which are referred to in the putative reasons for refusal.
4. Additional notices of ownership were served in respect of two small areas of land to the southern extremities of the site. I am satisfied that the owners of the land have had an opportunity to comment on the appeal proposal and have not been prejudiced by service of notice at the appeal rather than the application stage.
5. The Council, following the result of an independent review, confirmed it did not intend to pursue the fourth putative reason for refusal relating to highway safety. I have no evidence before me which would lead me to take a different view on this matter though this is entirely separate from the visual impacts of the access, a matter to which I will return.

6. I held an online Case Management Conference (CMC) on 13 September 2022. The CMC discussion covered the following; the identification of main issues; how the evidence would be dealt with at the Inquiry; the provision of statements of common ground; the listing of core documents and the timetable for their submission along with other procedural matters. The merits of the case were not part of that discussion.
7. Two revised Section 106 agreements were submitted towards the latter stages of the Inquiry. The first relating to Gloucester County Council (GCC) and the second in respect of this Borough Council. These agreements overcame the matters identified in the fifth putative reason for refusal to the satisfaction of both Councils. I shall return to them later in my decision.

### **Main Issues**

8. The main issues are:
  - a) The effect of the development on the character and appearance of the area including its effect on protected trees.
  - b) Whether the site is a suitable location for development having regard to local and national planning policy.
  - c) The housing land supply (HLS) position for Tewkesbury Borough Council.

### **Reasons**

#### Site Description and Background

9. The appeal site is an area of mixed woodland located immediately to the north of the village of Twyning. The entire appeal site is subject to a Tree Preservation Order <sup>1</sup> the central core of which is a mixed woodland of oak, birch, ash, willow, cherry, and hazel. It was planted in 2012 as part of an environmental initiative involving the Woodland Trust to celebrate the Diamond Jubilee of Queen Elizabeth II. For that reason, the woodland has a cultural significance for the local community. Prior to 2012, the site was an open field, historical mapping indicates that it was known as Nut Orchard though no evidence was produced, beyond the name attributed to it, to indicate any other historic use. There are mature trees and older vegetation to the outer edges of the appeal site and whilst layout is not for determination through this appeal, the indications are that generally boundary planting would be retained.
10. The woodland is on slightly elevated land above the village and there are four Public Rights of Way (PROWs) which cross or border the site. Those which cross this woodland produce a strong feeling of enclosure even though from some points longer range views are achieved across the surrounding landscape particularly towards the Cotswold Area of Outstanding Natural Beauty (AONB), the boundary of which is some distance to the east beyond the M5 corridor. The 2014 Landscape and Visual Sensitivity Study<sup>2</sup> defines the area including the appeal site as having a high visual sensitivity and a high landscape sensitivity.

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<sup>1</sup> TPO reference No.410 - Dated 20/10/21

<sup>2</sup> Appendix 2 to CD A1.15 Landscape and Visual Appraisal 2021 referring to TBC Landscape and Visual Sensitivity Study 2014



11. The site is accessible via the PROWs which cross the site which are also connected to footpaths in the wider area with points of access on the northern edge of the site via timber stiles and on the southern edge via footways. These footways connect to Hill End Lane and from a number of points onto Hill End Avenue. This gives widespread access on foot for the local community. The young woodland, whilst planted as part of a Forestry Commission and community initiative, remains in private ownership with no public access to it other than via the PROWs. Moreover, the land has changed ownership and the appellants have confirmed that the Forestry Commission funding paid via the English Woodlands Grants Scheme has been repaid as the terms attached to it had not been fulfilled.
12. Temporary Heras<sup>3</sup> fencing has been erected to both sides of the footpaths which cross the site. The Inquiry was advised that these were erected after the submission of the appeal proposal with their purpose being to prevent users of the path straying onto the privately owned parts of the appeal site.

#### Character and Appearance

13. The experience of the site for users of the public footpath network is that of a tranquil environment which, for the most part, is visually separated from the village. The appellants<sup>4</sup> describe a strong sense of enclosure and separation from the settlement and the wider rural landscape. Whilst there is an awareness of a visual connection with the village from the southern edge of the site, I found there to be a profound sense of tranquillity experienced when walking the footpaths across and around the appeal site. There was a very distant sense of traffic noise however the overwhelming experience was that of complete solitude, enhanced by a continuous presence of birdsong.
14. The presence of the Heras fencing defining the edges of the public rights of way detracts from the visual enjoyment of users of the footpaths. However, the fencing is a feature which is temporary in nature and its open construction and appearance mitigates that impact. It does not detract from the sense of separation from the village that users of the paths experience across the site. Importantly, I found that the fencing does not substantially diminish the experience of the woodland for users of the footpath.
15. On the occasions that I visited the site I observed that the paths were well used for recreation. It was also clear from the evidence given to the Inquiry that the site and wider surrounding area are highly valued by local residents. The young woodland makes an important contribution to the enjoyment of the users of the PROWs. Representors attested to the environmental benefits of the woodland and the contribution it makes to the wellbeing of local residents. The proximity of the woodland to large areas of housing in the village make it readily accessible to the local community and that proximity encourages daily usage.
16. Even though the public rights of way would be retained or diverted to alternative routes, the character of the site area and the manner in which it is experienced would be permanently, irreparably, and irreversibly changed by the extensive loss of protected trees and the introduction of residential development.

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<sup>3</sup> Temporary fence panelling of open wire construction approximately 2 metres in height

<sup>4</sup> Paragraph 4.19 of Paul Harris POE

17. In evidence it was established that the proposal would not have a significant effect on the wider landscape setting of the site or the village and that the appeal site was not subject to any special designation nor was it categorised as a valued landscape. Similarly, there would be no substantive effect on the Cotswolds AONB. Nonetheless, I saw from my visits that the development of the site would be visible from the footpath network to the north. From this higher land the loss of the central core of the woodland would be highly noticeable and the introduction of the roofscape associated with up to 55 dwellings would be conspicuous and intrusive in the local landscape. Moreover, from this direction the existing established soft edge to the village would be diluted by the development which would represent a harmful visual intrusion in conflict with Policies LAN2 and NAT1 of the TBP the latter of which automatically applies to trees protected by a Tree Preservation Order<sup>5</sup>. These aims are consistent with the Framework provisions protecting the natural environment.
18. It was accepted that the proposed development will result in the loss of hedgerow to Hill End Lane together with the majority of the young trees within the woodland which are protected by a woodland TPO<sup>6</sup>. The arboricultural assessment of these trees was disputed with differing values placed when measured against the cascade chart for tree quality assessment<sup>7</sup>. It was clear that a large proportion of the 2000 trees planted in 2012 are young and have not yet reached the 150mm diameter, a size which would afford them a higher classification arboriculturally. Nonetheless the trees clearly have a considerable life expectancy and are part of a local commemorative initiative and have a higher collective rating than they would have as individual trees. The quality assessment is advisory, and the matrix is open to greater interpretation than the more rigid version advocated by the appellant.
19. Evidence was given that the woodland had not benefited from any tree management since its planting, conversely it was put to me that the woodland had established well and would not have required active management. It was not disputed that most of the planted trees are growing well, and they form a healthy albeit young woodland. The Framework<sup>8</sup> recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital, this includes the benefits of trees and woodland. On this site the trees form a healthy woodland which was planted for community benefit, but which is in private ownership.
20. The Framework has a clear environmental objective to protect and enhance the natural environment and the woodland performs a role in relation to resilience to climate change. In this case the cumulative impact of the number and density of young trees make a significant contribution to local character. The woodland has good future potential to develop to maturity without causing harm to, or conflict with, adjoining properties and uses. It also contributes to the wider green infrastructure network and is of value in that regard. The loss of the woodland would undermine the aims of Policy NAT1 of the TBP which seeks to protect trees and which is not limited to ancient woodland and veteran trees. It would also conflict with Policy GD4 of the Twyning Neighbourhood Plan

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<sup>5</sup> Paragraph 8.46 of the TBP

<sup>6</sup> TPO reference (No.410) 2021

<sup>7</sup> Table 1 Cascade chart for tree quality assessment – source page 9 BS 5837:2012 attached to JB Holding POE

<sup>8</sup> Paragraph 174 b)

- (the TNP) which seeks to safeguard and where appropriate enhance existing trees and resist their removal.
21. Paragraph 131 of the Framework makes clear that trees make an important contribution and can help to mitigate and adapt to climate change. The Framework is also clear that measures should be put in place to secure the long term maintenance of newly planted trees and to retain existing trees wherever possible. The Framework recognises the contribution which trees make to climate change resilience.
  22. The extent of the tree removal would effectively result in the loss of the overwhelming majority of the young woodland trees, the retained tree groups would be fragmented and the character of the site as woodland would be lost.
  23. The sheer quantum of trees planted means that the woodland provides a high level of public amenity from the established PROWs and even though surveys do not reveal the presence of protected species the woodland has a wildlife value and character which would be obliterated across a substantial proportion of the site. The rural experience enjoyed by users of the PROWs through and around the site would inevitably be lost as a result of the proposed development. The contribution which the woodland makes to the character of the area is a factor which weighs heavily against the removal of the woodland.
  24. Local representors and elected members attested to the health benefits and amenity value for families and local residents. These benefits would be lost by the proposal and would not be satisfactorily mitigated by formal public access to areas of the site adjacent to the footpaths which is proposed in the development. As such it would fundamentally conflict with the aims of the TNP.
  25. The effect of the creation of the access onto Hill End Lane with the changes to provide visibility splays and footpaths would also result in the urbanisation of Hill End Lane where the existing vegetation makes a considerable visual contribution to the edge of the village as the Lane transitions from the village to the more sporadic built form at Hill End which is generally linear in nature. The extent of the physical alteration involved, given that the level of the site sits above Hill End Lane, would result in the extensive loss of trees and vegetation such that the formation of the access would have an urbanising and visually harmful effect on the appearance of the site from Hill End Lane.
  26. Policy GD4 of the TNP focuses on the protection of natural and ecological assets aiming to reinforce local distinctiveness, protect features which are culturally significant unless there are overriding reasons for their removal. Policy GD4 also expects and requires applications for residential development to set out measures to safeguard and where appropriate enhance existing trees sympathetic to the character and visual quality of the area, and to respect, enhance and not be detrimental to the character or visual amenity of the landscape. The proposal would be at odds with these requirements.
  27. The appellants have proposed mitigation in the form of a surrogate site, the planting of which was initially intended as the provision of land to achieve a substantive level of Biodiversity Net Gain (BNG) secured through a section 106 agreement. A concession was made during the latter stages of the Inquiry to incorporate some public access to that land, the manner and extent of which would be determined in the future between the Council and the developer.

28. I visited the surrogate site and saw that an existing public footpath skirts its northern boundary. The surrogate site is accessible on foot a short distance up the hill and is around 10 minutes walk away from the appeal site. It was clear that the scheme involved the relocation of 50 of the trees from the appeal site whilst around 2000 would be lost. It was established in evidence that the requisite amount of BNG could be achieved through improvements to the quality of the surrogate land and that its use for that purpose would be secured for a minimum of 30 years. From the evidence before me, even though the surrogate site would facilitate BNG in excess of that required, it would not represent an equivalent facility for the local community even taking into account the undertaking to provide an as yet undefined level of public access. The surrogate site would not represent an equivalent area to the appeal site visually nor in terms of character and appearance. Indeed, the appellants confirmed that the surrogate site would not be woodland but enhanced pastureland. It would be far less accessible or useable to the village community and would be of a substantively different character.
29. I do not criticise the provision of the surrogate site as alternative biodiversity land which would be enriched for that purpose. The technical assessments presented indicate that replacement habitat could be achieved to secure the requisite BNG. The site is however more remote from the village such that the use of it would be no match to the extent that the village community currently use the appeal site. In terms of an equivalent or replacement facility, it would not in my judgement provide sufficient mitigation to justify the loss of the protected woodland.
30. Taking these matters together the proposed development would represent an unsympathetic encroachment into open countryside resulting in an incongruous and urbanising intrusion into the protected woodland. This would result in significant and demonstrable harm to the character and appearance of the appeal site and the local landscape in a location cheek by jowl with the village.
31. For these reasons the proposal would conflict with Policies SD6 and INF3 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy 2011-2031 (2017) (JCS), Policies LAN2, NAT1 and NAT3 of the TBP, Policy GD4 of the TNP, and advice set out in the Framework. These policies, amongst other things, seek to protect landscape character for its own intrinsic beauty and for the benefit it brings to environmental and social wellbeing, to protect trees and conserve green infrastructure and the natural environment.

#### Spatial Distribution

32. The adopted development plan comprises the JCS, the TBP, and the TNP. These plans direct that new development is to be focused in and around the main settlements. The site lies outside the settlement boundary of Twyning though within the TNP area. For the purposes of planning policy, the appeal site lies within the open countryside, this was not disputed by the parties.
33. The JCS is now over five years old, and work has begun on the preparation of the JCS Review. However, work is still at a very early stage such that very little weight can be given to the policy contents of the JCS Review.
34. The spatial strategy intends to deliver the housing requirement through a combination of capacity within settlement boundaries, local plan allocations and land allocated through the neighbourhood planning process. Service villages

are identified for meeting lower levels of development also to be allocated via the TBP and the TNP. These requirements are set out in Policies SP2 and SD10 of the JCS. The development plan does support that new housing can be considered outside of defined Settlement Boundaries where such development would meet criteria set out in other policies in the plan or where it is essential for the proposal to be located in the countryside; neither is the case here.

35. The site lies outside the development boundary of the village of Twyning, it is not allocated for residential development and does not accord with the exceptions provided for by the development plan including Policy GD1 of the TNP which reflects the spatial requirements of the JCS.
36. Taking these matters together the development would conflict with the strategy for the distribution of new development in Tewkesbury Borough and represents development which is neither anticipated nor sought by the development plan. It would conflict with Policies SP2 and SD10 of the JCS, Policy GD1 of the TNP and Policies RES3 and RES5 of the TBP. These policies seek to ensure that the distribution of new development in Tewkesbury Borough is focused on main settlements and within service villages unless it meets specified exceptions; to ensure that new housing respects the form of the settlement and its setting and does not represent an intrusion into the countryside.
37. In reaching this conclusion I have not found conflict with Policy RES2 of the TBP which refers to development within settlement boundaries and which does not apply to the appeal site.

#### *Housing land supply*

38. The JCS<sup>9</sup> applies to Tewkesbury and is now more than five years old. It is a matter of agreement between the Council and the appellants that, in accordance with paragraph 74 of the Framework, the correct approach to defining Tewkesbury's Local Housing Need (LHN) is the use of the Standard Method (SM). This is calculated for local authority administrative areas. It is also common ground<sup>10</sup> that the land supply period is 1 April 2022 to 31 March 2027 and that the local housing needs figure for the Tewkesbury administrative area is 578 homes per annum<sup>11</sup>.
39. The parties disagree on whether the Council can demonstrate a 5-year supply of housing. Disputes relate to the attribution of units from strategic housing sites on the periphery of the Tewkesbury district which are part of the strategic allocations within the JCS to serve Gloucester City, and the way those units are accounted for now that the JCS is more than five years old and the housing requirement is to be calculated by the SM. At its core, the issue is whether, on a geographical basis, the dwellings arising from the strategic allocations which lie within Tewkesbury's administrative area should now be included in the supply figures for Tewkesbury<sup>12</sup>. The difference between the two positions is substantial with the appellant arguing a figure of 2.23 years supply and the Council 6.61 years supply<sup>13</sup>.

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<sup>9</sup> CD E1

<sup>10</sup> HLS SoCG CD C9 Para 2.3

<sup>11</sup> HLS SoCG CD C9 Para 2.6

<sup>12</sup> Cheltenham figures have not yet been included as the urban extension sites in Tewkesbury but serving Cheltenham cannot yet be considered deliverable against the Framework glossary definition.

<sup>13</sup> Page 8 of Core document C.9 HLS SOCG



40. The TBP was adopted in June 2022. At that time the examining Inspector recognised that the JCS had been adopted in 2017 on the basis that an immediate review would be carried out to address an anticipated future shortfall in HLS in Tewkesbury. That review has not taken place. The TBP Inspector also confirmed that it was not the role of the TBP as a stage II allocations plan to address the strategic policy framework for which the proper mechanism would be the JCS Review. The JCS indicates that the district level plans, in this case the TBP, will provide more detailed and locally specific planning policies as well as local site allocations (para 3.1.18).
41. Policy SP2 in the JCS explicitly states that regardless of the fact that the majority of the land is within Tewkesbury Borough, the urban extensions are identified to meet the unmet needs of Gloucester or Cheltenham. Therefore, dwellings being delivered on urban extensions to Gloucester or Cheltenham will contribute solely to the needs of their land supply calculations (Paragraph 3.2.23)<sup>14</sup>. This gives clear recognition of the commitment by the three authorities to a joint approach identifying sites in Tewkesbury to meet the needs arising from the urban areas in Gloucester City and Cheltenham.
42. Notwithstanding the commitments of the JCS to the level of housing need under the Objectively Assessed Need (OAN) calculations and the inclusion of supply figures there is nothing to confirm that any commitment to an accounting methodology for delivery has been established between the three JCS authorities. It was asserted<sup>15</sup> that the Housing Delivery Test (HDT) data takes a joint approach to monitoring the delivery of housing across the JCS, though that was subsequently clarified by the Council as inaccurate with delivery accounted separately for each of the three Councils. HDT by its very nature takes a retrospective look at delivery rather than considering the forward supply though serves to illustrate that the Councils are not reporting jointly.
43. The Planning Practice Guidance (PPG) defines a 5-year supply as 'a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against a housing requirement set out in adopted strategic policies or (my underlining) against a local need figure using the standard method'. It goes on to say that LHN calculated using the SM should be used in place of the previous housing requirement where the strategic policies are more than five years old. Whilst Framework Paragraph 74 is very clear regarding LHN, neither that paragraph, the PPG nor the SM indicate that the method by which housing supply is to be accounted for should alter. It is clear from the inputs that LHN operates housing need purely on administrative boundaries. This applies to all three JCS authorities given the age of their joint plan.
44. It is understandable that Tewkesbury should re-evaluate their overall position following the 5 year anniversary of the plan on 12 December 2022, however the LHN pertains to housing need and there is no substantive evidence that this change to the local needs figure would impact on the spatial distribution set out in Policy SP2 of the JCS. Crucially, Policy SP2 was not argued to be out of date nor inapplicable during the Inquiry other than in respect of the quantitative elements of housing numbers.

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<sup>14</sup> JCS figures identify 4895 to serve Gloucester and 2610 to serve Cheltenham – source table SP2a

<sup>15</sup> By the Councils HLS Witness Mr Pestell

45. Furthermore, the content of Policy SP2 in respect of strategic sites within Tewkesbury and their attribution to supply is quite specific. The effect of these circumstances leaves TBC in the unenviable position that their housing need has increased through LHN whilst their ability to meet that need remains constrained through the JCS commitments to meet unmet need from Gloucester (and later for Cheltenham) on strategic allocations on the edge of the urban area of Gloucester and Cheltenham but within the Tewkesbury administrative area. Even so, the policy commitment of the three Councils to work together to deliver development in the most sustainable urban locations is explicit and the wording of Policy SP2 went unchallenged at the Inquiry save for the quantitative LHN point. On the evidence before me, the spatial aspects of Policy SP2 remain relevant. In terms of the reporting and delivery of dwellings and the method of their attribution to housing supply I have no persuasive evidence before me to support any commitment or methodology for units delivered within Tewkesbury but on the JCS strategic sites to be credited in supply terms other than in accordance with Policy SP2 of the JCS.
46. It was put to me that the houses on the strategic sites intended to meet the housing needs of Gloucester City and Cheltenham which lie within the Tewkesbury administrative area, would disappear if they were not attributed to Tewkesbury as neither Gloucester City nor Cheltenham would be able to count them under LHN. However, that approach conflates housing need with supply when the two are markedly different steps in the process and which must be undertaken separately<sup>16</sup>. Moreover, there is nothing in the Framework or the PPG which indicates that supply must be calculated only by reference to deliverable sites in the TBC area in circumstances where LHN is being used to determine the housing need.
47. The numerical aspects in Policy SP2 have been superseded by the LHN calculations for all three Councils, however, the spatial strategy in that policy is manifested in the strategic allocations for the urban extensions. To my mind, adopting an alternative approach for the calculations of need, driven by the LHN using the SM does not undermine the intended role of strategic sites nor does it provide for an alternative apportionment of supply to that identified in the JCS. The currently proposed apportionment of housing growth may change through the JCS Review process but that is not a matter for this appeal but rather for the separate JCS Review process. Insofar as the application of the spatial strategy in the JCS is concerned the development plan policies are the fundamental starting position and set the context for the consideration of this appeal having the force of the statutory development plan.
48. The Inquiry heard evidence in a round table session about the detail of several sites which the appellants contended were not deliverable. Some adjustment of these figures arises from concessions made by the appellants on updated information, which would benefit the Council's position rather than that argued by the appellants in their original evidence. However, those adjustments would not materially alter the overall position on 5-year HLS given the quantum of development involved in the strategic sites which policy makes clear are to be taken to meet the needs of Gloucester City (and Cheltenham) within the JCS.
49. Taking all of the above factors into account, and on the basis of the facts and evidence before me, I find the appellants approach to the assessment of

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<sup>16</sup> PPG Reference ID: 2a-001-20190220

housing supply to be the more appropriate course of action. Consequently, I conclude that an HLS in excess of 5 years cannot, at this time, be demonstrated.

50. In reaching this conclusion I have had regard to the appeal decisions elsewhere in Tewkesbury and the surrounding area which have been referred to. Those decisions referred to predate the change to the LHN method of calculating need for the JCS and pre-date the adoption of the TBP. In that regard the circumstances are materially different, and I have to determine this appeal on the facts and evidence as they relate to the circumstances now. In any event those appeals do not alter my conclusions on this matter.

### **Other matters**

#### *Asset of Community Value*

51. The appeal site is currently identified as an Asset of Community Value (ACV) though that designation has been challenged and is due to be heard by the land tribunal on an as yet unknown date. The nomination of the woodland as an ACV was made by Twyning Parish Council and serves to highlight the importance that the local community places on the use and the social value of the land. Notwithstanding this, Policy COM1 of the TBP which covers the protection of Community Assets and sets criteria by which any loss of an ACV would be considered, is not cited in the putative reasons for refusal and it cannot be certain at this time whether the ACV will be confirmed. Therefore, the weight that can be attributed to the ACV listing at this time is limited and it has not been determinative to the outcome of this appeal.

#### *Protected Species*

52. Ecological evidence was presented by the appellants the detail of which was not challenged by the Council. The appellants surveys undertaken have not revealed the presence of protected species on the site. In the event that development was to proceed planning conditions could be imposed to ensure that ecological enhancement features would be secured.

#### *Effect on Designated Conservation sites*

53. The appeal site lies around 730m west of the Upham Meadow and Summer Leasow Site of Special Scientific Interest and is also within the impact risk zone for the Bredon Hill Special Area of Conservation. A shadow Habitats Regulations Assessment<sup>17</sup> was undertaken by the appellants which concluded that the proposals would not be likely to impact, either alone or in combination, with the designated sites close to the appeal site and the Council did not dispute those conclusions. Taking a precautionary approach, the appellants intend to include mitigations measures through the requirements for Homeowner Information packs. On the basis of the evidence there is nothing to indicate that the proposed development would result in likely significant effects on the identified sites, and I am satisfied that in the event that I were minded to allow the appeal, an appropriate assessment would not be required.

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<sup>17</sup> CD C1.16



### *Other Issues Raised*

54. The land ownership dispute in relation to whether land on the site frontage is highway or privately owned is noted. However, it is not for me to determine who owns that land as the dispute is of a private nature outside the remit of the appeal process.
55. The Parish Council highlight that there is a local issue with foul sewage in the village with insufficient capacity to serve additional dwellings. Severn Trent Water considered the application in relation to wastewater and raised no objections subject to the imposition of conditions regarding the disposal of waste and surface water flows which would avoid exacerbating any flooding issues in order to minimise the risk of pollution. The Lead Local Flood Authority also raised no objection subject to conditions. On this basis there is no substantive evidence to demonstrate that satisfactory infrastructure could not be secured for the site.
56. There is a cultural significance of the woodland having been planted by villagers as part of an initiative for the Queens Diamond Jubilee. Policy GD4 of the TNP states that features which are culturally significant shall be retained unless there are overriding reasons for their removal. In this regard the loss of the woodland weighs against the proposal given the conflict with the content of the TNP.
57. I have had regard to other concerns raised in correspondence and at the Inquiry by interested parties, beyond those already addressed. However, none of these concerns are significant enough to alter my conclusions on the main issues or weigh materially for or against the proposal. Consequently, I do not address them further.
58. The appellant argued that there was no good reason to depart from the officer recommendation initially made on the application. However, I have found that the circumstances relating to the site are now different to those when the recommendation was made. In any event it is the resolution of the Council in relation to the putative reasons for refusal to which I must have regard and I have reached my conclusions on the basis of the evidence given to the Inquiry. That initial recommendation by officers does not carry substantive weight in my deliberations.

### *Benefits*

59. The appellants highlight there are benefits to the scheme advocating that substantial weight should be given to the provision of open market housing, the Council say that this should be given moderate to significant weight however due to the 5-year HLS position and the Framework imperative to significantly boost the supply of housing I am of the view that substantial weight should be given to the provision of housing including the affordable units.
60. The benefits arising from construction investment and jobs associated with it are unquantified. However, paragraph 81 of the Framework makes clear that significant weight should be placed on supporting economic growth and productivity. Nonetheless, the temporary nature of construction inevitably means that the benefits are short term and, as a result, this leads me to conclude that such benefits would be moderate rather than significant. There

was no dispute that the provision of public open space and improvements in green infrastructure and the facilitation of public access to the land which is currently private should be attributed moderate weight and I have no reason to disagree with that conclusion. Moderate weight is attached to the provision of the surrogate site including provision of 10% BNG; and similarly moderate weight to the financial contributions to offsite infrastructure. All these benefits weigh in favour of the development.

#### *Legal agreement*

61. The Council and the appellants have reached agreement on the wording of two CIL compliant planning obligations to secure financial contributions towards education and library provision, affordable housing, a travel plan and the provision of a Locally Equipped area for Play (LEAP). At the Inquiry the Council confirmed that, subject to the conclusion of those agreements, reason for refusal five would be overcome. On that basis it was no longer contested at the Inquiry. I am satisfied that each sought obligation would meet the tests set out in Paragraph 57 of the Framework for planning obligations. As a result, I have taken the completed agreements into account.

#### **Planning Balance**

62. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Development which would conflict with and undermine the strategy of an approved development plan and the Framework when taken as a whole would, in planning terms, be harmful.
63. Notwithstanding the proximity of the appeal site to a 'service village' which the JCS recognises has relatively good accessibility credentials, this is a speculative development on an undeveloped and wooded site protected by a TPO which is located outside the settlement limits of the village of Twyning. I have found that the development would not integrate well with the settlement and would be harmful to the character and appearance of the area leading to encroachment into the countryside in conflict with the JCS, the TLP and the TNP. Whilst that conflict would not affect a landscape designated as 'valued' it would nonetheless significantly affect the setting, scenic character, and visual quality of the village of Twyning. Additionally, and of no less importance, development would result in the loss of a significant number of protected, albeit young trees. I have found that permanent and irreversible harm would be caused to the local landscape immediately adjacent to the settlement edge and to the experience of users of the PROWs which cross the site. These are matters to which I attach considerable weight.
64. Development on the site would conflict with important strategic objectives of the Development Plan including the Neighbourhood Plan; a position which is supported by the Framework commitment in recognising the intrinsic character and beauty of the countryside and the protection of trees and woodland. These are matters which weigh heavily against the appeal scheme.
65. The proposal must also be assessed against the provisions of paragraph 11 d) of the Framework given that I have concluded the Council cannot demonstrate a 5-year supply for the delivery of housing. This is a material consideration, particularly so given the extent of the identified shortfall and is a matter to

which I must attach substantial weight. Even so, I have found that the harm from the scheme would significantly and demonstrably outweigh the benefits outlined above which include the significant contribution which the appeal scheme would make to the current housing shortfall. Even if I was to accept the Council's position on housing land supply, which I don't accept, and they could demonstrate a 5-year supply of deliverable housing sites, this would not have changed my conclusion that the appeal should be dismissed, and planning permission refused. As such the Framework considerations taken as a whole weigh heavily against the proposal and the totality of the material considerations does not justify making a decision other than in accordance with the development plan.

### **Conclusion**

66. Taking all these matters together I have found nothing to alter my conclusion that the appeal should be determined in accordance with the development plan when taken as a whole. Consequently, the appeal is dismissed, and planning permission refused.

*Mrs J Wilson*

INSPECTOR

## **ANNEX A: APPEARANCES**

### **FOR THE APPELLANTS:**

Mr Killian Garvey, Counsel Kings Chambers instructed by Mr Oliver Rider

He called

- Mr Rider MSc MRTPI of Zesta Planning Limited Planning witness
- Mr Paul Barton MSc, BSc (Hons) MArborA, RArborA of Barton Hyett Associates Limited - Arboricultural Witness
- Mr Paul Harris CMLI of MHP Design Limited - Landscape Witness
- Mr Jeff Richards BA (Hons) MTP MRTPI of Turley - 5YR HLS and affordable housing Witness
- Mr Dominic Farmer BSc. (Hons) MSc MCIEEM, CEnv of Ecology Solutions on Ecology matters
- Mr Richard Thurling of Gowling Solicitors – Round table session on 106 matters.

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Jeremy Patterson One Legal instructed by Tewkesbury Borough Council

He called

- Ms Helen Morris BSc Dip TP MRTPI, Director (RCA Regeneration Ltd) - Planning witness
- Mr Richard Pestell, MPhil MRTPI Director of Planning (Stantec) – 5YR HLS witness
- Ms Claire Bromley BSc MSc Licentiate RTPI Senior Planning Policy Officer Tewkesbury Borough Council.
- John-Paul Friend, HND (LGD) BA Hons Dip LA CMLI Director (LVIA Ltd) Landscape witness
- Mr John Benjamin Holding. BSc FAA Arboricultural witness
- Mr Gary Spencer – Locum Solicitor to Tewkesbury Borough Council.
- Mr James Lloyd – Planning Team Leader Tewkesbury Borough Council

### **Other parties**

Mr Simon Chaplin of Gloucester County Council

Mr Krzysztof Kwiatkowski of Gloucester County Council

### **Representors**

- Mr Dr Herold
- Councillor Cate Cody - County Councillor
- Councillor Phillip Workman – Tewkesbury North and Twyning
- Councillor David J Luckett – Tewkesbury Parish Council
- Councillor Sztymiak - Tewkesbury North and Twyning
- Mr Roberts – Local resident
- Ms Helen Carver – Tewkesbury resident and volunteer for Gloucester Wildlife Trust

## **ANNEX B: Inquiry Documents**

A following is a list of documents submitted during the Inquiry

INQDoc1 -	Appellants opening
INQDoc2	Council opening
INQDoc3	Bundle of documents from the appellants relating to Dr Herold's correspondence (received electronically) <ul style="list-style-type: none"><li>i. Gowling WLG – Highway note</li><li>ii. Site Plan ref DWG No.9834-PLO1</li><li>iii. Letter from Dr Herold dated 2 January 2023</li><li>iv. Land Registry Title Plan GR149185</li><li>v. Official Copy of register of title GR149185</li><li>vi. Land Registry title plan GR269672</li><li>vii. Official copy of register of title – GR269672</li><li>viii. Highway authority search (101251017) [4][1]</li></ul>
INQDoc4	Statement from Councillor Luckett (Parish Councillor)
INQDoc5	Extract from Magic Map – supplied by the Council
INQDoc6	Letter from the Forestry Commission regarding the repayment of the funding from the English Woodland Grant Scheme
INQDoc7	Vale of White Horse Local Plan Part 1 Review document 2021
INQDoc8	Site Visit Itinerary – agreed between the Council and the appellant
INQDoc9	Asset of Community Value – DCLG Policy Statement 2011
INQDoc10	<ul style="list-style-type: none"><li>i. Request from Inspector to Council on Housing Delivery Test (HDT) monitoring</li><li>ii. Response from Council re HDT monitoring</li></ul>
INQDoc11	Email from Tewkesbury Borough Council updating the status of sites outlined in section 3 of the Planning Statement of Common Ground
INQDoc12	List of qualifications of the appellants witnesses
INQDoc13	Revised Section 106 agreement with Gloucestershire County Council - revision of Core Document CD 1.12
INQDoc14	Revised Section 106 agreement with Tewkesbury Borough Council – revision of Core Document CD 1.11
INQDoc15	Revised schedule of conditions
INQDoc16	GCC Documents <ul style="list-style-type: none"><li>i. County Matters statement of common ground</li><li>ii. Gloucester County Council – Planning Obligations (Education Libraries, Highways and Transportation Infrastructure) CIL compliance statement</li><li>iii. Gloucester County Council – Planning Obligations (Education Libraries, Highways and Transportation Infrastructure) CIL compliance statement Summary</li></ul>
INQDoc17	Councils Closing submission
INQDoc18	Appellants Closing submission

EP5D



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## Appeal Decision

Inquiry Held on 10 – 13 May 2022

Site visits made on 9 and 13 May 2022

**by R Norman BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> July 2022

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**Appeal Ref: APP/J1860/W/21/3289643**

**Land at Leigh Sinton Farms, Leigh Sinton Road (B4503), Leigh Sinton, Malvern**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Lone Star Land and Mr W Beard against the decision of Malvern Hills District Council.
  - The application Ref 21/01287/OUT, dated 1 July 2021, was refused by notice dated 16 December 2021.
  - The development proposed is an outline application for up to 45 residential units including 12 self/custom build units and associated infrastructure (all matters reserved except access).
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### Decision

1. The appeal is allowed and planning permission is granted for up to 45 residential units including 12 self/custom build units and associated infrastructure (all matters reserved except access) at Land at Leigh Sinton Farms, Leigh Sinton Road (B4503), Leigh Sinton, Malvern in accordance with the terms of the application, Ref 21/01287/OUT, dated 1 July 2021, subject to the conditions in the attached schedule.

### Application for costs

2. At the Inquiry an application for costs was made by Lone Star Land and Mr W Beard against Malvern Hills District Council. This application will be the subject of a separate Decision.

### Procedural Matters

3. The planning decision included five reasons for refusal. The Council confirmed that reason for refusal 4, safe and suitable access to and from the site, and reason for refusal 5, the need for a legal agreement, are no longer in dispute.
4. The application was submitted in outline, with all matters except access reserved for subsequent approval. Indicative drawings have been submitted with the application to show how the site might be developed and I have reached my decision on that basis.

5. A Section 106 Agreement<sup>1</sup> and a Unilateral Undertaking<sup>2</sup> has been submitted. I return to these below.
6. In addition to the accompanied site visit carried out after the Inquiry closed, I viewed the appeal site from public vantages to familiarise myself with it and the surrounding area prior to the Inquiry.
7. An appeal decision<sup>3</sup> was brought to my attention after the Inquiry. I will return to this later on.

### **Main Issues**

8. The main issues are:

- The effect of the development on the open character and function of the Significant Gap;
- The effect of the development in the open countryside, on landscape character and its visual effects; and
- Housing land supply, its calculation and resulting policy consequences.

### **Reasons**

#### *Significant Gap*

9. The appeal site is located within the Significant Gap of Leigh Sinton which is located between Leigh Sinton and Malvern. The principal function of a Significant Gap is to keep land open in order to prevent neighbouring settlements from coalescing and to provide an appropriate setting for settlements<sup>4</sup>. Policy SWDP2 Part D of the South Worcestershire Development Plan (2016) (SWDP) states that development proposals should ensure the retention of the open character of the Significant Gaps. Paragraph 8 of the supporting text explains that the purpose of maintaining the gaps, which either serve as a buffer or a visual break between rural settlements and adjacent urban areas or protect the character and setting of settlements, is to provide additional protection to open land that that may be subject to development pressures.
10. It is agreed between the parties that the appeal site falls within the Significant Gap and therefore the development of the site would result in a degree of conflict with the Development Plan in this regard.
11. Whilst the proposed development would extend the settlement into the Significant Gap, it would only occupy a small area of the wider gap which extends a considerable distance between Leigh Sinton and Malvern. The appeal site adjoins the existing built form of Leigh Sinton. There is a new development, Bluebell Walk, as well as properties on Lynn Close, Somers Close, Kiln Lane and Spruce Close which are visible from the appeal site.

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<sup>1</sup> Section 106 Agreement between (1) Malvern Hills District Council, (2) Walter John David Beard, (3) Lone Star Land Limited and (4) Worcestershire County Council dated 20 May 2022

<sup>2</sup> Section 106 Unilateral Undertaking between Walter John Beard, Lone Star Limited to Malvern Hills District Council, received 10 May 2022 – ID6

<sup>3</sup> APP/H1840/W/21/3289569 Land off Morris Road, Broadway (Wychavon District Council)

<sup>4</sup> South Worcestershire Development Plan Review (SWDPR) Preferred Options: Significant Gaps Appraisal (CD8)



12. The Significant Gap Appraisal<sup>5</sup> states the purpose of this particular significant gap is to separate Leigh Sinton from Malvern. It highlights that there could be a limited reduction in it on the Southern edge of Leigh Sinton whilst retaining its purpose.<sup>6</sup> The overall recommendation is to retain with the possible exception of a few discrete land parcels on the edge of Leigh Sinton should they be needed i.e., allocations in either the SWDPR or Leigh Sinton Neighbourhood Plan.
13. I acknowledge that the appeal site does not form part of an allocation, nevertheless the Significant Gap Appraisal does give scope for some limited reduction resulting from the development of some discrete parcels of land. Bearing in mind the overall purpose of the Significant Gap to keep the settlements of Leigh Sinton and Malvern separate, and the distance that would remain between the settlements I find that the development would not be unduly harmful to, nor undermine the function and purpose of the Significant Gap in this instance.
14. Turning to the openness of the Significant Gap, its purpose is to maintain the openness of the land and secure the quality of life benefits of having open land close by. The layout at this stage is illustrative only, but indicates the dwellings being sited alongside the existing built form. I accept that the introduction of dwellings would have an impact on the outlook from the existing properties lining the appeal site, however, matters of the siting, design, height and scale of the proposed dwellings could be managed at Reserved Matters Stage to ensure the impacts on the nearby residents were not harmful.
15. The introduction of dwellings into the appeal site would lead to a loss of openness by virtue of the loss of a piece of open land. However, I find it necessary to consider this in the context of the openness of the Significant Gap as a wider area. The indicative plans suggest that the proposed dwellings will be located towards the existing built form of Lynn Close, Somers Close and Kiln Lane. The front most part of the appeal site would incorporate areas of open space, play areas and new planting and vegetation. Similarly, along the proposed access there would be landscaping. As such, I find that the proposed development would be seen in the context of the existing dwellings which would form a backdrop and the planting and landscaping would serve to mitigate against the loss of openness.
16. Consequently, I find that although there would be a loss of openness by the very reason that open land would be built upon, this would be fairly limited and would not unduly harm the purpose of the Significant Gap to protect the openness as a result of the extent of open land that would remain. Accordingly, I give this loss of openness limited weight.
17. Paragraph 8 of the supporting text of SWDP2 lists development proposals which may be acceptable within a Significant Gap which may include the reuse of rural buildings, agricultural and forestry related development, playing fields, other open land uses and minor extensions to existing dwellings. It is accepted that the proposed development doesn't constitute 'minor' development and does not fall within the listed categories. However, I have had regard to the wording of the Policy and supporting text which states 'may include' and I

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<sup>5</sup> South Worcestershire Development Plan Review (SWDPR) Preferred Options: Significant Gaps Appraisal (Nov 2019) – CD8

<sup>6</sup> Page 5

therefore find that it is not wholly prohibitive of developments that are not included in the list.

18. The Council have raised concerns in relation to a precedent being set that would lead to cumulative encroachment into, and loss of, the Significant Gap. However, I return to the comments in the Significant Gap Appraisal relating to discrete parcels being able to be developed. I consider that the development of the appeal site with up to 45 units would represent the development of a small, and discrete, area of land relative to the overall size of the Gap. Furthermore, any additional development proposals would be assessed against the policies based on their own merits and this proposal, of itself, wouldn't lead to a widespread erosion of the Significant Gap and its purpose.
19. In conclusion on this matter, I accept that there would be a degree of conflict with Policy SWDP2 of the SWDP in this instance as a result of the location of the proposed development outside of the settlement of Leigh Sinton and within the Significant Gap. Nevertheless, I find the harms associated with this conflict to be relatively restrained. I therefore give this conflict only moderate weight.

*Open Countryside, Landscape Character and Visual Impacts*

20. The appeal site is located within the Principal Timbered Farmlands<sup>7</sup> which is characterised by notable patterns of hedgerow trees, hedgerow boundaries to fields and ancient wooded character amongst other secondary and tertiary characteristics. However, I note that many of these key features within the site have been eroded. The site itself currently forms part of a wider area of land used for the commercial growing of Christmas Trees.
21. Within Policy SWDP2 of the SWDP Leigh Sinton is a Category 2 village, which provide varying ranges of local services and facilities and where infill development within the defined development boundaries is acceptable in principle. I note that it has been proposed to downgrade Leigh Sinton to a Category 3 village as detailed in the Village Facilities and Rural Transport Study 2019<sup>8</sup>. However, this has not been formally changed yet.
22. The appeal site falls outside of, but adjoining, the settlement boundary of Leigh Sinton. This is common ground between the parties, as is that the proposed development does not fall within any of the categories of development listed in Policy SWDP2C of the SWDP which seeks to strictly control development in the open countryside.
23. In relation to the loss of countryside with permanent built form I agree with the Council that this would not safeguard the countryside and therefore there would be some harm to which weight must be given. However, I have had regard to the amount of land to be lost and the potential siting of the dwellings. In addition, the development would incorporate areas of new planting, including new hedgerows and woodland which would replace some of the natural features that have been lost and bolster the remaining landscaping and would afford a degree of mitigation.

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<sup>7</sup> Defined within the Worcestershire County Council Landscape Character Assessment Supplementary Guidance – August 2012 (CD4)

<sup>8</sup> CD44

24. The Landscape and Visual Sensitivity Study<sup>9</sup> highlights the capacity for land parcel M09, which includes the appeal site, to accommodate residential development of between 1 – 5 hectares to the south of Leigh Sinton with a medium/low sensitivity. The appeal site is around 4.05 hectares in size<sup>10</sup>. It is not a matter of dispute that the appeal site is not situated within any designated landscapes and that the landscape value is local.
25. Given the sensitivity and susceptibility of the appeal site and immediate surroundings, derived from its location adjacent to the existing built form, I find that the proposed development would therefore not be harmful to the landscape value or character. The dwellings would sit alongside and against the backdrop of the existing properties and a sensitive planting scheme would reinstate and enhance the soft boundaries, ensuring that a suitable transition between the built settlement and the countryside would remain.
26. The proposed access is committed at this stage and would run off Leigh Sinton Road. There is a strip of new planting across the frontage of the appeal site where the access would be located which previously provided an access to the Bluebell Walk development during construction. The boundary with Leigh Sinton Road is currently bounded with mature and dense hedging, with the exception of the newer planting which currently allows views into the site and the wider area.
27. The existing hedgerow is a predominant feature of the rural roadway running away from the built-up form of Leigh Sinton. It is elevated up on a grass bank in places. It is undeniable that the removal of an extensive stretch of this hedgerow would change the rural character of this part of Leigh Sinton Road and would have somewhat of an urbanising effect.
28. However, I find the effects of this would be highly localised. Although the access would be partially discernible from along the road, as indicated in the submitted visualisations and viewed on site, after only a short distance it would not be readily apparent, and the hedge would remain the dominant visual feature. When approaching the appeal site from the rural area along Leigh Sinton Road the access would be viewed in the context of the built form along Malvern Road and the associated driveways. I also find that it would be viewed along with the junction with Lower Howsell Road. Coming from Leigh Sinton itself, again the access would be in proximity to the existing settlement and the amount of hedgerow remaining would still indicate the transition into the rural area. From both directions there are also road signs, which are to be relocated as part of the proposed development, signifying the transition from urban to rural and vice versa.
29. Concerns have been raised in relation to the excavation works and 'battering back' of the existing bank in order to construct the proposed access and the potential for damage that would occur to the roots of the remaining hedgerow. However, the Appellant has provided information and evidence of a possible method of stabilising the bank, Flex MSE Vegetated Wall System<sup>11</sup>, which could also be seeded on completion to provide a green approach to the access point.

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<sup>9</sup> Malvern Hills AONB Environs – Landscape and Visual Sensitivity Study (2019)

<sup>10</sup> Application Form Part 5 – Site Area

<sup>11</sup> Arboricultural Statement of Case on the Vegetation – Ruskins Tree Consultancy April 2022 – Appendix 10 Proof of Evidence: Landscape and Visual Matters – Robert Hughes BSc (Hons) PgDipLA CMLI

Based on the information provided I am satisfied that a suitable method for carrying out the works to facilitate the access could be achieved.

30. The access itself would provide clear views into the appeal site and views of the proposed development would be unavoidable, however with a sensitive planting scheme and positioning of the dwellings, I consider this would not be unduly harmful.
31. The proposed development would include areas of open space and planting which would be secured by conditions. The Appellant has highlighted that the Guidelines for the Principal Timbered Farmlands LCT<sup>12</sup> identifies a pattern of hedgerows however some of these have been lost over time. The proposed development would incorporate new hedgerow planting and replenish these hedgerows and would accord with the 'Opportunities for Landscape Gain' in the Landscape Type Advice Sheet<sup>13</sup>.
32. I have had regard to the other accesses along Leigh Sinton Road. Whilst I accept that these are some distance away, they nevertheless result in sporadic punctuations of the hedgerow and in some cases, such as the Nicholson & Co site, are very wide access points. The proposed development would be likely to result in greater vehicle movements as it would serve a residential estate rather than commercial premises like some of the other accesses, however it is located in proximity to the existing estates and therefore would not appear visually incongruous.
33. Given the above considerations, I find that although the removal of the hedging would alter the visual and rural character of the area, this would not be unduly harmful and its effects would be localised in the main. The appeal site is well related to the existing settlement and viewed in the context of the existing built edge. As such, I find in regard to this issue that the proposal would not conflict with the requirements of Policy SWDP21 of the SWDP, which seeks to ensure that development integrates effectively with its surroundings, reinforces local distinctiveness, provides high quality hard and soft landscaping, and safeguards distinct identity and character of local settlements, amongst other things. It would accord with the aims of Policy SWDP25 as the development proposals have taken into account the Landscape Character Assessment and guidelines, would sufficiently integrate with the character of the landscape setting and will take the opportunity to enhance the landscape through a sensitive and suitable landscaping scheme. I also find that the proposal would not conflict with Paragraph 174 of the National Planning Policy Framework (2021) (the Framework) which seeks to ensure that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, amongst other things.
34. The proposal would, however, conflict with Policy SWDP2 of the SWDP as a result of its location outside of the defined settlement and as it would not be any of the development types listed in SWDP2 C.

#### *Housing Land Supply*

35. The main areas of dispute in relation to the Council's five-year housing land supply relates to the two issues of geography and oversupply. Namely, which

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<sup>12</sup> Worcestershire Landscape Character Assessment Chapter 10.7

<sup>13</sup> Landscapes of Worcestershire Landscape Type Advice Sheet – Planning and Development: Principal Timbered Farmlands

area should the housing land supply calculations cover – whether it be individually or jointly between Malvern Hills, Wychavon and Worcester - and should the Council's oversupply be factored into the supply calculations.

36. It is a matter of agreement between the parties that the correct approach is the use of the Standard Method as the Development Plan is over five years old and a 5% buffer should be applied<sup>14</sup>. This means that the latest position in relation to the SWDP is that the housing requirement figures set out in Policy SWDP3 of the SWDP are out of date. In addition, this resulted in a change to the monitoring of the housing land supply from the five sub areas, moving to the three districts of Worcester City, Wychavon District and Malvern Hills.
37. The Council have identified that they have had an oversupply of 1,620 dwellings, calculated with a reduction with the Liverpool approach applied<sup>15</sup> and that this should be factored into the forward projecting housing land supply as the homes have been delivered on the ground and therefore the Council have provided more dwellings to date than it should have. The South Worcestershire Five Year Housing Land Supply Report, September 2021<sup>16</sup> establishes that any shortfall in delivery, or indeed substantial oversupply, against the annualised requirement is factored into the five-year supply calculation (paragraph 4.1). Furthermore, it identifies that rather than reducing the target by the full oversupply in the first five years, the Councils have adopted a cautious approach and spread the oversupply over the remaining plan period (paragraph 5.1).
38. The Appellant has produced a table of scenarios<sup>17</sup> which show differing housing land supplies ranging from a 2.82 year supply in the case of Malvern only and no oversupply included, to 5.76 which comprises the SWDP area and the inclusion of the oversupply. This latter figure is the Council's current position. The Appellant contends that only 2 of the 8 scenarios (excluding the SWDP area scenarios) result in a housing land supply above 5 years. These are taking Malvern only and applying the inverse Sedgfield method (scenario 5) and the Malvern All Supply with the Inverse Liverpool method (scenario 6). It is the Appellant's view that the Council needs to be correct on both matters of geography and oversupply in order to be able to demonstrate a five-year housing land supply.
39. Paragraph 74 of the Framework states that 'local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against the local housing need where the strategic policies are more than five years old'. Footnote 39 makes reference to the use of the Standard Method in relation to this paragraph.
40. In relation to the matter of oversupply, I accept that this means that there have been homes provided on the ground for local people over and above the identified need. Nevertheless, I do not understand the 5-year housing land supply to be a ceiling figure, which is suggested in the PPG which states that the standard method for calculating local housing need provides a *minimum*

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<sup>14</sup> Topic Specific Statement of Common Ground on 5-Year Housing Land Supply

<sup>15</sup> South Worcestershire Five Year Housing Land Supply Report, September 2021 – Table at Paragraph 12 (CD5)

<sup>16</sup> CD5

<sup>17</sup> Proof of Evidence of Cameron Austin-Fell (April 2022) Appendix B – Housing Requirement Scenarios



number of homes to be planned for<sup>18</sup>. Taking into consideration the content of the Framework and the PPG and the evidence before me, which are largely silent on the matter, I feel that there is no clear steer that would lead me to conclude that the oversupply should be included in forward projections for housing delivery.

41. In addition to the matter of oversupply, the Council assert that this area has a unique set of constraints and considerations which calls for the housing need to be balanced over the wider area due to the severe land constraints for Worcester City. The South Worcestershire Five Year Housing Land Supply Report, September 2021 has been carried out over the wider geographical area rather than individual districts. The PPG includes guidance on how to monitor five year housing land supply where there is a joint plan<sup>19</sup> and states that the approach to using individual or combined housing requirement figures will be established through the plan-making process, before going on to state that where the 5 year housing land supply is to be measured on a single authority basis, annual housing requirement figures for the joint planning area will need to be apportioned to each area in the plan. If the area is monitored jointly, any policy consequence of under-delivery of lack of 5-year housing land supply will also apply jointly.
42. 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.
43. My attention was also drawn to the wording of the Glossary of the Framework in relation to the Housing Delivery Test<sup>20</sup> which refers to a local authority area but allows for joint monitoring as evidenced in the letter from the Housing and Planning Services across the three Councils to the Secretary of State outlining the intention to calculate the HDT based on a single SWDP figure<sup>21</sup>. I find however, that the ability to monitor the HDT jointly does not automatically mean that five-year housing land supply could be considered on the same area as the two processes, although linked to a certain degree, are still separate processes with one being backwards looking and the other forward looking.
44. I accept that the Council are in a relatively unique position in that there are a limited number of joint Development Plans, and I consider that this may be a contributing factor to why such situations are not explicitly referred to in the Framework. I also acknowledge the reference to the High Court<sup>22</sup> which logically highlights that the PPG does not cover every possible situation. However, based on the evidence before me I cannot conclude that it has been demonstrated that the joint approach, nor the individual approach, should be followed given the absence of these being tested at examination or through a position statement.

<sup>18</sup> Paragraph:001 Reference ID: 68-001-20190722

<sup>19</sup> Paragraph: 028 Reference ID: 68-028-20190722

<sup>20</sup> Page 67 of the National Planning Policy Framework (2021)

<sup>21</sup> Letter Reference CW/LM-L/9.5.18 (CD68)

<sup>22</sup> Tewkesbury Borough Council v SSHCLG [2021] EWHC 2782 (Admin) (CD46)

45. In addition to the above, there were five disputed sites<sup>23</sup> which resulted in an overall difference of 222 units. However, it was suggested that in any event the inclusion or exclusion of these particular sites would not have a significant bearing on the Council's five-year housing land supply. Accordingly, it is not necessary for me to reach a finding on each individual site given my considerations above.
46. My attention has been drawn to a number of other appeal decisions which also considered the matter of the five-year housing land supply. The first of these is Claphill Lane, Rushwick<sup>24</sup> where the Inspector highlighted that the matter of distribution of housing requirement amongst the Councils is one for the plan-making process (paragraph 37). In this instance the Inspector, based on the evidence before him, did not conclude that the Housing Land Supply should be calculated on a cross-boundary basis.
47. The 'Fiddington' appeal decision<sup>25</sup> also considered oversupply, which the Inspector found was meeting the needs of local people, should be deducted from the housing requirement and credited against the requirement (the 'reverse' Sedgefield approach). However, this particular Council could not demonstrate a five-year supply regardless of oversupply. Notwithstanding these points, I am not persuaded that oversupply should be factored in.
48. Turning to the Bransford Road<sup>26</sup> appeal decision, I note that the Council's position was that the housing land supply figure calculated against the local housing need using the Standard Method had not been carried out at that stage and therefore it was accepted that in the absence of this the Council could not demonstrate a five year supply which differs from the evidence presented to me in this inquiry where the Council contend that they have a supply of 5.76 years.
49. I have been provided with a copy of a recent appeal decision for Morris Road, Broadway<sup>27</sup> which is within the district of Wychavon, which forms one of the joint councils. The Inspector in this case reached the conclusion that the NPG is a forward-looking snapshot at a given point in time and that it would therefore be inconsistent to adjust the need figure derived from the standard method to reflect past delivery<sup>28</sup>. The Inspector however did not find it necessary to reach a conclusion on the 'geography' of the supply<sup>29</sup>. Having regard to the content of this appeal decision I see little to lead me to conclude differently on the matters highlighted.
50. I have considered the implications of both the Council's and the Appellant's approaches in terms of both the oversupply and the 'geography' of the housing land supply calculation, but I consider that in any event, both approaches are a departure from the Development Plan and would need to be tested at Local Plan examination stage, or an annual position statement, rather than through a Section 78 Inquiry.

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<sup>23</sup> Disputed Sites in Malvern Hills District (as at April 2021) 2021 – 2026 Date: 12.04.2022

<sup>24</sup> APP/H1860/W/21/3267054 – Land off Claphill Lane, Rushwick (CD10)

<sup>25</sup> APP/G1630/W/21/3283839 – Land to the North West of Fiddington, Ashchurch, Tewkesbury (CD42)

<sup>26</sup> APP/J1860/W/19/3242098 – Land South of Bransford Road, Rushwick (CD9)

<sup>27</sup> APP/H1840/W/21/3289569 – Land Off Morris Road, Broadway

<sup>28</sup> Paragraph 50

<sup>29</sup> Paragraph 53

*Other Matters*

51. The Malvern Hills AONB is visible in the distance as a backdrop to the appeal site and from North Hill the settlements of Leigh Sinton and Malvern are discernible, with the open land between apparent. The Statement of Common Ground on Landscape and Significant Gap Matters highlights that in the Malvern Hills AONB Environs Landscape and Visual Sensitivity Study (May 2019) the land parcel M09 south of Leigh Sinton has the capacity to accommodate residential development<sup>30</sup>. It goes on to state that the proposed development would not result in any significant impact on views from the northern end of the Malvern Hills<sup>31</sup> and would not have a detrimental impact on the natural beauty of the Malvern Hills AONB<sup>32</sup>. I have not been presented with any evidence to lead me to conclude otherwise. In terms of views from the Malvern Hills, the development would be visible but firmly in the context of the existing built form and would not adversely impact the views. The development of the site, based on the indicative layout would similarly be viewed in the context of the existing built form and would not harm or significantly alter views of the Malvern Hills from Leigh Sinton Road and the surrounding area.
52. The Council have provided the Examiners Letter for the Leigh and Bransford Neighbourhood Development Plan (NDP)<sup>33</sup> as well as details of a development scheme for 52 dwellings at Leigh Sinton<sup>34</sup> which Ward Members have indicated can be approved subject to the completion of a Section 106 Agreement. I note the progress of the NDP, nevertheless understand that there are still outstanding matters and therefore I do not conclude that this carries any additional weight from when it was considered at the Inquiry itself. In relation to the pending approval for 52 dwellings, I have limited information before me, however, note that the application referred to is in outline also and no indication of the progress of the Section 106 has been put forward. In addition, I have not been presented with evidence to suggest that if these 52 dwellings came forward they would represent a ceiling for development in Leigh Sinton. I therefore find that this does not have any bearing on the merits of this case that is before me.

*Other matters*

53. In terms of the matters of lack of infrastructure it was noted at the Inquiry that it was not the position of the parties that there are insufficient facilities to serve additional dwellings in Leigh Sinton and I have little evidence before me that public facilities are at capacity or in relation to the availability of jobs.
54. The Local Highway Authority were given the opportunity to consider the proposed access and volumes of traffic and the application was accompanied by a speed survey, Road Safety Audit Stage 1 (RSA) and revised Transport Assessment following their initial comments. A Highways Statement of Common Ground confirms agreement on the provision of the access, visibility splays and findings of the speed survey and confirms that the development would provide safe and suitable access for all users and that there would not be severe or unacceptable highway safety impact on the local highway network. I note the levels of public transport available in the area and in order to mitigate

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<sup>30</sup> Page 25 and Paragraph 17 Statement of Common Ground on Landscape and Significant Gap Matters

<sup>31</sup> Paragraph 32 Statement of Common Ground on Landscape and Significant Gap Matters

<sup>32</sup> Paragraph 33 Statement of Common Ground on Landscape and Significant Gap Matters

<sup>33</sup> Email from Council dated 20 June 2022

<sup>34</sup> M/22/00187/OUT



- this the development would be required to contribute to transport facilities which would be secured by legal agreement.
55. Turning to matters relating to precedent and other preferable sites, I have limited information in relation to other sites available and the development of this site would not automatically set a precedent for further development which would need to be considered in relation to its own set of circumstances.
56. The Council's Ecologist has considered the information supplied and raises no concerns subject to the imposition of conditions. This was agreed within the Landscape and Significant Gap Matters Statement of Common Ground<sup>35</sup>. Conditions can be imposed to secure any necessary protection and mitigation.
57. In relation to impacts on neighbouring living conditions, at this stage the development proposed is outline with only access committed. Therefore, whilst I accept the outlook for the occupiers of the properties along the site boundaries will change, the height, design and siting of the proposed dwellings, as well as any landscaping, can be negotiated between the Council and Appellant at Reserved Matters stage to ensure living conditions of neighbours are taken into consideration. There is likely to be some noise and disturbance during the construction phase, however a condition can be applied requiring a construction management plan to manage these matters.
58. Similarly, at Reserved Matters stage the specific lighting details can be secured and I have little evidence before me that would suggest pollution levels arising from the development would be at an unacceptable level given the scale of the development and the type of buildings proposed. The Worcestershire Regulatory Services raised no objections in terms of air quality subject to conditions.
59. The appeal site is located within Flood Zone 1 which is a low-risk category. Furthermore, Severn Trent Water considered the application in relation to wastewater and raised no objections subject to conditions to agree the disposal of waste and surface water flows to avoid exacerbating any flooding issues and minimise the risk of pollution. The Lead Local Flood Authority also raised no objection subject to conditions.
60. My attention has been drawn to an appeal decision for Droitwich Spa<sup>36</sup> which considered whether the Council (Wychavon) had made adequate provision for self-build dwellings and concluded that insufficient information had been provided to demonstrate that the Council had met its duty to deliver these types of plots. I note that Policy SWDP2 does not provide for self or custom-build plots, nor does Policy SWDP14. I return to the weight I give to the provision of self and custom build plots in the planning balance below.
61. A Section 106 Unilateral Undertaking<sup>37</sup> has been provided which makes provision for a financial contribution to the Herefordshire and Worcestershire Clinical Commissioning Group. The Council position is that the request for this contribution is not CIL compliant. The request for the funding is to cover a revenue funding gap rather than for any infrastructure required to mitigate the impacts on the health and access to care for the local population as a result of the development. I also note that the methodology for the calculation of this

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<sup>35</sup> Report No 1010 R05 Dated 09.05.2022

<sup>36</sup> APP/H1840/W/19/3241879 – Corner Mead, Newland Lane, Droitwich Spa, Worcestershire WR9 7JH (ID3)

<sup>37</sup> Section 106 Unilateral Undertaking (1) Walter John Beard, (2) Lone Star Land to Malvern Hills District Council

contribution is not considered to be robust, has not been through the plan-making process and is not supported specifically by the Policies of the SWDP.

62. A signed Section 106 Agreement dated 20 May 2022 has also been provided which makes provision for on-site affordable housing of 40% and provision of First Homes, and contributions towards: community transport education (determined by the mix of dwellings proposed at Reserved Matters Stage) Highways (community transport, scholar transport, personalised travel planning and traffic regulation order), off-site public open space, off-site formal sports, and on site public open space. The Section 106 Agreement also secures the provision of Self and Custom Build plots in Schedule 6.
63. The Council have provided CIL Compliance Statement<sup>38</sup> (May 2022) which provides a thorough justification for each of the requested obligations to demonstrate that each is necessary and reasonably related in scale and kind to the development. I have considered this and the content of the legal agreements and agree that they are necessary and that the documents are legally sound and enforceable. Accordingly, I accept the content of the Section 106 Agreement in this case however for the above reasons I find that the contribution requested by the Herefordshire and Worcestershire Clinical Commissioning Group forming the Unilateral Undertaking has not been justified.

### **Planning Balance**

64. Turning to the overall planning balance, I have found conflict with Policy SWDP2 of the development plan in relation to matters of Significant Gap and the location of the site in the countryside and therefore the development plan as a whole. I give this weight in the planning balance. However, I have found no conflict with the development plan in terms of the landscape and visual character of the area.
65. I have balanced this policy conflict with the benefits of the proposed development, comprising the provision of affordable housing, self and custom build plots, economic benefits including through employment during the construction phase and contributions to the local economy through additional local expenditure, plus the New Homes Bonus and CIL Contributions, provision of new public open space and new planting and improvements to infrastructure.
66. Although policy compliant I still consider the provision of affordable housing to be a significant benefit and the Appellant has provided evidence of the affordability of properties within the area. In addition, I have been presented with evidence as to the need and provision to date of self and custom build homes<sup>39</sup> which shows an under delivery of these types of plots. I have had regard to the level of outstanding requirement for self and custom build plots, as well as the Droitwich Spa appeal decision referred to above, and I therefore give considerable weight to the provision of these types of plots.
67. In relation to the economic benefits, I accept that the employment during the construction phase would be temporary, nevertheless this would still be a benefit. The development would generate additional expenditure in the local

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<sup>38</sup> ID7

<sup>39</sup> November 2021 Progress Update Report

area also. Collectively I find the economic benefits to weigh moderately in favour of the development.

68. I have addressed the provision of open space and new planting above and find that these would help to mitigate against the visual impacts of the development and would go some way to replicating the historic landscape patterns in this area. Given the loss of the hedgerow, I give the new planting a limited amount of weight overall.
69. Taking all of the benefits into consideration, when balanced with the limited harm that would arise from the proposed development, I find that these harms would be significantly and demonstrably outweighed by the benefits in this instance. Accordingly, whether I was to find that the Council does or does not have a five-year housing land supply would not alter my conclusions in this regard. As such, the conflict with the Policies of the SWDP identified above and as such, the Development Plan as a whole, are outweighed by the benefits and accordingly the proposed development would be acceptable.

### **Conditions**

70. In addition to the standard time limit and reserved matters conditions for outline applications, I have imposed a condition listing the approved plans as this provides certainty.
71. I have imposed a condition limiting the number of dwellings as it is not sufficient to rely on the description of development alone to control this.
72. Conditions 5, 6, 7 and 8 are necessary in the interests of ensuring the development is appropriately landscaped and in the interests of the visual character of the area. Condition 9 is necessary to ensure that any archaeological remains on site are identified and suitably dealt with. It is necessary to impose conditions 10 and 11 in order to provide suitable provisions for future occupiers to be able to use alternative methods of transport. Conditions 12 and 16 are necessary in order to ensure the development of the site does not harm the living conditions of nearby residents and is carried out in a responsible way. I have included conditions 13, 15 and 17 to ensure the energy and water efficiency of the development and protect the air quality of the area. Condition 14 is necessary to provide suitable broadband connections for future occupiers of the development.
73. Conditions 18, 19, 20, 21 and 22 are necessary in order to protect the biodiversity and habitats within and around the appeal site. I have imposed condition 23 as it is fundamental to have suitable and functional drainage for each phase of the development. Conditions 24 and 25 are necessary to ensure that the new access is constructed correctly and does not impact on highway safety.
74. The Council suggested two additional conditions during the course of the Inquiry, which the Appellant has had chance to consider and raises no objections to. These conditions related to the requirement for a statement of conformity to notify the Council that the landscaping works have been carried out in accordance with the approved plans/scheme and that the first residents are provided with a Landscape Welcome Pack which identifies the public landscaped areas, their maintenance schedule and responsible company. I have considered both conditions against the tests however I do not find these

to be necessary to make the development acceptable. I consider that the initially suggested landscaping conditions would be sufficient to secure the delivery and retention of the agreed planting and the residents could contact the developer or Council if there were any queries or concerns about the communal areas and planting throughout the development. I have therefore not imposed these conditions.

75. Conditions 10, 13, 14, 19, 20, 21 and 25 are pre-commencement conditions as it is fundamental to have these matters agreed prior to any works commencing on site. The Appellant has indicated agreement to these conditions.

### **Conclusion**

76. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

*R Norman*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 3) The reserved matters pursuant to conditions 1 and 2 shall be submitted in accordance with a Phasing Plan for the development which shall set out the details of the Phased delivery of the development including the proposed Self and Custom Build serviced plots.
- 4) Unless where required or allowed by any other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans, drawings and documents:
  - Site Location Plan (reference 294 LO1)
  - Site Plan (Wider Ownership Plan) (reference 294 LO2)
  - Constraints and Opportunities Plan (reference 294 P01)
  - Land Use and Parameter Plan (reference 294 P02)
  - Access and Movement Parameter Plan (reference 294 P03)
  - Building Heights Parameter Plan (reference 294 P04)
  - Landscape and Open Space Parameter Plan (reference 294 P05)
  - Topographical Survey Plan (reference 1755-00)
  - Flood Risk Assessment, including Drainage Assessment (ES115-TES-00-XX-DR-0663 June 2021)
  - Access Drawings ES115-TES-00-XX-DR-C-0505-S2-P05 and ES115-TES-00-XX-DR-C-0506-S2-P02
- 5) The Reserved Matters pursuant to condition 2 hereof shall ensure a minimum site wide provision of 40% green infrastructure on site.
- 6) The development hereby permitted shall be limited to a maximum of 45 dwellings.
- 7) Details of the levels of the existing site, proposed finished levels or contours and the precise slab levels of the approved dwellings, relative to a fixed datum point outside of the boundary of the site, shall be submitted for approval for each phase as part of the reserved matters pursuant to Condition 2 hereof.
- 8) The details of 'landscaping' for each phase to be submitted in accordance with condition 2 hereof shall make specific provision for the following:

- a) Details of any trees and hedgerows to be retained including the hedge fronting to the B4503, together with measures for their protection in the course of development;
- b) Schedule of proposed planting (indicating species, sizes at time of planting and numbers/densities of plants);
- c) Written specification outlining cultivation and other operations associated with plant establishment;
- d) Finished levels or contours;
- e) Details of boundary treatments;
- f) Hard surfacing specification and materials; and
- g) A schedule of maintenance for a minimum period of five years from first planting

The approved landscaping scheme for each phase shall be carried out concurrently with the development and be completed within one calendar year of the substantial completion of the last dwelling to be constructed in that phase. If within a period of 5 years from the date of planting of any tree or hedgerow planted or retained pursuant to this condition that tree or hedgerow, or any tree or hedgerow planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or hedgerow of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

- 9) Before the first occupation of any phase of the development a schedule of landscape maintenance for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation, long-term objectives, management responsibilities and maintenance schedules for all communal landscape areas (excluding domestic gardens). The approved landscape maintenance schedule shall be fully implemented.
- 10) (A) Prior to the submission of a reserved matters application for any phase of the development a programme of archaeological work is required, including a Written Scheme of Investigation, to be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions:
  - i. The programme and methodology of site investigation and recording;
  - ii. The programme for post investigation assessment;
  - iii. Provision to be made for analysis of the site investigation and recording;
  - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v. Provision to be made for archive deposition of the analysis and records of the site investigation;



- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Statement of Investigation

(B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 11) Details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking shall be submitted to and approved in writing by the local planning authority for each phase prior to the first occupation of the dwellings within that phase. The cycle parking provision shall be installed in accordance with the approved plans for each phase before the dwellings in that phase are first occupied.
- 12) Appropriate cabling and an outside electrical socket must be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). The charging point must comply with BS7671. The socket should comply with BS1363 and must be provided with a locking weatherproof cover if located externally to the building.

For developments with unallocated parking, i.e., flats/apartments, 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development. The charging point must comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. As a minimum, charge points should comply with Worcestershire County Council Design Guide which required 7kw charging points for residential developments.

- 13) No development or site assembly for any phase shall begin until a Construction Environment Management Plan (CEMP) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP shall be adhered to throughout the construction of each phase and shall include the following details:
  - a) Details of measures to minimise the impacts arising from construction, demolition, and site clearance activities and the traffic associated with this development, including a scheme for vehicle wheel cleaning and other measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - b) Details of site operative parking areas, material storage areas and the location of site operative facilities, including offices and toilets;
  - c) A management strategy and proposals for the minimisation of construction waste; and
  - d) Details of any temporary construction accesses and their reinstatement. The measures set out in the approved plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the local planning authority.

- 14) Prior to the commencement of the development of each phase, details of renewable and/or low carbon energy generation measures for that phase shall be submitted to and approved in writing by the local planning authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:
- a) The overall predicted energy requirements of the approved development;
  - b) The predicted energy generation from the proposed renewable/low carbon energy measures; and
  - c) An implementation timetable for the proposed measures.

The development of each phase shall be carried out in accordance with the approved details.

- 15) Prior to the first occupation of any of the dwellings within each phase, details of connections to facilitate superfast broadband facilities or alternative solutions to serve the dwellings within the phase shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details.
- 16) Prior to the commencement of above ground works within each phase, a Water Management Statement for that phase, setting out water efficiency measures and confirming that the daily non-recycled water use per person will not exceed 110 litres per day, shall be submitted to, and approved in writing by, the local planning authority. The measures for each phase shall be implemented in accordance with the approved details before occupation of the respective dwelling in that phase and retained thereafter.
- 17) Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank and Public Holidays.
- 18) Details shall be submitted to and approved in writing by the local planning authority prior to the commencement of above-ground works within each phase for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The boilers for each phase shall be implemented in accordance with the approved details before occupation of the respective dwelling in that phase and retained thereafter.
- 19) No development of any phase shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP:Biodiversity) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP:Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones";



- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These may be provided as a set of method statements for reptiles and amphibians, birds, badgers, bats (lighting during construction);
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise, agreed in writing by the local planning authority.

- 20) No development shall take place until an Ecological Design Strategy (EDS) addressing biodiversity compensation and enhancement measures for that phase has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate e.g., native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures; and
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 21) A Landscape and Ecological Management Plan (LEMP) for each phase of the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of that phase of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;

- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum five-year period);
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 22) Prior to the first occupation of each phase, a lighting design strategy for biodiversity for that phase shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and other nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting for each phase shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 23) Prior to the first occupation of each phase, the phase of the development shall be inspected by a qualified ecologist and a statement of conformity shall be submitted to the local planning authority to confirm the mitigation, compensation and enhancement measures for biodiversity have been successfully implemented in accordance with the details approved under this condition. The development of each phase shall not be occupied until these details have been approved.
- 24) No works in connection with site drainage for each phase shall commence until a SuDS management plan for that phase, which will include details on future management responsibilities, along with maintenance schedules

for all SuDS features and associated pipework has been submitted to and approved in writing by the local planning authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions and shall be managed and maintained in accordance with the approved maintenance plan and thereafter.

No works in connection with site drainage for each phase shall take place until an exceedance flow routing plan for flows above the 1 in 100+40% event has been submitted to and approved in writing by the local planning authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of POS. Flow routes through gardens and other areas in private ownership will not be permitted. The approved details for each phase shall be implemented in full prior to the first occupation of the phase.

Notwithstanding the submitted Drainage Strategy, no development shall commence in each phase until detailed design drawings for surface water drainage and disposal of foul waters for that phase have been submitted to and approved in writing by the local planning authority. Thereafter the development of the phase shall be carried out in accordance with the approved details.

- 25) Prior to the commencement of development, a detailed scheme for the site access works at Leigh Sinton Road, including the location and extent of the Traffic Regulation Order related to the proposed access, shall be submitted to the local planning authority (and Worcestershire County Council Highways). The development shall not be occupied or brought into use until the submitted scheme, which is broadly in accordance with drawings ES115-TES-00-XX-DR-C-0505-S2-P05 and ES115-TES-00-XX-DR-C-0506-S2-P02, has been agreed in writing by the local planning authority, in consultation with Worcestershire County Council Highways, and has been implemented in full.
- 26) The development hereby approved shall not be occupied until the visibility splays shown on drawings ES115-TES-00-XX-DR-C-0505-S2-P05 and ES115-TES-00-XX-DR-C-0506-S2-P02 have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above the adjacent carriageway.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Richard Kimblin QC of No5 Chambers instructed by Penelope James, Solicitor at Malvern Hills District Council and Wychavon District Council Joint Legal Team

He called	
Christopher Lewis-Farley	Tree and Landscape Officer, Malvern Hills District Council
MLArch HND Arb	
Richard Pestell BSc	Director, Stantec UK Limited
MPhil MRTPI	
Edward Buckingham BA	Senior Associate, Stantec UK Limited
MPlanning MRTPI	

### FOR THE APPELLANT:

Satnam Choongh No 5 Chambers instructed by Reuban Bellamy BA(Hons) DipTP MPRTI, Planning Director at Lone Star Land

He called	
Jason Tait BA(Hons)	Director, Planning Prospects Ltd
DipTP MRTPI	
Cameron Austin-Fell	Director, RPS Consulting Services Ltd
BA(Hons) MSc MRTPI	
Robert Hughes	Director, Incola Landscape Planning
BSc(Hons) PdDipLA	
CMLI	

### DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	Appellant's Opening Submissions
ID2	Council's Opening Submissions
ID3	Appeal Decision APP/H1840/W/19/3241847 – Corner Mead, Newland Lane, Droitwich Spa, Worcestershire WR9 7JH
ID4	3267054 Appellant's Closing Submissions
ID5	3267054 Council's Closing Submissions
ID6	Amended Unilateral Undertaking
ID7	CIL Compliance Statement
ID8	Appellant's Costs Application
ID9	Email dated 12 May 2022 with two additional suggested conditions
ID10	Correction of paragraph 4.19 of the Proof of Evidence of Mr Austin-Fell
ID11	Council's Closing Submissions
ID12	Appellant's Closing Submissions
ID13	Council's Costs Response

#### DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Appeal Decision APP/H1840/W/21/3289569 - Land off Morris Road, Broadway
2. Email from Council dated 20.06.22 including Leigh and Bransford NDP Examiner's Letter and details of planning application M/22/00187/OUT
3. Email from Appellant dated 21.06.22 in response to Council's email of 20.06.22

EP5E



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# Appeal Decision

Inquiry held on 21 February 2023

Site visit made on 23 February 2023

**by Jonathan Bore MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

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**Appeal Ref: APP/V3120/W/22/3310788**

**Land East of Grove, Grove, OX12 7FS, 441052, 190896**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by David Wilson Homes against the decision of Vale of White Horse District Council.
  - The application Ref P22/V055/O, dated 2 March 2022, was refused by notice dated 28 July 2022.
  - The development proposed is up to 300 dwellings and provision of public open space including associated landscape planting with associated infrastructure, drainage measures and earthworks and all other associated works.
- 

## Decision

1. The appeal is dismissed.

## Preliminary matters

2. The application was submitted in outline with all matters reserved except for access into the site.
3. The Council's decision notice contained 5 reasons for refusal. Reasons for refusal 3, in respect of archaeology, and 4, concerning highways impact, were resolved before the inquiry opened. Reason for refusal 5, which referred to affordable housing provision and development contributions, was resolved through the completion of a s106 agreement, dated 23 February 2023. Two main issues remain, as discussed below.

## Main Issues

4. These are:
  - (i) the effect of the scheme on the countryside and landscape;
  - (ii) the position regarding the 5 year housing land supply, and the need for additional housing in this location.

## Reasons

### Issue (i)

5. Grove is defined as a Local Service Centre in Core Policy 3 of the adopted Vale of White Horse Local Plan 2031 Part 1 (hereafter referred to as Local Plan Part 1); Core Policy 4 contains a presumption in favour of development within the built-up areas of Local Service Centres or on allocated sites outside the

settlement. The site is outside the settlement boundary and is not allocated for development. Core Policy 4 indicates that development in open countryside will not be appropriate unless specifically supported by other relevant policies as set out in the development plan or national policy. Core Policy 44 seeks to protect from harmful development the key features that contribute to the nature and quality of the Vale of White Horse District's landscape.

6. Grove has expanded over the years; Station Road, the A338, now forms a strong eastern boundary to the village. To the east of Station Road is open countryside, of which the appeal site forms an integral part, consisting of arable land and pasture intersected by hedgerows, ditches, watercourses and footpaths. There are attractive wider views towards higher land to the north and south. Though not having a national landscape designation, the site and the surrounding countryside have a pleasant rural character, identified by the Vale of White Horse Landscape Character Assessment (2017) as part of the wider Lower Vale Farmland area. There are a few building groups in this rural area, but not many. The buildings of Grove, the F1 Williams buildings, the petrol station and passing vehicles on the A338 are visible from the site and various nearby locations, but rather than degrading the rural character of the site, they are seen as a typical village edge and do not alter the perception that the site is part of the wider countryside.
7. The Appellant's landscape evidence concluded that the visual and landscape impacts of the scheme would be localised. However, the scheme would introduce a substantial block of development into this pleasant rural area. Even the maturing of the proposed on-site planting would not be able to disguise the fundamental change of a large area of land from open agricultural land to housing development. Whilst no public rights of way cross the site, the scheme would have a significant urbanising influence on Grove Park Drive and on the rural character of hedge-lined Tulwick Lane which border the site. Despite the proposed planting on and around the site, the development would be clearly apparent from these roads and from parts of the extensive footpath network beyond the site. From the raised area of Crab Hill, it would be seen to intrude into the pleasant expanse of countryside to the north, which is currently interspersed only with a few individual building groups.
8. From all these locations, and indeed from Station Road itself, the scheme would appear as a notable departure from the existing settlement form and an awkward eastern extension of the village. Recent plan-led development has enlarged Grove, but the appeal scheme, by extending eastwards beyond Station Road, would appear as unplanned sprawl. In making this observation it is appreciated that nearby East Hanney and Wantage extend to the east of the A338, but they are separate settlements with their own development forms and are not part of the immediate visual context for the site.
9. In conclusion, the scheme would cause significant harm to the character of the countryside and landscape and would conflict with that aspect of Core Policy 4 which resists development outside settlement boundaries, and with Core Policy 44 of the Local Plan which seeks to protect the nature and quality of the landscape.

### **Issue (ii)**

10. Core Policy 4 of Local Plan Part 1, adopted in 2016, states that the housing requirement for the district is 20,560 dwellings for the period 2011/12 to



2030/31. This strategic policy remains extant. Core Policy Part 4a of the adopted Vale of White Horse Local Plan 2031 Part 2, "Detailed Policies and Additional Sites", adopted in 2019 (Local Plan Part 2), adds 2,200 dwellings to the Core Policy 4 figure as an allowance towards the unmet needs of the City of Oxford, giving 22,760 dwellings as the total housing requirement for the district over the same period as Local Plan Part 1. Apart from the element that addresses Oxford's unmet needs, the housing requirement in Core Policy 4a is derived directly from Core Policy 4.

11. The Council has undertaken a review of Local Plan Part 1 under Regulation 10a of the Town and Country (Local Planning) (England) Regulations 2012. The review, which was not challenged, has concluded that Core Policy 4 is more than 5 years old, is out of date, and needs revision, its housing requirement being based on the 2014 strategic housing market assessment (SHMA) which used the 2011 interim household projections to 2021. National policy as set out in paragraph 74 of the National Planning Policy Framework, and Planning Practice Guidance "Housing Supply and Delivery", state that, where strategic policies are more than 5 years old, the 5 year housing land supply will be measured against the area's local housing need (LHN), calculated using the standard method. This is directly applicable to Core Policy 4 of Local Plan Part 1.
12. Core Policy 4a of Local Plan Part 2 is only 3 years old and has not been reviewed. However, the housing requirement in that policy, apart from the City of Oxford allowance, is the same as that set out in Core Policy 4 of Local Plan Part 1. The provenance of Core Policy 4a and its derivation from the same figure and the same ageing statistical inputs and projections as Core Policy 4 are a clear indication that its housing requirement (apart from the Oxford allowance) is also out of date for the purposes of assessing the 5 year housing land supply. The purpose of the 5 year housing land supply calculation is to ensure that there is at least 5 years' supply of deliverable housing land based on an up to date calculation of housing need. The more up-to-date figure from LHN should therefore be used.
13. LHN is 636 dwellings per annum, significantly lower than the 1,028 dwellings per annum requirement in Local Plan Part 1. The Council state that a further 183 dwellings per annum should be added to the LHN figure to allow for Oxford's unmet needs from Core Policy 4a. This addition is appropriate in this particular instance because it is an agreed figure which addresses the level of unmet housing need in Oxford, which was reassessed and confirmed in the up-to-date Oxford Local Plan 2036, adopted in June 2020. Taking the two components together, the total housing requirement for the district, for the purposes of the 5 year housing land supply calculation, is 819 dwellings per annum.
14. Using 819 dwellings per annum as the housing requirement, there are 6.36 years' supply of deliverable housing land in the district on the Council's figures and 5.01 years on the Appellant's figures. Whilst the Appellant disputes the deliverability of some sites or phases, it is agreed between the parties that there is more than 5 years' supply if the housing requirement is based on LHN. As to the extent of the surplus, it is evident that most of the disputed sites have outline permission, many have outstanding applications for reserved matters and on most of the sites where there are impediments such as outstanding infrastructure requirements, there is evidence that positive action

is being taken to resolve the issues. There is no justification in policy for applying a 10% reduction to contributions from deliverable small sites. On this basis the housing land supply is nearer to the Council's figure of 6.36 years, and there is substantially more than 5 years' supply of deliverable sites in the district.

15. Core Policy 5 in Local Plan Part 1 ring fences Science Vale, where the site lies, and treats it as a separate sub-area for the purposes of the assessment of housing land supply, with a housing requirement of 11,850 homes in the plan period (593 homes per annum) in support of the 15,850 jobs planned in this sub-area and as a contribution towards meeting the district's housing needs set out in Core Policy 4. The delivery of housing and employment in the sub-area has been lower than anticipated by Local Plan Part 1, and if the ring-fenced housing requirement in Core Policy 5 were to be taken as the basis for the 5 year housing land supply calculation in this area, there would be a shortfall in supply. It is noted that the Inspector in the East Hendred case (Ref no APP/V3120/W/16/3145234) gave weight to a housing supply shortfall in the ring-fenced area.
16. However, things have changed since the Science Vale housing requirement was established in 2016 and the East Hendred decision was made in 2017: the lower levels of housing and employment delivery in Science Vale have been influenced by a recent combination of macroeconomic factors, and Core Policy 5, like Core Policy 4, has been reviewed under Regulation 10a and found to be out of date and in need of revision. Core Policy 5 is based on a historic calculation of housing need. The calculation of the 5 year housing land supply looks forward, and must use an up-to-date figure of housing need.
17. Therefore, in accordance with national policy, LHN should be used for the calculation of the 5 year housing land supply, and LHN is calculated on a district wide rather than sub-area basis. There was discussion at the inquiry about the effect of this approach on the implementation of the Local Plan's spatial strategy for Science Vale. In this regard it should be recognised that the purpose of the 5 year housing land supply calculation is not to drive the implementation of the spatial strategy, it is simply to ensure that current housing needs can be met, using up-to-date calculations of housing need and supply. Core Policy 5 is not an appropriate basis for that calculation because it is derived from a past calculation of housing need. The spatial strategy is already in place as part of the statutory development plan; it covers the period up to 2031; its allocations have been made, and they are already delivering, or are anticipated to deliver, a substantial amount of development during the plan period. The spatial strategy, including its approach towards Science Vale, is not undermined by the use of LHN in the 5 year housing supply calculation.
18. To conclude on this issue, there is a supply of specific deliverable sites in the district sufficient to provide a minimum of five years' worth of housing against the housing requirement. It is acknowledged that the scheme would bring benefits; it would provide up to 300 new homes, of which 35% would be affordable, on a site which benefits from a good bus service on Station Road, and it would deliver a useful cycle link and toucan crossings on Station Road. There would be new planting, public paths, open space and a heritage park which would reflect the presence of the nearby deserted medieval village. But the decision-making approach in paragraph 11(d) of the National Planning Policy Framework does not apply, and the harm to the landscape and

countryside, described under Issue 1, would significantly outweigh the benefits of the additional housing provision and the other benefits of the scheme. Indeed, that would be the case even if the housing land supply calculation were to be based on the out-of-date housing requirement established in the Local Plan, resulting in a supply of less than 5 years and the decision-making balance in paragraph 11(d) of the National Planning Policy Framework were applied.

## **Conclusion**

19. The scheme would lie outside the settlement boundary of Grove and would appear as an awkward eastern extension of the village, causing significant harm to the countryside and the character of the landscape, contrary to the relevant part of Core Policy 4, and Core Policy 44, of Local Plan Part 1. LHN is the appropriate figure to use for the purposes of the 5 year housing land supply calculation and the use of LHN would not undermine the spatial strategy for Science Vale. Using LHN there is more than 5 years' supply of deliverable housing land in the district and the decision-making approach in paragraph 11(d) of the National Planning Policy Framework does not apply. The harm to the landscape and countryside would significantly outweigh the benefits of the additional housing provision and the other benefits of the scheme; that would remain the case even if there were a 5 year housing land supply shortfall and the decision-making balance in paragraph 11(d) of the National Planning Policy Framework were applied.
20. I have considered all the other matters raised, but they do not alter the balance of my conclusions. For all the reasons given above the appeal is dismissed.

*Jonathan Bore*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Zack Simons Counsel for the Appellant

He called:

Jeff Richards MRTPI Senior Director, Turley

Jeremy Smith CMLI Director, SLR Consulting Ltd

James Bancroft MIHT Director, Vectos (South) Ltd

David Murray-Cox MRTPI Director, Turley

### FOR THE LOCAL PLANNING AUTHORITY:

David Lintott Counsel for the Local Planning Authority

He called:

Stuart Walker MRTPI Team Leader, Major Applications Team

Thomas Rice MRTPI Principal Planning Policy Officer

Avril Williams CLA Senior Landscape Officer

Michael Spence MLD CMLI REIA FRGS MS Environmental

### INTERESTED PARTIES:

Julie Mabberley Wantage and Grove Campaign Group

Ronald Batstone District Councillor, Grove North, and Parish Councillor

Jenny Barnett Local Resident

## DOCUMENTS

Proofs and appendices of:

Jeff Richards  
Jeremy Smith  
James Bancroft  
David Murray-Cox  
Stuart Walker  
Thomas Rice  
Avril Williams  
Michael Spence

Statements of Common Ground in respect of:

Planning, including suggested conditions  
Landscape  
Housing delivery and housing land supply  
Highways  
Archaeology

Core documents 1.1 to 5.9, including, inter alia:

Design and Access Statement  
Transport Assessment  
Air Quality Assessment  
Flood Risk Assessment and addendum  
Arboricultural Impact Assessment  
Noise Assessment  
Residential Travel Plan

CIL compliance statement

Signed agreement under s106

## PLANS

Location Plan 1218 004 Rev I  
Parameter Plan 1218 006 Rev F  
Illustrative Framework Plan 1218 SK004 Rev V15  
Density Plan 1218 010  
Highway Scheme Location Plan 184390-PD06 Rev D  
Proposed Highway Alignment 184390/PD06.1 Rev E  
Proposed Site Access Arrangement 184390/PD06.2 Rev C  
Plans setting out visibility, signals and swept paths

EP5F



Ministry of Housing,  
Communities &  
Local Government

Patrick Downes  
Harris Lamb Ltd  
75-76 Francis Road  
Birmingham  
B16 8SP

Our ref: APP/R0660/A/13/2197532  
APP/R0660/A/13/2197529

15 July 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY MULLER PROPERTY GROUP  
LAND OFF AUDLEM ROAD/BROAD LANE, STAPELEY, NANTWICH AND LAND OFF  
PETER DE STAPELEIGH WAY, NANTWICH  
APPLICATION REFS: 12/3747N AND 12/3746N**

1. I am directed by the Secretary of State to say that consideration has been given to the report of David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC, who held a public local inquiry on 20-24 February 2018 into your client's appeal against the decision of Cheshire East Council to refuse your client's application for outline planning permission for Appeal A: Proposed residential development for up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with a maximum floor area of 1,800 sq.m Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700 sq. m GIA; primary school site; public open space including new village green, children's play area and allotments, green infrastructure including ecological area; access via adjoining site B (see below) and new pedestrian access and associated works; and against the failure of Cheshire East Council to determine your client's application for Appeal B: Proposed new highway access road, including footways and cycleways and associated works, in accordance with applications 12/3747N and 12/3746N.
2. The Secretary of State issued his decisions in respect of the above appeals by way of his letters dated 17 March 2015 and 11 August 2016. Those decisions were challenged by way of an application to the High Court and were subsequently quashed by orders of the

Ministry of Housing, Communities & Local Government  
Jean Nowak, Decision Officer  
Planning Casework Unit  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

Tel: 0303 444 1626  
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Court dated 3 July 2015 and 14 March 2017. The appeals have therefore been redetermined by the Secretary of State following a new inquiry into this matter. Details of the original inquiry are set out in the 17 March 2015 and 11 August 2016 decision letters.

### **Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeals be allowed and planning permission should be granted.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to allow the appeals and grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Procedural matters**

5. The Secretary of State notes that, prior to the opening of the Inquiry the appellant submitted a revised layout of the proposals which omitted the proposed access off Audlem Road and that this has necessitated an amendment to the description of development to reflect the changes (IR7). The Secretary of State also notes that the Inspector subsequently received comments on the revisions following consultation by the appellant. For the reasons given in IR7-8, the Secretary of State agrees with the Inspector that the proposed revisions should be taken into account in the determination of this case and he is satisfied that no interests have thereby been prejudiced.
6. The Secretary of State has noted that a reference to policy RG6 of the Cheshire East Local Plan Strategy (CELPS) in IR424 should refer to policy PG6.

### **Matters arising since the close of the inquiry**

7. On 21 February 2019, the Secretary of State wrote to the main parties to afford them an opportunity to comment on:
  - The Written Ministerial Statement on housing and planning, issued on 19 February 2019.
  - The publication, on 19 February 2019, of the 2018 Housing Delivery Test (HDT) measurement by local planning authorities and a technical note on the process used in its calculation.
  - The Government's response to the technical consultation on updates to national planning policy and guidance, published 19 February 2019.
  - The revised National Planning Policy Framework, published on 19 February 2019.
  - Updated guidance for councils on how to assess their housing needs.

The representations that were received in response were circulated to the main parties on 11 March 2019. Further representations were subsequently received, including an assessment of the 5-year housing land supply submitted on 23 April 2019 by Harris Lamb on behalf of the appellant and the Cheshire East Annual Housing Monitoring Update Report (HMU) (Base Date March 2018) received on 24 April 2019 submitted by Cheshire East Council. Further representations were received in response to the HMU 2018.



Subsequently the Cheshire East Annual Housing Monitoring Update Report (Base Date March 2019) was submitted by Cheshire East Council on 8 November 2019. Representations received were circulated with the final correspondence received on 12 February 2020. All representations are listed at Annex A. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.

8. The 2019 Housing Delivery Test results were published on 13 February 2020. The Council's score was assessed as 230%, requiring no further action. The Secretary of State is satisfied that this does not affect his decision and does not warrant further investigation or a referral back to parties.

### **Policy and statutory considerations**

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the Cheshire East Local Plan Strategy 2010 – 2030, adopted July 2017 (CELPS), the Stapeley and Batherton Neighbourhood Plan, made in 2018 (S&BNP) and the saved policies from Crewe and Nantwich Replacement Local Plan (February 2005) (CNLP). The Secretary of State considers that relevant development plan policies include those set out in paragraph 5.1 of the Planning Statement of Common Ground (IR26).
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as those listed in IR28-29. The revised National Planning Policy Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.

### **Main issues**

12. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR380-381.

#### *Character and appearance*

13. For the reasons given in IR382-387 and IR418 the Secretary of State agrees with the Inspector at IR388 that the proposals are in conflict with the letter and principles of Policies PG6, SD1 and SD2 of the CELPS, Policy RES5 of the CNLP and Policy GS1, H1 and H5 of the S&BNP. However, he also agrees that the appeal sites are now effectively bordered on three sides by existing and emerging development. The Secretary of State also agrees with the Inspector that the rural hinterland, anticipated by the plan vision has, in the circumstances of these cases, been extensively eroded. The Secretary of State agrees with the Inspector that the degrees of harm to visual amenity here, because of the very specific urbanised context of the site and the contribution green space makes to the scheme, would, in actuality, be limited in extent (IR418). Overall the Secretary of State affords the harm to character and appearance, and visual amenity, limited weight in the planning balance.

#### *BMV Agricultural land*

14. As set out in IR389-390 and IR419 the Secretary of State agrees with the Inspector that the proposed development would result in the loss of best and most versatile agricultural land and is contrary to Policy SE2 of the CELPS. The Secretary of State further agrees that the area of land is modest and predominantly at lower grade, and that its loss cannot be judged significant. He agrees it merits only modest weight against in the planning balance.
15. The Secretary of State notes that no other substantive harms have been identified and agrees with the Inspector that the other effects of the development can be effectively mitigated through the provisions of the section 106 obligations, thus rendering them neutral in the planning balance (IR419).

#### *Highway safety*

16. The Secretary of State acknowledges that there was a significant degree of apprehension amongst local residents over any increase in traffic numbers in the locality as a result of the development proposed. For the reasons given in IR391–392 and IR416 the Secretary of State agrees with the Inspector that such concerns must be afforded no more than very limited weight.

#### *Housing land supply*

17. The Secretary of State has considered the Inspector's assessment of housing land supply at IR393-409 and has also taken into account the revised Framework, Housing Delivery Test (HDT) and material put forward by parties as part of the reference back processes set out in paragraph 7 of this letter. As part of this, the Council submitted their Annual Housing Monitoring Update Report (HMU) (base date March 2019) which concludes that the Council can demonstrate 7.5 years of housing land supply, assessed from 2019-2024. The appellant disagrees with this figure and concludes that the Council can demonstrate 4.72 years of housing land supply.
18. For the reasons given in IR393 the Secretary of State agrees that the basic housing requirement for Cheshire East Council is 1800 dwellings per annum (9000 over 5 years) and notes that this was agreed in a statement of common ground between the parties and was also set out in the CELPS. The shortfall to be addressed is now 3582 dwellings, which is set out in the Council's HMU 2019 and also referred to in the appellant's correspondence of 4 December 2019. The Secretary of State, therefore, uses this figure of 3582 dwellings as the shortfall rather than 5635 dwellings set out in IR393. For the reasons given in IR397-398, the Secretary of State agrees with the Inspector that any backlog should be made up within the first 8 years of the plan period as determined by the CELPS and the Examining Inspector, and that this 8-year period should not be rolled forward. As the 8-year period began on 1 April 2016, and concludes on 31 March 2024, the shortfall of 3582 should therefore be made up in the 5-year period on which the current HMU is based, with the housing requirement at this stage of the calculation being 12,582.
19. The Secretary of State notes that since the closure of the Inquiry the revised Framework and updated HDT 2019 figures have been published. The HDT figures mean that the Council is only required to add a 5% buffer in line with paragraph 73 of the Framework rather than the 20% buffer that was required at the time of the Inquiry. Including this buffer, the housing requirement is 13,211.

20. The Secretary of State considers that the Inspector's assessment of housing supply at IR400-409 is now out of date given the new information that has been submitted by parties since the end of the Inquiry.
21. The Secretary of State has reviewed the information submitted by the parties, in particular the sites where deliverability is in dispute between the appellant and the Council. The Secretary of State agrees with the appellant that some of the sites identified by the Council, at the time the evidence was submitted, may not meet the definition of deliverability within the Framework. He considers that, on the basis of the evidence before him, the following should be removed from the supply: sites with outline planning permission which had no reserved matters applications and no evidence of a written agreement; a site where there is no application and the written agreement indicates an application submission date of August 2019 which has not been forthcoming, with no other evidence of progress; and a site where the agent in control of the site disputes deliverability. He has therefore deducted 301 dwellings from the supply of housing figures.
22. The Secretary of State also considers that there are further sites where the evidence on deliverability is marginal but justifies their inclusion within a range of the housing supply figures. This group includes sites where the Council has a written agreement with an agent or developer and this indicates progress is being made, or where there is outline planning permission or the site is on a brownfield register and the Secretary of State is satisfied that there is additional information that indicates a realistic prospect that housing will be delivered on the site within 5 years. The Secretary of State considers that in total the number of dwellings within this category is 2,234.
23. Applying these deductions to the Council's claimed deliverable supply figure of 17,733, the Secretary of State is satisfied therefore, on the basis of the information before him, that the Council has a 5 year deliverable supply of between 15,198 dwellings and 17,432 dwellings. As the Secretary of State also considers that the Council has a total 5 year requirement of 13,211 dwellings, he is satisfied that the Council is able to demonstrate a supply of housing sites within the range of 5.7 years to 6.6 years. The Secretary of State has considered the Inspector's comments in IR423-425, and considers that in the light of his conclusion that there is a 5 year housing land supply, the presumption in favour of sustainable development does not apply in this case.

#### *Need for a mixed use development*

24. The Secretary of State agrees with the Inspector at IR410 that the right approach is to consider the proposal as a whole, as to do otherwise would be to invite independent evaluation of the constituent elements across the board.

#### *Distortion of the Council's spatial strategy*

25. For the reasons given in IR411, the Secretary of State agrees with the Inspector that the development proposed here cannot be considered of such a magnitude as to distort the spatial vision. He therefore agrees with the Inspector that there is no breach of policies PG2 and PG7 of the CELPS.

#### *The benefits of the scheme*

26. For the reasons given in IR412 and IR421, the Secretary of State agrees with the Inspector that the proposal would bring economic benefits, in terms of direct and indirect

employment during its construction and expenditure into the local economy. The Secretary of State also agrees with the Inspector that the site is in a sustainable location and notes that Nantwich is one of the preferred locations for development in the CELPS. He agrees that these benefits should be afforded medium weight.

27. For the reasons given in IR413 and IR421, the Secretary of State agrees with the Inspector that there will be a number of social benefits including extensive areas of public open space embracing a new village green and an enlarged Landscape and Nature Conservation Area, the scope for the development of a further primary school and improvements to sustainable transport connectivity. He agrees that these would represent significant additional social benefits, not just to new occupiers of the development, but to those in the locality as well. He also agrees with the Inspector that these benefits should be afforded medium weight.
28. For the reasons given in IR414 and IR420 the Secretary of State agrees with the Inspector that the delivery of significant numbers of market housing in a sustainable location is a significant benefit. Whilst the Secretary of State has concluded that the Council can demonstrate a 5 YHLS, he has taken into account that nationally it is a government policy imperative to boost the supply of housing, as set out at paragraph 59 of the Framework, and he considers that this benefit should be afforded significant weight.
29. The Secretary of State also agrees with the Inspector at IR415 and IR420 that the scheme will include 30% affordable homes which will help meet the need in Cheshire East. The Secretary of State agrees that this is a tangible benefit and merits significant weight.

### **Planning conditions**

30. The Secretary of State has given consideration to the Inspector's analysis at IR368-372, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex B should form part of his decision.
31. Having had regard to the Inspector's analysis at IR373-378, the planning obligation dated 2 March 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR374-378 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

### **Planning balance and overall conclusion**

32. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with PG6, SD1, SD2, SE2 of the CELPS, Policy RES5 of the CNLP and Policies G5, H1 and H5 of the S&BNP and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

33. Weighing against the proposal, the harm to character and appearance, and visual amenity, is afforded limited weight and the loss of BMV agricultural land is afforded modest weight. Any concerns due to increase in traffic are afforded only very limited weight. No other substantive harms have been identified.
34. Weighing in favour of the proposal, the provision of market housing in a sustainable location is afforded significant weight. The provision of affordable housing to help meet a need in Cheshire East is also given significant weight. The economic benefits in terms of direct and indirect employment during its construction and expenditure into the local economy of the proposal are given medium weight. The social benefits, including extensive areas of public open space, the scope for the development of a further primary school and improvements to sustainable transport connectivity are given medium weight.
35. The Secretary of State has found that the Council can now demonstrate a 5 year housing land supply. However, having carefully taken into account the factors weighing for and against this scheme, he considers that the overall balance of material considerations in this case indicates a decision which is not in line with the development plan – i.e. a grant of permission for both proposals.
36. The Secretary of State therefore concludes that the appeals should be allowed and planning permission should be granted.

### **Formal decision**

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeals and grants planning permission subject to the conditions set out in Annex B of this decision letter for Appeal A: Proposed residential development for up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with a maximum floor area of 1,800 sq.m Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700 sq. m GIA; primary school site; public open space including new village green, children's play area and allotments, green infrastructure including ecological area; access via adjoining site B (see below) and new pedestrian access and associated works; and Appeal B: Proposed new highway access road, including footways and cycleways and associated works, in accordance with applications 12/3747N and 12/3746N.
38. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

### **Right to challenge the decision**

39. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
40. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

41. A copy of this letter has been sent to Cheshire East Council, Stapeley and District Parish Council and Nantwich Town Council.

Yours faithfully

*Jean Nowak*

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A – List of representations

Annex B – List of Conditions

## **Annex A**

### **Representations received in response to the Secretary of State's Rule 19 letters of 12 April 2017 and 10 May 2017**

<b>Party</b>	<b>Date</b>
Cheshire East Council	5 May 2017
Patrick Cullen	5 May 2017
John Davenport	8 May 2017
Stapeley & District Parish Council	9 May 2017
Hill Dickinson (on behalf of Muller Property Group)	19 May 2017
Patrick Cullen	7 June 2017
Muller Property Group	9 June 2017

### **Secretary of State's letter: 21 February 2019**

<b>Party</b>	<b>Date</b>
Cheshire East Council	5 March 2019
Knights plc (on behalf of Muller Property Group)	6 March 2019

### **Circulation of responses of 11 March 2019**

Harris Lamb (on behalf of Muller Property Group)	15 March 2019
Cheshire East Council	18 March 2019

### **Letter from Planning Casework Unit: 19 March 2019**

Hill Dickinson	22 March 2019
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### **Letter from Planning Casework Unit: 27 March 2019**

Harris Lamb	23 April 2019
Cheshire East Council	24 April 2019
Nantwich Town Council	23 April 2019

### **Circulation of responses: 30 April 2019**

Cheshire East Council	1 May 2019
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### **Variation of timetable: 2 May 2019**

Harris Lamb	29 May 2019
Cheshire East Council	29 May 2019

### **Circulation of responses: 4 June 2019**

Hill Dickinson	6 June 2019
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**Letter from Planning Casework Unit: 12 June 2019**

Hill Dickinson	25 June 2019
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**Circulation of Hill Dickinson letter: 26 June 2019**

Cheshire East Council	4 July 2019
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**Response to Cheshire East Council and circulation: 9 July 2019**

Harris Lamb	11 July 2019
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Cheshire East Council	8 November 2019
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**Circulation of documents received from Cheshire East Council 13 November 2019**

Harris Lamb	4 December 2019
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**Circulation of Hill Dickinson response: 9 December 2019**

Cheshire East Council request for extension	10 December 2019
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Cheshire East Council	13 January 2020
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**Circulation of Cheshire East Council response: 14 January 2020**

Hill Dickinson	31 January 2020
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**Circulation Hill Dickinson response: 4 February 2020**

Hill Dickinson	7 February 2020
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Cheshire East Council	12 February 2020
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**Note: Entries in bold indicate letters/circulation of information by the Secretary of State**



## **Annex B**

### **Schedule of Conditions**

#### **Appeal A**

1. Details of appearance, access landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority (LPA) before any development begins, and the development shall be carried out as approved.
2. Application for approval of all the reserved matters shall be made to the LPA not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

3. This permission shall refer to the following drawing numbers unless any other condition attached to the permission indicates otherwise:

Mixed Use and Access Applications Diagram – dwg SK15 Rev C  
(11 November 2017)

Mixed Use and Access Applications Diagram – dwg SK16 Rev C  
(11 November 2017)

Mixed Use and Access Applications Diagram – dwg SK17 Rev C  
(11 November 2017)

Mixed Use and Access Applications Diagram – dwg SK19 Rev D  
(11 November 2017)

4. No development shall commence until details of a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the LPA. The scheme shall make provision, inter alia for the following:
  - a. this site to be drained on a totally separate system with all surface water flows ultimately discharging in to the nearby watercourse
  - b. a scheme to limit the surface water run-off generated by the proposed development
  - c. a scheme for the management of overland flow
  - d. the discharge of surface water from the proposed development to mimic that which discharges from the existing site.
  - e. if a single rate of discharge is proposed, this is to be the mean annual run-off (Qbar) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation for up to the 1% annual probability event, including allowances for climate change.
  - f. the discharge of surface water, wherever practicable, by Sustainable Drainage Systems (SuDS).
  - g. Surface water from car parking areas less than 0.5 hectares and roads to discharge to watercourse via deep sealed trapped gullies.

- h. Surface water from car parking areas greater than 0.5 hectares in area, to have oil interceptor facilities such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour.

The development shall not be occupied until the approved scheme of foul and/or surface water disposal has been implemented to the satisfaction of the LPA.

5. No development shall commence until a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse on the northern boundary measured from the bank top (defined as the point at which the bank meets the level of the surrounding land) has been submitted to and approved in writing by the LPA. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

This buffer zone shall be free from built development other than the proposed access road. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the LPA.

6. No development shall commence within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the LPA.
7. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the LPA. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:
  - a. the hours of construction work and deliveries
  - b. the parking of vehicles of site operatives and visitors
  - c. loading and unloading of plant and materials
  - d. storage of plant and materials used in constructing the development
  - e. wheel washing facilities
  - f. measures to control the emission of dust and dirt during construction.
  - g. details of any piling operations including details of hours of piling operations, the method of piling, duration of the pile driving operations (expected starting date and completion date), and prior notification to the occupiers of potentially affected properties

- h. details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
  - i. control of noise and disturbance during the construction phase, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes
  - j. waste management: there shall be no burning of materials on site during demolition/construction.
8. No development shall take place on the commercial and retail element until a detailed noise mitigation scheme to protect the proposed dwellings from noise, taking into account the conclusions and recommendations of the Noise Report submitted with the application, shall be submitted to and agreed in writing by the LPA. The approved mitigation measures shall be implemented before the first occupation of the dwelling to which it relates.
9. Prior to the commencement of development:
- a. A contaminated land Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
  - b. If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.
  - c. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.
10. No development shall commence until a scheme of destination signage to local facilities, including schools, the town centre and railway station, to be provided at junctions of the cycleway/footway and highway facilities shall be submitted to and agreed in writing by the LPA. The approved scheme shall be provided in parallel with the cycleway/footway and highway facilities.
11. No development shall commence until schemes for the provision of MOVA traffic signal control systems to be installed at the site access from Peter Destapleigh Way and at the Audlem Road/Peter Destapleigh Way traffic signal junctions, has been submitted to and approved in writing by the LPA. Such MOVA systems shall be installed in accordance with approved details prior to the first occupation of the development hereby permitted.
12. The Reserved Matters application shall include details of parking provision for each of the buildings proposed. No building hereby permitted shall be occupied until the parking and vehicle turning areas for that building have been

constructed in accordance with the details shown on the approved plan. These areas shall be reserved exclusively thereafter for the parking and turning of vehicles and shall not be obstructed in any way.

13. Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the LPA. The Travel Plan shall include, inter alia, a timetable for implementation and provision for monitoring and review. None of the building hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation after or before occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of the development is occupied.
14. No development shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the LPA. The approved scheme shall be implemented and retained as operational thereafter.
15. Prior to first occupation of each unit, Electric Vehicle Infrastructure shall be provided to the following specification, in accordance with a scheme, submitted to and approved in writing by the LPA which shall including the location of each unit:
  - A single Mode 2 compliant Electric Vehicle Charging Point per property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW charging.
  - 5% staff parking on the office units with 7KW Rapid EVP with cabling provided for a further 5% (to enable the easy installation of additional units).

The EV infrastructure shall be installed in accordance with the approved details and thereafter be retained.

16. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds and the results submitted to the LPA. Where nests are found in any hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to LPA before any further works within the exclusion zone take place.
17. Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted to and approved in writing by the LPA. The approved features shall

be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the LPA.

18. The reserved matters application shall be accompanied by a detailed Ecological Mitigation strategy including a great crested newt mitigation strategy informed by the recommendations of the submitted Protected Species Impact Assessment and Mitigation Strategy dated 2013 prepared by CES Ecology (CES:969/03-13/JG-FD). The development shall be implemented in accordance with the measures of the approved ecological mitigation strategy.
19. Prior to the commencement of each phase of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.
  - a) The details shall include the location, height, design and luminance and ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
  - b) The scheme should include dark areas and avoid light spill upon bat roost features, boundary hedgerows and trees. The scheme should also include details of: Number and location of proposed luminaires; Luminaire light distribution type; Lamp type, lamp wattage and spectral distribution; Mounting height; Orientation direction; Beam angle; Type of control gear; Proposed lighting regime; and Projected light distribution maps of each lamp. The lighting scheme shall be installed in accordance with the approved details.
20. All trees with bat roost potential as identified by the Peter Destapleigh Way Ecological Addendum Report 857368 (RSK September 2017) shall be retained, unless otherwise agreed in writing by the Local Planning Authority
21. The first reserved matters applications shall include a Design Code for the site and all reserved matters application shall comply with provisions of the Masterplan submitted with the application and the approved Design Code.
22. Prior to the commencement of each phase of development a scheme for landscaping shall be submitted to the Local Planning Authority and approved in writing. The approved landscaping scheme shall include details of any trees and hedgerows to be retained and/or removed, details of the type and location of Tree and Hedge Protection Measures, planting plans of additional planting, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme.

The landscaping scheme shall be completed in accordance with the following:-

- a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of

the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.

- b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
  - c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of British Standard BSD5837: 2005 Trees in Relation to Construction: Recommendations.
  - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
23. An Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations shall be submitted in support of any reserved matters application which shall evaluate the direct and indirect impact of the development on trees and provide measures for their protection.
24. No phase of development shall commence until details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the LPA. No building hereby permitted shall be occupied until the boundary treatment pertaining to that property has been implemented in accordance with the approved details.
25. The Reserved Matters application for each phase of development shall include details of bin storage or recycling for the properties within that phase. The approved bin storage facilities shall be provided prior to the first occupation of any building.
26. Notwithstanding the details shown on plan reference no. BIR.3790.09D (September 2012) access to the development herein permitted shall be exclusively from Peter Destapeleigh Way as shown on plan reference no. dwg SK16 Rev C (11 November 2017)
27. Unless otherwise agreed in writing, none of the dwellings hereby permitted shall be first occupied until access to broadband services has been provided in accordance with an action plan that has previously been submitted to and approved in writing by the LPA.

## **Appeal B**

1. The development hereby approved shall commence within three years of the date of this permission.

2. This permission shall refer to the following drawing numbers unless any other condition attached to the permission indicates otherwise:
  - a. Site Location Plan reference no. BIR.3790\_13
  - b. Site Access General Arrangement Plan reference no. SCP/10141/D03/Rev D (May 2015).
3. No development shall commence until there has been submitted to and approved by the LPA a scheme of landscaping and replacement planting for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of those to be retained, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the LPA gives written consent to any variation.
5. Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction : Recommendations, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority.
  - (a) No development or other operations shall take place except in complete accordance with the approved protection scheme.
  - (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
  - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
  - (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
6. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

7. Prior to development commencing, a detailed Ecological Mitigation strategy including a great crested newt mitigation strategy informed by the recommendations of the submitted Protected Species Impact Assessment and Mitigation Strategy dated MARCH 2013 REVISION) prepared by CES Ecology (CES:969/03-13/JG-FD) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the measures of the approved ecological mitigation strategy.
8. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds and the results submitted to the LPA. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to LPA before any further works within the exclusion zone take place.
9. Prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority. The scheme should include dark areas and avoid light spill upon bat roost features, boundary hedgerows and trees. The scheme should also include details of: Number and location of proposed luminaires; Luminaire light distribution type; Lamp type, lamp wattage and spectral distribution; Mounting height; Orientation direction; Beam angle; Type of control gear; Proposed lighting regime; and Projected light distribution maps of each lamp. The lighting scheme shall be installed in accordance with the approved details.
10. Prior to the commencement of development, and to minimise the impact of the access road on potential wildlife habitat provided by the existing ditch located adjacent to the southern site boundary, the detailed design of the ditch crossing shall be submitted to and approved in writing by the LPA. The access road shall be constructed in full accordance with the approved details.
11. No development shall commence on site unless and until a Deed of variation under s106A TCPA 1990 (as amended) has been entered into in relation to the S106 Agreement dated 20 March 2000 between Jennings Holdings Ltd (1), Ernest Henry Edwards, Rosemarie Lilian Corfield, James Frederick Moss, Irene Moss, John Williams and Jill Barbara Williams (2), Crewe and Nantwich BC (3) and Cheshire County Council (4) to ensure that the Local Nature Conservation Area is delivered, maintained and managed under this permission.





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# Report to the Secretary of State for Housing, Communities and Local Government

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC  
an Inspector appointed by the Secretary of State

Date: 14 January 2019

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**Town and Country Planning Act 1990**

**Appeals by Muller Property Group**

**Cheshire East Council**

Inquiry Held on 20-24 February 2018

Land off Audlem Road/Broad Lane, Stapeley, Nantwich, Cheshire  
Land off Peter Destapeleigh Way, Nantwich, Cheshire

File Ref(s): APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529



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## List of Abbreviations

5YS	5 year housing land supply
appx	Appendix
AF	Adrian Fisher – 5YS witness for CEC
BMV	Best and most versatile agricultural land
b/p	bullet point
CEC	Cheshire East Council
Cllr	Councillor
CNRLP	Crewe and Nantwich Revised Local Plan 2006
DPD	Development Plan Document
FN	Footnote
FOI	Freedom of Information
GLVIA	Guidelines for Landscape and Visual Assessment (3rd edition)
HMU	Housing Monitoring Update 2017, published Aug 2017 with a base date of assessment at 31/3/17
JB	Jon Berry – landscape architect for Appellants
LCA	landscape character area
LCT	landscape character type
LDS	Local Development Scheme
LHA	Local Highway Authority
LP	Local Plan
LPA	Local Planning Authority
LPI	Local Plan Inspector – Stephen Pratt
LPS	Local Plan Strategy
LPpt2	Emerging Local Plan Part 2 – containing allocations and development management policy synonymous with the SADPPDP
LVIA	Landscape and Visual Impact Assessment
MW	Matt Wedderburn – 5YS witness for the Appellant
NP	Neighbourhood Plan
NPPG	National Planning Practice Guidance
OAN	Objectively Assessed Needs (usually housing)
OPP	Outline Planning Permission
PD	Pat Downes – planning witness for Appellant
PoE	Proof of evidence
PP	Planning Permission
PTQC	Paul G Tucker QC – counsel for the Applicants
PPG	Planning Policy Guidance
ReX	re-examination
RfR	reason for refusal
rNPPF	revised National Planning Policy Framework
RJ	Reasoned Justification of the Development Plan
RM	reserved matters
RTQC	Reuben Taylor QC – counsel for LPA
RT	Richard Taylor – planning witness for the LPA
SADPD	the Site Allocations and Development Plan D (aka LP pt2)
SHLAA	strategic housing land availability assessment
SOCG	statement of common ground
SoS	the Secretary of State for the Ministry of Housing Communities and Local Government
SPB	Spatial Planning Board – CEC’s planning committee

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SPD Supplementary Planning Document  
TA Transportation Assessment – here undertaken by SCP  
XC examination in chief  
XX cross examination  
XX'd cross examined  
WB William Booker – the Appellant's highway consultant  
WMS Written Ministerial Statement

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**Appeal A: File Ref: APP/R0660/A/13/2197532**  
**Land off Audlem Road/Broad Lane, Stapeley, Nantwich,**  
**Cheshire CW5 7DS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
- The appeal is made by Mr Carl Davey, Muller Property Group against the decision of Cheshire East Council.
- The application Ref 12/3747N, dated 28 September 2012, was refused by notice dated 16 April 2013.
- The development proposed is Proposed residential development for up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with a maximum floor area of 1,800 sq.m Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700 sq. m GIA; primary school site; public open space including new village green, children's play area and allotments, green infrastructure including ecological area; access via adjoining site B (see below) and new pedestrian access and associated works.

**Summary of Recommendation: that the appeal should be allowed and planning permission should be granted subject to conditions.**

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**Appeal B: File Ref: APP/R0660/A/13/2197529**  
**Land off Peter de Stapeleigh Way, Nantwich, Cheshire CW5 7HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Carl Davey, Muller Property Group against Cheshire East Council.
- The application Ref 12/3746N is dated 28 September 2012.
- The development proposed is Proposed new highway access road, including footways and cycleways and associated works.

**Summary of Recommendation: that the appeal should be allowed and planning permission should be granted subject to conditions.**

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**Procedural matters**

1. The application to which Appeal A relates was submitted in outline form with all matters reserved except for access. The extent of development is set out in the Design and Access Statement (DAS). An agreed Schedule of Drawings is listed in the Statement of Common Ground (SoCG) appendix X. Appeal B was not determined but Council members resolved that it would have been refused because it would be unsustainable and result in a loss of habitat for protected species and part of an area allocated for tree planting, landscaping and subsequent management, contrary to various policies.
2. Section 106 Agreements were submitted under section 106 of the Town and Country Planning Act 1990 (s106) in respect of both applications. As agreed, signed and dated versions were submitted after the Inquiry closed. All parties had the opportunity to comment on an unsigned though otherwise identical

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agreement during the Inquiry. I deal with the contents of the Agreement below.

3. The Inquiry sat for 4 days. I held an accompanied site visit held on 24 February. Evidence regarding housing land supply (HLS) was heard as a round table discussion on Thursday 22 February 2018.
4. This is a redetermination following the quashing of the previous decision of the Secretary of State in the HC.
5. Since the last determination of the appeals the Cheshire East Local Plan Strategy (CELPS) has been formally adopted (20 September 2017).
6. Also since the last determination of the Appeals the Stapley & Batherton Neighbourhood Plan (S&BNP) has also been made following Referendum in February 2018 and now forms part of the Development Plan.
7. Prior To the opening of the Inquiry the appellant submitted a revised layout of the proposals which omitted the proposed access off Audlem Road; this has necessitated an amendment to the description of development to reflect the changes. Whilst such amendments have been considered and accepted by the Council, acknowledged in the SoCG, they had not been the subject of formal consultation in accordance with standing regulations. After the close of the Inquiry this consultation was undertaken by the Appellant, comments collated and submitted to the Planning Inspectorate to an agreed timetable.
8. I have taken the subsequently received comments on the revisions into account whilst writing my report. Having considered the proposed revisions and the commentary on them I conclude that as they represent a diminution in the scope of the proposals and indeed address a number of previously expressed concerns on this aspect of the proposals, it would be appropriate for them to be taken into account in the determination of the appeals. I therefore recommend the Secretary of State duly take them into account in the determination of this case.
9. The revised National Planning Policy Framework (hereafter referred to as the rFramework) was published on the 24 July 2018. In light of the revisions contained therein parties were invited to comment on them insofar as relevant to both appeals. Their responses have been taken into account below.
10. There appear to be different ways of spelling Destapeleigh. I have adopted that used on the application form.
11. Although concerns over highway safety do not form part of the Council's case, given the degree of concern expressed on this matter by other parties at the Inquiry this issue is included in the main issues and is addressed in the reasoning that follows.
12. In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 the Appellant was consulted on all the pre-commencement conditions provisionally considered at the Inquiry. They

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confirmed in writing that they were content with the terms of each of such conditions and these are therefore included in the report.

### **The Site and its Surroundings**

13. The site is 12.06 hectares of flat agricultural land located to the south of the main built up area of Nantwich. It principally comprises of two fields bounded by native hedgerows with some tree cover within them. There is a field ditch along the northern boundary. The land is currently in agricultural use, primarily arable and some grazing. It is bounded to the north by Peter Destaplegh Way (A5301) and the ecology mitigation/woodland landscape area for the Cronkinson Farm development although the obligations associated with the extant consent and s106 agreement have yet to be met.
14. To the west it is bound by residential properties accessed off Audlem Road, including an approved residential development for 11 dwellings and to the east by the recently constructed residential development. The upper floors and roofs of some of the new properties may be seen from the Appeal Site. The principal length of the southern boundary runs to the south of an existing hedgerow. Part of the site runs further south, adjoining existing residential development to the west.
15. To the north of Peter Destaplegh Way is the Cronkinson Farm residential development. This includes a small parade of five shops including a Co-Operative convenience store and a public house. Pear Tree Primary School and a community hall are also situated within this residential development. To the north of the Cronkinson Farm development is the railway line connecting Nantwich / Crewe / Chester and beyond, with the town centre to the north west.
16. Existing residential development in ribbon form is situated along Audlem Road. It comprises of a mix of properties from different eras. Within this housing is The Globe public house. Bordering the south west of the application site (and accessed off Audlem Road) is Bishops Wood housing development constructed in the 1970's. Audlem Road turns into Broad Lane south of the Bishops Wood cul-de-sac and has ribbon residential development along it as well as Stapeley Broad Lane Primary School further to the south.
17. London Road, an arterial route into Nantwich, is located to the east of the former Stapeley Water Gardens site and there is residential ribbon development to the south of that site. The land between the London Road and the Appeal Site has been infilled by residential development and open space. Further to the south along London Road are more dwellings together with Stapeley Technology Park, a small employment site with a mix of office uses based around the former Stapeley House.
18. There are a number of bus stops in close proximity to the site located off Audlem Road. These bus stops are served by the No. 73 and 51 bus service. These bus services provide direct connections to Nantwich bus station and rail station continuing on to Whitchurch.



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19. Nantwich train station is approximately 1.4 km to the north of the site, accessed via Audlem Way and Wellington Road. Nantwich Town Centre is approximately 1.3 km to the north-east of the site, to the north of Nantwich train station. Nantwich Town Centre provides a range of services, facilities and job opportunities. The site is, therefore, well served by a range of services, facilities and public transport opportunities, and comprises a location which is accessible to modes of transport other than the private car.
  20. The Appeal B site is approximately 1.71 hectares in size and comprises part of a single field which adjoins Peter Destaplegh Way to the north. The site comprises of a mixture of unmanaged semi-improved grassland, bramble / scrub and a drainage ditch. There are two existing ponds within the site and to the west and south east of the site are areas set aside for Great Crested Newt mitigation. This relates to the Cronkinson Farm development and to the Stapeley Water Gardens scheme.
  21. The western and southern boundaries of the site comprise hedgerows interspersed in places with trees. The eastern boundary of the site runs through the centre of the field and will follow the edge of the proposed new highway.
  22. Further to the east of the site is recently constructed residential development. To the north of the site beyond Peter Destaplegh Way is a predominantly residential area. To the west of the site are two fields, the built up edge of Nantwich and the A529 Audlem Road which is flanked by development on either side. To the south of the site is the site of the proposed mixed use led development subject to planning appeal APP/R0660/A/13/2197532.
  23. The site will connect to the Peter Destaplegh / Pear Tree Field signalised junction in the form of a fourth arm to the signalised junction. The spur for the fourth arm is already in place with signals, street lighting and tactile paving. It is agreed by the parties that this planning permission is, therefore, extant.
  24. Planning permission was granted on the 4th January 2001 for the "construction of new access road into Stapeley Water Gardens" (planning application reference: P00/0829). This permission allowed the construction of a carriageway on a north-south alignment similar to that now proposed in this planning application with a connection to the Peter Destaplegh Way / Pear Tree Field highway junction via a fourth arm.

## **Planning Policy**

25. The revised National Planning Policy Framework (the rFramework) was published on the 24 July 2018. Paragraphs 7-14 and 59-76 of the rFramework, together with their attendant footnotes (as paragraph 3 affirms), are particularly relevant to HLS. The rFramework also sets out the position with regard to weight and conformity of existing development plan policies. The PPG confirms that any shortfall in HLS should be made up over the next 5 years.

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26. The Development Plan for Cheshire East comprises for the purpose of the appeals the recently adopted Cheshire East Local Plan Strategy 2010 - 2030, and the saved policies from Crewe and Nantwich Replacement Local Plan (February 2005). The relevant policies from each of the plans considered relevant are set out in the Planning SoCG<sup>1</sup>.
  27. As a result of a Referendum held on the 15 February 2018 the Stapley & Batherton Neighbourhood Plan was approved and consequently is now considered 'made', and thus now forms part of the Development Plan.
  28. The Planning SoCG also identifies the following as material planning policy considerations: Interim Planning Statement: Affordable Housing (Feb 2011), Strategic Market Housing Assessment (SHMA), Strategic Market Land Availability Assessment (SHLAA), Article 12 (1) of the EC Habitats Directive and the Conservation of Habitats and Species Regulations 2010.
  29. High Court cases referred to include Suffolk Coastal Appeal Court Judgement<sup>2</sup>, Suffolk Coastal Supreme Court<sup>3</sup>, St Modwen Appeal Court Judgment<sup>4</sup>, and the Shavington High Court Judgement<sup>5</sup>.

## Planning history

30. The planning application for Appeal A scheme was submitted to the Council in September 2012 and it was registered on 9th October 2012. It was assigned planning application reference number 12/3747N. The application was determined at Committee on 3rd April 2013 and was refused planning permission by Members in accordance with the planning officer's recommendation<sup>6</sup>.
31. The original appeal was considered at a public local inquiry between 18<sup>th</sup> and 21<sup>st</sup> of February 2014 in association with Appeal B. Both appeals were recovered by the Secretary of State following the close of the public inquiry. The inquiry Inspector recommended in his report dated 18th June 2014 that planning permission be granted for both appeals but in his decision letter dated 17th March 2015, the Secretary of State rejected this Inspector's recommendation and refused both appeals. (The '**Original Decision**') The Original Decision of the Secretary of State was subject to an application to the High Court and was subsequently quashed by order of the court dated 3rd July 2015. The appeals were, accordingly, re-determined by the Secretary of State and he issued a new decision on 11th August 2016. (The '**Second Decision**').
32. In the Second Decision the Secretary of State refused planning permission Appeal A on two grounds, the first being that, '*the proposals would cause*

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<sup>1</sup> Paragraph 5.1 ID2.

<sup>2</sup> CDQ1.

<sup>3</sup> CD C12.

<sup>4</sup> CDQ2

<sup>5</sup> [2018] EWC 2906 (Admin) Case Number: CO/1032/2018.

<sup>6</sup> CD K2

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*harm to the character and appearance of the open countryside, for the reasons at Paragraph 27 to 28 above. This harm will be in conflict with Paragraph 7 and the fifth and seventh bullet points of Paragraph 17 of the Framework. Having given careful consideration to the evidence to the inquiry, **the Inspector's conclusions and the parties' subsequent** representations, the Secretary of State considers that the harm to the character and appearance of the open countryside should carry considerable weight against the proposals in this case. He further considers that the loss of BMV land is in conflict with Paragraph 112 of the Framework and carries moderate weight against the proposals for the reasons given at Paragraphs 31 to 34 above.*

33. *The Secretary of State concludes that the environmental dimension of sustainable development is not met due to the identified harm, especially to the character and appearance of the countryside. He concludes that the development does not deliver all three dimensions of sustainable development jointly and simultaneously, and is therefore not sustainable development overall.*
34. *For the reasons given above, the Secretary of State concludes that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole.'*
35. The Second Decision was challenged by the Appellant and in a Consent Order issued by the High Court on 14<sup>th</sup> March 2017 the Second Decision was also quashed. In the letter of 12<sup>th</sup> April 2017 from DCLG confirming that the Second Decision had been quashed, the Secretary of State invited further representations in respect of the following matters:
  - a) Progress of the Emerging Cheshire East Local Plan Strategy;
  - b) The current position regarding the five year supply of deliverable housing sites in the Council's area;
  - c) Any material change in circumstances, fact or policy, that may have arisen since the decision of 11<sup>th</sup> August 2016 was issued and which the parties consider to be material to the Secretary of State's further consideration of this application.
36. Having requested that written representations be submitted in respect of these matters, the Secretary of State determined that, in the light of representations received the inquiry should be re-opened, by way of correspondence dated 3<sup>rd</sup> August 2017.
37. The purpose of the planning application for the Appeal B scheme was to provide access to the adjoining mixed use proposal that is subject to Appeal A. Originally, Appeal A had a separate access arrangement but it is now agreed between the parties that the Appeal Site A should be accessed solely from Appeal Site B and the original access arrangements suggested for Appeal Site A (via Audlem Road / Broad Lane) are no longer pursued. Thus, Appeal Site A falls to be determined on the basis that access will be achieved through Appeal Site B alone. The process by which this is to be achieved is explained in Section 3 below.

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38. The planning application for the Appeal B scheme was submitted to Cheshire East Council in September 2012. It was registered by the authority on 5th October 2012. The target date for the determination was 30<sup>th</sup> November 2012 but the application was not determined prior to the appeal being lodged.
39. The process by which the Appeal B scheme was determined by the Secretary of State is the same as for Appeal A above. The appeal will be heard alongside Appeal A. It is agreed that the merits of the two appeals stand or fall together.

### **The proposals**

40. The details are confirmed in the Planning SoCG. The concept for Appeal A is also set out in the Design and Access Statement (DAS)<sup>7</sup>. Most of the houses would be on the western side of the site. On the eastern side, linking in with the new highway access road in Appeal B, would be land for employment, public open space including a new village green with an equipped play area, a local centre and a primary school. Allotments would back onto the existing houses to the west. The DAS confirms the amount of development as 189 dwellings at an average density of just over 30 dwellings per hectare with up to 57 affordable dwellings in a series of clusters.
41. These would comprise five elements as follows:
- Parcel 1 is on the northwest side of the site and could contain up to 51 dwellings.
  - Parcel 2 is located to its south and could have up to 62 dwellings.
  - Parcel 3 is to the south of the employment area could deliver 15 dwellings.
  - Parcel 4 is along the main southern boundary and could contain up to 36 dwellings.
  - Parcel 5 is on the eastern side of application site and could provide up to 25 dwellings.
42. The application proposals will be a mix of 2, 3, 4 and 5 bedroom dwellings. The affordable housing mix would be based on 2 and 3 bedroom homes, split between 35% intermediate tenure for sale and 65% social rented. The total affordable housing provision represents 30% of the total number of units. Parcel 5 forms part of a new village centre. Located around a village square and adjoining the village green, the residential element forms the eastern side of the village centre with the new primary school site and local centre forming the western side. The village green will have both general open space (with appropriate pathways and street furniture sited on the edges) and a children's equipped play area in the form of a LEAP. The primary school site will be reserved for future education expansion.
43. The local centre comprises of up to 1,800 sq m (19,375 sq ft) and would accommodate a range of uses. It is envisaged that the local centre will

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<sup>7</sup> CD H12.

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comprise of 8 – 10 separate units with a single A1 unit of 1,000 sq m (10,764 sq ft) and the remaining floorspace split between units ranging from 50 sq m to 150 sq m (538 sq ft to 1,615 sq ft). The employment accommodation is situated adjacent to the local centre. Comprising of 3,700 sq m (39,826 sq ft) in total, it is envisaged this will be divided into units based on 100 sq m (1,076 sq ft). 2.7 Located on the south western side of the application site is an allotment area of 0.5 hectares. The allotments will be available to both new and existing residents. The provision of open space will be controlled by planning conditions.

44. In addition to the public open space there are two principal interlinked areas of green infrastructure. The first is along the northern boundary in the vicinity of the new village centre and the employment area. This will include the planting of a new hedgerow. At its western end, it connects to the second principal green infrastructure area which runs on a north-south axis to the east of residential parcels 1 and 2. This reflects an existing mature hedgerow.
45. The development would include a pedestrian/cycle network which, taken with its close proximity to the established community, would be intended to provide safe, direct, convenient and interesting routes through the site. The single vehicular access now proposed utilises the putative infrastructure already established on Peter Destapeleigh Way. This is now supported with linkages to the new realigned access road giving access to the greater site. This in effect comprises Appeal B, which differ from the extant and part implemented scheme previously granted planning permission<sup>8</sup>.
46. Appeal B proposes an access onto Peter Destapeleigh Way at its junction with the Pear Tree Field signalised junction in the form of a fourth arm to the signalised junction. The application subject to Appeal B is similar in nature to the approved scheme (P00/0829) for access on this site, albeit with some amendments. The spur of the fourth arm is already in place with signals, street lighting and tactile paving.
47. Planning permission was granted on the 4th January 2001 for the "construction of a new access road into Stapeley Water Gardens" (planning application reference P00/0829). This permission allowed the construction of a carriageway on a north – south alignment, similar to that now proposed as part of Appeal B. The spur of the fourth arm junction has been constructed so that the permission has been implemented. A copy of the correspondence from CEC which confirms this position is in the Core Document List (CD E2).
48. Appeal B is similar in nature to the extant scheme, albeit with some minor amendments. Appeal B realigns the road further east in order to create a direct route into the land to the south, subject to Appeal A. The position of the roundabout has also been relocated further south. A plan showing the road layout for the extant scheme, Appeal B and a composite plan showing Appeal B overlaid on the approved scheme is included in the appeal documents.

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<sup>8</sup> Planning application ref. P00/0829

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## Other matters agreed between the Parties

49. The parties have also agreed a Sustainability Analysis<sup>9</sup> in relation to key facilities and services in the context of the site, which include:
- Primary Schools – Pear Tree Primary School, St Annes Catholic Primary School and Stapeley Primary School;
  - Secondary Schools – Brine Leas Secondary School;
  - Health Facilities – Kiltern Medical Centre, a pharmacy and numerous dentists;
  - Retail – Morrisons Supermarket, Coop Convenience Store and numerous non-food retail units located to the south of Nantwich; and Public Transport Facilities – Nantwich Railway Station and numerous bus stops
50. The site has been assessed against the North West Sustainability Toolkit. Whilst some of the distances vary slightly between the Appellant's assessment, the Council concluded in the committee report to the original application that *'on the basis of the above assessment the proposal does appear to be generally sustainable in purely locational terms'*. The Council has reaffirmed this position in the report to committee of 22nd November 2017.
51. In terms of connectivity to higher order centres, Crewe lies 6.4 km (4 miles) to the north east of Nantwich and Newcastle-under-Lyme is 21 km (13 miles) to the east. These settlements have employment, advanced educational facilities, retail, leisure and entertainment venues. These settlements can be accessed via a variety of routes, which avoid the town centre. These include Broad Lane, London Road and Newcastle road.
52. In addition to the topics set out above further additional matters are agreed between the parties;
- The original planning permission in respect of appeal B is acknowledged as extant by CEC (P00/0829). It, therefore, represents a fall-back position.
  - Access to Appeal Site A will only be achieved through Appeal Site B if Appeal A is allowed.
  - Since it is no longer necessary to access the site via Audlem Road / Broad Lane, the masterplan and the red line area for Appeal A can be amended. This reduces the extent of Appeal Site A. The parties agree that updated plans L9 should now form part of the Appeal Scheme A if planning permission is granted.
  - It is agreed that 25% of the aggregated sites constitute best and most versatile land 6% of the site is grade 2 and 19% of the site is grade 3a.
  - It is agreed that there is no reason to resist the scheme in terms of ecology and that a suitable mitigation package can be provided as part of the proposed planning obligation under s.106.

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<sup>9</sup> 4.13 Planning SoCG ID2.



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- It is agreed that there are no technical reasons to resist a development in terms of highways, drainage, residential amenity and environmental health matters.
  - The Council's Landscape Officer does not consider that the proposals will have a significantly adverse landscape impact.
53. The Housing Land Supply SoCG also covers other significant areas of agreement. This advises that: the LPA's current position on 5 year HLS is set out in the Housing Monitoring Update published August 2017, base date 31st March 2017; the Housing Monitoring Update takes the housing requirement of 1,800 dwellings per annum set out in the Cheshire East Local Plan Strategy (LPS) as the relevant housing target for the calculation of 5 year HLS; The Housing Monitoring Update has a base date of 31st March 2017. The relevant five year period in HMU is therefore 1st April 2017 to 31st March 2022; that the backlog should be calculated over the plan period to date (1 April 2010 – 31 March 2017) and amounts to 5,365 dwellings and that in accordance with paragraph 47 of the first published version of the NPPF it is agreed that it is necessary to apply a 20% buffer, reflecting persistent under-delivery against the housing requirement.
54. Paragraph 73 of the rFramework revises the format of applying the buffer to the requirement, indicating a range of percentages to be applied in different scenarios. This matter is addressed in detail through each party's submissions in relation to the rFramework NPPF below.

### **The Case for the Muller Property Group**

55. At the time that these proposals were submitted almost 5.5 years ago, there was no Local Plan Strategy in place, and CEC at the time undoubtedly couldn't demonstrate a 5YS. As matters stand now, whilst the LPS is now in place, the next part of the Local Plan, which considers the merits of non-strategic allocations and which will review settlement boundaries, is still a long way from adoption. Of more concern is that CEC are still lack a sense of urgency about the need to bring forward additional housing in sustainable locations now, despite two recent appeals which have concluded that a 5YS cannot be demonstrated. And despite the fact that even on its best case that CEC has only a marginally above 5 years supply. In fact for the reasons articulated in evidence by the appellant, CEC has significantly less than 5YS of deliverable housing, and this site is needed now.
56. Thus, residential development on this site was originally recommended for refusal but was refused by members at a time when there was no plan and no 5YS. Then, after appeal it was recommend for grant by an Inspector when there was no plan and no 5YS. It was refused by the SOS whose decision was then quashed, re-determined only to be quashed in the High Court again both when there was no plan and no 5YS. In the same month that the LPS was adopted instead of re-determining the appeal the SOS decided to reopen this inquiry. That was a disappointment to the Appellant, however ironically it has provided the opportunity for the SOS to determine the appeal based upon a properly robust scrutiny of CEC's housing supply. Back in July 2017 CEC were robustly contending that their assessment of 5YS had been

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endorsed by the LPI who had concluded that CEC should have a 5YS on adoption, however his conclusions were caveated with the following warning:

*"Much will depend on whether the committed and proposed housing sites come forward in line with the anticipated timescale and amended housing trajectory."*

57. The essential reason why two Inspectors concluded that there was not a robust 5YS after two inquiries in 2017 was that the 2017 HMU, published at the end of August 2017 demonstrated that the anticipated delivery rates for last year (ie 2016/17) were significantly below those being put to the LPI, demonstrating a failure in the first year after the period being assessed by the LPI. Predictive exercises tend to become less accurate the further one looks into the future. Here the prediction being put forward by a combination of private sector evidence being put to the examination and the application of the LPA's standard methodology on lead in times and build rates has gone wrong immediately. Moreover there is strong evidence to conclude that has gone wrong in relation to 2017/18 as well.
58. It is notable that the LPI concluded that CEC should be able to demonstrate a 5YS on adoption. Had he known about the substantial under-delivery when compared to the trajectory he endorsed in the LP, then he would plainly have been far more circumspect. As was put in cross examination, based on what we now know to have been the actual delivery in 2016/17, then the supply position before the LPI was that CEC couldn't demonstrate a 5YS based on their own trajectory. It was for that reason that CEC sought to downplay the importance of the trajectory as predictive tool for assessing the overall realism of CEC's claimed supply (past and future). The problem with that is not only that it was based upon an erroneous understanding of the St Modwen case (see below), and that it is at odds with the role of a housing trajectory in national guidance and policy, but most importantly, it ignores the fact that the housing trajectory in CEC was the yardstick that the LPI uses to gauge whether or not the supply position in CEC is realistic.
59. Properly understood CEC cannot demonstrate a robust 5YS and their anticipated delivery rates claimed before the LPI are untenable. Yet instead of reacting to the recent appeals with an immediate reassessment of its standard methodology on build rates and lead in times and an immediate sense check of likely delivery from its various components of supply CEC has instead done a further trawl of agents/developers to try to make good its evidential deficit, it has sought to down play quite how wrong its LP trajectory was, and how implausible its HMU trajectory is. It now contends that the Park Road Inspector got the supply figure wrong by well over 1000 units.
60. This mixed use scheme brings benefits which are diverse and considerable – ie not simply the provision of much needed homes, but deliverable commercial development which will provide opportunities for local businesses and for the local population, which will result in a sustainable pattern of development, as well as a small local centre which will meet the needs of both the proposed housing and employment but also recently consented housing which is being constructed nearby. The reality of the position is that



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the appeal proposals are a sustainable form of development and that the only objection to them is the in principle one that the proposals are an unjustified incursion into the countryside beyond the settlement boundary. Contrary to that position the development is plainly needed now, the tilted balance is engaged and there are no adverse effects which significantly and demonstrably outweigh the benefits.

#### *5 year land supply*

61. For the reasons explained in evidence the issue of 5YS is not a determinative one in relation to the outcome of this appeal. Even if the LPA were to be able to just demonstrate a 5YS then it is firmly submitted that the appeals should still be allowed, since on the LPA's best case the position is a marginal one given its substantial under-delivery compared to the position endorsed by the LPI.
62. However on the evidence, it is clear that CEC cannot demonstrate a robust 5YS and therefore paragraph 11 (by means of footnote 7) is triggered. Prior to the exchange of evidence the Appellant invited CEC to agree to this appeal being determined on the same basis as the Park Road Inspector ie that there is a range which is just above or just below 5 years but the LPA can't demonstrate a robust 5YS therefore the presumption is triggered. This was thought to be a proportionate course of action, mindful that consistency in decision making is a material consideration of considerable importance. CEC declined this invitation.

#### *Planning Policy Guidance context*

63. Before turning to the detail of the current land supply position in Cheshire East, it is worth setting out the correct approach to guidance covering the subject; the provisions in the PPG supplement the NPPF and, do not have the same status as NPPF policy. Of most relevance to this appeal are 3-031 and 3-03311. From those paragraphs the following points arise:
  - a. Deliverable sites include those with permissions in the LP, unless there is clear evidence that the site won't be implemented within 5 years. From this:
    - i. Once a site is included as deliverable then there remains a requirement to assess the likely yield from sites with permission or an allocation. It is simply wrong to say, as the Council does in closing at paragraphs 31 and 32, that an assessment of yield is not required. PPG 3-031 is clear the "robust, up to date evidence" is required on the deliverability – i.e. the yield. It is difficult to see how an assessment of supply can be undertaken if that an assessment of yield is not undertaken. On AF's approach the decision maker would be obliged to accept the LPA's judgments when assessing delivery from sites with an allocation or permission, absent contrary evidence. However this is no more than an approach to assessing yield which –without policy support– presumes that the Council is always right. Not only is that not supported in policy it belies the repeatedly experience of this particular LPA's predictive ability over many years.

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- ii. This means that sites with PP are presumed to be deliverable unless there is evidence to the contrary. It does not mean that if a site has planning permission, then there is a rebuttable presumption that its yield is whatever the Council says it will be.
  - iii. This approach does not include allocated sites with the presumption that they are to be treated as deliverable, but the PPG does. There may be an interesting question at some future point in time as to whether that makes any difference, but in this case there is almost no dispute as to which sites are the ones which are considered to be deliverable – the dispute revolves around the likely yield from those sites.
- b. When assessing whether a site should be included in the 5YS and the yield from that site, the decision maker must consider the time it will take to commence development (lead in time) and the build out rate.
  - c. The PPG makes clear (3-033, paragraph 2) that the yield of sites as well as the deliverability of sites forms part of the annual assessment of the 5YS that the LPA is required to conduct. It self-evidently points out to an authority that deliverability and then likely yield are two separate exercises.
  - d. If an LPA does the following, then it will be able to demonstrate a 5YS (from PPG 3-033):
    - i. A robust annual assessment;
    - ii. A timely annual assessment;
    - iii. Using up to date and sound evidence;
    - iv. Considering the proposed and actual trajectory of sites in the supply;
    - v. Considering the risks to a proposed yield;
    - vi. Include an assessment of the local delivery record;
    - vii. All of the above assessments must be realistic; and,
    - viii. The approach must be thorough.
64. Drawing all of this together, it is not right to suggest that Inspectors in the Park Road and White Moss cases were wrong and that there is no requirement on the Council that their assessment of the 5YS is robust. The questions seemed to be put on the basis that the word “robust” is not included in the NPPF. This cannot possibly be correct. The language of the PPG (as above) clearly indicates that the LPA must demonstrate a 5YS – within that the evidence must be sound and it must stand up to scrutiny. If the Council’s approach was right (which no Inspector has to our knowledge endorsed) then Appellants up and down the country have been wasting time and money arguing contrary land supply positions; provided the Council can show some sort of evidence that would suffice.
65. CEC advanced an argument that when trying to assess the yield from a site, that the correct test was the capability of the site to deliver the expected numbers, and not the probability. His basis for this argument was paragraph 38 of *St Modwen*. This is, simply put, wrong and counter to common sense.

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66. CEC fell into the trap that Lindblom LJ was warning decision makers of in paragraph 39 of the same judgment:

*One must keep in mind here the different considerations that apply to development control decision-making on the one hand and plan-making and monitoring on the other. The production of the "housing trajectory" referred to in the fourth bullet point of paragraph 47 is an exercise required in the course of the preparation of a local plan, and will assist the local planning authority in monitoring the delivery of housing against the plan strategy; it is described as "a housing trajectory for the plan period " (my emphasis). Likewise, the "housing implementation strategy" referred to in the same bullet point, whose purpose is to describe how the local planning authority "will maintain delivery of a five-year supply of housing land to meet their housing target" is a strategy that will inform the preparation of a plan. The policy in paragraph 49 is a development control policy. It guides the decision-maker in the handling of local plan policies when determining an application for planning permission, warning of the potential consequences under paragraph 14 of the NPPF if relevant policies of the development plan are out-of-date. And it does so against the requirement that the local planning authority must be able to "demonstrate a five-year supply of deliverable housing sites", not against the requirement that the authority must "illustrate the expected rate of housing delivery through a housing trajectory for the plan period".*

67. CEC were unable to say whether or not they were identifying the "likely yield", the "possible yield" or the "almost certain yield" from the sites assessed. This from an apprehension not to give up the interpretation of the St Modwen case in which they failed to understand that the case revolved around the meaning of the term "deliverable"– a point which just doesn't arise in this case. This inability to explain the yield from sites within 5 years fundamentally undermines the utility of his exercise and means that it is not comparable to the appellant's approach to "probable yield". If CEC's position is merely what the site is "capable of delivering" then it is bound to be higher than what is probable and therefore betrays a fundamental error on the part of CEC which may explain why the LPA's predictive ability has proven to be wrong.

68. On the application of the above analysis, the following points are agreed:

- It is agreed that the requirement is 1800 dpa.
- The agreed five year period runs from 31 March 2017 (the base date of HMU) to 31 March 2022.
- The agreed backlog in delivery between 2010 and 2017 amounts to 5635 dwellings, which equates to 3 years of the overall requirement for the first 7 years of the plan.
- It is agreed that a 20% buffer applies in relation to paragraph 47 of the Framework and that 10% applies in relation to paragraph 73 of the rFramework, if appropriate.

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69. From the examination of the sites claimed to be within the supply the following is clear:

- i. The appellant's assessment of the sites the Council seeks to include in the supply are identified in evidence. A number are drawn-out to illustrate the key arguments against the sites being included in the supply to the extent claimed by the Council:
- ii. LPS 1 and the Crewe opportunity area is not a "*specific deliverable site*" in NPPF§47 terms and should not be included within the supply.
- iii. The Appellant's assessment of lead in times to construction in Cheshire East (Appendix MW 6) the following should be applied – 1 year from submission to the grant of outline permission; 1 year to a reserved matters application; 6 months to determine the reserved matters application; and, one year to the completion of the first dwelling. This is a total lead in time of 3.5 years. This is vital to deciding what is in the supply as it allows for an assessment of yield. Unlike CEC's standard methodology for lead in times and build rates, MW's evidence is transparently evidenced and is palpably more reliable than CEC's "black box" approach. Thus, whilst MW accepts these conclusions on average lead in times can be rebutted by specific evidence, it requires sound, realistic and up to date evidence (see para 2.5(d) above and PPG 3-033). No such evidence was forthcoming from the Council. Instead the Council offered a partial assessment of lead in times from a self-serving data set in Mr Fisher's rebuttal proof of evidence (Appendix 2). Mr Fisher's assessment is partial as it completely fails to take into account sites started before the adoption of the LPS and the lead in times between application and between construction starting and the first unit emerging from the ground (conceded by Mr Fisher XX).
- iv. Despite the policy requirements in the Framework/rFramework and PPG (see paragraph 2.4 and 2.5 above), Mr Fisher thought it appropriate for the Council to make assumptions about sites being delivered by multiple builders without any supporting evidence. Whilst that may be a correct statement that doesn't mean it comprises evidence! The Secretary of State cannot as a matter of law (given the clear interpretation of policy and guidance above) adopt this approach when evidence not an aphorism is needed. If the Council cannot produce evidence to support their assumptions on build rates, yield or commencement timelines then the Secretary of State must prefer the reasoned and evidenced approach put forward by the Appellant, which precisely mirrors the concerns of the last 2 inspectors to consider this topic in detail. Indeed Mr Fisher continued to make unsubstantiated assertions – "*we increasingly see single builders doing 50+ units a year on a site*". The Council's own assessment of build out rates in the 2017 HMU (Appendix MW17) does not support Mr Fisher's statement. Statements such as this cannot be given any weight when the Council's only evidence does not support them.

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- v. The 'sense check' for the use of the LPA's standard methodology as to lead in times and build rates is what it has predicted will be delivered and what has actually been delivered. As noted below the prediction for 2016/17 in the LP trajectory of 2955 (presumably based on the optimism of those making representations to the hearing) has proven to be groundless, and this year looks set to be similarly wrong compared to the LP and the HMU trajectory.
- vi. MW and the Inspectors in the WMQ<sup>10</sup> and Willaston<sup>11</sup> inquiries are in agreement on the yield from many of the sites. Mindful of the materiality of consistency of decision making, the SOS should be slow to deviate from those conclusions without the clearest possible evidence for so doing (the sites are noted in Appendix MW4), with respect AF asserting that he thinks that the Inspector's got it wrong is not a such a reason.
- vii. AF at one point made the bold point that both Mr Inspector Rose in the White Moss Quarry ("WMQ") inquiry<sup>12</sup> and Mr Inspector Hayden in the Willaston inquiry<sup>13</sup> both fell into serious error by concluding that a 5YS could not be demonstrated having concluded that the supply was either just above or just below 5 years. Whilst the language used was that of 'precaution', in fact both Inspectors reached an orthodox conclusion with regard to paragraph 47<sup>14</sup>, having determined that the supply was within that range. Thus, the conclusion reached by those senior Inspectors was that they were unable to determine with confidence that the Council had a 5YS. That means no more than that they could not be satisfied that the LPA could demonstrate that it had a deliverable 5YS. Therefore they approached the evidence on the assumption that Framework paragraphs 49 and 14 were engaged – deciding those appeals using the tilted balance. Both Inspectors' reasons were impeccable.

It was notable by its absence in relation to the sites where MW allies himself with the conclusions of those previous Inspectors' that time and again the Council failed to bring forward evidence to rebut the Inspectors' conclusions, reached after an exhaustive analysis of the evidence before them, in those inquiries from 8 November 2017.<sup>15</sup>

Even if the Council is correct on their least attractive argument that they are not required by policy to rely upon "robust" evidence to demonstrate a 5YS, they nonetheless are forced to accept that these appeal decisions are material considerations. Furthermore they accepted in XX the fundamental importance of the consistency of

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<sup>10</sup> C.D29 Appendix MW1.

<sup>11</sup> CD D29 Appendix MW2 at [103].

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Subsequently paragraph 11 incorporating footnote 7.

<sup>15</sup> CD29 / Appendix MW1 at [28] – [59] and Willaston - CD D29 / Appendix MW2 at [58]– [89]).

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decision taking, and that the Secretary of State in this appeal would need to give reasons (and therefore have supporting evidence) for deviating from those decisions. Whilst this is trite law, it makes it all the more baffling that having accepted those principles, they failed to produce any evidence to properly rebut conclusions of the WMQ and Willaston Inspectors.

The Council has comprehensively failed on both counts – they have failed to produce robust evidence to demonstrate a 5YS; and, they have not produced any evidence to rebut the Inspectors' conclusions in the early appeals, either evidence arriving post those decisions or to explain why those Inspectors got it wrong. Instead they continue to rely upon the approach in the LPS, the same arguments that failed in the WMQ and Willaston inquiries.

viii. What is interesting is to consider the predictive confidence with which sites were said to be on the verge of progressing in the HMU in August 2017 and then again at inquiries in late 2017, but where there has been yet further slippage. Time and again sites where applications were on the verge of being made haven't resulted in applications (e.g. the promise in the Park Road inquiry made by AF that the Handforth Growth Village application would be lodged in January, when there is still not even a masterplan in the public domain in March let alone an application), and for sites where applications were on the verge of determination then they remain on the verge of determination (e.g. the reserved matters application on White Moss phase 1).

ix. The Council has adopted a hybrid "Sedgepool 8" approach to addressing its backlog. Mr Fisher sought to explain the approach as meaning that the 8 year period rolled forward throughout the plan period. This approach runs counter to the specific conclusions on the matter by the Local Plan Inspector<sup>16</sup>. The LP Inspector concludes at paragraph 72:

*"CEC therefore proposes to fully meet the past under-delivery of housing within the next 8 years of the Plan period ("Sedgepool 8"). This would require some 2,940 dw/yr (including buffer) over the next 5 years, which would be ambitious but realistic and deliverable, as well as boosting housing supply without needing further site allocations."*

It is plain from this part of the LP Inspector's report that he envisioned the Council meeting its under-delivery in the first 8 years of the Plan – i.e. by April 2024. As Mr Wedderburn made clear, Sedgepool 8 is not Sedgefield, it is unique to Cheshire East. In the absence of an accepted approach that everyone understands, Sedgefield or Liverpool, the words of the LP Inspector carry a great deal of significance as the only direction for how this unique



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methodology should be applied. Had the Inspector wanted the 8 year period in Sedgpool 8 to have rolled forward, he would have explicitly said so. Not to do so in effect means that the backlog keeps getting rolled ever forward, at least on the Liverpool method the backlog has to be addressed within the LP period. Thus if Sedgpool 8 means rolling the shortfall forward over a perpetually rolling 8 year period then it will be a longer period than the Liverpool methodology, if it means doing so until the 8 years hits the end of the plan period then it is the Liverpool methodology by stealth – either way it is a distortion of the grace afforded by the LPI to deal with the shortfall within the next 8 years. It is of course recognised that the Park Road Inspector didn't agree with this argument – but his argument was based upon giving the Council some leeway in the early years after adoption of the plan. With respect that is not grappling with the issue properly, and the SOS is therefore respectfully invited to do so.

- x. Instead of the high delivery rates that were contended for as being realistic before the LPI (evidenced by the LP trajectory and noted by the LPI at paragraph 72 of his report) delivery rates thus far are well below those needed by CEC to plausibly claim a robust 5YS. To use a different metaphor, wheels have come off the Cheshire East Local Plan Strategy ("CELPs") in the first year after that assessed by the LPI. As at the base date of 1/4/17, it has under-delivered by 5365 units (equating to a deficit of 3 years of the requirement in the first 7 years of the plan), already.
- xi. The LP trajectory identifies that to secure a 5YS the LPA needs to deliver 2466dpa each year from 1/4/17. That figure is comparable under the HMU because the rolling Sedgfield 8 lets the LPA off the hook from not reducing a single unit from its shortfall last year (1796 – essentially equating the requirement but not eroding the shortfall at all – which is still then spread over the next 8 years). AF projects in his evidence that this year there will be delivery of 2000 units based on current information – which means delivery way below the ~2500 figure needed each year for the next 5 and pushing back meeting the shortfall by yet another year. In the real world this is woeful under-delivery and yet AF sought to argue it as if things were on-track.

Mr Fisher accepted that the LP Inspector put weight on the anticipated delivery described in the LP trajectory<sup>17</sup>. However, he somewhat inexplicably sought to argue against the 2955 figure being CEC's realistic prediction on the basis that there was no adopted plan during the first 3 years of the plan period – something the LP Inspector would have been well aware.

The only sensible conclusion is that the LP Inspector saw Sedgpool 8 as meeting the undersupply by 2024, and therefore having rolled the base date forward by one year the shortfall should be met within the

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<sup>17</sup> CD A40 paragraph 68.

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next 7 years resulting in an annual requirement (including shortfall) of 2955. On this basis alone CEC cannot demonstrate a 5YS.

70. The yardstick of the LPA's judgment is of course its own predictive ability, and in this case it has been found wanting in the starkest possible terms within the first year of the period considered by Inspector Pratt. The figures could not be more telling, contrasting the case being put last year before Inspector Pratt and that being put this year at this inquiry. Thus comparing the trajectory at the end of the 2016 Housing Topic Paper, which might usefully be considered to be its 2016 HMU against the trajectory at the back of the HMU, the following obvious points can be made:
- (i) in the 2016 HMU, the LP predicted that its delivery for 2016/17 would be 2955, in fact it was 1762 (ie 40% less than it predicted and told Mr Inspector Pratt). Even if the target was 246617 as AF now maintains, that is still 27% below the level it should have been;
  - (ii) both AF and MW provide evidence which triangulates upon around 2000 units as the likely delivery in 2017/18, against a requirement of 2466 on AF's case or 2955, which is either 19% or 32% below where it should be. That is also 2 years out of the 5 years considered by Inspector Pratt where the prediction of the LPA has failed – one wonders at what point the LPA go back to re-read the serious caution that Inspector Pratt issued in paragraph 68 of his final report?
  - (iii) in the 2017 HMU it predicts that delivery in 2017/18 will be 3373, which is double that actually achieved in 2016/17 (1762), and is way above any trendline of delivery. It is also 33% higher than CEC were predicting would be delivered in 2017/18 in its 2016 HMU (which predicted 2549 being delivered). In fact it is likely to be around 2000 units. That difference alone should lead anyone to seriously question whether its predictive methodology is flawed;
  - (iv) other figures for the 5 year period under consideration at this inquiry (ie 5 years from 1/4/17) also vary wildly from the 2016 HMU to the 2017 HMU; for example in 2016 it was predicted that 2019/20 would deliver 3,501 but in 2017 it is predicted that it will be only 3032;
  - (v) both trajectories (the LP and the HMU 2017) reveal that in no year has the LPA ever achieved its requirement (1800 pa) in the seven years since the plan started (2010), which means that year on year the backlog has been increasing until it is now the equivalent of 3 years supply. Had delivery taken place as planned in 2016/17 the backlog would have reduced by 1155 units, as it is, it has increased and is not now proposed to be removed for a further 8 years despite it relating to need arising now;
  - (vi) to be blunt, both trajectories have an air of unreality to them since both are predicated on an immediate and dramatic upturn in delivery – ie they assume imminent delivery way in excess of past delivery rates for a decade after which delivery rates will once again fall back



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to pre-2017 rates. The LPA's case was tough before the LPI but is now implausible. In order to achieve a 5YS now it needs to take a far more positive attitude to the release of deliverable sites without land use constraints in sustainable locations, and not to assume an ever more ostrich-like approach to what has actually taken place compared to its predictions since Inspector Pratt's assessment based on a base-date of April 2016.

(vii) Importantly, the failure of the LPA's predictive ability has been in the first year of delivery – if a plan fails that badly, this early the need for intervention is acute. There is no warrant to give the plan a bit more time to play out – the need for action is an immediate one and is overwhelming on the evidence. It is depressing that having been told that implicitly by two Inspectors that CEC are trying ever harder to man the bilge pumps on their own private Titanic that is their claimed 5YS.

71. The supply of housing land is not a ceiling and given the current state of affairs in this LPA, they should be actively searching out new sites with manageable planning harms to come forward. The Council's closing submissions (paragraphs 63 – 67) argues that permitting this site would reduce the allocations going forward to meet more local needs. This argument is wafer thin, and completely unsupported by any evidence provided at the inquiry. The figures contained in a local plan (including CELPS where this point is recognised at 8.73) are a floor and not a ceiling, and there is no support in policy or evidence to support this argument. Given there are no technical objections to this appeal site, its locationally sustainable and its intrinsic merits have already been endorsed by one Inspector (in the context of there being an immediate need), it is an obvious candidate to come forward now to help this Council meet its needs and to help to address its already significant under supply.
72. The Council's closing go on to say that if the SoS concludes that the LPA has failed to demonstrate a 5YS, then settlement boundaries will need to flex, but it contends that it should not be at this site (paragraph 153). This approach shies away from meeting an immediate problem. This approach has no founding in policy; it suggests that some sort of sequential test should be applied when a 5 year housing land supply problem arises. The appropriate approach is to consider whether or not the development being put forward to rectify the 5 year housing land supply problem is acceptable in planning terms and constitutes sustainable development. If it is, then it should be permitted. Sustainable sites should not be precluded from being developed when there is an immediate need on the basis that the Council thinks that there might be better sites to meet the need that it has denied, and based on evidence it has not presented! This is an abrogation of proper decision making.
73. The Council sought to argue that lapse rates shouldn't be applied, when it accepts that permissions do in fact lapse at a rate which is presently unknown. It's reasons for rejecting MW's approach in this regard is that it is said to duplicate the buffer – which it plainly doesn't – one relates to appraising supply, whereas the other relates to establishing the requirement.

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CEC bases its argument on a fundamental misunderstanding of *Wokingham BC v SOSCLG* [2017] EWHC 1863 (Admin). When that case is examined correctly, the issue was whether the Inspector was right in law to apply a lapse rate despite no party raising it during the inquiry (at paragraph 55). When the judge went on to consider whether lapse rates could be law *per se*, he concluded (paragraph 69):

*It is for the decision-maker to determine in the first instance whether or not the application of a "lapse rate" to the estimated five-year supply of deliverable housing to reflect the Council's "record of tending to over-predict delivery" involves an unwarranted adjustment, given an increase in the housing requirement by 20% "where there has been a record of persistent under delivery of housing", in each case in order "to provide a realistic prospect of achieving the planned supply.*

Therefore, provided the issue is fully ventilated before the Inspector, as it was at this inquiry, then the conclusion can be made to add a lapse rate onto the requirement. Given this Council's history of under delivery and continuing over estimation of future performance, a lapse rate of 5% as proposed by the Applicant is entirely appropriate. Indeed, it will be a vital tool to pushing this Council to meeting its need to provide homes.

74. In conclusion, on both methodology and content, the evidence before this Inspector confirms the Appellant's case that the LPA can demonstrate at most 4.25 YS. If the Council's approach to Sedgemoor 8 is applied, the land supply position on the LPAs approach to yield goes to 4.42 years. It follows from such an outcome on the land supply position that paragraph 49 of NPPF is engaged (subsequently paragraph 11 if the rFramework through footnote 7) and the decision necessarily should be taken based upon the tilted balance therein. The SOS will undoubtedly be told by CEC that the recently adopted local plan can, and is, delivering the houses to meet the identified need. However, it is not that straightforward. One cannot say that simply because there is a recently adopted LP, that the land supply position is safe. The following points are of note:

- a. The Appellant is not seeking to "go behind" the conclusions of the LPS Inspector which were based upon an analysis of Housing Supply position as at April 2016. Rather this inquiry is charged with critiquing the 2017 HMU which has rolled the position forward by one year;
- b. AF at one point in his evidence seemed to run an argument that has repeatedly failed at inquiry – that the task of an inquiry is to review the position as it was known at the base date and then close one's mind to knowledge of what has come to light in relation to the various components of supply since the base date. With respect that position is wrong:
  - i. It is not the approach of the LPA in its 2017 HMU which relies on information which has come to its attention after the base date;
  - ii. It is not the approach of AF who also relied upon information which has come to his attention after the base date, and indeed he has

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sought to gather more evidence after the LPA lost the 5YS argument at 2 previous appeals;

iii. It is not the approach of Inspectors in countless appeals across the Country;

iv. It is contrary to the approach required as a matter of law in the *Stratford on Avon DC v SOSCLG* [2013] EWHC 2074 (Admin);

v. It literally makes no sense – a decision maker is required to form a view on what the 5YS is on the evidence before him/her a s.78 appeal is not a form of quasi-judicial review to review the LPA's assessment at a point in time.

75. Inspectors in the White Moss and Willaston decisions<sup>18</sup> both concluded that a precautionary approach should be taken to the 5YS issue and that the tilted balance should be engaged. It is just wrong to contend (as AF now seeks to) that the LPA was constrained in how it wished to put its case, or that there was a misunderstanding of the implications of the St Modwen case. To the contrary in both appeals there was no constraint on the information that the LPA was able to bring forward, noting that it had failed to provide much of the base information on which the 2017 HMU was predicated AND submissions on the St Modwen case were made by leading counsel for CEC in the latter case which followed the reporting of the decision of the Court of Appeal.

76. As noted above the St Modwen case is in any event something of a red herring. It deals with what should be the components of supply and essentially concludes that the footnote to the then paragraph 47 means what it says; but it says nothing about how to approach what is the expected yield that should be assessed from those components of supply, where the PPG requires robust evidence to be provided where PP is not in place.

77. The Inspector's decision in Shavington is being challenged, as the Council is eager to point out. The basis of challenge seeks, through the Shavington decision, to impugn the rational and unimpeachable approach to calculating 5YLS in the WMQ and Willaston decisions. This challenge is being robustly defended, by both the Secretary of State and the Land Owners. Until the claim is heard, those decisions stand and the approach to 5YLS they adopt should be followed – not just in the interests of consistency in decision making, but because it is the correct approach in law and a failure to do so would be unlawful. The presumption of legality applies, and the Inspector is invited to give precisely no weight to the fact of the challenge (just as was the case in relation to the local plan challenge which was live at the time of the White Moss Quarry and Park Road appeals). Moreover, insofar as some of the arguments raised in that challenge mirror the fallacious arguments being raised by CEC in this case then the Secretary of State is respectfully invited to have regard to the rejection of those self-same arguments being raised on his behalf by the Government Lawyers. It is apprehended that the challenge will

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<sup>18</sup> Ibid.

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have long failed by the time that this decision is ultimately made by the Secretary of State in any event. It has of course not been welcome news to the LPA that it cannot demonstrate a robust 5YS, and as a professional one can have a degree of sympathy for the LPA which has gone through a very long process to secure adoption of the LPS only to discover that houses aren't being delivered sufficiently quickly to ensure a 5YS. However, what is startling is that rather than taking steps to remedy the position (e.g. advancing the pt2LP, and releasing more deliverable sites) the LPA has chosen instead to deploy its resources into defending the obviously indefensible. Based on a robust and objective assessment AF is wrong and the LPA cannot demonstrate a 5YS, and the deficit can only be made good in the short-term by the release of additional sustainable and deliverable sites without technical constraints such as this one.

### **Appellant's supplementary comments on revisions to the National Planning Policy Framework**

78. Paragraph 73 of the revised Framework states:

*"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of **five years'** worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old".*

79. The requirement to assess the housing supply as set out previously in NPPF para 47 therefore remains. In the case of Cheshire East the housing requirement is established in the Cheshire East Local Plan Strategy ("the LPS"). Policy PG 1 sets a housing requirement of 1,800 dwellings per annum. This plan was adopted on 27 July 2017 and is therefore less than 5 years old. In accordance with paragraph 73, this housing requirement should therefore form the basis of the assessment. The housing requirement set out in the LPS was used in the appellant's evidence heard at the Inquiry in February 2018 and indeed it was common ground at the Inquiry that this housing target should be applied. The appellant's approach is therefore considered appropriate with regard to the revised NPPF.

### **Identifying the Base Date and Five Year Period**

80. The rFramework does not comment on the base date or the 5 year period to apply to the assessment. The appellant's evidence on 5 year HLS applied a base date of 31st March 2017 and a five year period of 1st April 2017 to 31st March 2022, which aligned with the Local Planning Authority's Housing Monitoring Update (published August 2017, base date 31st March 2017). This based date of 31<sup>st</sup> March 2017 was therefore agreed, and is contained within the Statement of Common Ground (SoCG). This approach is considered appropriate with regard to the rFramework.

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## The Appropriate Buffer

81. Paragraph 73 of the rFramework states:

*"The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

- 5% to ensure choice and competition in the market for land; or*
- 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply."*

82. Footnote 39 of the rFramework explains that from November 2018 "*significant under delivery*" of housing will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement. At the time of writing, the relevant section of the PPG which may provide further guidance on this matter has not been updated to reflect the revised NPPF.

83. As above, footnote 39 is clear that the Housing Delivery Test will not be used to measure significant under delivery until November 2018 or thereafter. Paragraph 215 of the rFramework also explains that the Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018.

84. Paragraph 73(b) advises that a 10% buffer can be applied by a LPA where it wishes to demonstrate a five year land supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market that year. The reader is then directed to footnote 38 which states:

*"For the purposes of paragraph 73B and 74 a plan adopted between 1st May and 31st October will be considered recently adopted until the 31st October of the following year; and a plan adopted between the 1st November and the 30th April will be considered recently adopted until 31st October in the same year".*

85. As set out in evidence at the inquiry, in the first seven years of the LPS plan period, net housing completions in Cheshire East had been on average 1,034 dwellings per annum, and did not reach the 1,800 target at any point. It was therefore common ground at the inquiry earlier this year that a 20% buffer be applied, reflecting persistent under delivery as identified in the Framework.

86. In respect of the implications of the rFramework, the Local Plan Strategy was adopted by Cheshire East on 27 July 2017. As such it qualifies as "*recently*

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*adopted*” until 31 October 2018. Whilst the PPG has not been updated to provide detailed guidance upon this matter, the rFramework indicates that a 10% buffer to housing land supply is appropriate in any decision taken up to 31 October 2019.

87. From 1 November 2018, whether there has been a significant under delivery of housing will then be a matter for the decision maker to determine. Therefore the appellant maintains that a 20% buffer should apply from 1 November 2018 given the previous under delivery throughout the plan period.
88. It is also noted however that the Housing Delivery Test will then be used to measure significant under delivery from the day following its publication in November 2018. It is expected to use the national statistics for net additional dwellings, which have typically been published in mid-November over the last few years. Consequently, it seems likely to be later in November or thereafter before the Housing Delivery Test is in place.
89. The Framework is clear that the measurement of what amounts to “significant” under-delivery will be based upon the publication of the Housing Delivery Test that will be November 2018. In this case, the 10% buffer should apply as a minimum as the LPA have a recently adopted local plan in accordance with footnote 38 of the Framework. rFramework paragraph 73 gives flexibility to allow the decision maker to apply judgement as to whether or not criteria a) b) and c) applies based upon the evidence before them.
90. Whilst footnote 39 may not apply until November 2018, and because the Framework is silent on how one should determine what is “significant in the interim, it is considered that the 20% buffer should apply as until this time, the application of a 20% buffer is a matter for the decision maker to determine.
91. “Significant” under-delivery is defined as being below 85% of the annual housing requirement. It should be noted here that the transitional arrangement identified at paragraph 215 of Annex 1 only applies to the application of footnote 7 in terms of triggering the tilted balance of paragraph 11d of the Framework. It does not affect the determination of whether or not the 20% buffer applies. The appellant’s 5 year HLS calculation is therefore resupplied below showing both a 20% and also a 10% buffer to cover NPPF para 73b.

### **Addressing the under-provision**

92. The rFramework does not specifically state how the backlog should be addressed, however it does set out the Government’s objective of “*significantly boosting the supply of homes*” (paragraph 59). Addressing the backlog as soon as possible would be consistent with this paragraph. The supporting Planning Practice Guidance (PPG) has not been updated at the time of writing. Paragraph 3-035 of the PPG: “*How should local planning authorities deal with past under-supply?*” provides the guidance that was set out in the evidence for the appeal. It states:



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*"Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the 'Duty to Cooperate'."*

93. Consequently, the PPG is clear that Local Planning authorities should aim to deal with the backlog within five years. Whilst the PPG does appear to recognise that there may be circumstances in which this is not possible, it does not suggest that the backlog should be addressed over any other period in those circumstances. Instead it states that local planning authorities will need to work with neighbouring authorities under the 'Duty to Co-operate', presumably with adjacent authorities looking to help to address the backlog by making immediate provision.

94. A draft HLS section of the PPG was made available in association with the consultation on the draft rFramework. The draft PPG proposes to remove the reference to the Duty to Co-operate and replace it with reference to the plan making and examination process. It states (on page 14):

*"Local planning authorities should deal with deficits or shortfalls against planned requirements within the first five years of the plan period. If an area wishes to deal with past under delivery over a longer period, then this should be established as part of the plan making and examination process rather than on a case by case basis on appeal".*

95. This draft guidance is consistent with the appellant's position given in evidence and maintained at the inquiry. The appellant's position was to acknowledge that the matter of undersupply of housing delivery had been considered at the Local Plan examination and that the first year of the 'Sedgepool 8' period had elapsed. The appellant's position is that the LPA's "rolling" 'Sedgepool 8' approach would result in the shortfall continuing to be moved backwards and not actually be addressed at all, rather than being addressed within the 8 years as the LPS Inspector intended. The appellant's approach to addressing the under-provision therefore is considered appropriate with regard to the rFramework.

### **Assessing the Deliverable Supply**

96. Paragraph 67(a) of the rFramework is particularly relevant to the appellant's 5 yr HLS case in this appeal. At the Inquiry, there were a number of sites contested at inquiry between the Council and the appellant over whether they should be expected to deliver housing within five years. The assessment of the parties and the supporting evidence was provided within the context of footnote 11 of paragraph 47 of the previous version of the NPPF where 'deliverable' was defined. That footnote was the subject of a number of Court Judgements, in particular the *St Modwen* judgement, which was discussed at the Inquiry. In the rFramework, the definition of "Deliverable" is set out in the Glossary at Annex 2, and this states:

*"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five*

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*years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."*

97. The definition of deliverable has now been clarified and sets out the expectations for both local planning authorities and others in assessing the supply of housing land. This change is significant in that it sets out separate tests for two categories of sites as follows:
- Category A - Sites that are not major development (i.e. 9 dwellings or less<sup>19</sup>) and sites with detailed planning permission: these should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (some examples are given as to what constitutes clear evidence).
  - Category B - Sites with outline planning permission, permission in principle, allocated in the Development Plan or identified on a Brownfield Register: these should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
98. In summary, sites under Category A are to be considered deliverable unless the appellant, in challenging the LPA's 5 year HLS, provides clear evidence that those sites are not deliverable. Conversely sites in Category B should not be included in the five year housing land supply by the LPA unless there is clear evidence that housing completions will begin on these sites within five years. This is a significant change as the test has now been reversed for sites with outline permission or development plan allocations. Previously under footnote 11 sites were deemed to be deliverable unless there is clear evidence that they were not. Therefore, national policy now stipulates that these should no longer be included unless there is specific evidence that they are deliverable.
99. The appellant considers that this change in approach to considering whether a site is deliverable gives overall support to the appellant's position and undermines the Council's approach to the supply in the evidence before this appeal.
100. In general, it does not alter the appellant's position on the sites that were challenged in the appellant's evidence in this appeal. Without seeking to introduce new evidence or reopen the detailed consideration of sites undertaken at the inquiry, the appellant's approach at the inquiry was

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<sup>19</sup> As per the definition of "major development" within Annex 2 of the rFramework.



generally not to challenge whether sites should be considered deliverable, but to challenge whether sites had a realistic prospect of delivering of the number of units indicated by the Council within 5 years. The change in approach in the rFramework would add weight to our concerns for Category B sites, that the Council has not demonstrated (to quote the rFramework) with *"clear evidence that housing completions will begin on site within five years"* (and without seeking reopen the detailed consideration of sites undertaken at the inquiry it may also provide a reason to challenge further sites in the supply).

101. The appellant provided evidence disputing 41 sites and the majority of these were sites within category B. Of these sites, 34 were sites without planning permission, sites with outline planning permission or sites with outline permission subject to S106. In the case of these sites, the onus would now be on the Council to demonstrate in evidence why it should be considered that housing completions will begin on site within five years. A summary of the sites falling within Category A and Category B are set out in the table below.

Site Name/ Reference	Category A	Category B
LPS1 Central Crewe		✓
LPS2 Basford East Crewe (Phase 1)		✓
LPS4 Leighton West (part a)		✓
LPS5 Leighton		✓
LPS6 Crewe Green		✓
LPS8 South Cheshire Growth Village		✓
LPS10 East Shavington	✓	
LPS11 Broughton Road, Crewe		✓
LPS13 South Macclesfield Development Area		✓
LPS14 Kings School, Fence Avenue		✓
LPS15 Land at Congleton Road		✓
LPS16 Land south of Chelford Road, Macclesfield		✓
LPS17 Gaw End Lane, Macclesfield		✓
LPS18 Land between Chelford Road and Whirley Road		✓

LPS20 White Moss Quarry, Alsager		✓
LPS27 Congleton Business Park		✓
LPS29 Giantswood Lane to Manchester Road		✓
LPS33 North Cheshire Growth Village		✓
LPS36 Land north of Northwich Road and land west of Manchester Road, Knutsford		✓
LPS37 Parkgate Industrial Estate, Knutsford		✓
LPS38 Land south of Longridge, Knutsford		✓
LPS42 Glebe Farm, Middlewich		✓
LPS43 Brooks Lane, Middlewich		✓
LPS46 Kingsley Fields	✓	
LPS48 Land adjacent to Hazelbridge Road, Poynton		✓
LPS57 Heathfield Farm, Wilmslow		✓
LPS61 Alderley Park	✓	
1934 Land off Dunwoody Way, Crewe	✓	
2991 Land adjacent to 97 Broughton Road, Crewe	✓	
3535 Santune House, Rope Lane, Shavington	✓	
3574 Land west of Broughton Road, Crewe	✓	
3612 Land south of Old Mill Road, Sandbach		✓
2896 Land to the north of Moorfields, Willaston		✓
4302 Kings School, Macclesfield		✓
4752 Land off East Avenue, Weston		✓
4725 Abbey Road, Sandbach		✓
5672 Land off Church Lane Wistaston		✓
5709 Land off London Road, Holmes Chapel		✓
406 Victoria Mills		✓
3175 Chelford Cattle Marker and Car Park		✓

102. The change in approach to considering whether a site is deliverable does however run very much counter to the LPA's approach in this appeal with regard to assessing the deliverable supply. The Council's evidence to the appeal set out a number of observations on the *St Modwen* judgement and the consideration of whether a site is deliverable. The Council essentially suggested that the *St Modwen* Court of Appeal Judgement is a 'game changer' in that the threshold for calculating 5 year HLS had been lowered in some significant respect and contending that, given the strategic sites are allocated and these sites are 'capable' of having homes built on them, *St Modwen* obviated the need for the LPA to evidence that their yields in the 5 year period are 'realistic'. Clearly the rFramework now makes absolutely clear that Category B sites should no longer be included in the supply unless there is specific evidence that they are deliverable. It is therefore it is clear that robust evidence on delivery is needed, as was argued by the appellant.
103. In summary, the supply of deliverable sites must be determined within the context of the rFramework which is a material change from that in the superseded Framework. It is for this reason, and the test in paragraph 67A (and associated definition of what comprises a deliverable site provided within Annex 2) that means that the Appellant's housing land supply position should be favoured over the Councils.

### **Housing land supply calculation**

104. The above comments in respect of the approach to 5 year HLS in the rFramework refer to each of the key stages of assessment. The final stage is to undertake the calculation itself. The appellant's calculation was set out in the Appellant's 5 year HLS Proof of Evidence in Table 16 entitled "Conclusions on 5 year land supply CEC / Appellant". At the end of the Inquiry on 23 February 2018 a revised version of this table was submitted at the Inspector's request, updated to reflect the concessions on supply made by both parties in the 5 year HLS Statement of Common Ground (SoCG).
105. It is considered that, given the reference to a 10% buffer in rFramework para 73(b), it may be of assistance to now provide a table showing the appellant's position updated to reflect the concessions on supply made by both parties in the SoCG with a 10% buffer applied.

Updated version of Table 16 of the Appellant's Proof of Evidence "Conclusions on 5 year land supply CEC / Appellant" to reflect the concessions on supply made by both parties in the 5 year HLS Statement of Common Ground in this appeal and also showing the calculation applying a 10% buffer

		Appellant's position when the 20% buffer is applied (supply addressed in 7 years) (updated to reflect SoCG on sites)	Appellant's position when the 10% buffer is applied (supply addressed in 7 years) (updated to reflect SoCG on sites)
<b>A</b>	<b>Net annual requirement (2010 to 2030)</b>	1,800	1,800
<b>B</b>	<b>Housing requirement 1 April 2017 – 31 March (A x 5)</b>	9,000	9,000
<b>C</b>	<b>Shortfall 1 April 2010 - 31 March 2017</b>	5,365	5,365
<b>D</b>	<b>Shortfall to be addressed in 5 years</b>	3,832	3,832
<b>E</b>	<b>Requirement + shortfall (B+D)</b>	12,832	12,832
<b>F</b>	<b>Buffer (20% of E)</b>	2,566	n/a
	<b>Buffer (10% of E)</b>	n/a	1,283.2
<b>G</b>	<b>Requirement + buffer (E+F) = supply required</b>	15,398	14,115.2
<b>H</b>	<b>Assessment of Supply (updated)</b>	13,101	13,101
<b>I</b>	<b>Supply demonstrated (H/G x 5) in years</b>	4.25 years	4.64 years

106. The table above sets out that, where the appellant's approach to supply is preferred, even if a 10% rather than 20% buffer is applied the Council's 5 year HLS figure remains below the requirement.
107. The appellant's position in the light of the rFramework therefore remains that the LPA cannot demonstrate a deliverable five year housing land supply, as was set out in evidence to this appeal and at the inquiry. Therefore, in accordance with paragraph 73 of the rFramework it remains the position of the appellant that the Council are unable to robustly demonstrate a 5 year supply of deliverable housing sites. Therefore, the tilted balancing exercise required by paragraph 11d of the rFramework is engaged as per footnote 7. The conclusions reached by the appellant in the evidence heard before the inquiry therefore remain valid in the context of policies contained within the revised Framework.

## **Landscape**

108. The application site carries no designation, nor is anyone arguing that it is a valued landscape in rFramework terms. In local landscape policy terms

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(SE4), the scheme is compliant for the reasons explained by Mr Berry. Moreover, it is clear from the proposed Landscape Strategy principles that the development will respond to the existing landscape with good legibility and a strong sense of place. Any marginal criticisms that have been raised over the course of the last 4 years have been fully taken on board in the latest revisions to the illustrative masterplan. In JB's view the appeal site is an unremarkable and ordinary parcel of land with no particular features that would set it out of the ordinary. Its relationship to the urban area, especially following recent planning permissions granted to the east and west and illustrated on JB's appendix 1, drawing SK19, underscore the site's obvious capacity to accommodate the proposed development. Importantly, that capacity has only increased since the application was first refused (contrary to officer's recommendations) as a result of the adjacent development (especially the DWH land to the east which will have been evident on site); and also as a result of the scheme no longer proposing its own dedicated access to the south, but through an access from the north of the site, the junction with Peter Destapeleigh Way already having been completed.

109. Given that CEC have never refused this application on landscape grounds and have never raised a freestanding landscape impact case against the proposals either at this inquiry or its precursor, one might legitimately ask why the Appellant has sought to present a fully articulated landscape case. Indeed, Mr Gomulski CEC's landscape architect who is habitually called at housing appeals in this borough reiterated his advice back in November 2017 that there would be no significant adverse landscape and visual impacts (after mitigation) and that a landscape reason for refusal could not be substantiated.

### **Local Plan considerations**

110. The Council's case is in essence that there is no need for additional housing and that there are breaches of the recently adopted Local Plan Strategy ('CECLP') whose policies should be treated as not out of date and therefore the application must be refused. To put it mildly, that is an oversimplification of the situation of the task that is before this Inquiry, and takes a myopic view of the actual position that CEC finds itself. Unarguably, in accordance with s.38(6) of the 2004 Act the SOS must determine this appeal in accordance with the development plan unless material considerations indicate otherwise. As PD pointed out in his evidence, whether the policies of the development plan remain relevant and up to date is a material consideration that must be taken into account. Further, the question of whether or not the appeal proposal is in accordance with the relevant policies of the development plan is not simply a yes or no question the answer to which determines the outcome of this appeal. The degree of conflict is plainly relevant and an essential question to consider. Similarly, the actual land use consequence of a policy breach has to be interrogated.
111. That is particularly important here when the alleged harm is the principle of development beyond settlement boundaries, and not any particular significant land use harm, such as landscape, ecology, drainage etc, other than the loss of an area of BMV agricultural land (which is agreed not to be a determinant issue in any event). However the loss of BMV is not significant

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and the site is not currently farmed. As recorded in the note submitted to the Inquiry by the Appellant, and not disputed by the Council, only 17% of the appeal site A is BMV (sub-grade 3a). As set out in appendix 2 to PD's POE (the POE of M J Reeve on BMV for the original inquiry at para 6.1), the site "would primarily use one of the few areas dominated by poorer non-flooding land on the margins of Nantwich, so meets the requirements of the NPPF to use poorer quality land in preference to that of a higher quality. The LP at policy SE.2 requires that BMV is "safeguarded". It is agreed that the site will result in the loss of BMV it is a small amount (2.6ha in total across Appeals A and B) and that this loss is not determinative (see SoCG). Taking these points together, in the context of a county where most of the land is of similar grade (see RT PoE at 6.33), the poor quality of the other land in site A and that the parties agree that the loss of BMV is not determinative, the loss of BMV must accord no more than limited weight (as PD concludes in his POE at page 60). Furthermore, if the SoS concludes that the Council cannot demonstrate a 5YHLS, then greenfield sites will need to be delivered and he should reach the same conclusion as the original inspector at paragraph 12.1626 that in those circumstances the release of the BMV on this site to development causes no harm.

112. The starting point for considering whether the relevant policies are up-to date and the weight to be afforded to any breaches of them is a consideration of the basis upon which the plan was adopted. It is agreed by both of the main parties planning witnesses that the settlement boundaries used in the CECLP are those from the previous Crewe and Nantwich local plan. PD explained that the LP settlement boundaries that were set in 2006 were only ever intended to last until 2011, by which time there would have been expectation that they would have been reviewed.
113. The only modifications that were made to these boundaries during the recent LPS process was to incorporate the strategic allocations into them. This did not constitute a review of the boundaries and it is agreed by both planning witnesses that there is therefore a need for the boundaries to be reviewed as part of the next stage of plan preparation SADPPD/LPpt2, which will also consider allocating additional sites so as to meet CEC's needs, for a plan whose plan period started back in 2010. This was acknowledged by the LPI in his report at paragraph 111 and is expressly acknowledged in Policy PG 6 itself along with its supporting text<sup>27</sup>.
114. As a matter of sensible planning, as a matter of logic and as a matter of mere common sense the geographical extent of these settlement boundaries are therefore obviously "out of date", even if the text of the policies themselves correspond to the approach of the rFramework – a distinction which goes unremarked in the LPA's evidence. This is further evidenced, by the number of dwellings that have been granted planning permission by the Council and at Appeal over the last 5 years and in the overall approach adopted in the LPS itself that involves very significant development outside of settlement boundaries of the saved Local Plan – thereby underscoring it's out of datedness. In a situation where it is acknowledged that development will be required outside of adopted boundaries to meet identified development needs it is nonsensical of the Council to argue that those boundaries are up to date.

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115. One final point is that the position is not altered by the making of the NP. That is because Inspector Jonathan King in emasculating the draft NP rewrote the housing chapter of the NP to mirror the settlement boundary in the saved LP and the NP expressly notes that the boundaries will be reviewed as part of the Ppt2. It follows that policies RES-5 and Policies PG-6 are out of date in their geographical extent and this must reduce the weight to be attached to them and the weight to be attached to any breaches of them. This is precisely the approach of the Park Road Inspector who at paragraph 16 observed:

*"Whilst, for the time being, the settlement boundaries and extent of the Open Countryside in the CNRLP as amended continue to carry weight as part of the development plan, there is clearly an acceptance in Footnote 34 and the CELPS Inspector's report that they will be subject to further change. This may be to accommodate non-strategic sites allocated for development as part of the SADPPDP or where planning permissions have been granted for development beyond existing boundaries or in the light of other criteria yet to be defined. To this extent the current boundaries cannot be considered to be fully up to date."*

Thus, it is accepted by the Appellant that these policies are breached but as the Appellant correctly contends the extent of that breach has to be assessed to determine what weight to be attached to the breach. The appeal site lies in the defined open countryside but is in no way an isolated or irregular intrusion into the open countryside. It is an obvious extension to the settlement of Nantwich with development on three sides. Importantly, other than the fact of the breach, the Council does not identify any land use harm arising from the breaches of policies RES-5 and PG-6. That there is no land use harm that arises from the breach of these policies must reduce still further the weight to be attached to these policy breaches.

116. There is an allegation within the RfR as well as RT and AF's proof that to allow the appeal proposals would somehow place the Spatial Vision of the LPS 'out of whack'. That is founded upon the proposition that Nantwich has already delivered the amount of housing that was anticipated as part of the LPS spatial distribution. The point is however nonsensical and belied by the words of the LPS itself, since policy PG7 sets out figures for each settlement that are expressly said to be "neither a ceiling nor a target". And yet RT purports to interpret PG7 in precisely that way, at one point even alleging that there was a conflict with the policy (despite it not being cited in the RfR). Moreover, the table following paragraph 8.77 in the LPS is expressed to be an 'indicative distribution'. Thus whilst it may be that CEC could contend that it would be a powerful material consideration against a scheme which was grossly out of kilter with the overall distribution of the LPS, it is an abuse of the express language of the plan to contend that there is a breach of policy PG7 as RT alleges.
117. However, to arrive at that point one has to come to the view that the proposals would indeed be sufficiently at variance with the indicative distribution to be said to result in a land use distribution contrary to the objectives of the LPS. In White Moss Quarry, Inspector Rose seems to have



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arrived at the conclusion albeit for a much bigger proposal close to a much smaller settlement. However, merely being a little above the indicative figure of 2050 when that figure is not a ceiling nor a target does not lead to the inexorable conclusion of an offence against the distribution contended for by RT.

118. Moreover, RT was unable to answer the “so what?” point – i.e. even if there is development in excess of the notional distribution, if there is an immediate need for more housing in CEC there are no land use consequences identified which arise as a result why is there a consequence which even weighs into the ‘harmful’ side of the scales. In XC it was argued that the position is directly analogous to the White Moss Quarry appeal – however that decision bears close reading, since the Inspector there was dealing with an argument that the proposals (which were much bigger than those proposed here close to a much smaller settlement) would give rise to harmful out-commuting– whereas here no such allegation is made.
119. As RT was at pains to emphasise in his proof, PG-7 does not identify maximum limits on housing numbers in any location, nor does it identify targets. For a breach of PG-7 to arise it cannot simply occur as a result of a numbers game, there has to be a consequence of that number of housing units coming forward in the location in question. Here there has been no attempt at all to identify any such harm. Thus there was no alleged (unmitigated) infrastructure harm to Alsager and there was no harm to social cohesion, further there is therefore no technical justification for withholding consent.
120. It is all well and good to allege that a proposal is contrary to the spatial strategy of the development plan but in order for such an allegation to be credible the proposal in question must actually be contrary to the spatial strategy and even if it is there must be some consequence of that. Here, the appeal proposal is not contrary to the spatial strategy because the numbers identified in PG-7 are not maxima, and harm has not been shown if panning permission is granted.
121. The appeal proposal should be decided in accordance with the development plan unless material considerations indicate otherwise. When looking at the development one looks at whether the proposal is in overall accordance with the development plan. The appellant accepts there are some breaches of development plan policies, but these are limited<sup>30</sup>, where the breaches arise as a result of settlement boundaries the geographical extent of these policies are out of date and when harm is considered, there is none. This proposal does not give rise to harm to the spatial strategy, gives rise to not meaningful land use harm and comprises sustainable development. Consequently, regardless of the 5yrHLS situation the appeal proposal should be approved.



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## **Other considerations**

### **Deliverability**

122. In something of an unexpected turn of events CEC ran a surprising and misguided case against the appeal proposals, namely that even if planning permission was granted that the proposals would not deliver very much within the plan period in any event.
123. The first attack was both an attack “ad hominem”, or in modern parlance, the LPA sought to play the man and not the ball. AF presented 3 examples of where consents had been granted to the Appellant but where delivery had not come forward as expected. However, in XX he readily accepted that he had presented a deeply partial picture and had identified only those sites which had under-delivered and that he had said nothing at all about sites where the Appellant had brought forward sites which had readily delivered units. That of itself should have compromised AF’s credibility. However, he also failed to point out that the third of the sites that he cited (Old Mill Sandbach) hadn’t delivered because of a land dispute with the Council, where the latter (as landowner) were essentially holding-out for ransom value for land which had been compulsory purchased as part of a highway scheme but was never needed. The picture painted was a disingenuous and partial one.
124. The argument was then put that based upon MW’s delivery rates, and assuming that the SOS wouldn’t issue his decision quickly that the delivery rates for the site would be low. AF’s picture painted in his proof of a dilatory land-banking strategic land company is with respect ludicrous;
- (v) agents have been appointed as PD explained in XC and the likely purchaser for part of the residential component will be DWH, who are building homes rapidly next door – this will be a continuation of that site, resulting in obvious benefits in terms of lead in time as well as evidencing a clear local market;
- (vi) there is clear evidence of a demand for the employment units – see letter from RWR Walker Surveyors - 15 March 2018.
125. There is no basis for the pessimism expressed by AF (which may be contrasted with gross over-optimism elsewhere), there is compelling evidence that this site will deliver within the 5 year period.

### **Neutral outcomes and Benefits**

126. The Transport Assessment concludes without challenge from the highway authority that the existing road network has the capacity to readily accommodate the traffic anticipated from the scheme. There would therefore be neither severe adverse effects nor deleterious impacts on the safety of other road users. This matter therefore, despite the recognised apprehension of local people, would be rendered neutral in the planning balance. If permitted this scheme will bring forward much needed market and affordable homes. The delivery of these homes will provide employment opportunities.

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The employment site will provide employment opportunities and strengthen the local economy generally. The services such a site will be a benefit in terms of those services and by reducing trips.

127. The provision of a site for a primary school represents a potential long term benefit of the proposal which could be provided as and when future development requirements for Cheshire East are assessed.

128. The scheme includes extensive areas of open space and landscaping (see CD L9), including habitats with biodiversity benefits. 7.3.4 The section 106 agreement provides, in addition to the affordable housing, for an education contribution and a highways contribution to improve public transport facilities.

### **Overall Conclusions**

129. It is the Appellant's case that the LPA can demonstrate at most 4.25 YS (with a 20% buffer. If a 10% buffer is applied the land supply is 4.64 years. If a more critical view on delivery post-rFramework is factored-in the supply drops further<sup>20</sup>. On any of the outcomes above, the Council cannot demonstrate a 5YS as required by rFramework paragraph 11 (footnote 7). Therefore the consequences flow from this and the tilted balance in NPPF in paragraph 11.

130. Even if it was concluded that the LPA's optimism was well founded and that it could (just) demonstrate a 5YS, then that does not mean that the appeal should necessarily be dismissed:

- a. on its best case, at 5.45 years the LPA is only just able to demonstrate a 5YS, and even that based upon heroic assumptions about future delivery;
- b. the settlement boundaries were established in the C&NLP over ten years ago and have not been reviewed, save for account being taken of strategic allocations since then;
- c. the settlement boundaries will need to be reviewed and updated as part of the CELPpt2 which is still not even at the earliest stage of preparation;
- d. there is no technical objection to the appeal proposals, including any allegation that there is no capacity to meet infrastructure requirements; and,
- e. the existence of a 5YS is not a ceiling nor is it a proper basis to withhold consent for otherwise sustainable development, especially

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<sup>20</sup> These account for the revised figures submitted after the revisions to the Framework have been accounted and differ from the Appellant's assessment in closings after the Inquiry.

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when as at 1/4/17 there has been an under-delivery of over 5300 homes or more than 3 years of the adopted LP requirement. Indeed even the figures in the CELPS are firmly expressed as not being maxima, and it would be perverse to treat them as such in the manner implicitly asserted by CEC.

131. The scheme complies with the settlement hierarchy by locating in a Key Service Centre. Furthermore, the scheme complies with the terms of the Neighbourhood Plan as it provides important residential development next to the existing boundary of Nantwich, as the plan envisions (despite the revisionist approach now being taken to interpretation). The Council's arguments in closing (paragraph 156) that this scheme, if permitted, would skew the strategy for Nantwich simply ignores that the CELPS directs residential and employment development to Nantwich as a Key Service Centre. Therefore if the Council has failed to demonstrate a 5YS, then Nantwich would be a prime candidate for flexing settlement boundaries to deliver the homes that are being held up by this Council.
132. Furthermore, the Council's claim that permitting this site would lead to housing provision of 18% above the level identified as appropriate in terms of spatial distribution in the CELPS is misleading. The 18% is presumably (the Council conveniently don't show their working) arrived at by taking the 2246 allocated plus the 189 on this site, giving 2434. This equals 18.7% more than the 2050 in policy PG7. What the Council fails to mention is that as 2246 has already been allocated, CEC has shown they are happy to go over the 2050 and are already over it by 12%. Therefore the percentage increase on the allocated sites (2246) of this proposed scheme (189) is 8.4%. So the Council is not only misleading in paragraphs 61 – 65, but they have also got their arithmetic wrong.
133. The Scheme also provides significant employment, housing and social benefits set out in Mr Downes' evidence. Despite the Council's protestations in closing, there is no policy requirement that weight should not be given to economic proposals if they are not accompanied by a clear indication of the occupier, that would stifle development across the UK were the proposition to have any force. The Appellant has made a planning application and there is no reason to suggest that development will not be forthcoming, indeed it is understand that correspondence has been provided by the landowner in response to the latest consultation exercise from a local commercial agent which demonstrates exactly this point. There is therefore no reason not to place significant weight to the benefit of the economic aspect of the scheme.
134. A section 106 agreement has been concluded providing for affordable housing education, public open space and transportation.
135. Given there are no identified harms that could significantly and demonstrably outweigh the benefits of this scheme, the Inspector is respectfully invited to recommend to the Secretary to (finally) allow the appeal and to grant permission to these applications which propose a sustainable form of development in the context of clear evidence of need.

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## The case for the Council

### The Starting Point

136. The starting point for any decision in the present case is, of course, section 38(6) of the 2004 Act. This requires assessment of whether the proposed development accords with the Development Plan.

137. The Development Plan consists of:

- a. Saved Policies of the Crewe and Nantwich Plan 2011;
- b. The Stapeley and Batherton Neighbourhood Plan adopted in February 2018; and
- c. The Cheshire East Local Plan Strategy 2017 ("the CELPS").

138. The CELPS was, of course, only adopted in July 2017 and sets out the strategy to meet the needs of this area including housing needs. The Examination Inspector concluded:

"I consider the Overall Development Strategy for Cheshire East, including the provision for housing and employment land, is soundly based, effective, deliverable, appropriate, locally distinctive and justified by robust, proportionate and credible evidence, and is positively prepared and consistent with national policy." (Examination Inspector's Report p21 para 78)

139. In reaching that conclusion the Examination Inspector considered a wide range of objections including a number presented by housing developers and their advisors. They raised wide-ranging concerns including those relating to:

- a. Lead-in times; and
- b. Deliverability of sites.

140. After a lengthy and detailed consideration of those concerns and after considering the views of all stakeholders in the Local Plan process, the Examination Inspector rejected them. He concluded that:

"CEC has undertaken much detailed work in establishing the timescales and delivery of these sites, including setting out the methodology for assessing build rates and lead-in times, using developers' information where available and responding to specific concerns [PS/B037]. Although there may be some slippage or advancement in some cases, I am satisfied that, in overall terms, there are no fundamental constraints which would delay, defer or prevent the implementation of the overall housing strategy...

I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years." (Examination Inspector's Report p19 para 69)

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### Subsequent appeal decisions

141. Since then matters have moved on. The Council has been party to a number of planning appeals not least those relating to Sites at White Moss and at Willaston. The Inspector's in those appeals reviewed the evidence presented to them and concluded that there was a range of realistic views. That range, they said, straddled the five-year housing land boundary.
142. They then both adopted what they described as a precautionary approach. We submit that there is no policy guidance which supports this. There is nothing in the NPPF or the NPPG that indicates that where the realistic range of deliverable sites falls either side of the five-year supply line the decision maker should assume that there is no five-year housing land supply.
143. The Inspectors in these decisions both dismissed the appeals and refused to grant planning permission. As a result, the Council was not a person aggrieved and could not challenge the lawfulness of the approach adopted to five year housing land supply issues.

### A Precautionary Approach is Unlawful

144. In the Claim relating to the Shavington Appeal, the Council contends that the adoption of a precautionary approach is unlawful. The reasons why are set out in the Statement of Facts and Grounds but are summarised below.
145. Paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means for decision taking:

"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted."

146. Thus, in order to apply the tilted balance, a decision maker must conclude that the development plan is absent, silent or relevant policies are out of date.
147. As Lord Carnwath explained in *Hopkins Homes v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865 at paragraph 59:

"The important question is not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14. As the Court of

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Appeal recognised, it is that paragraph, not paragraph 49, which provides the substantive advice by reference to which the development plan policies and other material considerations relevant to the application are expected to be assessed”.

148. It is submitted that, as a result of the words of paragraph 14 and **Hopkins Homes**, in order to apply the tilted balance, the decision maker has to determine that relevant policies in the development plan are out of date. In order to do that by reference to five-year housing land supply considerations, a decision maker must conclude that there is currently no five-year housing land supply of specific deliverable sites.

### **Determining Deliverability**

149. The decision in *St Modwen Developments Ltd. v Secretary of State for Communities and Local Government* [2017] EWCA Civ 1643 was delivered by the Court of Appeal on the 20<sup>th</sup> October 2017. It provides significant clarification as to the approach to adopt to the consideration of what is meant by a deliverable site within the NPPF.
150. Paragraph 47 of the NPPF provides that local planning authorities are to “identify and update annually a supply of specific deliverable sites sufficient to provide five-years’ worth of housing against their housing requirements...”
151. Footnote 11 of the NPPF then explains what a “specific deliverable site” is as follows:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, **unless there is clear evidence that schemes will not be implemented within five years**, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

152. Further guidance is provided in the National Planning Practice Guidance:

“What constitutes a ‘deliverable site’ in the context of housing policy?

**Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.**

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply.

**Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out.**



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If there are no significant constraints (eg infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe”.

153. The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. **Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply.**” (emphasis added)

154. In **St Modwen**, Lindblom LJ explained at paragraph 38:

“The first part of the definition in footnote 11 – amplified in paragraphs 3-029, 3-031 and 3-033 of the PPG – contains four elements: first, that the sites in question should be “available now”; second, that they should “offer a suitable location for development now”; third, that they should be “achievable with a realistic prospect that housing will be delivered on the site within five years”; and fourth, that “development of the site is viable” (my emphasis). Each of these considerations goes to a site’s capability of being delivered within five years: not to the certainty, or – as Mr Young submitted – the probability, that it actually will be. The second part of the definition refers to “[sites] with planning permission”. This clearly implies that, to be considered deliverable and included within the five-year supply, a site does not necessarily have to have planning permission already granted for housing development on it. The use of the words “realistic prospect” in the footnote 11 definition mirrors the use of the same words in the second bullet point in paragraph 47 in connection with the requirement for a 20% buffer to be added where there has been “a record of persistent under delivery of housing”. Sites may be included in the five-year supply if the likelihood of housing being delivered on them within the five-year period is no greater than a “realistic prospect” – the third element of the definition in footnote 11 (my emphasis). This does not mean that for a site properly to be regarded as “deliverable” it must necessarily be certain or probable that housing will in fact be delivered upon it, or delivered to the fullest extent possible, within five years.”

155. Thus, to be included in the supply side of the five-year housing land assessment, a site needs to be one where there is a realistic prospect of housing coming forward within the 5 year period. Lindblom LJ then went on to contrast that approach with the approach required in produce a housing trajectory “of the expected rate of delivery”:

“One must keep in mind here the different considerations that apply to development control decision-making on the one hand and plan-making and monitoring on the other. The production of the “housing trajectory” referred to in the fourth bullet point of paragraph 47 is an exercise required in the course of the preparation of a local plan, and will assist the local planning authority in monitoring the delivery of housing against the plan strategy; it is described as “a housing trajectory for the plan period” (my emphasis). Likewise, the “housing implementation strategy” referred to in the same bullet point, whose purpose is to describe how the local

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planning authority "will maintain delivery of a five-year supply of housing land to meet their housing target" is a strategy that will inform the preparation of a plan. The policy in paragraph 49 is a development control policy. It guides the decision-maker in the handling of local plan policies when determining an application for planning permission, warning of the potential consequences under paragraph 14 of the NPPF if relevant policies of the development plan are out-of-date. And it does so against the requirement that the local planning authority must be able to "demonstrate a five-year supply of deliverable housing sites", not against the requirement that the authority must "illustrate the expected rate of housing delivery through a housing trajectory for the plan period".

156. Thus, a housing trajectory is undertaking a different task from the exercise that must be undertaken when looking at deliverable sites for purposes of a 5 year housing land supply assessment.

157. *St Modwen* has been applied in an important Inspector's decision in the East Riding of Yorkshire. In that decision an Inspector, in the light of *St Modwen* explained:

"the decision maker has to have clear evidence to show that there is not simply doubt or improbability but rather no realistic prospect that the sites could come forward within the 5-year period."<sup>21</sup>

158. Accordingly, *St Modwen* clarifies that the test to be applied to sites with planning permission or which are allocated is whether there is clear evidence to show that there is no realistic prospect that a site would come forward (see footnote 11 and the NPPG guidance set out above).

159. Assuming that both the Inspectors in the White Moss and Willaston appeals applied to the correct approach to identifying the realistic number of units that sites are capable of delivering over 5 years, there appears to be no basis for asserting that sites are incapable of delivering at the top of the range. i.e. the top of the range must be realistic since it is included in a range which sought to identify what sites were capable of delivering on that basis. It follows necessarily that the White Moss and Willaston Inspectors both reached a conclusion which must mean that a five-year housing land supply of specific deliverable sites was demonstrated.

160. *The Framework* does not state anywhere that a precautionary approach to the identification of a 5 year housing land supply is to be applied. Such a proposition cannot be inferred from the indication that the policy intention is to significantly boost supply since that intention is fulfilled by the inclusion of a 20% buffer in the housing requirement.

161. It is submitted that the application of a precautionary approach was thus unwarranted on the basis of the policy set out in the Framework and unjustified on the evidence. It is submitted that to adopt the same approach

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<sup>21</sup> Appeal Ref: APP/E2001/W/16/3165930 Land north and east of Mayfields, The Balk, Pocklington, East Riding of Yorkshire YO42 1UJ paragraph 12)



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as the Inspectors in the White Moss, Willaston and Shavington decisions would be to err in law.

162. Instead, what must be undertaken is an appraisal of the sites at issue on the basis identified in St Modwen. Where the site has planning permission or is allocated then the approach that the Council has adopted (which was accepted by the Examination Inspector) should be accepted unless the Appellant has proven that there is no realistic prospect that the site would come forward.

### **Robust Evidence**

163. The Inspector in the Willaston appeal also made another material error and this too was adopted by the Shavington Inspector. He adopted the position that the local planning authority had to present "robust and up to date" evidence as to the likely contribution that a particular site would make to five-year housing land supply. This was based upon a misreading of the NPPG and a failure to apply the words in the Framework.
164. Footnote 11 and the NPPG make it clear that sites which have planning permission or are allocated are to be included in the 5 year supply unless there is clear evidence that there is no realistic prospect that they be implemented within 5 years. The emphasis is on realism. Thus, a different approach to that adopted by a local planning authority can be adopted when there is clear evidence that the Council's approach to sites with planning permission or with an allocation is unrealistic (see the East Riding of Yorkshire case).
165. The part of the NPPG that the Willaston Inspector relied upon as the foundation of his test for "robust and up to date evidence" is not dealing with sites with planning permission or with an allocation as Mr Wedderburn properly accepted in XX – if it were it would contradict the approach set out in the previous earlier paragraph in the NPPG and also footnote 11 of the Framework. Accordingly, the Willaston Inspector approached the sites on the basis that the Council had to adduce robust and up to date evidence to justify its approach to sites with planning permission and/or which were allocated when this was not the case.
166. The Appellants would have you reject all of the above in favour of an approach that there is some two tiered test:
- Whether a Site is specifically deliverable – the Appellant appears to content that the test of whether a Site would realistically contribute to the 5 year housing land supply position is to be applied here simply to identify the pool of sites examined in the second test.
  - If so, the Appellant contends that the second test is what is the likely number of units a site will contribute to housing land supply within the five-year period.

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You and the SofS would err in law if you were to accept this position since it is found upon a grievous misinterpretation of National Planning Policy.

167. Mr Wedderburn in his evidence described the second-tier test as “the more central issue” in housing land supply cases (see Wedderburn p26 footnote 19). He adopted the position that the evidence to support the yield produced by a local planning authority has to be robust and up date.
168. The first point to note is that Mr Wedderburn was totally unable to identify where his second-tier test was addressed in National Planning Policy. If the approach really were “the more central issue” and really did form part of National Planning Policy in such an important area it is submitted that it would be set out in the Framework; it is not and Mr Wedderburn accepted that it is not. It must be remembered that the guidance in the NPPG is just that; the NPPG does not contain planning policy and must not be applied as if it does.
169. The second point is that the Appellant’s approach is totally logically inconsistent.
170. It applies the same test to sites with planning permission and with an allocation as those without either. This conflicts with the Framework which makes it plain that the evidential burden in relation to sites with planning permission and which are allocated is reversed – they are included unless there is no realistic prospect of them coming forward.
171. It is not logical to include a site with planning permission/allocation if there is not clear evidence that it will not be implemented only to then apply a test which requires robust and up-to-date evidence to prove it will actually yield any development.
172. If that were the intent of Policy, there would only be a need for a single test namely, is there robust and up-to-date evidence that a site will yield housing within the 5 year period. However this is not what the Framework actually says.
173. Indeed, as can be seen from the analysis above, to apply the Appellant’s approach thus subverts the intent of the Framework and footnote 11 – it renders the presumption specifically contemplated by Policy in respect of deliverability of housing from sites with planning permission/allocation wholly otiose.
174. The third point is to have in mind why the Framework would include such a presumption in the first place. The answer is obvious. It is included in order to reduce the scope for debate in determining five-year housing land supply in relation to Sites with planning permission/allocation. The adoption of the Appellant’s approach would have precisely the opposite consequence. It would mean that the yield from every single site (whether one with planning permission/allocation or not) would have to prove in every single case. The administrative burden that this would create for local planning authorities

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and the Inspectorate cannot be underestimated and cannot have been the intention behind the Framework.

175. The only approach to sites with planning permission/allocation which is consistent with the words of the NPPF, St Modwen and the NPPG is that presented by the Council in this Appeal, namely is there clear evidence that there is no reasonable prospect of the yield identified by the local planning authority being delivered.
176. Mr Wedderburn's assessment of the likely contribution of sites is thus flawed since he applied an incorrect test based upon a fundamental misunderstanding of National Planning Policy. His site appraisal conclusion must therefore be rejected; at the very least his appraisal of individual sites must be approached with great caution lest one draws conclusions similarly contaminated by an error of law.

### **Additional Evidence**

177. A further difference in the present appeal to previous appeals has been the fact that Mr Fisher has produced evidence which was not available to the previous Inspectors. In particular the material produced to the CELPS Inspector has been produced and further and updated evidence has been given in relation to specific sites.
178. It is submitted that, as a result of all of the matters above, the Secretary of State is entirely free to reach a different conclusion of five-year housing land supply to that reached by his Inspectors in recent months. Indeed, the Council submits that, if the appraisal of sites undertaken by the White Moss and/or Willaston Inspectors were accepted given that the top end of the range must be taken to be a realistic figure, the only conclusion, once their error regarding a precautionary approach is jettisoned, must be that they should have concluded that there is a five-year supply of housing sites.

## **THE CONFLICT WITH THE DEVELOPMENT PLAN**

### **Policy PG6 of the CELPS**

Policy RES5 of the CNLP and Policy PG6 both seek to restrict housing in the "open countryside".

179. Policy PG6 defines the Open Countryside as the area outside of any settlement with a defined settlement boundary. The Appeal scheme lies outside of the settlement boundary and is within the Open Countryside.
180. Policy PG6 provides that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The appeal scheme does not fall within this paragraph.

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181. PG6 also goes on to reference to a number of exceptions that might enable development in the open countryside to proceed. None apply to the proposed development. The Appeal scheme is thus contrary to Policy PG6.

182. In considering Policy PG6 (Although it was then referred to as Policy PG5), the Examination Inspector explained:

“Policy PG5 seeks to provide for development required for local needs in the open countryside to help promote a strong rural economy, balanced with the need for sustainable patterns of development and recognising that most development will be focused on the main urban areas. The “open countryside” is defined as the area outside any settlement with a defined settlement boundary; a footnote confirms that such boundaries will be defined in the SADPDPD, but until then, settlement boundaries defined in the existing local plans will be used, as now listed in Table 8.2a. Issues about the detailed extent of specific settlement boundaries can be addressed in the SADPDPD. This is an appropriate and effective approach, given the strategic nature of the CELPS. ” (Examination Inspector’s Report p28 para 111)

He concluded:

“Consequently, with the recommended modifications, the approach to the Green Belt, Safeguarded Land, Strategic Green Gaps and the Open Countryside is appropriate, effective, positively prepared, justified, soundly based and consistent with national policy.” (Examination Inspector’s Report p29 para 113)

### **Policy RES.5 of the CNLP**

183. Policy RES.5 of the CNLP is the sister policy to PG6. It provides:

“Outside settlement boundaries all land will be treated as Open countryside. New dwellings will be restricted to those that:

- A) meet the criteria for infilling contained in policy NE.2; or
- B) are required for a person engaged full time in Agriculture or forestry, in which case permission will not be given unless...”

The Policy then lists a series of exceptions.

184. The proposed development is located in the “open countryside” as defined for this policy also. It does not fall within Part A (i.e. it is not infilling as referred to in Policy NE.2) and it does not fall within Part B. the proposed development is then contrary to Policy RES.5 of the CNLP.

185. Although not considered by the Examination Inspector, the policy approach set out in RES.5 is wholly consistent with the approach in PG6 that he found to be “appropriate, effective, positively prepared, justified, soundly based and consistent with national policy”

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## **Policies PG2 of CELPS**

186. Policy PG2 defines the settlement hierarchy of the newly adopted CELPS. It creates four tiers. Nantwich lies within the Key Service Centres tier in respect of which Policy PG2 states:

“In the Key Service Centres, development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.”

187. The Examination Inspector explained at paragraph 79:

“This settlement hierarchy recognises the size, scale and function of the various towns, as well as their future role in the development strategy. In my earlier Interim Views (Appendix 1), I considered the proposed settlement hierarchy is appropriate, justified and soundly based, and no new evidence has been put forward since then to justify any further changes to the settlement hierarchy as set out in Policy PG2.”

188. At paragraph 82 of his report the Examination Inspector concluded:

“the Settlement Hierarchy and Visions for each town and settlement are appropriate, effective, locally distinctive, justified and soundly based, and are positively prepared and consistent with national policy.”

## **Policy PG7 of CELPS**

189. Policy PG2 needs to be read alongside Policy PG7 of the CELPS which defines the spatial distribution anticipated by the CELPS. Whilst the nature of settlements in Cheshire East is diverse, each with different needs and constraints, Policy PG7 sets indicative levels of development by settlement. These figures are intended as a guide and are expressly neither a ceiling nor a target. The explanatory text explains that provision will be made to allocate sufficient new sites in each area to facilitate the levels of development set out in the policy.

190. The explanatory text to Policy PG7 (paragraph 8.75) makes clear that the distribution of development between the various towns of the borough is informed by the Spatial Distribution Update Report. This has taken into account a large number of considerations including Settlement Hierarchy, various consultation stages including the Town Strategies, Development Strategy and Emerging Policy Principles, Green Belt designations, known development opportunities including the Strategic Housing Land Availability Assessment, Infrastructure capacity, Environmental constraints, Broad sustainable distribution of development requirements.

191. Indeed, the distribution also takes into account the core planning principles set out in the Framework, which states that planning should take account of the varied roles and character of different areas, and actively manage patterns of growth to make the fullest possible use of public transport,

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walking and cycling and focus significant development in locations that are or can be made sustainable.

192. The Examination Inspector considered Policy PG7 (then known as Policy PG6) and explained that it is

“a key policy setting-out the spatial distribution and scale of proposed development at the Principal Towns, Key Service Centres, Local Service Centres and Other Settlements & Rural Areas. In my Further Interim Views (Appendix 2), **I considered that the revised spatial distribution of development represents a realistic, rational and soundly-based starting point for the spatial distribution of development; it is justified by a proportionate evidence base and takes account of the relevant factors, including the crucial importance of the Green Belt and the outcome of other studies undertaken during the suspension period. It is also based on sound technical and professional judgements and a balancing exercise, which reflects a comprehensive and coherent understanding of the characteristics, development needs, opportunities and constraints of each settlement.** Since that time, there is no fundamental or compelling new evidence which suggests that these conclusions should be reviewed.” (Examination Inspectors Report para 83 – Emphasis added)

193. The Examination Inspector’s overall conclusion in relation to the Spatial Distribution contained in the CELPS at paragraph 92 of his report was:

“Consequently, with the recommended modification, I conclude that the Spatial Distribution of Development and Growth to the various towns and settlements is **appropriate, effective, sustainable, justified with robust evidence and soundly based, and fully reflects the overall strategy of the Plan.** I deal with specific issues relating to particular settlements on a town-by-town basis, later in my report.” (emphasis added).

194. The text of Policy PG7 explains in respect of Nantwich this level would be in the order of 3 hectares of employment land and 2,050 new homes.

195. Appeal Site A was considered during the plan process as a potential site for meeting this requirement but was rejected. This decision was upheld by the Examination Inspector who concluded that (paragraph 252 Examination Inspector’s Report):

“Some participants argue that more housing development should be allocated to Nantwich, given the absence of other new sites and its close relationship to Crewe. However, Nantwich has seen significant new housing development in the recent past and, with existing commitments and future proposals, is well on the way to meeting its overall apportionment. Further development would almost inevitably involve additional greenfield sites, which could adversely affect the character and setting of the town and the adjoining Strategic Green Gap. The Plan

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already provides some flexibility in housing provision (6.4%) and no further sites are needed to meet currently identified housing needs.”

196. The result of the adoption of the CELPS is that 2246 units have been allocated over the plan period. In addition, there is currently provision for 4.15 ha of employment land. It follows, as Mr Taylor explain in his evidence (paragraph 6.25), that there is then no requirement to allocate further sites to meet employment or housing needs through the SADPPDP.
197. Thus, the Appeal Scheme would radically and significantly reduce the allocations going forward to meet more local needs elsewhere within the Council’s administrative area in the remaining plan period.
198. The Appeal scheme if permitted would add 189 units and 0.37 ha of employment space to the land already allocated/committed for housing an employment needs. In other words this would lead to housing provision of 18% above the level identified as appropriate in terms of spatial distribution in the CELPS and would add some 10% to the appropriate employment floorspace required resulting in employment provision some 50% above the appropriate requirement.
199. These are very significant levels of unplanned growth. It is so significant that it must necessarily undermine the careful balance between employment growth and housing that forms the basis of the strategy for Nantwich within the CELPS.
200. The only reasonable conclusion is that the proposed development would significantly undermine the settlement hierarchy and spatial distribution set out in the CELPS. It is contrary to Policies PG2 and PG7.

### **Best and Most Versatile Land**

201. Paragraph 112 of the NPPF states:

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

202. CELPS Policy SE2 provides that the loss of BMV should be minimised.

203. It is submitted that the policy approach requires consideration of:

- a. Whether there is a need for the development proposed?
- b. If so, has it been demonstrated that development of BMV is “necessary” i.e. that there is no area of poorer quality agricultural land to locate the development upon?



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204. The Council submits that, since it has a five-year supply of specifically deliverable housing sites, it cannot be contended that the housing element of the proposed development is needed.
205. So far as the commercial element is concerned, some 0.37 ha of commercial floorspace is proposed. Mr Taylor has explained and was not challenged that 3ha of employment land was identified as required for Nantwich in the CELPS. 4.15 ha is already anticipated to come forward. The grant of Appeal Scheme would mean some 4.52 ha would come forward i.e. 50% provision over and above the CELPS expectation. Mr Downes in XX accepted that he was not contended that there was a local need for additional commercial floorspace in this location.
206. Remarkably, the Appellant is seeking planning permission for some 3600 sq m of commercial floorspace on a greenfield site which includes BMV in the open countryside without any justification whatsoever.
207. It follows that it has not been established that the proposed development is needed.
208. Even if this is rejected, however, the next stage in applying policy is to ask whether it has been established that the development could not be accommodated on poorer quality agricultural land.
209. The Appellant, as Mr Downes confirmed in XX, has presented no evidence on this point. There has been no study undertaken. No assessment has been made. In short, no attempt whatsoever to show that the development could not be accommodated elsewhere on poorer quality agricultural land.
210. This is particularly important in respect of the commercial element of the proposed development; there has been no attempt to examine whether that could be provided on poorer quality agricultural land within the Borough.
211. It is submitted that as a result of the above it has not been established that it is necessary to develop the BMV that would be permanently lost to the proposed development. Nor that development needs could not be met by utilising poorer quality agricultural land.
212. The proposed development is contrary to paragraph 112 of the NPPF and to Policy SE2 of the CELPS.

### **Neighbourhood Plan**

213. The most recently adopted element of the statutory development plan is the Stapeley and Batherton Neighbourhood Plan adopted in February 2018.
214. Policy GS1 can only be sensibly construed as preventing development in the open countryside unless it falls within the exceptions delineated in paragraphs (a) to (i). The proposed development does not fall within any of those paragraphs as an exception. Accordingly, it is contrary to the Stapeley and Batherton Neighbourhood Plan.



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215. In terms of housing, the Neighbourhood Plan sets out in policy H1 and H2 the kinds of housing that accords with the Plan. The proposed development does not fall within the scope of the development that is supported and is thus contrary to these policies.

216. There was an attempt to suggest that the proposed development accords with Policy H5. This policy provides:

“Subject to the provisions of other policies in the Neighbourhood Plan, the focus for development will be on sites within or immediately adjacent to the Nantwich Settlement Boundary, with the aim of enhancing its role as a sustainable settlement whilst protecting the surrounding countryside.

Outside the settlement boundary any development is subject to the Cheshire East Local Plan Strategy Countryside Policy PG 6 and other relevant policies of this Plan.”

217. The proposed development is outside the settlement boundary. As such as Policy H5 provides it is subject to Policy PG6 and “other relevant policies of this Plan”. Since there is conflict with Policies GS1, H1 and H2 of the Neighbourhood Plan then the proposed development cannot accord with Policy H5 either.

## **THE WEIGHT TO BE GIVEN TO THE CONFLICT WITH POLICY**

218. Mr Downes properly accepted that the overall aims and objectives of these policies are broadly consistent with the aims and objectives of the Framework (Taylor p17 para 5.3). Indeed, given the conclusions of the Examination Inspector he could hardly do otherwise.

219. Nevertheless, it appears to be the Appellant’s case that, notwithstanding the adoption of the CELPS only last year and the Neighbourhood Plan only a few weeks ago, the policies addressed above should all be given “very limited weight” (see Downes XX and Taylor Proof p 18 para 5.6). This is a remarkably brave contention.

220. In summary, the Appellant contends that:

- a. the Council cannot demonstrate that it has a 5-year housing land supply of deliverable sites;
- b. the settlement boundary must flex in order to bring sites forward in order to provide a 5-year housing land supply of deliverable sites;
- c. the settlement hierarchy similarly must flex in order to enable sites to come forward to provide a 5-year housing land supply of deliverable sites;
- d. Accordingly, in order to meet 5-year housing land supply needs these policies must be given very little weight so that the appeal scheme

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can come forward to assist in providing the 5-year housing land supply which is required.

### **A 5 Year Housing Land Supply**

221. As already outline above, the Examination Inspector considered a wide range of evidence on housing land supply from numerous parties. This included points raised relating to the methodology used in relation to build out rates and lead in times.

222. Mr Fisher explained to the Inquiry the work undertaken to inform the Examination on these issues. The Council has looked at every application over a 10 year period, looking at thousands of sites. Further, in terms of delivery, the Council had contacted and obtained information from the land owners/developers of all of the strategic sites.

223. The Examination Inspector explained at paragraph 65:

"Housing land supply was not covered in my earlier Interim Views, since the latest figures and assessments were not available. This issue was discussed regularly throughout the examination hearings, with developers, housebuilders and local communities challenging the deliverability of specific sites, particularly the larger strategic sites. **By the end of the hearings, CEC had undertaken a considerable amount of work to establish the timescale and deliverability of its housing land, including those strategic sites proposed in the CELPS-PC.**" (emphasis added)

224. In this same vein, the Inspector continued at paragraph 69:

**"CEC has undertaken much detailed work in establishing the timescales and delivery of these sites, including setting out the methodology for assessing build rates and lead-in times, using developers' information where available and responding to specific concerns [PS/B037]. Although there may be some slippage or advancement in some cases, I am satisfied that, in overall terms, there are no fundamental constraints which would delay, defer or prevent the implementation of the overall housing strategy.** The monitoring framework also includes specific indicators related to housing supply with triggers to indicate the need for review. I deal with site-specific issues later in my report on a town-by-town basis. On the basis of the evidence currently available, **I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years.**" (emphasis added)

225. It is very important to note that the Appellant in the present case has not contended that any of the triggers in the monitoring framework referred to by the Inspector are engaged.

226. At paragraph 76 the Examination Report, the Inspector concluded:

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"On the basis of the evidence before me, I conclude that the CELPS-PC, as updated and amended, would provide a realistic, deliverable and effective supply of housing land, to fully meet the objectively assessed housing requirement, with enough flexibility to ensure that the housing strategy is successfully implemented. Similarly, CEC should be able to demonstrate that there is at least a 5-year supply of housing land when the CELPS is adopted."

227. He concluded in terms that the provision for housing and employment land within the CELPS including the 5-year housing land supply position "is soundly based, effective, deliverable, appropriate, locally distinctive and justified by robust, proportionate and credible evidence, and is positively prepared and consistent with national policy." (Examination Inspector's Report p21 para 78)

### **The Inspector's Decisions**

228. The approach adopted in the White Moss, Willaston and Shavington decisions was wrong in law for reasons set out above. The approach set out in those decisions must not be followed in this one. The proper approach is:

- a. In respect of sites with planning permission/allocation is to ask whether there is clear evidence that there is no realistic prospect of the Site delivering housing as assessed by the Council;
- b. In respect of sites without planning permission/allocation is to ask whether there is robust and up to date evidence that there is a realistic prospect of the Site delivering housing as assessed by the Council.

229. It is also submitted that there is no policy requirement for the Council to demonstrate that it has a "robust" five-year housing land supply. Nor is there any policy requirement that a "precautionary approach" should be adopted to five-year housing land supply considerations.

### **The Housing Monitoring Update August 2017**

230. The Council's Housing Monitoring Update August 2017 sets out in detail a re-appraisal of the position. The Housing Monitoring Update which shifts the base date to 31 March 2017 utilises the same methodology employed in the CELPS Examination process. This methodology was described by the Examination Inspector as resulting in a "robust, comprehensive and proportionate assessment" housing delivery (Examination Inspector's Report p19 para 69).

231. The HMU reveals that completions have increased to a level more than double that delivered in 2013/14 and for the fourth year in a row. In addition, there has been a net increase in commitments of some 3157 units compared to the position in March 2016 – a 19% increase on the position in March 2016. Indeed, the level of planning permissions granted/resolutions to approve in the last 12 months stands at 5269 units. Thus, not only have completions increased since March 2016 but also the pool of planning

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permissions to enable additional housing to come forward has increased very substantially.

232. It is submitted that this demonstrates that the pool of deliverable sites has increased since March 2016 and not decreased as the Appellant contends.

### **The Appellant's Case on Housing Land Supply**

233. The 'big picture issues' between the parties are as follows.

#### **Backlog**

234. Mr Wedderburn contended that the "Sedgpool 8" method of addressing backlog adopted by the Council and accepted by the Examination Inspector is to be applied so that the period it relates to shrinks year on year i.e. in the second year it is to be applied to a 7 year period in the third a six year period and so on until it shrinks to no period at all.

235. Mr Wedderburn has got this badly wrong. It is well established that the Sedgfield approach to backlog is a rolling approach and there is no reason not to apply this approach to the backlog in Cheshire East. He produced no appeal decision which supported the approach of a gradually shrinking period over which backlog should be applied.

236. Further and more significantly, Mr Wedderburn's point was taken and rejected in the Willaston appeal where the Inspector concluded (document D30 para 45):

"The Sedgpool 8 method was agreed by the examining Inspector for the CELPS on the basis that the backlog would be met within the next 8 years of the plan period from 1 April 2016. I note the appellant's concern that applying Sedgpool 8 from April 2017 effectively rolls the backlog forward another year. However, the CELPS Inspector agreed to vary the Sedgfield method because delivering the backlog over 5 years in Cheshire East would result in an unrealistic and undeliverable annual housing requirement. Dealing with a shortfall in housing delivery since the start of the plan period is a rolling requirement in the calculation of the 5 year housing requirement at any point in the plan period. The Council has factored the backlog for 2016-17 into the calculation of the current 5 year requirement. It would be unreasonable at such an early stage in the life of the new CELPS to depart from the Sedgpool 8 approach, given the basis for it in Cheshire East. To do so would in effect impose a further variant of the Sedgfield and Liverpool methods outside of the local plan examination process."

237. The Council submits that there has been no relevant change in circumstances since that decision. It continues to be unreasonable to adopt a different approach outside of the Plan process. The Appellant's case in this regard must be rejected.

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## Build Rates

238. Mr Wedderburn's position accepted the build rates on sites adopted by the Council (which reflected the approach accepted by the Examination inspector) other than on larger sites. On these larger sites he explained that he only accepted a 50 dpa yield where there is specific evidence to show that two builders would be on-site. In other words, he relies upon an absence of evidence to prove there would be two builders on site rather than any assessment of the realism of the assertion that two builders on site would not be realistic.
239. This is a perfect example of an approach at odds with the Policy position in the Framework. The policy compliant approach (as set out above) in relation to sites with planning permission/allocation is to ask whether there is clear evidence that there is no realistic prospect of two builders on site. Mr Wedderburn produced no evidence on this whatsoever.
240. Indeed, it is entirely unclear what evidence he would accept. For example, in relation to his approach to site LPS4 he explained that evidence from site promoters cannot be relied upon. If the evidence of the likely manner of build out of a site from those promoting a site cannot be relied upon, it is difficult to see how a local planning authority could evidence justify an assumption that two builders would actually come forward.
241. The evidence presented by Mr Fisher (rebuttal p13 table below paragraph 68), however, was that in practice the build rate is frequently significantly higher than the Council's methodology assumed in many cases by a factor of more than 100%. Even a small increase in the build rate over all of say 10% would produce an increase of supply of 1295. It cannot be said that there is no prospect of an increase in overall build rate of 10% or more than the Council has assumed.
242. It is submitted that Mr Wedderburn's evidence on this issue should be rejected. Only where there is specific evidence that there is no reasonable prospect of a large site being developed out by two builders should an assumption of anything less than 50 dpa be adopted.

## Lead-In Times

243. Mr Wedderburn also attacked the Council's approach to examining sites by reference to a study of lead-in times he had undertaken. This examined some 70 sites through the planning process (see his appendix MW6). He then applied timings for various stages of the planning process to sites in the future i.e. he applied timings from the past and assumed they would be comparable in the future; his approach is flawed.
244. Firstly, 20 sites out of his 70 (29%) were sites which obtained planning permission on appeal. That was because prior to the adoption of the CELPS there were considerable issues relating to the principle of development on sites within Cheshire East. This gave rise to much argument, many appeals and many delays.

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245. With the adoption of CELPS, the basis for these in principle arguments has been removed. The whole point of adopting a Local Plan is, after all, to provide a reliable basis for decision making which minimises scope of in principle disagreement. Indeed, Mr Wedderburn accepted in XX that he would not expect the same proportion of appeals going forward as had been experienced in his sample of sites.
246. As Mr Fisher explained in his rebuttal evidence (page 7 paragraph 35), the circumstances are very different now. Virtually all sites in the supply are either committed or are allocated. Accordingly, the number of appeals has also reduced – with no further residential inquiries programmed after the current one. Further, Local plan adoption not only resolves the principle of development (a major stumbling block previously – hence the number of appeals) – but it also assists in agreement on matters of detail (education, highways, landscaping etc) as all now relate to clear adopted policies. Added to this the Council has also adopted SPD on design guidance (May 2017), which again makes the position on detailed layouts clearer. In addition, the s106 process is assisted since the planning obligations are now linked to adopted policies (e.g affordable housing).
247. These are all reasons why the timing adopted in the past in relation to particular stages of the planning process are unlikely to be continued in the future. Thus, pointing to the past, as Mr Wedderburn has, does not establish that the approach adopted by the Council to lead in times is clearly unrealistic.
248. Indeed, they cannot be viewed as such given that the lead-in times utilised in the Council's evidence were accepted by the Examination Inspector as appropriate. That Inspector has the evidence now present in the present appeal and had the benefit of representations from all stakeholders, not just Mr Wedderburn. The lead-in times presented were the product of discussion with those stakeholders. In confirming that the lead-in times utilised were appropriate the Examination Inspector would have been aware of the points relating to the effect of adoption of CELPS and timings.
249. To reject the lead-in times adopted by the statutory plan process via the s78 appeal process is a radical step. It wholly undermines the basis on which the CELPS housing land supply was calculated and found sound. In other words, it undermines the strategic basis for the CELPS at its core. It would leave the man in street wondering how a Local Plan can be sound one month and then some 9 months later be found to have been adopted on a basis which can no longer be supported. What a colossal waste of public resources it would be to have promoted a Plan which is then effectively jettisoned less than a year later?
250. It is submitted that great care needs to be taken to ensure that such a significant step is not taken lightly or else it will bring national planning policy and the planning system as a whole into disrepute. It must only be a rare case indeed, when a methodology accepted at Examination a few months before is deemed inappropriate a few months later only on the basis of the sort of generalised evidence presented by Mr Wedderburn. The time for consideration of that generalised evidence was in pursuit of objection to the



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CELPS at Examination when all stakeholders involved could have their views aired and considered and not subsequently in a s78 appeal where other stakeholders views are not provided.

251. But of course, unlike Mr Wedderburn, the Council's appraisal is not simply reliant upon the application of generic time periods from a study of 70 sites in the past.
252. Mr Fisher set out in his evidence an exercise which sought to look at the lessons to be learned from recent post adoption data. He analysed major applications that commenced between 1 April and 31 December 2017. He considered that he had obtained a decent but not comprehensive sample of what is currently taking place.
253. His evidence showed that for the 16 Major developments that have started by Q3 of 2017/18 the median timeline between the date of detailed consent and the start of construction is 0.43 years – or just over 5 months. A similar picture applies to both larger and smaller developments. For those applications that featured an outline the median timeline between the date of outline consent and the start of work is 1.47 years. Once again, the picture is similar for both larger and smaller applications. This data is set out in Appendix 2 to Mr Fisher's rebuttal.
254. The most up to date information reinforces the timelines employed in the standard methodology and demonstrates that sites can commence and deliver initial units within relatively short timescales. Whilst not every site may deliver in this way, those starting in 2017/18 follow this pattern.
255. The data also reveals that of the sites of 100 units or more, 44% of sites have started ahead of the timescales in the HMU. It is submitted that this illustrates the reasonableness of the Council's approach and that sites are not only capable of meeting the timescale in that approach but also of improving upon them. It is submitted that this provides a good indicator of what will happen in future. It demonstrates that sites are fully capable of delivering to the timescales anticipated by the Council and that those timescales are realistic.
256. A further and important point to note from Mr Fisher's analysis of this data is that full applications (as opposed to reserved matters) were made on more than 50% of the sites. This includes half of the sites over 100 units. This shows that on allocated sites, companies are willing to use the greater certainty that the development plan provides to proceed straight to a detailed application.
257. By contrast Mr Wedderburn confirmed in XX that he had assumed that all sites without planning permission would come forward as outline applications. The evidence that Mr Fisher has adduced demonstrates that this assumption is not realistic. As a result timescales are applied to sites on a basis that an outline planning permission will be obtained when the evidence shows that for a large proportion that will not be the case. The result is that Mr Wedderburn's approach is seriously unrealistic.

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258. Further, the Council has relied upon site specific evidence and has specifically contacted site owners and promoters. Such site-specific evidence must constitute better evidence than the generalised approach of Mr Wedderburn.
259. In particular, there may be a number of site specific reasons why a site would come forward faster or slower. In looking at the position, it is submitted that site owners/promoters must be in the best position to advise on a number of factors including, the likely phasing and thus timing of reserved matters applications since phasing is often tied to funding issues. They have knowledge of timing issues arising out option agreements which no other party knows and which can include the need for certain stages to be met by certain dates. They also have access information relating to construction including implications for financing, and labour supply and materials.
260. These are all matters known by site owners/promoters and no-one else. Yet Mr Wedderburn's approach was to ignore this. He negated all of this by asserting that statements by promoters were not reliable. Admittedly caution has to be applied to statements made prior to the adoption of a Local Plan which allocates sites, since there may be a desire for some to present a rosier picture of deliverability of their site in order to secure allocation. Indeed, this point is crucial because it undermines any reliability in the exercise conducted by Mr Wedderburn (his rebuttal page 5 paragraph 4.7) looking at outturn against comments. The comments he examined were all made prior to the adoption of the CELPS and the allocation of the sites concerned.
261. It is the case, however, that after allocation that motivation is simply removed. Indeed, Mr Wedderburn struggled to identify why post allocation a site owner/promotor would make unreliable statements regarding the yield of units from their site in XX.
262. All of these matters point to a single conclusion; there is no basis for accepting that there is clear evidence that there is no realist prospect of the lead-in times adopted by the Council and accepted by the Examination Inspector coming about. The reality here is that there is ample evidence to establish that they are robust, up to date and realistic.
263. It is submitted that the approach advocated by the Appellant must be rejected and the approach that lies behind the recently adopted Local Plan and utilised by Mr Fisher in his appraisal must be accepted.

## **5% Discount**

264. Mr Wedderburn adopted an approach in which he was entirely alone; no other planning consultant in any of the appeals post-adoption of CELPS has contended that a percentage discount to the total supply should be applied to take account of planning permissions which expire. He is a lone voice in this. The reason why is that it is a thoroughly bad point.
265. Firstly, his figures were miscalculated even if it were right to apply the discount. He had applied it to permissions that were already implemented;



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once implemented a planning permission cannot expire. Mr Wedderburn agreed that his discount should not be applied to implemented permissions.

266. Secondly, Mr Wedderburn has identified his 5% figure by reference to data from the Council which contained an error. Mr Fisher explained in his rebuttal evidence that the consequences of that error meant that a figure of 5% expiry could not be supported from the data; rather a figure of 4% (Fisher rebuttal paragraph 45). But this is before an allowance is made for sites which obtain a new planning permission after expiry. Mr Wedderburn allowed 1% for this. That would get one to a 3% discount figure.
267. However, Mr Wedderburn had made no investigation of the extent to which the sites where consent had lapsed in the past had obtained planning permission post expiry. Mr Fisher explained that in practice many sites regain consent in short order and are subsequently developed. This illustrates that even if a site lapses it is capable of development. Further, the NPPG indicates that where there is robust evidence a site without planning consent can be included in the supply. Where planning consent has been given in the past and there are no significant physical impediments, it is in line with national guidance to include sites within the deliverable supply.
268. As Mr Fisher explained in his rebuttal at paragraph 47 the Council only employs 63% of commitments within its 5-year supply. It is very far from counting every last house from consent. There is plenty of scope for other commitments to deliver better than expected.
269. Even more significantly, however, Mr Wedderburn's approach if adopted would result in a double counting. The effect of applying a lapse rate to a housing requirement is that additional sites need to be found to make up the shortfall. However, the housing requirement in Cheshire East already includes a 20% buffer. Paragraph 47 explains that the purpose of the 20% buffer is to "to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land". Thus the 20% buffer rate is already applied in order to achieve the objective of Mr Wedderburn's discount. There is no reason to both increase the housing requirement and to decrease to pool of available sites for the same purpose. To do so results in double counting.
270. Mr Wedderburn was unable to identify any coherent reason why in the circumstances pertaining to Cheshire East both a 5% discount and a 20% buffer should be applied when he was questioned on the point in cross-examination.
271. The dangers of applying a discount for the decision maker can be seen in the case of *Wokingham Borough Council v Secretary of State* [2017] EWHC 1863 where the High Court quashed an Inspector's decision for failing to explain why in a 20% buffer context it was appropriate to apply a discount lapse rate. Indeed, in that case reference is made to a decision of the Secretary of State in respect of a proposed development in Malpas, Cheshire. In that case the Secretary of State agreed with the Inspector's reasoning on certain points including these. The Inspector considered the objective of the 20% "buffer" was to provide a realistic prospect of achieving the planned

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supply and to ensure choice and competition in the market and that "the buffer figure thereby allows for some uncertainty and slippage in the delivery of some sites". He added:

"there is no evidence to support the arbitrary 6 month or 12 month slippage rate assumed by the Appellant across all developments. To apply such an assumption, or the alternative 10% discount (which is equally arbitrary), would result in double counting in that the 20% buffer would also allow significant slippage or non-implementation."

272. The same reasoning applies to the present case. For all these reasons Mr Wedderburn's suggested 5% lapse rate must be rejected.

### **Windfall**

273. Mr Wedderburn has adopted an inconsistent approach to windfall. He included an allowance for windfall in areas not including Crewe. There was no rational reason for this and this needs to be taken into account when looking at the "allocation" for windfall for the Crewe area.

### **A Comparison between Trajectory and Actual Delivery**

274. The Appellant has placed significant emphasis on a comparison between the actual delivery of housing and that which was anticipated in the housing trajectory. A number of annotated graphs were produced on behalf of the Appellant to illustrate the points being made. These points were put forward as a basis for suggesting that the Council's identification of housing land supply is suspect in some way. The comparison in fact does not such thing.

275. As the Court of appeal emphasised in *St Modwen*, paragraph 49 of the NPPF requires a local planning authority "demonstrate a five-year supply of deliverable housing sites". This is not the same things as comparing against the requirement that the authority must "illustrate the expected rate of housing delivery through a housing trajectory for the plan period" as part of Plan preparation. A housing trajectory is undertaking a different task from the exercise that must be undertaken when looking at deliverable sites for purposes of a 5 year housing land supply assessment. Accordingly, the comparative exercise undertaken is of only very limited utility in a decision taking context.

276. Further, it has to be remembered that the issue here relates to the delivery of houses over a five-year period. As the Examination Inspector recognised there will inevitably be slippage or advancement of some sites in reality compared with any forecast. However, over a five-year period this effect is, absent particular evidence relating to a particularly significant and large strategic site, likely to even out. For example, a site where delivery slips will simply deliver in the next year. Thus, overall delivery in the next year is likely to be higher than anticipated unless units in that next year have come forward in an earlier year in significant number. That is why the Council's trajectory in the HMU for next year increases; that is entirely logical and indeed an obvious consequence of slippage in the year to 1 April 2017.

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## **Conclusion on Housing Land Supply**

277. For the reasons set out above, the Appellant's case on housing land supply must be rejected. If the White Moss and Willaston Inspectors had applied the correct legal approach and not the unlawful "precautionary" one that they did, they would have concluded that the Council had a 5-year housing land supply. Mr Wedderburn's attempt to argue that the position is far worse than these Inspectors identified must be rejected.
278. The reality here is that the CELPS was only found sound because there was accepted to be a five-year housing land supply. To find the opposite but a few months later as a result of adopting a different approach to that accepted by the CELPS examination Inspector without any material change in circumstances is to fall into error and worse to undermine the public's faith in the plan led system; what is the point of communities accepting the loss of greenbelt land in order to produce a Plan if the basis of that Plan is undermined by s78 Appeal decisions but a few months later? It is submitted that the public's faith in the planning system will be wholly undermined if section 78 decisions conclude so lightly that a five year supply is lost so soon after plan adoption. It submitted that the conclusions of an Examination Inspector that a methodology is robust and that there is a five-year housing land supply must be treated as of significant weight. Those conclusions should only be undermined if there is strong evidence to demonstrate that there has been a fundamental change of circumstances in the intervening period. There is not such evidence and no such change of circumstances in the present case. The only reasonable conclusion in this appeal is that the Council has demonstrated that it has a five-year housing land supply of deliverable sites.

## **Flexing the Settlement Boundaries**

279. Since the Council has a 5-year housing land supply of deliverable sites, there is no policy imperative to "flex" the settlement boundaries and the Appellant's contention in that regard must be rejected. Indeed, Mr Downes accepted in XX that if there is a five-year housing land supply the settlement boundaries must be up to date.
280. It is incorrect to assert, as the Appellant has done, that the settlement boundaries are out of date in any event since their review is foreseen in the CELPS itself. As Mr Taylor explained, the CELPS anticipates a review of boundaries in order to facilitate development later in the plan period; the settlement boundaries right now are up to date.
281. Indeed, the Examination Inspector himself necessarily considered the question of whether the settlement boundaries were up to date. He must have, since a number of policies depend upon them and could not be sound unless the boundaries were up to date. Further, he considered numerous objections including those of the Appellant in relation to the Appeal site that sought to change the settlement boundaries. Since he concluded that the Council had a 5 year supply of housing, he must have concluded that, with the adjustments proposed, the settlement boundary was up to date.

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282. It is submitted that, if you conclude that the Council has demonstrated that it has a five-year supply of deliverable housing sites, you must conclude that the settlement boundary is up to date.
283. On the other hand, if you conclude that the Council has not demonstrated that it has a five-year supply of deliverable housing sites, then logically it must be the case that settlement boundaries must flex somewhere in order for further housing to come forward. In such circumstances, Policies PG6 and RES.5 must be given reduced weight; what has not been established, however, is that they must flex here in order to allow the Appeal scheme to come forward given its location and position in the settlement hierarchy.

### **Flexing the Settlement Hierarchy and Spatial Distribution**

284. There is no evidence that the settlement hierarchy and spatial distribution anticipated in the CELPS has to flex in the absence of a five-year supply of deliverable housing sites. If you conclude that there is a five-year supply of deliverable housing sites then there can be no basis for such "flexing".
285. If there is a need for further sites to meet 5 year housing needs in the short term, it is obviously preferable that these are met at sites which do accord with the settlement and spatial distribution hierarchy; to accept otherwise is to subvert the newly adopted CELPS and the plan led system.
286. As set out above, the Appeal Scheme is contrary to Policies PG2 and PG7. The Appeal scheme if permitted lead to housing provision of 18% above the level identified for this part of the District as appropriate in terms of spatial distribution in the CELPS and would add some 10% to the appropriate employment floorspace required resulting in employment provision some 50% above the appropriate requirement. These are very significant levels of unplanned growth. It is so significant that it must necessarily undermine the careful balance between employment growth and housing that forms the basis of the strategy for Nantwich within the CELPS.
287. It is submitted that even if there is no 5-year housing land supply of deliverable sites, Policies PG2 and PG7 of the CELPS should be given significant weight.

### **The Planning Balance**

288. In order to assist in undertaking the planning balance these submissions address the planning balance on two alternative bases:

If there is a five-year housing land supply; and

If there is no five-year housing land supply

### **There is a Five-Year Housing Land Supply**

289. If there is a five-year housing land supply then the policies in the development plan are up to date. There is then no basis for applying the tilted balance. Instead paragraph 14 of the NPPF requires the development to

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be assessed against the policies in the Development Plan. The significant conflict with the development plan has been identified in above. In a context where the development plan is up to date, the breaches of policy identified above must be given full weight.

290. Section 38(6) of the 2004 Act falls to be applied. This indicates that given the breach of development plan policy planning permission should be refused unless material considerations indicate otherwise.
291. The development would provide market and affordable housing. However, as set out above, the Council is in a position where a 5-year supply can be demonstrated and the Council is meeting its market housing needs and has made the necessary strategic provision for the future. Therefore only limited weight can be given to this benefit, particularly given that the CELPs have addressed Nantwich's housing needs, including through the strategic allocations at Kingsley fields and Snow Hill.
292. The provision of affordable housing is a benefit of the proposed development and would result in 57 affordable properties being provided based on a 189 house development. However, affordable housing is required to be delivered by all housing developments. As set out above, the appeal scheme is not needed in order to secure a five-year supply of housing, and the Examination Inspector concluded that the CELPS, by delivering its planned housing numbers, appropriately meets affordable housing needs. Nevertheless, given local housing need, it is accepted that the delivery of affordable housing in an accessible location is an important benefit of the scheme.
293. Overall the proposal would also provide social and economic benefits. These would include employment opportunities generated in construction, spending within the construction industry supply chain and indirectly as a result of future residents contributing to the local economy. There would also be a boost to the local economy through additional spending and support for existing facilities and services.
294. Although economic benefits from the construction of the site would be limited as these would cease upon completion of the development. Indeed, it has not been established that the economic benefits here would be additional to those which would arise in any event. For example, if the construction workers were not on this site, it is likely they would be employed elsewhere.
295. The appeal site (A) proposes a package of development in addition to the housing. This includes a local centre incorporating a convenience store with 7 other small shop units, a potential new primary school and the provision of employment units. However, there is no commitment to these actually being provided and no evidence that they would be. Accordingly, it is submitted that only limited weight should be attributed to the benefits arising from the proposed local centre.
296. So far as the new employment provision is concerned, the evidence has established that there is no commitment to delivering this aspect of the scheme. Further, there is already substantial overprovision of employment

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land in Nantwich. The benefits associated with this element of the scheme are also to be given only limited weight.

297. Subject to a suitable Section 106 package, the proposed development would provide adequate public open space and highways improvements. However, these are not considered benefits of the development as they are required to make the development acceptable in planning terms. Therefore, whilst these factors do not weigh against the proposal they also do not weigh in favour.
298. In the light of the above, in a context where it is accepted that there is a 5-year supply of housing sites, the proposed development would lead to a very significant breach of the Development Plan. That breach must be given substantial weight against the grant of planning permission. Whilst there would be some benefits of granting planning permission these are of the kind that would arise from any housing scheme. There is nothing particular about the material considerations associated with the Appeal scheme which is of such particular benefit that it can be considered to outweigh the breach of the Development Plan.
299. As a result, the only reasonable conclusion is that, applying section 38(6), planning permission must be refused.

### **No Five Year Housing Land Supply**

300. If, contrary to the Council's case it is concluded that there is no five-year housing land supply, then policies which are policies for the supply of housing are out of date and the tilted balance must be applied.
301. It is submitted that none of the policies identified above as being in breach by the proposed development are policies for the supply of housing in the narrow sense identified in Hopkins Homes. However, in Hopkins Homes it was recognised that the weight of policies that would operate to constrain development to meet housing needs could be affected by a conclusion that there is no five-year housing land supply; otherwise the policy objective of meeting housing needs might be frustrated.
302. It is then necessary to carry out an exercise of:
- Examining harm against benefits in order to apply the tilted balance; and
- Undertaking the exercise required by section 38(6) of the 2004 Act.
303. The appeal scheme will have material economic and social benefits as set out above. I also acknowledge that the actual delivery of housing to meet needs within 5 years in a context where there is no 5-year supply of housing is a factor to which weight should be given. How much weight depends upon the extent to which the proposed development is likely to deliver housing within this time-scale. In the present case there are a number of factors that are likely to mean that the actual contribution towards the current five-year supply will be very limited.



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304. There is likely to be a substantial delay in the decision-making process given the time taken for decisions to be made previously in this case. Following the Public Inquiry held in February 2014 the appeals were not dismissed by the Secretary of State until 17th March. Subsequent to the quashing of this decision by the High Court on 3rd July 2015, the appeals were re-determined by the Secretary of State with the decision issued on 11 August 2016.
305. As set out by Adrian Fisher when applying the Council's assumed lead-in times, a site with outline planning permission of the size of the appeal proposal would start on site at 2 years with 15 dwellings being completed that year. A completion rate of 30 dwellings/year would be assumed for years 3, 4 and 5. With this in mind, if the Secretary of State was to allow this appeal, say, twelve months on from this Inquiry, the site would at best, on the Council's lead in times contribute 45 completions to the 5 year supply.
306. However, if Mr Wedderburn's approach to standardised lead-in times followed there would be even less of a contribution made to supply within five years. The additional year's delay that that approach would deliver would reduce the Appeal scheme's contribution to just 15 homes in the five-year period (see Taylor proof paragraph 6.58). Thus, whilst the development might make some contribution towards the five-year housing land supply it is likely to be small, and at best 45 dwellings but likely less.
307. It is on this point that the Appellant's evidence performs a remarkable volte face; instead of applying the standard approach to sites with outline planning permission that Mr Wedderburn applied to every other site, the Appellant adopts a bespoke timetable which results in a much faster rate of delivery. It is even more remarkable that the Appellant should do this in the face of Mr Wedderburn's evidence that decision makers should be wary of site owners/promoters overselling the rate of delivery from their sites. The Appellant's wholly inconsistent case must be rejected in this regard.
308. Whilst the Appeal scheme would deliver a limited number of homes to meet five-year housing land supply needs, it would remain housing that is not justified spatially. For reasons set out above, the conflict with the settlement hierarchy should still be given significant weight. In addition, the conflict with development plan policies seeking to protect the loss of BMV should also be given significant weight since it has not been established that needs could not be met on less valuable agricultural land.
309. In relation to affordable housing, the position here is the same as set out above. Against this it is necessary to weigh the benefits of the proposed development. The benefits associated with the provision of a local centre are to be given only limited weight for the reasons set out above. In addition, it is to be noted that no need for a local centre has been asserted or established by the Appellant. In relation to the employment, as set out above, there is no established need for the employment aspect of the proposed development. The benefits associated with it are to be given limited weight as already explained. As a consequence, the additional benefits compared to the situation where there is a five-year housing land supply only change by reference to the weight attributable to the actual contribution the

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proposed development would make supply, which is likely to be limited for reasons set out above.

## Impacts

310. It is acknowledged that in the absence of a five-year housing land supply the geographic extent of the settlement boundaries can be regarded as out of date, but nonetheless the proposals would harm the Policy objectives of recognising the intrinsic character and beauty of the open countryside for the reasons set out above.

311. The Secretary of State has considered the extent of that harm previously and there has been no material change in circumstances which means that a different conclusion should be reached. The decision letter of August 11th 2016 concludes:

“Weighing against the proposals, the Secretary of State considers that the proposals would cause harm to the character and appearance of the open countryside, for the reasons given at paragraphs 27-28 above. This harm would be in conflict with paragraphs 7 and the 5th and 7th bullet points of paragraph 17 of the Framework. Having given careful consideration to the evidence to the Inquiry, the Inspector’s conclusions and the parties’ subsequent representations, the Secretary of State considers that the harm to the character and appearance of the open countryside should carry considerable weight against the proposals in this case. He further considers that the loss of BMV land is in conflict with paragraph 112 of the Framework and carries moderate weight against the proposals, for the reasons given at paragraphs 31-34 above.” (para. 46).

312. It is important to remember that much of this harm is likely to be caused by housing that would not contribute to 5-year housing supply and thus would not contribute to any identified shortfall in that supply. In addition, no justification for the local centre or employment provisions has been proffered as Mr Downes accepted in XX. Thus, granting planning permission would result in adverse impact upon the open countryside from housing which is not required to meet any 5-year housing land supply needs and from other development which is not required to meet retail/employment floorspace needs. As a result, it is submitted that the weight to be given to such adverse impacts from unjustified development in the open countryside, on BMV and in a location which conflicts with the adopted settlement hierarchy is very substantial.

313. As explained above, the proposed development will result in the loss of BMV for a scheme which is not necessary since the greater part of it is not required to meet any identified need. Further, there has been no assessment which has established that the part of the scheme which may be needed (the small number of housing units that might come forward to meet five-year housing needs) cannot be accommodated on less valuable agricultural land.

314. Overall, it is submitted that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed



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against the policies in the Framework taken as a whole. It is thus submitted that the proposed development is not sustainable development and is not supported by the NPPF.

315. So far as the section 38(6) exercise is concerned, it is submitted that the proposed development would give rise to significant breaches of the Development Plan. Where there is no five-year housing land supply however, it is necessary to identify the appropriate weight to give to those policies.
316. The Court of Appeal in the Suffolk Coastal case, in a passage which is not affected by the Supreme Court decision gave some guidance as to factors which are relevant to a decision makers consideration of the weight to give to policies in this context at paragraph 49:

“One may, of course, infer from paragraph 49 of the NPPF that in the Government’s view the weight to be given to out-of-date policies for the supply of housing will normally be less than the weight due to policies that provide fully for the requisite supply. The weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, nor could it be, fixed by the court. It will vary according to the circumstances, including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a “green wedge” or of a gap between settlements. There will be many cases, no doubt, in which restrictive policies, whether general or specific in nature, are given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the policy in paragraph 49 in the absence of a five-year supply of housing land. Such an outcome is clearly contemplated by government policy in the NPPF. It will always be for the decision-maker to judge, in the particular circumstances of the case in hand, how much weight should be given to conflict with policies for the supply of housing that are out-of-date. This is not a matter of law; it is a matter of planning judgment (see paragraphs 70 to 75 of Lindblom J.’s judgment in *Crane*, paragraphs 71 and 74 of Lindblom J.’s judgment in *Phides*, and paragraphs 87, 105, 108 and 115 of Holgate J.’s judgment in *Woodcock Holdings Ltd. v Secretary of State for Communities and Local Government and Mid-Sussex District Council* [2015] EWHC 1173 (Admin)).”

317. It is then relevant to consider;

- The extent to the shortfall;
- The action being taken by the local planning authority to address that shortfall; and
- The particular purpose of a restrictive policy.

318. In this context, to the extent that a shortfall can be identified, it must be very small indeed. As Mr Fisher explained the next stage of the development plan is for the identification of additional housing sites. Any shortfall now is

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likely to be addressed very shortly, and in all probability before the Appeal Scheme is likely to deliver any housing units.

319. So far as the particular purposes of the relevant restrictive policies are concerned, the protection of the open countryside and of the best and most versatile land are objectives wholly supported by the Framework. In addition, the sustainable distribution of development via appropriate settlement hierarchy is supported by the Framework.
320. Accordingly, in a context where there is no 5-year housing land supply, the relevant restrictive policies cannot be given full weight, however they can be given weight at a level just below that since any shortfall identified will be very small, is likely to be addressed very quickly indeed and before the Appeal Scheme could contribute units and seek to achieve objectives supported by the Framework.
321. Against this the benefits of the scheme must be weighed. These have been addressed above. In essence, the Appeal scheme would only deliver a very limited number of units to meet five-year housing land supply needs. The remaining housing units, the local centre and the employment use proposed would not meet any identified need and are wholly unjustified. In this context, the harm that they would cause and the breach of development plan policy they give rise to is not justified by reference to any public interest need for them.
322. As a result, it cannot be the case that there is a justification for the proposed development. The Council submits that even where there is not five-year housing land supply, the conflicts with the development plan identified above are not outweighed by any material considerations. Thus, it must be concluded that planning permission should be refused and the appeal dismissed.

### **Supplementary evidence submitted following the publication of the revised National Planning Policy Framework**

#### **STATUS OF THE DEVELOPMENT PLAN**

323. The rFramework does not change the statutory status of the development plan as the starting point for decision making. Planning law requires that applications for planning permission be determined in accordance with the development plan. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted (paragraph 2, 12 and 47 of the rFramework). The adopted development plan for Cheshire East currently comprises of the following documents:

- The Cheshire East Local Plan Strategy (adopted 27 July 2017) (CELPS)
- The saved policies of the Borough of Crewe and Nantwich Replacement Local Plan (adopted 17 February 2005) (CNLP)

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- The Stapeley and Batherton Neighbourhood Plan (made on the 15th February 2018).

324. These plans were adopted prior to the introduction of rFramework. Paragraph 213 confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

## **CONSISTENCY OF ADOPTED POLICIES WITH THE NPPF**

### *Spatial Strategy*

325. The CELPS sets out the overall vision and planning strategy for the Borough. It is an up-to-date plan that provides a positive vision for the future and provides a framework for addressing housing needs and other economic, social and environmental priorities in accordance with paragraph 15 of the rFramework. The plan clearly sets out an overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing to meet the objectively assessed needs of the area. Policy PG1 states that sufficient land will be provided for a minimum of 36,000 new homes over the 20 year plan period, in accordance with rFramework paragraph 20. It should be noted that this figure is significantly higher than that previously published by MHCLG in its indicative assessment of housing need of 1,142 dwellings per annum (22,840 over 20 years). The CELPS therefore seeks to significantly boost housing supply, having regard to paragraph 59, providing a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development.

### *Settlement hierarchy*

326. The CELPS establishes a settlement hierarchy for development. In essence, this ensures that the majority of development takes place close to the borough's Principal Towns and Key Service Centres to maximise use of existing infrastructure and resources and to allow homes, jobs and other facilities to be located close to one another. The plan therefore plays an active role in guiding development towards sustainable solutions having regard to paragraph 7 of the rFramework. As at the 31.3.2017, some 37,196 dwellings were committed, completed or allocated, leaving a small residual requirement to be addressed through the subsequent Site Allocations and Development Policies Document (SADPD) which will be published for consultation in September 2018. It should be noted that through existing allocations, completions and commitments, sufficient deliverable and developable land and sites to meet the housing requirement of 36,000 homes has already been provided. The additional allocations identified through the future SADPD will therefore serve to provide for local housing needs in particular settlements.

327. The Council's evidence demonstrates that the development will result in harm to the intrinsic character and beauty of the open countryside. This harm was acknowledged in the previous decision letter of the Secretary of State. The appeal proposal conflicts with Policy PG6 of the CELPS and Policy RES5 of the CNLP. These policies are considered to be consistent with Paragraph 170 of the rFramework which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.

*Best and Most Versatile Agricultural Land*

328. CELPS Policy SE.2 encourages the re-use/ redevelopment of previously developed land and also seeks to safeguard natural resources, including high quality agricultural land. The supporting text advises that agricultural land is a finite resource which cannot be easily replicated once lost. Policy SD2 (v) also states that the permanent loss of areas of agricultural land quality 1,2 or 3a should be avoided unless the strategic need overrides these issues. These policies are considered to be consistent with the rFramework as they recognise the economic and other benefits that are derived from best and most versatile land. Furthermore, the Council has recognised through Policy SD2 that there may be occasions where a strategic need may override such loss.

329. These policies are considered to be consistent with the rFramework. Paragraph 170(b) of the rFramework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Best and Most Versatile Land is also relevant to plan making. Paragraph 171 states that plans should allocate land with the least environmental or amenity value, where consistent with other policies in the Framework. Footnote 53 advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

*Stapeley & Batherton Neighbourhood Plan*

330. The Stapeley and Batherton Neighbourhood Plan forms part of the development plan. Where a planning application conflicts with a made neighbourhood plan, planning permission should not normally be granted in accordance with Paragraph 12 of the rFramework. At Paragraph 29, the rFramework states that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan.

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Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development (paragraph 125).

331. The Stapeley Neighbourhood Plan was made on 15th February 2018 and is a recently adopted plan that includes local policies which seek to ensure that the special qualities of the area are recognised in the planning system. The plan contains notable policies on the landscape and open countryside, housing and design that should influence planning decisions, ensuring that development is appropriate to the area. The Neighbourhood Plan does not preclude residential development but rather it sets out the circumstances in which development will be permitted in order to ensure that it is commensurate with the character of the Parish and avoids intrusion into the open countryside.
332. As submitted in evidence, the appeal proposal clearly conflicts with adopted policies GS1, Policies H1 and H2. These policies are considered to be consistent with paragraphs 77 – 79, 83, 125 and 170 of the rFramework and full weight should therefore be given to them.

### **THE WEIGHT TO BE GIVEN TO ANY CONFLICT WITH POLICY**

333. The appellant's case is that the Council cannot demonstrate a 5 year supply of deliverable housing sites. In these circumstances, footnote 7 and paragraph 11 of the NPPF apply. The NPPF states that where the policies that are most important for determining the planning application are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. As submitted in evidence, the Council has demonstrated that a sufficient 5 year supply of housing sites to meet identified requirements can be demonstrated. Any implications from revised NPPF on matters of housing requirements, delivery and supply are identified below.

#### *The Cheshire East Local Plan Strategy*

334. Paragraph 74 of the rFramework states that a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan which:
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
  - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.
335. As submitted in evidence, the CELPS was adopted on the 21 July 2017. Therefore it should be considered a recently adopted plan having regard to paragraphs 73 & 74 and footnote 38. The Cheshire East housing requirement and the five year supply of housing sites were subject to lengthy and thorough examination, involving engagement with those stakeholders that

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have an impact upon the delivery of sites. The adopted plan incorporated the recommendations of the Secretary of State. Upon adoption, the Inspector concluded that the Local Plan would produce a five year supply of housing, stating that:

*'I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5 year supply of around 5.3 years'.*

336. Full weight should therefore be given to the CELPS as a recently adopted plan in accordance with paragraph 74. It should also be noted that the 5 year supply of specific deliverable sites considered by the Examining Inspector incorporated within it the maximum possible buffer – 20% (see Paragraph E.9, Appendix E of the CELPS). This buffer is double that now required to be applied to recently adopted plans having regard to paragraph 73(b) of the NPPF. If a 10% buffer had been applied to the Cheshire East 5 year housing supply requirement at the point of the adoption, this would have the effect of reducing the overall 5 year requirement by some 1,235 dwellings.

337. The intention of the rFramework guidance appears to be to try and limit endless debates over 5 year housing supply, most particularly where the Secretary of State has recently ruled on the matter. This can be done either through the new annual assessment process or through the adoption of a local plan. National Policy now weighs heavily against attempts in S78 planning appeals to re-examine housing supply where a definitive conclusion has been reached through the Local Plan process. The NPPF sets clear time limits on the currency of those conclusions. In the case of Cheshire East, it is evident that a 5 year supply can be demonstrated up to 31 October 2018 based on the recent Local Plan adoption.

338. The Council therefore respectfully requests that the Appeal Inspector and Secretary of State follows rFramework guidance in this regard and concludes that a 5 year supply can be demonstrated for the purpose of this appeal.

#### *The housing requirement*

339. Paragraph 60 of the rFramework states that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach. As submitted in evidence, the adopted CELPS housing requirement for Cheshire East over the plan period is some 36,000 homes, equivalent to 1,800 per annum. This is significantly higher than that previously published by MHCLG in its indicative assessment of housing need of 1,142 dwellings per annum. By adopting a significantly higher figure, the Council has clearly not shirked its responsibilities to significantly boost housing delivery within the Borough.

340. The Council's 5 year housing land supply assessment is based on a very generous assessment of need compared to the standard approach. The purpose of having a specific 5 year deliverable supply of housing sites is to ensure that sufficient land is available to enable homes to be built to meet housing need. In using a significantly higher figure than that produced by



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standard methodology, even if the calculated supply was exactly 5 years (or as in this case, that supply exceeds the 5 year requirement), it would fully achieve the objective of ensuring that there is sufficient land available to meet housing need.

*Presumption in favour of sustainable development*

341. Paragraph 11 and footnote 7 concerns the application of the presumption in favour of sustainable development to both plan making and decision taking. For decision-taking, the presumption in favour of sustainable development means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- c) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- d) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

342. Footnote 7 explains that for the purposes of d) that out of date policies includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

343. As submitted in evidence, the appeal proposal does not accord with the adopted development plan. The CELPS is a recently adopted plan having regard to Paragraph 73 & 74 and footnote 38. Its adoption established a 5 year supply of specific deliverable housing sites with the maximum buffer. The Council has submitted detailed evidence to the Inquiry to demonstrate that a continued 5 year supply of deliverable housing sites can be demonstrated since the adoption of the CELPS.

*The Housing Delivery Test*

344. The Housing Delivery Test (HDT) will apply from the day following the publication of the Housing Delivery Test results in November 2018 (see paragraph 215 of the rFramework). The HDT result will have a number of implications for decision-taking, including the circumstances in which the presumption in favour of sustainable development applies as explained at footnote 7. Under transitional arrangements, delivery of housing considered to be 'substantially below' the housing requirement will equate to delivery below 25% of the housing required over the previous three years.

345. The accompanying Housing Delivery Test Measurement Rule Book provides the methodology for calculating the HDT result. The Housing Delivery Test is effectively a percentage measurement of the number of net homes delivered against the number of homes required, over a rolling three year period. The number of net homes delivered is taken from the National Statistic for net additional dwellings over a rolling three year period, with adjustments credited for net student and net other communal accommodation. The national statistics are published annually in November.
346. The number of net homes required, will be the **lower** of the latest adopted housing requirement (excluding any shortfall)<sup>3</sup> **or** the minimum annual local housing need figure. Under transitional arrangements, for the financial years 2015-16, 2016-17 and 2017-18, the calculation of the minimum annual local housing need figure is to be replaced by household projections only. This is shown below.

Year	Adopted annual CELPS Requirement	Household projections (annual average over 10 year period) <sup>4</sup>	Net additional dwellings
2015/16	1800	1,100	1573
2016/17	1800	1,100	1763
2017/18	1800	900	1509 dwellings
TOTAL	5400	3,100	4,8457

347. What is clearly evident from the above table is that net additional dwellings over the three year period already comfortably exceeds the housing requirement calculated using 2012 and 2014 household projections. When the housing delivery test is applied against the completions data set out in the Council's proof of evidence, it is evident that the test is met and exceeded by a significant margin (1,745 homes) even without the full year data for 2017/18.
348. While the Council has not yet published its annual housing monitoring update for 2017/18, as submitted in evidence, completions continue to show a positive direction of travel and it is likely that the final total of completions for the year ending 31 March 2018 will exceed that of previous years. However based simply on the evidence before the Inquiry, the November 2018 HDT result, using the formula in the published rule book, will show that housing delivery significantly exceeds the minimum number of net homes required.

#### *The buffer*

349. Paragraph 73 requires that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need



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where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply

350. Footnote 39 advises that from November 2018, the requirement to apply a 20% buffer will be measured against the Housing Delivery Test result, where this indicates that delivery was below 85% of the housing requirement.

351. As submitted in evidence, net completions over the past three years have continued to increase in Cheshire East. For the monitoring years 2015/16 and 2016/17, net completions have exceeded the household projections result by as considerable margin.

When the CELPS was adopted, it should be noted that the Council applied the maximum possible buffer to its calculation of the 5 year housing land supply requirement and with this buffer, the Examining Inspector confirmed that a 5 year supply could be demonstrated. The 20% buffer was also applied to the 5 year supply of deliverable sites identified in the subsequent Housing Monitoring Update (base date 31 March 2017). Evidence submitted to the Inquiry robustly demonstrates that a continued five year supply including the maximum buffer can be identified. It goes without saying, that if the buffer was to drop to 10 or 5 per cent, taking account of delivery over the past three years, the 5 year housing land supply requirement would also drop significantly.

### **Definition of deliverable**

352. As per earlier guidance, the rFramework definition retains the previous requirement for sites to be available, suitable and achievable with a **realistic** prospect that housing will be delivered on the site within 5 years. As submitted in evidence, the relevant test is whether there is a realistic prospect of a site coming forward, i.e. is the site capable of being delivered within 5 years rather than it being absolute certainty that it will be delivered. The revised definition makes a distinction between sites that are small or have full planning permission and those that have outline planning permission or are allocated in a development plan or otherwise have planning permission in principle or identified through a brownfield land register. For small sites (less than 10 dwellings) and all sites with full planning permission should be considered deliverable until the permission expires, unless there is clear evidence that they will not come forward. For those sites with outline planning permission or planning permission in principle, allocated in the development

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plan or sites identified in the brownfield land register. These can be considered deliverable where there is clear evidence that housing completions will begin within five years.

353. The Council has submitted detailed evidence not only through the recent examination of the Local Plan Strategy, particularly in relation to strategic allocations but also to the Inquiry. A considerable body of evidence has been submitted on the deliverability of sites to respond to the very the detailed scrutiny of sites undertaken by the appellant. The Council's evidence has been fully revised and updated, looking afresh at the latest position on key sites and the housing sector generally and this included evidence on many sites including those with outline planning permission and allocated through the CELPS. The evidence submitted included an updated 5 year housing land supply assessment, taking into account a small number of concessions made following the Park Road, Willaston appeal decision. It should be noted that evidence was submitted both in relation to the current appeal and a second appeal, APP/R0660/W/17/3176449: Land to the West of New Road, Wrenbury, which has now reported and a copy of the Inspector's Decision Letter is appended. Based on the latest available evidence, the Inspector concluded that a deliverable 5 year supply was in place.

354. Therefore the Council remains of the view that in light of the revised NPPF, a deliverable supply of housing sites to meet the five year requirement can be demonstrated.

355. To conclude:

- Adopted development plan policies are up-to-date and consistent with the rFramework
- The appeal proposal conflicts with up-to-date policies and full weight should be given to the findings of the Inspector who confirmed that upon adoption, a five year supply could be demonstrated. In accordance with the rFramework, the CELPS should be considered recently adopted until 31 October 2018. In line with NPPF paragraph 74 this shows that a 5 year supply of can be demonstrated at the time of writing. The rFramework effectively settles the matter.
- In addition, to the above, a considerable body of updated evidence has been submitted to the Inspector on the specific supply of deliverable sites. The Council has demonstrated that a five year supply of housing sites can be demonstrated. This view is collaborated by the recent findings of the Inspector in 'Land to the West of New Road, Wrenbury'. The Inspector and Secretary of State therefore has all relevant information to enable the determination of the appeal.
- The five year housing requirement built in the maximum possible buffer. The rFramework indicates that a lower buffer of 10% should be used where the local planning authority wishes to demonstrate a five year supply of deliverable sites through a recently adopted plan.
- Housing completions over recent years have shown a continued positive direction of travel. Delivery over the last 3 years is likely to exceed by some margin, the local housing need requirement established through the Housing Delivery Test in November 2018.

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- The applicable buffer to be applied to the 5 year supply requirement will reflect the HDT result from November 2018 onwards. It is very unlikely that given past performance over the last 3 years, that a 20% buffer will be applied.
  - Notwithstanding any changes that may take place in the future to the buffer, in submitting evidence to the Inquiry, the Council has robustly demonstrated that a five year supply of deliverable sites can be demonstrated with the maximum 20% buffer.
  - Very detailed evidence has been submitted in relation to the supply of specific sites to support the conclusions reached about 5 year supply.
  - Having regard to the rFramework and the matters outlined above, the Council remains firmly of the view that a 5 year supply of deliverable housing land can be demonstrated and as such paragraph 11d is not engaged.

### **Overall Conclusion**

356. The Council submits that where there is a five-year housing land supply or not, the application of section 38(6) of the 2004 act results in the conclusion that planning permission for the proposed development must be refused and the appeal dismissed.

### **The Case for the Interested Parties**

The material points are:

357. Councillor Mathew Theobold, Chairman of Stapeley & District Parish Council<sup>22</sup>, seeks to emphasise the newness of the Stapeley and Batherton Neighbourhood Plan, it having been Made on the 15 February 2018. After setting out the relevant policies of the plan, Councillor Theobold goes on to identify the key areas of conflict the proposals have with these policies. Whilst accepting that Policy H5 directs development to within or directly adjacent to the Nantwich Settlement Boundary (where the proposed development is proposed), such proposals also have to be considered 'subject to the provisions of other policies of the Plan'. When the proposals are considered against the provisions of Policy H1 that can be held to be in clear conflict with all criteria contained in the policy (criteria H1.1- H1.4)
358. Councillor Theobold goes on to identify further concerns over the provision of local facilities, specifically the absence of a formal mechanism to secure their delivery, and shortcomings in the Appellant's Air Quality Document and Acoustic Planning Report. The Council also made further submissions on the contents of the draft section 106 agreement. Concerns were expressed over the potential conflict of ecological provisions and community based aspirations for publicly accessible community orchards, an aspiration of the plan.

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<sup>22</sup> ID10 and ID32.

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359. Mr Patrick Cullen<sup>23</sup>, a local resident, also expressed concerns in relation to the section 106 agreement and the effect of cumulative local housing development on local infrastructure. Concerns relating to the 106 agreement covered the outstanding commitments on land within the appeal site (Appeal B) and the desire of the community to secure a Community Orchard on the land to reflect local preference. Evidence relating to local housing development draws attention to the number and scale of housing sites currently under construction and draws attention to the effect such will have on local infrastructure and services.
360. Mr Philip Staley also submitted evidence to the Inquiry in respect of levels of traffic in the locality and the effect of further housing development on these levels and on the extend of public transport provision adjacent to the appeal sites. He also presented a short video in addition to a written submission.<sup>24</sup> Mr Staley suggests that traffic congestion on Peter de Stapeleigh Way at peak times (0800-0900hrs and 1500-160hrs) is sever, and quotes an Inspector's conclusions in respect of this issue in relation to a dismissed appeal on Audlem Road<sup>25</sup>. The cumulative effects of this and other proposals will cause harm to the local area and to local residents. Mr Staley also advised that sense the submission of the Appellant's evidence local bus services in the vicinity of the site had bed reduced, limiting the local service to only 4 journeys each way during normal shop hours. The provisions of the draft section 106 agreement to fund an increase in local bus services for a specified period would therefore have limited effect in mitigating the increased demand for such local services.
361. Ms Gilian Barry also made representations to the Inquiry supporting the statements in respect of the effects traffic generation by the proposed development<sup>26</sup>. She also made objections on the grounds of adverse effect on air quality, the prospect of flooding on the site, loss of habitat, including trees and hedgerows, and the effects of the development on public safety.

## **Written Representations**

362. There is a large body of correspondence in respect of the initial applications and the subsequent appeal, the body of which has been set out in the previous Reports to the Secretary of State.
363. Most correspondence came from objectors. They were particularly concerned with increased traffic, including the access, on adjoining road and at nearby level crossings, and the effects on the open countryside, the proposed loss of trees, recently felled trees, planned wildlife mitigation, lack of medical, dental and other facilities, shortage of school places, loss of privacy at the proposed roundabout, noise, air and light pollution, poor house design, and the potential for much more development.

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<sup>23</sup> ID11.

<sup>24</sup> ID12.

<sup>25</sup> APPEAL ref: APP/R0660/W/15/319474.

<sup>26</sup> ID13.

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364. These themes are repeated in the written responses to the current appeals, though they also refer to the adoption of the current local plan and the establishment of a five year land supply inherent in that and the advanced state of the Stapely and Batherton Neighbourhood Plan.
365. Further correspondence has been received in respect of the current appeals and, following the advertisement of amendments to the scheme during the Inquiry, further representations made in respect of these matters.
366. Mr Paul Tomlinson states the appeals are flawed due to 'flawed' traffic data as a result of being based on material over ten years old. Mr Andrew Hale states that the commercial units proposed in Appeal A would not contribute to the local economy or culture. He also states the proposals would fail to make use of the existing access to Peter de Stapeleigh Way. Mr David Wall refers to the site being within the Green Belt and expresses concerns over the ability of emergency services being able to access the site. Ms Jane Emery states there is a need for the development to mitigate the effects it will have on local infrastructure.
367. Mr D Roberts and Mrs H S Thompson Also raise objection on the basis that the traffic assessment is flawed and that the proposals represent a considerable risk to the safety of highway users<sup>27</sup>.

## Conditions

368. A discussion was held as to the suitable wording of, and reasons for, any conditions on 23 February with reference to the tests for conditions in the *Framework*. Following these discussions, with only a few exceptions which I set out below, in the event that the appeals are allowed, the conditions in the attached Schedule should be imposed, for the reasons set out below. Some conditions have been adjusted from those suggested in the interests of precision, enforceability or clarity.

## Appeal A

369. As well as the standard conditions 1-3, control is required over matters in the other conditions for the following reasons:
- 4, 5 & 9: flood risk reduction, contamination mitigation and ecological enhancement, including concerns raised by the Parish Council
  - 6: protection of archaeological remains
  - 7, 8 & 10: residential and visual amenity and sustainability
  - 11, 12, 13 & 27: highway safety and sustainability
  - 14 & 15: sustainability
  - 16-20: protected and other species mitigation
  - 21-25: reserved matters clarification and implementation

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<sup>27</sup> ID34.

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370. For clarity and for the avoidance of doubt, condition 26 establishes the sole vehicular access to the site will be through the junction with Peter Destapeleigh Way.

## **Appeal B**

371. As well as the standard conditions 1& 2, control is required over matters in the other conditions for the following reasons:

- 3-6: the visual amenity and landscape quality of the area
- 7-10: protected and other species mitigation and public amenity

372. Condition 11 is necessary in order that the Local Conservation Area is appropriately delivered, maintained and managed under the terms of this planning permission. This is all the more the case in view of Mr Cullen's concerns for its future management and the challenges to ensuring this identified in the previous report to the Secretary of State.

## **Planning Obligations**

373. The draft s106 agreement was discussed at the Inquiry during the same sessions as the conditions. A final signed and dated versions were submitted, as agreed, after the Inquiry closed. The agreement makes provision for the revocation of previous obligations in respect of the previous applications and also, in conjunction with condition 11 in relation to Appeal B, makes a commitment to the submission of a scheme for the Local Nature Conservation Area (LNCA) should the appeals be granted. The Council, in support of their request for financial and physical contributions to local infrastructure, have presented a detailed Community Infrastructure Levy Regulations 2010 Compliance Statement which evidences their necessity in relation to the regulatory requirements and the expectations of the rFramework. The agreement submitted by the Appellant reflects these requirements.

374. Firstly the agreement confirms that 30% of the proposed homes will be affordable which is policy compliant. The agreement also sets out the mix of tenure types reflecting local need in the area. Such a contribution therefore fully accords with the regulations and expectations of the rFramework and may be taken into account.

375. A further obligation facilitates contributions to secondary special needs education in the area. Again this recognises that future families occupying the development will place demand on local education facilities that will require mitigation. This is also calibrated through established formulae and is thus proportionate, related to the development and necessary to make it acceptable in planning terms. It too therefore may be taken into account.

376. For related reasons there is also an obligation securing open space and children's play areas, justified on the basis of the increased numbers of people anticipating use of such facilities. These provisions are also justified against policy, calculated to agreed formulae and proximate to the site. This too may therefore be taken into account.



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377. A key obligation securing an enlarged LNCA is also presented which also makes provision for its ongoing management. Not only, given the ecological interest of the site, is this provision necessary to make the development acceptable in planning terms, it addresses one of the key concerns of interested parties who have made representations in respect of both appeals. On all counts therefore it may properly be taken into account.

378. There are a further three obligations securing funding for an additional pedestrian crossing of Peter Destapleigh Way, two additional bus stops and a subsidy for the local bus service. The first enhances the safe pedestrian connectivity of the development, the second brings it within ready access to a sustainable transport service whilst the latter enhances that service for residents. All are necessary to make the development acceptable in planning terms, are proportionate and are directly related to the site. They may also therefore be taken into account.

### **Inspector's Conclusions**

379. I have reached the following conclusions based on all of the above considerations, the evidence and representations given at the Inquiry, and my inspection of the appeal sites and their surroundings. At the beginning of each topic for consideration the relevant paragraphs of the respective parties are identified to assist in an understanding of the reasoning set out therein.

#### *Main considerations*

380. In respect of Appeal A these are:

- a) The effect of the development on the character and appearance of the area with particular regard to the open countryside and policies PG6, SD1 and SD2 of the Cheshire East Local Plan Strategy (CELPS); policy RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan (BCNRLP) and Policies GS1, H1 and H5 of the Stapeley & Batherton Neighbourhood Plan (S&BNP) and;
- b) the loss of BMV agricultural land and;
- c) the effect of the development on the safety of highway users and;
- d) whether or not the Council can demonstrate a 5 year HLS and the implications of this with regard to policy in the rFramework.

381. In respect of appeal B these are the effects of the proposals on:

Its effect on the character and appearance of the area with regard to policy PG6 of the above.

#### *Character and appearance*

The relevant preceding paragraphs for the Appellant are 108-109.

The relevant preceding paragraphs for the Council are 310-312 & 327-329.

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The relevant preceding paragraphs for the other parties are 357-359.

382. Policy PG6 explains that 'open countryside' is defined as the area outside of any settlement with a defined settlement boundary. It goes on to established that within such designations, development will be restricted to that essential for the purposes of agriculture, forestry, recreation and infrastructure, though with exceptions listed in 6 criteria. The supporting justification for the policy also confirms inter alia that ...'the intrinsic character and beauty of the countryside will be recognised'.
383. The proposals as presented in Appeal A, as a mixed use scheme, are both outwith the Nantwich settlement boundary as currently defined, and do not conform with any of the types of exceptional forms of development identified in the criteria. The proposals are therefore, as the Council maintain in conflict with policy PG6 of the CELPS and with sub- paragraph b) of paragraph 170 of the rFramework.
384. In common with the conclusions of the Secretary of State in his previous (now quashed) decision, set out in his letter of 17 March 2015, the Council also assert the proposals would result in harm to the intrinsic character and beauty of the open countryside. This view is supported, perhaps more in relation to natural habitat, by other representations made by local residents.
385. Although the degree to which the site as an element of countryside may be considered open, its character is nevertheless agrarian and naturalistic in character. The construction of the proposals, with its mix of uses (notwithstanding the areas of open space and areas of habitat) would certainly change this established agrarian character, transforming it into an urban enclave – an extension of the settlement. Insofar as this would result in the loss of an element of countryside of intrinsic character, this would cause a degree of harm to that character, compounding the technical breach of the policy.
386. Insofar as they would also fail to protect or enhance the natural environment, they would also conflict with criterion 14 of Policy SD1 and, the same reasons, it may be held to conflict with Policy SD2 (criteria ii and iii thereof) of the same. Policy RES.5 of the CNLP, as sister policy to PG6 also relates to the restriction of development in the open countryside. For the same reasons therefore the proposals presented in Appeal A may also be considered in conflict with it.
387. It is the case that Policy H5 of the S&BNP acknowledges that 'the focus for development will be on sites within or immediately adjacent to the Nantwich settlement boundary' and as a consequence of the proposed development being so adjacent garners some support from this element of the policy. However, this is a narrow reading of the policy, as its prefix makes clear that such an expectation will be subject to the provisions of other policies of the S&BNP. This clearly engages Policy H1, which, inter alia, anticipates (at H 1.1) development being 'limited infilling in villages or the infill of a small gap with one or two dwellings in an otherwise built up frontage'. Neither does the proposed development conform to the other exception criteria of the policy nor with Policy GS1, which only permits development in the countryside in



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limited circumstances. Moreover, as the plan explains these policies follow 'a consistent theme around conserving and maintaining the character of the Neighbourhood Area'.

388. It may quickly be concluded that the proposals are in conflict with the letter and purpose of these Policies PG6, SD1 and SD2 of the CELPS, Policy RES5 of the CNLP and Policies GS, H1 and H5 of the S&BNP. However, the specific circumstances of the site and its context do need to be taken into account. The fact of the matter is that the appeal sites are now effectively bordered on three sides by existing and emerging development. Whilst the purpose of the policies is to maintain character it is evident that the rural hinterland anticipated by the plan vision has, in the circumstances of these cases, been extensively eroded. Such circumstances necessarily calibrate the actual harm to existing countryside character accordingly. Nevertheless, the proposals remain in breach of the policies and this needs to be accounted for in the final planning balance.

*BMV agricultural land*

The relevant preceding paragraphs for the Appellant are 111.  
The relevant preceding paragraphs for the Council are 201-212, 312-314 & 328.

389. The proposed development would result in the loss of 2.6 hectares of the best and most versatile agricultural land (25% of the aggregated site is designated as such, 6% being Grade 2, 19% being 3a). Accordingly such a loss would render it contrary to Policy SE2 of the CELPS which expects development to safeguard high quality agricultural land. The rFramework, through paragraph 171, and specifically through footnote 53, makes clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred.
390. Although technically in breach of policy SE2, the area of land is modest and predominantly at lower grade. Moreover, the engagement of the consideration of the rFramework is contingent on the loss of such designated land being significant. By any reasonable measure the loss identified here cannot be judged as such. Moreover, in the light of the conclusions below in relation to the supply of housing land, it is inevitable that the use of BMV will become a consideration in help correcting supply. Nevertheless the breach of policy and the loss of such land does represent a harm, though in light of the above, one meriting only modest weight in the planning balance.

*Highway safety*

The relevant preceding paragraphs for the Appellant are 126-128.  
The relevant preceding paragraphs for the other parties are 359-361.

391. It was clear from the representations made at the Inquiry that there was a significant degree of apprehension amongst local residents over any increase in traffic numbers in the locality as a result of the development proposed. Both written and video evidence was presented at the Inquiry to support the notion

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that any development on this site would exacerbate already challenging highway usage in the locality.

392. Video evidence of peak-time congestion in any given area is inevitably compelling; who has not experienced the frustration of not being where we want to be at any given time in a car? Be that as it may, the expression of such frustration does not equate to a robust argument or justification, as paragraph 109 of the rFramework requires, for the rejection of the proposals as they are presented. None of the detailed evidence of the appellant, nor the considered acceptance of it by the Council, is convincingly rebutted by the heartfelt, though non-empirical submissions of those opposing the scheme. In the absence of such substantial rebuttal, such concerns must inevitably be afforded no more than very limited weight. Moreover, the mitigation through transport infrastructure provision and the creation of enhanced pedestrian and cycle routes through the site for the use of residents, workers and others further increase the opportunities for non-car transport modes.

#### *Housing Land Supply*

The relevant preceding paragraphs for the Appellant are 55-107.

The relevant preceding paragraphs for the Council are 149-178, 218-278 & 333-355.

#### *The Requirement*

393. A statement of common ground (SoCG) on housing land supply (HLS) (thus HLSSoCG) was submitted by the appellant at the inquiry<sup>28</sup>. It confirms as a starting point that the housing requirement for Cheshire East Council is 1800 dwellings per annum. Elsewhere it is common ground that the five year period runs from the 31 March 2017 to 31 March 2022. Such agreement extends also to the extent of the backlog in delivery between 2010 and 2017, which stands at 5635 dwellings, equating to three years of the overall requirement for the first seven years of the plan.
394. It is also agreed in the HLSSoCG that, reflecting a pattern of historic under delivery, a 20% buffer also applies to the aggregated numbers. This consensus reflects the position of parties in two key previous appeals referred to in evidence<sup>29</sup>.
395. Paragraph 73 of the rFramework, replacing paragraph 47 of the previous addition, requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing supply. This number should include a buffer of either:
- a) 5% to ensure choice and competition in the market for land; or
  - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or

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<sup>28</sup> CD3.

<sup>29</sup> White Moss Quarry and Park Road, CD29 & CD30.

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recently adopted plan, to account for any fluctuations in the market during that year; or

- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

396. The Council predicts in its submissions in relation to the revisions to the framework that after November 2018 and the initiation of the Housing delivery Test it is unlikely that a 20% buffer will be required as a result of increased housing delivery. Indeed, in their further representations they set out variations of the supply position referencing the 5% and 10% scenarios, each of which correspondingly indicate and increase in the supply: 6.11 years @5% and 5.38 years @10%. Even if the Council's expectations in relation to the Housing Delivery Tests were to be met, it remains apparent that in the first seven years of the LPS plan period housing completions within Cheshire East have averaged 1,034 dpa, considerably below the expected, 1800 target . Under the terms of the third bullet point of paragraph 73 of the revised Framework therefore, there would still be a compelling case to apply the 20% buffer. Be that as it may, that is in the future. For current purposes, both parties agree in the HLSSoCG that a 20% buffer should be applied. Notwithstanding this point, the appellant maintains, again in light of the evidence before the Inquiry, that even if the scenario b) of a 10% buffer were applied in this case, the Council would remain unable to demonstrate a five year supply of housing land, indicated as being 4.64 years.

397. Thus the net annual requirement, plus the shortfall (including that to be met in the first five years) in addition to the 20% buffer, in both the Council's and the Appellant's 'Sedgpool8' methodology agreed and applied by the CELPS Examining Inspector, both equate to a requirement of 14,842 over the supply period. The Appellant also goes on to model a scenario whereby the agreed eight year delivery period is not rolled forward (ie the supply period remains fixed and diminishes as time moves forward), the requirement increases. The net figure is increased by 574 dwellings, which in turn impacts on the final supply figure.

398. The Council interpret the 'pool' element of the calculation to facilitate the rolling forward of the backlog in the calculation, thus allowing the number of units to be made up over the greater part of the plan period. However, this runs counter to the current position set out in the rFramework and the PPG which anticipates that any backlog should be made up within the first five years of the plan period (or in this case the 8 year period as determined by the CELPS and the Examining Inspector)<sup>30</sup>. This has to be the right approach unless where express circumstances dictate otherwise<sup>31</sup>. Whilst such an approach would not be consistent with that applied in Park Road Appeal<sup>32</sup> it is consistent with the expectations of the Local Plan Inspector, who anticipated that the Council fully

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<sup>30</sup> CD40 Examining Inspector's Report paragraph 72.

<sup>31</sup> PPG/NPPF ref.

<sup>32</sup> Ibid.

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meet past under-delivery within the next 8 years of the plan period<sup>33</sup>. Whilst not supported by the Wrenbury decision<sup>34</sup>, a rolling deferment of meeting the shortfall beyond the anticipated eight year cycle is at variance with the Government's policy commitments to boost significantly the supply of new homes.

399. The difference in the calculation of backlog delivery of 574 dwellings is a significant number, in the view of the appellant contributing to a depleted five year supply figure of 4.24 years. However, even if the Council's calculation is preferred, in combination with anticipated delivery rates, the Council's five year supply position stands at just 5.37 years or as advised in their last submissions 5.35 years. That said, as in the two other recent appeals<sup>35</sup> the greater divergence of view in respect of the supply position is focused on the delivery of housing sites that will help meet the anticipated trajectory. The Council's assessment of supply (recalibrated after the round table discussion at the Inquiry) 15,908 over the defined period, whilst the Appellant calculates a number of 13,101 (again recalibrated) applying the Sedgemoor methodology, a difference of 2,807 dwellings. These respective positions are reached on the one hand by standard methodology (previously referred to as the 'in principle' approach)<sup>36</sup> and more specifically though narrow analysis by the Council, and a detailed exploration of a wider range of larger sites (previously defined as above as 'performance') by the appellant. These matters are now considered below.

### *Supply*

400. With regard to the 'in principle' differences between the parties, the Council applies a standard methodology to predict the lead in times for site delivery and build rates for strategic and non-strategic sites, basing these on past experience. For strategic sites without planning permission, the standard methodology anticipates an average of 2.5 years to the point of completion of the first dwellings. These are calibrated by applying information from site promoters or agents where evidence supports a site coming forward more quickly or the reverse.

401. The Examining Inspector was clear that a lot depends on whether the committed and proposed sites come forward in line with the anticipated timescale in the housing trajectory. Since March 2016 it is evident there has been slippage in the anticipated timescales for delivery of a number of the strategic sites when the March 2017 HMU and the March 2016 position are compared. Delivery in 2016/17 of 1,762 dwellings also fell short of the anticipated trajectory of 2,955 dwellings and in 2017/18 the target of 3,373 dwellings looks like being short by approximately 130 units. Although the CELPS is only two years old, and inertia caused by such factors as the absence of the plan and the unpredictabilities of appeal-based permissions are no longer present, thus potentially hastening delivery, it is difficult to

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<sup>33</sup> Paragraph 72 Local Plan Inspector's Report (CD A40).

<sup>34</sup> Appeal Ref: APP/R0660/W/17/317649.

<sup>35</sup> Ibid

<sup>36</sup> CD29, Paragraph 13 White Moss Appeal.

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escape the conclusions of the two previous Inspectors<sup>37</sup> that the assumed delivery rates of the housing trajectory have in fact failed.

402. Although there are positive signals that delivery is picking up, also recognised in the two previous appeals, it is inevitably perhaps in the light of their wider conclusions the Council also presents an analysis of 16 specific sites to demonstrate that on-the-ground delivery is in fact meeting or exceeding the expectations of the trajectory.
403. The evidence here is initially compelling. The Council suggest a commencement period post-detailed consent averaging around 5 months and for those with outline consent around 1.47 years. Such evidence suggests that just under half the chosen sites have started ahead of expectations in the HMU (the 'in principle' expectation time of 2.5 years), an indicator, the Council suggest, of likely commencement rates in the future. This evidence is also supported by feedback from developers and promoters, offering a site specific record of particular circumstances. With the 'in principle' figures consolidated by these accelerated lead-in times delivering above expectation numbers, the Council maintain a 5 supply of 5.35 years with a 20% buffer and 5.83 years with 10% buffer applied, as identified in their post rFramework submissions.
404. However, by the Council's own admission this assessment, though 'decent' was not 'comprehensive'. Indeed, numbering just 16 sites, and without a transparent methodology for selection, it is difficult to avoid the conclusion offered by the appellant that there may have been an element of inadvertent self-selection in the process, and that such evidence does not, of itself, convincingly establish a significant upward trend in delivery. Moreover, this, and the 'in principle' evidence, needs to be considered against that presented (and recalibrated following the round table discussion at the Inquiry) in the context of the site specific evidence presented by the appellant, covering a total of 41 sites within the district. Without reference to each detailed site-specific analysis the sum of the appellant's conclusions on lead in time to construction anticipates 1 year from submission to grant of outline consent; 1 year to reserved matters application; 6 months to their determination and 1 year to the completion of the first dwelling, a total lead-in time of 3.5 years. Such an analysis, as the appellant points out, correlates with the broad conclusions of both Inspectors in the White Moss and Park Road cases, with the Park Road Inspector identifying an average of between 3 and 4 years for strategic sites without planning permission to first completion<sup>38</sup>.
405. With such lead-in times applied to the 41 sites identified in the appellant's case and the commensurate reduction in the number of units accounted), the broad slippage in delivery previously identified repeated, the appellant identifies a 4.25 year supply with the 20% buffer applied and a 4.64 year supply with the lower 10% buffer used. Even if one were to add the 5% of the total discounted by the appellant to account for lapsed planning permissions as the Council advise (or any part lesser %), this would still not achieve the five year supply threshold, even with a 10% buffer applied.

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<sup>37</sup> Those who determined White Moss and Park Road.

<sup>38</sup> Paragraph 51, APP/R0660/W/17/3168917.

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406. Moreover, and notwithstanding the various submissions to the Inquiry, paragraph 67 of the revised Framework clarifies the definition of the term 'deliverable' in relation to the supply of housing, setting this out in Annex 2 therein. In summary the definition applies to two categories of sites; those lesser sites and those with planning permission, which should be considered deliverable and; sites without planning permission in principle or allocated in development plans. These should now only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. This represents a significant shift in emphasis from the previous Framework position; now the latter sites are no longer to be included unless there is specific evidence that they will indeed deliver within the five year period. These clarifications effectively supersede interpretations around the St Modwen case<sup>39</sup> that preoccupied the evidence on housing delivery heard at the Inquiry.
407. 34 of the 41 sites identified by the appellant were those without planning permission, those with outline planning permission or those also subject to section 106 commitments. Whilst the Council, on notification of the revisions to the Framework, chose not to address these sites in any detail, it is clear that by default, those within the latter category, without the clear evidence that completions will begin within five years, must now be at risk of dropping out of the calculation. This being so, to Council's position of asserting a 5.35 year supply with a 20% looks to be increasingly untenable, whilst that of the appellant's assessment of 4.25 years, and even that of 4.64 years with a reduced 10% buffer, looks the more robust. Whilst the conclusions reached by the Inspector in the Wrenbury case<sup>40</sup> take a contrary view on the 5 year land supply position, this appeal was determined prior to the publication of the Framework and the weight to be conferred it is very significantly reduced as a result.
408. Even if the most generous conclusion is reached, there has to be reasonable doubt that the Council is able to demonstrate a five year supply of housing land. Thus the precautionary approach taken by the two Inspectors in the White Moss and Park Road decisions may equally and rightly apply here. Whilst such a conclusion may not only be viewed as consistent with the previous approach, it also now enjoys the support of the High Court in the form of the dismissal of the Shavington case<sup>41</sup> (previously advised of by the Council) which had sought to demonstrate, by proxy reference to White Moss and Park Road, that the 'precautionary approach' adopted by the two previous Inspectors, and as is applied here, was unlawful. Such a view was comprehensively rejected by the Court. This case however also predated the publication of the revised Framework and the editing-out of paragraph 49 of the former document making reference to the requirement for Councils to demonstrate a five year supply of housing sites. However this changes little beyond the structure of the document. Paragraph 11 at sub paragraph d) though footnote 7 makes clear

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<sup>39</sup> St Modwen Developments Ltd v Secretary of State for Communities and Local Government [2017] EWCA Civ 1643.

<sup>40</sup> APP/R0660/W/17/3176449 appended to the Council's NPPF revisions submission IDXX.

<sup>41</sup> [2018] EWHC 2906 (admin). Case No. CO/1032/2018.



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that where a local authority cannot demonstrate a five year supply of deliverable housing sites policies most important for determining the application can be considered out-of-date. The delegation of the need to identify a supply to a foot note does not diminish the status of the policy as paragraph 3 of the rFramework makes clear; 'The Framework should be read as a whole (including footnotes and annexes).

409. On the basis of the evidence presented, the Council is unable to demonstrate a five year supply of housing sites. In accordance with paragraph 11 of the rFramework therefore, the policies most important for determining these applications are out-of-date. Their status as such will thus need to be taken into account in the final planning balance.

*Need for a mixed use development*

The relevant preceding paragraphs for the Appellant are 110-112.  
The relevant preceding paragraphs for the Council are 279-283.

410. The Council argue in closing that disaggregating the employment component of the scheme and accounting for it in the context of employment floor space would add some 10% to the appropriate employment floor space required by policy. This would amount the Council suggest to 'very significant levels of unplanned growth'. However, the supply of employment land, over and above development plan targets or otherwise, has hitherto not formed part of the Council's case, that application having always been viewed as a mixed use scheme, led by the significant residential component that has always remained the focus of the Council's and the Secretary of States considerations. This is the right approach as to do otherwise would be to invite independent evaluation of its constituent elements across the board. The Secretary of State is invited to consider the proposal as a whole and against the substantive policy issues hitherto set out.

*Distortion of the Council's Spatial Vision*

The relevant preceding paragraphs for the Appellant are 112-121.  
The relevant preceding paragraphs for the Council are 284-287 & 325-326.

411. The Council argue that as Nantwich has achieved target numbers identified in the CELPS and to allow further development above that number would serve now only to distort the spatial vision of the strategy in conflict with its broad strategic policies PG2 and PG7. However, the numbers set out therein are expressed as neither a ceiling not a target to be reached. Moreover, the supporting material for the policy advises such numbers as being an indicative distribution, and no more. Whilst a development of a scale reaching way beyond these aspirational targets may well be seen as distorting the spatial vision, in the context of the phrasing characterised above, the development proposed here cannot be considered of that magnitude. Indeed, it also remains consistent with the policies of the rFramework in paragraphs 59 and 60, which continue to emphasise the imperative of significantly boosting the supply of homes, and in so doing, determining the minimum, not the maximum number of homes needed in differing circumstances. There is therefore no breach of

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policies PG2 and PG7 of the CELPS, and therefore no policy-based harm to consider in the planning balance in this regard.

### **The benefits of the scheme**

The relevant preceding paragraphs for the Appellant are 126-128.

The relevant preceding paragraphs for the Council are 291-294 & 303-322.

412. The construction of new housing would create jobs, and support growth, as would new space for employment development. Notwithstanding the Council's view that the employment component of the scheme is not required, such provision, in close proximity to services, new residential property and transport links is likely to prove an attractive offer, and would readily therefore contribute to the growth of the local economy. Nantwich is also one of the preferred locations for development in the CELPS and there is no dispute that in locational terms at least, the site is in a sustainable location. Such recognised benefits garner a medium measure of weight.
413. The provision of a new primary school site to meet future educational provision, the children's play area, and extensive areas of public open space including a new village green and an enlarged LNCA would represent significant additional social benefits, not just to new occupiers of the development but to those in the locality as well. There would be contributions towards new bus stops and an extensive service linking with the town centre and railway station in addition to new path and cycle path networks offering alternative transport modes to the town and its services. Beyond necessary mitigation, these are also measurable social benefits that weigh in favour of the proposals.
414. In both the local and national context the delivery of significant numbers of market housing in a sustainable location is a significant benefit. Nationally, it is a government policy imperative to boost the supply of housing and this is given fresh emphasis in the recently published rFramework. Locally, although the Council fear the final yield of the site within the five year supply period may be curtailed this is rebutted convincingly by the appellant, and the site will in all probability make a contribution to housing numbers within the anticipated part of the plan period. This has all the more value given the identified shortfall in delivery. In both contexts therefore the delivery of market housing merits substantial weight being afforded in favour of the scheme.
415. The proposal would not provide affordable housing above that anticipated by policy, nor would it be above the level expected on other sites. However, such provision would be a tangible benefit when judged against the identified need in the district. Nor is there a suggestion that the contribution, if lost, would be made up from other developments. In light of the above, this contribution to affordable housing also merits significant weight.
416. It was clear from the representations made at the Inquiry that there was a significant degree of apprehension amongst local residents over any increase in traffic numbers in the locality as a result of the development proposed. However, such apprehension does not have the support of technical evidence that would convincingly rebut the appellant's view, not challenged by the



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Council, that no severe highway harms would result from the scheme. Such concerns therefore carry the most minimal of weight.

### **Planning balance**

417. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Such a consideration of importance is the presumption in favour of sustainable development set out in paragraph 11 of the rFramework. The question of a 5 year housing land supply in relation to these appeals is very finely balanced. It is therefore recommended, in accordance with reasoning adopted in the White Moss and Park Road appeals, and as now endorsed by the Shavington case<sup>42</sup>, that a precautionary approach is applied, taking the worst-case position within the range on housing land supply presented, and apply the 'tilted balance' in sub-paragraph d) of paragraph 11 of the rFramework in the determination of these appeals. This makes clear that where the policies most important for the determination of the proposals are out-of-date, permission should be granted unless other policies of the rFramework dictate otherwise, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
418. In terms of the adverse impacts of the proposal, the appeal sites form part of the Open Countryside on the borders of Nantwich. As such the development is in clear conflict with the letter and purpose of Policies PG6, SD1 and SD2 of the CELPS, Policy RES5 of the CNLP and Policies GS, H1 and H5 of the S&BNP. However, the degrees of harm to visual amenity here, because of the very specific urbanised context of the site and the contribution open green space makes to the scheme, would, in actuality, be limited in extent.
419. It is also the case that the proposals would result in the loss of BMV and again this would be in conflict with Policy SE2 of the CELPS. No other substantive harms have been identified and other effects of the development can be effectively mitigated through the provisions of the section 106 obligations, thus rendering them neutral in the planning balance.
420. Set against these identified harms the development would deliver up to 189 dwellings. In the context of the national imperative to significantly boost the supply of homes, the identified shortfall in housing delivery over the plan period, and supported by the indicators that it may come forward to the market relatively quickly, this is a clear benefit meriting significant weight in favour of the scheme. This is the more so in light that the site the scheme would also include up to 30% affordable homes, secured through the S106 agreement. Given that there is an undisputed need for affordable housing in Cheshire East, which the appeal scheme would help meet, this is again a benefit meriting significant weight in favour of the proposals.

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<sup>42</sup> Ibid.

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421. The development would also bring economic benefits in terms of direct and indirect employment during its construction phase, expenditure into the local economy and sustain further enterprise through the mixed uses on offer. Moreover, there are other social benefits in terms of the open space, improvements to sustainable transport connectivity and the scope for the development of a further primary education facility. These latter benefits would accrue not only to occupiers of the residential development proposed, but to others within the vicinity as well. Taken together these positive attributes can be afforded a medium degree of weight.
422. The Secretary of State will be mindful that both the CELPS and the S&BNP are relatively new components of the development plan, each of which has seen the subject considerable investment in terms of local resource and commitment and are which both relatively recently adopted and made. Moreover, there are also incipient signs that delivery of housing sites may indeed pickup more in accordance with expectations later in the plan period. The policies of the development plan should not therefore be set aside lightly. However, against the conflict with these policies, for which there is a presumption development shall be determined in accordance with, there are some material considerations of considerable importance and weight to consider.
423. The first is that despite the conflict with countryside policies, the degree of harm to visual amenity is in fact limited, and reflected in the Council's position on the proposals from the outset. More significantly however, the Council has been found unable to demonstrate a five year supply of housing land and this, in accordance with paragraph 11 of the rFramework and its attendant foot note 7, triggers the presumption in favour of sustainable development heralded therein on the basis that policies most important to the determination of the cases are out-of-date. The policies referred to above (PG6 and SE2 of the CELPS, Policy RES5 of the CNLP and Policies GS1, H1 and H5 of the S&BNP) have to be viewed as being the most import of policies for the determination of these proposals as they are critical to the permitting of residential development in open countryside and immediately adjacent to settlement boundaries. It must follow therefore that in light of the supply position they are out of date, thus diminishing the weight to be afforded them in the planning balance.
424. Moreover, it might be right that the aims and purposes of Policy RG6 remain consistent with those of the rFramework (as the Council maintain). However, in the absence of a five year supply of housing land it has to be considered somewhat Canute-like to argue that the settlement boundaries drawn to reflect the past aspirations of the former local plan (2006-2011) can still be held to be not-out-of date. This is a conclusion all the more compelling given the evidence of appeals being allowed and the Council granting planning permission for development outwith these boundaries in years subsequent to their anticipated utility in order to meet supply. Neither does it come as a surprise that the LP Inspector for the CELPS anticipated that such boundaries would have to be reviewed in the future allocations component of the plan. This position is again reflected in the reasoning of the Inspector in the Park Road Appeal<sup>43</sup>.

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<sup>43</sup> Ibid, paragraph 16 thereof.

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425. All of these weighty considerations combine to reduce the weight to be applied to these policies in the light of the very particular supply situation identified in this case. Whilst there remains conflict with the policies of the development plan, these proposals would bring forward substantial benefits. These benefits are such that they are not significantly or demonstrably outweighed by the lesser harms identified. The proposals, presented in both appeals, therefore constitute the sustainable development for which the rFramework presumes in favour of.

### **Recommendation**

426. I recommend that both appeals should be allowed and planning permission granted subject to the attached Schedules of Conditions.

*David Morgan*

INSPECTOR

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## Schedule of Conditions

### Appeal A

1. Details of appearance, access landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority (LPA) before any development begins, and the development shall be carried out as approved.
2. Application for approval of all the reserved matters shall be made to the LPA not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
3. This permission shall refer to the following drawing numbers unless any other condition attached to the permission indicates otherwise:

Mixed Use and Access Applications Diagram – dwg SK15 Rev C  
(11 November 2017)

Mixed Use and Access Applications Diagram – dwg SK16 Rev C  
(11 November 2017)

Mixed Use and Access Applications Diagram – dwg SK17 Rev C  
(11 November 2017)

Mixed Use and Access Applications Diagram – dwg SK19 Rev D  
(11 November 2017)

4. No development shall commence until details of a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the LPA. The scheme shall make provision, inter alia for the following:
  - a. this site to be drained on a totally separate system with all surface water flows ultimately discharging in to the nearby watercourse
  - b. a scheme to limit the surface water run-off generated by the proposed development
  - c. a scheme for the management of overland flow
  - d. the discharge of surface water from the proposed development to mimic that which discharges from the existing site.
  - e. if a single rate of discharge is proposed, this is to be the mean annual run-off (Qbar) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation for up to the 1% annual probability event, including allowances for climate change.
  - f. the discharge of surface water, wherever practicable, by Sustainable Drainage Systems (SuDS).
  - g. Surface water from car parking areas less than 0.5 hectares and roads to discharge to watercourse via deep sealed trapped gullies.
  - h. Surface water from car parking areas greater than 0.5 hectares in area, to have oil interceptor facilities such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour.

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The development shall not be occupied until the approved scheme of foul and/or surface water disposal has been implemented to the satisfaction of the LPA.

5. No development shall commence until a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse on the northern boundary measured from the bank top (defined as the point at which the bank meets the level of the surrounding land) has been submitted to and approved in writing by the LPA. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

This buffer zone shall be free from built development other than the proposed access road. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the LPA.

6. No development shall commence within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the LPA.

7. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the LPA. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:

- a. the hours of construction work and deliveries
- b. the parking of vehicles of site operatives and visitors
- c. loading and unloading of plant and materials
- d. storage of plant and materials used in constructing the development
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction.
- g. details of any piling operations including details of hours of piling operations, the method of piling, duration of the pile driving operations (expected starting date and completion date), and prior notification to the occupiers of potentially affected properties
- h. details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

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- i. control of noise and disturbance during the construction phase, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes
  - j. waste management: there shall be no burning of materials on site during demolition/construction.
8. No development shall take place on the commercial and retail element until a detailed noise mitigation scheme to protect the proposed dwellings from noise, taking into account the conclusions and recommendations of the Noise Report submitted with the application, shall be submitted to and agreed in writing by the LPA. The approved mitigation measures shall be implemented before the first occupation of the dwelling to which it relates.
9. Prior to the commencement of development:
- a. A contaminated land Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
  - b. If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.
  - c. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.
10. No development shall commence until a scheme of destination signage to local facilities, including schools, the town centre and railway station, to be provided at junctions of the cycleway/footway and highway facilities shall be submitted to and agreed in writing by the LPA. The approved scheme shall be provided in parallel with the cycleway/footway and highway facilities.
11. No development shall commence until schemes for the provision of MOVA traffic signal control systems to be installed at the site access from Peter Destapleigh Way and at the Audlem Road/Peter Destapleigh Way traffic signal junctions, has been submitted to and approved in writing by the LPA. Such MOVA systems shall be installed in accordance with approved details prior to the first occupation of the development hereby permitted.
12. The Reserved Matters application shall include details of parking provision for each of the buildings proposed. No building hereby permitted shall be occupied until the parking and vehicle turning areas for that building have been constructed in accordance with the details shown on the approved plan. These areas shall be reserved exclusively thereafter for the parking and turning of vehicles and shall not be obstructed in any way.
13. Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the LPA. The Travel Plan shall

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include, inter alia, a timetable for implementation and provision for monitoring and review. None of the building hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation after or before occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of the development is occupied.

14. No development shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the LPA. The approved scheme shall be implemented and retained as operational thereafter.

15. Prior to first occupation of each unit, Electric Vehicle Infrastructure shall be provided to the following specification, in accordance with a scheme, submitted to and approved in writing by the LPA which shall include the location of each unit:

- A single Mode 2 compliant Electric Vehicle Charging Point per property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW charging.
- 5% staff parking on the office units with 7kW Rapid EV with cabling provided for a further 5% (to enable the easy installation of additional units).

The EV infrastructure shall be installed in accordance with the approved details and thereafter be retained.

16. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds and the results submitted to the LPA. Where nests are found in any hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to LPA before any further works within the exclusion zone take place.

17. Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted to and approved in writing by the LPA. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the LPA.

18. The reserved matters application shall be accompanied by a detailed Ecological Mitigation strategy including a great crested newt mitigation strategy informed by the recommendations of the submitted Protected Species Impact Assessment and Mitigation Strategy dated 2013 prepared by CES



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Ecology (CES:969/03-13/JG-FD). The development shall be implemented in accordance with the measures of the approved ecological mitigation strategy.

19. Prior to the commencement of each phase of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.
  - a) The details shall include the location, height, design and luminance and ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
  - b) The scheme should include dark areas and avoid light spill upon bat roost features, boundary hedgerows and trees. The scheme should also include details of: Number and location of proposed luminaires; Luminaire light distribution type; Lamp type, lamp wattage and spectral distribution; Mounting height; Orientation direction; Beam angle; Type of control gear; Proposed lighting regime; and Projected light distribution maps of each lamp. The lighting scheme shall be installed in accordance with the approved details.
20. All trees with bat roost potential as identified by the Peter Destapleigh Way Ecological Addendum Report 857368 (RSK September 2017) shall be retained, unless otherwise agreed in writing by the Local Planning Authority
21. The first reserved matters applications shall include a Design Code for the site and all reserved matters application shall comply with provisions of the Masterplan submitted with the application and the approved Design Code.
22. Prior to the commencement of each phase of development a scheme for landscaping shall be submitted to the Local Planning Authority and approved in writing. The approved landscaping scheme shall include details of any trees and hedgerows to be retained and/or removed, details of the type and location of Tree and Hedge Protection Measures, planting plans of additional planting, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme.

The landscaping scheme shall be completed in accordance with the following: -

- a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
- b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).



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- c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of British Standard BSD5837: 2005 Trees in Relation to Construction: Recommendations.
  - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
23. An Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations shall be submitted in support of any reserved matters application which shall evaluate the direct and indirect impact of the development on trees and provide measures for their protection.
24. No phase of development shall commence until details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the LPA. No building hereby permitted shall be occupied until the boundary treatment pertaining to that property has been implemented in accordance with the approved details.
25. The Reserved Matters application for each phase of development shall include details of bin storage or recycling for the properties within that phase. The approved bin storage facilities shall be provided prior to the first occupation of any building.
26. Notwithstanding the details shown on plan reference no. BIR.3790.09D (September 2012) access to the development herein permitted shall be exclusively from Peter Destapeleigh Way as shown on plan reference no. dwg SK16 Rev C (11 November 2017)
27. Unless otherwise agreed in writing, none of the dwellings hereby permitted shall be first occupied until access to broadband services has been provided in accordance with an action plan that has previously been submitted to and approved in writing by the LPA.

## Appeal B

1. The development hereby approved shall commence within three years of the date of this permission.
2. This permission shall refer to the following drawing numbers unless any other condition attached to the permission indicates otherwise:
  - a. Site Location Plan reference no. BIR.3790\_13
  - b. Site Access General Arrangement Plan reference no. SCP/10141/D03/ Rev D (May 2015).
3. No development shall commence until there has been submitted to and approved by the LPA a scheme of landscaping and replacement planting for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of those to be retained, also the number,

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species, heights on planting and positions of all additional trees, shrubs and bushes to be planted.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the LPA gives written consent to any variation.
5. Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction : Recommendations, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority.
  - (a) No development or other operations shall take place except in complete accordance with the approved protection scheme.
  - (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
  - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
  - (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
6. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
7. Prior to development commencing, a detailed Ecological Mitigation strategy including a great crested newt mitigation strategy informed by the recommendations of the submitted Protected Species Impact Assessment and Mitigation Strategy dated MARCH 2013 REVISION) prepared by CES Ecology (CES: 969/03-13/JG-FD) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the measures of the approved ecological mitigation strategy.
8. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds and the results submitted to the LPA. Where nests are

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found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to LPA before any further works within the exclusion zone take place.

9. Prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority. The scheme should include dark areas and avoid light spill upon bat roost features, boundary hedgerows and trees. The scheme should also include details of: Number and location of proposed luminaires; Luminaire light distribution type; Lamp type, lamp wattage and spectral distribution; Mounting height; Orientation direction; Beam angle; Type of control gear; Proposed lighting regime; and Projected light distribution maps of each lamp. The lighting scheme shall be installed in accordance with the approved details.
10. Prior to the commencement of development , and to minimise the impact of the access road on potential wildlife habitat provided by the existing ditch located adjacent to the southern site boundary, the detailed design of the ditch crossing shall be submitted to and approved in writing by the LPA . The access road shall be constructed in full accordance with the approved details.
11. No development shall commence on site unless and until a Deed of variation under s106A TCPA 1990 (as amended) has been entered into in relation to the S106 Agreement dated 20 March 2000 between Jennings Holdings Ltd (1), Ernest Henry Edwards, Rosemarie Lilian Corfield, James Frederick Moss, Irene Moss, John Williams and Jill Barbara Williams (2), Crewe and Nantwich BC (3) and Cheshire County Council (4) to ensure that the Local Nature Conservation Area is delivered, maintained and managed under this permission.

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## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Reuben Taylor of Queen's Counsel

Instructed by the Solicitor to  
Cheshire East Council

He called:

Mr Richard Taylor BA (Hons) BTP MRTPI

Mr Adrian Fisher BSc MTPL MRTPI

### FOR THE APPELLANT:

Mr Paul Tucker of Queen's  
Counsel

instructed by Patrick Downes, Harris  
Lamb on behalf of Müller Property  
Group

Assisted by Mr Philip Robson  
of Counsel

He called:

Mr Jonathan Berry BA (Hons) Dip LA CMLI AIEMA M ArborA

Mr Patrick Downes BSc (Hons) MRICS

Mr Matthew Weddaburn BSc MA MRTPI

Mr William Booker BSc (Hons)

### INTERESTED PERSONS:

Councillor M Theobald

Stapeley & District Parish Council

Mr P Cullen

Resident

Councillor P Groves

Cheshire East Council

Mr P Staley

Resident

Ms J Crawford

Resident

Ms G Barry

Resident

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Mr K Roberts

Resident

Councillor A Martin

Councillor

#### INQUIRY DOCUMENTS (IDs)

1. Appearances – Appellant
2. Planning SoCG
3. Housing SoCG
4. Draft s106
5. Revised plans – Appellant
6. Revised Appendix 14 (Mr Fisher) – Council
7. Openings – Appellant
8. Openings – Council
9. Statement Councillor Groves
10. Statement Councillor Theobald
11. Statement Mr Cullen
12. Statement Mr Staley
13. Statement Ms Barry
14. Amended red line drawing
15. Strategic sites list with references
16. Wokingham High Court Decision – Council
17. E mail site LPSA 2
18. Map – LPS 27
19. Appendix E CELPS (Housing trajectory)
20. Appellant's housing evidence amended table 17
21. CD of Traffic issues – Mr Staley
22. Extract PPG paragraph 26
23. Accident Record of area (map) – Appellant
24. Aerial photograph highway improvements – Appellant
25. Bus timetables – Appellant
26. List draft conditions
27. Agricultural land analysis – Appellant
28. Stapley and Batherton Neighbourhood Plan
29. Amended landscape condition
30. CIL compliance schedule
31. Updated s 106
32. Councillor Theobald comments on s106
33. Amended housing supply table – Appellant
34. Letters/email from D Roberts/H Thompson

#### DOCUMENTS RECEIVED AFTER THE ADJOURNMENT OF THE INQUIRY

- 1a Final list of Core Documents
- 2a Closings Appellant
- 3a Closings Council
- 4a Grounds for Claim to High Court (Shavington case) – Council
- 5a Comments on rFramework – Appellant
- 6a Comments on rFramework – Council
- 7a Final comments on Council's submissions - Appellant

## CORE DOCUMENTS

<b>Background (A)</b>	
	<b>National Planning and Ministerial Statement</b>
A9	The Plan for Growth (2011)
A10	Supporting Local Growth (2011)
	<b>Local Plan Policy and Guidance</b>
A11	Extracts of Adopted Crewe and Nantwich Replacement Local Plan (2005) ("CNRLP")
A12	Secretary of State's Direction (Saved Policies) February 2008
A13	Removed
A14	Removed
A15	Removed
A16	Interim Planning Policy on Release of Housing Land (February 2011)
A19	Extract of the Draft Nantwich Town Strategy
	<b>Emerging Local Plan Background Documents</b>
A20A	Extracts from the Cheshire East Local Plan Strategy 2010 – 2030 ("LPS")
A24	Extracts of Cheshire East Strategic Housing Market Assessment (2010)
A25	CEC Strategic Housing Land Availability Assessment (March 2012)
A26	CEC Strategic Housing Land Availability Assessment Letter (4 <sup>th</sup> December 2013)
A27	Letter of representation from The Home Builders Federation to the SHLAA update methodology (January 2014)
A28	Letter from Muller Property Group to the SHLAA update methodology (January 2014)
A35	Extract from Annual Monitor on Affordable Housing Provision
A36	Stapeley and Batherton Neighbourhood Plan, Referendum Version (SBNP)
A37	Stapeley and Batherton Neighbourhood Plan Examiner's Report
A38	Council Decision on report of SBNP
A39	Cheshire East Local Plan Strategy 2010 – 2030 July 2017
A40	Report on the Examination of the Cheshire East Local Plan Strategy Development Plan Document, 20 June 2017
A41	Inspector's Views on Further Modifications Needed to the Local Plan Strategy (Proposed Changes), 13 December 2016
A42	Inspector's Interim Views on the legal compliance and soundness of the submitted Local Plan Strategy, 6 November 2014
A43	Inspector's Further Interim Views on the additional evidence produced by the Council during the suspension of the examination and its implications for the submitted Local Plan Strategy, 11 December 2015
A44	Cheshire East Local Plan: Nantwich Town Report, March 2016
A45	Crewe and Nantwich Replacement Local Plan, 2011

<b>Technical Papers (B)</b>	
B3	Extract of Manual for Streets 2 – Wider Application of the Principles (CIHT, 2010)
B4	Extract of Manual for Streets (2007)
B17	Transport for Statistics Bulletin
B18	Walking in Britain
B19	South Worcestershire interim conclusions on the South Worcestershire Development Plan
B20	LDC initial findings report (Sept 2013)
B21	Strategic Housing Land Availability Assessment and the development plan document preparation

B22	Cheshire East Council Housing Supply and Delivery Topic Paper (August 2016)
B23	Cheshire East Council Housing Monitoring Update (published August 2017, base date 31st March 2017)

High Court and Supreme Court Cases (C)	
C11	High Court Judgement West Lancashire vs Secretary of State for Communities and Local Government (Neutral Citation Number: [2017] EWHC (Admin))
C12	Supreme Court Judgement Carnworth, Suffolk Coastal District

Appeal Cases (D)	
	<b>Ministerial Appeal Decisions</b>
	<b>Inspector Appeal Decisions</b>
D29	Planning Inspectorate appeal reference: APP/R0660/W/17/3166469. White Moss, Butterson Lane, Barthomley, Crewe CW1 5UJ. 8 <sup>th</sup> November 2017
D30	Planning Inspectorate appeal reference: APP/R0660/W/17/3168917. Land to the south of Park Road, Willaston, Cheshire. 4 <sup>th</sup> January 2018
D31	Planning Inspectorate appeal reference: APP/M4320/W/17/3167849. Land to the south of Andrews Lane, Formby L37 27H. 5 <sup>th</sup> December 2017

Relevant Applications (E)	
E1	Decision Notice for the extant permission - construction of a new access road into Stapeley Water Gardens" (planning application reference P00/0829)
E2	Letter from CEC confirming that planning application reference P00/0829 is extant
E3	Cronkinson Farm Schedule 106 Agreement 2000

Landscape Documents (F)	
F1	Extract of the Guidelines for landscape and Visual Impact Assessment, 3rd Edition The Landscape Institute and IEMA 2013
F2	Extract of the Landscape Character Assessment – Guidance for England and Scotland – Scottish Natural Heritage and the Countryside Agency (2002)
F3	Site Context Plan (2064/P01a JB/JE January 2014)
F4	Site Setting (Aerial Photograph) (2064/P04 JB/JE January 2014)
F5	Extract from the Countryside Agency (now Natural England), Character Area 61 Description
F6	Extract of Cheshire Landscape Character Assessment SPD – Type 7: East Lowland Plain
F7	Extract of Cheshire Landscape Character Assessment SPD – ELP 1: Ravensmoor
F8	Munro Planting Scheme – Appeal B
F9	Tyler Grange Winter Photographs (January 2014) (2064/P03 JB/LG January 2014)
F10	Winter viewpoint locations (TG Ref: 2064/P03)

Ecology & Arboricultural Documents (G)	
G1	Extract of English Nature Great Crested Newt Mitigation Guidelines 2001
G2	Extract of Natural England LPA Standing Advice Species Sheet Great Crested Newts
G3	Extract of Bats {Natural England LPA Standing Advice Species Sheets}
G4	Extract of Badger {Natural England LPA Standing Advice Species Sheets}
G5	Extract of Birds {Natural England LPA Standing Advice Species Sheets}
G6	Extract of Water Vole {Natural England LPA Standing Advice Species Sheets}

G7	Extract of Natural England Advice Note European Protected Species & The Planning Process Natural England's Application of the 'Three Tests' to Licence Applications
G8	Extract of Cheshire East Borough Council (Stapeley – the Maylands, Broad Lane) Tree Preservation Order 2013

## APPEAL A

Appeal A - Application Documents (H1)	
H1	Covering Letter September 2012
H2	Application Forms
H3	Site Location Plan
H4	Site Setting (Aerial Photograph)
H5	Indicative Masterplan
H6	Archaeological Report
H7	Transport Assessment
H8	Framework Travel Plan
H9	Statement of Community Involvement
H10	Retail Statement
H11	Nantwich Housing Market Assessment
H12	Design and Access Statement
H13	Planning Statement
H14	Arboricultural Implications Assessment
H15	Movement and topography
H16	Landscape Character Plan
H17	Index to views
H18	Viewpoint Location Plan
H19	Viewpoints
H20	Landscape Visual Impact Assessment
H21	Flood Risk Assessment
H22	Phase 1 Contamination Report
H23	Protected Species Impact Assessment and Mitigation Strategy (2012)

Consultee Responses (I)	
I1	Environmental Health (Noise / Air / Light)
I2	Cheshire Wildlife
I3	United Utilities
I4	Network Rail
I5	Public Rights of Way
I6	Natural England
I7	Bob Hindhaugh Associates Ltd on behalf of Stapeley Parish Council
I8	Nantwich Town Council
I9	Reaseheath College
I10	Highways
I11	Arboricultural
I12	Design
I13	Landscape

Documents submitted after the initial submission (J)	
J1	Revised Arboricultural Impact Assessment Phase 2 – Report Ref NWS/11/10/AIA P2 25 <sup>th</sup> May 2012



J2	Revised Air Quality Assessment – Report Ref AQ0310 Dec 2012
J3	Tree Plan – Drawing No. NWS/SP/03/12/01 – 12 <sup>th</sup> March 2013
J4	Tree Constraints Plan Tile 1 – Report Ref NWS/11/10/TCA/01 – 9 <sup>th</sup> November 2011
J5	Tree Constraints Plan Tile 2 – Report Ref NWS/11/10/TCA/02 – 9 <sup>th</sup> November 2011
J6	Tree Constraints Plan Tile 3 – Report Ref NWS/11/10/TCA/03 – 9 <sup>th</sup> November 2011
J7	Tree Constraints Plan Tile 4 – Report Ref NWS/11/10/TCA/04 – 9 <sup>th</sup> November 2011
J8	Great Crested Newt Survey
J9	Noise Assessment
J10	9.1.13 – SCP Technical Note
J11	11.1.13 – SCP Technical Note – Response to Parish Council
J12	14.1.13 SCP Technical Note – Sensitivity Test
J13	11.3.13 – SCP Technical Note

<b>Reporting and Decision (K)</b>	
K1	Planning Officers Report to Planning Committee
K2	Formal Decision Notice
K3	Secretary of State First Decision letter 17/03/15
K4	Original Inspector's Report
K5	Consent Order 3/07/15
K6	Secretary of State Second Decision letter 11/08/16
K7	Consent Order
K8	DCLG letter of 12/04/17, inviting further representations
K9	DCLG letter of 03/08/17 relating to the re-opening of the inquiry
K10	Updated Officer's Report to Cheshire East Council Strategic Planning Board of 22/11/17
K11	Strategic Planning Board Report on applications 12/3747N and 12/3746N, 31/1/18

## APPEAL B

<b>Appeal B - Application Documents (L)</b>	
L1	Covering Letter September 2012
L2	Application Forms
L3	Site Location Plan
L4	Site Access
L5	Transport Statement
L6	Protected Species Impact Assessment and Mitigation Strategy (2012)
L7	Design and Access Statement
L8	Planning Statement
	<b>Updated Application Documents Appeals A and B</b>
L9	Updated Masterplan Documents and Access Drawings
L10	Land Research Letter – BMV – 25/9/17
L11	Redmore Environmental – Air Quality Assessment 29/9/17
L12	Shields Arboricultural Impact Assessment – 26/9/17
L13	RSK Ecological Addendum Report Sept. 2017
L14	Betts Hydro – Flood Risk and Drainage Addendum 26/9/17
L15	SCP – Transport Technical Note 3/10/17
L16	Landscape and Visual Technical Note 26/9/17
L17	Lighthouse Acoustics – Acoustic Note 29/9/17

<b>Consultee Responses (M)</b>
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M1	Environment Agency
M2	Environmental Health
M3	Natural England
M4	Public Rights of Way
M5	Nantwich Town Council
M6	Reaseheath College
M7	Bob Hindhaugh Associates Ltd on behalf of Stapeley Parish Council
M8	Highways
M9	Arboricultural
M10	Cheshire Wildlife
M11	Affordable Housing

#### **Documents submitted after the initial submission (N)**

N1	Flood Risk Assessment
N2	Great Crested Newt Survey (Revised November 2012)
N3	SCP Technical Note - 11.01.13
N4	Arboricultural Implication Assessment Phase 2
N5	Protected Species Impact Assessment and Mitigation Strategy (March 2013)

#### **Reporting and Decision (O)**

O1	1 <sup>st</sup> Planning Officers Report to Planning Committee
O2	2 <sup>nd</sup> Planning Officer's Report to Planning Committee
O3	Strategic Planning Board Meeting - 19/6/13 Notes of Planning Application 12/3746N

#### **Supreme Court Judgements (P)**

P1	Removed
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#### **Appeal Court Judgements (Q)**

Q1	Suffolk Coastal Appeal Court Judgement
Q2	St Modwen Appeal Court Judgment



# Ministry of Housing, Communities & Local Government

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## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### SECTION 2: ENFORCEMENT APPEALS

#### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

EP5G

## Appeal Decision

Inquiry Held on 20-23 August 2019

Site visits made on 19 and 22 August 2019

**by John Felgate BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 16<sup>th</sup> September 2019**

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**Appeal Ref: APP/R3650/W/19/3227970**

**Land to the south of Cox Green Road, Rudgwick, Surrey**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Parkes Limited against the decision of Waverley Borough Council.
  - The application Ref WA/2018/1109, dated 25 April 2018, was refused by notice dated 7 November 2018.
  - The development proposed is the erection of 53 dwellings with associated access, car parking, open space and drainage ponds.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal proposal seeks outline permission, with all details reserved except for access. In so far as the submitted plans include other details, I have treated these as illustrative.
3. Prior to, or during the inquiry, the appellants tabled a revised illustrative layout plan, a landscape and ecology master plan, a parameters plan, a proposed footway plan, a revised drainage strategy, and an updated reptile survey. No objections have been received to these additional documents, and I have taken them into account in my decision.
4. During the inquiry, the appellants entered into a Section 106 agreement with Waverley Borough Council (WBC) and Surrey County Council (SCC), and unilateral undertakings with WBC and West Sussex County Council (WSCC). In summary, these provide for: 30% affordable housing, a play area, a sustainable drainage system, vehicular access, a new footway along Cox Green Road, a crossing point on Church Street, improvements to off-site footpaths to the west, travel vouchers, a travel plan, and ecological mitigation.
5. In the light of these amended submissions and planning obligations, the Council withdrew a number of its original Refusal Reasons (RRs). These were RR4 which related to housing tenure and mix, RR6 relating to development north of Cox Green Road, RR7 relating to children's play space, RR8 regarding pedestrian access, RR9 relating to impacts on wildlife, and RR14 which related to sustainable travel.
6. Prior to the inquiry, the Council also accepted that a number of its other RRs should be withdrawn, because they related to matters that were already

covered by the Community Infrastructure Levy, which had been introduced in October 2018. These were RR11 which sought a contribution to education, and RRs 10 and 13, which in any event duplicated each other in seeking contributions to recreation and leisure facilities.

7. RR12, which sought a contribution in respect of waste and recycling, was also withdrawn, in favour of dealing with the matter by means of a condition.
8. As a result of these withdrawals, the remaining RRs are Nos 1, 2, 3 and 5, relating to planning policy, character and appearance, and heritage impact.

### **Main Issues**

9. In the light of all the submissions before me, the main issues in the appeal are:
  - whether the Borough of Waverley has an adequate supply of land for housing;
  - whether the proposed development would accord with the WBLP's policies for the location of new housing;
  - the development's effects on the character and appearance of the area and its landscape;
  - and the effects on the setting of the listed building 'Crouchers'.

### **Reasons for Decision**

#### *Supply of land for housing*

10. The Council's view of the housing land supply, for the 5-year period 2019-24, is set out in the Position Statement published in July 2019. The requirement figure of 5,501 dwellings, is agreed between the parties, and is derived from the housing policies of the Waverley Borough Local Plan Part 1 (the WBLP), adopted in February 2018. Against this figure, the Position Statement shows a maximum supply of 5,720 units. In subsequent correspondence, the Council has conceded an adjustment of minus 12 units. The adjusted supply is therefore now 5,708 units, or a surplus of 207 units. In terms of years' supply, this equates to just under 5.2 years.
11. The requirement in the National Planning Policy Framework (the NPPF) is for a supply of sites that are deliverable. The meaning of 'deliverable' in this context is set out in the NPPF's Glossary, and further clarified in the Planning Practice Guidance (the PPG). Following the changes made to the NPPF in July 2018, sites for more than minor development, which do not have detailed planning permission, can only be considered deliverable where there is clear evidence that housing completions will be achieved within the relevant 5-year period. In the present case, the sites that are disputed between the parties<sup>1</sup> all come within this category.

#### *Dunsfold*

12. The former aerodrome site now known as Dunsfold Park is allocated for 2,600 dwellings, and has outline permission for 1,800 dwellings plus other uses<sup>2</sup>. Out of this total, the Council's 5-year supply relies on 463 units being delivered by

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<sup>1</sup> As listed in the schedule of disputed sites, jointly tabled at the inquiry

<sup>2</sup> The permission is described as a hybrid, but with the detailed elements relating to matters of roads and infrastructure only

April 2024, with the first 50 completed dwellings coming in the year 2021/22, and the build rate accelerating significantly thereafter. The dispute between the parties centres on the length of the lead-in period, prior to those first house completions.

13. The Council's assumptions rest principally on a pro-forma return from the site's lead developer, but the details contained in that document are scant. Although estimated numbers and dates are presented, there is no explanation of how the timing is to be achieved. There is no indication of the intended timescales for submitting and approving reserved matters, including any further public consultation. Neither is there any breakdown of the advance works that are likely to be needed on-site, for discharging conditions, site preparation, and installing infrastructure. On a development of this scale, the planning and programming of these stages is likely to be more complex than on smaller sites, but the evidence contains none of these important details. There is therefore no evidence that house completions can realistically be achieved by 2021/22.
14. I have had regard to the WBLP Examination report<sup>3</sup>, and to the Dunsfold delivery report<sup>4</sup>, but these clearly cannot reflect the up-to-date position now. I note that a Planning Performance Agreement (PPA) has been entered into, but this deals only with the approval stages, and anyway does not appear to set out any overall programme. There is no evidence that the award of Garden Village status will have any effect on the timescale. I also note that an application has recently been made to vary the outline permission, in respect of the site access, and there is no indication as to how this may affect the programme which was drawn up prior to that.
15. Having regard to the NPPF's revised definition of deliverability, I can see little if anything that amounts to clear evidence that any completions will be achieved on the site within the relevant 5-year period. Although the PPG refers to PPAs and information from developers, it seems to me that the evidential value of these must be dependant on their content. In this case there is no clear evidence of any real progress since the granting of the outline permission in March 2018.
16. To my mind, having regard to the presumptive effect of the NPPF definition, these circumstances would justify excluding Dunsfold from the current supply in its entirety. But nevertheless, the evidence before me challenges the numbers rather than the principle of the site's inclusion. The appellants, somewhat generously, accept a realistic prospect in respect of a reduced figure of 232 units within the relevant period, and in the circumstances I consider this an appropriate number to adopt for my calculations too. This reduces the Council's supply by 225 dwellings.

*Milford and Coxbridge sites*

17. The land opposite Milford Golf Course has outline permission for 200 dwellings, and some progress has been made on submitting reserved matters and discharging conditions. The Council envisages the whole site being built-out within the relevant 5-year period. However, the Council relies principally on a pro-forma sheet dating from 2017, and even that information seems to offer

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<sup>3</sup> The WBLP Examination Inspector's report dated 1 February 2018, based on hearings held in June and July 2017

<sup>4</sup> 'Dunsfold Aerodrome Delivery Rates Assessment', Troy Associates, Nov 2016

limited support for the Council's current assumptions. There is no evidence from the site's current developer, and no evidence of any dialogue with that company. The Council's evidence to the present inquiry is contradictory as to whether the first completions are expected in 2021/22 or 2022/23<sup>5</sup>. The latter programme would depend on a build rate of 100 units per annum, from the start, and the Council agrees that this could only be achieved with two outlets throughout. None of these assumptions are corroborated. There is further uncertainty regarding a restrictive covenant, which may need reference to the Lands Tribunal. The Council's assumptions are not necessarily unrealistic, but neither have they been shown to be clearly realistic; for the site to be deliverable, the evidence would need to be more convincing and more up to date. But again there is a measure of agreement between the parties with regard to at least some completions, 130 units in this case. In the circumstances, I accept that this figure should replace the Council's.

18. Coxbridge Farm is an allocated site and has a current outline application for 350 dwellings. The Council has included 200 units in its 5-year supply, with the first of these coming in 2021/22. There is a programme from the developer, but this is acknowledged to be over-optimistic, and is stated to be subject to the outcome of Section 106 negotiations. The Council has substituted its own more conservative assumptions as to the lead-in time and the annual build rate, based again on evidence prepared for the Local Plan examination<sup>6</sup>. I accept that this report is based on research specific to the local housing market, but even so, it does not look at the specific circumstances of individual sites. It is therefore not a substitute for site-specific information and knowledge. In the absence of a reliable programme from the site's own developer, and in view of the early stage of the planning process, the current evidence does not clearly show the Council's assumptions to have a realistic prospect of being achieved. For similar reasons to those applying to the Dunsfold and Milford sites, I consider the appellants' estimate, which again is 130 units, to be more realistic than the Council's figure.
19. In the remainder of the first section of the 'disputed sites' schedule, the nature of the disputed matters is such that the differences do not affect the outcome of the 5-year supply calculation, and I have therefore not considered these six sites further.
20. The effect of the two adjustments that I have identified, for the Milford and Coxbridge sites, is to reduce the Council's deliverable supply by a further 140 dwellings.

*Other disputed sites*

21. In view of my findings on the above, it is clear that the Council's 5-year supply must fall below the number that is required within that period. However, it remains necessary for me to get an approximate view of the shortfall's likely full extent. In the light of this, I have considered the other 24 disputed sites, in the second part of the joint schedule, more briefly.
22. None of the other disputed sites has any planning permission. Twelve of the sites are proposed allocations in emerging plans, but this does not ensure that they will be confirmed. About four others are on the Brownfield Register, which

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<sup>5</sup> Shown as 2021/22 in the July 2019 Position Statement, and 2022/23 in the joint schedule of disputed sites

<sup>6</sup> 'Housing Land Supply and Housing Trajectory Contextual Note', Troy Associates, May 2017



indicates their suitability in principle, but not their capacity, nor their viability. Two sites are identified only in the SHLAA<sup>7</sup>, and this does not guarantee that permission would be granted. Three sites have no planning status at all. Seven of the sites have previously been refused permission, including five on appeal, and one other has an appeal outstanding. Four sites are in the Green Belt, and one in the AONB. At least two others are subject to other unresolved planning objections. At least three sites are currently occupied by existing uses, and are therefore not yet available. Two of these are dependant on new premises being built for their relocation. Several of the sites form extensions to sites that are already included, and thus their timing is contingent on that of the larger site. Some sites are dependent on agreements yet to be reached between two or more landowners.

23. None of these circumstances make it impossible that these sites could contribute to the housing land supply, but that is not the test of deliverability. To justify including sites of these types it would be necessary to produce clear and specific evidence, in sufficient detail, to show that the sites were available, suitable, and achievable, with a realistic prospect of delivery within the required timescale. I appreciate that this would be a large task, but self-evidently the size of that task is related to the number of sites without full planning permission that the Council seeks to rely on. On the evidence before me now, none of the sites in the second section of the schedule can currently justify being included in the 5-year supply.
24. I therefore consider that all 24 of these sites, in the second part of the disputed sites schedule, should be deleted. The result of this is to reduce the deliverable land supply by a further 563 units.

#### *Lapse rate*

25. I accept that, even with the above adjustments, the actual housing delivery over the next five years may well prove to be less than what is envisaged. But the exercise is not meant to be a forecast, it is simply a means of identifying sites that are capable of delivering the required numbers. Provided the assumptions and evidence are robust on a site-by-site basis, I see no need for the application of a lapse rate to achieve that purpose.

#### *Conclusion on land supply*

26. With the necessary deductions that I have identified, totalling 928 units, the Council's deliverable supply is reduced to 4,780. Against the agreed requirement figure of 5,501 units, this amounts to a supply of around 4.3 years.
27. It follows that the benefit of providing 53 dwellings, including 16 affordable, carries particular weight in the planning balance.

#### *Accordance with **the Local Plan's** locational policies for housing*

28. The principal policy for the location of housing is WBLP Policy SP2, which sets out the spatial strategy for the district. The policy's aims are to maintain the area's character and to meet development needs in a sustainable manner. To that end, the policy defines a settlement hierarchy, in which development is to be focussed at the four largest settlements, with moderate and limited levels of

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<sup>7</sup> Strategic Housing Land Availability Assessment

- development at the second and third-tier villages respectively. After these, the fourth and final tier of the hierarchy is 'all other villages', where only modest growth is allowed, to meet local needs.
29. In the present case, Rudgwick is not identified as a settlement for development in any of the first, second or third tiers of the WBLP's settlement hierarchy (Sections 2, 3, and 4 of Policy SP2). Nor is the appeal site located at, or related to, any of the other settlements thus identified in any of these tiers. With regard to the third tier, the site does fall within the parish of Ewhurst, but it was accepted at the inquiry that the provisions in Policy SP2's Section 4 are intended to apply only to the named villages themselves, and not to whole parishes. I agree with that interpretation. In this case the appeal site is well away from Ewhurst village, and as such, it clearly does not benefit from the provisions of Section 4.
30. The site therefore falls to be considered, at best, within the bottom tier of Policy SP2's settlement hierarchy, where Section 5 of the policy permits modest growth, for local needs. In this context, the WBLP's text at 5.18 also refers to extremely limited, small scale development. Having regard to both the policy and the text, I can see no basis on which the expression 'modest growth' could be taken to include a development of 53 dwellings such as that now proposed. Nor is there any indication that this development would serve only local, as opposed to general, housing needs. It follows that the proposed scheme does not fall within the type or scale of development that Policy SP2 permits in locations such as this. Policy SP2 as a whole therefore offers no support to this proposed development.
31. In addition, the WBLP's housing policies also include Policy ALH1, which sets out the broad distribution of development. This includes 100 dwellings in Ewhurst, and in the context of this particular policy it is agreed that the distribution is based on parishes. However, it is not disputed that Ewhurst's requirement has now been met, through planning permissions granted on other sites. Policies SS1 – SS9 allocate strategic sites throughout the District, but the appeal site is not included in any of these. Again therefore, none of these housing policies supports the appeal proposal. Nor has any such support been identified in any other development plan policy.
32. I accept that Policy SP2 is permissively worded, and does not expressly presume against development in other locations. I also agree that Policy ALH1 is primarily a plan-making, rather than a decision-taking, type of policy. But together these two policies, together with the strategic allocations, represent the WBLP's housing strategy. There are no other policies relevant to housing location. The plan therefore does not provide for development at sites like the appeal site. There is nothing in these policies with which the appeal proposal can be said to accord, and the scheme therefore conflicts with the most relevant policies in this respect.
33. Having regard to the shortfall in the District's land supply, I agree that there is an urgent need to find additional sites. There is no certainty that sufficient numbers can be found without some degree of compromise, particularly in respect of the locational elements of policies such as SP2 and ALH1. But in these kind of circumstances, the way that the NPPF envisages that matters should be resolved is by adjusting the relative weight given to those policies, not by stretching their meaning. For the reasons already explained, I consider

that the relevant policies are not designed to accommodate the appeal proposal.

34. I also agree that alongside these matters, it will be relevant to consider the site's suitability, its sustainability credentials, and its relationship the WBLP's underlying aims. In the context of the appeal as a whole, these are material considerations. But that does not make them relevant to determining whether or not there is compliance with the particular policies that I have identified. I will return to these other material considerations later in my decision.
35. For the reasons stated, I conclude that the appeal proposal conflicts with the WBLP's strategy for housing location, and in particular with Policy SP2.

*Effects on the character and appearance of the area and its landscape*

*The existing situation*

36. The appeal site is part of a larger parcel of farmland which, in the appellants' LVIA<sup>8</sup> report, is given the descriptive name 'Rudgwick Park Fields'. This distinct landscape compartment comprises primarily open grass pasture, used for sheep grazing. The topography shelves gently at first, and then more steeply, away from the village, and towards Cox Green Road and the lower-lying fields beyond. Within the site, the grassland is punctuated by scattered tree groups and individual trees, mainly of oak, ash, hornbeam and other native broadleaved species, and these give the land a parkland quality. The small pond on the northern boundary is an attractive natural feature. Although the northern boundary is partly open, the other edges are strongly contained by tree belts and rear gardens, creating an enclosed, intimate character. Together, these ingredients combine to create an attractive and highly distinctive, small-scale, pastoral landscape, of considerable scenic quality. The appeal site itself forms an integral part of this landscape.
37. The appeal site is seen mainly from Footpath No 448 and from Cox Green Road. Approaching along the footpath, from the south-west, the path crosses the western part of the Rudgwick Park Fields, passes through a line of trees, and arrives at the south-western corner of the appeal site itself. From this relative high point there is a sweeping vista, down across the whole of the site. From this point, the undulating slope, the irregular-shaped partial enclosures of the tree groups, and the contrasting textures of the trees and grassland, form a striking composition. As the footpath continues north-westwards across the site, the view changes subtly, with different angles opening up, and new glimpses appearing through and beyond the trees. As I saw on my visits, the morning and evening shadows, from both the trees and the undulations, add a further dramatic visual element at these times of day. In addition, from the upper parts of the path, the site is framed by distant views of the Surrey Hills AONB<sup>9</sup>. Although the backs of some of the houses in Church Street are visible, the views from the Footpath 448 are focussed in the opposite direction, and thus the presence of this existing development does not detract from the site's rural tranquillity.
38. Seen from Cox Green Road, the site is viewed in the context of a quiet rural lane. On my visit I saw that, in summer, views are filtered by the boundary

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<sup>8</sup> Landscape and Visual Impact Assessment

<sup>9</sup> Area of Outstanding Natural Beauty

hedge and occasional trees, but nevertheless, the site can be clearly seen, and its park-like nature is clearly evident. In winter, it seems likely that these views will be more open and its landscape qualities even more readily appreciated. Approaching from the west, the historic building 'Crouchers' is glimpsed, but there are no other signs of any nearby settlement, and thus the appeal site appears in a context that is almost entirely rural and undeveloped.

39. In addition, from the direction of Church Street, although the appeal site cannot be directly seen from here, there is an evident sense of the openness which exists behind the houses on the road frontage, including Crouchers and the adjoining properties. This openness is discernible from the absence of buildings, roofs, or other artefacts, and from the resulting glimpses of sky and more distant landscape features, as seen through the occasional gaps between the frontage development. Again, in winter these would be more readily perceived than at the time of my visit. The openness to the rear of the frontage buildings in this part of Church Street contributes to its distinctive character, as a transition zone between the village and the countryside.
40. To sum up with regard to the site as it currently exists, it seems to me that the appeal site embodies and exemplifies those qualities of intrinsic countryside character and beauty that are referred to in the NPPF, and which national policy requires to be recognised in planning decisions. I accept that public views of the site are largely confined to those that I have identified, and the site does not have any significant wider visibility. But nevertheless, in this case the site's value lies in its own intrinsic qualities, and in its contribution to the rural character and appearance of this particular part of the countryside.
41. In addition, in this case the appeal site is included within an Area of Great Landscape Value (AGLV), which is a designation originating at County level, and thus indicating its landscape importance in the context of the county of Surrey as a whole. As such, the site falls within the scope of the NPPF's advice relating to 'valued landscapes', which are to be protected and enhanced in a manner commensurate with their quality. In the light of the appeal site's own intrinsic qualities that I have identified, I see no reason to question its inclusion in the AGLV. It therefore seems to me that the designation reinforces the value that attaches to the site's landscape, and its contribution to the character and appearance of the area.

#### *The impact of the development*

42. The development now proposed would introduce onto the site 53 dwellings, roadways, gardens, fences, vehicles, lighting, a play area, and associated residential paraphernalia. Although the submitted plans are illustrative, they show that such a development could be attractively designed and laid out, and could create a pleasant residential environment. To my mind however, they do not suggest any way in which such a development could avoid completely changing the site's character from what exists now. I have no doubt that most of the existing trees could be retained, together with the pond, and indeed it might be that these features could be enhanced to a degree, by means of better and more active management. The development would also potentially have sufficient space for substantial new planting and landscaping. But the inclusion of positive elements such as these would not alter the fact that the site's present rural character and landscape quality would inevitably be lost,

and would be subsumed within the very different character that would result from any new residential development on this scale.

43. Seen from Cox Green Road, the development would involve physical changes both within the site and outside it. The existing views of open parkland, albeit partial and glimpsed, would be lost, irrespective of any new planting. The proposed new vehicular access would open up additional views into the development. There is no evidence that these views could be effectively screened. The access itself would have a 6m-radius bellmouth, a 5.5m roadway, and visibility splays, accompanied by road widening on the southern side. In addition, there would be a new footway along a 100m stretch of Cox Green Road, and into Church Street, replacing part of the existing verge, and further road widening on the opposite side. All of these would be urbanising features, on a largely undeveloped rural lane. Moreover, the new access would be sited more than 200m from the junction with Church Street, and thus well outside the perceived threshold of the village. The whole development would therefore appear as an isolated and incongruous incursion into an otherwise wholly rural environment.
44. For users of Footpath 448, the effect would be that the section of that path that runs through the appeal site would be urbanised. Instead of running through open fields, the path would run between houses and managed spaces, the surface itself would necessarily have to be made more durable, and the rural ambience would be lost. The experience of walking this route via Footpath 448 would thus be completely changed.
45. With regard to views from Church Street, although the development would not be prominent from this direction, it is likely that roofs, chimneys, lighting columns, or other taller elements would be visible from some view points. Although the submitted plans seek to show how development immediately behind Crouchers might be minimised, it seems unlikely that views from Church Street could be avoided altogether. The visible presence of built development in the background would erode the semi-rural character of this part of the village fringe.
46. I accept that the density proposed is not excessive, and that the illustrative scheme does not appear noticeably cramped. Judged on its own merits, the style of development and the overall approach shown in the submitted plans seems to me generally appropriate for many semi-rural locations. In this respect I find no conflict with WBLP Policy TD1. But these considerations do not outweigh the harmful impact that any residential development on this particular site would have, due to the loss of the existing valued landscape.
47. I conclude that the proposed development would have a seriously adverse effect on the character and appearance of the area and its landscape. As a result, the scheme conflicts with WBLP Policies RE1 and RE3, which seek to protect the intrinsic character and beauty of the countryside beyond the Green Belt, and the distinctive landscape of the AGLV.

### ***Effects on the setting of the listed building 'Crouchers'***

48. The property known as Crouchers comprises a timber-framed house in the form of two parallel ranges. The front range faces Church Street, and the rear looks out towards what is now the appeal site. The building dates from at least the 17<sup>th</sup> century. It was re-fronted in the 18<sup>th</sup> century, and further alterations



occurred in the 19<sup>th</sup>. The house originally had a smaller curtilage, which has been extended over time. From its earliest days, the property formed part of the small hamlet of Cox Green, which also included the surviving properties Dukes Cottage and Trade Winds. All three are listed, and form a recognisable group.

49. The significance of Crouchers as a heritage asset lies partly in the evidential value of its historic fabric, but also in the building's illustrative value with regard to the social history of the locality, and its aesthetic value as a charming and characterful structure in its own right.
50. The appeal site lies directly to the rear of the present day curtilage, and forms the dominant element in outward views from the listed building's first floor windows, and from its rear garden. From within the site, there are clear and unobstructed views of the building's rear elevation, including public views from Footpath 448. The appeal site is also seen in the foreground of views towards Crouchers from Cox Green Road, and forms the background to the important frontal views from Church Street. Consequently, the site is a major visual element in the listed building's setting.
51. Although there is no evidence of any functional or ownership connection between Crouchers and the appeal site, the physical proximity and visual relationship are not in doubt. In all of the available views, the appeal site contributes a sense of the openness, space and rural tranquillity of the surroundings, that the dwelling would have enjoyed up to the mid-20<sup>th</sup> century. Despite the changes that have occurred in field patterns and boundaries, the site's continued agricultural use reflects the role that it has had throughout the building's lifetime. Thus the appeal site, in its present use and undeveloped condition, helps to preserve a sense of timelessness and a connection to the past which contributes to the listed building's heritage significance.
52. As has already been set out above, the development now proposed would change the nature and character of the appeal site dramatically. Instead of looking out over a scene of agricultural pasture land, the view would be of a housing development. I accept that the central part of the site could be left free of buildings, as shown on the amended plans tabled at the inquiry, and that its treatment could be geared towards a more naturalistic appearance. But this would be little more than a corridor between areas of built development, which would still have to accommodate a play area and drainage basin, and would be crossed by roads and vehicles. The change in the site's character would therefore be immediately obvious in all of the relevant views, either to, from, or around the listed building. The adverse nature of this change would not be diminished by any attempt to recreate former field boundaries, as the new housing would be by far the most dominant element.
53. The loss of the appeal site's openness and agricultural character would therefore cause permanent and irreversible harm to the listed building's setting. In view of the duty imposed by the relevant legislation<sup>10</sup>, this harm carries considerable weight in the final planning balance.
54. Given the importance of the setting, it follows that the harm caused to it would also result in a loss of the building's significance. Although this harm to its significance would be 'less than substantial', the NPPF advises that the

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<sup>10</sup> Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

conservation of designated heritage assets should be given great weight. This reinforces my view as to the weight in the present case. I will consider the relative weight of this harm against the scheme's benefits, later in my decision.

55. In the light of the above, I conclude that due to the harm that it would cause to the setting of the listed building Crouchers, the proposed development would conflict with Policy HA1 of the WBLP, and saved Policy HE3 of the Waverley Local Plan 2002.

## **Other Matters**

### *Sustainability of the location*

56. Rudgwick has a range of facilities broadly on a par with some of the WBLP's third-tier settlements. Had it been located within the Borough of Waverley, it is possible that the village might have been included in that category, although this is somewhat hypothetical. In the equivalent settlement policy for Horsham District<sup>11</sup>, it is classified as a medium village, where the level of local facilities is described as moderate. Although there is no evidence that any relevant Horsham policies would allow a development of the size now proposed, I accept that in principle Rudgwick is the type of settlement where opportunities for sustainable rural development on some level might be found. I also agree that a development of 53 dwellings could potentially provide support for existing services, both in the village itself and in the wider area.
57. However, the appeal site is at the furthest end of the village from most of the main facilities. It is beyond reasonable or regular walking distance from the local shops, schools, nursery, and village hall. The shortest route to these facilities, southwards via Footpath 448, is across open fields and a muddy track. The alternative of going east on the same path, to Church Street, involves climbing over a brick stile. Although the appellants are willing to pay for improvements to these routes, some sections are in other ownerships. The proposed new footway via Cox Green Road would be more user-friendly, but longer. Although buses can be hailed close to the site, there is no shelter and the service is limited.
58. Waverley is a predominantly rural Borough, and much of its new housing is therefore likely to be in locations that are at least partly dependent on car travel. But that does not mean that locational sustainability is irrelevant. In this case the appeal site is poorly integrated with the village, and the development would therefore not be well located to take advantage of the facilities that Rudgwick has to offer. The site is therefore not one which meets the aim of WBLP Policy ST1, to locate development where the opportunities for sustainable transport are maximised.
59. I note the contents of the Statement of Common Ground agreed between the appellants and SCC as Highway Authority. But for the reasons given, I do not necessarily agree with all the opinions expressed in that statement, particularly with regard to pedestrian accessibility. Since SCC was not represented at the inquiry, I have been unable to explore their reasoning further. Instead I have formed my own view, taking account of all the evidence before me.
60. I appreciate that the appeal site is outside the Green Belt and AONB, which together cover a good deal of the District. But this does not change the fact

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<sup>11</sup> Policy 3 of the Horsham District Planning Framework, adopted November 2015

that, despite its proximity to Rudgwick, the site is poorly related to the village. Overall, I consider that the site's location in relation to Rudgwick adds no material weight in favour of the proposal.

#### *Planning obligations*

61. The obligations contained in the S.106 agreement and undertakings are summarised on the first page of this decision. In the light of the evidence presented, I agree that these obligations are necessary, directly related to the development, and reasonable in scale and kind. I have therefore taken them all into account in the overall planning balance.
62. The obligations in respect of the affordable housing, the play area, the crossing point on Church Street, and the provision of kissing-gates in place of stiles on some off-site public rights of way, would all have potential benefits for the general public. However, in the case of the crossing, that benefit would be very limited, as the likely level of usage by the public would be low. All of the other obligations are essentially mitigatory in nature, and their effect on the planning balance would therefore be neutral.

#### *Other benefits of the development*

63. In addition to the benefits already noted elsewhere in this decision, the proposed development would generate benefits to the local and national economy, in the form of capital investment, construction employment, local spending, and tax revenues. I have taken these into account in my decision.

### **Planning Balance and Conclusions**

64. For the reasons set out in this decision, I have found that the proposed development would conflict with WBLP Policy SP2 with regard to the Local Plan's housing strategy. It would also conflict with Policies RE1 and RE3 due to its impact on the landscape and countryside, and with WBLP Policy HA1 and saved Policy HE3 because of its impact on the setting and significance of the listed building Crouchers. There are no development plan policies that weigh positively in favour of any development, on this site. The appeal proposal therefore fails to accord with the development plan as a whole.
65. In addressing the planning balance, WBLP Policy SP1 requires a presumption in favour of sustainable development, similar though not identical to that in paragraph 11 of the NPPF. Where relevant policies are out of date, this includes the application of a 'tilted balance'. In the present case, since there is less than a 5-year supply of housing land, it follows that Policy SP2 must be considered out of date. All other policies relevant to the appeal remain up to date. My attention has been drawn to a recent High Court judgement<sup>12</sup> in which it was held that the out-datedness of a single policy did not necessarily trigger the tilted balance. But that case turned on NPPF paragraph 11, whereas Policy SP1 differs slightly in that regard, in that it refers to 'relevant policies' rather than the 'most important' policies. I have therefore applied the tilted balance provisions of Policy SP1, on a precautionary basis.
66. I now turn to the proposed scheme's planning benefits. In view of my finding that the housing land supply only amounts to 4.3 years' worth, the addition of 53 dwellings to the housing stock commands substantial weight in favour of the

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<sup>12</sup> Wavendon Properties Limited v SoS and Milton Keynes DC [2019] EWHC 1524 (Admin)



appeal. In addition I note that there is a very high level of need in the affordable housing sector, including a long waiting list for properties specifically at Rudgwick. I therefore give particular weight to the 16 proposed units that would be affordable. With regard to the other benefits, I consider that the economic effects carry moderate weight; the play area and the kissing gates have modest weight; and the crossing point on Church Street has negligible weight.

67. Having regard to the heritage balance required by NPPF paragraph 196, if the less than substantial harm to the listed building were considered on its own, then on balance I consider that the benefits identified above would outweigh that impact. It follows from this that the tilted balance is not dis-applied on the basis of specific NPPF policies relating to heritage assets.
68. However, the overall planning balance requires consideration of the scheme's benefits against the totality of the harm. When the heritage harm is weighed together with the serious harm that I have found to the character and appearance of the area, then my view is that the position is reversed, and the benefits are significantly and demonstrably outweighed by the combination of these two adverse impacts.
69. The scheme therefore does not constitute sustainable development. It follows that the conflict with the development plan is not outweighed by the other material considerations.
70. I have had regard to all the other matters raised, but none leads me to any other conclusion than that planning permission should be refused. The appeal is therefore dismissed.

*J Felgate*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

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Instructed by Mr J Beckwith-Smith of Parkes Ltd

Heritage Collective

Pegasus Group

Peter Brett Associates

Planit Consulting

AA Environmental

RGP Transport Planning

Planit Consulting

### OTHER INTERESTED PERSONS:

Craig Thomson

Paul Kornycky

Michael Ellis

Local resident

Local resident

Local resident

## DOCUMENTS TABLED DURING THE INQUIRY

### DOCUMENTS TABLED BY THE COUNCIL

C/1	Council's opening remarks
C/2	St Modwen Developments Ltd v SoS and Others: <i>[2017] EWCA Civ 1643</i>
C/3	Nathaniel Lichfield & Ptnrs: 'Start to Finish', Nov 2016
C/4	Bus timetable – service 63 and 63X
C/5	Table: planning permissions alleged to have lapsed
C/6	Closing submissions
C/7	Wavendon Properties Limited v SoS and Milton Keynes DC: <i>[2019] EWHC 1524 (Admin)</i>

### DOCUMENTS TABLED BY THE APPELLANTS

AP/1	Revised Location and Illustrative Layout Plan, No 2140/01
AP/2	Landscape and Ecology Masterplan, No. P19-1670-05
AP/3	Opening submissions
AP/4	Reptile survey report, August 2019
AP/5	'Dunsfold Aerodrome: Delivery rates Assessment', Nov 2016
AP/6	Ecological Addendum, 22 August 2019
AP/7	GCN and Reptile Mitigation Plan
AP/8	Proposed footway plan, No 2016/3244/008
AP/9	Extracts from 2002 Proposals Map
AP/10	Table comparing village services
AP/11	List of witnesses' qualifications
AP/12	Unilateral undertaking to Waverley Borough Council
AP/13	Unilateral undertaking to West Sussex County Council
AP/14	S.106 agreement with Waverley Borough Council and Surrey County Council
AP/15	Closing submissions

### OTHER PARTICIPANTS' DOCUMENTS

OP/1	Mr Thomson's statement/speaking notes
OP/2	Appeal Ref. T/APP/Z3825/A/98/292135/P8 – 'Timberley', Cox Green (tabled by Mr Thomson)
OP/3	Refusal notice Ref. WA01/1753 – 3 dwellings, land at Horsham Rd/Church Rd, Cox Green (tabled by Mr Thomson)
OP/4	Refusal notice Ref. WA01/1754 – 1 dwelling, land at Horsham Rd/Church Rd, Cox Green (tabled by Mr Thomson)
OP/5	Mr Kornicky's statement/speaking notes

### GENERAL DOCUMENTS

GEN/1	Jointly prepared summary table of disputed sites
GEN/2	'Housing Land Supply and Housing Trajectory Contextual Note', May 2017
GEN/3	Final list of draft conditions, with parties' comments (tabled jointly on day 3)

EP5H



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## Appeal Decision

Inquiry held on 15–18 and 24–25 February 2022

Site visit made on 28 February 2022

**by Andrew Dawe BSc (Hons), MSc, MPhil, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20<sup>th</sup> June 2022

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**Appeal Ref: APP/D1265/W/21/3284485**

**Station Road, Stalbridge, North Dorset DT10 2RJ (Easting 374204, Northing 118026)**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Dorset Council.
  - The application Ref 2/2019/1799/OUT, dated 18 December 2019, was refused by notice dated 10 September 2021.
  - The development proposed is Outline planning application for the erection of up to 130 dwellings including affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point from Station Road. All matters reserved except for means of vehicular access.
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### Decision

1. The appeal is allowed and planning permission is granted for: Develop land by the erection of up to 130 No. dwellings (including affordable housing), form vehicular access from Station Road, public open space, landscaping and sustainable drainage system (SuDS) (Outline application to determine access) at Station Road, Stalbridge, North Dorset DT10 2RJ (Easting 374204, Northing 118026) in accordance with the terms of the application, Ref 2/2019/1799/OUT, dated 18 December 2019, subject to the conditions in the attached Annex.

### Preliminary Matters

2. For clarity, the site address in the above header is taken from the original planning application form, albeit that I note the Council's decision notice and the appeal form refer to Dorset as opposed to North Dorset and that the grid reference for the site is recorded as being slightly different with Easting 374230 and Northing 117990. Although different, I have no basis to consider that the address on the application form cannot be attributed to the appeal site.
3. The description of development in the above header is also taken from the original planning application form. The different description on the Council's decision notice is cross-referred to on the appeal form as being that which represents the Council's agreement to the change, albeit that the revised wording set out on the appeal form is different again. As the description on the decision notice is agreed by the Council, I have determined the appeal on that basis and included that amended description in the above decision.

4. The appeal relates to an outline planning application with all matters reserved for future consideration other than access. The matters of appearance, landscaping, layout and scale would therefore be for future consideration were the appeal allowed. The Appellant has however submitted a Development Framework Plan which, although not a plan sought for approval by the Appellant nevertheless shows, amongst other things, the proposed developable area; access and movement on the site, albeit that the Appellant confirmed at the Inquiry that access approval is only being sought at this outline stage for the access point to Station Road; and green infrastructure on the site; and which I have therefore taken into consideration. I have determined the appeal on that basis.
5. The Council's third reason for refusal in its decision notice relates to the lack of a section 106 agreement at that time to secure affordable housing or other off-site contributions required to make the development acceptable in planning terms. Such a certified document was submitted during the Inquiry. At the start of the Inquiry, I left the matter of whether or not acceptable provision would be made in respect of affordable housing and infrastructure to service the proposed development as a main issue on the basis that there remained a dispute between the parties on the matter of education provision. However, there is no dispute over the level of the proposed financial contribution. The Council's concern relates to the capacity of the existing school and any interim measures required to accommodate additional pupils, which I have dealt with under '*Other matters*' rather than as a main issue.
6. The Council raised concerns at the Inquiry about the impartiality of the evidence of the Appellant's planning witness, who is currently employed by the Appellant. In this context, the Council refers to another case relating to an appeal decision of the Upper Tribunal (Lands Chamber) relating to a certificate of appropriate alternative development, known as the 'Leech Homes' case. The question there related to the principle of whether the witness was aware of their primary duty to the Tribunal in relation to giving expert evidence, and were willing and able, despite the interest or connection with the litigation or a party thereto, to carry out that duty.
7. Having regard to the current appeal, the witness concerned clearly declared in his Proof of Evidence (PoE) that the PoE is true and has been prepared in accordance with the guidance of the RTPI, of which he is a member; that the opinions expressed in his evidence are his true and professional opinions; and that he is aware that his duty as a professional planner was to the Inquiry, irrespective of by whom he is employed. Notwithstanding the submission of the Council on this matter, I have received or heard no substantive evidence to indicate that the witness concerned has acted improperly having regard to the above declaration. As such, I have not assigned less weight to the witness' evidence as a result of the Council's concerns on this matter. Notwithstanding this, it is also the case, as was also stated in the Leech Homes case, that in relation to matters of opinion on issues of planning judgement, I am well equipped to form my own judgement on those issues, having regard to all of the evidence presented.

## Main Issues

8. The main issues are:

- i) the effect of the proposed development in terms of the Council's spatial strategy, with particular regard to housing distribution and location and sustainable travel, having regard to local and national policy;
- ii) the effect of the proposed development on the landscape character and appearance of the area, with particular regard to that relating to the countryside comprising the site and surrounding area and the setting of the existing settlement of Stalbridge;
- iii) the existing housing need and land supply position at local and strategic level.

## Reasons

### *Housing distribution and location and sustainable travel*

9. Policy 2 of the North Dorset Local Plan Part 1 (the Local Plan) states that all development should be located in accordance with the spatial strategy for North Dorset. It highlights that the four main towns will function as the main service centres in the District and will be the main focus for growth, both for the vast majority of housing and other development. It goes on to identify Stalbridge and eighteen larger villages as the focus for growth to meet the local needs outside of the four main towns. It does not highlight there to be a sequential approach with Stalbridge necessarily being the first preference ahead of the larger villages. However, that policy also highlights that outside of the defined boundaries of the four main towns, Stalbridge and the larger villages, the remainder of the District will be subject to countryside policies where development will be strictly controlled unless it is required to enable essential rural needs to be met. It goes on to state that at Stalbridge and all the District's villages, the focus will be on meeting local (rather than strategic) needs.
10. Policy 20 of the Local Plan sets out that development in the countryside outside defined settlement boundaries will only be permitted if it is of a type appropriate in the countryside, as listed in the supporting text, or for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. The proposed development, being located outside of the defined settlement boundary, and not fulfilling any of the criteria for being a type appropriate in the countryside under policy 20, would therefore conflict with policies 2 and 20 of the Local Plan.
11. Policy 6 of the Local Plan relates to housing distribution and amongst other things states that in the countryside (including Stalbridge and the villages) the level of housing and affordable housing provision will be the cumulative number of new homes delivered to contribute towards meeting identified local and essential rural needs; and that at least 825 dwellings will be provided in the

countryside (including Stalbridge and the villages) during the period 2011-2031. In this respect, I note that the Council highlights that the total of completions, extant planning permissions it anticipates being completed in the next five years, and a further 503 consented/allocated dwellings, amounts to 1711 dwellings. Whilst that figure would be dependent on the extent to which those not yet built are completed, it is clearly likely that whilst the policy figure of 825 dwellings is not a cap, it would be significantly exceeded. On that basis, the proposed additional major housing development in the location concerned would be in conflict with that principle of meeting a local need. I also note the Council's figure of c.33% existing consented expansion in the number of dwellings in Stalbridge since 2011 and that the proposals would clearly add to that cumulatively.

12. Section 5 of the National Planning Policy Framework (the Framework) relates to delivering a sufficient supply of homes and I have no reason to consider that the above Local Plan policies are not seeking to achieve this important principle. I shall consider separately below whether or not the Council is able to demonstrate a five year supply of deliverable housing sites.
13. The proposed development would be located immediately adjacent to the existing settlement. Furthermore, it would make provision for pedestrian access from the site to link to existing footways into the town and to the nearest bus stops. Additionally, it is agreed by the Council and Appellant that Stalbridge contains a range of services and facilities to meet the day to day needs of its residents, with the local centre about 800 metres away and other facilities and amenities within a 1.4 kilometres walking and cycling distance, which is generally accepted as being a reasonable walking distance. From my observations I have no substantive basis upon which to find otherwise.
14. In this respect, the services available in Stalbridge include a primary school and pre-school, a superstore and café, a post office, a pharmacy, opticians, Stalbridge Hub incorporating a community library, Stalbridge Hall, places of worship, a petrol station including a small convenience store, and a small number of other independent shops and services, public houses and takeaway food outlets, and various businesses including those located on Station Road Business Park. There is not however a GP surgery, hospital, secondary school, bank/building society, cinema/theatre, leisure centre and swimming pool. Notwithstanding the recreation ground, and the presence of a private tennis club, there are therefore limited sports facilities in the town, albeit that there are a number of sports teams, clubs and societies based in Stalbridge and the surrounding area.
15. I have also had regard to the 2018 Joint Retail, Commercial and Leisure Study (JRCLS) which highlights that there are only a small number of retail units within the town centre such that it has a more limited role and function in the District's network and hierarchy of centres, predominantly meeting the more day-to-day needs of its local resident catchment population. It finds that the centre has an average convenience provision mainly catering for the more frequent top-up shopping needs of the local catchment population, as well as the population of surrounding areas. It does however also state there to be an overall food and convenience provision below the national average, but noting the presence of the supermarket as performing an important role above what would be expected for a town of this size. The JRCLS also finds that although comparison provision in the town is below the national average, it adequately



meets the needs of the local resident catchment. Notwithstanding this, it goes onto find that Stalbridge has a number of weaknesses and gaps in its offer that are impacting on its overall vitality and viability, with most concern relating to the vacancy rate being significantly higher than the national average. It also highlights that leisure services are poorly represented in the town centre and that there is below average provision of both leisure and financial services with no banks, restaurants or cafes present. It finds that overall Stalbridge is struggling and is not a healthy and viable centre.

16. Notwithstanding the above position, it remains the case that Stalbridge currently provides an adequate, albeit restricted, overall level of services and facilities, including those listed above. The level concerned reflects the town's position in the spatial strategy, alongside the eighteen larger villages, as the focus for growth to meet the local needs outside of the four main towns. Whilst the centre may be struggling in terms of its vitality and viability, I have no substantive evidence to indicate that the proposed development would worsen that position. If anything, it would provide the potential for additional local expenditure and support of such services and facilities albeit that there is no evidence to indicate the extent to which that would be likely.
17. There was some debate at the Inquiry as to whether the supermarket in the town centre was of a nature to be likely to attract use by all local people in terms of the range and cost of products, and the extent to which it would be likely to be used for main food shopping trips as opposed to topping up. However, I have no substantive evidence before me as to these factors, including the extent to which it is used by local people. Nevertheless, from my observations, albeit acknowledging this to be a snapshot in time, I saw that it is a significant sized store, selling a wide range of products, centrally located within Stalbridge in terms of convenience of location.
18. I note that my colleague in the relatively recent Land South of Lower Road appeal decision<sup>1</sup>, with reference to the number of houses under Local Plan policy 6 and where the number had nearly doubled, acknowledged that there may well be a tipping point for Stalbridge, but that that proposal was not it and that the range of services and facilities would be satisfactory. I have acknowledged that the extent to which housing numbers in Stalbridge and the larger villages have already exceeded the 825 dwellings set out in policy 6 is significant. However, it remains the case that it is not a cap on new housing and although the proposed development would cumulatively add up to a further 130 dwellings, there is no substantive evidence to indicate that a tipping point would be reached with the appeal scheme either, albeit there is not an established need for any more local housing in relation to policy 6.
19. Measured from the proposed site access, several individual destinations in the town centre, including the superstore, would be at slightly further walking distances than the 800 metres which would be the generally preferred maximum, reflecting the peripheral location of the site on the edge of the town. Walking distances would also be increased slightly depending on the position of a particular dwelling on the site. However, it would remain the case that due to the good degree of proposed connectivity with the existing footways, albeit without a direct connection to the Trailway, there would be a reasonable option for people to walk or cycle to those destinations in the town.

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<sup>1</sup> Appeal Ref. APP/D1265/W/20/3265743

20. As referred to above, the proposals would not include a direct pedestrian link to the adjacent Trailway in terms of minimising walking distances to some local facilities and services and maximising accessibility to that route from a recreational perspective. However, whilst it would be a slightly longer walk, there would be a footway constructed from the site access alongside Station Road that would link to the Trailway. That additional length of walk would be unlikely to be such as to significantly reduce or deter use of the Trailway. Furthermore, from a safety perspective, as well as that new roadside footway being of appropriate width, there would be provision through planning obligations to allow for the extension of the 30mph speed limit on Station Road in the vicinity of the proposed site access. Use of the Trailway, together with other local rights of way, would also be encouraged through planning obligations relating to financial contributions towards their improvement and maintenance.
21. In terms of travel to destinations further afield, the context relating to Dorset generally, as set out in the Dorset Council Bus Service Improvement Plan 2021 (the BSIP), is one of significant challenges to accessing local services, healthcare, work, and education, resulting in rural isolation. In the case of Stalbridge, there are bus stops serving local bus services within a reasonable walking distance of the site. Based on the Council's evidence, those services comprise an approximately two hourly service in the main during week-days. However, there is only a very restricted service on Saturdays to Yeovil and none in the later evenings. As such, whilst there would be some degree of choice over the private car, for weekdays in particular, the level of convenience for a variety of potential destinations, such as a wider range of shops, services and facilities, including to larger settlements, would be fairly limited. As such, for those with access to a car, there would likely remain a high degree of reliance on the car for those purposes, albeit that travel distances would not necessarily be great. The Appellant also highlights that there is a school bus serving Sturminster Newton High School, which has not been disputed, and which would avoid reliance on private car use to that particular destination.
22. Furthermore, in terms of access to employment destinations, as well as those locally, including immediately adjacent to the site, at least a small proportion of prospective residents would be likely to work from home thereby potentially avoiding the need to conduct employment related travel on a regular basis. Henstridge Village and employment opportunities at Henstridge Airfield would also be potentially accessible by cycle in terms of the distance and nature of the intervening roads. However, poor weather conditions would be a potential deterrent given the distances involved as would the lack of fully well-lit routes after dark. Nevertheless, those destinations would only be a relatively short car journey thereby minimising use of that mode for such activity.
23. For longer distance travel, although there is no train station in Stalbridge, the nearest one at Templecombe would only be a relatively short distance away. In terms of the distance and the nature of the intervening road, the choice of cycling to that station may be restricted to a small number of people. Nevertheless, it would only be a relatively short car journey with car parking available at the station, thereby encouraging use of that more sustainable longer distance rail transport.
24. Having regard to the extent of reliance on the private car, the implementation of a Travel Plan to encourage prospective residents to use alternative modes of

transport could be secured through a condition. The proposals would also include provision through planning obligations for issuing sustainable travel vouchers to the first occupier of each dwelling proposed. Whilst such measures, along with provision for cycle parking, would be likely to fulfil that purpose to some degree, it is unclear as to the extent to which that would significantly influence modal splits away from the private car.

25. The likely levels of reliance on the private motor car would be likely to also result in some degree of environmental harm as a result of vehicle emissions. However, I have no substantive evidence to indicate that the level of increase concerned would worsen the existing situation in and around Stalbridge to an extent that would represent an unacceptable level of harm. It also remains the case that increased use of electric vehicles would be likely to lessen those emissions, provision for which could be secured by a condition to ensure the implementation of measures for electric vehicle charging on the site.
26. I conclude on this issue that the proposed development would conflict with the Council's spatial strategy set out in Local Plan policies 2, 6 and 20. Furthermore, for the above reasons, the proposed development would have some specific shortcomings in terms of that spatial strategy, with particular regard to housing distribution and location and sustainable travel, having regard to local and national policy. However, also for the above reasons, the extent of that harm relating to such shortcomings would be moderate, which I shall consider further in the planning balance.

#### *Landscape character and appearance*

27. Local Plan policy 2 relates to the Core Spatial Strategy referred to above in terms of the principle of all development being located in accordance with it. In respect of this issue, this policy supports the general principle set out in paragraph 174 of the Framework of recognising the intrinsic character and beauty of the countryside.
28. Policy 4 of the Local Plan states amongst other things that the natural environment of North Dorset and the ecosystem services it supports will be enhanced through the protection of environmental assets and the establishment of a coherent ecological network of designated sites and stepping stone sites linked via corridor features. It goes on to say that developments are expected to respect the natural environment including the designated sites, valued landscapes and other features that make it special. Development should be shaped by the natural environment so that the benefits it provides are enhanced and not degraded. Furthermore, in terms of landscape character, policy 4 states that this will be protected through retention of the features that characterise the area; and where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme.
29. Having regard specifically to valued landscapes, there is no particular definition set out in policy 4. However, as referred to above, it is mentioned in the same context of other features that make the natural environment special. As recorded in the supporting text to policy 4 of the Local Plan, the landscape of North Dorset is highly valued with almost 40% of the District being covered by Area of Outstanding Natural Beauty (AONB) designations. The appeal site is not

within or in the close vicinity of such an AONB and neither does it comprise any other designated landscape. Nevertheless, that does not mean that it could not be considered a valued landscape.

30. Paragraph 174 of the Framework relates to conserving and enhancing the natural environment and states that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other things protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan; and, as referred to above, recognising the intrinsic character and beauty of the countryside.
31. The Appellant has undertaken a Landscape and Visual Impact Assessment, which I shall take into consideration along with all other relevant evidence, including various agreed viewpoints which helped my observations when visiting the site and surrounding area.
32. The site is located immediately on the edge of the built-up area of Stalbridge, with industrial/employment use buildings immediately to the west, beyond which is a large residential area and the centre of the settlement beyond that. Nevertheless, the site comprises an open field surrounded by hedgerows and trees, typical of the countryside which continues from that edge of the settlement, and contributes to a pleasant open setting to that part of the town. On that western edge of the site, The Sidings starter industrial units, and associated currently undeveloped land to their south, would be immediately adjacent to that part of the site. The remaining western boundary is separated from the larger industrial buildings in that vicinity, and a Site of Nature Conservation Interest (SNCI) to the south-west, by the Stalbridge Trailway, alongside which are various, generally not large, trees and hedgerow. There are a small number of dwellings on Station Road just to the east of the site which although close to Stalbridge are clearly separate from it.
33. The route of the Trailway was formerly that of a railway line running to the east of the town. That and any associated buildings would have been a feature in between the town and open countryside to the east of the line. However, from historic maps provided by the Appellant, which I have no basis to consider cannot be considered to be accurate, the railway line has not been a characteristic, distinct dividing feature confining the town from the countryside beyond. Furthermore, and in any case, the Trailway currently only forms an edge to a relatively short section of the built-up area of the town on its eastern side, notwithstanding its relationship with ongoing new housing development relating to the Land South of Lower Road appeal referred to previously. As such it is not a feature that has represented a clear edge to that side of the settlement generally. Additionally, the degree to which that edge is retained is weakened in the immediate vicinity of the site by the presence of The Sidings which is to the east of that route.
34. The site is located within the Blackmore Vale and Vale of Wardour National Character Area (NCA). At the regional level, as set out in the Dorset Landscape Character Assessment (2009), it is located within the Clay Vale Landscape Character Type (LCT); and at the local level, as set out in the North Dorset District Council Landscape Character Assessment (2008), it is located in the Blackmore Vale Landscape Character Area (LCA).

35. In considering the NCA, the area's profile describes, amongst other things, that it is steeped in a long history of pastoral agriculture, characterised by hedged fields with an abundance of hedgerow trees, many of them veteran, and that it is productive pastureland. It goes on to set out statements of environmental opportunity which highlight the need to protect, manage and enhance the diverse but coherent pastoral landscape character components and to manage the simple patterns of land use maintained by the long history of agriculture.
36. In relation to the regional LCT, the key characteristics comprise, amongst others, its flat to gently undulating or bowl shaped clay landform; flanked and defined by surrounding limestone, chalk and/or greensand hills and ridges; a homogenous grassland landscape with a patchwork of small to medium sized fields, woods or ribbons of trees and dense trimmed hedgerows; distinctive mature hedgerow oaks which dot the landscape in a distinctive pattern; its long tradition of dairy farming; a dense network of twisting narrow lanes lined by thick hedgerows; evenly scattered hamlets, small villages and farmsteads often associated with groups of trees; and it having a peaceful, undeveloped and secluded rural atmosphere. In North Dorset the Clay Vale Landscape is represented by the broader scale landscape of the Blackmore Vale. The overall management objective for the LCT is to conserve the patterns that contribute to the rural tranquil landscape of winding lanes and small scattered settlements.
37. With regard to the LCA, this has the following key characteristics:
- a broad expansive clay Vale which is tranquil and unified;
  - a unique mosaic of woods, straight hedgerows and grassland fields 'dotted' with distinctive mature hedgerow Oaks;
  - open views across the undulating to flat pastoral landscape to the chalk escarpment backdrop;
  - dense network of twisting lanes often with grass verges and sharp double 90 degree bends;
  - small hump backed bridges with low stone or brick parapets;
  - many very small villages and hamlets built with locally distinctive materials, such as stone, redbrick, tile and thatch;
  - a network of ditches, streams and brooks which drain into the tributaries of the Stour; and
  - Lydlinch Common (an SSSI) and Stock Gaylard Deer Park (an SNCI) are both key locally important features.
38. Some of the above characteristics are evident in relation to the site itself and its immediate surroundings. However, other features relating to the last five bullet points are less evident at this peripheral location of the LCA, reflective of the location adjacent to the larger settlement of Stalbridge. This is notwithstanding the small number of houses fronting the road just to the east of the site which mostly exhibit no clear or consistent use of locally distinctive materials.
39. Therefore, whilst in the countryside, the site is not deeply rural, being immediately adjacent to Stalbridge, albeit projecting away from it. The



proposed development would clearly result in the loss of a field that is typical of the LCA, LCT and NCA. Furthermore, in projecting outwards into the countryside, there would be some interruption of views across the pastoral landscape. However, its close proximity to the existing settlement would minimise the extent to which it would stand out as an alien feature. For the same reason, together with the close proximity to Station Road, it is not in a highly tranquil location such that the degree to which the proposed development would intrude in terms of lighting and noise would be lessened.

40. Furthermore, the characteristic hedgerows around the edge of the site would be largely retained, other than in relation to the formation of the proposed site access, along with protected hedgerow trees. Additionally, those existing public views of the pastoral landscape, across the site and to the countryside generally, are currently fairly limited and localised, and often with intervening existing vegetation, as I will consider further below. That existing vegetation, along with proposed new planting would also be likely to have the effect of softening or screening, at least partially, the proposed development from public vantage points, more so over time as new planting would mature.
41. In terms of the setting of Stalbridge, the town currently extends down the slope of the Vale's edge from the Limestone Ridge. Although the older, historic part of town sits higher up, as is the case to the south-east of the town, the settlement pattern noticeably includes development all the way to, and in some cases beyond those side slopes, including the industrial buildings immediately to the west of the site. The proposed development would inevitably extend the extent of protrusion beyond the Vale's side slopes and into the currently pleasant open setting, projecting beyond the Trailway to a noticeably greater extent than The Sidings. However, there would remain open fields to the south and east of the site, and to the north on the opposite side of Station Road, which would to some degree maintain a generally open setting to the town, albeit to a lesser degree. Furthermore, it would be a continuation of other relatively modern development as opposed to a direct continuation from the older historic part of the town further up the Vale's slopes, and in a situation where I have found that the Trailway itself, and the railway before it, is not a feature that has represented a clear edge to that side of the settlement generally.
42. I have also had regard to the relationship of the proposed development with that being progressed relating to the previously referred to Land South of Lower Road appeal, and other recently approved new housing development to the south/south-east of the town. Although both would be seen from certain vantage points, it would be in the context of a noticeable, albeit not large, degree of separation both in terms of distance and the extent to which they would be softened or screened by intervening vegetation or townscape, depending on the vantage point. In this respect, the proposed development would not be clearly seen from local vantage points as an amalgamation with the existing expansion of the town, but instead an additional branch to the settlement, closely associated with an existing key vehicular route serving Stalbridge. As such, in this respect, the extent of any harm in terms of the landscape's ability to cumulatively assimilate an additional major housing development would be minimised.
43. The proposed development would therefore represent an intrusion into the existing countryside landscape and would inevitably cause some harm to its

intrinsic character and beauty. However, for the above reasons, even were I to find it to represent a valued landscape, the extent of any harm to the landscape character, whether relating to the NCA, LCT or LCA, would only be to a moderate degree.

44. Visually, the site is fairly well contained with viewpoints largely confined to being very localised. In this respect, notwithstanding the issues relating to character of the landscape, the proposed development would be unlikely to harmfully affect views from within the wider area. Furthermore, in more distant views from higher ground to the east, the proposed development would be seen more cumulatively with the rest of Stalbridge, including new development. In that context the extent to which the proposals would stand out would be likely to be limited due to the intervening distance and extent of the existing settlement against which it would be seen.
45. Outward views of the countryside from the Trailway would be obscured to varying degrees by the proposed development. However, that would only relate to a relatively short stretch of that pedestrian route and where such views are currently in any case softened or screened by intervening vegetation. The proposed development, as viewed from easterly vantage points, would also have the benefit of at least partially screening or softening those adjacent existing less attractive industrial buildings that are prominently visible on the edge of the town. However, this is with the acknowledgment that it would not require the full eastwards projection of the proposal to achieve such a benefit.
46. The Council also refers to the relationship of the site with Stalbridge Park and its distinctive walls. However, due in particular to the noticeable degree of separation of the site from Stalbridge Park, I consider the proposed development unlikely to harmfully affect that feature.
47. For the above reasons, I conclude on this issue that the proposed development would cause some harm to the landscape character and appearance of the area, with particular regard to that relating to the countryside comprising the site and surrounding area and the setting of the existing settlement of Stalbridge. As such, specifically in respect of this issue, it would be in conflict with policies 2 and 4 of the Local Plan and paragraph 174 of the Framework. However, again for the above reasons, the extent of that harm would be moderate, which I shall consider further in the planning balance.
48. In respect of this issue, the Council, in its original decision notice also makes reference to Policies 6, 7, 20 and 24 of the Local Plan. However, policy 6 relates to housing distribution and not specifically to this main issue. Furthermore, policy 20, whilst concerning the restriction of the type of development considered to be appropriate in the countryside, and relevant to the first main issue, does not specifically relate to the particular matters concerning this second main issue. Policies 7 and 24 relate to design and layout and highlight respectively, amongst other things, that development should have an appropriate density and be designed to improve the character and quality of the area within which it is located. In these respects, at this outline stage, I have no clear basis to consider that the proposals would be likely to be in conflict with those two policies, particularly as more detailed design and layout would be dealt with at the reserved matters stage.

*Existing housing need and land supply*

49. Having regard to whether or not the Council can demonstrate a five year supply of deliverable housing sites (5 year HLS), the difference between the Council and Appellant on this matter relates to the disputed deliverability of nine sites and I have no substantive basis to consider otherwise. As such, in relation to a 5 year requirement of 1992 dwellings, the Council considers there to be 5.17 years' worth of supply whilst the Appellant, as confirmed in the Appendix to their closing submissions, considers it to be 3.78 years. I have had regard to the evidence of both parties taking account of the Framework's definition of 'deliverable' in this context and consider each of the disputed sites below.
50. Site A01 – Land adjacent to Wincombe Business Park, Shaftesbury.
51. There is a resolution to grant full planning permission for 162 dwellings, subject to the signing of a Section 106 Agreement (s106), and associated necessary widening/realignment of Wincombe Lane has commenced. Furthermore, the Council is hopeful that the s106 will be completed shortly. There is therefore evidence of the developer's clear intent to progress this development within the 5 year period and no obvious obstacle highlighted by the Council in respect of the signing of the s106. The question remains as to the extent of development likely to be delivered within the 5 year period. Notwithstanding the anticipated signing of the s106 in the near future, there remains uncertainty as to the timing of this and therefore also the subsequent submission of details for discharging any conditions. The developer indicated in June 2021 that on the assumption of planning permission being granted in early Autumn 2021, 40-41 dwellings per annum (dpa) would be delivered. Despite the Council highlighting that other volume housebuilders are achieving 50-60 dpa, I have no substantive basis to veer from that indicated by the developer for this particular site. Even without that ongoing uncertainty, based on the above trajectory of 40-41 dpa, at the very most this would set back the anticipated 40-41 in 2022/23 by approximately half that number. Allowing for the ongoing uncertainty as to exactly when permission will be granted and any pre-commencement conditions discharged, I consider that there is not clear evidence of delivery in 2022/23. As such, for the basis of calculating the 5 year HLS I have deducted 40 units from the full 162, resulting in a deliverable supply of 122 within the 5 years.
52. Site A02 – Ham Farm and Newhouse Farm, Gillingham.
53. Outline planning permission was granted for 961 dwellings in September 2021 and the principal road required to unlock the delivery of this site is now well underway. Reserved matters are required to be submitted for the first phase within 2 years of planning permission and as yet no application has been received by the Council. Furthermore, under the planning conditions, there is a 4 year period within which to commence the first phase. The Council accepts that the majority of the proposed dwellings will be delivered beyond the 5 year period with a modest number within it. However, without any information from a prospective developer of the site, and in the absence of any reserved matter application, I cannot be sufficiently certain that even the 100 dwellings put forward by the Council will be delivered in the 5 year period. I have therefore deducted those 100 units from the 5 year HLS.



54. Site A03 – Lodden Lakes Phase 2, Gillingham.

55. Outline planning permission has been granted for 115 dwellings and a reserved matters application has also recently been submitted and validated. There remains no certainty as to the timescale for determining that application or whether there are any issues relating to it that will cause delay albeit I acknowledge it was subject to pre-application discussion with the Council. The Council consider that development of Phase 2 is likely to follow straight on from the completion of Phase 1 in 2024. There is no evidence provided from the developer to confirm that although I consider it is a reasonable assumption to make subject to satisfactory approval of reserved matters and any pre-commencement conditions. The submission of a reserved matters application shortly after having secured planning permission is also an indication of intent to proceed quickly. Given that such a start time would be approximately two years away, there appears to be sufficient contingency in the meantime for approval of reserved matters, conditions and site preparation. I therefore consider that commencement on site in 2024 to be a reasonable assumption, obviously subject to achieving the necessary reserved matters approval. On that basis I consider that the 60 dwellings indicated by the Council for completion in the 5 years period to be reasonable.

56. Site A04 – Park Farm, Gillingham.

57. Outline planning permission was granted in November 2021 for up to 634 dwellings and pre-application advice has been sought in relation to the submission of a reserved matters application for a first phase of around 300 dwellings. The developer's intention for submission of such an application was indicated to be February 2022 with a start on site expected in the summer of 2023. The Council indicated that the submission is now likely to be in the second quarter of this year. There is however no clear evidence on that timing, including any updated information from the developer concerned. The Council accepts that the majority of the dwellings will be built beyond the 5 year period. However, given the above uncertainty, and despite the degree to which the developer is active, sizeable and Dorset-based, there is not clear evidence that even the suggested modest quantum of 50 dwellings put forward by the Council for completion in the 5 year period would be fulfilled. As such, I have deducted those 50 dwellings from the 5 year HLS.

58. Site A05 – Land north and east of Blandford Forum, Blandford.

59. This site is allocated in the Neighbourhood Plan for a mix of uses including residential. An outline planning application was submitted in September 2020 for 600 dwellings, with full permission requested for 167 dwellings at this stage. Information from the developer in October 2021 indicated that completions would begin in 2024/25 with the majority being in 2025/26. However, those assumptions were based on anticipated planning permission early in 2022. I have received no clear evidence to indicate the timescale for a decision being taken, albeit that the Council states that its officers who assisted in the production of the Neighbourhood Plan are not aware of any major impediments to planning permission being granted. Furthermore, my attention was drawn to some objections having been made to the application. Although the Council indicated that these were not in principle objections, and even if they could be addressed, there is no clear indication as to the extent to which this could delay any planning permission being granted. I therefore have no

substantive basis upon which to consider there to be a realistic likely number of dwellings, if any, which would be completed within the 5 year period, despite the developer being Dorset-based and active across a number of sites across the county. For this reason, I have deducted the 49 dwellings put forward by the Council from the 5 year HLS.

60. Site A08 – Land east of Franwill Industrial Estate, Pimperne.

61. The site is allocated for up to 15 dwellings in the Pimperne Neighbourhood Plan and a full planning application for 15 dwellings was submitted in 2020. Whilst the allocation suggests local support and that a full planning application indicates intent to develop the site, the application nevertheless remains undetermined after a substantial period of time. Furthermore, whilst the principle is established through the allocation, there remain outstanding matters relating to the specific application that require resolution prior to a decision being taken. For these reasons, I have insufficient certainty that the application concerned will result in the completion of dwellings on the site within the 5 year period and so have deducted the 15 dwellings concerned from the 5 year HLS.

62. Site A09 – Land at Bittles Green, Motcombe.

63. The site is allocated for about 10 dwellings in the Motcombe Neighbourhood Plan and although an outline planning application submitted for 15 dwellings has remained undetermined for a substantial period of time, the Council confirmed that the s106 is ready for engrossment and that the decision is ready for issuing. The developer, in an email dated 1 October 2021, set out the anticipated delivery of the 12 dwellings in 2025/26. Whilst there remains three years before 2025/26, there is no indication as to the assumptions made at the time of that email about when planning permission would be granted. That permission, even if issued around the time of the Inquiry would have been approximately 5 months on from the above email and I have no substantive evidence to indicate whether or not that would affect the anticipated programme. Furthermore, any consent would be in outline only with reserved matters still required to be dealt with. There is therefore not clear evidence that the 12 houses concerned will be completed within the 5 year period and so I have deducted them from the 5 year HLS.

64. Site A10 – St Mary's Hill, Blandford St Mary.

65. Development is underway on this site, relating to planning permission for a total of 350 dwellings in two phases. The Council has received completion certificates for a total of 41 dwellings up to the end of December 2021, albeit with 10 of those in the previous 2020/21 period and thereby predating the current 5 year period and indicating that development is slightly ahead of the programme predicted in an email from the developer dated 5 August 2020. Nevertheless, a rate of 31 completions to the end of 2021 within the 2021/22 period indicates alignment with the developers predicted 42 in that period as a whole as set out in the above email, based on business forecasting and expected sales rates allowing for Covid. In that email, 47 completions were then predicted for 2022/23, 60 in each of 2023/24 and 2024/25, and 80 in 2025/26 with the remainder in the following year outside of the 5 year period. For the last three of those years within the current 5 year period, the higher figure takes account of an assumption that there would be two sales outlets from 2023/24. Notwithstanding the existing rate of completions, I have no

more up-to-date evidence to indicate whether those ongoing predictions of the developer from over a year and a half ago still apply, including whether it remains the intention for two sales outlets and the basis upon which that would result in more completions. I acknowledge the point made by the Council that a rate of 60 dpa is not unreasonable for a volume housebuilder on a large site, and the example of this having been achieved by Persimmon Homes on a site in Blandford St Mary. However, I do not have full details of the circumstances of that or other cases to enable a proper comparison. Based on the evidence provided for the site in question, in the absence of any more up-to-date information since August 2020, and while acknowledging the Appellant's figure of 200 based on an average of 40 dpa, the only clear basis for ongoing predicted completion rates is the actual rate within the first year, broadly in line with the originally predicted 42 dpa. As such, across the 5 year period this would result in a figure of 210 completions as opposed to the Council's figure of 269. I have therefore deducted 59 dwellings from the 5 year HLS.

66. Site A11 – Wessex Park Homes, Shillingstone Lane, Okeford Fitzpaine.

67. This site is the subject of prior approvals and one full planning permission for a number of developments ranging from between 1 and 4 dwellings, each one in itself therefore not defined as major development and still extant, totalling 44 dwellings. They would therefore be regarded as deliverable unless there is clear evidence that homes will not be delivered within the 5 year period. In this respect, the above approvals/permissions were granted in the period between September 2019 and December 2020 without any indication of forthcoming intent to commence their construction. Nevertheless, that is not to say that this could not occur, including taking account of the need to discharge any pre-commencement conditions. I acknowledge that an outline planning application has since been submitted for 70 dwellings on the site which remains to be determined and is not included by the Council in the 5 year HLS. Reference is made in the Planning, Design and Access Statement, relating to that application, to the more appropriate replacement of existing light industrial buildings with purpose built dwellings rather than conversions, citing that many of the approved dwellings would be over large and do not make good use of the internal floorspace available. That Statement also goes on to state that the prior approval applications were submitted to establish the principle of residential use across the site. However, these factors in themselves do not indicate that the extant approvals/permissions could not still be implemented. As such, I consider that there is not clear evidence that 44 homes will not be delivered on this site within the 5 year period and so I have retained that figure within the 5 year HLS.

68. Based on the above findings, I have deducted 325 dwellings from the Council's claimed supply of 2060 dwellings. This reduces the supply to 1735 dwellings against a requirement for 1992 dwellings. On that basis I conclude on the matter of 5 year HLS that the Council can demonstrate 4.35 years' worth of supply. I shall consider this further in the planning balance along with matters relating to the Housing Delivery Test (HDT) and measures that the Council is taking to address supply, including pipeline development beyond the 5 year period.

*Other matters*

69. I have had regard to concern that the proposed housing development would stop any future growth of the existing industrial area. In this respect the submitted Development Framework Plan shows provision for a 2 metre high acoustic fence alongside the western site boundary, relating to the prevention of noise transmission from the adjacent industrial uses. I have no substantive basis to consider that any new industrial uses would be likely to cause such additional noise as to be restricted, taking account of such mitigation measures.
70. Furthermore, together with the general principle of the proposed of dwellings being set away from the boundaries concerned, as shown on the Development Framework Plan, appropriate noise mitigation measures for the proposed development could be secured by condition. The Council raises some concern about the effect on the amenities of prospective residents if those measures resulted in windows having to be kept shut with a reliance on mechanical ventilation. However, I have no substantive basis to consider that any noise mitigation measures would be likely to harmfully affect those amenities, subject to further consideration at any reserved matters/conditions discharge stage.
71. In terms of the effect of the proposed development on the nearby Stalbridge Site of Nature Conservation Interest (SNCI), additional recreational use of this area would be inevitable. However, the area is already open to the public and measures could be put in place to ensure protection during construction, such as a Construction Environmental Management Plan secured by a condition. A financial contribution, via a planning obligation, towards measures to strengthen and maintain the habitat is also proposed thereby making it more robust in light of increased pressures. As such the proposed development would be unlikely to harmfully impact on the integrity of the SNCI.
72. In terms of the effect of the proposed development on local infrastructure, I have considered this in terms of the existing local facilities and services under the first main issue. Furthermore, the proposed development would make provision for appropriate financial contributions towards various local infrastructure to mitigate for any additional impacts, which are covered in more detail below under '*conditions and planning obligations*' including in relation to local primary and secondary education, healthcare, library services, leisure, sport and play facilities, local allotments, and rights of way.
73. In relation to primary school provision, the proposed financial contribution would be at the appropriate level to mitigate for the proposed development. However, the Council raises concern about the capacity of the existing school, projected to worsen, and the less than ideal situation if interim measures are required to accommodate additional pupils. This would not be an ideal situation whether it were to come about as a result of the proposed development alone or that the latter would add additional pressure to an already anticipated situation, albeit that there would be some time lag before such demand would be realised. Nevertheless, with the proposed financial contribution in place, I have no substantive basis to consider any measures to ensure adequate provision of education could not be acceptably provided, including on an interim basis.

74. The proposed development would inevitably introduce increased traffic in and around Stalbridge. The submitted Transport Assessment predicts likely trip generation and flow distribution and has been assessed by the Highway Authority (HA) as being satisfactory and robust. As such, the HA consider that the cumulative impact of the development would not be severe, having regard to the Framework. I have no substantive basis to consider differently or that there would be unacceptable harm caused in this respect.
75. Having regard to the water and sewerage system, I have no substantive evidence to indicate that this would not be able to cope with the proposed development. The proposals would include appropriate measures for the site relating to surface water drainage which could also be secured by condition. Furthermore, the Dorset Council Flood Risk Management Team raise no objections subject to such appropriate conditions. I have no substantive basis to consider differently.
76. Taking account of proposed on-site mitigation grassland creation, there would nevertheless be a net loss of grassland on the site. This would comprise the loss of existing semi-improved grassland. However, I have not received any substantive evidence to indicate that the existing grassland is of anything other than local interest or that is of particularly high ecological value. Furthermore, there are opportunities relating to the proposed development to provide enhanced habitat on the boundaries of the site and in the areas of proposed public open space which would be likely to at least partially mitigate for the loss of existing grassland. The proposals also include provision for an off-site biodiversity mitigation financial contribution to off-set the net loss on the site itself. The clear basis and need for that contribution is further identified in the submitted Biodiversity Plan Certificate of Approval which refers to such compensation being calculated in line with the Dorset Biodiversity Compensation Framework, and I have no substantive basis to consider otherwise. I cannot be certain that there would be any biodiversity net gain. However, for the above reasons, the proposed development would not cause unacceptable harm to biodiversity.
77. The Council and Appellant agree that the proposed development, both in isolation or cumulatively with other development, would not be likely to have any significant adverse effects on the Rooksmoor Special Area of Conservation (SAC). This is because any increased traffic flows would not cause the levels to exceed Natural England's thresholds, having regard to air quality. The Council highlights that this does not amount to no effect. However, whilst that may be the case, I have not received any substantive evidence to indicate any likely harm arising from any such effect.

*Conditions and planning obligations*

78. The Council has submitted 21 suggested conditions were I minded to allow the appeal. Some were subject to suggested amendments by the Appellant and Council during the course of the Inquiry. One of those original conditions, relating to provision of a link from the site onto the North Dorset Trailway, was agreed at the Inquiry to be unreasonable in terms of potential conflict with any need to provide an acoustic barrier along the boundary concerned. I have therefore omitted that condition. One further condition was also suggested during the Inquiry, relating to provision for a vehicular/pedestrian/cycle link-up to the adjacent land. The amended suggested conditions are generally agreed



by the Appellant, subject to some suggested amendments. I have considered these in the light of advice in the National Planning Practice Guidance and have, in the interests of clarity and precision, amended some of the wording. I have referred to the condition numbers, cross referenced to the attached annex, in brackets for clarity purposes.

79. The standard conditions (1, 2 and 3) would be necessary to ensure the submission of details relating to the reserved matters, the timescale for that, and the timescale for commencement of development. For certainty, a condition requiring the development to be carried out in accordance with the approved plans would also be necessary (4).
80. The following conditions would be necessary in the interests of highway safety: to ensure that the highway layout, turning and parking areas are completed in accordance with approved details (5); to secure provision of the first 15 meters of the proposed vehicular access prior to occupation of the development (6); to secure the approved visibility splays at the site access (7); to secure provision of a 2 metre wide footway from the site access to link with the existing footway to the west of the site, also in the interests of encouraging sustainable means of travel (8); and to ensure that construction activity is conducted in accordance with a Construction Traffic Management Plan, also in the interests of protecting local amenity (9).
81. In the interests of environmental sustainability, a condition would be necessary to secure provision for electric vehicle charging on the site (10). Also, to encourage the use of alternative modes of transport to the car, conditions would be necessary to secure provision for cycle parking (11); and the implementation of a Travel Plan (12).
82. In order to provide acceptable drainage for the proposed development, conditions would be necessary to secure the implementation of a surface water management scheme (13) and the maintenance and management of the surface water sustainable drainage scheme (14). Furthermore, in the interests of protecting the local environment and the health of prospective residents, a condition would be necessary to ensure that any contamination not previously identified on the site is appropriately remediated (15).
83. So as to provide acceptable living conditions for prospective residents of the proposed development, a condition would be necessary to secure the implementation of any noise mitigation measures identified as being needed (16).
84. In the interests of protecting the local environment and ecology, conditions would be necessary to secure the implementation of a Construction Environment Management Plan (17); adherence to the submitted Biodiversity Plan (18); implementation of an appropriate lighting scheme having regard to the protection of bats (19); and the implementation of a landscape and ecological management plan (20).
85. In order not to prejudice any potential future development of the adjacent land, the condition referred to above would also be necessary to ensure the implementation of a vehicular/pedestrian/cycle link-up to the relevant site boundary (21).

86. Planning Obligations have been submitted within a Unilateral Undertaking (UU) under Section 106 of the Act, making provision for the following:

- 40% of the proposed dwellings shall be affordable housing, in accordance with policy 8 of the Local Plan concerning the provision of affordable housing, and paragraph 65 of the Framework.
- Provision of on-site open space and associated works specification and management plan, including provision for a local equipped area for play. This would be in accordance with Local Plan policy 15 relating to the provision of green infrastructure and would be necessary in the interests of the amenities of prospective residents, the visual quality of the site and provision of a buffer to existing retained and enhanced site boundary hedgerows and trees.
- Provision for issuing sustainable travel vouchers to the first occupier of each dwelling which would be necessary in the interests of encouraging sustainable travel.
- Appropriate financial contributions towards the Trailway Strategic Project in the vicinity of the site; the provision of local allotments; Local Nature Reserve mitigation and maintenance; local play facilities maintenance; and local rights of way; all relating to likely increased use arising from the proposed development; and towards biodiversity mitigation. These would all be in accordance with Local Plan policy 15 relating to the provision of green infrastructure. They would also be necessary, respectively, in the interests of sustainable travel and the health benefits of using the Trailway; enabling local food production, along with the associated health and well-being and sustainability benefits relating to allotments; specifically relating to the nearby SNCI, which I shall address further below; the health and well-being benefits of play facilities, specifically relating to maintaining and/or upgrading those facilities at Jarvis Field Play Area and/or the Park Grove recreation grounds; the health and well-being of prospective residents and local accessibility relating to improvements to and maintenance of gates, stiles and bridleway and footpath surfaces of local rights of way; and to offset the net loss of grassland on the site.
- Appropriate financial contributions towards community, leisure and indoor sports facilities; primary and secondary education; local healthcare; library services; all to mitigate the increased use of such local services/facilities by prospective residents of the proposed development, and in accordance with Local Plan policy 14 relating to the provision of social infrastructure. These would also be necessary, respectively, in the interests of the health and well-being of prospective residents; providing appropriate access to education and, in respect of the secondary level, for the enhancement or provision of specialist provision and/or science provision at Sturminster Newton High School; provision of appropriate access to healthcare, specifically contributing to provision of a new clinical room in any of the surgeries that would be impacted upon by the proposed development within the Blackmore Vale GP partnership; and retaining and developing libraries as community hubs.

- Appropriate financial contribution towards the costs of making and, if confirmed, implementing a road traffic regulation order to extend the 30mph speed limit on Station Road in the vicinity of the proposed site access. This would be necessary in the interests of highway safety.
87. Having regard to the Local Nature Reserve mitigation and maintenance contributions, the UU sets out that these would relate to the nature reserve at Rooksmoor and/or Stalbridge local nature reserve off Station Road and/or Blackmoor Vale Commons and Moors Site of Special Scientific Interest (SSSI). However, with the exception of Stalbridge SNCI, there is no substantive evidence to indicate that sufficient harm would otherwise be caused to the integrity of the sites concerned to justify the need for measures supported by the contribution concerned. I have therefore not taken into account that element of the UU relating to potential contributions to the nature reserve at Rooksmoor and/or Blackmoor Vale Commons and Moors SSSI.
88. In relation to the proposed financial contribution for pedestrian/cycle connectivity, there was some discussion at the Inquiry as to what this would be used towards. From the evidence and that discussion, no specific works have been identified and no safety reasons have been identified. This is also in light of there being other proposed contributions relating to the Trailway and local rights of way. There is therefore no clear justification for this separate contribution and so I have not taken it into account in my decision.

#### *Planning balance*

89. I have found that the proposed development would be in conflict with the Council's spatial strategy set out in Local Plan policies 2, 6 and 20. It would also have some specific shortcomings in terms of that spatial strategy, with particular regard to housing distribution and location and sustainable travel, having regard to local and national policy, which I have found would amount to moderate harm in respect of this issue.
90. I have also found that the proposed development would cause some harm to the landscape character and appearance of the area, with particular regard to that relating to the countryside comprising the site and surrounding area and the setting of the existing settlement of Stalbridge. For the reasons set out, I have found that the extent of that harm would again be moderate.
91. The Council is not able to demonstrate a 5 year HLS and I have found the figure to be 4.35 years' worth of supply. Furthermore, there is a poor record of recent completions identified through the Housing Delivery Test (HDT) whereby delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As such, having regard to paragraph 11(d) of the Framework, the most important policies for determining the appeal are out-of-date and the tilted balance is engaged.
92. Having regard to the poor housing delivery performance in recent years referred to above, the Council has not produced an Action Plan to address this. However, notwithstanding the 5 year HLS position, in terms of meeting the housing requirement within the Plan period as a whole going beyond the 5 year period, it is evident that there are factors that indicate how the Council is being proactive in trying to achieve that. These include, amongst others, the substantial urban extension, through allocated sites relating to Gillingham where s106 Agreements relating to planning obligations have now been signed



and the primary new road serving them is anticipated to be completed later this year; other pipeline development beyond the 5 year period including sites with outline planning permission for housing; supporting Neighbourhood Plans and associated housing allocations; gaining funding as part of the Brownfield Land Release Fund, including sites in the north of the county albeit amounting to only 40 homes; supporting community land trusts and development of a Building Better Lives programme. I also note that the Council has shown some flexibility in approving development beyond settlement boundaries.

93. Whilst the above factors are important, there is no clear evidence or guarantee that this will ensure that the housing requirement will be met within the Plan period. The Council is also clearly in the process of producing its emerging Local Plan with the implications that would have for provision of new housing on an ongoing basis. However, due to the early stage it is at towards adoption, only limited weight can be afforded it.
94. Having regard to the Government's objective of significantly boosting the supply of homes, the proposed development would have the benefit of contributing up to 130 dwellings towards the supply of housing in the District. There cannot be certainty as to the speed at which the proposed development would be progressed once commenced or whether the full 130 dwellings would be included in a detailed proposal. However, in terms of what can be controlled, even if all of the proposed dwellings would not necessarily be built within the 5 year period, the Appellant is in agreement with a condition that would ensure that development commences relatively quickly on site, within 1 year from the final approval of the reserved matters, which themselves would be submitted within 2 years of any planning permission. Of those up to 130 dwellings, the proposed 40% contribution to the supply of needed affordable housing in the District as a whole would, despite being at the Local Plan policy compliant level, be an added benefit. Those combined benefits alone would therefore attract significant weight. This is particularly in the scenario whereby the Council is not currently able to demonstrate a 5 year HLS.
95. There would also be likely significant economic benefits relating to the provision of construction related jobs during the construction phase, albeit on a temporary basis for the duration of that phase; and then in terms of local spending by prospective residents of the proposed development, such as in shops and in relation to other services and facilities. Furthermore, the proposed on-site public open space and play provision, although required in respect of the proposed development and not directly accessed from the Trailway, would also be likely to benefit existing local people to a degree in terms of providing additional choice alongside that which already exists locally.
96. Notwithstanding my findings in relation to the main issues, I have found there to be no other matters that would cause unacceptable harm, subject to appropriate conditions and planning obligations where applicable.
97. Taking all of the above into account, in applying paragraph 11(d)(ii) of the Framework, the extent to which there would be adverse impacts of granting planning permission relating to the first and second main issues, would not significantly and demonstrably outweigh the above benefits of the proposed development, when assessed against the policies in the Framework taken as a whole.

## **Conclusion**

98. For the reasons given above I conclude that the appeal should be allowed.

*Andrew Dawe*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Martin Carter – Counsel, Kings Chambers

Instructed by Peter Dutton

He called:

Silke Gruner (for round table discussion (RTD) on landscape character and appearance matters)

Associated Director of Landscape Architect and Urban Designer, CSA Environmental

Ben Pycroft (for RTD on housing need and land supply matters)

Director, Emery Planning

Nigel Weeks

Consultant, Stirling Maynard Transportation

Peter Dutton

Planning Manager, Gladman Developments Ltd

### **FOR THE LOCAL PLANNING AUTHORITY:**

George Mackenzie – Counsel, FTB Chambers

Instructed by Philip Crowther, Dorset Council Legal Services

He called:

Helen Lilley

Senior Landscape Architect, Planning Service, Dorset Council

Jo Witherden

Planning Consultant, Dorset Planning Consultant Limited

Philip Reese

Senior Planning Policy Officer, Community Planning Team, Dorset Council

And also Robert Lennis, Area Lead (Major Projects) Eastern Planning Dorset Council in respect of the RTD on conditions and planning obligations.

### **INTERESTED PARTIES:**

Cllr Graham Carr-Jones

Ward Member for Stalbridge and Marnhull, Dorset Council  
Cabinet Member for Housing & Community Safety

Stuart Waite

Member of Stalbridge Town Council

## **INQUIRY DOCUMENTS (IDs)**

1. Opening submissions of the Appellant.
2. Opening statement on behalf of the Council.
3. Statement made by Cllr Carr-Jones.
4. Extracts from The Institution of Highways & Transportation 2000 document: Guidelines for Providing for Journeys on Foot, submitted by the Council.
5. Table received from the Council relating to the latest status of sites in the North Dorset 6-10 year supply with outline permission at 1 April 2021.
6. Site visit itinerary.
7. Statement made by Stuart Waite.
8. Email from the Council confirming validation of a reserved matters application for Lodden Lakes Phase 2 (site A03 in the Scott Schedule).
9. Response from the Appellant to the above ID8 email.
10. Unilateral Undertaking (undated) including manuscript amendments.
11. Council's suggested amendments to revised conditions.
12. Updated CIL Compliance Schedule submitted by the Council.
13. Email from the Council with attached agenda item relating to Lower Road appeal, including putative reasons for refusal.
14. Judgement relating to Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government and Central Bedfordshire Council.
15. Upper Tribunal decision relating to matter between Leech Homes Ltd and Northumberland County Council.
16. Certified copy of Unilateral Undertaking.
17. Closing statement on behalf of the Council.
18. Closing submissions of the Appellant.

## **ANNEX - CONDITIONS**

1. No part of the development hereby approved shall commence until details of all reserved matters, including layout, appearance, scale, and landscaping have been submitted to and approved in writing by the Local Planning Authority.
2. An application for approval of any 'reserved matter' shall be made not later than the expiration of 2 years beginning with the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of 1 year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: CSA/4521/100 Rev A (Location Plan); P19094-00-05 (Site Access Drawing).
5. Notwithstanding the information shown on the approved plans, prior to the commencement of any works on site, details of the geometric highway layout, turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried-out and completed in accordance with the approved details and retained in the approved form thereafter.
6. Before the development is occupied or utilised, the first 15.00 metres of the vehicle access, measured from the rear edge of the highway, shall be laid out and constructed to a specification firstly submitted to and approved in writing by the Local Planning Authority.
7. Prior to occupation of any dwelling hereby approved, the visibility splay areas as shown on the approved plans (ref: Drawing Number P19094-00-05) shall be provided to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas shall thereafter be maintained and kept free from all obstructions.
8. No dwelling hereby approved shall be occupied until a 2.00m wide footway running from the site entrance westwards to join up with the existing footway outside Station Road Business Park, as shown on Dwg No P19094-00-05, has been provided and made available for use in accordance with details which shall firstly have been submitted to and approved in writing by the Local Planning Authority.

9. Prior to commencement of any works on site, a Construction Traffic Management Plan ('CTMP') shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

- construction vehicle details (number, size, type, and frequency of movement)
- a programme of construction works and anticipated deliveries/timings of deliveries to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- a scheme for inspecting the highways serving the site prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary.

Development shall take place in accordance with the approved CTMP.

10. Prior to the construction of any part of the development above damp proof course level, a scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development (along with a timetable for their provision), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and timetable and retained as such thereafter.

11. Prior to the first occupation of any dwelling hereby approved, a scheme detailing cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be installed as approved prior to the first occupation of the dwelling and shall be retained as such and kept free from obstruction and be available for the purpose specified thereafter.

12. Prior to the first occupation of the development, a Full Travel Plan based on the principles set out in the Framework Travel Plan dated December 2019 shall be submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall as a minimum include:

- i. Measures for promoting sustainable modes of travel to residents of the development;
- ii. Arrangements for monitoring and reviewing the Travel Plan's objectives;

- iii. Appointment of a Travel Plan Co-Ordinator;
- iv. Travel Information Packs for the first occupiers of each completed dwelling;
- v. Measures for disseminating updated sustainable travel information and Travel Plan updates to residents for the duration of the Travel Plan's lifetime.

The Full Travel Plan shall be implemented in accordance with the approved details and the development shall be carried-out and operated in accordance with the approved Travel Plan thereafter.

13. Prior to the commencement of any works on site, a surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme thereby approved, shall be implemented in accordance with the approved details before the development is completed.
14. Prior to commencement of any works on site, details of the maintenance & management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan which covers the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, no further work shall take place until a remediation strategy for dealing with that contamination has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved remediation strategy. Following completion of the measures set out in the approved remediation strategy a verification report shall be submitted to the Local Planning Authority demonstrating compliance with the said strategy.
16. The application for reserved matters for 'layout' and 'appearance' made pursuant to Condition 1 of this planning permission, shall be accompanied by a noise mitigation scheme setting out the measures that shall be implemented to mitigate any potential adverse effects arising from noise sources (including for the avoidance of doubt the site currently known as Hunts Food Service). The noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority, and the approved

scheme shall be implemented in full prior to the occupation of any dwelling requiring such mitigation measures and maintained in perpetuity thereafter.

17. Prior to commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating mitigation strategies to be used on site during development. As a minimum the CEMP shall include details of the following:

- Measures to control the emission of dust, dirt and smoke during construction, together with a scheme to control noise and vibration during the construction phase of the development;
- Measures to protect all retained and newly created hedgerows and trees with an appropriate buffer for the duration of the construction period in line with BS 5827:2012 and the recommendations of the submitted Arboricultural Impact Assessment prepared by CSA Environmental (November 2019); and
- Avoidance measures in relation to the potential presence of nesting birds, badgers, hedgehogs, dormice and reptiles for the duration of the construction period.

The approved CEMP shall be adhered to throughout the construction period for the development.

18. The development hereby approved shall be completed in accordance with the certified submitted Biodiversity Plan ('BP') (dated 1 July 2021) and any subsequent reserved matters application(s) shall provide detail of the ecological enhancement measures contained therein. Any measures relating to the construction phase shall be adhered to throughout the construction of the development. Any measures relating to the operational phase shall be implemented in accordance with the BP and shall thereafter be retained for the life of the development.

19. Prior to the construction of any dwelling hereby approved above damp proof course, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority (the scheme shall be designed by a suitably qualified person and in accordance with the Bat Conservation Trust's Guidance Note 08/18 (Bats and artificial lighting in the UK), and take account of the proposed bat mitigation measures set out in Section D of the approved Biodiversity Plan dated 1 July 2021). The development shall thereafter be completed and maintained in accordance with the approved details.



20. Prior to commencement of any works on-site, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall have due regard to the certified Biodiversity Plan (BP) and include the following:

- a) Description and evaluation of features existing and/or to be created and managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management as set out in the BP.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (or bodies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Development shall take place in accordance with the approved LEMP which shall be adhered to for the lifetime of the development.

21. The application for reserved matters for layout made pursuant to Condition 1 of this planning permission, shall show details of a vehicular/pedestrian/cycle link-up to the site's boundary with Title Number DT406057. Prior to the first occupation of 75% of the proposed dwellings, the vehicular/pedestrian/cycle link-up shall be constructed in accordance with the approved details.

EP5I

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## Appeal Decision

Inquiry held on 3 – 6 August, 9 – 12 August and 14 September 2021

Site visit made on 13 August 2021

**by O S Woodward BA(Hons.) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> May 2022

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**Appeal Ref: APP/L3815/W/21/3270721**

**Land within the Westhampnett / North East Chichester Strategic Development Location, North of Madgwick Lane, Chichester**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by CEG and the Landowners (D C Heaven and Eurequity IC Limited) against the decision of Chichester District Council.
  - The application Ref WH/20/02824/OUT, dated 30 October 2020, was refused by notice dated 1 March 2021.
  - The development proposed is for residential development comprising up-to 165 dwellings, including an element of affordable housing; together with an access from Madgwick Lane as well as a relocated agricultural access, also from Madgwick Lane; green infrastructure, including the enhancement of the Lavant Valley Linear Greenspace; sustainable drainage systems; and associated infrastructure.
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### DECISION

1. The appeal is allowed, and planning permission is granted for residential development comprising up-to 165 dwellings, including an element of affordable housing; together with an access from Madgwick Lane as well as a relocated agricultural access, also from Madgwick Lane; green infrastructure, including the enhancement of the Lavant Valley Linear Greenspace; sustainable drainage systems; and associated infrastructure, at Land within the Westhampnett / North East Chichester Strategic Development Location, North of Madgwick Lane, Chichester, in accordance with the terms of the application Ref WH/20/02824/OUT, dated 30 October 2020, subject to the conditions set out at Annex C.

### PRELIMINARY MATTERS

2. The appeal is for outline planning permission with all matters reserved except for access. The appeal is supported by land use and buildings heights parameters plans, as well as full details of the proposed access points that have been applied for in full. A series of illustrative drawings have also been submitted in support of the appeal which I have had regard to as appropriate, allowing for their illustrative status.
3. The Goodwood Estates Ltd (The Estate) had Rule 6 status at the inquiry. The relationship of the site and the proposal to The Estate is a key component of the appeal, as set out throughout this Decision.

4. The appeal is supported by a s106 Planning Obligation. Following the related discussions at the inquiry, this required amending. I therefore agreed a short extension of time following the close of the inquiry for the parties to deal with that. The revised s106 Planning Obligation was duly received on 29 September 2021 (the s106).
5. There was no reason for refusal in relation to heritage matters, but The Estate submitted evidence in relation to the effect of the proposal on the setting of the Old Place Farmhouse. I have therefore assessed this factor in my Decision.
6. The reason for refusal in relation to noise is only with regard to aircraft noise from the aerodrome. However, The Estate submitted evidence in relation to helicopter and motor circuit noise, and all of these aspects of noise were considered in depth at the inquiry. I have reflected this in my Decision.
7. The fourth reason for refusal is in relation to access and highway safety, specifically in relation to pedestrian access to the south of the site, pedestrian access to the central parts of the site from Madgwick Lane, and the northern agricultural and non-motorised access to Stocks Lane. However, the appellant submitted further information to the Council in the lead up to the inquiry. In light of that additional information, the Council did not pursue this reason for refusal.
8. The fifth reason for refusal is in relation to the provision of affordable housing and infrastructure obligations. The s106 secures provision for these factors and, in light of this, the Council did not pursue this reason for refusal.
9. At the time of the inquiry, the Council agreed with the appellant that it could not demonstrate a five-year supply of housing land, albeit the extent of shortfall was in dispute. After the inquiry closed, further evidence was released which led the Council to change its position and to argue that it could, in fact, demonstrate a five-year supply of housing land. I afforded the main parties the opportunity to comment on the updated position and this is reflected in my Decision.
10. After the inquiry closed, Natural England (NE) updated its advice in relation to nutrient level pollution. I consulted the main parties on the implications of this advice. The appellant submitted a Deed of Variation to the s106 on 13 April 2022 (the DoV) with regard to changes to the proposed off-site nitrate mitigation land. I have reflected this in my Decision.
11. Two appeal decisions<sup>1</sup> were brought to my attention after the inquiry closed. I afforded the main parties the opportunity to comment on those decisions and I have reflected them as appropriate in my Decision.

## MAIN ISSUES

12. In light of the forgoing and reflecting the evidence at the inquiry, the main issues were agreed as:
  - whether or not the appeal site is an appropriate location for development of this type, particularly with regard to the wider masterplanning for the Westhampnett/North East Chichester Strategic Development Location

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<sup>1</sup> Refs APP/L3815/W/21/3284653 and APP/L3815/W/21/3286315.

(SDL), physical integration with the existing settlements of Chichester and Westhampnett, and reliance on the car by future occupiers;

- the effect of the proposed development on the character and appearance of the area, particularly with regard to the Lavant Valley landscape and visual integration with the existing settlements of Chichester and Westhampnett;
- the effect of the proposed development on the special interest of the nearby listed buildings, in particular Old Place Farmhouse and Chichester cathedral, with regard to the effect on their settings;
- whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and motor circuit; and,
- whether or not the proposed development would create potential future risks to the operation of the aerodrome and/or motor racing circuit, including with regard to the efficient operation of the highway network in the vicinity of the appeal site with regard to events traffic related to major events at the motor racing circuit.

## **REASONS**

### **Planning policy**

13. The Development Plan for the area includes the Chichester Local Plan Key Policies 2014-2029, adopted July 2015 (the LP). The LP was adopted subject to a requirement to a review being undertaken within five years in response to a flawed transport evidence base. The Council has not yet undertaken this review. It is therefore common ground that the housing policies in the LP are to be considered as out-of-date. Paragraph 11d of the Framework is therefore engaged. I reflect this as appropriate in the 'planning balance' section of this Decision.
14. The Chichester Local Plan Review 2035: Preferred Approach – December 2018 (the emerging LP) is in the early stages of production. It is due to undergo further extensive public consultation and is likely to be the subject of modifications before adoption. It therefore carries limited weight. This is common ground between the Council and the appellant, as agreed through cross-examination.

### **Location/principle**

15. The appeal site is a relatively small part of the SDL. Policy 17 of the LP is in relation to development in the SDL. The policy explicitly allocates 500 dwellings, community facilities, and open space to the SDL. It directs development to two areas, one to the south of Madgwick Lane (now built out as Phase 2) and one to the eastern edge of Chichester (now built out as Phase 1). The appeal site does not fall within either location. The dwellings allocated for the SDL have now been delivered in the two locations as set out in the policy. Whether or not this renders the policy, or parts of it, 'spent' was the subject of much debate at the inquiry. However, this is a needless distraction. The relevant consideration is that the policy does not explicitly allocate for more than 500 homes within the SDL and does not direct development to the appeal

site. The proposal therefore conflicts with Policy 17 and the wider masterplanning for the SDL.

16. The proposed housing would be to the centre of the site, set away from existing surrounding built form. There would be a degree of separation from the immediately adjoining built-up areas through the proposed landscaping to the borders of the site. However, to the east and south it would only be separated from the existing built development by the proposed managed landscaped area, rather than open, agricultural land. There would be a degree of physical separation from Chichester and Westhampnett, but this would be tempered because the appeal site sits in an area with an edge-of-settlement, hinterland character, with residential and commercial development close by.
17. In terms of accessibility, the appeal site sits nearby to Chichester, which is a sub-regional centre and offers a plethora of services and facilities. New walking and cycle routes would be provided providing connectivity to Chichester. The appeal site lies within a short walk along safe footpaths of bus stops along Westhampnett Road, which are served by bus route 55 which provides a half hourly service to Chichester, Tangmere, and Chichester Bus Station and Chichester Rail Station. The appeal site would therefore provide alternative options to journeys by car. In principle, the appeal site is in an appropriate location in terms of reducing the reliance on the car by future occupiers.
18. Overall, whilst future occupiers would not be overly reliant on the private car to access the services and facilities that would be required on a daily basis, the development proposed would be separated from the immediately adjoining built up areas, and would conflict with the approach to masterplanning of the SDL. The proposal would therefore conflict with the relevant parts of Policies 7, 17 and 33 of the LP in these respects. The proposal fails to comply with Policy AL4 of the emerging LP, which largely reflects Policy 17 of the LP. The proposal also conflicts with Criterion 1 of the Interim Position Statement for Housing Development, November 2020 (the IPS), which is with regard to the integration of housing development with existing settlements.

### **Character and appearance**

19. The appeal site is agricultural land, with the River Lavant forming the southern boundary. Properties in the Old Place Farmhouse complex form the eastern boundary with the Phase 2 housing development further away on the opposite side of Madgwick Lane. Remaining agricultural fields lead up to the motor racing circuit to the north, and to the west are relatively small amounts of open space either side of the river, with the built envelope of Chichester beyond.
20. Although the appeal site itself is open agricultural land, it sits near to significant built form on the edge of Chichester and the village of Westhampnett which is, particularly following the construction of Phase 2, effectively joined-up to Chichester. In the vicinity of the appeal site are substantial retail outlets such as Aldi, a hotel, residential estates, and the city of Chichester beyond. The appeal site is located in a corridor of open agricultural land separating Chichester from the motor racing circuit, but this has already been partially eroded with the construction of Phases 1 and 2. The character of the area is of an edge of settlement, transitional area leading outwards from Chichester, but with the circuit nearby to the north rather than significant areas of open countryside.

21. It is proposed to develop the site for housing. The scheme is in outline, with only access applied for in detail. However, parameters plans have been submitted which confirm that the built development would be a mixture of up to 2 and 2 ½ storey housing, concentrated to the centre of the site and away from the boundaries. This is at least partially a product of the physical constraints on the appeal site, in particular the need for a 400m off-set from the motor racing circuit in relation to noise (a matter to which I return later) flooding from the river, the need to preserve a view of the cathedral from the junction of Stocks Lane and Madgwick Lane, and to respect the setting of the nearby grade II listed Old Place Farmhouse complex.
22. There would be some harm to the landscape character of the area through the loss of the existing agricultural land and replacement with a residential development, whatever its eventual precise layout and form following consideration of reserved matters. This would negatively alter the character of the appeal site by the introduction of built form and lighting to what is currently tranquil, agricultural land. However, as set out above, the appeal site is on the edge of the built-up area of Chichester and Westhampnett, and the motor racing circuit, a large built-up facility, lies to the north. The closeness and the extent of the nearby built-up areas, and that the areas are to all sides of the site, are key aspects of the appeal site and its setting. It is in a transitional character area and is perceived as such both from nearby and from distance, partially mitigating the harm to landscape character from the proposal.
23. A new northern boundary to Chichester would be created, likely with fairly significant landscaping and/or built form. However, there needs to be a northern boundary to Chichester at some point, and I do not see moving this slightly further forward from its current position as being unduly harmful to the character and landscape of the area, given the context set out above. I particularly note that the appeal site would not be materially any closer to the boundary of the circuit than Phases 1 or 2 and a ring of open land, between Chichester and the circuit, would be maintained. There would be some loss of hedgerow along Madgwick Lane where the new access is proposed. However, this would be relatively limited in extent and the character of the lane has already changed to be more open and suburban as a consequence of the Phase 2 development and its access to the east. These factors partially mitigate the harm from this element of the proposal.
24. The proposed extensive landscaping would be of a suburban character and form and would therefore also harm the existing agricultural landscape character. As noted above, the proposed open space would form a ring around the proposed built form, which is the opposite of the general urban grain in Chichester with open space located to the centre and forming the focus of urban development. However, this would be less harmful than might otherwise be the case because to the south of the site the open space would border the river, providing a pleasant and open aspect along this feature, also reflecting the character of built form being set away from the river along this valley. To the east, the proposed open space would eventually be seen as in the middle of the existing development to the east of Madgwick Lane and the proposed development, albeit divorced to a degree by the road and associated hedgerow, rather than as a ring around the proposed development in isolation.



25. The harm that I have identified above would be appreciated by a number of nearby receptors, including not only the sensitive receptors of the occupiers of the western edge of the Phase 2 development and the farmhouse buildings directly adjacent to the appeal site, but also for the users of surrounding public rights of way and in viewpoints from further afield, looking over the river valley. Drivers would also be afforded views of the proposal from Madgwick Lane, although these would be fairly fleeting through gaps in the hedgerow. A degree of harm would be caused to these receptors from the harm to the character and appearance of the area that I have identified above. However, this again must be considered in the context of the transitional character of the appeal site itself, and the urban nature of much of the surroundings, which would mitigate the harm.
26. If the development were to use the Lavant Waste Water Treatment Works then a 2.56 ha area of land to the north and east of the appeal site would need to be planted with trees, at a minimum canopy cover of 20%, in order to meet nutrient neutrality objectives. It is not certain, however, that this will be required, because there is an alternative, indeed preferred, option using Tangmere Waste Water Treatment Works, which would not require this planting. That said, if the planting were required it would introduce a fairly significant area of tree planting, likely of managed, rather than naturalistic/woodland, appearance. This would be in an area which is currently open agricultural land. This would cause harm to the character and appearance of the area, but only to a limited degree because tree planting, even if of a managed appearance, is not an unusual countryside feature.
27. Overall, the proposal would harm the character and appearance of the area and the Lavant Valley landscape. I judge the level of harm to be moderate, because of the existing transitional, edge-of-settlement character of the immediate surroundings and the partially mitigating factors set out above. The proposal would therefore fail to comply with Policies 7, 17 and 48 of the LP, which, amongst other criteria, require high quality design and to protect local landscape character. The proposal fails to comply with Policy AL4 of the emerging LP, which largely reflects Policy 17 of the LP. The proposal also conflicts with Criteria 1 and 5 of the IPS which relate to the integration of housing development with existing settlements and landscape character.
28. The proposal would be visible from key views within the South Downs National Park (SDNP). The South Downs National Park Authority has objected to the proposal on the basis of harm to the setting of the SDNP, including night time views and light pollution. However, the proposal is significantly distant from the SDNP and would be perceived in the context of the surrounding existing built form. I observed on site that the appeal site is barely discernible from the key viewpoints in the SDNP. The proposal would therefore have a negligible effect on the landscape and scenic beauty of the SDNP, and I find no conflict in this regard with paragraph 176 of the Framework, and Policies 48 of the LP and Criteria 5 of the IPS, all of which seek to protect or enhance the SDNP.

## Heritage

29. To the east of the appeal site lies the grade II Listed Old Place Farmhouse and its curtilage listed outbuildings and immediate grounds. This group of buildings has been converted into houses. Despite the change of use, the buildings have partially retained their historic setting and association with the former



agricultural land, through the fields to the north and the east. Windows in the farmhouse and some of the outbuildings overlook that land, albeit largely to secondary elevations. In my view, the overall group of buildings retains a connection to this land, which is recognisably agricultural land adjacent to, and associated with, the former farmhouse. As such, the listed complex derives part of its heritage significance from the setting provided by that land.

30. However, this setting has already been partially eroded through the Phase 2 development to the east, various elements of further development on the outskirts of Chichester to the south and west, and the motor racing circuit further to the north. Nevertheless, the proposed development would place substantial built form on agricultural land historically associated with the farmhouse. The proposed open space corridor immediately adjacent to the farmhouse complex would be of a landscaped, recognisably suburban character, at odds with the agricultural appearance of the land. The proposal would therefore further erode the setting of the historic complex, harming its special interest and heritage significance. I assess this level of harm to be at the lower end of less than substantial. The proposal therefore fails to comply with Policy 47 of the LP which, amongst other criteria, seeks to conserve and enhance the settings of listed buildings.

### **Living conditions of future occupiers - noise**

31. A significant amount of evidence, both technical and otherwise, was before the inquiry with regard to acoustic matters. Concerns have also been raised by The Estate regarding the seaming retrofitting of some noise considerations to the proposal. However, the key planning consideration on this matter is whether or not the proposed development, however it has been arrived at, would provide satisfactory living conditions for future occupiers.
32. In this regard, paragraph 185 of the Framework cross-refers to the Noise Policy Statement for England, 2010. This document sets out two relevant thresholds of noise impact - Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL) – which equate to a significant adverse impact and a minimum adverse impact respectively. Paragraph 174 of the Framework makes it clear that development should not be adversely affected by unacceptable levels of noise pollution with paragraph 185 making it clear that mitigation can play a part in this assessment.
33. There are two principal sources of noise that would affect the future occupiers – Goodwood Aerodrome, split into fixed-wing and helicopter movements, and Goodwood Motor Circuit.

#### *Fixed-wing aircraft*

34. There are no set LOAEL or SOAEL levels in planning policy. In the absence of any definitive policy or guidance, it is therefore up to me as the decision maker to decide what the appropriate LOAEL and SOAEL levels for aircraft noise should be with regard to the particular circumstances of the appeal. In this regard, there are an extensive array of studies, documents, reports and assessments to attempt to establish what the levels should be for aircraft noise.
35. The first question to consider is what type of decibel (dB) reading should be adopted. There was general consensus that for fixed wing aviation, LAeq 16 hr

should be used, because it best reflects the noise pattern from an airfield in operation during daytime hours. I have no reason to disagree.

36. The Government's Aviation Policy Framework, dated March 2013, which is a material consideration in this case<sup>2</sup>, sets a noise level of 57 dB LAeq 16 hour as the onset of significant community annoyance from aircraft noise, which in my view can fairly be treated as the SOAEL as set out in that report, which is, by definition, the level at the onset of significant observed adverse effects.
37. The Survey of Noise Attitudes 2014: Aircraft document<sup>3</sup> (SONA) finds that 7% of people would be highly annoyed by aviation noise at 51 dB LAeq 16 hour, rising to 9% at 54dB, 13% at 57dB and 17% at 60dB. The report centred on the United Kingdom and was specifically commissioned to consider the relationship between airports and development. I place significant weight on this document, albeit I note that it does not set a specific SOAEL level. Rather it highlights the dB levels at which a certain percentage of people are likely to become highly annoyed.
38. As set out at paragraph 245 of Appeal Ref APP/R5510/A/14/2225774, dated 2 February 2017, in relation to works at Heathrow Airport, the SOAEL for aviation was set at 63 dB LAeq 16 hour. This is a level that was agreed between the parties and was adopted as part of an extensive inquiry into an airport expansion. I therefore place significant weight on this decision, even though it pre-dates some more recent reports considering noise from aircraft, which I take account of as appropriate in my assessment.
39. A Department of Transport (DfT) report from 2017<sup>4</sup> sets out a LOAEL of 51 dB LAeq 16 hours. The report is detailed and followed a wide-ranging consultation. I therefore place significant weight on it.
40. The World Health Organisation (WHO) has issued guidance<sup>5</sup> that the SOAEL for transport aviation should be set at 45 dB LAeq 16 hour. However, this is not policy in the United Kingdom. The guidance's primary focus is on avoiding even low level annoyance to people, rather than considering the issue in the round. Concerns have been raised by the Government, in its Aviation 2050 The Future of UK Aviation document, dated December 2018, that the WHO approach does not consider a full cost/benefit analysis of the impact of setting a SOAEL at this level. I therefore place limited weight on this guidance.
41. A number of reports and updates from the Independent Commission on Civil Aviation Noise and the Civil Aviation Authority were presented at the inquiry, but these are not formally adopted reports by Government, and are advisory only, which limits their weight. The conclusions in many of these reports, including in SONA, appear to show that people have become more sensitive to aviation noise over the past few decades. However, there is no compelling evidence that this trend will necessarily continue, and the SONA advice already accounts for the changes up until 2014.
42. Taking all of the above into consideration, the starting point for considering the SOAEL should be 63 dB LAeq 16 hour, as established through the Heathrow

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<sup>2</sup> Paragraph: 015 Reference ID: 30-015-20190722

<sup>3</sup> Published by the Civil Aviation Authority in 2017

<sup>4</sup> Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace, October 2017

<sup>5</sup> WHO Environmental Noise Guidelines for the European Region, 2018

decision. However, this is based on Transport Aviation (TA). The Goodwood Aerodrome is instead used by General Aviation (GA) planes. These are smaller, fly lower, are more likely to be propeller rather than jet engine, and have a different overall noise profile. I still believe that the primary measure of the likely level of disturbance should be the overall noise level, ie the dB level. However, a discount should be applied to take account of the different character of the noise. I have decided to apply a 5 dB discount, as set out in DfT report Study of Community Disturbance caused By General and Business Aviation Operations Report, July 1988 (the GABA Report)<sup>6</sup>, resulting in adopting a SOAEL of 58 dB LAeq 16 hour.

43. As a sense check, the results from SONA, which indicate that at 60 dB 17% of people would be highly annoyed and at 57 dB it would be 13%, and the conclusion in the Aviation Policy Framework of 57 dB as the onset of significant community annoyance, indicate that 58 dB LAeq 16 hour is a reasonable position to adopt. My attention has been directed to a previous appeal decision<sup>7</sup> which placed SOAEL at 52 dB LAeq 16 hour in apparently similar circumstances. However, that decision was issued before the SONA report was published, which is a material change in the evidence base.
44. I have adopted a LOAEL of 51 dB LAeq 16 hour, based on the DfT Report and that this is the level where only 7% of people would become highly annoyed, as set out in SONA. I have not undertaken the same discount to LOAEL to reflect GA noise as I have with SOAEL, because the GABA Report highlights that, below 50 dB, any reductions in noise would be difficult to discern.
45. Noise contours confirm that the appeal site would be the subject of an overall noise profile of 48 to 51 dB LAeq 16 hour on a typical summers day, ie when the aerodrome is most busy and noisy. This is a very similar noise profile to that affecting both Phase 1 and Phase 2, which is perhaps to be expected given that all three sites are a similar distance from the aerodrome. The three sites are to the south east, south and south west of the aerodrome. The prevailing wind is from the south west and therefore blowing away from all of these sites. Therefore, all of the appeal site, and all of the future occupants of the proposed dwellings, would not be subject to unacceptable noise levels from aircraft, likely not even breaching LOAEL levels.
46. If the aerodrome were to increase usage up to its maximum of 70,000 movements per annum as allowed for by its s52 agreement<sup>8</sup>, then the noise profile would increase to between circa 50 to 53 dB LAeq 16 hour. In my view, this is unlikely, given the broadly downward trend of total aircraft movements in the period 1985 to 2020, and, in any event, would only bring the site into the lower levels of LOAEL effects.
47. There would occasionally be greater noise levels from louder aircraft. However, evidence has been provided that these events are unlikely to number more than two per day. Therefore, whilst each event would potentially cause harm to the living conditions of the future occupiers, the infrequency and short duration mean that this would be acceptable.

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<sup>6</sup> Table 3.9, page 62

<sup>7</sup> Ref APP/L3815/A/13/2200123, dated 11 February 2014

<sup>8</sup> As confirmed in a Section 52 (T&CPA 1971 – Section 126 of the Housing Act 1974) Agreement, amended 1987

### *Helicopters*

48. Helicopters use two different landing sites in the aerodrome. In addition to normal flights there are also two different training routes, which are used by the aerodrome for helicopter pilot instruction – the northern route and the southern route. The standard helicopter flights and the northern training route are not in proximity to the appeal site and their noise can be taken account of as part of the assessment above. However, the southern training route flies directly over the appeal site and needs to be considered separately.
49. Helicopters make a markedly different noise from fixed-wing aircraft, including a percussive element. Helicopters have the potential to harm living conditions to a greater extent for any given dB reading than fixed-wing aircraft. Having carefully taken on board the evidence on this issue, I conclude that there is no reliable way of reflecting the effect of this on living conditions through dB levels, although L<sub>A</sub>max readings are helpful to provide quantitative background information, because they best reflect the noise profile of an overhead helicopter flight. It instead needs to be taken on board as part of the general qualitative assessment of the likely effects of helicopter movements on future residents.
50. The submitted noise assessment confirms that the helicopter flights would generate noise levels at the site of between 68 and 81 dB L<sub>A</sub>max. These are significantly in excess of the SOAEL level, even before adding in the qualitative element of the percussive nature of the sound. The flight routes are also over the appeal site and the noise would come from above and from many directions as the helicopters fly over. Each individual helicopter flight is likely to lead to annoyance to a significant proportion of the future residents of the appeal site.
51. However, the southern training circuit is only used when runways 14/32 are not in operation. These are the preferred runways due to prevailing wind conditions. Therefore, only somewhere between one quarter and one third of helicopter training flights use the southern training route. Using the data provided, this has, in recent years, resulted in an average of nine fly-overs per day of the appeal site in the summer, and as low as two per day in the winter. In addition, the fly-overs are restricted by the s52 agreement to 0900 to 1800 hrs or sunset, and not at all on Sundays, although with two evenings per week up to 22:00 hrs.
52. The number of fly-overs could increase if the aerodrome were to increase its helicopter flights up to the maximum allowed by the s52 agreement, but there is no indication that this is likely to occur and the number of helicopter movements has remained broadly stable in the period 1985 to 2020. In any event, even if increased to the maximum movements as allowed for by the s52 agreement, helicopter fly-overs would remain infrequent.

### *Motor racing circuit*

53. The motor racing circuit hosts five Category 1 event days each year where there are no noise restrictions. During these events it is likely that the appeal site would be exposed to high levels of noise, easily in excess of any SOAEL level and would be likely to cause high annoyance to future residents. However, these days are of great value to The Estate, the local community, and the wider general public. The Revival, in particular, is one of the pre-eminent motorsport events in the entire country. They bring great economic

benefits to the area. They are for only five days a year. The planning permission for the circuit<sup>9</sup> specifically allows the Category 1 days, despite being disruptive to the local area in a number of ways, given their many benefits. I therefore do not consider the Category 1 days as part of my noise assessment, although they are, of course, still a material planning consideration.

54. The LP sets out a 400m limit from the circuit where housing should not generally be located, although it does explicitly state that limited development may be possible subject to appropriate noise mitigation measures. It is not entirely clear from the proposed drawings, and because of the illustrative nature of the layout plans, but the proposed housing would likely fall outside this 400m limit, with the possible exception of the northern facade to some of the dwellings to the northernmost part of the site. However, the 400m limit is a guide for the location of noise sensitive development, such as housing. Detailed noise assessment is also necessary and has been undertaken.
55. On the basis of the evidence before me, LAeq 30 min should be used to measure noise from use of the circuit, because it best reflects the noise pattern which includes moments of noisier activity but also a general blend of background noise. As with aircraft noise, there are no fixed LOAEL and SOAEL levels for motorsport noise. The appellant has adopted 50dB LAeq 30 min as LOAEL and 55dB LAeq 30 min as SOAEL, based on WHO Guidelines for Community Noise from 1999 related to steady, continuous noise and serious annoyance (SOAEL) and moderate annoyance (LOAEL). I acknowledge that I have previously placed limited weight on a different set of WHO guidance. However, the 1999 guidance is a useful starting point for considering motorsports noise, which is of a different character to aircraft noise. I am content to adopt the figures in the WHO report, however, caveated by the qualitative consideration that not all motorsports noise is steady and continuous, and there would be louder elements, such as screeching tyres.
56. Category 2 event days are the days where the noise limits for cars using the circuit are highest (excluding the unlimited Category 1 days). These are therefore the most robust days to assess. On Category 2 days, the appeal site would be subject to between 46 and 51 dB LAeq 30 min. The level of noise would fall fairly rapidly once behind the northern façade of the northernmost buildings, which would act as an acoustic screen. I acknowledge this is only an illustrative layout, but the parameters plans do provide some certainty that there would be this 'buffer' of building along a high proportion of the northern boundary. The overall noise levels washing across the appeal site would be similar to those at the Phase 1 and Phase 2 developments.
57. Overall, given that the majority of the site would be below the LOAEL, and all of it comfortably below the SOAEL, the noise from use of the circuit, even allowing for occasional more noisy and intrusive elements, would be within acceptable limits to ensure that the living conditions of future occupiers would not be unduly harmed. The one possible exception to this would be the northern façade of the northernmost dwellings, which may require noise mitigation measures. These measures could include ensuring the layout keeps the buildings beyond the 400m barrier, ensuring double aspect dwellings, detailed layout of private outside amenity areas, the ability to ventilate with closed windows, and a number of other considerations.

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<sup>9</sup> Ref WH/10/00235/FUL, dated 20 May 2010



58. It is possible that the mitigation may include the need to close windows. However, this is only likely to be necessary to the northern façade of the northernmost dwellings, which would be the most affected by the motor circuit noise, and even then likely only for relatively short periods of time. This may be able to be designed out entirely, depending on the final layout and treatment of the landscaping to the northern boundary. I do not, therefore, see this as an unacceptable expectation of the future detailed design.
59. Given the relatively low levels of noise I have identified, and in particular noting that it is only at LOAEL and not SOAEL levels, I do not foresee the mitigation measures being extensive or in themselves harming the living conditions of future occupiers. These could all be controlled effectively by condition.

#### *Cumulative*

60. Noise from the aerodrome and the motor racing circuit often occurs simultaneously. The cumulative effect must therefore be considered. This was discussed in detail at the inquiry, but no firm conclusions were provided regarding specific dB deductions to make to LOAEL and SOAEL levels to accommodate this factor. However, it is clear that annoyance from noise from The Estate could be exacerbated by the different types, tones, frequencies, and nature of the noise from fixed-wing, helicopter and motorsport sources. I have considered this carefully, and I am comfortable that the combined noise effects would remain within a LOAEL range, in the sense that they would not result in a significant adverse impact, given the headroom before SOAEL levels of noise would be likely to be experienced by the future occupiers.

#### *Other*

61. It was raised at the inquiry that the fourth bullet point to Policy 17 of the LP could also mean that the development itself should be designed to reduce the effect of noise on existing communities. However, no matter how eloquently put this position was, planning policy should not be read legalistically and instead from a common sense approach of its clear intended meaning. In this case, the common sense reading of Policy 17 is that any proposals in the SDL should mitigate their effect from noise on the proposal itself, not on surrounding existing communities.

#### *Overall*

62. Overall, the noise from fixed-wing aircraft would be either below, or at the lower end of, the LOAEL. The noise from helicopter flights, despite their relatively loud noise and qualitative annoyance, would be infrequent. Given that the majority of the site would be below the LOAEL, and all of it comfortably below the SOAEL, the noise from the motor racing circuit, even allowing for occasional more noisy and intrusive elements, and noise considered in combination, would be within acceptable limits. Modest mitigation measures to counteract effects at a LOAEL level may be required at the detailed design stage, and these could be secured by condition.
63. Consequently, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and circuit. This is either as it operates currently or as it is likely to do so in the future, and it would not unacceptably harm the living conditions of the future

occupiers. The proposal is therefore acceptable in these respects and complies with Policy CP17 of the LP, which requires that proposals reduce the impact of noise associated with the motor circuit and aerodrome, and Policy 33, which requires that proposals provide a high quality living environment.

### **Agent of Change – risk to operations at The Estate**

64. Paragraph 187 of the Framework introduces the concept of the 'agent of change' principle. The key test is that existing businesses should not have unreasonable restrictions placed on them as a result of new development. In this instance, the two relevant businesses are the Goodwood Motor Circuit and Goodwood Aerodrome.

#### *Noise*

65. There have been relatively few complaints over the past few years regarding noise from The Estate, and many of the complaints have come from Summersdale, to the west of the aerodrome, and from a few households within that area. Concern has been raised that new residents to the area would not be as accommodating regarding noise disruption as existing residents. However, the existence of The Estate would be known to any potential future purchasers – Goodwood is a famous venue. I view it likely that the majority of future residents would be aware of the potential of noise pollution from events and activities at The Estate, and would factor that into their decision on whether or not to purchase a property. Also, as identified above, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and circuit.

#### *Aircraft safety*

66. The proposal would involve building underneath the southern training helicopter circuit. This would reduce the amount of open land which could be used by helicopter pilots when making an emergency landing. Evidence was provided at the inquiry from an aircraft safety expert. He presented circles of possible landing points for helicopters in an emergency situation. Under cross-examination, it was revealed that in any individual given circumstance the area would be smaller and cone-shaped or similar, based on prevailing wind conditions and other factors.
67. However, the evidence from the only aircraft safety expert witness at the inquiry was that the appeal site would not prevent safe landing options due to remaining safe landing options and the 'stepping stones', where the pilots identify the next emergency landing spot they would head to if necessary, that are part and parcel of how a helicopter pilot would react to such a situation. On this basis, it has been demonstrated that the proposal would not lead to unacceptable safety concerns that could lead to the closure or re-routing of the southern helicopter circuit. The appellant provided an alternative route for the southern helicopter circuit, but this would likely not be required because of my conclusions on noise and safety above.
68. Some concern has also been raised by pilots in written submissions about the safety of taking off or landing in a fixed-wing aircraft. However, there are agreed Noise Preferred Routeings (NPRs) for aircraft, as set out in the existing s52 agreement<sup>10</sup>. The NPRs for runways 06, 10 and 28 are to the centre and

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<sup>10</sup>

north of the aerodrome, away from the appeal site. The NPR for runways 14/32 is closer to the appeal site, but does not fly over it, and is of approximately equal distance to Phase 2. I do not, therefore, consider this to be a safety risk.

#### *Air displays*

69. Air displays are part of The Revival. Restrictions imposed in 2015, following the Shoreham accident, have curtailed the displays, but The Estate has confirmed that they still form an important part of the entertainment offering at The Revival. I have no reason to doubt this. However, the air displays follow a circular route that would not be affected by the appeal site, as confirmed in cross-examination. The practice air displays potentially follow a route that includes flying over the appeal site, and may therefore need to be diverted.
70. However, even if small changes were required to the air display routes, there is no compelling evidence before me that this could not be accommodated, or that any changes would result in any meaningful diminution in the quality of The Revival's entertainment and overall offer. The key test in paragraph 187 of the Framework is that there should not be any unreasonable restrictions on operations, and I do not view any potential small alterations to the air display routes, if there would be any at all, as an unreasonable restriction.

#### *Events traffic*

71. One of the four key entrance routes to the major events at The Estate is along Madgwick Lane. It is possible that the development proposed could cause some disruption to this route through vehicles exiting the appeal site and in particular wanting to turn right, across traffic, to access Chichester and other destinations in that direction. However, traffic is carefully managed for the major event days, including a Traffic Management Scheme to be agreed with the Council. Ensuring that traffic from the appeal proposal is effectively controlled could form part of that scheme in the future, and this could be secured by condition. In particular, the amount of disruption likely to be caused would, it seems to me, be self-limiting, because future residents may well be unlikely to want to travel when the traffic is at its busiest on major event days.
72. Overall, there could be some negative effects on traffic on major event days, and I do not deny the importance of this to the smooth running of the event and to The Estate. However, it would likely be minor. The proposal would not therefore materially effect the efficient operation of the highway network in the vicinity of the appeal site with regard to major events traffic.

#### *Overall*

73. In light of my findings above, I consider that the proposal would not create potential future risks to the reasonable operation of the aerodrome or the motor racing circuit, and conclude that the proposal complies with paragraph 187 of the Framework.

### **OTHER MATTERS**

#### **Housing land supply**

74. The Council claims it can demonstrate a five-year supply of deliverable housing sites, at 5.3 years. The appellant claims the true figure is 3.71 years.



75. My attention has been drawn to two recent appeal decisions, Refs APP/L3815/W/21/3284653 and APP/L3815/W/21/3286315, both of which assess housing land supply. I have taken account of these decisions as appropriate in my assessment below, but I have primarily relied upon the evidence before me as submitted for this appeal.

*Need*

76. Need has been calculated using the 'standard method' because the LP is more than five years old, as set out in paragraph 74 of the Framework. The 'standard method' calculation is 759 dwellings per annum (dpa), a significant increase from the LP target of 560-575 dpa.
77. However, a discount needs to be made for the housing to be provided in the part of the District covered by the South Downs National Park. I conclude the discount should be 125 dpa, based on the 125 dpa need figure for the Chichester part of the national park as identified in the South Downs National Park Housing and Economic Development Needs Assessment, September 2017. This is the only figure before me in relation to housing need in the National Park, as disentangled from delivery and 'policy on' considerations. This equates to an overall need of 634 dpa. A 5% buffer is then required, which is uncontested in principle, equating to a final annualised requirement of 666 dpa. I note that this is either the same, or very similar (670 dpa), to the conclusions on need in the two recent appeal decisions.

*Supply*

78. The delivery of small sites (up to 9 dwellings) is considered as a combination of permissions and a windfall allowance. A significant amount of data and varying supply figures have been provided in relation to these two supply factors. However, critically, the Council and the appellant are in agreement that the historic delivery rate is 64 dpa. This is then raised to 71 dpa by removing the two highest and lowest completion years from the past 10 years. The appellant contests the logic of this approach, but ultimately adopts the figure, which I therefore take to be common ground.
79. The Council has partially double counted permissions and windfall provision, resulting in more than 71 dpa being included in the supply, without a robust evidence base. The combined contribution from these two factors should be 71 dpa equating to 355 dwellings overall versus the 459 dwellings as included in the Council's supply. Therefore, 104 dwellings need to be removed from the supply. I am mindful, in this regard, of paragraph 71 of the Framework, which requires compelling evidence that windfall sites can be a reliable source of supply.
80. The Council's supply also includes a windfall allowance for large sites, at 280 dwellings in total. This primarily relies on unallocated greenfield sites coming forward, 'other' sites which are not defined in detail, or brownfield 'residential' sites. Any such sites would be in the housing land supply allocation if known. Therefore, they are, by definition, unknown. They are also likely to be difficult to bring through to delivery within five years because obtaining planning consent is likely to be difficult, and/or potential land ownership and other practical constraints on brownfield sites in particular. I highlight again here paragraph 71 of the Framework. The 280 dwellings should therefore be removed from the five year supply.

81. There is one disputed large site under construction – Centurion Way. Evidence has been provided<sup>11</sup> that average delivery rates for sites of this size lie between 52 and 68 dpa. The Council has assumed 100 dpa for the purposes of their housing land supply calculation. This has not been supported by site specific justification or historic build out rates. The appellant has suggested an alternative build out rate of 80 dpa. This is possibly still too high but I am happy to adopt the lower figure as specified by the appellant as a reasonable assumption. 100 dwellings should therefore be removed from the supply, ie a reduction of 20 dpa for each of the five years.
82. The definition of 'deliverable' in the Framework is clear that sites with outline permission can only be considered where there is clear evidence that housing completions will begin on-site within the five-year period. The agreed base date is 31 March 2021. My approach is to use this date as the 'cut-off' point at which a site can be included in the potential supply, but to have regard to evidence up to the present day for those sites which make it through the 'cut-off'. This ensures that there is consistency in using the same deadline for both supply and need sides of the equation, whilst not ignoring relevant information which may contribute to 'clear evidence' on the progress of the sites. There are four disputed sites, which I take in turn below:
- Manor Road, Selsey – the 74 dwellings in Phase 2 only have outline permission and the reserved matters application has not yet been submitted. I acknowledge that the applicant is a major housebuilder and is progressing with Phase 1 of the development. However, this does not constitute clear evidence that Phase 2 will proceed in a timely manner and will contribute to the five year supply. The 74 dwellings from this scheme should therefore be removed from the supply;
  - Tangmere SDL – an outline planning application has been submitted and the Council resolved to grant permission on 31 March 2021. However, this has yet to be issued awaiting the signing of the s106 agreement. This is because of ongoing negotiations surrounding the sale of some of the land on the application site to the developer, Countryside Properties. This is a complex negotiation, potentially also including CPO powers but likely as a last resort. The evidence before me is that this is a fractious process with significant areas of dispute and unresolved issues, particularly regarding the 'ransom value' of the land to be sold. There is therefore no clear evidence that 180 dwellings from this scheme will come forward within the five year period and they should be removed from the supply;
  - Loxwood Farm Place, Loxwood – a reserved matters application has been submitted. However, it has not yet been determined and one of the factors that still needs to be agreed is in relation to nutrient neutrality in response to a standing objection from NE. This on its own is a potentially difficult obstacle to overcome and there is no certainty about the timescales that may be involved in securing reserved matters consent. The 24 dwellings should therefore be removed from the supply; and,
  - Cooks Lane, Southbourne – the evidence before me as part of the inquiry is that a reserved matters application has not yet been

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<sup>11</sup> Figure 7, Start to Finish Second Edition, February 2020 and pages 12-13, Chichester District Council 5YHLS Critical Friend Review, dated September 2021, both by Lichfields

submitted. However, the Inspector for the appeal decision<sup>12</sup> at Land to the West of Church Road, West Wittering, dated 22 April 2022, stated that this reserved matters application has now been submitted, by a major housebuilder. The appeal decision was issued after the evidence was submitted in relation to this inquiry, and I see no reason to doubt its accuracy. Given this active interest and progress for the scheme, there is a reasonable prospect of delivery within five years and the inclusion of this site within the supply is justified.

### *Conclusion*

83. Taking all of the above together, I calculate the supply of deliverable dwellings to be 3,536 (the Council's figure) minus 762 dwellings as set out above, leaving 2,774 dwellings. The need is 3,330 dwellings, based on my conclusion of 666 dpa. The extent of the shortfall is therefore 556 dwellings. This equates to a housing land supply of some 4.17 years.

### **Neighbour Comments**

84. Several letters of objection have been received, from local residents and also other interested parties, including Lavant Parish Council, Westhampnett Parish Council, and The Chichester Society. They raised many of the same concerns as assessed above. In addition, concerns were raised regarding: the accuracy of flood maps; groundwater and sewerage capacity; the impact on local infrastructure eg schools; the free flow of traffic, particularly on Madgwick Lane and access to the Rolls Royce Factory; highway safety on Madgwick Lane; pollution and health effects from increased traffic; the potential for the future drivers from the proposed development to cut through Madgwick Park; increased surface water run-off; removal of productive agricultural land; that local residents have not been properly consulted; occupants of the development to the east stating that they received reassurance from the estate agent and/or developer when purchasing their properties that the appeal site would not to be developed; loss of unspoilt views across the appeal site; Westhampnett is already over-developed and has taken more than its fair share of housing allocations; and, harm to privacy of residents at Old Place Farm.
85. I have taken all of these factors into consideration. Most are not in dispute between the main parties. Most were addressed in the officer's report, with the Council concluding that there would be no material harm in these regards. The appellant has submitted detailed technical information in relation to flooding, drainage, and highways. West Sussex County Council, in its capacity as the Lead Local Flood Authority and Highways Authority, has not objected to the proposal subject to conditions. Southern Water has likewise not objected to the proposal with regard to surface water drainage or flooding. All statutory consultation was undertaken by the Council and the appellant and the large numbers of objections make it clear that the majority of neighbouring residents are aware of the proposal. No substantiated evidence has been submitted that leads me to any different view. There is no 'right to a view' through the planning system, and advice provided by third parties during the purchase of nearby properties is not a material planning consideration. The other points are addressed in my reasoning above, could be addressed by conditions or are dealt with by the planning obligations secured.

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<sup>12</sup> Paragraph 35, appeal Ref APP/L3815/W/21/3286315

## PLANNING OBLIGATION

86. The s106 secures 30% of the total dwellings to be affordable housing, or a commuted sum payment *in lieu*. The full details of the size, tenure, mix and location of the affordable dwellings is to be agreed through an Affordable Housing Strategy.
87. The s106 secures the provision of at least 1.08 hectares (ha) of open space, a 5.15 ha area to be managed as natural/semi-natural meadow and/or grassland including a buffer area adjacent to the river, and a 0.13 ha play area. A Landscape Management and Maintenance Plan for all of these areas is also secured, as well as arrangements for a management company to secure the ongoing maintenance of these areas and any unadopted roads.
88. A contribution towards works to the A27 road to improve the Chichester Bypass Junction, as identified as necessary to mitigate traffic generation from the proposal by Highways England, is secured.
89. The provision of an education pack is secured, to be given to first future occupants providing details of how to mitigate the impact of their activities on the Chichester Harbour Special Protection Area (SPA). A recreation disturbance mitigation contribution is also secured. These are necessary to ensure that any effects on the SPA from increased recreation from future occupants are mitigated.
90. West Sussex County Council, related to the highways works monitoring, and Chichester District Council monitoring fees are secured.
91. The highways works necessary to create the access to the site from Madgwick Lane, including road safety audits, are secured.
92. A Travel Plan, a Travel Plan co-ordinator, and a Travel Plan monitoring fee, are all secured and would encourage modes of travel other than the car and the lifetime implementation of the Travel Plan.
93. Two alternative waste water treatment strategies are set out. The preferred option is to use Tangmere Waste Water Treatment Works. In that instance, nitrate mitigation measures would not be required. The alternative option is to use Lavant Waste Water Treatment Works. In that instance, the s106 secures nitrates mitigation measures for a period of 80 years, comprising tree planting on a specified area of land. The DoV secures two areas of land totalling 2.56 ha, to the north and east of the appeal site. Both are under the control of the appellant, with both to be planted with trees at a minimum of 20% canopy cover.
94. Overall, the obligations set out in the s106 and the DoV are directly related to the development, fairly and reasonably related in scale and kind to the development, and are necessary to make the development acceptable in planning terms.

## CONDITIONS

95. Standard reserved matters submissions and timescales, and commencement timescale, conditions are necessary. In addition, a condition specifying the detail expected with future reserved matters submission(s), including housing mix with the first submission, is necessary to ensure the appropriate details are

- submitted in support of future reserved matters submission(s) so as to protect the character and appearance of the area, highway safety, and to ensure biodiversity enhancement.
96. A condition specifying the relevant drawings provides certainty. I have only included the drawings showing details of access, which is applied for in full, and parameters plans as are required to control the future reserved matters submissions. The other submitted drawings are not listed because they are illustrative or relate to technical matters the detail of which will come forward as part of future reserved matters and other condition discharge submissions.
97. A Phasing Plan condition is necessary to confirm what the phases of the development will be and to provide a framework for the submission of details through other conditions.
98. A condition requiring a Written Scheme of Archaeological Investigation is necessary to secure appropriate protection and archaeological work.
99. Conditions requiring details of the landscaping and children's play area, buffer zone by the River Lavant, tree protection measures, a Landscape and Environmental Management Plan, a Tree Protection Plan and an Arboricultural Method Statement, are necessary to protect the character and appearance of the area and to ensure biodiversity enhancement, both at construction and through ongoing management and maintenance.
100. Contamination conditions are necessary to secure appropriate protection and remediation measures.
101. Conditions requiring a Construction and Environmental Management Plan and restricting construction hours are necessary to control the effects of construction on the living conditions of nearby occupiers, highway safety, traffic congestion, and the character and appearance of the site during construction, including specific controls with regard to the potential effect on operations and access to The Estate on major event days.
102. A condition requiring details in relation to air quality is necessary to protect the health and well being of the future occupants of the development.
103. Conditions requiring a scheme for the protection of the development from external noise, including layout and high level considerations prior to commencement and detailed design considerations prior to development above ground level, are necessary to ensure that the proposal suitably mitigates any noise effects from the operations of The Estate on the future occupiers. I have not adopted the full suggested wording of The Estate for these conditions, or used precise dB levels to be attained, because the Council would retain full control through the discharge of the conditions to ensure that suitable mitigation is secured and suitable noise levels achieved.
104. A condition requiring details of surface water drainage is necessary to ensure appropriate drainage works are completed to protect against unacceptable levels of surface water flooding.
105. A condition requiring details of sewage disposal is necessary to protect the living conditions of the future occupiers of the development and to ensure that sufficient sewage capacity and connections are secured, in accordance with the Strategic Infrastructure vision in the LP.



106. Conditions requiring details of the construction of the main access road, and the relevant driveways of each dwelling, and the construction of the agricultural buildings access, and specific highways details at the junction of Madgwick Lane and Old Place Lane, are necessary to ensure that no dwelling is occupied until adequate vehicular access has been provided, and to ensure highway safety.
107. A condition requiring compliance with the ecological reports is necessary to protect and enhance biodiversity.
108. A condition requiring a Sustainable Design and Construction Statement is necessary to mitigate carbon emissions and water usage, in accordance with Policy 40 of the LP.
109. A condition requiring details be provided to the first occupants of each dwelling of the events to be held at Goodwood Motor Circuit was requested by The Estate. However, the circuit is a well known local feature and business and it is highly likely that future occupants would be aware that the circuit exists and that major events are held there. I do not, therefore, view this condition as necessary to make the proposed development acceptable.

*Pre-commencement*

110. The pre-commencement conditions are necessarily worded as such, because a later trigger for the submission and/or implementation would limit their effectiveness or the scope of measures which could be used.

**PLANNING BALANCE AND CONCLUSION**

111. In the section that follows, I have adopted the following ascending scale in terms of weighting – limited, moderate, significant, substantial.
112. It is proposed to provide up to 165 dwellings. The housing land supply of the Council is 4.17 years, below the required five years supply. The need for housing is therefore pressing. Providing more housing is one of, if not the most, important aspirations of local and national planning policy. I therefore place substantial positive weight on the proposed market housing.
113. Up to 50 of the proposed 165 dwellings would be for affordable housing. The Council is currently exceeding its affordable housing targets as set out in the LP, but this is against the agreed to be out-of-date requirement of 182 dpa. The more up-to-date Chichester Housing and Economic Development Needs Assessment 2020 finds an affordable need of 385 dpa, against a supply of 255 dpa, leaving a net shortfall of 130 dpa. That there is a shortfall is evidenced in the fact that the Council has 1,226 households on the waiting list for affordable housing and that the affordability ratios have worsened over the past 2 years, whereas the rest of the south east of England has remained stable. There is therefore an acute requirement for affordable housing and I place substantial positive weight on the proposed affordable housing.
114. The proposal includes substantial areas of landscaped public open space, and a play area. These areas and facilities would be available for use by the public, as well as the future occupants of the development. A new view of the cathedral would also be created, which would be both a heritage and character and appearance benefit of the proposal. I place moderate positive weight on these factors.

115. A biodiversity net gain of 83% for general habitat and 300% for hedgerow habitat would be achieved. This is possible because the appeal site is currently agricultural land and, in common with much agricultural land, it offers relatively low existing biodiversity value. The proposal would introduce new native hedgerows, tree planting, management of the River Lavant to enhance existing habitats, and would provide bat boxes. Paragraph 174 of the Framework requires net gains for biodiversity, but does not identify a specific figure. The Environment Act 2021 indicates a likely future requirement for a biodiversity net gain of 10%. The proposed biodiversity net gain therefore goes significantly beyond policy requirements. I place significant positive weight on this factor.
116. There would be economic benefits in the short term through construction employment, and in the longer term through expenditure by future occupants in the area. As directed by paragraph 81 of the Framework, I attribute significant positive weight to the proposed employment generation that would support economic growth and productivity.
117. Proposing housing on the appeal site conflicts with the masterplanning of the SDL and would be physically divorced from the surrounding built-up areas. There would also be harm to the character and appearance of the area, including to landscape character. However, these harms would be tempered because the appeal site sits in an area with an edge-of-settlement, hinterland character, with residential and commercial development close by, and because the separation to the existing development to the east would be a managed landscaped area, rather than open, agricultural land.
118. Importantly, the identified deficit in housing land is only likely to be rectified through the granting of permission for housing on sites not identified in the LP, such as the appeal site. In addition, the LP was adopted on the basis of a housing need figure of 435 dpa, even though the objectively assessed need was 505 dpa, due to an insufficient evidence base in relation to transport. The LP Inspector therefore adopted the LP at the lower figure but only subject to an updated transport study being produced and the LP being reviewed within five years. The LPA are currently about three years behind schedule on this review. The policies in the LP affected by this awaited review, and in particular those relating to the location of housing, such as Policy 17 and the SDL, therefore carry reduced weight. The acceptability, or otherwise, of a proposal in other regards forms part of the overall planning balance, as I consider in this section, and should not be used to increase the weight to be attached to the conflict with the masterplanning of the SDL. Consequently, I only place moderate negative weight on these factors.
119. The proposal would introduce a new, publicly available view of Chichester Cathedral, a grade I listed building and one of the key defining features of the city. However, whilst this is a benefit of the proposal, I attribute to it limited positive weight because a mid-distance view of the cathedral with Chichester in the foreground is quite a common view from numerous locations.
120. The proposal would erode the setting of the Old Place Farmhouse historic complex, harming its special interest and heritage significance. I assess this level of harm to be at the lower end of less than substantial. I do not seek to set the benefit of the new view of the cathedral against the identified harm to the Old Place Farmhouse complex within the context of establishing if, overall, there remains less than substantial harm to heritage assets. The Framework

makes it clear that harm should be assessed against a heritage asset, not assets collectively. As directed by paragraph 199 of the Framework, I place great weight on the harm to the Old Place Farmhouse complex, limited though it may be.

121. The public benefits of the proposal include the provision of up-to 165 homes, including affordable housing, and the creation of significant areas of public open space, amongst others. These benefits clearly outweigh the lower end of less than substantial harm to the heritage asset that I have identified and the proposal complies with paragraph 202 of the Framework.
122. Subject to relatively minor mitigation measures that could be secured by condition, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and motor circuit. This factor weighs neutrally in the planning balance.
123. Subject to control through traffic management that could be secured by condition, the proposal would not materially effect of the efficient operation of the highway network in the vicinity of the appeal site with regard to major events traffic. Nor would the proposal risk any unreasonable changes to the operation of The Estate more widely. This factor weighs neutrally in the planning balance.
124. As the housing land supply is 4.17 years and none of the assets of particular importance as set out in the Framework<sup>13</sup> provide a clear reason for refusing the development proposed, paragraph 11d, and the 'tilted balance', is therefore engaged. For the appeal scheme, the adverse impacts I have identified are moderate harm to character and appearance, conflicts with wider masterplanning and physical and visual integration, and harm to the Old Place Farmhouse complex. Taken together, these would not significantly and demonstrably outweigh the many benefits, in particular the provision of housing, including affordable housing, and the creation of new areas of publicly accessible open and play space including significant biodiversity net gain.
125. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

*O S Woodward*  
INSPECTOR

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<sup>13</sup> At paragraph 11di and footnote 7



## **ANNEX A: APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Andrew Parkinson, of Counsel. He called:

Mike Stigwood MIOA MCIEH FRSPH  
Robyn Butcher CMLI  
Tim Townsend  
Andrew Robbins MRTPI

Alex Roberts MRTPI

Director, MAS Environmental Ltd  
Director, Terra Firma  
West Sussex County Council  
Senior Planning Officer, Chichester District Council  
Director, Lambert Smith Hampton

### **FOR THE APPELLANT:**

Andrew Tabachnik QC. He called:

Adam Ross MRTPI  
Clare Brockhurst FLI  
Dr Chris Miele MRTPI IHBC RHS FSA  
Richard Stacey FCIHT CMILT

Vernon Cole CEng MIOA FIMechE IIAV  
Mark Prior FRAeS  
Steven Brown MRTPI

Founding Director, Nexus Planning  
Director, Leyton Place Ltd  
Senior Partner, Montagu Evans LLP  
Managing Director, Evoke Transport Planning Consultants Ltd  
Acoustic Consultant  
Owner, Mark Prior Consulting Ltd  
Principal Planner, Woolf Bond Planning

### **FOR THE ESTATE (RULE (6) PARTY):**

Russell Harris QC and Stephen Whale, of Counsel. They called:

Haydn Morris MRTPI  
Lloyd McNeill  
Mark Gibb  
Gabriel Ludlow  
Adrian Sargent  
Rebecca Knight CMLI  
Richard Greer FIA  
Dr Nicholas Doggett FSA MCIfA IHBC  
Alexander Welch CTPP MCIHT MTPS

Owner, HMPC Ltd  
Estate Managing Director, The Estate  
Aviation Operations Manager, The Estate  
Motor Circuit Operations Manager, The Estate  
Chief Financial Officer, The Estate  
Director, LUC  
Director, Arup  
Managing Director, Asset Heritage Consulting  
Transport Planner, Arup

## ANNEX B: DOCUMENTS SUBMITTED DURING AND AFTER THE INQUIRY

ID1	Opening Submissions by the Appellant
ID2	Opening Submissions by the Council
ID3	Opening Submissions by The Estate
ID4	Lavant Valley Linear Greenspace Plan
ID5	Green Route Site Plan Ref 5753/GI/08
ID6	Chichester District Council Local Plan Examination - Statement for Matter 7: Strategic Development Locations (Policy 17 Westhampnett/North East Chichester SDL), dated 5 November 2014, by Nexus Planning
ID7	Inspector's Site Visit Plan
ID8	Decision Notice Ref CH/20/01826/FUL, dated 5 March 2021
ID9	Appeal Decision Ref APP/L3815/W/21/3270759, dated 5 July 2021
ID10	Planning Noise Assessment – Phase 2 of the Westhampnett/North East Chichester Strategic Development Location (Land East of Graylingwell), by Cole Jarman, dated 23 August 2016
ID11	Appeal Decision Ref APP/Q3115/W/20/3265861, dated 25 June 2021
ID12	Planning Noise Assessment – Land between Stane Street and Madgwick Lane, by Cole Jarman, dated 7 October 2015
ID13	Goodwood Circuit Site Boundary Plan Ref 165302AC2 Figure 1
ID14	Pumping Station at Land at Madgwick Park, Westhampnett Land Registry Title
ID15	Noise Impact Assessment – Proposed Development at Madgwick Lane, Westhampnett, by 24Acoustics, dated 23 April 2018
ID16	Survey of Noise Attitudes 2014: Aircraft Noise and Annoyance, Second Edition, by the UK Civil Aviation Authority, published 2021
ID17	Instructions for Matt Prior Expert Witness Support, dated 21 April 2021
ID18	Power of Attorney in respect of s106 Agreement relating to land at Old Place Farm, north of Madgwick Lane, Chichester, dated 6 August 2021, David Charles Heaver
ID19	Power of Attorney in respect of s106 Agreement relating to land at Old Place Farm, north of Madgwick Lane, Chichester, dated 6 August 2021, Eurequity IC Limited
ID20	Revised noise predictions of Appellant, by MAS Environmental, dated 29 July 2021
ID21	South Downs National Park Authority Objection Letter, dated 6 August 2021
ID22	Map of location of Carne's Seat
ID23	Arup Letter dated 21 July 2021 – update on noise assessment
ID24	S106 Planning Agreement, dated 29 September 2021, between Chichester District Council, West Sussex County Council and David Charles Heaver and Eurequity IC Limited
ID25	Email from Chichester District Council regarding monitoring fees, dated 24 December 2020
ID26	Noise complaints from Goodwood Motor Circuit 1994 to 2007 Schedule
ID27	Decision Ref WH/13/00108/FUL, dated 20 March 2013, for the Goodwood Motor Circuit
ID28	Chris Miele Proof of Evidence Updated NPPF References Schedule
ID29	Richard Greer Qualifications and Experience
ID30	Appellant's Closing Submissions, by Andrew Tabachnik QC, dated 14 September 2021

ID31	Closing Submissions on behalf of the Goodwood Estate, by Russell Harris QC and Stephen Whale, dated September 2021
ID32	Closing Comments of Chichester District Council, by Andrew Parkinson, dated 14 September 2021
ID33	Chichester Local Plan Area – Five Year Housing Land Supply 2021-2026 Updated Position at 1 April 2021
ID34	Chichester District Council 5YHLS Critical Friend Review, by Lambert Smith Hampton, dated September 2021
ID35	Rebuttal Statement Five Year Housing Land Supply, by Woolf Bond Planning, dated December 2021
ID36	Start to Finish - What factors affect the build-out rates of large scale housing sites? Second Edition, by Lichfields, dated February 2020
ID37	Email from Kean Elliott of ECE Architecture to Chichester District Council, dated 26 November 2021, agreeing an extension of time for determining the planning application at High Street, Loxwood
ID38	Final Reply Statement on Five Year Housing Land Supply Matters, by Woolf Bond Planning, dated January 2022
ID39	Email from Haydn Morris, dated 7 January 2022, regarding housing land supply
ID40	Note on The Council's Reliance on Sites Beyond Defined Settlement Policy Boundaries in Seeking to Demonstrate a Five Year Supply of Deliverable Housing Land, by Woolf Bond Planning, dated 27 January 2022
ID41	Appeal Decision Ref APP/L3815/W/21/3286315, dated 22 April 2022
ID42	Comments Upon the Housing Land Supply Findings in the Appeals at Raughmere Drive, Lavant (11 April 2022) (PINS Ref: 3284653) and Church Road, West Wittering (22 April 2022) (PINS Ref: 3286315), by Woolf Bond Planning, dated April 2022
ID43	Appellants' Further Submissions in relation to Recent Appeal Decisions, by Nexus Planning, dated April 2022
ID44	Appeal Decision Ref APP/L3815/W/21/3284653, dated 11 April 2022
ID45	Email from Haydn Morris, dated 25 April 2022

## **ANNEX C: SCHEDULE OF PLANNING CONDITIONS**

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place, and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 6216/L001, P001, P002, R-20-0033-001E, and 004A.
- 5) As part of the first reserved matters application, a Phasing Plan identifying the Phases for the development hereby approved shall be submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall proceed in accordance with the approved Phasing Plan.
- 6) The reserved matters submission(s) for each Phase shall include, but not be limited to, the following details:
  - a) Palette of materials;
  - b) Housing mix (including size of dwellings in terms of bedrooms);
  - c) Architectural, character and landscape approach;
  - d) Existing ground levels and finished floor levels;
  - e) Location of fire hydrants;
  - f) External lighting;
  - g) Refuse storage; and,
  - h) Vehicle and cycle parking.

In respect of matter b) 'housing mix', the details shall be submitted with the first reserved matters submission.

### **Pre-commencement**

- 7) Prior to the commencement of development, a Written Scheme of Archaeological Investigation has been submitted to, and approved in writing by, the local planning authority. The scheme shall include proposals for:
  - a) desk-based assessment of the previous results;
  - b) the programme and methodology of site investigation and recording;
  - c) the programme for post investigation assessment;
  - d) the provision to be made for analysis of the site investigation and recording;
  - e) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - f) the provision to be made for archive deposition of the analysis and records of the site investigation; and,

- g) the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Development shall be carried out in accordance with the approved Written Scheme of Investigation.

- 8) No development shall commence until a scheme for the provision of white lining, road hatching or kerb build out, cycle markings, and associated signage at the junction of Madgwick Lane with Old Place Lane, as generally shown on drawing Ref R-20-0033-025A, has been submitted to, and approved in writing by, the local planning authority. The white lining, hatching or kerb build out, cycle markings, and associated signage at this junction shall thereafter be carried out in accordance with the approved details prior to first occupation of any dwellings.
- 9) No development shall commence until details of the location, extent and layout (together with an implementation specification and delivery programme) for the amenity open space, natural/semi natural green space and equipped children's area have been submitted to, and approved in writing by, the local planning authority. The amenity open space, natural/semi natural green space and equipped children's area shall be provided in accordance with the approved details in accordance with the approved delivery programme.
- 10) No development shall commence until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.
- 11) No development shall commence until a scheme for the protection of the development, both with regard to external and internal areas, from external noise has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:
  - a) plans, drawings and a description of the site;
  - b) an assessment of the existing noise levels relevant to the site;
  - and,
  - c) an explanation of the principles adopted in the devising of mitigation measures, including appropriate site design and layout.
- 12) No development shall commence on a Phase where (following the risk assessment submitted pursuant to condition 9) land affected by contamination is identified within that Phase which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme for such land has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as

contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The remediation shall be carried out in accordance with the approved remediation scheme.

- 13) No development shall commence on any Phase until a Construction and Environmental Management Plan (CEMP) for that Phase, comprising a schedule of works and accompanying plans for that Phase has been submitted to, and approved in writing by, the local planning authority. The CEMP for each Phase shall accord with the method of works and mitigation measures detailed in the recommendations section of the Ecological Appraisal by Baker Consultants (October 2020), and the recommendations of the Badger Mitigation Strategy (January 2021). Each CEMP shall also include (but not be limited to) details of:
- a) the anticipated number, frequency and types of vehicles to be used;
  - b) the location and specification for vehicular access;
  - c) the provision made for the on-site parking of vehicles by contractors, site operatives and visitors;
  - d) the provision for on-site loading and unloading of plant, materials and waste;
  - e) the storage of on-site plant and materials;
  - f) the erection and maintenance of security hoarding;
  - g) the location of any site huts/cabins/offices;
  - h) the works required to mitigate the impact of construction traffic upon the public highway;
  - i) measures to control the emission of dust and dirt;
  - j) measures to control the emission of noise;
  - k) details of all proposed external lighting;
  - l) details for any on-site storage of fuel and chemicals;
  - m) measures to reduce air pollution;
  - n) management of construction waste;
  - o) the contact details of a named person to deal with complaints; and,
  - p) measures to accord with the mitigation measures detailed in the recommendations section of the Ecological Appraisal by Baker Consultants (October 2020) and the findings and recommendation in the Badger Mitigation Strategy (January 2021), as they relate to construction.

The approved CEMP shall be adhered to throughout the entire construction period of that Phase.

- 14) Construction of the development shall take place only between the hours of: 07:30 hours and 18:00 hours Mondays to Fridays; 07:30 hours and 13.00 hours on Saturdays; not at all on Sundays or Public Holidays or the public attendance days for major events operating within the locality.
- 15) No development shall commence on a Phase until a scheme for the protection of the retained trees (the Tree Protection Plan) as part of that Phase and the appropriate working methods (the Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) have been submitted to, and approved in writing by, the local



planning authority. Each Phase of the development shall be carried out in accordance with the approved Tree Protection Plan for that Phase.

- 16) No development shall commence on any Phase above ground level until a management plan demonstrating how the mitigation measures relevant to that Phase identified in Tables 6.1 and 6.2 of the Air Quality Assessment produced by Brookbanks Consulting dated October 2020 will be implemented has been submitted to, and approved in writing by, the local planning authority. Each Phase of the development shall be undertaken in accordance with the approved implementation of the management plan for that Phase.
- 17) No development shall commence above ground level on any Phase until a scheme for the protection occupiers of the dwellings in that Phase from external noise has been submitted to, and approved in writing by, the local planning authority. The scheme shall follow the 'good acoustic design' principles set out in Planning Practice Guidance – Noise, and shall set out how the adverse effects of Goodwood noise (motor circuit and aerodrome activities) on the approved development (external amenity space as well as inside spaces) are minimised as far reasonably practicable by way of mitigation. Development shall be carried out in accordance with the approved scheme with any measures provided as part of the scheme to be retained in perpetuity.

### **Pre-occupation**

- 18) Upon completion of any remediation works pursuant to the requirements of condition 11, a verification report by a suitably qualified contaminated land practitioner shall be submitted to, and approved in writing by, the local planning authority before any dwelling on land upon which contamination is found is first occupied.
- 19) No dwelling shall be occupied until surface water drainage works applicable to that Phase have been implemented in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. The drainage details shall include, but not be limited to:
  - a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the part of the site relevant to that Phase and the measures taken to prevent pollution of the receiving groundwater and/or surface waters, and measures to prevent surface water draining onto the public highways and pollution of the receiving watercourse;
  - b) a timetable for its implementation including any phased implementation; and,
  - c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme.

Development is to be carried out in accordance with the approved details and timetable.

- 20) No dwelling hereby permitted shall be occupied until works for the disposal of sewage have been constructed in accordance with details that have first been submitted to, and approved in writing by, the local planning authority.
- 21) No dwelling shall be occupied until the first 20 metres of the access shown in approved Drawing No. R-20-0033-001 Rev.E has been constructed to its wearing course, and the private vehicular access serving the relevant dwelling has been constructed to at least base course level.
- 22) No dwelling shall be occupied until such time as the approved vehicular access serving the agricultural buildings located to the west of the site and the pedestrian and cycle access works to Stocks Lane shown in approved Drawing No. R-20-0033-004 Rev.A have been constructed in accordance with the approved drawings.
- 23) No dwelling shall be occupied until a scheme for the delivery of a buffer zone alongside the River Lavant has been submitted to, and approved in writing by, the local planning authority. The buffer zone shall consist of natural/semi-natural greenspace, and shall be kept free from built development including lighting, formal hard-surfaced footpaths, domestic gardens and formal landscaping. The scheme shall include:
  - a) details of the proposed planting scheme;
  - b) a delivery and implementation programme; and,
  - c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.

The development shall be delivered in accordance with the approved scheme.

- 24) A Landscape and Environmental Management Plan (LEMP) for the development shall be submitted with first application for Reserved Matters. The LEMP shall include details of ecological enhancements and a timetable for their implementation (taking account of the proposed Phasing for the development) and ongoing management and maintenance including:
  - a) replacement tree planting at 2:1 ratio;
  - b) areas of wildflower grassland planting;
  - c) infilling gaps in tree lines or hedgerows with native species;
  - d) the provision of bat brick/boxes to be installed into the dwellings and bat boxes/nest boxes to be installed on retained trees ;
  - e) the provision of bird bricks/boxes installed into the dwellings and around the site;
  - f) the provision and retention of 2 no. hedgehog nesting boxes;
  - g) the provision of log piles;
  - h) gaps to be provided under boundary fences to allow free movement of hedgehogs and small mammals across the site; and,
  - i) retention of a green corridor along the River Lavant with ecological enhancements across the area; and,
  - j) Dark corridors within the lighting scheme to ensure there are areas of no lighting which wildlife can move between.

Each Phase of the development shall be carried out in accordance with the approved LEMP.



- 25) The development hereby permitted shall be carried out in accordance with the method of works and mitigation measures detailed in the recommendations section of the Ecological Appraisal by Baker Consultants (October 2020) and the findings and recommendation in the Badger Mitigation Strategy (January 2021). The measures provided as part of the scheme are to be retained in perpetuity.
- 26) A Sustainable Design and Construction Statement shall be submitted in writing for approval by the local planning authority with the first reserved matters application. The Statement shall include the following details:
  - a) how the consumption of potable water should not exceed 110 litres per person per day;
  - b) details for provision of charge points for electric vehicles; and,
  - c) how the principles of the Sustainability and Energy Statement (October 2020) will be implemented.

The development shall be carried out in accordance with the approved Statement.

=====END OF SCHEDULE=====

EP5J

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## Appeal Decision

Inquiry held on 31 July, 1, 30 and 31 August 2018

Site visit made on 2 August 2018

**by Harold Stephens BA MPhil DipTP MRTPI FRSA**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> September 2018**

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**Appeal Ref: APP/W3520/W/18/3194926**

**Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Landex Ltd against the decision of Mid Suffolk District Council.
  - The application Ref 2112/16, dated 2 May 2016, was refused by notice dated 6 September 2017.
  - The development proposed is the erection of 49 dwellings (including 17 affordable dwellings) and construction of a new access.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 49 dwellings (including 17 affordable dwellings) and construction of a new access at Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF in accordance with the terms of the application, Ref 2112/16, dated 2 May 2016, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

### Procedural Matters

2. The application was supported by a number of reports and technical information including a Design and Access Statement (DAS), a Planning Statement, a Revised Transport Assessment, a Planning Statement, a Contamination Report Part 1 and Part 2, an Ecology Report and Skylark Survey, a Flood Risk Assessment, a Foul and Surface Water Drainage Strategy, an Archaeological Report and a Landscape and Visual Appraisal.
3. At the Inquiry, a S106 Unilateral Planning Obligation was submitted by the Appellant.<sup>1</sup> This addresses all of the matters sought by the District and County Council in connection with the provision of community and other services arising from the development. The Planning Obligation is signed and dated 29 August 2018 and is a material consideration in this case. A Community Infrastructure Compliance Statement has been submitted by Suffolk County Council (SCC).<sup>2</sup> I return to the Planning Obligation later in this decision.
4. In addition, the Appellant submitted an Agreement with Flagship Housing Group Limited, conditional upon planning permission being granted, to enter into a Deed of Easement<sup>3</sup> to secure pedestrian and cycle access to the north

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<sup>1</sup> APP8

<sup>2</sup> INQ5

<sup>3</sup> APP7

via Steeles Close. I shall return to the proposed easement later in the decision.

5. Statements of Common Ground (SoCG)<sup>4</sup> between the Appellant and SCC were agreed and have been signed by both parties in respect of: (i) Archaeology Matters; (ii) Drainage Matters; (iii) Early Years and Education Matters; and (iv) Highways and Transport. An additional SoCG on Planning Matters including Housing Land Supply was agreed between the Appellant and Mid Suffolk District Council (MSDC).
6. The main parties confirmed the List of Drawings on which the appeal should be determined and this is set out at Document APP1. The List of Drawings includes the House Types (1-9), a Site Location plan PA33, a Site Layout Plan PA31 Rev H and an Offsite Highways Works Plan 112/2015/04 - Rev.P2.
7. The revised National Planning Policy Framework (NPPF 2018) was published on 24 July 2018 shortly before the Inquiry opened and was addressed by participating parties both during the event and in closings. I have taken it in to consideration in my conclusions.<sup>5</sup>
8. Following the close of the Inquiry I sought the views of both main parties in respect of the revisions made to the PPG<sup>6</sup> on 13 September 2018 on Housing and economic land availability assessment. The comments received have been taken into account in my consideration of the appeal proposal.

## **Main Issues**

9. In the light of the above I consider the main issues are: -
  - the effect of the proposed development on highway and pedestrian safety;
  - the impact of the proposed development on designated heritage assets including the setting of listed buildings and the character and appearance of the Woolpit Conservation Area; and
  - whether the Council is able to demonstrate a five-year supply of deliverable housing sites sufficient to meet the full objectively assessed need (OAN) for housing and the implications of this in terms of national and local planning policy.

## **Reasons**

### *The proposed development and appeal site*

10. The appeal proposal is for 49 dwellings including 17 affordable dwellings (35%) together with a new access to be constructed to serve the development of Green Road. The dwellings would have associated garages and parking areas and pedestrian access from the site onto Green Road and pedestrian/cycle access to Steeles Close. There is a dedicated on-site play area proposed as well as extensive on-site open space and linking footpaths.

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<sup>4</sup> INQ3

<sup>5</sup> Paragraph 212 Annex 1: Implementation

<sup>6</sup> Planning Practice Guidance

11. Woolpit is the third largest village in Mid Suffolk and has a good level of local services and infrastructure including health care, education and two business parks/employment sites and is designated as a Key Service Centre in the Council's settlement hierarchy. The appeal site is located on the southern edge of Woolpit village, to the south of its centre but with access to facilities which are in close proximity – a primary school, health centre, village shops and services are within walking distance.
12. Whilst, for planning policy purposes, the site is located in the designated 'countryside', its northern and eastern boundaries adjoin the defined settlement boundary for the village in the Mid Suffolk Local Plan 1998 (Woolpit Village Inset Map). There is existing residential development on the eastern side of the site on Steeles Road and immediately adjacent to the north lies Steeles Close and the main body of the village; on the opposite side of Green Road, but at the northern end of the appeal site lies residential development in the form of Priory Cottage, a Grade II Listed Building. There is therefore residential development on two sides of the appeal site. Land to the south and west comprises open agricultural land.
13. The appeal site comprises a total site area of about 2.3 hectares. It consists of a rectangular shape block of land which is part of an agricultural field. It is enclosed with an existing tree/hedge line on three sides. The appeal site is broadly level but there is a gentle slope west to east. There is an existing tree/hedge line to a part of the site's Green Road frontage and there are trees to the northern boundary which separate the site from Steeles Close. A public footpath passes north to south along the site's eastern boundary. This footpath connects to the southern part of the village and then to the wider countryside to the south.
14. There is a designated Conservation Area in Woolpit Village its nearest boundary being located about 250m to the north from the appeal site at the junction of Drinkstone Road and Green Road. The appeal site is not within the boundary of a protected landscape and there are no designations which apply to it. No Listed Buildings about the application site but the listed Grade II, 17<sup>th</sup> century, Priory Cottage is situated on the west side of Green Road opposite the north-west corner.

#### *Planning policy*

15. The statutory development plan includes the following documents:
  - (i) The Mid Suffolk District Local Plan 1998 (MSDLP) which was saved in accordance with the Secretary of State's Direction dated 14 September 2007;
  - (ii) The Mid Suffolk District Core Strategy 2008 (CS), as adopted in September 2008 covering the period until 2025; and
  - (iii) The Core Strategy Focused Review 2012 (CSFR) as adopted on 20 December 2012 covering the period until 2027.
16. The Council is in the course of preparing a new Joint Local Plan with Babergh District Council which will replace the CS and will be used to manage development in both districts up to 2036. The Councils have published the Joint Local Plan for consultation (Regulation 18) but the emerging Plan is in its very early stages and thus carries limited weight in the context of this appeal.

A Neighbourhood Plan is currently being prepared for Woolpit. It too is in its very early stages and draft policies have not yet been published so no weight can be attached to the Neighbourhood Plan.

### ***First Issue - Highway and pedestrian safety***

17. SCC, as Highway Authority, does not object to the proposal subject to conditions being attached to a grant of planning permission. The Council did not refuse the proposal on the basis of highway and pedestrian safety grounds because a highway improvement scheme at the pinch point on Green Road was proposed as part of the development and was to be secured by means of a planning condition. Rather, the Reason for Refusal (RfR) indicates that the proposed development would increase vehicular traffic in the village centre and require the provision of highway works to the north of the site in the vicinity of a number of unspecified listed buildings and within the Conservation Area. The Council then argues firstly, that the nature of the works and the increase in traffic would neither preserve or enhance the character of this part of the Conservation Area and secondly, would not preserve or enhance the setting of the unspecified listed buildings causing less than substantial harm to both.
18. The areas of debate at the Inquiry comprised:
  - Increase in vehicular traffic through pinch point
  - Increase in pedestrian flow through pinch point
  - Personal Injury Accidents (PIA) Analysis
  - Accessibility

#### ***Increase in vehicular traffic***

19. North of the appeal site between Drinkstone Road and just beyond Mill Lane, Green Road narrows significantly to about 4.3m creating a pinch point about 60m long. On the western side there is no footway as the buildings and fences are hard against the edge of the road. On the eastern side there is a narrow footway measuring less than 1m in width, reducing to only 0.85m in parts. This road width is insufficient for two vehicles to pass with pedestrians on the footway being vulnerable to being hit by vehicles. The footway at this width is insufficient to allow pedestrians to pass each other without stepping into the road. It is also too narrow for wheelchair users and pram use so the only alternative for many is to walk along the road.
20. The footway here is also vulnerable to being driven over by vehicles as the kerbed separation is too low to offer sufficient protection. The kerb upstand is between 20mm and 60mm – this does not prevent or deter vehicles from driving over the kerb onto the footway. The Parish Council and others are concerned that at times Green Road can become congested. Both highway experts agree that Green Road is relatively lightly trafficked but this does not mean at times it cannot become congested.
21. I see no reason to doubt the underlying validity of the Appellant's Traffic Assessment (TA) as considered by the Highway Authority. The TA estimated that the proposed development would generate, overall, 33 vehicular trips in the AM peak hour and a total of 38 trips in the PM peak hour which would give

rise to 295 additional trips over a 24 hour period. The majority of this traffic would travel northbound through the pinch point to the transport links and facilities in the village beyond. Based on these TA figures, two-way traffic on Green Road would increase by 15% in the AM peak and by 16% in the PM peak as a result of the development traffic. This equates on average during the AM and PM peak hours to an additional vehicle passing through the pinch point every 2 minutes. In my view this represents at worst, a very modest increase in vehicular traffic through the pinch point.

#### *Increase in pedestrian flow*

22. The Council has assessed the additional pedestrian flows associated with the development: an additional three pedestrians walking northwards in the AM peak and 2 in the PM peak and an additional one pedestrian walking southwards in each of the AM and PM peak hours. The Council's assessment determines the theoretical likelihood of a northbound vehicle, a southbound vehicle and a pedestrian negotiating the pinch point together at any one time during the peak hour for both the existing scenario and that with the proposed development. It concludes that such events would increase threefold with the development in place, which equates to ten additional pedestrian injury risk events per year. These figures were accepted by the Appellant.
23. I appreciate that the Council's assessment is a theoretical risk analysis and that the ten additional pedestrian injury risk events compared to the baseline is relatively small – not even one per month. Nevertheless that increase is significant when considered over time, and it is noteworthy that any conflict between vulnerable road users (pedestrians) and motor vehicles will often result in an injury requiring hospital attention, even allowing for the slight reduction in vehicle speeds through the pinch point. In my view there would be a modest increase in the number of pedestrian injury risk events.

#### *Personal Injury Accidents (PIA) Analysis*

24. The TA demonstrates that there is no recorded accident data for Green Road itself, but there were four accidents which led to injury in the period between 2010 and 2015 (Appendix I). The Appellant accepted that when considering accident data, it is relevant to look more widely than the road on which the development is proposed, and that it is not just about the overall number of accidents but the details of them. Two of the accidents involved pedestrians being struck by passing cars (on The Street and on Heath Road) and that in one of those accidents the narrow width of the road was recorded as a causation factor by the police. Another accident involved a driver striking a line of cars in The Street during the hours of darkness. In my view the circumstances of the accidents which have occurred in the wider area are not inconsistent with a highway safety concern.

#### *Accessibility*

25. I accept that the proposed pedestrian and cycle link via Steeles Close and Steeles Road is likely to be used for a good percentage of pedestrian trips to give access to village services. It would be used for: (i) dropping off and collecting children from the primary school and pre-school as well as after school clubs; (ii) to access childcare services in the grounds of the primary school, such as a "Holiday Club" during school holidays; (ii) attending health appointments; (iv) picking up prescriptions from the dispensary; (v) shopping



at Costcutter Convenience Store with its extended opening hours (0600-2230 hours) and (vi) accessing the Brickfields Business Park, where around 25 companies are based. Moreover, the proposed easement to the north<sup>7</sup> would be entirely adequate for the purposes of guaranteeing access at all times. The terms on which it is granted make it entirely enforceable and I cannot foresee any circumstances which would lead to the grantor being in a position to restrict or prevent its use.

26. Nevertheless, it is noteworthy that the proposed development provides a footpath link from the Green Road access on the west of the appeal site which links to the pavement outside Vine Cottage. Anyone seeking the shortest route to walk to the village centre, to access facilities including the village shop (Co-op), the post office within it, the bus stops, the village pubs, the bakery, the tea room, the hairdressers, the Village Hall, the Church and the petrol filling station would have to negotiate the pinch point and the increased traffic going through it. Even with the Steeles Close access, anyone using it to take the shortest route to the village centre would still travel through the pinch point on Green Road. Use of the access via the Greenway at the south east of the site onto the public footpath would be far from desirable for anyone accessing facilities in the village centre.
27. Taking all of these matters into account I consider that the increase in vehicular and pedestrian traffic from the new development having to negotiate the pinch point on Green Road would exacerbate highway dangers unless appropriate safety improvements can be made. I conclude on the first issue that the off-site highway works specified in Drawing 112/2015/04 Revision P2 are necessary to mitigate the increased safety risk as a result of the development. If an appropriately worded planning condition(s) is imposed to secure the off-site highway works then there would be no unacceptable residual highway or pedestrian safety impact arising from the proposed development.

### ***Second Issue - Heritage Assets***

28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the LBA requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
29. Paragraph 193 of the NPPF 2018 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
30. Whilst there is no statutory protection for the setting of conservation areas, paragraph 194 of the NPPF 2018 requires that consideration be given to any harm to or loss of significance of a designated asset, which includes conservation areas, from development within its setting. The main parties confirmed that no harm would be caused to the setting of the Conservation

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<sup>7</sup> APP7



Area in this case and I agree.

### *Woolpit Conservation Area*

31. The Woolpit Conservation Area Appraisal (2012) tells us that the Conservation Area covers the historic core of the village and was first designated by the Council in 1972. The Appraisal notes that the built form is marked by a variety of dates, architectural styles and building materials including a variety of roof finishes. The Conservation Area includes the Grade I listed Church of St Mary with its flint and stone chequered flushwork. The remaining listed buildings, the majority being Grade II, are identified as *'timber-framed houses, many now re-fronted in brick'*. The variety of building materials is noted, with exposed timber-framing and bricks from the local brickworks, comprising *'Suffolk whites'* and *'soft red brick'*.
32. In terms of its plan form and layout, Woolpit village has a distinct central triangular island, which *'is a well defined focal point'* which forms the focus for three *'important vistas'* identified on page 11 of the Appraisal. In vista (1) looking north along Green Road towards the village triangle, the view is eroded somewhat by the presence of street signage and the extent of parked cars around this *'island'*. Each important vista contributes to the character and appearance of the Conservation Area.
33. I consider the significance of the Conservation Area derives from its character interest which includes a mixture of medieval, post medieval and later buildings, of a variety of styles and material finishes, arranged around a central village *'triangle'* which is laid out and maintained as a green-edged *'island'*, from which radiate outwards three main thoroughfares; Green Road, Church Street and The Street; and from there extends a wider network of smaller sub-roads. In connection with this, the vehicular traffic is regular enough to be noticeable particularly along the three main roads, but it is not an overbearing element. It contributes to the appearance of the Conservation Area, as does the traffic control measures that form part of the street scenes, most obviously in the form of a variety of bollards.
34. The Council alleges that there would be a significant impact on the appearance of the important vista along Green Road towards the central market place at the centre of the Conservation Area and that the important historical character of the southern *'gateway'* and the important historic street scene would be harmfully altered by the introduction of the highway improvements, resulting in a more urban appearance. In particular, reference is made to the kerbed build out with bollards, the footpath widening with raised kerbs, the erection of a TSRGD 516 sign on the pavement between Pepys House and Tyrells, the disruption of sightlines which have a natural downward slope and the noticeable increase in both vehicular and pedestrian traffic which it is said would detract from the perception of relative tranquillity. I disagree.
35. The changes such as they are would only be appreciable in relatively limited views north and south along Green Road from about the area of the village triangle to the southern edge of the Conservation Area. The proposed off-site highway works would only bring about a change to a limited and localised part of this designated heritage asset. In terms of the revision of road markings, when taken in the context of the existing roadway and indeed the appearance of the wider network of roads within the Conservation Area that are generally

of 'black tarmac with white network markings'; it would not be out of character and would not harm its special interest.

36. In terms of footpath widening, the existing pathway is a standard kerbed tarmac path, about wide enough for one person to traverse. The appeal proposals envisage the widening of this footpath to 1.8m with the kerb face raised to 125mm. Again, whilst this would represent a change to the current situation, it would not be incongruous with the character and appearance of the Conservation Area which includes a large number of kerbed footpaths of varying widths. The final form and finish of these proposals would be subject to detailed design at a later stage and there is an opportunity to include a higher quality surface finishing such as sandy bedding gravel to improve the appearance of this stretch of footpath, more in keeping with the current character of this area of the asset.
37. In my view, the proposed widening of the footpath would also allow better appreciation of the character and appearance of the Conservation Area by providing a more convenient means of accessing the asset to enjoy the quality of the historic built environment.
38. In terms of road signage there are currently numerous examples of instructional road signs elsewhere within the Conservation Area, not least within the village 'triangle' itself. The introduction of a new road sign would be needed at the southern end of the highways works to forewarn drivers heading north into the Conservation Area of the narrowing roadway. The exact location of this sign is not yet fixed and is subject to future agreement. It could, for instance, be located outside the southern boundary of the Conservation Area. Even if located within the asset I see no reason why it could not be sympathetically integrated into the street scene.
39. The kerbed build out with bollards adjacent to Model Cottage would be the most evident change resulting from the proposals, as the current location for this is a featureless part of the black tarmac roadway. However, the use of a variety of bollards for such traffic calming/building protection measures is already widely evident within the wider Conservation Area, with others also used to control parking. In my view, the use of bollards in this location and for this purpose, employing a sympathetic design to be agreed with the Council, would plainly not be intrusive or incongruous with the character and appearance of the wider Conservation Area and would not result in any harm.
40. In terms of the built form of the off-site highway works, the appeal proposals would only be evident from a small part of the wider Conservation Area, would not be incongruous with its current character and appearance, and, with regard to the widened footpath, could actually deliver an enhancement.
41. In relation to the increase in vehicular traffic and any effect on the character and appearance of the Conservation Area, I have identified that there would be a *very modest* increase in the amount of traffic using the immediate road network and on Green Road leading into the village centre. This very modest increase in vehicular traffic would not introduce an element into the Conservation Area that is not already present within the designated area and neither would it increase that existing element of the Conservation Area's character and appearance to any more than a modest degree. The very modest increase in traffic flow would have no effect on the special interest of the Conservation Area and no harm would be generated.

42. I consider there would be no harm caused to the Woolpit Conservation Area as a result of the appeal proposals. The proposals would as a minimum 'preserve' the character and appearance of the Conservation Area, if not actually enhance it through the improvement of the footpath.

#### *Listed Buildings*

43. When assessing the indirect impact of proposals on heritage assets such as those beyond the boundary of a development site, the question which should be asked is whether change within its wider 'setting' would result in a loss of (or damage to) its 'significance' as a heritage asset.
44. The NPPF 2018 defines significance in Annex 2: Glossary as: *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'*.
45. The current Historic England (HE) guidance<sup>8</sup> is clear in stating that change within a heritage asset's setting need not be harmful; the implementation of development proposals within a heritage asset's setting can be positive, negative or neutral. The HE guidance presents an approach to setting and development management based on a five-step procedure. The key issue is whether and to what extent, the proposal would affect the contribution that setting makes to the significance of the heritage asset in question. In the following analysis I give considerable weight and importance to the desirability of preserving the settings of Listed Buildings.

#### *Mullions, Tyrells and The Cottage*

46. These three Grade II Listed Buildings are closely associated with each other and are all late medieval or early post medieval houses and should be considered as a group in terms of the contribution which setting makes to their significance. They also share this group value with those other listed buildings within this same historic core area. Such associations provide positive contributions to the significance of these buildings by providing context in which to appreciate the layout and hierarchy of the earlier settlement. In particular, Tyrells and The Cottage derive significance from their historic and functional associations, as two parts of the same original late medieval dwelling.
47. Insofar as the setting of these three listed buildings contributes to their significance, it does so in terms of (i) their associative relationships within the group, as well as with other surrounding aspects of the historic built environment defining the street scenes around and south of the triangle; (ii) in respect of historic, functional and aesthetic relationships with the positions and alignments of both Green Road and Mill Lane; and (iii) in respect of their historic and functional inter-relationships with spaces forming their garden enclosures.
48. In terms of Mullions, Tyrells and The Cottage, the Council alleges that their settings would experience change as a result of the off-site highway works and increased vehicular traffic. In terms of the off-site highway works, as

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<sup>8</sup> The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) Historic England 2017

previously stated, these can be broadly divided into the following elements: (i) revision of road markings; (ii) footpath widening; (iii) new road signage and (iv) a kerbed build-out with bollards, adjacent to Model Cottage.

49. The proposals would effect physical change to only a short stretch of Green Road, which is already experienced as a modern tarmac road with white markings and street furniture. Although these three listed buildings are identified as deriving some significance from their association with this road, in terms of historic and functional associations, this is in no way dependent on its current appearance.
50. The three listed buildings would be broadly opposite where the kerbed build-out and bollards would be located. However, such a change would not reduce the ability to appreciate these buildings from Green Road or alter their evidential, historic or functional relationships with it. Moreover, the footpath widening adjacent to Mullions, would also be a noticeable change, particularly if the quality of finish was improved from tarmac to a more sympathetic surfacing, but in the context of the tarmac path already present, it would be inconsequential to the significance of the listed building. There is no substance to the allegation that the highway works would have an impact on the structural integrity of Mullions. The other changes, comprising new road signage and revised road markings, in the context of the existing setting would be such a marginal peripheral change as to be all but unnoticeable.
51. It is noteworthy that Dr Duck, the Council's Heritage Officer, did not raise the possibility of harm accruing to the listed buildings within the Conservation Area - including any of these three listed buildings as a result of the implementation of the off-site highway works. Given the very limited change and the existing context of these listed buildings I consider that the off-site highway works would preserve the setting of these listed buildings and would not harm their significance.
52. The appeal proposals would result in a very modest increase in traffic on average in the peak morning and evening hours. This increase would evidently be so marginal as to be barely perceptible and would not result in an apparent change to the experience of these listed buildings. As such, the traffic generation, such as it is would also not harm the significance of any of these listed buildings.

### *Priory Cottage*

53. The Grade II listed Priory Cottage is the most southerly property in Woolpit and forms the southern gateway to the village. It comprises a cottage dating from the early 17<sup>th</sup> century, with 19<sup>th</sup> century additions. It is assessed as drawing its significance mostly from its architectural and historic interest, as evidenced in its built form. There is also some limited artistic and archaeological interest, which is derived from the few architectural embellishments and limited phasing which it possesses and exhibits. The building is set within private and well-tended gardens that provide an attractive space in which to appreciate its significance.
54. The property is adjacent to Green Road and the regular traffic along this roadway is also a notable feature within its setting. The roadway possesses historic and functional links with Priory Cottage and it forms the predominant means whereby the structure is appreciated. As the Cottage is located on the

edge of the village, there is some limited relationship with the street frontage immediately to the north, which represents pre-20<sup>th</sup> century dwellings. To the south and west, the wider setting of the building comprises open agricultural land, as it is also on the east side of Green Road (i.e. the appeal site).

55. The appeal site is assessed as falling within the setting of Priory Cottage, given that it is possible to experience the Grade II listed building from the farmland it comprises through a gap at the north end of the otherwise bushy and robust hedgerow. This hedgerow largely encloses the east side of Green Road and contains and curtails eastward views outwards from the listed building to the confines of this north-south thoroughfare of Green Road, thus separating the asset from the appeal site.
56. Therefore, whilst the appeal site does fall within the asset's setting, it makes only a very limited contribution to the significance of this building because of the screening effect of the boundary hedgerow and the concentration of the asset's relationships on (i) its garden enclosure (ii) the Green Road frontage north and south and (iii) the agricultural farmland that adjoins it to the west and south. All of these relationships are focussed to the west of the road.
57. The appeal proposals envisage two dwellings (Plots 15 and 16) in the north west corner of the development site served by a private drive that would run parallel to Green Road. A new footpath link with Green Road would run between Green Road and the private drive and thread through a gap in the roadside hedge opposite Priory Cottage. The hedgerow would be retained albeit on a slightly set back alignment.
58. Therefore, the change to the setting of Priory Cottage would only be noticeable as a change from partial views of an agricultural field to partial views of modern properties in the north west corner of the site. This would cause some erosion to the rural context of the area albeit limited by the partial retention of the hedgerow and the setback of the new properties from the Green Road frontage. Otherwise it would not affect the rural setting to the west and south, the relationships with its well-tended private gardens, Green Road or those properties in close proximity to it.
59. I consider that this limited change would result in a very low level of harm to the significance of this listed building at the lowest end of '*less than substantial harm*'. This conclusion is broadly in agreement with Dr Duck's original consultation response on the planning application where he states that the '*overall impact on the setting of Priory Cottage is notably less than substantially harmful*'.<sup>9</sup> No further mitigation is suggested.
60. In line with statute, policy, and case law<sup>10</sup>, considerable weight and importance must be given to the presumption against granting permission for development that would harm the character or appearance of a conservation area or the setting of a listed building. If less than substantial harm is found of whatever magnitude, the decision maker needs to give considerable weight to the desirability of preserving the setting of the asset. In this case I have found a lack of identifiable harm to the Woolpit Conservation Area and the proposals would, as a minimum '*preserve*' its character and appearance. However, the overall impact of the proposal needs to take into account the

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<sup>9</sup> Mr Crutchley's Appendix AC5

<sup>10</sup> East Northamptonshire DC v SSCLG [2014] 1 P & R 22 at paragraph 29



less than substantial harm to Priory Cottage and this harm should be weighed against the public benefits of the proposals.

61. The public benefits of the appeal proposals comprise:

- An increase in the provision of housing numbers at a time of pressing need (see my conclusion on the following main issue)
- An increase in choice and type of homes
- 35% affordable housing provision
- Employment opportunities during the construction phase
- Residents would be likely to use the local shops and services within Woolpit making a positive contribution to their vitality and viability
- Provision of 0.5 ha of community open space with green infrastructure features – delivering high quality green spaces available to all
- Footpath improvements to the village centre and the wider countryside
- Highway works in the village centre would deliver benefits to the Listed Buildings and the Conservation Area.

62. In accordance with the test set out in paragraph 196 of the NPPF 2018, I find that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.

### ***Third Issue - Housing Land Supply (HLS)***

63. It is common ground that the Council's strategic policy for housing numbers is more than five years old and has not been reviewed. Accordingly, paragraph 73 of the NPPF 2018 indicates that the Council's housing land supply is to be assessed against the standard method for calculating local housing need. The Council's local housing need is 585 dwellings per annum (dpa) and a 20% buffer is to be applied. This amounts to 3,510 dwellings for the next five years, or 702 dpa. The difference between the parties is solely down to supply.

64. No under supply/previous under delivery is taken into account when using the standard method. Therefore, no 'backlog' of unmet need should be taken into account when calculating the Council's housing land supply position.

65. The NPPF 2018 provides specific guidance in relation to the calculation of the five years supply but specifically with regard to qualifying sites, the Glossary definition of 'Deliverable' in Annex 2 goes further than its predecessor. Small sites and those with detailed permission should be considered deliverable until permission expires unless there is clear evidence that they will not be delivered. Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the LPA to provide that clear evidence for outline planning permissions and allocated sites.

66. The Council relies upon the same sites in its supply as were contained in its

Annual Monitoring Report (AMR) dated 11 July 2018. The only new site referred to at the Inquiry was that known as Land on the West of Barton Road, Thurston which was missed out of the AMR in error and for which planning permission was granted on 5 July 2018. The Council has carried out a sense check of the supply against the terms of the NPPF 2018 and referred to events that have occurred after the base date of the AMR.

67. In my view the definition of 'deliverable' in the Glossary to the NPPF 2018 does not relate to or include sites that were not the subject of an allocation but had a resolution to grant within the period assessed within the AMR. The relevant period is 1 April 2017 to 31 March 2018.<sup>11</sup> There is therefore a clear cut-off date within the AMR, which is 31 March 2018. The Council's supply of deliverable sites should only include sites that fall within the definition of deliverable at the end of the period of assessment i.e. 31 March 2018. Sites that have received planning permission after the cut-off date but prior to the publication of the AMR have therefore been erroneously included within the Council's supply. The inclusion of sites beyond the cut-off date skews the data by overinflating the supply without a corresponding adjustment of need. Indeed that is why there is a clear cut-off date set out in the AMR. Moreover, the site West of Barton Road, Thurston, should be removed from the supply as its permission postdates the cut-off for the relevant period of assessment.
68. Sites with outline planning permission make up a very large proportion of the Council's claimed supply. The onus is on the Council to provide the clear evidence that each of these sites would start to provide housing completions within 5 years. I accept that there was clear evidence of what was necessary on one site provided in Mr Robert's evidence<sup>12</sup> and so the 200 dwellings in respect of that site should be added to the Appellant's supply calculations. As for the other 1,244 dwellings with outline permission, the Council has not even come close to discharging the burden to provide the clear evidence that is needed for it to be able to rely upon those sites.
69. The up-dated PPG on Housing and economic land availability assessment sets out guidance on what constitutes 'deliverable sites' and covers the evidence that a site with outline planning permission is expected to have in support of its inclusion in the supply. The PPG places great weight on the adequacy and sufficiency of consultation with those responsible for delivering dwellings. It is noteworthy that in this case, the Council has failed to adequately demonstrate it has done so. An assessment of the Council's AMR against the updated PPG reveals that the AMR falls substantially short of producing the evidence that a LPA is expected to produce.<sup>13</sup>
70. Furthermore, the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published. The site at Union Road, Onehouse is one amongst others, which was only an allocation at the time the AMR was published. Although planning permission was granted 17 August 2018<sup>14</sup> it does not alter

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<sup>11</sup> Paragraph 1.1 of the Annual Monitoring Report

<sup>12</sup> Mr Robert's POE A4 Build out rates for Chilton Leys

<sup>13</sup> See paragraphs 36 (ID:3-036-20180913); 047 (ID:3-047-20180913) and 048 (ID3-048-20180913)

<sup>14</sup> LPA4

the fact that the site was only subject to an allocation at the cut-off date but the Council did not have any clear evidence that it would provide housing within 5 years.

71. Paragraph 73 of the NPPF 2018 requires the Council's housing supply to be made up of 'specific sites'. The Council was presented with three opportunities to demonstrate that the figure of 858 dwellings recorded in its trajectory table for small sites is robust. Firstly, on production of the AMR. Secondly, the Appellant asked for a list of sites on 30 July 2018 and was supplied with a list of 561 planning permissions, which the Council said made up its 858 dwellings. In this list there was insufficient evidence to either accept or challenge this figure, although a number of defects quickly became apparent to the Appellant. The Council was asked to provide more information but failed to do so. Finally, the Council indicated that it was going to submit a final rebuttal proof of evidence on HLS but it did not do so.
72. The Council argues that the St Modwen case<sup>15</sup> continues to provide sensible guidance on the context, as applied to NPPF 2018 and claims that it can demonstrate a 5 year HLS of 5.39 years. However, I cannot accept that the 858 is a robust figure. I agree that it would be a time consuming exercise for the Appellant to review 561 planning permissions. This is an exercise which the Council should have done before it produced its AMR. The Appellant has completed a partial review and from the evidence that is before me it appears that there are at least 108 defective planning permissions within the list of 561 permissions<sup>16</sup> but does not know by what number one should discount the figure of 858. As the NPPF 2018 carries a presumption that small sites are deliverable until there is clear evidence that they will not be delivered, the 858 has been left in the Appellant's HLS calculation but I consider it is likely to be an overestimate.
73. Drawing all of these threads together I consider that the Appellant's assessment of supply, set out in Mr Short's rebuttal proof of evidence, is the more realistic taking into account the St Modwen judgment. The only change is that the site West of Barton Road, Thurston should now be removed from the supply. This leaves the Council's HLS at 3.4 years. If the small sites problem is taken into account, it is highly likely that the Council's HLS is less than 3.4 years. I conclude on the third issue, therefore that the Council cannot demonstrate a five year supply of deliverable housing sites.

## Other Matters

74. I have taken into account all other matters raised including the representations from the Woolpit Parish Council, the Suffolk Preservation Society, the landscape assessment of Woolpit by Alison Farmer Associates and other interested persons. I have also taken into account the various appeal decisions submitted by the main parties. The proposed development has generated a significant amount of public interest and many of the representations which have been submitted relate to the impact on the local highway network or the heritage impact which I have dealt with under the main issues.

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<sup>15</sup> St Modwen Developments Ltd v SSCLG et al [2017] EWCA Civ 1643 paragraph 35

<sup>16</sup> APP6



75. The issue of landscape impact was raised in the representations. However, the Appellant has provided a comprehensive Landscape & Visual Impact Appraisal (LVIA) and the Council takes no issue with this. It is proposed to reinstate the former field boundary to the southern part of the site which would include a mixture of trees and hedging and a landscaped Greenway directly to the north of it which would form part of the pedestrian links throughout the site. The existing trees and hedging along the northern boundary and eastern boundaries of the site would be retained with some new planting proposed along the most southern part of the eastern boundary. Within the site itself, trees and hedging are proposed between dwellings and the public spaces to provide an attractive soft environment.
76. The appeal site would result in the loss of an agricultural field to development and whilst this would have some direct landscape impact, it would not be significantly adverse given its suburban backdrop. The proposed landscape framework would screen and filter views of buildings from the surrounding countryside. The visual impact of the development would be successfully mitigated into the rural edge of Woolpit and would provide an attractive environment for both new residents and those living in the surrounding locality. I therefore find no harm in this regard.
77. Reference is made to alternative housing sites identified in the emerging Joint Local Plan which are located to the north of the village centre. However, as I noted at the start, the emerging Joint Local Plan is in its very early stages and any conflict with this plan carries limited weight at this time and in the context of this appeal.
78. Concerns have been raised in relation to drainage, archaeology and ecological matters. However, it is noteworthy that the Council has not raised any objections in relation to these matters. In my view the concerns which have been raised can be adequately dealt with through the use of planning conditions in accordance with the advice in paragraph 54 of the NPPF 2018.

### **Planning Obligation**

79. The S106 Unilateral Planning Obligation includes the provision of 17 affordable units on site which broadly equates to the Council's requirements for 35% provision. In this respect the Obligation is in line with both paragraph 62 of the NPPF 2018, which requires on-site delivery of affordable homes and Altered Policy H4 of the MSDLP.
80. With regard to open space covenants within the Obligation, the appeal scheme provides open space and a 360m<sup>2</sup> play area with play equipment within the site which meets the Council's policy requirements, notably Policy RT4 of the MSDLP.
81. With regard to covenants with SCC, the Obligation includes contributions in relation to primary school and Early Years provision and Public Rights of Way Improvements. A SoCG on Early Years and Education Matters has been agreed between the Appellant and SCC. There is also a Community Infrastructure Levy (CIL) Compliance Statement submitted by SCC.<sup>17</sup>

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<sup>17</sup>INQ5

82. The Obligation includes the following matters in respect of SCC functions:

- Primary School Construction contribution – £180,719 (equates to £3,688.14 per dwelling). This is necessary if there are no surplus places available at the time of commencement, and if expansion of the existing primary school is confirmed, this Obligation would cease or be returned.
- Primary School Land contribution - £12,936 (equates to £264 per dwelling)– as above; and
- Contribution towards the build costs of a new Early Years setting - £33,332 (equates to £680.24 per dwelling).

83. The proposed development is estimated to generate up to four pre-school children. The proposed development should make a proportionate contribution towards the build cost of the new Early Years setting which in total would cost £500,000 and provide 60 places. The proposed development would generate 11 primary aged pupils but the Woolpit Primary Academy does not have enough places to accommodate all of the development being proposed in Woolpit. Due to the layout of the current school site it is not possible to add further permanent accommodation unless additional land is acquired.

84. Therefore the SCC strategy for primary school provision is to deliver a new 420 place primary school for Woolpit to ensure that there is adequate provision to support housing growth and basic need. The proposed development should make a proportionate contribution to the land and build costs of the new primary school in respect of the 11 pupils generated by it.

85. There are currently forecast to be surplus places available at the current secondary schools serving the proposed development, so no secondary or sixth form contributions would be required from the proposed development.

86. Paragraph 98 of the NPPF 2018 promotes the need to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users for example by adding links to existing rights of way networks. The anticipated increased use of the PROW network from the development would result in the need for offsite improvement work involving heavy clearance on Woolpit Public Footpath 4. The total financial contribution required is £915. The requirement for the footpath improvement arises directly from the increased population which would be generated by the development in the local area and it would also meet Council policies.

87. The Council has confirmed that none of the obligations would conflict with Regulation 123 requiring that no more than five contributions are pooled towards any one specific infrastructure scheme.

88. In my view, all of the provisions set out in the Section 106 Planning Obligation are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore they all meet the tests with CIL Regulations 122 and 123 and should be taken into account in the decision.

### **Planning Balance**

89. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with

the development plan, unless material planning considerations indicate otherwise. Whilst the RfR cites only a limited number of policies which are said to be breached I deal with all policies that have a bearing on the proposals and in line with the new approach of the NPPF 2018<sup>18</sup> identify those which are most important for determining the appeal and whether they should be considered to be out-of-date.

90. The CS was adopted in 2008 and the MSDLP in 1998. Both plans predate the publication of the NPPF 2012 and the more recent NPPF 2018. The CSFR has had little impact on the saved or CS policies that remain in place and Policy FC1 really only and unnecessarily repeats what was in paragraph 14 of the NPPF 2012. It is now out-of-date because of the test it employs. Policy FC1.1 is policy of a very broad nature with one requirement that development must conserve and enhance the local character of the different parts of the district. It is up-to-date but is not otherwise of significance. The appeal proposal complies with these policies.
91. Policy CS1 of the CS merely sets out the settlement hierarchy. However, it includes the words "*the rest of Mid-Suffolk, including settlements not listed in the above (hierarchy) will be designated as countryside ... renewable energy*". By virtue of this latter requirement it offends paragraphs 77 and 78 of NPPF 2018. It perpetuates the theme of protection of the open countryside for its own sake and its limitations are inimical to the balanced approach which the NPPF 2018 exhorts. It is one of the most important policies and it is out-of-date. The appeal proposal complies with the hierarchical requirements of Policy CS1 but it conflicts with the latter part of this policy as the site is located outside the settlement boundary.
92. As the proposed development is in open countryside, it also offends the requirements of Policy CS2. Policy CS2 is a most important policy and it is out-of-date. The NPPF has never and still does not exhort a restrictive approach to development outside settlements in this manner. It does not protect the countryside for its own sake or prescribe the types of development that might be acceptable. The policy as worded obviates a balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour. It is also contrary to paragraphs 77 and 78 of NPPF 2018.
93. Policy CS5 provides that all development will maintain and enhance the environment including the historic environment, and retain local distinctiveness. It requires development actually to maintain and enhance the historic environment which exceeds the statutory duty (LBA 1990) and goes further than paragraph 192 of NPPF 2018 which requires decision makers to "take account of the desirability of sustaining and enhancing the significance of heritage assets" (my underlining). This is a most important policy and it is out-of-date. It does not make enhancement a requirement where no such requirement is reasonably possible or appropriate to the nature of the proposed development. The policy also fails to acknowledge the balancing exercise which the NPPF 2018 requires to be undertaken in circumstances where the harm is less than substantial.
94. Moreover, I have found that the appeal proposal would accord with national policy advice in the NPPF 2018, notably paragraph 192, and there would be no

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<sup>18</sup> Paragraph 11

conflict with Policy CS5. The proposed development constitutes a high quality design as it proposes a form of development that reflects the character and appearance of the surrounding streetscape. The DAS provides details on materials and finishes. The materials selected for the new dwellings reflect the colours and shades of the Suffolk vernacular buildings of Woolpit in their simple forms and thus retain local distinctiveness in accordance with Policy CS5 and the NPPF 2018 in Section 12. Nor would there be any conflict with Policy CS5 in relation to the off-site highway improvements works in the Conservation Area.

95. Policy GP1 is a most important policy and it is up-to-date. The proposal complies with its requirements. Policy HB8 is also a most important policy and it is up-to-date despite the fact that it predates its CS equivalent. As I disagree with the Council's case on the impact of the proposal on the character and appearance of the Conservation Area, the proposal complies with its requirements. Policy FC2 is the Council's strategic housing policy within the development plan. However, in the light of paragraph 73 of the NPPF 2018, this policy is out-of-date, which is accepted by Mr Roberts.<sup>19</sup>
96. Drawing all of these threads together I find that being outside the settlement boundary and within the countryside, the appeal proposal is not in accordance with the development plan taken as a whole.
97. However, in the context of paragraph 213 of the NPPF 2018, I have found that some of the most important policies for determining this appeal are out-of-date, notably Policy CS1 and Policy CS2. I have attached only moderate weight to the conflict with these policies which lessens the significance of that conflict.
98. At paragraph 62 of this decision, I found that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.
99. The tilted balance in paragraph 11 of the NPPF 2018 is engaged because firstly, policies that are most important for the determination of this appeal are out-of-date and secondly, the Council cannot demonstrate a five year supply of deliverable housing sites.
100. Balanced against the identified conflict with the development plan I give substantial weight to the provision of 32 market dwellings and 17 affordable dwellings on a site which is visually and functionally well related to the existing village. Paragraph 59 of the NPPF 2018 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This comprises a substantial social benefit.
101. I have attached moderate weight in terms of the economic benefits that would arise from the provision of employment opportunities during the construction phase and the spending power from 49 new households within the local area.
102. Furthermore I am satisfied that the proposed development would fulfil the aims of the NPPF 2018 by promoting a high quality design of new homes and

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<sup>19</sup> Proof of evidence paragraph 2.3

places. I find that the provision of on-site community open space with green infrastructure features, the footpath improvements to the village centre and the wider countryside and the highway works in the village centre would all provide environmental benefits. I apportion moderate weight in terms of the environment.

103. Taking all of these matters into account, including all other material considerations, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2018 as a whole and that the proposal represents sustainable development. On this basis a decision, other than in accordance with the development plan is justified and therefore the appeal should be allowed.

### **Planning Conditions**

104. I have considered the conditions suggested by the Council<sup>20</sup> in the light of the advice in paragraphs 54 and 55 of the NPPF, the model conditions retained at Appendix A of the cancelled Circular 11/95 and the Government's PPG on the use of planning conditions. I have made minor adjustments to the suggested conditions in the interests of clarity. Condition 1 imposes a shorter timescale than the normal three years but this is justified given the pressing housing need and the advice in paragraph 76 of the NPPF 2018. Condition 2 is necessary for the avoidance of doubt. Condition 3 is required to safeguard heritage assets of archaeological interest. Condition 4 which relates to Construction Management is necessary to ensure minimal impact on the public highway and residential amenity but I have deleted the element relating to haul routes as this relates to land outside the site and thus cannot be controlled by condition. Conditions 5-7 are necessary in the interests of ecology, safeguarding habitats/species and visual amenity. Conditions 8 -10 are required to ensure the development does not cause increased flood risk or increased pollution to the water environment.
105. Conditions 11-23 are necessary in the interests of highway safety, traffic management, safe and suitable facilities for pedestrian and cycle movement and to comply with paragraph 110 of the NPPF. Condition 24 is required in the interests of safeguarding ecology, biodiversity and amenity within the site. Condition 25 is required to ensure the site is suitably served by fire hydrants in the interests of public safety and fire prevention. Condition 26 is necessary to ensure that the development is equipped with access to high-quality telecommunications in accordance with paragraph 112 of the NPPF.
106. Condition 27 is required to ensure that recycling bins are not stored on the highway in the interests of highway safety. Condition 28 which relates to screen walls and/or fences is required in the interests of residential amenity. Condition 29 is required to ensure the appropriate recording and analysis of archaeological assets. Condition 30 is required to ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles. Condition 31 relates to a Residents Travel Pack to reflect the national policy aim of achieving the fullest possible use of public transport, walking and cycling.

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<sup>20</sup> INQ4

## **Conclusion**

107. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

*Harold Stephens*

INSPECTOR

## **SCHEDULE OF PLANNING CONDITIONS (1-31)**

### **TIME LIMIT FOR IMPLEMENTATION**

- 1) The development hereby permitted shall be begun not later than the expiration of two years from the date of this permission.

### **LIST OF APPROVED DRAWINGS**

- 2) The development hereby permitted shall be carried out in accordance with the following drawings:

5018 PA01 House Type 1  
5018 PA02 House Type 1  
5018 PA03 Single Garage  
5018 PA04 House Type 2  
5018 PA05 House Type 2  
5018 PA06 House Type 3  
5018 PA07 House Type 3  
5018 PA08 House Type 3  
5018 PA09 Rev. A House Type 3  
5018 PA10 Rev. A House Type 4  
5018 PA11 House Type 4  
5018 PA12 Rev. A House Type 4  
5018 PA13 House Type 5  
5018 PA14 House Type 5  
5018 PA15 House Type  
5018 PA16 House Type 6  
5018 PA17 House Type 6  
5018 PA18 Rev. A Cart Lodge  
5018 PA19 House Type 7  
5018 PA20 House Type 7  
5018 PA21 House Type 7  
5018 PA22 Rev. A House Type 8  
5018 PA23 House Type 8  
5018 PA24 House Type 8  
5018 PA28 House Type 9  
5018 PA29 House Type 9  
5018 PA31 Rev H Site/block roof plan  
5018 PA32 Rev C Street Elevations  
5018 PA33 Site Location Plan  
5018 PA34 rev A Typical Elevations  
5018 PA35 rev B Street Elevations  
5018 PA36 ASHP SIZES

### **PRE - COMMENCEMENT CONDITIONS**

#### **Archaeology**

- 3) No development shall take place within the site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has previously been submitted to and approved in writing by the Local Planning Authority.



The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

### **Construction Management**

- 4) Prior to the commencement of development details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:
  - a. Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
  - b. Details of the storage of construction materials on site, including details of their siting and maximum storage height.
  - c. Details of how construction and worker traffic and parking shall be managed.
  - d. Details of any protection measures for footpaths surrounding the site.
  - e. Details of any means of access to the site during construction.
  - f. Details of the scheduled timing/phasing of development for the overall construction period.
  - g. Details of any wheel washing to be undertaken, management and location it is intended to take place.
  - h. Details of the siting of any on site compounds and portalooos.
  - i. Monitoring and review mechanisms.

The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

### **Landscaping and Biodiversity**

- 5) All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological report (MHE Consulting August 2015) as already submitted with the planning application and agreed with the Local Planning Authority prior to determination.
- 6) No development shall commence until a detailed 'hard' and 'soft' Landscaping Scheme, which shall include any proposed changes in ground levels, has been submitted to, and approved in writing by, the Local Planning Authority.



The 'hard' landscaping shall include details of all hard surface materials and boundary treatments to be used within the development with a timetable for implementation, including all means of enclosure and boundary treatments, residential screen walls and fences.

The 'hard' landscaping shall be implemented and completed in accordance with the approved details and agreed timetable.

The 'soft' landscaping shall include details of the existing trees and plants on site to be retained together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication 'BS 5837:2012 Trees in relation to design, demolition and construction'.

The 'soft' landscaping shall include details (including species, size of stock at time of planting, location) of all new plants and trees to be provided as well as any areas for seeding. The new landscaping should comprise of native species only as defined in Schedules 2 and 3 of the Hedgerow Regulations 1997.

The 'soft' landscaping shall be implemented in accordance with the approved details within the first planting season (October - March inclusive) following the commencement of development.

Any trees, hedges, shrubs or turf identified within the approved Landscaping Scheme (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

The approved Landscaping Scheme shall be carried out in its entirety and shall accord with the approved drawings under this permission.

- 7) Prior to the commencement of development on the site a skylark mitigation strategy, including a timetable for implementation, shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed strategy shall be implemented in full to mitigate the loss of potential nesting habitat.

## **Site Drainage**

- 8) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.
- 9) No development shall take place until a surface water drainage scheme for the site, including a timetable for implementation, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 100 year + Climate Change storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be

implemented in accordance with the approved details and timetable before the development is completed. Details of which will include:

- a. Details of further infiltration testing on site in accordance with BRE Digest 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
  - b. Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table.
  - c. Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance network. A statement on the amount of impermeable area served by each infiltration device should also be illustrated on the plans and should be cross referenceable with associated design calculations.
  - d. Full modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+ Climate Change event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
  - e. Infiltration devices will have a half drain time of less than 24 hours.
  - f. Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + Climate Change.
  - g. Infiltration devices shall only be used where they do not pose a threat to groundwater. Only clean water will be disposed of by infiltration devices due to the site being inside a Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.
  - h. Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main surface water system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
  - i. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
  - j. Arrangements to enable any surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.
- 10) No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:
- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk associated with construction.

## **Highways**

- 11) No development shall commence until details of the estate roads and footpaths (including layouts, levels, gradients surfacing and means of surface water drainage, lighting and traffic calming measures), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details and agreed timetable.
- 12) No development shall commence until a detailed scheme for highway improvements to Green Road, comprising traffic calming measures and footway widening provision which shall be in general accordance with those details as shown on Drawing no. 112/2015/04 Revision P2, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority.
- 13) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority, of the means to prevent the discharge of surface water from the development onto the highway. The development shall be carried out and completed in accordance with the approved details and agreed timetable.

## **PRIOR TO OCCUPATION OR OTHER STAGE CONDITIONS**

### **Highways**

- 14) No part of the development shall be commenced above slab level until the new vehicular access onto Green Road has been laid out and completed in all respects in accordance with Drawing No. 5018 PA31 Rev H Site/block roof plan and with an entrance width of 5.5 metres and been made available for use. Thereafter the access shall be retained in the specified form.
- 15) Prior to the access from Green Road into the site being constructed, the ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form.
- 16) The new estate road junction with Green Road, inclusive of cleared land within the sight splays to this junction, must be formed prior to any other works commencing or delivery of any other materials.
- 17) No development shall commence above slab level until a scheme for the provision and implementation electric car charging points for the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme

shall be implemented, and the measures provided and made available for use, in accordance with such timetable as may be agreed.

- 18) Details of the gateway feature identified on drawing 5018 PA31 Rev H to be located to the southwest corner of the site shall be submitted to and agreed with the Local Planning Authority and shall be completed prior to occupation of the first dwelling and thereafter retained in the approved form.
- 19) Before the access onto Green Road is first used, visibility splays shall be provided as shown on Drawing No. 5018/PA31 Revision H, as submitted, and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays at any time.
- 20) No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least binder course level or better.
- 21) No dwelling shall be occupied until the area(s) within the site, shown on approved drawing 5018 PA31 Rev H for the purposes of loading/unloading, manoeuvring and parking of vehicles, including electric charging points and secure cycle storage, serving that dwelling has been provided and thereafter that area(s) shall be retained and used for no other purpose. Thereafter those areas applicable to that dwelling shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles.
- 22) A metalled footway/cycleway, as shown on Drawing 5018 PA31 Rev H of a minimum 2.0 metres width, shall be provided from the site into Steeles Close, northwards to connect with the existing access in Steeles Close. The metalled footway shall be provided and made available for use prior to the first occupation of any dwellings in the development.
- 23) No dwelling shall be occupied until the highway improvements secured under Condition 12 above have been constructed in strict accordance with the approved details and made available for public use and thereafter retained post construction in the approved form.

### **Site Infrastructure/Other**

- 24) Within three months of the commencement of development a detailed lighting scheme for all public areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), so that it can be:
  - a. Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED.
  - b. Clearly demonstrated that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or

prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

All external lighting shall be installed in accordance with the specifications and locations as set out in the approved scheme and shall be maintained thereafter in accordance with that scheme.

- 25) Within three months of the commencement of development details of the provision of fire hydrants for the development, including a timetable for installation, shall be submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be installed in accordance with the approved details in their entirety and in accordance with the agreed timetable.
- 26) Within three months of the commencement of development, details of how superfast or ultrafast broadband infrastructures will be delivered to every household in the development, subject to network capacity being available, shall be submitted to and approved in writing by the Local Planning Authority. The approved superfast broadband infrastructures for each dwelling shall be installed prior to first occupation of that dwelling.
- 27) Within three months of the commencement of development, details of the areas to be provided for the storage of refuse/recycling bins shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the first occupation of the dwelling to which it relates and shall be retained thereafter and used for no other purpose.
- 28) The residential screen walls and/or fences as may be approved pursuant to the Landscaping Scheme under Condition 6 above, shall be erected prior to the dwelling/s to which they relate being first occupied and thereafter shall be retained in the approved form.
- 29) No dwelling shall be occupied until the archaeological site investigation and post investigation assessment, secured under Condition 3 above, has been completed and submitted to, and approved in writing by, the Local Planning Authority.

## **POST OCCUPANCY MONITORING/MANAGEMENT**

- 30) Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development shall be carried out in such a position as to preclude vehicular access to those vehicular parking spaces and no alterations shall be carried out to the approved garage units that would preclude the parking of vehicles within them without planning permission being granted in that regard.
- 31) Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than three months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and shall

include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised travel planning and a multimodal travel voucher. The RTP shall be maintained and operated thereafter.

End of Conditions Schedule

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Asitha Ranatunga of Counsel

Instructed by the Council

He called:

Luke Barber HND BSc FD C Eng.

Principal Engineer Suffolk CC

Nicholas Joubert MSc

Heritage Consultant

Andrew Ryley BA (Hons) MSc MRTPI

Associate Director DLP Planning Ltd

Alex Roberts BSc (Joint Hons) Associate RTPI

Director DLP Planning Ltd

### **FOR THE APPELLANT:**

Mr Paul Shadarevian QC

He called:

Gerry Bullard C Eng. MICE

Partner GH Bullard & Associates LLP

Andrew Crutchley BA (Hons) PG Dip (Oxon) MCIFA

Director The Environmental Dimension Partnership Ltd

Leslie Short BA MRICS MRTPI

Director Artisan Planning and Property Services Ltd

### **INTERESTED PERSONS:**

John Guyler

Chairman of Woolpit Parish Council

John Christie

Local Resident

Susan Eburne

Local Resident

### **DOCUMENTS SUBMITTED AT THE INQUIRY**

INQ1 Notification Letter

INQ2 Letters of Representation

INQ3 Statements of Common Ground

INQ4 Suggested Planning Conditions

INQ5 Suffolk County Council Community Infrastructure Levy Regulations (CIL)  
Compliance Statement dated 27 March 2018

## **DOCUMENTS SUBMITTED BY THE LPA**

LPA1 Opening Remarks

LPA2 Pytches Road, Woodbridge – Traffic Calming scheme with buildout

LPA3 Letter from Storey Homes dated 13 August 2018: Land at Gardenhouse Lane, Rickinghall

LPA4 Mid Suffolk District Planning Permission: Reference 4455/16

LPA5 List of sites disputed by the Appellant

LPA6 Closing Submissions

## **DOCUMENTS SUBMITTED BY THE APPELLANT**

APP1 List of Drawings

APP2 HCC Decision *CPRE v Dover DC* [2015] EWHC 3808 (Admin) [APP2]

APP3 Agenda Document for MSDC Development Control Committee A 29.8.2018

APP4 Appeal Decision APP/N1730/W/17/3185513

APP5 Hart District Local Plan 1996-2006 Saved Policy RUR2

APP6 MSDC Minor Sites Outstanding Planning Permissions (April 2018)

APP7 Agreement to enter in to an Easement conditional on Appeal dated 29 August 2018 between Flagship Housing Group Limited and Landex Limited

APP8 Certified Copy of Unilateral Undertaking dated 29 August 2018

APP9 Letter from Burgess Homes Limited re site at Back Hills, Botesdale

APP10 Closing Submissions

## **INTERESTED PERSONS' DOCUMENTS**

IP1 Statement by John Guyler

IP2 Statement by John Christie

IP3 Statement by Susan Eburne



EP5K



Ministry of Housing,  
Communities &  
Local Government

Timothy Waller  
Waller Planning Ltd  
Suite A, 19-25 Salisbury Square  
Old Hatfield  
Hertfordshire  
AL9 5BT

Our ref: APP/Y0435/W/17/3169314

25 June 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY WAVENDON PROPERTIES LTD  
LAND TO THE EAST OF NEWPORT ROAD AND TO THE EAST AND WEST OF  
CRANFIELD ROAD, WOBURN SANDS, BUCKINGHAMSHIRE MK17 8UH  
APPLICATION REF: 16/00672/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC, who held a public local inquiry from 14 - 23 January 2020 into your client's appeal against the decision of Milton Keynes Council to refuse your client's outline application, with all matters except the means of access reserved for subsequent approval, for residential development of up to 203 dwellings, a doctor's surgery, open space and landscaping, together with pedestrian, cycle and vehicular access from Newport Road and Cranfield Road and supporting infrastructure, in accordance with application ref: 16/00672/OUT, dated 20 July 2016.
2. On 31 October 2017, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.
3. The Secretary of State initially issued his decision in respect of the above appeal in his letter dated 5 December 2018. That decision was challenged by way of an application to the High Court and was subsequently quashed by order of the Court dated 14 June 2019. The appeal has therefore been redetermined by the Secretary of State, following a new inquiry into this matter. Details of the original inquiry are set out in the 5 December 2018 decision letter.

**Inspector's recommendation and summary of the decision**

4. The Inspector recommended that the appeal be dismissed.
5. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. He has decided to dismiss the appeal.

Ministry of Housing, Communities & Local Government  
Jean Nowak, Decision Officer  
Planning Casework Unit  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

Tel: 0303 444 1626  
Email: [PCC@communities.gov.uk](mailto:PCC@communities.gov.uk)

A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Matters arising since the close of the inquiry**

6. On 18 May 2020, the Secretary of State wrote to the main parties to afford them an opportunity to comment on a letter from Milton Keynes Council dated 12 May 2020 which included a recent appeal decision relating to Rectory Farm, Woburn Sands Road, Bow Brickhill, Milton Keynes, MK17 9JY. A list of the representations received in response to this letter is at Annex A. These representations were circulated to the main parties on 27 May 2020 and 3 June 2020. The Secretary of State is satisfied that all representations received have been given full and due consideration, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies may be obtained on written request to the address at the foot of the first page of this letter.
7. In his letter of 16 August 2019, confirming the reopening of the inquiry, the Secretary of State explained that one change in circumstance he considered material to the redetermination was the announcement by Highways England, in September 2018, that corridor B (central option) had been selected as the preferred corridor for the Oxford-Cambridge Expressway (IR1.16). The Secretary of State has noted that, in March 2020 Highways England announced that work had paused on the Oxford-Cambridge Expressway while they undertook further work on other potential road projects that could support the government ambition on the Oxford-Cambridge Arc (<https://highwaysengland.co.uk/project-update-12-march-2020/>). The Secretary of State has also noted that none of the parties have made representations to him on this announcement. The Secretary of State does not consider the pausing of the work raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal.

### **Policy and statutory considerations**

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of Plan:MK 2016-2031 (Plan:MK), Woburn Sands Neighbourhood Plan 2014 (WSNP) and Site Allocations Plan 2018 (SAP). The Secretary of State considers that relevant development plan policies include those set out at IR3.3-3.9.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals or their settings, or any features of special architectural or historic interest which they may possess.

## **Main issues**

### *Housing Land Supply*

12. The Secretary of State has considered the Inspector's analysis at IR12.4-12.64. For the reasons given at IR12.8-12.12 the Secretary of State agrees with the Inspector that it is acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019 (IR12.11). Like the Inspector, the Secretary of State does not consider it necessary to apply a 1 October 2019 base date (IR12.12). For the reasons given at IR12.13-12.15, the Secretary of State agrees with the Inspector that a proforma can, in principle, provide clear evidence of a site's deliverability (IR12.14). The Secretary of State also agrees with the Inspector that it would not be appropriate to automatically disregard all the sites owned by Homes England and Milton Keynes Development Partnership (IR12.15). For the reasons given at IR12.16-12.25 the Secretary of State agrees with the Inspector that there is no reason to apply a greater discount than the Council's rate (IR12.19). The Secretary of State agrees with the approach the Inspector has taken to prior approval sites in this case (IR12.22).
13. The Secretary of State has noted that the Globe and Castlethorpe Road appeal decisions came to different conclusions on whether the Council could demonstrate a 5-year housing land supply (HLS) (IR12.23), but he agrees that, as the Inspector's conclusions in this case are based on the evidence before him, this should be regarded as being sufficient to explain any difference from the findings of the Castlethorpe Road or Globe Inspectors (IR12.25).
14. The Secretary of State has considered the Inspector's assessment of disputed sites at IR12.26-12.60. For the reasons given, the Secretary of State agrees with the Inspector that the Council can demonstrate a HLS of 5.5 years for the base date of 1 April 2019 (IR12.61). The Secretary of State has also noted that the Inspector finds that, for a base date of 1 October 2019, there would be a 5-year HLS of 5.99 years (IR12.62). However, as already indicated in paragraph 12 above, the Secretary of State agrees with the Inspector that it is not necessary to apply a 1 October base date. The Secretary of State also agrees with the Inspector that the Council's Scenarios 2 and 3 do not affect his findings on HLS (IR12.63-64).
15. Overall, the Secretary of State agrees with the Inspector's conclusion at IR12.65 that the Council can demonstrate a 5-year supply of deliverable housing sites whichever approach is taken in terms of the base date, and even with the application of the Council's lapse rate.
16. The Secretary of State has noted that, in their correspondence of 26 May 2020 and 12 June 2020, the appellant has referred to the potential impact of the current Covid-19 pandemic on house building. He has also noted that the appellant submitted a document with their correspondence of 26 May 2020 issued by the Council entitled 'Rectory Farm decision and the Implications for Five-Year Housing Land Supply', published on 29 April 2020. The Secretary of State considers that, as the quantification in that document is based on the appellant's modelling using a past event and they have not put forward specific evidence about the deliverability of individual sites, it does not affect his judgement in this case.

### *The location of the development*

17. For the reasons given at IR12.66-12.71 and IR12.74, the Secretary of State agrees with the Inspector that the location and type of the appeal development does not comply with Policies DS1, DS2 and DS5 of Plan:MK and WSNP policies WS5 and WS6. He further agrees that there is no inconsistency with the Framework in terms of how WSNP Policies WS5 and WS6 seek to safeguard the countryside and direct developments to specific locations, and that these policies can be given significant weight (IR12.71). The Secretary of State agrees with the Inspector that the housing would not be in an appropriate location having regard to the development plan and national policies (IR12.74). He further agrees that the conflict with the development plan in terms of the location of the proposal carries substantial weight (IR12.101).
18. For the reasons given at IR12.72 the Secretary of State agrees with the Inspector that the proposal does not conflict with the development plan insofar as the proposed Oxford to Cambridge Expressway is concerned. He also agrees with the Inspector that there is no conflict with the development plan or other reason to refuse the proposal in relation to the East-West rail project (IR12.73).

### *Housing Density*

19. For the reasons given at IR12.75-12.82, the Secretary of State agrees with the Inspector that the final density figure cannot be established at this point (IR12.78). Like the Inspector the Secretary of State considers that, while the final layout and density of the development has yet to be fixed, a scheme based on the illustrative layout with a density of 16-20dph would be relatively low but would be acceptable in this instance for this location. It would balance an efficient use of land with respecting the surrounding character and setting and so would accord with Plan:MK Policy HN1 and NPPF paragraph 122 (IR12.81).

### *Other matters*

#### *Best and most versatile agricultural land*

20. For the reasons given at IR12.83 the Secretary of State agrees with the Inspector that the loss of Grade 3a agricultural land within the site would conflict with Plan:MK Policy NE7. However, the Secretary of State also agrees with the Inspector that this would not, in itself, be a reason for refusal and carries only moderate weight (IR12.99).

#### *Ecology and drainage*

21. For the reasons given at IR12.84-12.87 the Secretary of State agrees with the Inspector that the development would not have an unacceptable effect on ecology or protected species (IR12.86). The Secretary of State further agrees that the development offers the means to alleviate current drainage problems through additional attenuation and the use of a suitable maintenance regime (IR12.87). The Secretary of State considers that the environmental enhancement of ecology and the provision of drainage measures to try to address existing problems are benefits which should be afforded moderate weight (IR12.97).

#### *Highways and parking*

22. The Secretary of State notes that the appellant's updated Transport Assessment concludes that there would be very modest impacts on all junctions as a result of the

development (IR12.88 and IR12.96). For the reasons given the Secretary of State agrees with the Inspector that only limited weight can be afforded to any highway benefits (IR12.96).

#### *Facilities and services in Woburn Sands*

23. For the reasons given at IR12.89, the Secretary of State agrees with the Inspector that there is little evidence to indicate that the development would have an unacceptable impact on services and facilities in Woburn Sands.

#### *Heritage assets*

24. For the reasons given at IR12.90-12.91 the Secretary of State agrees with the Inspector that the development would result in less than substantial harm to the significance of the Grade II listed Deethe Farmhouse. He also agrees with the Inspector that the level of harm would be low due to the existing setting and the proposed mitigation measures. Nevertheless, paragraphs 193 and 194 of the Framework state that great weight should be given to the conservation of listed buildings and any harm weighed against the public benefits (IR12.91).
25. The Secretary of State also agrees with the Inspector that, given the existing screening and distances involved, there would be no harm caused to either the Grade II listed park and garden at Wavendon House or the Grade II\* Wavendon House itself (IR12.92).

#### *Character and appearance of the landscape*

26. For the reasons at IR12.93 the Secretary of State agrees with the Inspector that the development would have a very limited effect on the character and appearance of the landscape. Therefore, the Secretary of State affords little weight to any harm.

#### *Other benefits*

27. For the reasons given in IR12.94 the Secretary of State agrees with the Inspector that the provision of affordable housing beyond the minimum policy requirement should carry significant weight. The Secretary of State also agrees with the Inspector that the provision of market housing should be afforded significant weight given the potential number of dwellings that could be delivered and the eagerness of the appellant as a small to medium sized developer to deliver housing as swiftly as possible.
28. The Secretary of State agrees with Inspector that there are a range of economic benefits (IR12.95) and affords these moderate weight. For the reasons given in IR12.97 the Secretary of State agrees with the Inspector that little weight can be afforded to the appellant's claim of a high-quality living environment given the limited information at outline stage and the policy requirement that all development should be high quality.

#### **Planning conditions**

29. The Secretary of State has given consideration to the Inspector's analysis at IR11.1-11.2, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

## **Planning obligations**

30. Having had regard to the Inspector's analysis at IR11.3-11.5, the planning obligation dated 27 February 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR11.6 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

## **Planning balance and overall conclusion**

31. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Plan:MK Policies DS1, DS2, DS5 and NE7 and WSNP policies WS5 and WS6, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

32. Weighing in favour of the proposal, the Secretary of State affords the provision of affordable housing significant weight and also affords the provision of market housing significant weight. The economic benefits are given moderate weight, and the Secretary of State also gives moderate weight to ecology and drainage benefits. The Secretary of State affords limited weight to any highway benefits; and little weight to the appellant's claim of a high quality living environment..

33. Weighing against the proposal, the Secretary of State considers the housing would not be in an appropriate location having regard to the development plan and national policies. He further considers that the conflict with the development plan in terms of the location of the housing carries substantial weight as it would not accord with the spatial strategy in Plan:MK. The Secretary of State affords moderate weight to the loss of BMV agricultural land. The Secretary of State gives little weight to any harm to the landscape or character of the area.

34. The Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the Grade II listed Deethe Farmhouse is outweighed by the public benefits of the proposal. In accordance with the s.66 duty, he attributes considerable weight to the harm. The public benefits have been summarised in paragraph 32 of this letter.

35. Overall the Secretary of State agrees with the Inspector at IR12.98 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of the Grade II listed Deethe Farmhouse. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal

36. The Secretary of State considers that other matters covered in this decision letter are neutral in the planning balance.

37. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a refusal of permission.

38. The Secretary of State therefore concludes that the appeal should be dismissed and planning permission refused.

## **Formal decision**

39. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses outline planning permission, with all matters except the means of access reserved for subsequent approval, for residential development of up to 203 dwellings, a doctor's surgery, open space and landscaping, together with pedestrian, cycle and vehicular access from Newport Road and Cranfield Road and supporting infrastructure, in accordance with application ref: 16/00672/OUT, dated 20 July 2016

## **Right to challenge the decision**

40. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

41. A copy of this letter has been sent to Milton Keynes Council and Woburn Sands Town Council.

Yours faithfully

*Jean Nowak*

Authorised by the Secretary of State to sign in that behalf



## **Annex A Schedule of representations**

<b>Party</b>	<b>Date</b>
Milton Keynes Council	12 May 2020

### **Representations received in response to circulation of the Milton Keynes Council correspondence dated 12 May 2020**

<b>Party</b>	
Waller Planning Ltd on behalf of Wavendon Properties Ltd	26 May 2020
Woburn Sands Town Council	26 May 2020
Milton Keynes Council	2 June 2020
Waller Planning Ltd	12 June 2020



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# Report to the Secretary of State for Housing, Communities and Local Government

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Date 27 March 2020

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**Town and Country Planning Act 1990**

**Milton Keynes Council**

**Appeal by Wavendon Properties Limited**

Inquiry Held on 14-17 and 21-23 January 2020

*An accompanied site visit was undertaken on 20 January 2020*

Land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands,  
Buckinghamshire MK17 8UH

File Ref: APP/Y0435/W/17/3169314

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**GLOSSARY**

APPxx	Appellant's proofs of evidence for redetermined inquiry
APS	Annual Position Statement
BMV	Best and most versatile agricultural land
CD	Core Document
CIL	Community Infrastructure Levy
DL	Secretary of State's first decision letter
dpa	Dwellings per annum
dph	Dwellings per hectare
EIA	Environmental Impact Assessment
GPDO	The Town and Country Planning (General Permitted Development) (England) Order 2015
ha	Hectare
HLS	Housing land supply
ID	Inquiry Document
IR	The first Inspector's report
LPAXx	Council's proofs of evidence for redetermined inquiry
LVA	Landscape and Visual Assessment
MKDP	Milton Keynes Development Partnership
MOU	Memoranda of Understanding
NLP	Nathanial Lichfield & Partners
NPPF	National Planning Policy Framework
OB	Optimism bias
PINS	The Planning Inspectorate
Plan:MK	Plan:MK 2016-2031, adopted March 2019 as a development plan document for Milton Keynes
PPG	Planning Practice Guidance
RID	Redetermined Inquiry Document
S106	A legal agreement made under Section 106 of the Town and Country Planning Act 1990
SAP	Site Allocations Plan 2018
SEMK	South East Milton Keynes site
SME	Small and medium-sized enterprises
SOCG	Statement of Common Ground
SoS	Secretary of State
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
TA	Transport Assessment
TCPA 1990	The Town and Country Planning Act 1990
TPO	Tree Preservation Order
WSNP	Woburn Sands Neighbourhood Plan

**File Ref: APP/Y0435/W/17/3169314**

**Land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands, Buckinghamshire MK17 8UH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Wavendon Properties Ltd against the decision of Milton Keynes Council.
- The application Ref 16/00672/OUT, dated 20 July 2016, was refused by notice dated 5 December 2016.
- The development proposed is an outline planning application with all matters except the means of access reserved for subsequent approval described as 'residential development of up to 203 dwellings, a doctor's surgery, open space and landscaping, together with pedestrian, cycle and vehicular access from Newport Road and Cranfield Road and supporting infrastructure'.
- This report supersedes that issued on 2 February 2018. The original decision on the appeal was quashed by order of the High Court.

**Summary of Recommendation: That the appeal be dismissed.**

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**1. Procedural Matters**

- 1.1. This section is based on the first Inspector's report and has been updated as necessary.

*Summary of appeal chronology*

- 1.2. The original inquiry into this appeal opened on 11 July 2017 and closed on 19 July 2017. Although requests that the appeal be determined by the Secretary of State (SoS) were refused in August 2017<sup>1</sup>, the SoS subsequently directed that he should determine this appeal himself in letters dated 31 October 2017<sup>2</sup>. The original Inspector's report was submitted on 2 February 2018 with a recommendation to allow the appeal and grant planning permission subject to conditions. The SoS disagreed and dismissed the appeal<sup>3</sup>. The appellant challenged the decision in the High Court. The decision was quashed by order of the High Court on 14 June 2019<sup>4</sup> and sent back to the SoS for redetermination. The SoS decided to re-open the inquiry, which opened on 14 January 2020 and ran for 7 days. The inquiry was closed in writing on 28 February 2020 once outstanding documents were received, including a completed and executed Section 106 (S106) agreement.

*The proposal in outline*

- 1.3. The appeal site extends across almost 15.2ha. It consists of about half a dozen fields, often enclosed behind mature hedges and trees, that wrap around the assorted residential streets and cul-de-sacs that project behind Newport Road and either side of Cranfield Road at the northern end of Woburn Sands. The main part of the town lies to the south beyond the Bletchley to Bedford railway line and a level crossing. The proposal is made in outline with all matters except the means of access reserved for subsequent approval. An illustrative

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<sup>1</sup> ID26

<sup>2</sup> ID27

<sup>3</sup> CD10.33

<sup>4</sup> CD10.34

layout plan and a parameters plan<sup>5</sup> show how up to 203 dwellings and a doctor's surgery could be laid out across the site along with associated landscaping and open space.

*The application and the Council's decision*

- 1.4. The original planning application was reported to the Council's development control committee on 1 December 2016<sup>6</sup>. In the absence of sufficient housing land being identified as available to meet requirements over the next 5 years, the scheme was recommended for approval, subject to conditions and the execution of a S106 Agreement securing contributions towards the provision of health and education facilities, parks, play and community facilities, together with the maintenance of open space. The reasons for the recommendation were as follows:

"With the lack of a five year housing land supply, the strategic policies of the Development Plan are out of date, as outlined by the National Planning Policy Framework. Having weighed all other matters, the proposed development is considered to represent a sustainable form of development in terms of its social, environmental and economic functions and the proposed development is therefore acceptable in principle. Access to the site is considered appropriate and would not put undue pressure on the local road network and there are no other fundamental issues that would warrant a refusal of the application. All other detailed matters would be considered under reserved matters applications at a later date. In the light of these comments and the report above, approval is recommended."

- 1.5. However, the committee decided to refuse the application contrary to the recommendation. The reasons for refusal were<sup>7</sup>:

1. The Committee resolved to refuse planning permission on the basis that any such development of this site would result in the loss of future development and infrastructure options, causing significant and demonstrable harm and is therefore not sustainable development in accordance with Resolution 24/187 of the United Nations General Assembly definition of sustainable development and the National Planning Policy Framework (NPPF) in respect of future generations. The development would also therefore be contrary to paragraphs 14 and 19 of the National Planning Policy Framework, Saved Policy D1 of the adopted Milton Keynes Local Plan 2001-2011 (adopted 2005) and policy WS5 of the Woburn Sands Neighbourhood Plan 2014-2026 (adopted 2014). This does not constitute sustainable development in terms of paragraph 14 of the National Planning Policy Framework.
2. Furthermore the low density of this proposed development would not be considered sustainable given the current objectives of central government and this Council to both optimise use of land and to build both quickly and strategically.

- 1.6. In the Council's Statement of Case for the first inquiry, the first reason for refusal was effectively amended to read:

1. The development would be contrary to policy WS5 of the Woburn Sands Neighbourhood Plan 2014-2016 ([sic] adopted 2014). This does not constitute

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<sup>5</sup> CDs1.4, 1.5 and 1.7

<sup>6</sup> CD3.2

<sup>7</sup> CD3.4

sustainable development in terms of paragraph 14 of the National Planning Policy Framework.

*The reasons for recovery*

- 1.7. An initial request to recover this appeal for determination by the SoS was made on the basis that the development exceeded the threshold of 150 dwellings and on whether the *Liverpool* or *Sedgefield* method of calculating the available provision for housing was the 'correct' approach to adopt in this case; that request was refused on 30 August 2017<sup>8</sup>. However, the SoS subsequently directed that he should determine this appeal himself in letters dated 31 October 2017<sup>9</sup>. The reason for recovery was that:

*... the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.*

*The need for Environmental Impact Assessment (EIA)*

- 1.8. Although this 'urban development project' falls within the descriptions set out at paragraph 10b of Schedule 2 and exceeds the thresholds in column 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015, the Screening Opinion issued by the Council on 7 December 2016 indicated that the effects were likely to be mainly local and, given that the site was not in a specially sensitive location, that an Environmental Statement was not necessary, bearing in mind the advice in Schedule 3 to the Regulations. Accordingly, the scheme is not EIA development and an Environmental Statement is not required. Nevertheless, the application was accompanied by the following documents<sup>10</sup>:

- Planning Statement
- Design and Access Statement
- Transport Assessment (TA)
- Flood Risk Assessment
- Archaeology Report
- Tree Survey
- Landscape and Visual Assessment (LVA)
- Ecology Assessment
- Protected Species Report
- Noise Survey and supplementary report
- Statement of Community Involvement
- Sustainability Statement
- Geo-environmental Audit

- 1.9. The appellant's evidence to the second Inquiry included updates to the Ecological Assessment, the TA, and the Sustainability Statement, as well as updates to the Heritage Assessment and Economic Benefits Statement that had been presented to the first Inquiry<sup>11</sup>.

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<sup>8</sup> ID26

<sup>9</sup> ID27

<sup>10</sup> CD1.10-CD1.29

<sup>11</sup> APP9

*Public consultation*<sup>12</sup>

- 1.10. Pre-application discussion with Council officers together with statutory and non-statutory consultees preceded the application; meetings were held in December 2015 and February 2016. As a result, the intention to pursue a low density scheme, creating a 'soft edge' to the settlement, was endorsed. In addition, the link road through the site between Newport Road and Cranfield Road was considered to help relieve congestion at the junction beside the level crossing. Technical evidence was requested, relating to noise emissions from the Deethe Farm Industrial Estate, surface water drainage, ecological assessments and the setting of the Grade II listed Deethe Farmhouse.
- 1.11. A public consultation event (publicised in advance) was held in the Summerlin Centre, Woburn Sands on Friday 22 January 2016. This attracted 218 people. Concerns were raised about the existing junction between Cranfield Road and Newport Road, considered unsafe and subject to congestion, particularly when the level crossing was closed, and the need for traffic calming on Newport Road and Cranfield Road. There was support for the low density and the large gardens proposed and for the possibility of an additional doctor's surgery to ease perceived capacity problems at the existing facility.
- 1.12. Discussions with officers continued after the submission of the scheme and a revised illustrative site layout responded to specific points made at a meeting in June 2016. In addition, an LVA was undertaken, surveys of protected species carried out and the TA updated.

*The first Inspector's report*<sup>13</sup>

- 1.13. The first Inspector's report (IR) dated 2 February 2018 recommended that the appeal be allowed and planning permission granted subject to conditions. The Inspector concluded that a 5 year housing land supply (HLS) could not be demonstrated and the development plan policies pulled in both ways at a location he considered to be sustainable (IR9.48). He concluded on matters relating to the character of the landscape and surrounding area, the setting of the listed farmhouse, the traffic, car parking and facilities in Woburn Sands, housing density, ecology, and drainage (IR9.49), and considered that these matters were not sufficient to prevent a sustainable housing development from proceeding especially in the absence of a 5 year HLS (IR9.50). Weighing up the harms against the benefits, he concluded that the planning balance was firmly in favour of the proposed development (IR9.51-IR9.55).

*The SoS's decision*<sup>14</sup>

- 1.14. The SoS's decision letter (DL) dated 5 December 2018 agreed with the Inspector on matters such as the effect of the development on the character of the area (DL27), heritage assets (DL28), traffic, parking and facilities in Woburn Sands, ecology, and drainage (DL30). He disagreed regarding the 5 year HLS and concluded that the supply was approximately 5.9-6.2 years (DL15-18). He also disagreed regarding housing density and concluded that there was conflict with the relevant development plan policy (DL24-26).

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<sup>12</sup> Document 11 and CD1.28

<sup>13</sup> CD10.33

<sup>14</sup> CD10.33



Weighing up the benefits of the scheme against the adverse impacts including the conflicts with the development plan (DL34-37), he disagreed with the Inspector's recommendation and concluded that the appeal should be dismissed.

#### *High Court challenge*

1.15. The appellant appealed to the High Court on 6 grounds. It succeeded in the case of 2 which related to the SoS's findings in relation to the estimated deliverable supply of housing. The Court found that the SoS had failed to provide adequate reasons in relation to the HLS figure adopted in his decision. As a consequence, the decision was quashed in a judgment<sup>15</sup> dated 14 June 2019 and the appeal returned to the SoS for redetermination.

#### *Re-opening of the Inquiry*

1.16. The SoS wrote to parties on 16 August 2019<sup>16</sup> confirming that the inquiry would be re-opened. He considered that there had been significant changes in circumstances since the first Inquiry which were material to the redetermination of the appeal. These included:

- The adoption of a new local plan (Plan:MK) with the associated identification of housing expansion areas;
- The announcement by Highways England, in September 2018, that corridor B (central option) had been selected as the preferred corridor for the Oxford-Cambridge Expressway; and
- Changes to national policy and guidance.

1.17. A Pre-Inquiry meeting was held on 1 November 2019 which was followed by a note<sup>17</sup> setting out the likely main issues and how they would be addressed. At the meeting, the Council provided a note<sup>18</sup> updating the reasons for refusal to reflect changes in national and local policy. The updated reasons are as follows:

(1) The development by virtue of its location would be contrary to spatial policies DS1 (Settlement Hierarchy), DS2 (Housing Strategy) and DS5 (Open Countryside) of Plan:MK 2016 – 2031 (adopted March 2019) and to policy WS5 of the Woburn Sands Neighbourhood Plan 2014-2026 (adopted 2014). This does not constitute sustainable development in terms of paragraph 11 of the National Planning Policy Framework (2019).

(2) Furthermore, the low density of this proposed development would not be considered sustainable given the current objectives of central government and this Council to both optimise use of land and to build both quickly and strategically, contrary to policy HN1 (Housing Mix and Density) of Plan:MK 2016 – 2031 and paragraph 122 of the National Planning Policy Framework (2019)

1.18. The second Inquiry was held on 14-17 and 21-23 January 2020. I carried out an accompanied site visit on 20 January 2020. On the same day, I also carried out unaccompanied visits to locations in the surrounding area including within

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<sup>15</sup> CD10.34

<sup>16</sup> CD10.42

<sup>17</sup> CD10.44

<sup>18</sup> CD12.3

Woburn Sands as highlighted on the site visit itinerary<sup>19</sup>. The Inquiry closed in writing on 28 February 2020 once all outstanding documents, including the completed and executed Section 106 agreement, had been received.

## **2. The Site and Surroundings**

- 2.1. The following summary of the site and its surroundings is based on Section 2 of the first Inspector's report and the Statement of Common Ground (SOCG)<sup>20</sup> submitted to the second Inquiry which provides a number of updates.
- 2.2. The appeal site is almost 15.2ha. It consists of about half a dozen arable and pasture fields to the east of Newport Road and to the east and west of Cranfield Road. Part of the site is designated as Grade 3a agricultural land<sup>21</sup> in the Agricultural Land Classification. To the north is the former Wavendon Golf Academy which closed in 2018 and is laid out as a golf course with a formal parkland character. Further to the north of the former academy is the Grade II\* listed Wavendon House and a Grade II registered park and garden of the same name which was designated on 1 November 2019. To the east is agricultural land and to the south and west are residential properties at Parkway, Hillway, Tavistock Close and Ridgeway as well as the car park of the Wyevale Garden Centre. The site wraps around the Deethe Farm Industrial Estate. Deethe Farmhouse is listed Grade II and sits in the southern corner of the estate with commercial shed-type buildings to the north.
- 2.3. Internal boundary features include hedgerow and scrub. Mature trees and hedgerows bound the Newport Road and Cranfield Road frontages and the northern boundary with the former golf academy. A hedgerow also marks the boundary with a public footpath which runs through the site between the former golf course and the industrial estate. A Group Tree Preservation Order (TPO) protects trees at the proposed access point with Newport Road. A wider Area TPO<sup>22</sup> was designated on 8 January 2020 on land which includes the appeal site.
- 2.4. The site lies on the northern edge of Woburn Sands and beyond the development boundary for that settlement. The site is split between the parishes of Woburn Sands and Wavendon. There are neighbourhood plan areas covering both parishes although only Woburn Sands has a made neighbourhood plan. Woburn Sands is a small town with a range of shops and services including schools and a medical centre. There are bus links to Milton Keynes and a railway station on the line between Bedford and Bletchley. There are plans to upgrade the railway line as part of the east-west rail link between Cambridge and Oxford, while the area surrounding Woburn Sands is within the preferred corridor for the Oxford to Cambridge Expressway road proposal.

## **3. Planning Policy**

- 3.1. The relevant development plan documents for this appeal now comprise Plan:MK 2016-2031 (which has replaced the Milton Keynes Local Plan 2001-2011 and the Milton Keynes Core Strategy 2013) and the Woburn Sands

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<sup>19</sup> RID14

<sup>20</sup> RID06

<sup>21</sup> RID24 and LPA4

<sup>22</sup> TPO1

Neighbourhood Plan 2014 (WSNP). There is also the Site Allocations Plan 2018 (SAP) which is of relevance for some of the disputed HLS sites (see subsequent sections of this report).

- 3.2. The National Planning Policy Framework (NPPF) was updated in February 2019 and a new section on housing supply and delivery in the Planning Practice Guidance (PPG) was published in July 2019.

*Plan: MK*<sup>23</sup>

- 3.3. The appeal site lies adjacent to one of only 3 key settlements (Woburn Sands, Newport Pagnell and Olney) in the rural area of Milton Keynes as identified by Plan:MK. They comprise the second tier of the settlement hierarchy in Policy DS1 and are considered to be the most sustainable rural settlements taking into account their population, constraints, transport links and the capacity of services within each town. Policy DS1 states that most new development within the rural area will be concentrated within these 3 settlements.
- 3.4. Policy DS2 sets out Plan:MK's housing strategy and seeks to deliver a minimum of 26,500 dwellings across the Borough of Milton Keynes over the plan period. The policy states that new housing development will be focused on, and adjacent to, the existing urban area of Milton Keynes as well as the 3 key settlements. There are 13 criteria within the policy setting out how this development will be delivered.
- 3.5. Policy DS5 defines open countryside as all land outside the development boundaries defined on the Policies Map. Planning permission in the open countryside will only be granted for development which is essential for agriculture, forestry, countryside recreation, highway infrastructure or other development, which is wholly appropriate to a rural area and cannot be located within a settlement, or where other policies within this plan indicate development would be appropriate.
- 3.6. Policy HN1 covers housing mix and density. Part C states that net densities of proposals for 11 or more new dwellings should balance making efficient use of land with respecting the surrounding character and context, and that higher density development will be encouraged in locations with good accessibility to facilities, that are well served by public transport, and where it can be accommodated by existing or improved infrastructure.
- 3.7. Although not mentioned in the updated reasons for refusal, Policy NE7 is referenced in the Council's planning proof of evidence which seeks to protect the best and most versatile agricultural land (land in grades 1, 2 and 3a meet this definition in the NPPF). In assessing proposals for greenfield sites, the policy states that the Council will take into account the economic and other benefits of such land. Development involving the loss of agricultural land should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality unless other sustainability considerations suggest otherwise.

*Woburn Sands Neighbourhood Plan*<sup>24</sup>

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<sup>23</sup> CD5.31

<sup>24</sup> CD5.3

- 3.8. A small part of the site between Hillway and Ridgway falls within the boundary of the WSNP area<sup>25</sup>. Policy WS5 states that the preservation of the countryside setting, existing woodland and footpath links into the countryside is key to the future of Woburn Sands. The policy goes on to state that accordingly no extension to the current Woburn Sands Development Boundary will be permitted other than in the following exceptional circumstances:
- Plan:MK identifies a specific need for an amendment to the Development Boundary, and
  - Any proposed amendment is brought forward following full consultation with, and agreement by, Woburn Sands Town Council, and
  - The implications of any revised Development Boundary has been assessed in terms of the need to protect and maintain the character and countryside setting of Woburn Sands.
- 3.9. Although not mentioned in the original, amended or updated reasons for refusal, Policy WS6 was referenced at the second Inquiry. It states that existing housing developments in Parklands and on the Greens' site are expected to meet the needs for large scale housing development in Woburn Sands during the plan period. It goes on to state that additional housing in the plan area will be limited to small scale infilling between existing properties or redevelopment of existing properties other than in the following circumstances:
- The review of the MK Core Strategy [Plan:MK] identifies a specific housing need in Woburn Sands, and
  - Land proposed for development is brought forward after consultation, and agreement, with Woburn Sands Town Council, and
  - Development is of a scale and in a location that complies with the Vision and policies of the Neighbourhood Plan, and
  - Any such development is phased to take place in the latter part of the plan period in order to allow the assimilation of the increased population created by the already approved substantial developments.

*National policies and guidance*

- 3.10. NPPF paragraph 11 sets out a presumption in favour of sustainable development. For decision-taking this means either approving development that accords with an up to date plan without delay or where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless one of two exceptions apply. The first is whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development. The second is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

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<sup>25</sup> CD12.4

- 3.11. Footnote 7 to paragraph 11 clarifies that out of date includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer set out in paragraph 73).
- 3.12. NPPF paragraph 73 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies that are less than five years old. The supply of such sites should in addition include a buffer of 5%, 10% or 20% depending on the circumstances.
- 3.13. The NPPF glossary defines deliverable as sites for housing that should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. The definition goes on to state that, in particular:
- (a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
  - (b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
- 3.14. NPPF paragraphs 122 and 123 seek to achieve appropriate densities for development within the context of making effective and efficient use of land. Paragraph 122 sets out 5 criteria that need to be taken into account including (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
- 3.15. Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. It then sets out three considerations of which the first two are relevant to plan-making. The third sets out the following:
- (c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 3.16. Paragraph 170(b) recognises the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile

agricultural land. Paragraphs 193-196 deal with the impact of development on designated heritage assets.

3.17. The Housing Supply and Delivery section of the PPG sets out a number of paragraphs relating to demonstrating a 5 year HLS. This includes a paragraph<sup>26</sup> on what constitutes a 'deliverable' housing site in the context of plan-making and decision-taking. It states that robust and up to date evidence needs to be available. Sites in category (a) of the NPPF definition are considered deliverable in principle. Sites in category (b) require further evidence to be considered deliverable. The paragraph states that such evidence may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

#### **4. Planning History**

4.1. Two outline planning applications were previously submitted on land forming part of the appeal site. The first (11/00936/OUT) was for the erection of 102 dwellings and associated garages/parking, creation of two new accesses and provision of open space and associated works, which was refused in July 2011. The second (12/01502/OUT) was a resubmission of the first application and was refused in October 2012. Neither refusal was appealed. Two planning applications similar to the one at appeal were submitted in January and February 2017, but were withdrawn prior to determination.

#### **5. The Proposal<sup>27</sup>**

5.1. The proposal is made in outline with all matters except the means of access reserved for subsequent approval. The access arrangements are shown on drawing nos.WO1188-101 rev.PO5 and WO1188-1021 rev.PO3 indicating junction geometries with, respectively, vehicle tracking and visibility splays. Each access is shown as a simple T-junction with 2.4m x 70m visibility splays. There are 4. Two are designed to serve a new 'spine road' running through the proposed development from Newport Road (at a position north of Frosts landscape business and the Wyevale Garden Centre) to Cranfield Road (at a point beyond the Deethe Farm Industrial Estate and Spinney Lodge); those

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<sup>26</sup> PPG reference ID: 68-007-20190722

<sup>27</sup> Based on section 3 of the first Inspector's report and section 3 of RID06



access points are shown with 9m radii and are intended to serve a road some 6.2m wide suitable to accommodate buses. The access onto Newport Road entails the removal of 2 category A trees and 2 category B trees protected by the Group TPO. It also necessitates the relocation of a badger sett. Other trees protected by the Area TPO may be affected depending on details at the reserved matters stage.

- 5.2. The 2 other access points are shown on Cranfield Road, one on the outside of the bend beyond Ridgeway and the other opposite the Deethe Farm Industrial Estate; they are also shown with 9m radii, but with carriageways only 5.5m wide, as they are mainly intended to serve discrete parts of the scheme.
- 5.3. All other matters are reserved for subsequent approval, although an illustrative layout plan and a parameters plan show how the new road between Newport Road and Cranfield Road could serve a series of residential streets created partly around cul-de-sacs taken from that new road and partly around the 2 additional junctions on to Cranfield Road. Open space would be provided along with additional boundary screening, landscape buffers, play areas and surface water attenuation ponds.
- 5.4. The Design and Access Statement indicates that the dwellings would range in type and size and include both houses and some flats. 33% of the housing would be affordable dwellings equating to 67 units out of the proposed maximum of 203 units (25% would be affordable rented and 8% shared ownership).
- 5.5. The illustrative plans show the potential site for a doctor's surgery which would be provided if NHS England or the local Clinical Commissioning Group indicate that they would be willing to take advantage of such provision. It would either be a standalone facility or a satellite building for the existing surgery in Woburn Sands which has limited room to expand. Should the provision not be taken up, then 3 homes would be provided instead up to the maximum 203. This matter is addressed in the S106 agreement<sup>28</sup> and includes a financial contribution either towards the provision of the on-site surgery or expanding capacity at the nearest surgery serving the development. The S106 agreement also makes a range of financial contributions towards matters including education, open space, transport, community assets and social infrastructure. It also secures the provision of affordable housing on site.
- 5.6. Suggested conditions<sup>29</sup> are intended to ensure that the scheme would be implemented as intended and that the reserved matters and other details (including hard and soft landscaping and boundary treatments) would be submitted to the local planning authority for approval. In addition, foul and surface water drainage systems would be installed and controlled: a Construction Management Plan (including hours of operation) would be devised and implemented: a Landscape and Ecological Management Plan, including measures to safeguard protected species, would be prepared: a Travel Plan would be instigated: further archaeological investigations would be undertaken: the provision of 'green infrastructure', the retention of trees and the creation of new pedestrian and cycle facilities would be secured.

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<sup>28</sup> RID37

<sup>29</sup> Section A2 of RID06

## **6. Other Agreed Facts**

6.1. The main SOCG<sup>30</sup> sets out a number of agreed matters including:

- The proposal would not have an adverse effect of facilities and services within Woburn Sands;
- The proposed highway junctions onto Newport Road and Cranfield Road would have sufficient capacity to serve the development and additional through traffic and there are no objections to the junctions in highway terms;
- The junctions will remain well within capacity and will not create any queuing or congestion issues on the existing highway network;
- The effect on the listed Deethe Farmhouse would result in a low level of less than substantial harm;
- There are no national landscape designations that require consideration, effects on the locally designated area of attractive landscape will be negligible and the site and adjacent areas are not 'valued landscapes' in the context of NPPF paragraph 170;
- The landscape impacts would be limited to the site and immediately adjacent fields and would carry limited weight against the proposal. It is agreed that the same approach should apply at the current Inquiry;
- The proposal should not be refused because of the Oxford-Cambridge Expressway or on the grounds of prematurity;
- The proposal is acceptable with regard to surface water drainage and matters of detailed design can be addressed via planning conditions;
- Matters relating to noise from the adjacent industrial estate can be addressed via planning condition; and
- Matters relating to biodiversity and protected species are not an issue for this appeal and can be addressed via planning conditions and reserved matters applications.

6.2. An addendum to the SOCG<sup>31</sup> was received after the inquiry addressing the recently designated Area TPO. It confirms that:

- The TPO covers a wide area including the appeal site. It is directed to a wide area rather than in relation to individual trees or groups of trees.
- It is subject to a 28 day legal challenge period up to 5 February 2020 and will remain in effect for 6 months up to 8 July 2020 and thereafter if it is confirmed or replaced in the meantime.
- It is agreed that this new TPO does not materially alter the planning evidence or planning balance as presented by each party

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<sup>30</sup> RID06

<sup>31</sup> RID35



- Should outline permission be granted, this would allow for the removal of trees within the area covered by the TPO once details have been fully agreed at the reserved matters stage.
- The TPO protects trees on site until the implementation of the planning permission.

6.3. There is also a SOCG relating to housing land supply<sup>32</sup>, which sets out the following agreed matters:

- Plan:MK provides the basis for the calculation of the five-year housing land requirement. This states that there is a minimum requirement of 1,767 dwellings a year in the period April 2016 to March 2031;
- There have been 4,529 net completions in the Plan:MK plan period to 31 March 2019;
- There is a backlog of 772 dwellings as at 1 April 2019;
- All of this backlog should be met in the next 5 years (the Sedgefield method); and
- A 5% buffer should be applied to both the annual requirement and the backlog based on the published 2018 Housing Delivery Test results (February 2019).

6.4. The areas of disagreement relating to housing land supply are as follows:

- Whether or not a 5 year supply of deliverable housing sites can be demonstrated
- The timescale of the assessment (1 April or 1 October 2019)
- The timing of meeting the definition of deliverable
- The definition of deliverable
- Forecast completions
- The "optimism bias" (discounting dwellings from the supply)

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<sup>32</sup> SOCG1

## 7. The Case for the Appellant<sup>33</sup>

### The previous decision letter and the first Inspector's report

- 7.1. The Council asserted that the previous SoS decision letter (DL) remained a material consideration relying on *Davison v Elmbridge BC* [2019] EWHC 1409<sup>34</sup>. That judgment is on appeal to the Court of Appeal and relates to a planning committee's decision not an appeal decision which is an important distinction. The most recent judgment in relation to a challenge against an appeal decision held that the quashed decision is of no legal effect and should not be sub-divided in respect of those matters on which it was quashed: *R (West Lancashire BC) v Secretary of State for Communities and Local Government* [2017] EWHC 3451 (Admin), [27]-[38].
- 7.2. The Council in opening accepted that the SoS DL was not material in terms of HLS and conflict with expired Policies S10 and H8 (location and density respectively) due to the court order and change in circumstances including the adoption of Plan:MK. The Council identified the DL's finding of failure to accord with WSNP Policy WS5 was relevant but made clear that the weight to be accorded to that policy would need to be considered afresh. The appellant accepts there is policy conflict but there remains dispute about datedness.
- 7.3. The Council confirmed that the DL findings on landscape and character, heritage, traffic, ecology and drainage remained relevant where the DL simply endorses the conclusions of the first Inspector's report.
- 7.4. The only basis upon which the Council maintains the SoS is bound by consistency as to both policy conflict and weight is DL paragraph 26 (and the finding that the proposals were contrary to NPPF paragraph 122 and 123)<sup>35</sup>. That is contentious and fundamentally incorrect. The approach does not correctly reflect the position that a quashed DL is of no legal effect. It ignores important changes in circumstances in the evidence before the Inquiry including:
- (a) the Appellant's updated evidence at this inquiry as to the actual net density of the scheme and the changes in housing mix;
  - (b) the changes to the development plan following adoption of Plan:MK; and
  - (c) the Council's concession through the evidence of its planning witness<sup>36</sup> that density is a matter to be addressed at the reserved matters stage in the context of layout and does not provide a basis for refusal.

### The Development Plan

#### *Plan:MK*

- 7.5. The Appellant acknowledges that the development is in conflict with Policies DS1, DS2 and DS5 of Plan:MK<sup>37</sup>. However, it is important to examine the extent of the conflict and how precisely it arises. The development is contrary

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<sup>33</sup> Largely taken from the appellant's closing submissions RID33

<sup>34</sup> RID03

<sup>35</sup> RID02, paragraph 8(d)(iii)

<sup>36</sup> Cross-examination and re-examination of Niko Grigoropoulos on Day 5

<sup>37</sup> APP8 page 7 para 3.1

to the terminology of the policies, given their reference to Policy DS5. DS5 is a counterpart policy. Where a proposal conflicts with DS5, it will be contrary to DS1 and DS2. However, it accords with the strategy underlying DS1 and DS2 insofar as directing development to the three key settlements in the rural area as locations that the Council has "chosen for development"<sup>38</sup>.

- 7.6. Woburn Sands is the only key settlement to have its own train station. Plan:MK does not identify any constraint on housing delivery or place any cap on the number of dwellings to be located at Woburn Sands. The first Inspector found Woburn Sands to be a sustainable location for growth (see IR9.48). The WSNP was adopted more than 5 years ago and 3 years prior to Plan:MK. It does not make any allocations and has not been reviewed.
- 7.7. The settlement boundary is tightly constrained. The application of and weight accorded to Policies DS1, DS2 and DS5 must yield to the assessment of HLS. The Council accepted<sup>39</sup> that it was to Woburn Sands as a key settlement that development should go in the absence of a 5 year HLS.
- 7.8. The Council has identified conflict with Policies HN1 and NE7 of Plan:MK but confirmed that all other policies weighed in support (including Policy HN2 in respect of affordable housing and Policy EH5 in respect of health facilities) or could be addressed through reserved matters.

#### *Woburn Sands Neighbourhood Plan*

- 7.9. It is accepted that the development conflicts with Policy WS5 as none of the named exceptional circumstances are presently met. The weight to be accorded to the policy must however reflect the extent to which the policy remains in accordance with the NPPF and up-to-date, for the purposes of NPPF paragraph 213.
- 7.10. The WSNP was adopted comparatively early in July 2014 and was assessed for general conformity against a now expired Local Plan backdrop and the 2012 version of the NPPF. Policy WS5 was identified at appeal as creating an unacceptable constraint on growth in circumstances where there was no 5 year HLS. It was accorded very little weight in the Frost appeal<sup>40</sup> and the first Inspector for this appeal stated it was contrary to the advice in the NPPF (see IR9.20).
- 7.11. The policy is not consistent with the NPPF including the second test which requires the agreement of the Town Council. This was added after the examination without the recommendation of the examiner or any further assessment<sup>41</sup>. The policy also seeks to protect the countryside for its own sake which is at odds with the more balanced approach in NPPF paragraph 170(b).
- 7.12. The WSNP makes no provision for an up to date housing requirement in line with NPPF paragraph 65 and 66 and contains no allocations or policies to provide for housing. The lack of WSNP review means that the obvious defects of Policy WS5 have not been scrutinised. The Council is incorrect to say that

<sup>38</sup> CD5.31 Glossary on page 286

<sup>39</sup> Cross-examination of Niko Grigoropoulos on Day 5

<sup>40</sup> CD6.6

<sup>41</sup> CD5.17 paragraph 7.6.12 and recommendation 2B

the policy has been given a new lease of life by Plan:MK as the Plan Inspector could not and did not make any finding on the soundness of this policy.

- 7.13. The Council's planning witness accepted no conflict with Policy WS6 in cross-examination but the Council's advocate seemed to withdraw that concession in cross-examination of the appellant's planning witness. The policy is parasitic on WS5 and equally inconsistent with the NPPF, requiring the agreement of the Town Council and seeking to delay development to the end of the plan period. This reduces the weight to be accorded to it.
- 7.14. Irrespective of the 5 year HLS position, Policies WS5 and WS6 are out of date for at least two reasons: (1) their wording is highly restrictive and fails to accord with the NPPF and (2) the WSNP was not prepared using an up to date housing requirement and makes no housing allocations.

### Housing Land Supply

#### *Overview*

- 7.15. The SOCG on HLS sets out a number of agreed matters in terms of housing requirement, net completions, the backlog, the use of Sedgefield, the buffer and the resulting requirement.
- 7.16. Plan:MK was assessed under the tests contained in the old 2012 NPPF and the Plan Inspector made no findings as to deliverability under paragraph 73 and glossary definition of the 2019 NPPF. The Council's HLS witness accepted that the Plan Inspector's Report does not help in determining whether the Council can demonstrate a 5 year HLS now.
- 7.17. The appellant has identified that the deliverable HLS at the base date of 1 April 2019 would be 3.55 years (7,161 dwellings) and at the base date of 1 October 2019 would be 3.76 years (7,579 dwellings).
- 7.18. In comparison, the Council's respective figures are understood to be 6.41 years (12,931 dwellings) for the 1 April 2019 base date and 6.91 years (13,949 dwellings) for the 1 October 2019 base date
- 7.19. Deductions of 2,844 dwellings against the 1 April base date and 3,858 dwellings against the 1 October base date would result in the Council having less than a 5 year HLS.
- 7.20. The appellant submits that a deduction of that scale is justified on three site-specific bases. Firstly, that sites with detailed permission (category (a) in the NPPF definition) require deductions to reflect unrealistic build-out rates. Secondly that sites with outline permissions or allocations (category (b) in the definition) require deductions or removal to reflect the absence of clear evidence to demonstrate deliverability at the base date. Thirdly, other sites which do not fall within either category (principally prior notification sites under Class O) require removal to reflect the absence of clear evidence to demonstrate deliverability at the base date.

*Deliverability*

- 7.21. The Council refer to the judgments in *St Modwen*<sup>42</sup> as to the distinction between certainty and a realistic prospect. That latter judgment was considered further and qualified in *Babergh*<sup>43</sup>. The revised NPPF in 2018 and 2019 altered the definition of deliverable in two key respects. Firstly, the requirement to demonstrate clear evidence and secondly the use of closed categories in the definition with the burden of proof distributed accordingly. These changes have been described as ensuring a stricter approach by Inspectors<sup>44</sup>. *Babergh* is more recent than *St Modwen*.
- 7.22. A site specific approach must be applied to an assessment of deliverability to comply with the NPPF. The SoS DL on this case was quashed based on the failure to provide site specific analysis on any reasons for the final HLS figure. It is permissible to consider the broader context of HLS in terms of the size and type of sites included, historic rates of delivery and the accuracy of past forecasts, but this cannot replace site specific analysis. In this respect, the Council states that their historic use of a generic "optimism bias" no longer meets the requirements of the NPPF nor the PPG<sup>45</sup>. That said, the Council continue to use it and adopt that position in the context of this appeal.

*The base date*

- 7.23. The appellant's HLS witness explained why it is essential that the evidential position ('clear evidence') is assessed by looking to what existed at the base date. A 'backfilled' approach whereby a site was simply deemed to be deliverable and evidence then adduced and accumulated over the course of the year was not methodically sound and not compliant with the NPPF or PPG. There is Inspectorial authority on this point from the Woolpit decision<sup>46</sup>. It is possible to take into account information that has arisen after the base date, but only where the site passed the test of deliverability at the base date<sup>47</sup>. This was the approach of the last decision within the Milton Keynes area at Castlethorpe Road<sup>48</sup>. The earlier Globe decision cited Woolpit but appeared not to apply it, notably omitting to set out the state of the evidence at the base date for respective sites.
- 7.24. The Council has further cited the Colchester Road decision<sup>49</sup>, but the example cited by the Inspector of a separate full permission being excluded, is not replicated in the instant case. Moreover, that Inspector in disagreeing with Woolpit in respect of new permissions again did not address the specific problem of completions.
- 7.25. In assessing the intention of the NPPF, it is instructive to consider the position of Annual Position Statements requiring research to be complete prior to the necessary consultation with stakeholders which must take place between notification on 1 April and submission on 31 July of the given year. It is

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<sup>42</sup> CD7.1 [2016] EWHC 968 (Admin) and CD7.6 [2017] EWCA Civ 1643

<sup>43</sup> RID09 [2019] EWCA Civ 2200 paragraphs 45-50

<sup>44</sup> CD6.18 for example

<sup>45</sup> LPA1 page 22 para 4.54

<sup>46</sup> CD6.16 paragraphs 67 and 70-79

<sup>47</sup> CD6.13, CD6.14 and CD6.15

<sup>48</sup> CD6.18 paragraphs 58-61 and 65

<sup>49</sup> CD6.22, paragraph 63

therefore entirely practical and consistent with the intention of national policy to ensure that the evidence base is assembled prior to a 1 April base date, including the draft written agreements. The appellant referred to two examples from Mid Suffolk<sup>50</sup> and Babergh<sup>51</sup> District Councils which respectively itemise the extent of prior consultation and evidence collection, resulting in the production of Memoranda of Understanding (MOU).

- 7.26. The fundamental principle at stake is that of robustness in the evidence base to give effect to the policy imperative of boosting the supply of housing. This can only be ensured by looking to the full 5 year period (not a shortened 4 ¼ period) and by ensuring full transparency on the part of the Council when drawing up its Annual Monitoring Report. The Council's HLS witness accepted that none of the evidence provided in its June 2019 HLS Statement contained documentary evidence at the base date of 1 April 2019. They either substantially pre-dated 1 April 2019 (based on Plan:MK information) or substantially post-dated it (such as the proformas). No amount of chasing of proformas or sense checking could repair the fundamental deficit of evidence at the base date. The appellant disputes the Council's claim that the appellant promotes an artificial two stage approach as one stage should suffice.
- 7.27. It is for this reason that the appellant advances an updated base date to 1 October 2019 to allow the most up to date evidence to be adduced, but only in a manner that reflects the level of completions that have occurred since 1 April 2019.

#### *Proformas*

- 7.28. The Council's proformas are not written agreements in line with the PPG ID68-007. They present the trajectory with a simple box to check without identifying the extent of the evidence of progress or testing the build out rate. Supporting information by way of covering emails was often sparse. As such, the Council has had to rely on variety of updates from its witness' proof to oral additions in the roundtable session. This is wholly inconsistent with national policy and does not reflect clear evidence to reflect the position as at the base date.

#### *Build-out rates*

- 7.29. The evidence of the appellant's HLS witness sets out the national perspective<sup>52</sup> which identified the highest build-out rates of 268dpa averaged over 5 years at the Eastern Expansion Area in Milton Keynes (Broughton Gate and Brooklands). Based on the local experience of the appellant's HLS witness, any rates significantly in excess of this figure should be treated with scepticism.

#### *Public ownership of land*

- 7.30. Another key obstacle for the Council has been the extent to which it relies on sites in public ownership including the Milton Keynes Development Partnership (MKDP), the Milton Keynes Community Foundation and Homes England. The reason for delays in releasing sites are myriad. The proformas submitted by the Council were subject to assessment by a body that included officers of the

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<sup>50</sup> RID10

<sup>51</sup> RID08

<sup>52</sup> CD11.1 and APP3 appendix 1 paragraphs A1.18-A1.22



Council and MKDP. Contrary to the Council's advocate's suggestion that this impugned their professional judgment, there was an inevitable circularity in the proforma assessments submitted by these bodies, unjustifiably reinforcing misplaced optimism as to delivery rates.

#### *Past forecasts*

- 7.31. The Council has had historic difficulties in the accuracy of its forecasting. When tabulating actual completions against forecasts<sup>53</sup>, there is an under-delivery against forecasts of 28-30%. Current and past trajectories have failed to be met. Historic rates are instructive in identifying persistent trends and providing a sense check with long-range date.
- 7.32. Inspectors have commented on the way the Council's supply assumes very sharp increases in delivery beyond those experienced either locally or nationally<sup>54</sup>. In response to this, the Council have sought to rely on recent short-term uplifts in completion rates to suggest that there has been a change of direction. Such data is too short-term and too limited in any supporting analysis to justify any conclusion that there has been improvement in their forecasting exercise. There is no evidence that Plan:MK is responsible for recent uplift in delivery. Peaks in development activity have historically been attributable to apartment blocks. This provides limited assistance in respect of how sharp and continuing increases can occur on strategic sites.

#### *Consistency with previous decisions in Milton Keynes*

- 7.33. The Castlethorpe Road decision, being the most recent and having taken into account the earlier Globe decision remains the most helpful reference point for the Inspector and SoS. The legal challenge to the Castlethorpe Road decision was unsuccessful. The decision sets out robust approach to individual sites at paragraphs 58-60 identifying longstanding delays to delivery and an overall absence of strong evidence. The Inspector in paragraph 63 made clear that he stopped halfway through looking at sites as it was already evident that the Council did not have a 5 year HLS.

#### *Individual site analysis*<sup>55</sup>

- 7.34. The appellant's analysis is based on the evidence of its HLS witness in his proof (Appendix 3) and rebuttal (Appendices 3 and 3a)<sup>56</sup>. The errata document<sup>57</sup> updates the evidence in several respects following the roundtable session.

#### *Site 1: Brooklands (deduct 232 units for 1 April or 267 units for 1 October)*

- 7.35. Sites with detailed permission but Council's rate of delivery is excessive, assuming a sharp uplift in delivery from 182 dwellings in 2019/20 to 347 dwellings in the following year with only 2 developers on site across 7 parcels. This would be substantially higher than the highest figures hitherto achieved (268dpa across 12 parcels). Reduce delivery from 222dpa to 175dpa (April) or 168dpa (October).

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<sup>53</sup> APP3 appendix 2, table 2 and table 3

<sup>54</sup> CD5.32 paragraph 145 and CD10.33 paragraph 9.9

<sup>55</sup> The appellant's closing submissions sets out its case for each site in more detail

<sup>56</sup> APP3, 4 and 6

<sup>57</sup> RID20

- 7.36. For Phases 1B and 5B-6B, the Council's evidence comprised in proforma responses compiled as late as June 2019. These both assume rates of 60dpa, which are at odds with an average annual rate of 45dpa across Brooklands.
- 7.37. For Land south west of Fen Street, the Council have confirmed that no proforma was submitted for this site and accordingly, the Council have essentially relied on data from other developers on other sites. The appellant's figures reflect the commencement of completions on the site, but deduct the completions on this strategic site as the forecast rates are unrealistic.

*Site 2: Tattenhoe Park (deduct 447 units for 1 April or 530 for 1 October)*

- 7.38. Sites with outline permission with the Council relying on proformas from Homes England submitted in June 2019. Tender documents for Phases 2 and 3 dated July 2018 do not declare extent of progress at 1 April 2019 base date. Council sought to add extra 83 dwellings as a result of potential delivery agreement. No developer commitment for Phases 4 and 5.
- 7.39. Detailed permissions for Phases 2 and 3 granted on 15 November 2019 and 24 October 2019 respectively after the 1 April. Sites have had outline permission for over 10 years and failed to deliver any units. Proformas insufficient for either 1 April or 1 October base date. Castlethorpe Road Inspector agreed that sites were not deliverable.

*Site 3: Western Expansion Area (deduct 1,503 units for 1 April or 1,084 for 1 Oct)*

- 7.40. Outline permissions only for Area 10 and Area 11 Remainders at 1 April. Council rely on proformas. Detailed permission for 152 dwellings granted 24 September 2019. Following advice from developer, the Council has removed 306 units from Area 10 and 229 units from Area 11.
- 7.41. No evidence of deliverability at 1 April for either area and no evidence for why delivery rate of 300dpa for Area 10 would be realistic. Very large strategic sites and Council's expectations need reducing. Castlethorpe Road Inspector agreed the site was not deliverable.

*Site 4: Strategic Land Allocation (deduct 864 units for 1 April or 743 for 1 Oct)*

- 7.42. The disputed sites within this allocation all had outline permission at 1 April. No lead developer. Proformas not supplied for all sites. Belated evidence at roundtable session. Council's average delivery rate of 399dpa should be adjusted to 274dpa based on local and national evidence.
- 7.43. No proforma for Ripper Land site, only an email about access issues, so remove all units from supply for either base date. No proforma for Land West of Eagle Farm South although reserved matters application awaiting legal agreement at 1 April, so reduce supply by 64 units for either base date. No proforma for Eagle Farm site and the information from October 2019 on developer's intentions is not clear evidence and so remove all units from supply for either base date.
- 7.44. For Glebe Farm site, the Council rely on updated proformas and 2 detailed permissions granted in September and October 2019. Appellant taken into account September permission if 1 October base date used. Supply reduced by either 310 units (April) or 142 (October). For the Golf Course Land, the Council



rely on detailed permission for 180 units granted on 1 November 2019 which the appellant accepts could be included in 1 October base date but not April. For the Church Farm site, the Council rely on a proforma where only one condition has been discharged from outline permission so remove all units from supply for either base date.

*Site 5: Newton Leys (deduct 80 units for 1 April and 0 for 1 October)*

- 7.45. Outline permission at 1 April with reliance on proforma means removal of all units from supply at this base date. Reference to pre-application discussions at roundtable session not sufficient evidence of progress to reserved matters. Detailed permission granted in September so can include 80 units at October base date.

*Site 6: Campbell Park Remainder (deduct 300 units for either 1 April or 1 October)*

- 7.46. Proforma from MKDP limited and does not even confirm agreement to Council's forecast. Council referred to development brief and ambitions for a mixed use development at roundtable and an email from December 2019 refers to a joint strategy between MKDP and two named developers, but forecasts no planning application until latter half of 2020 and no start on site until 2021. The Castlethorpe Road Inspector agreed that the site was not deliverable.

*Site 7: SEMK Strategic Growth Area (deduct 50 units for either 1 April or 1 Oct)*

- 7.47. Allocated site in Plan:MK with no outline permission. No evidence of pre-application activity and SOCG from June 2018 is relatively high level and does not provide up to date evidence.

*Site 8: Berwick Drive (deduct 16 units for 1 April or 11 units for 1 October)*

- 7.48. Allocated site in Plan:MK and Council owned. Council rely on proforma from June 2019 and November update that refers to pre-application discussions and reduces number of units from 16 to 11. Delete site from supply.

*Site 9: Wyevale Garden Centre (deduct 328 units for 1 April or 142 for 1 October)*

- 7.49. Proforma from June 2019 limited. Permission not granted until July 2019. Delete site from April base date. Can include with October base date but with a deduction to reflect likely delivery rates over 5 years as the Council's rates of 150 and 130 in years 4 and 5 are unrealistic. 62dpa is more realistic.

*Site 10: Food Centre (deduct 298 units for 1 April or 200 for 1 October)*

- 7.50. Allocated site with no planning application as of 1 April and no proforma until November 2019. No detail of pre-application discussions. Hybrid planning application not submitted until 23 October. Delete site from supply.

*Site 11: Redbridge (deduct 19 units for 1 April or 48 units for 1 October)*

*Site 12: Rowle Close (deduct 18 units for either 1 April or 1 October)*

- 7.51. These sites are adjacent and have been considered as one. They are covered by an allocation but no planning application or permission. Reliance on a proforma only. Delete both sites from supply.

*Site 13: Agora Redevelopment (deduct 104 units for either 1 April or 1 October)*

- 7.52. Allocated site with no extant permission and no application pending. Council rely on amended trajectory in June 2019 proforma. Castlethorpe Road Inspector considered site was not deliverable as at 1 April.

*Site 14: Galleon Wharf (deduct 14 units for either 1 April or 1 October)*

- 7.53. The main parties agree this site can be deleted from the supply.

*Site 15: Railcare Maintenance Depot (deduct 175 units for either 1 Apr or 1 Oct)*

- 7.54. Outline application for mixed use development with activity focussed on non-residential uses at both base dates. June 2019 proforma limited and no new information to indicate progress towards implementing the residential elements. Delete site from the supply.

*Site 16: Eaton Leys (deduct 308 units for 1 April or 182 units for 1 October)*

- 7.55. Outline permission only at 1 April with no proforma until December 2019. Submission of reserved matters application means appellant accepts site is deliverable but with a consequent reduction in completions to reflect local and national data: 52dpa from 2021/22 to reflect that the site competes with other Barrett David Wilson sites locally.

*Site 17: Lakes Estate Neighbourhood Plan Sites (deduct 130 units for 1 April or 279 units for 1 October)*

*Site 18: Phelps Road (deduct 11 units for either 1 April or 1 October)*

*Site 27: Southern Windermere Drive (deduct 11 units for either 1 April or 1 October)*

- 7.56. These sites form part of a phased Council regeneration proposal. June 2019 proforma from Housing and Regeneration Manager reveals complexity of works commencing with demolition and re-housing of Council tenants. Hybrid application mentioned in proforma not submitted in late 2019. Considerable discussion at roundtable on the correct way of assessing impact of demolition and replacement dwellings. Appellant's approach is that the completion of dwellings to replace those that are due to be demolished does not meet housing need and therefore should not be permitted to address the housing requirement. The maximum number of units that can be taken into account is therefore 110, although there is no clear evidence for even this number.

*Site 19: Land off Hampstead Gate (deduct 16 units for 1 April or 34 units for 1 Oct)*

- 7.57. MKDP site with proforma submitted 13 November after both base dates. The accompanying email sets out project dates but nothing else provided. Delete site from supply.

*Site 20: Land off Harrowden (deduct 25 units for either 1 April or 1 October)*

- 7.58. Council owned site with June 2019 proforma. Uncertainty of delivery and Council accept trajectory should be pushed back to 2022/23. Delete site from supply.

*Site 21: Broughton Atterbury Self Build Plots (deduct 6 units for either 1 April or 1 October)*

- 7.59. MKDP site with June 2019 proforma and no further evidence. While Council referred to wider planning permission for wider site, no clear evidence of deliverability for the specific site. Assertion of demand for custom-built plots. Delete site from supply.

*Site 22: Hendrix Drive (deduct 10 units for either 1 April or 1 October)*

- 7.60. MKDP site with June 2019 proforma limited. No clear evidence of deliverability.

*Site 23: Kellan Drive 1 (deduct 10 units for 1 April or 12 units for 1 October)*

- 7.61. Council owned site with June 2019 proforma limited. Application submitted by 1 October but not determined and no identified developer. No clear evidence of deliverability.

*Site 24: Singleton Drive (deduct 22 units for either 1 April or 1 October)*

- 7.62. MKDP site with June 2019 proforma limited. Reference to pre-application advice and development brief not documented by Council. No clear evidence of deliverability.

*Site 25: Former MK Rugby Club (deduct 100 units for either 1 April or 1 October)*

- 7.63. Council owned site and Plan:MK allocation with land on long leasehold to the Parks Trust. No application submitted. May 2019 proforma from Bellway Homes but not yet the site owner and text of accompanying email states they are not under contract. Council rely on December 2019 email from Property team recording a putative land disposal agreement in an advanced state but no clear evidence of deliverability. Castlethorpe Road Inspector found site was not deliverable.

*Site 26: Timbold Drive (deduct 130 units for 1 April or 118 units for 1 October)*

- 7.64. MKDP site and SAP allocation. June 2019 proforma limited. New outline permission being sought but no reported progress on any reserved matters applications. No clear evidence of deliverability.

*Site 27 (see above)*

*Site 28: Land north of Vernier Crescent (deduct 14 units for either 1 Apr or 1 Oct)*

- 7.65. MKDP site and SAP allocation. June 2019 proforma limited. Pre-application work not documented and disposal plan pushed back. No clear evidence of deliverability.

*Site 29: Manifold Lane (deduct 18 units for 1 April or 33 units for 1 October)*

- 7.66. MKDP site and SAP allocation. June 2019 proforma limited and simply refers to application for permission. Council latterly referred to email correspondence but site still in MKDP ownership and sale dependent on permission. In roundtable Council only able to say application anticipated in January 2020. No clear evidence of deliverability.

*Site 30: Daubeney Gate (deduct 90 units for 1 April or 73 units for 1 October)*

- 7.67. MKDP site and SAP allocation. June 2019 proforma limited and simply refers to site being marketed. Council latterly referred to email correspondence with Taylor Wimpey but site still in MKDP ownership and purchase dependent on board approval and site investigation. Site capacity already reduced to 73 units. In roundtable, Council only able to say application forecast for March 2020. No clear evidence of deliverability.

*Site 31: Springfield Boulevard (deduct 12 units for 1 April or 13 units for 1 October)*

- 7.68. Council owned site and neighbourhood plan allocation. June 2019 proforma limited. Application submitted and then withdrawn. Application submitted in November but not registered until 2 December. No clear evidence of deliverability.

*Site 32: Hindhead Knoll (deduct 30 units for either 1 April or 1 October)*

- 7.69. MKDP site and neighbourhood plan application. June 2019 proforma limited. Application submitted October 2019 but not yet determined. No clear evidence of deliverability.

*Site 33: Land at Walton Manor (deduct 115 units for either 1 April or 1 October)*

- 7.70. MKDP site and SAP allocation. June 2019 proforma limited. Council rely on outline application submitted January 2019 and approved in November. Site remains in MKDP control and further sale to development dependent on progress with site disposal. No clear evidence of deliverability.

*Site 34: Land at Towergate (deduct 150 units for either 1 April or 1 October)*

- 7.71. Homes England site with outline permission and SAP allocation. June 2019 proforma merely looks ahead to future marketing activity. Landowner sought to discharge part 1 and 2 of condition 6 in September 2019. Later application to discharge ecological mitigation was withdrawn in August 2019. Indicates marketing activity has been inhibited. No clear evidence of deliverability.

*Site 35: Reserve Site 3 (deduct 22 units for either 1 April or 1 October)*

- 7.72. MKDP site and SAP allocation. June 2019 proforma limited. No further progress with an allocation. No clear evidence of deliverability.

*Site 36: High Park Drive (deduct 74 units for either 1 April or 1 October)*

- 7.73. Site with outline planning permission. No proforma. Work to discharge condition post-dates both base dates. No clear evidence of deliverability.

*Site 37: Maybrook House (deduct 25 units for either 1 April or 1 October)*

- 7.74. Prior notification site. Appellant explained that such a site does not fall within category (a) or (b) in the NPPF definition of deliverable. The PPG reference to "conversions" in 68-029 only refers to completions, it does not designate such units as part of a supply. If sites are to be included, there is still a requirement to assess the extent to which the sites are available in light of ongoing activity in existing use and whether there is clear evidence they will deliver completions at the rate forecast. No proforma for this site and no further evidence from Council. Site is still not fully vacated and so should not be

considered for residential use. Clear evidence that the site could not be delivered at either base date.

*Site 38: Mercury House (deduct 113 units for either 1 April or 1 October)*

7.75. Prior notification site. No proforma and no further evidence from Council. Grant of approval for demolition as at 9 January 2020 but no evidence of any timescale for further works. Clear evidence that the site could not be delivered at either base date.

*Site 39: Bowback House (deduct 107 units for either 1 April or 1 October)*

7.76. Prior notification site. No proforma and no further evidence from Council. Site is still not fully vacated and still be marketed for office use. Should not be considered available for residential use. Clear evidence that the site could not be delivered at either base date.

*Site 40: Land east of Tillbrook Farm (deduct 36 units for either 1 April or 1 October)*

7.77. Site with outline planning permission. June 2019 proforma and follow-up email from November 2019 refer to delays of further 3 months for submission of reserved matters. No clear evidence of deliverability.

*Site 41: Tickford Fields (deduct 220 units for either 1 April or 1 October)*

7.78. Council owned site with no outline permission. June 2019 proforma records start date as unknown. December 2019 email refers to future application but no further progress towards securing developer partner. No clear evidence of deliverability.

*Site 42: Land west of Yardley Road (deduct 210 units for either 1 April or 1 October)*

7.79. Site with outline permission and allocated in Olney Neighbourhood Plan. Council rely on June 2019 proforma. Reserved matters application submitted November 2019. No clear evidence of deliverability.

*Site 43: Omega Mansions (deduct 10 units for 1 October)*

7.80. Prior notification site for purposes of 1 October base date. No progress of further works. No clear evidence that the site was deliverable at base date.

*Site 44: Cable House – duplication with Site 38 (Mercury House)*

*Site 45: Chancery House { deduct 40 units for 1 October)*

7.81. Prior notification site for purposes of 1 October base date. No progress of further works. No clear evidence that the site was deliverable at base date.

*Site 46: Land south of Cresswell Lane – Central MK C3.2 (deduct 294 units for either 1 April or 1 October)*

7.82. The Council did not consider that this site was deliverable as at the 1 April 2019 base date. Full planning permission was only granted on 31 July 2019. There was therefore no clear evidence that the site was deliverable as at April base date. This application did not result in an amendment to the MK Housing Statistics and as such it was considered that the site remains undeliverable.

*Site 47: Castlethorpe Road (deduct 50 units for 1 October)*

- 7.83. Outline permission granted at appeal after 1 April. No clear evidence from Council as to why it should be included in the supply.

*Site 48: Station Road Elder Gate*

- 7.84. [Not covered in closing submission or in detail elsewhere by appellant]

*Sites 49-52: Council's "Year 6" sites*

- 7.85. The Council sought to add 4 sites predicted to deliver in first half of 2024/25 year (if the base date is 1 October). The appellant's overall position is that the timescales for delivery are extremely uncertain given that completions are only anticipated at the end of the period. None have outline permission and no recorded developers.

*Site 49: Rear of Saxon Court (deduct 20 units for 1 October)*

- 7.86. Council referred to development brief consultation in summer 2019. MKDP acting for Council and does not provide sufficient evidence of progress. Council's most recent assessment in December 2019 was that there was no clear evidence of delivery in 5 years.

*Site 50: Rear of Westminster Court (deduct 15 units from 1 October)*

- 7.87. MKDP acting for Council and does not provide sufficient evidence of progress. Council's most recent assessment in December 2019 was that there was no clear evidence of delivery in 5 years.

*Site 51: C4.2 (deduct 22 units from 1 October)*

- 7.88. MKDP acting for Council and does not provide sufficient evidence of progress. Council's most recent assessment in December 2019 was that there was no clear evidence of delivery in 5 years.

*Site 52: Cavendish House (deduct 9 units from 1 October)*

- 7.89. Part of Fullers Slade regeneration proposals now approved at referendum with a development option selected. Proforma from MKDP states 'strong possibility' site will come forward, but still not clear evidence of delivery.

*Summary on housing land supply*

- 7.90. The Council does not have a robust, deliverable five-year supply of housing land. This has been the case for some considerable time. The appeal site if released would be delivered within 5 years as a small site under the control of a SME developer which the Council's Housing Delivery Action Plan seeks to promote. Further, there has been a significant shortfall in the provision of affordable housing over the years which this site would help to address. The shortfall in housing for a new town is beyond problematic and the imbalance between jobs and housing increases in-commuting and frustrates sustainable growth.



### Location of the development

- 7.91. The first Inspector found site to be in a sustainable location due to accessibility of public transport and local facilities and the absence of any unacceptable environmental effects.

#### *Development plan and national policy*

- 7.92. The adoption of Plan:MK has not altered this but recognised and reinforced it. Policies DS1 and DS2 identify Woburn Sands as a sustainable location with no cap on development. There is very limited space within the settlement boundary for development. Changes to the boundary in Plan:MK have reflected existing commitments, the Frosts appeal, the Nampak permission and the Frosts retail permission.
- 7.93. The revised NPPF in 2018 and 2019 has not altered sustainability. It continues to boost HLS (para 59), direct housing to sustainable locations (para 103) and ensure development is located within locations including rural locations where it can contribute to the vitality of the community (para 78). Majority of recent development at the Nampak site and of a density and general form that takes little account of town's existing character.
- 7.94. Housing would support public transport, shops and services. The existing doctor's surgery has capacity for new patients and financial contributions can be made for school places. Woburn Sands and the appeal site are appropriate locations for future growth. The fact that the Plan:MK Inspector did not require further allocations and the Town Council are declining to review WSNP does not alter this.

#### *Oxford-Cambridge Expressway*

- 7.95. The Council did not cite this as any basis for refusal of scheme and this remains their position in the SOCG and at the inquiry. The appellant has set out that plans are at the very earliest stages of consultation with the Secretary of State for Transport indicating that he will review whether there is a continuing justification for the proposal having described its benefits as finely balanced and the need to demonstrate a strong case that it will boost jobs, prosperity and has local support<sup>58</sup>.
- 7.96. Examining the site and locality there is no realistic prospect of substantial road construction at the appeal site or vicinity. The appellant has explained the extent of constraints preventing road construction, most notably the registered park and garden and residential development including the Strategic Land Allocation. Further, the suggestion made by Highways England that development on the site would be contrary to the adopted development plan and potentially result in conflict with the expressway is wrong. Plan:MK only deals with the expressway in the context of the SEMK Strategic Growth Area. Therefore, the expressway does not constitute a reason to withhold consent.

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<sup>58</sup> APP8 paragraph 4.6

## Housing density

- 7.97. At this Inquiry, the appellant has made clear that the density figure should be assessed at 20.3 dwellings per hectare (dph) applying a net density approach that subtracts the area's listed in the planning witness' proof<sup>59</sup>. That approach reflects the absence of any statutory definition or any extant policy or guidance. Changes to the housing mix would increase density in respect of habitable rooms per hectare<sup>60</sup>.
- 7.98. The Council's case at the first Inquiry sought to prolong the initial objection on the basis of Policy H8 of the Local Plan 2005 which looked for a density of 35dph for locations like Woburn Sands. The first Inspector found no substance in this point in his paragraphs IR9.43 and IR9.45. The SoS DL paragraphs 24-26 referred consistently to conflict with Policy H8. The SoS referred only in DL paragraph 24 to NPPF paragraphs 122-123 in assessing the accordance of the policy with NPPF, notably identifying its use of a range of average net densities.
- 7.99. The development plan position and national policy position have both moved on markedly since the original Inquiry with the expiry of Policy H8. The policy framework for density is now Policy HN1(c) with contextual support from Policy SD1 and D1. Policy HN1 conforms with NPPF paragraph 122 and was found sound by the Plan:MK Inspector albeit in the context of NPPF 2012.
- 7.100. The correct approach to assessing acceptability of density is to assess those areas immediately adjacent to the development, not an arbitrary wider area comprising the whole settlement. The appellant's evidence carries out a systematic calculation<sup>61</sup> of density of area surrounding the site with regard to Policy HN1(c) and NPPF paragraph 122(d) in particular. The Council's planning witness accepted in cross-examination that he had undertaken no calculation of density of his own, had relied on the Nampak Inspector's finding of density, and had not identified any minimum density. His 27dph represented one variant of an acceptable scheme and he considered the acceptable number of dwellings on the site may be higher or lower than 203. He also accepted that NPPF paragraph 123(a) is a plan-making provision and 123(c) is to be read in the broader context of paragraph 122.
- 7.101. The Council's planning witness conceded that the layout of the development was a reserved matter and one the Council could control in due course. Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015 defines "layout": "*means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development*".
- 7.102. The Council's suggestion that a Council cannot control density at the reserved matters stage relies on the solitary basis of a single paragraph of the Planning Encyclopedia's section 3B-2200.5 citing *R v Newbury DC Ex p Chieveley Parish Council* [1998] PLCR 51<sup>62</sup>. The Council has not explained

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<sup>59</sup> APP8 paragraph 5.5

<sup>60</sup> APP8 paragraph 5.6-5.8

<sup>61</sup> APP10 appendices 2-6, especially appendix 2 which focuses on the built up area of Woburn Sands only

<sup>62</sup> RID23



which part of the judgment is relied upon. However, on its face the judgment is not authority for the Council's proposition and it focuses on the issue of floor area, not density. The same section of the Encyclopedia reveals another authority which confirms that density is indeed capable of forming a reserved matter: *Inverclyde DC v Inverkip Building Co. Ltd* 1983 SLT 81, 90.<sup>63</sup>

- 7.103. On a correct understanding of the development plan, national planning policy and the legal powers available to the Council at the reserved matters stage, there is simply no basis to refuse permission on grounds of density. The Council's attempts to retract their witness' clear concessions in evidence should be rejected.

#### Landscape and impact on character of settlement

- 7.104. The issue was considered in detail at the first Inquiry. The first Inspector found the effects would be limited and give rise to no unacceptable harm (IR9.26 and 9.27). The SoS concurred in the DL at paragraph 27. The Council agrees with this position as set out in the SOCG and that any adverse effects would carry limited weight against the proposals. The appellant has explained that such harm would be significantly and demonstrably outweighed by the benefits.

#### Heritage

- 7.105. The appellant's heritage consultant<sup>64</sup> has considered the effect on the listed farmhouse and Wavendon House and the registered park and garden. The first Inspector found less than substantial harm to the listed farmhouse (IR9.41) and the SoS agreed in his DL at paragraph 28. The appellant's heritage consultant has found the scheme would cause no harm to the significance of Wavendon House and the registered park and garden. The Council in the SOCG agrees that the proposal would result in a low level of less than substantial harm to the listed farmhouse and that there is no basis to refuse the scheme on heritage grounds subject to a satisfactory detailed scheme/design at reserved matters stage. The Council's planning witness confirmed that the public benefits would outweigh the low level of harm for the purposes of NPPF paragraph 196.
- 7.106. In summary, whilst considerable weight and importance should be attached to the desirability of protecting and enhancing the character and appearance of designated heritage assets for the purposes of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is no basis for refusal on this ground in relation to the Appeal Scheme. For the purposes of NPPF 11d(i) there is no basis for refusal on heritage grounds.

#### Highways

- 7.107. Third parties raised traffic and transport concerns at the first inquiry and these have been raised to a more limited extent at the present inquiry. The first Inspector addressed these issues at IR9.35-9.38 and the SoS endorsed

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<sup>63</sup> RID26

<sup>64</sup> APP9 appendix 4

these findings that the proposal would not give rise to unacceptable effects in his DL at paragraph 30. The TA has been updated<sup>65</sup>.

- 7.108. The Council has confirmed in the SOCG that the proposal is acceptable in all respects, that the access is appropriate and would not put undue pressure on local road network. All other detailed matters can be considered under reserved matters applications. The TA remains robust and justifies the conclusions of the appellant and the Council's highway officers.

#### Best and Most Versatile Agricultural Land

- 7.109. The Council's planning witness raised this issue for the first time in his proof of evidence<sup>66</sup>. While identifying a conflict with Policy NE7, he made clear in cross-examination that this did not amount to a freestanding basis for refusing the proposal. It is accepted that there would be a loss of Grade 3a agricultural land and that this gives rise to a conflict with NE7. However, both Policy NE7 and NPPF paragraph 170(b) make clear that this is an economic factor to be weighed against the economic benefits that would arise from the development, listed in the Economic Benefits Statement<sup>67</sup> and set out further below. The Council has allocated land on sites around the Borough which are of equal or greater agricultural value as the site<sup>68</sup>.

#### Planning Balance

##### *Affordable housing*

- 7.110. The appellant's witnesses have identified a substantial need for affordable housing within Milton Keynes borough in their respective proofs<sup>69</sup>. The Council has already seen a shortfall of 640 dwellings in the first 3 years of the plan period<sup>70</sup> with a chronic failure to deliver a sufficient amount from 2007 to 2018<sup>71</sup>. As set out above, there is a clear recognition in Plan:MK that additional weight should be accorded to the provision of affordable housing in excess of the policy minimum. The Council's planning witness confirmed in cross-examination that this was a benefit to which significant weight (the highest weight) should be attached.

##### *Market housing*

- 7.111. Significant weight should be attached to the benefits of providing market housing irrespective of the precise HLS position. The Government is committed to boosting significantly the supply of housing to meet the chronic and continuing shortfall both nationally and where it arises locally, but also to diversify the base of house builders to meet that need. One of the difficulties identified by the Government in its White Paper was the excessive concentration and dominance of the major national house builders which is seen to have a distorting and negative effect upon the continuous supply of housing up and down the country.

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<sup>65</sup> APP9 appendix 7

<sup>66</sup> LPA4 paragraph 10.31-10.32

<sup>67</sup> APP9 appendix 6

<sup>68</sup> RID24

<sup>69</sup> APP2 chapter 7 and APP8 paragraphs 6.34-6.36

<sup>70</sup> APP2 table 13

<sup>71</sup> APP2 table 17

- 7.112. The house builder in this case, Storey Homes, is a small to medium sized developer whom the Government wishes to encourage to provide housing, not only as a matter of choice but in order to meet a diversity of suppliers. The appellant's note<sup>72</sup> has provided evidence both upon that, the track record of the company and the anticipation that it will be able to deliver all of the proposed housing within 5 years of the date of its permission. The proposal would deliver at least 150 dwellings within the current 5 year period up to March 2024, allowing for a year to clear reserved matters and conditions. The Council's suggestion that there should be any diminution in the weight to be accorded the proposal by reason that not all of the 203 dwellings might be delivered within the 5 year period (principally due to the suggested significant delay on the part of the SoS in issuing his decision letter on this appeal) is not credible.
- 7.113. The proposal will provide much-needed housing in an important growth location both regionally and nationally and where the provision of each type of housing has materially lagged over a prolonged period of time.

#### *Economic benefits*

- 7.114. There are substantial economic benefits as set out in the Economic Benefits Statement and accepted by the Council's planning witness at cross-examination. These comprise temporary construction employment of 180 workers per annum, or 630 workers over the course of a 3.5 year construction period, both on and off-site; demographic and labour market benefits, including a high proportion of working-age residents (75% in employment), and a cross-section of working people due to the range of accommodation offered; secondary employment generated by increased spending in the local area by new residents (£5 million total per annum), directly supporting around 40 gross full-time equivalent jobs; and New Homes Bonus paid to the Council of c.£1.4 million over 4 years.

#### *Social benefits*

- 7.115. The development will provide social benefits through housing (including much needed affordable housing) to meet future need and is accessible to the local services provided within the wider area including education facilities. The site would also provide a social benefit in the form of the doctor's surgery to be provided on site and the site would be within reasonable walking distance of existing local services and facilities.

#### *Environmental benefits*

- 7.116. There will be the opportunity to provide a net environmental benefit by the site having the potential to enhance the habitats within it, given that the appeal site has little value for wildlife at present. These are set out in an update report from CSA Environmental<sup>73</sup>.
- 7.117. Clearly the site is outside the present settlement boundary of Woburn Sands but so would any site which is presently not allocated. Much of the Council's HLS is and will be located on green field sites. In that context, there

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<sup>72</sup> APP9 appendix 13

<sup>73</sup> APP appendix 5 paragraph 5.20

would have to be something distinct and material about this site in order to suggest that its green field location would render it unsustainable. That was certainly not the view of officers in their report recommending approval and it is freely recognised by the Council that there is no landscape or similar argument to support objection to the appeal site here.

#### *Highways/Traffic benefits*

- 7.118. There are highways and transportation benefits, by providing additional flexibility in the local network and an alternative to the existing Newport Rd / Cranfield Rd junction. These can be classified as both environmental and social benefits. The proposal would also help to contribute towards sustainable patterns of development and help to counteract the increasing levels of commuting which can be created by an imbalance of homes and jobs.

#### *Summary on benefits*

- 7.119. The proposed development is one which, by reason of its location and accessibility to a range of services, facilities and transport links, and having regard to the three dimensions set out in the NPPF, is sustainable development which properly benefits from the presumption in its favour. Even in circumstances (though not here) where an Inspector were to conclude that the Council was able to demonstrate a 5 year HLS, the sustainability and other advantages constituting material considerations in this case would be sufficient to justify the grant of consent.

#### Conclusions

- 7.120. The appeal proposal represents sustainable development adjacent to a settlement which is identified in Plan:MK as being a key settlement and which contains not only a wide range of service and facilities but also a railway station. The Council does not have a 5 year HLS and that the shortfall in both market and affordable housing is longstanding, acute and continuing.
- 7.121. The proposed development gives rise to substantial benefits which are not outweighed by any of the alleged detrimental impacts and is consistent with the presumption in favour of sustainable development. It is therefore respectfully submitted that the appeal should be upheld and planning permission ought to be granted.

## 8. The Case for Milton Keynes Council<sup>74</sup>

### Introduction

- 8.1. The Council submits that this appeal should be dismissed. In its evidence to this inquiry and questions in cross-examination, the appellant has demonstrated an obsession with process, an interpretative approach which is contrary to the plain words of local and national policy, and a selective approach to the evidence which ignores that which does not support its case. By contrast, the Council's approach has been straightforward, consistent with national policy, and should be preferred

### Previous Decision Letter (DL)

- 8.2. The DL is a material consideration in the redetermination of this appeal, notwithstanding the fact that it was quashed by the High Court: see *R. (Davison) v Elmbridge Borough Council* [2019] EWHC 1409 (Admin)<sup>75</sup>. This is to give effect to the well-established principle of consistency in decision making. In *Davison*, the judge gave specific guidance on the application of consistency to a quashed decision as follows:
- (a) The principle of consistency is not limited to the formal decision but extends to the reasoning underlying the decision.
  - (b) Of itself, a decision quashed by the Courts is incapable of having any legal effect on the rights and duties of the parties. In the planning context, the subsequent decision maker is not bound by the quashed decision and starts afresh taking into account the development plan and other material considerations.
  - (c) However, the previously quashed decision is capable in law of being a material consideration. Whether, and to what extent, the decision maker is required to take the previously quashed decision into account is a matter of judgment of the decision maker reviewable on public law grounds. A failure to take into account a previously quashed decision will be unlawful if no reasonable decision maker could have failed to take it into account.
  - (d) The decision maker may need to analyse the basis on which the previous decision was quashed and take into account the parts of the decision unaffected by the quashing.
  - (e) The greater the apparent inconsistency between decisions the more the need for an explanation of the position
- 8.3. Applying these principles, the Council submits:
- (a) The DL is a material consideration in the present case. No reasonable decision maker could fail to take the DL into account given the obvious relevance to the issues in dispute. However, the DL does not bind the decision maker who must start afresh, taking into account the

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<sup>74</sup> Largely taken from the Council's closing submissions RID34

<sup>75</sup> Insofar as the Appellant may seek to rely on *West Lancashire v SSCLG* [2017] EWHC 3451 as establishing a different approach, *Davison* is to be preferred given that it expressly considered *West Lancashire*.

development plan and other material considerations, of which the DL is one.

- (b) The DL was quashed because the Secretary of State failed to give adequate reasons for concluding that the Council could demonstrate a 5 year HLS. Accordingly, the Secretary of State's conclusions (and reasoning) on all matters unrelated to 5 year HLS were not impugned by the High Court.
- (c) Notwithstanding the fact that the SoS's conclusions on these matters was not impugned, it is necessary to consider whether those conclusions remain relevant, and if so, whether they hold good, taking into account any changes in circumstances that may have arisen since the SoS's decision

8.4. In respect of the Secretary of State's principal conclusions, the Council's position is that:

- (a) 5 year HLS: The conclusion at DL paragraph 18 that the Council could demonstrate a 5 year HLS formed the basis on which the DL was quashed. Accordingly, no weight can be given to this conclusion and the issue must be considered afresh by reference to the new evidence now presented at this Inquiry.
- (b) Location of site: The conclusion at DL paragraph 19 that the development fails to accord with Policy WS5 of the WSNP is relevant and unaffected by the quashing of the DL. However, given the changes to the development plan since the DL was issued, the conclusion that the development was contrary to saved local plan policy S10 is no longer relevant. Further, given the changes to the development plan, it is necessary to consider afresh the weight to be afforded to the conflict with Policy WS5.
- (c) Housing density: The conclusion at DL paragraph 26 that the development fails to accord with NPPF 2018 paragraphs 122–123 is relevant and holds good given the similarity with the relevant paragraphs in the NPPF 2019. However, given the changes to the development plan since the DL was issued, the conclusion that the development was contrary to Policy H8 is no longer relevant.
- (d) Character of the area: The conclusion at DL paragraph 27 that "the significant visual and landscape effects of the scheme would be very local, while beyond those immediate surroundings, the effects would be very limited" is relevant and holds good as there has been no material change of circumstances.
- (e) Heritage: The conclusion at DL paragraph 28 that there would be less than substantial harm to Deethe Farmhouse is relevant and holds good as there has been no material change of circumstances.
- (f) Benefits of the scheme: The conclusion at DL paragraph 29 that the benefits of the scheme comprise affordable housing, temporary construction employment and secondary employment is relevant and holds good. However, it is necessary to consider afresh the weight to be



afforded to these benefits given the changed housing and economic environments.

- (g) Other matters: The conclusion at DL paragraph 30 that matters relating to traffic and parking, the impact of the development on the facilities of the town, and ecology and drainage, do not weigh against the proposal is relevant and holds good as there has been no material change of circumstances.

- 8.5. It is necessary to consider afresh the conclusions in respect of planning conditions and obligations and the planning balance given changes to the development plan and amendments to both conditions and obligations.

### Housing Land Supply

*The general approach to the assessment of HLS at this appeal*

- 8.6. There is a need to adopt a proportionate and realistic approach to the assessment of evidence at an appeal compared to local plan examination as acknowledged by the Inspector at the Castlethorpe Road appeal<sup>76</sup>. The policy imperative of demonstrating a 5 year HLS in NPPF paragraph 73 and the consequences of not being able to in terms of NPPF paragraph 11 is to ensure that there is an adequate supply of housing land. This is clear from NPPF paragraph 59. Contrary to the approach of the appellant, the assessment of 5 year HLS is concerned with the endpoint and a sufficient supply of deliverable land, not with the assessment process. There is a need for good planning judgment.
- 8.7. The appellant's approach to the assessment of deliverability invites the decision-maker to ignore evidence which is obviously material to the assessment of realistic prospects. It is well established that policy cannot lawfully make immaterial that which is material<sup>77</sup>. The Appellant ignores this, and this is one of many reasons why its approach is wrong in law.
- 8.8. The Council's 5 year HLS must be viewed in the context of the recently adopted Plan:MK, which has brought about a robust supply and resulted in dramatic improvements in housing delivery. Since adoption in March 2019, the Council has achieved its annual delivery requirement in 2018/19 for the first time since 2007/08 consistent with the continual year on year improvement over the first 3 years of Plan:MK. In quarters 1-3 of 2019/20, the Council has delivered 92% of its annual requirement such that it is near certain that it will meet its annual delivery requirement again for the second consecutive year<sup>78</sup>. The number of units under construction at the end of quarter 2 of 2019/20 was the highest number since June 2008 and quarter 3 only marginally lower. The first 3 quarters of 2019/20 is the first time since at least 2007/08 that the Council has recorded over 2000 units under construction for 3 consecutive quarters.

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<sup>76</sup> CD6.18 paragraph 51 [the Council's closing submission refer to this appeal as 'Hanslope', but for consistency this report has used the same address used by the appellant]

<sup>77</sup> See *Gransden & Co. Ltd. and Another v Secretary of State for the Environment* (1987) 54 P. & C.R. 86 per Woolf J (as he then was) at 94.

<sup>78</sup> LPA1 table 5.1 and RID07

- 8.9. The Plan:MK Inspector confirmed the Council has a clear and robust roadmap to delivering housing and was satisfied with its housing trajectory, with special circumstances for significantly higher delivery over next few years, significant number of small and medium sites and the risk of non-delivery minimal<sup>79</sup>. The Council submits that the change in the NPPF definition of deliverable does not affect these conclusions as they go to the underlying approach of the Council and the underlying circumstances of the local area.

*Other recent appeal decisions dealing with 5 year HLS*

- 8.10. Both the Castlethorpe Road and the Globe appeal decisions<sup>80</sup> are material considerations, but neither is binding on the decision maker. Given the conflicting conclusions on HLS, the decision maker will need to disagree with at least one and give reasons. Neither decision is more lawful than the other and their planning judgments have not been challenged. The differences between the appeals relate to the different evidence presented to each appeal and the different manner in which the evidence was presented. The fact that more time was spent on site by site analysis at the hearing for the Castlethorpe Road appeal does not make it a more considered decision. The evidence was presented in advance for the Globe hearing and there was only one appellant. The HLS evidence at the Globe hearing was more up to date and was presented earlier on. While this might mean the Globe decision should be preferred on this basis, there is still a need to reach a fresh judgment for this appeal based on the evidence before this Inquiry.
- 8.11. Both appeal decisions considered the most up to date evidence like this appeal. Both decisions noted the improving housing completions. The Castlethorpe decision dismissed criticism of the Council's proformas. This Inquiry has the benefit of the Council's note<sup>81</sup> explaining the proforma process and that respondents did amend build out rates where necessary. A statement from a developer would provide no greater certainty of delivery. The evidence presented by the appellant from Mid Suffolk District Council<sup>82</sup> accepts an email confirmation to support build out rates.
- 8.12. The Castlethorpe Road decision applies an optimism bias (OB) using a midpoint between the Council and appellants (paragraph 62). It is important to note that the Council and appellants were referring to two different things when using the term OB: the Council was referring to a lapse rate while the appellants were referring to an adjustment for alleged inaccuracies in the 5 year HLS assessment. The alleged inaccuracy was the discrepancy between the Council's previous assessments of HLS and the number of homes delivered. The midpoint applied by the Inspector was not 17.5% but a broader approach and the Council would have been able to demonstrate a 5 year HLS otherwise.
- 8.13. The Castlethorpe Road conclusion that it was not particularly apparent that the Council had reduced its calculations of housing land supply to reflect the revised definition of deliverable in the NPPF no longer holds good as the Council has given clear evidence<sup>83</sup> to this Inquiry of the approach and

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<sup>79</sup> CD5.32 paragraphs 136, 145 and 152

<sup>80</sup> CD6.18 and CD6.17 respectively

<sup>81</sup> RID13

<sup>82</sup> RID15

<sup>83</sup> LPA2 appendix 2, section 2



methodology followed. Moreover, the Council has discounted sites from the Plan:MK 5 year HLS due to the new definition of deliverable<sup>84</sup>.

*Timescale of the evidence*

- 8.14. There is dispute between the parties as to the use of evidence which post-dates the base date of 1 April 2019 to assess deliverability. This is a matter of principle which falls to be determined by interpreting national policy and is not an issue specific to the facts of the case. The Council's position is that the calculation of 5 year HLS should not introduce new sites granted permission after 1 April 2019 which were not identified as part of the supply at 1 April in Council's June 2019 HLS assessment. Moreover, regard should be had to all of the evidence presented to this inquiry even it was created after 1 April or relates to events which postdate 1 April. The assessment needs to ask a simple question in respect of each site – does the evidence presented to this inquiry demonstrate that the site is deliverable in the five-year period 1 April 2019 – 31 March 2024.
- 8.15. The appellant advocated an artificial two stage approach. Firstly, to consider, by reference only to evidence which predates 1 April (either because it was created before that date or because it was created after that date but referable back to matters known before that date), whether the site was deliverable as at 1 April. Secondly, to consider whether the conclusion reached at the first stage holds good today by reference to other matters since 1 April. The Council submits this is wrong and should be rejected for the following reasons.
- 8.16. Firstly, it is an approach that has no basis in the NPPF or PPG. Reference in paragraph 73 to a minimum of 5 years' worth of housing is simply an expression of the need for the supply to cover at least a 5 year period. Reliance on the PPG paragraph 68-001-20190722 is misplaced as 'next five years' operates as a contrast to 'last 3 years' to illustrate difference between retrospective Housing Delivery Test and prospective calculation of 5 year HLS. It does not impose an evidential cut-off date. The appellant accepts that the base date for assessment may be a date which has passed such that 'next' is not imbued with any special meaning. There is no basis for only considering evidence prior to the base date and no basis for a two stage approach.
- 8.17. Secondly, the PPG approach accords with the Council when considering the provisions relating to preparation of an Annual Position Statement (APS)<sup>85</sup> where the base date is 1 April and a local planning authority has until 31 July to prepare and consult on its APS before submission to PINS and PINS issues its recommendation by October. This allows for stakeholders to agree or disagree with evidence to allow robust challenge and reasoned conclusion on deliverability which is then assessed by PINS.
- 8.18. Thirdly, neither Woolpit nor Darnall School Lane decisions<sup>86</sup> support the appellant's approach. The former discounts sites not identified at the base date from the assessment which the Council follows in its approach. The latter considered information after the base date where it was relevant to identified sites with no artificial cut-off date for evidence.

<sup>84</sup> RID19

<sup>85</sup> PPG ID: 68-012-20190722, ID: 68-013-20190722, ID: 68-015-20190722

<sup>86</sup> CD6.16 and CD6.14/6.15 respectively

- 8.19. Fourthly, the appellant's approach is impractical and seeks to create an artificial process. An HLS assessment requires understanding of actual completions which cannot be known until after the base date. The Mid Suffolk and Babergh HLS assessments illustrate this reality<sup>87</sup>. Both refer to MOUs/SOCGs agreed after base date; these may support evidence but can only mean there was sufficient clear evidence without them. The MOUs contained matters post-dating the base date that were taken into account in calculating 5 year HLS such as build out rates<sup>88</sup>. The assessment of deliverability requires consideration of how many homes are deliverable and not simply that the site is deliverable<sup>89</sup>. There is no basis in policy or logic to impose artificial time restrictions on the assessment of deliverability but not the other elements of the 5 year HLS assessment.
- 8.20. Fifthly, where an APS is not used, the PPG is clear that HLS should be demonstrated using the latest available evidence and up to date evidence<sup>90</sup>. The Council's approach is consistent with this. The appellant seeks to disaggregate evidence so that there is a threshold test at first stage which omits the most recent evidence as it is limited only to evidence which predates the base date. The consequence is to invite the decision maker to disregard obviously material evidence in the assessment of whether there is a realistic prospect that a particular site is deliverable.
- 8.21. Sixthly, the Council's approach is consistent with the Colchester Road decision<sup>91</sup> regarding evidence after the base date, the Globe decision<sup>92</sup> regarding the use of proformas after 1 April base date, and the Castlethorpe Road decision regarding the use of proformas<sup>93</sup>.
- 8.22. The appellant's approach seeks to create an obstacle course for local planning authorities to negotiate every time there is an appeal. It bears no resemblance to national policy and departs from clear purpose of HLS mechanism to ensure that there is a pool of sites of sufficient capability to create a realistic prospect that local housing need will be met in a timely fashion in the relevant 5 year period. The appellant places process above good, sound and sensible planning.

*Deliverability, not delivery*

- 8.23. There is a clear distinction in NPPF paragraph 73 between delivery and deliverable. The appellant conflates the two and the error manifests itself in two principal ways: it forms the basis for the application of an inflated OB to the Council's deliverable sites; and it forms the basis for the appellant's erroneous discounting of deliverable sites.
- 8.24. The *St Modwen* judgment<sup>94</sup> in paragraphs 35-39 highlights the essential distinction between the two concepts. Deliverability is a less demanding test than delivery. The fact that a particular site is capable of being delivered within five years and thus deliverable, does not mean that it necessarily will be

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<sup>87</sup> RID15 paragraphs 10, 11, 23 and 29

<sup>88</sup> RID15 paragraphs 24 and 25

<sup>89</sup> See Colchester Road decision at CD6.22 paragraph 65

<sup>90</sup> PPG ID: 68-004-20190722 and 68-007-20190722

<sup>91</sup> CD6.22 paragraph 62

<sup>92</sup> CD6.17 paragraphs 23 and 24

<sup>93</sup> CD6.18 paragraph 55

<sup>94</sup> CD7.6

delivered. The judgment also highlights that the likelihood of housing being delivered within 5 year period is no greater than a realistic prospect, not certain or probable. The revisions to the NPPF does not affect this judgment including the definition of deliverable which is materially unchanged in the first part of that definition in the 2012 and 2019 versions.

- 8.25. *St Modwen* does not create new law but explains the correct interpretation of national policy. This is confirmed in the more recent *East Bergholt* judgment<sup>95</sup> at paragraphs 47-51, which highlights that 'realistic prospect' is a matter of planning judgment

*Adjusting the assessment of deliverable sites*

- 8.26. This issue relates to whether the assessment of deliverable sites should be adjusting by applying an OB and if so, what method of discount for OB should be applied. The Council uses OB to refer to lapse rates while the appellant uses it to refer to a discount to apply to the Council's HLS to address alleged inaccuracies in the assessment. The Council applies a lapse rate to all sites with forecast delivery in the 5<sup>th</sup> year of supply by discounting delivery of the site in each year by 10%. The appellant advocates a blanket discount of 28-30% to the supply but applies no such discount in its own assessment.
- 8.27. The Council's position is that it no longer considers it appropriate to apply a lapse rate due to the site by site assessment it undertakes. However, to be consistent with the approach for Plan:MK, a lapse rate was included in the HLS assessment in June 2019 and in the evidence to this appeal. This is to ensure robustness. The appellant's HLS witness has also carried out a site by site assessment and so there appears to be little difference that a lapse rate or OB is not required. It is open to the decision-maker to conclude that it is not required as the detailed assessment of sites reduces uncertainty.
- 8.28. The appellant's OB should not be applied as its HLS witness has compared the assessment of deliverable supply with actual delivery. This is erroneous and an unrelated comparison contrary to *St Modwen*. Just because a deliverable site was not delivered does not undermine the assessment of deliverability. It would also be inconsistent with national policy. For the purposes of NPPF paragraph 73, it is agreed that only a 5% buffer is necessary rather than 20% which is intended to make up for the significant under delivery of housing over previous three years. This achieves the same purpose as the appellant's OB. To impose the OB would be inconsistent with the NPPF which has decided it is not appropriate to apply a 20% buffer. Lapse rates were not applied in Mid Suffolk or Babergh's HLS assessments and the appellant has confirmed that it does not support a lapse rate<sup>96</sup>.
- 8.29. If a discount is to be applied to this appeal, then it should be the lapse rate in accordance with the Council's methodology and not the appellant's OB.

*Permitted development prior approval notifications*

- 8.30. This relates to the grant of prior approval pursuant to Class O of Schedule 2 to the Town and Country Planning (General Permitted Development) (England)

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<sup>95</sup> RID09

<sup>96</sup> RID17 paragraph 1.16

Order 2015 (GPDO) and the calculation of 5 year HLS. The Council's position is that it results in detailed planning permission which falls within category (a) of the NPPF definition of deliverable. This is a matter of law not planning judgment.

- 8.31. The NPPF should be interpreted consistently with the planning acts as judgments have found<sup>97</sup>. Section 336(1) of the Town and Country Planning Act 1990 (TCPA 1990) defines "planning permission" as a permission under Part III TCPA 1990. The GPDO is made pursuant to Section 58 TCPA 1990, which falls within Part III TCPA 1990. Accordingly, where article 3 of the GPDO grants planning permission for development in Schedule 2 to the GPDO (including Class O), that planning permission is a permission under Part III TCPA 1990 and thus within the definition of "planning permission" in s. 336(1) TCPA 1990. On this basis, the reference to "detailed planning permission" must include planning permission granted pursuant to Class O.
- 8.32. The appellant's argument that the government was aware of Class O permitted development rights when drafting the NPPF definition of deliverable and the express omission of Class O is deliberate fails because the definition of deliverable includes such permissions under Class O.
- 8.33. A development with prior approval is indistinguishable from other types of permission in category (a). No further consent is required other than discharge of conditions like a site with full planning permission. This contrasts with the sites in category (b) where further consent is required. This approach is consistent with the SoS in the Hanging Lane decision<sup>98</sup> at paragraph 21 where he agreed with the Inspector's analysis regarding the inclusion of prior approval sites.
- 8.34. If the appellant is correct, then homes created under Class O would fall outside the 5 year HLS entirely. The PPG<sup>99</sup> states for the purposes of calculating 5 year supply housing completions can include conversions and changes of use. Furthermore, it is inconsistent with the rationale for Class O which is to boost housing delivery. The appellant has not referred to any appeal decisions or case law to support its approach and offered no cogent reason why homes created under Class O should be excluded from the definition of deliverable. Under category (a), the burden of proof is on the appellant to show clear evidence that a site will not be delivered.

*Site by site assessment – general points<sup>100</sup>*

- 8.35. At the roundtable session, the appellant's approach was based on a number of common and erroneous themes. Firstly, the criticism of the proformas which has been dealt with above. Secondly, the discounting of proformas from MKDP for no reason other than assertion that they would be inaccurate for the purposes of the Council preparing its assessment. MKDP is an arms-length organisation with the remit of bringing land forward for housing, it has detailed local knowledge and no reason to doubt its responses. A similar approach was taken to responses from Homes England, who are a non-departmental public

<sup>97</sup> CD7.4 paragraphs 19 and 20

<sup>98</sup> CD6.20

<sup>99</sup> PPG ID: 068-029-20190722

<sup>100</sup> Appendix 1 to the Council's closing submissions sets out a summary on strategic sites

body and statutory corporation to improve the supply and quality of housing and the regeneration or development of land or infrastructure in England.

- 8.36. The proformas make clear that the information is being sought on the basis of a year running from 1 April to 31 March, with forecasts being sought from the year 2019/20 onwards, i.e. from 1 April 2019 onwards. Accordingly, the suggested completions of the Council (and any confirmation or amendment by the respondent) can only be on the basis of starting from the base date. As such, it is evidence which can be taken into account even on the appellant's artificial basis because it refers to matters as they were at the base date.
- 8.37. The appellant's distinction between sites in the control of land promoters or landowners and developers is without consequence as there is clear evidence that the former are no more likely than the latter to landbank sites as set out in the NLP report<sup>101</sup>.
- 8.38. The appellant's suggestion that the evidence gathered for the Plan:MK preparation was of no assistance as it had been prepared with the NPPF 2012 definition of deliverable erroneously conflates the collection of evidence with the judgment made on the basis of that evidence. There is no reason why Plan:MK evidence could not be taken into account and reappraised under the revised definition of deliverable.
- 8.39. The Council's approach to build out rates is robust, as the Plan:MK Inspector found, because it has adopted an individualised approach to each site, sense checked against build out rates derived from local context and subject to further checking by the Joint Housing Delivery Team.

*Brooklands (Site 1)*

- 8.40. Appellant's criticism of build out rates is misplaced as the Council's projected completions are consistent with local evidence and increasing pattern of completions. Over the last 4 years, the average delivery has been 247dpa which is above the 222dpa average rate for the next 5 years which the appellant criticises. Recent monitoring data illustrates that the site has already delivered well over Council projections of 182 completions for 2019/20, with 267 homes completed by the end of quarter 3. The evidence supports that the Council's figures are realistic and robust since delivery is already in advance of the Council's projections. This is also confirmed by the proformas provided by the Council from the housebuilders involved and who are already building out some parts of the strategic site.

*Tattenhoe Park (Site 2)*

- 8.41. Criticism of Homes England's involvement is misplaced for the reasons above. Homes England provided further information as part of Plan:MK process supported by continuing dialogue. Two parcels are in the hands of developers and Homes England is engaged in a clearly documented marketing exercise to secure developer involvement on remaining parcels via tender process. This documentation contains a clear timeline for this to happen (including the build out rates and lead in times which the developers must adhere to) and supports the proforma responses from Homes England (including the most recent

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<sup>101</sup> CD11.1 page 12, second column, first paragraph

updated proformas). All of this progress is consistent with the two recent grants of detailed planning permission, both of which were for more homes than expected.

*Western Expansion Area (Site 3)*

- 8.42. There have been completions on Area 10 for 4 years (5 including current year). Up to 1 April 2019 there have been 712 completions since the site started delivering and 300 delivered in this year alone. This area has delivered 1000 homes and is only 32 short of meeting this year's projected figure. For Area 11, there has been 834 completions over last 4 years and over the last 2 years the completions have been 267 and 268 homes. There have been 133 completions for this year, more than projected. Combined, the two areas are delivering in the same manner (high 200dpa almost 300dpa each). The Council's assessment is consistent with the proformas and supported by a documented disposal strategy. There has been a sense check of developer information with a more conservative approach adopted by the Council.

*Strategic Land Allocation (Site 4)*

- 8.43. The Council's careful parcel by parcel analysis is to be preferred as it is clearly grounded in the evidence of ongoing completions. For example, taking the area as a whole, 181 completions were projected across the whole site for 2019/20 and as the Q3 monitoring data demonstrates, 187 have been completed.

*The Council's final 5 year HLS position*

- 8.44. Scenario 1: removal of conceded site – Land at Galleon Wharf (Site 14) for 14 units.

1 April 2019	No. of Units
Annual requirement	1,767
Requirement to 1 April 2019	5,301
Completions to 1 April	4,529
Shortfall	772
5 year requirement	9,607
5 year requirement including 5% buffer	10,087
Supply as at 1 April 2019	13,610
MKC Lapse Rate	678
Supply as at 1 April 2019	12,932
5 year	6.41
Surplus	2,845

- 8.45. Scenario 2: removal of conceded site – Land at Galleon Wharf for 14 units and inclusion of all adjustments in paragraph 4.62 of Council's HLS proof of evidence with the exception of paragraph 4.6.11 (Site C3.2 Central Milton Keynes) as this was deemed undeliverable as of 1 April 2019.

1 April 2019	No. of Units
Annual requirement	1,767
Requirement to 1 April 2019	5,301



Completions to 1 April	4,529
Shortfall	772
5 year requirement	9,607
5 year requirement including 5% buffer	10,087
Supply as at 1 April 2019	13,252
MKC Lapse Rate	650
Supply as at 1 April 2019	12,602
5 year	6.25
Surplus	2,515

8.46. Scenario 3: as per Scenario 2 but with Council lapse rate not applied.

1 April 2019	No. of Units
Annual requirement	1,767
Requirement to 1 April 2019	5,301
Completions to 1 April	4,529
Shortfall	772
5 year requirement	9,607
5 year requirement including 5% buffer	10,087
Supply as at 1 April 2019	13,252
MKC Lapse Rate	0
Supply as at 1 April 2019	13,252
5 year	6.57
Surplus	3,165

#### *Conclusions on 5 year HLS*

8.47. For the reasons above the Council submits that its approach should be preferred and that it has demonstrated a 5 year HLS. The Council's approach is robust, sensible and consistent with national policy. By contrast the appellant's approach is artificial, focussed on process not good planning and inconsistent with national policy.

#### The Development Plan

*Plan: MK*

8.48. The appellant's planning witness accepted at cross-examination that the development is contrary to Policies DS1 and DS2 of Plan:MK. He suggested that it was nevertheless in general conformity with the approach that underlines the spatial strategy, but the spatial strategy is DS1 and DS2 and so this must be rejected. Policy DS1 draws a distinction between the urban area of Milton Keynes where development should be within and adjacent to that area, and the rural area where new development should be within the key settlements, villages and other rural settlements. The appellant's planning witness accepted that Policy DS2 is to be read in combination with Policy DS1. Thus, it only contemplates housing within the defined boundary of the key settlements. He also accepted that the appeal site does not fall within any of the 13 criteria in Policy DS2.

- 8.49. The Plan:MK Inspector as recently as February 2019 found Policies DS1 and DS2 were consistent with NPPF 2012 subject to modifications<sup>102</sup>. The Inspector considered the overall strategy for Woburn Sands and found no need to modify the settlement boundary to make a specific allowance for additional development<sup>103</sup>. The appellant's witness accepted that the spatial strategy of Plan:MK is that there is no requirement for Woburn Sands to meet. Thus, there is no inconsistency between Policies DS1 and DS2 and NPPF paragraph 65 (which requires plans to set out housing requirements for neighbourhood areas) given the findings of the Plan:MK Inspector. The policies therefore carry full weight for this appeal.
- 8.50. The objective of Policy DS5 is, amongst other things, to recognise and safeguard the character of the areas within the Borough beyond the settlement boundary. The appellant's witness accepted conflict with this policy and that it is consistent with the NPPF 2019 and up to date. As such, it carries full weight. The Plan:MK Inspector found the policy was sound. The NPPF allows plans to include policies that conserve and enhance the natural environment, not just protect valued landscapes.

#### *The Neighbourhood Plan*

- 8.51. The policies in the WSNP remain the same as the first Inquiry but circumstances have moved on not least with the adoption of Plan:MK. Paragraph 19 of the SoS's decision only gave moderate weight to Policy WS5 since it defined boundaries by reference to a Local Plan only intended to guide development to 2011. However, the role of the WSNP and its boundaries have been considered afresh within Plan:MK and particularly Policy DS2. As above, the Plan:MK Inspector concluded that no modification was required in terms of the settlement boundary. Further, he concluded that Plan:MK was the first opportunity to systematically review settlement boundaries in the Borough and he found them to be robust. Therefore, the WSNP boundary is robust and up to date.
- 8.52. Policy WS5 is not purely a countryside protection policy, it is a settlement boundary policy indicating the approach to development within the boundary. This is not contrary to the NPPF, which also allows neighbourhood plans to include policies to conserve and enhance the natural environment. The appellant cannot assert that Policy WS5 is inconsistent and out of date but agree that Policy DS5 is consistent and up to date. The two policies reflect the same policy approach. The arguments concerning the bullet points in WS5 go nowhere since they are all contingent on Plan:MK identifying a need for a boundary change which it did not. As such they do not apply. Accordingly, Policy WS5 is to be given full weight for this appeal.
- 8.53. The same is true in respect of Policy WS6. The appellant only raised points regarding the consistency of bullet points in that policy, none of which are engaged as Plan:MK did not identify any need for boundary changes. Thus, Policy WS6 is consistent with the NPPF and up to date and should be given full weight.

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<sup>102</sup> CD3.32 paragraphs 31-45

<sup>103</sup> CD3.32 paragraph 34



## Density

- 8.54. As a matter of law, the grant of outline planning permission will establish that the density of the development, however it is distributed across the appeal site and, however many units will come forward, will be acceptable in principle. Accordingly, if outline permission were granted as sought and a developer were to apply at the reserved matters stage for 203 units distributed across the appeal site, the Council would not lawfully be able to refuse planning permission on the basis that the density of what is proposed is too low and makes an inefficient use of land contrary to Policy HN1 and/or paragraphs 122/123 of the NPPF. The Planning Encyclopedia states that density is not a reserved matter referred to the court judgment in *Chieveley*<sup>104</sup>. The appellant has not suggested the use of a condition to reserve density for later approval and this has not been addressed at the Inquiry. Thus, there is no evidence for the SoS to consider such a condition.
- 8.55. The Council's planning witness was confused in cross-examination on the matter of whether reserved matters approval could be refused on the grounds of density. That suggestion cannot be found in the written evidence of either party since it is wrong as a matter of law. The decision-maker has to determine now whether a proposal which would allow up to 203 units across the whole of the redline area would be acceptable in density terms. This is a planning judgment as to whether the development would make efficient use of land.
- 8.56. NPPF paragraph 122 sets out a number of factors to consider as to whether a development makes efficient use of land. This approach is echoed in Plan:MK via Policy HN1(c) which is consistent with NPPF paragraphs 122 and 123 and so is up to date and given full weight. The policy adopts a flexible approach to ensure appropriate densities on a case by case basis. Any judgment needs to be sensitive to the extent to which land is being released to meet a housing need. The appellant's planning witness accepted the greater the need and/or shortfall in HLS the greater this will pull towards a higher density level.
- 8.57. Local market conditions and viability in this case do not pull towards a higher or lower density. There is no constraint in the availability and capacity of infrastructure and services which would prevent additional housing above 203 units. This site is in a sustainable location and no evidence that any increase in units would give rise to severe consequences for the local highway network.
- 8.58. In terms of maintaining the area's prevailing character and setting, the SoS's decision considered this matter in relation to the then extant Policy H8 which sought a density of 35dph. The SoS must have considered that such a density was acceptable in terms of character and appearance. He noted that the scheme was a significant departure from policy in paragraph 26 of his DL.
- 8.59. Since the SoS decision, the only material change in terms of the character of the area is that Policy H8 has been replaced with Policy HN1. While the latter does not contain a requirement for 35dph, the objection of bringing forward the highest density that can be delivered while ensuring that the development would still relate well to character and appearance has not.

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<sup>104</sup> RID23

- 8.60. It is evident from paragraph 26 of the DL that the SoS must have concluded conflict with NPPF paragraph 122 since in paragraph 24 he had found that Policy H8 was consistent with this paragraph. The SoS had previously found only limited effects of the scheme on visual and landscape considerations implying that the site has strong visual containment. As such, there is scope for the density to increase while maintaining an appropriate buffer and landscape boundary without unduly affecting character and appearance. There is no reason to reach a different conclusion now as the scope for additional development to be accommodated. Thus, the only reasonable conclusion is that the development does not make efficient use of land contrary to NPPF paragraph 122 and Policy HN1.
- 8.61. The appellant argues the site should be released due to a lack of 5 year HLS. NPPF paragraph 123 is highly relevant here. Where there is shortage of housing land, it is especially important to avoid low densities and to optimise the use of each site. Paragraph 123(a) relates to plan making, but the policy response of a significant uplift in the average density applies in a decision-taking context. Paragraph 123(c) is clear that proposals which fail to make efficient use of land they should be refused planning permission, even in the context that includes circumstances where there is a shortage of housing land. If sites are to be released to meet housing needs, they must be utilised efficiently to reduce the overall amount of land that has to be released.
- 8.62. Where a development comes forward that does not make efficient use of land it must be refused even in the context of additional housing need. Any conflict with NPPF paragraphs 122/123 must be given significant weight against the grant of permission. Any less weight would not achieve the policy objective of optimising densities in situations of housing need.
- 8.63. The appellant cannot argue for a site to be released due to a shortfall of sites but propose a scheme which reflects the low density of adjacent development that is below the average density for Woburn Sands (26-27dph). There is no evidence that even with 203 units the amount of development is optimal. The appellant has not produced evidence that shows a higher density would be unacceptable in planning terms<sup>105</sup>. The appellant has reduced the planning judgment to a series of comparisons of density calculations.
- 8.64. The appellant's recalculation of density was flawed in that it omitted access roads and other elements. This excluded roads initially described as estate roads which should have been included in the net developable area as without them access to houses could not be achieved. The Council's Urban Capacity Study which supported Plan:MK makes it clear this approach was inconsistent<sup>106</sup>. The appellant revised density figure is thus flawed and overstates the density. The reliance placed by the appellant on the 50% net developable area approach adopted in the Strategic Housing Land Availability Assessment<sup>107</sup> is also misplaced since that documents predates the revisions to the NPPF on density.

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<sup>105</sup> In response before its closing submissions, the appellant noted that at the first Inquiry, an illustrative proposal by the appellant for 303 dwellings (Document 11.13) did not find favour with the Inspector at paragraph IR9.46

<sup>106</sup> CD5.12 paragraphs 1.1.3 and 1.2.2

<sup>107</sup> CD5.15 paragraph 7.7 and table 7.2

- 8.65. The comparative exercises in the appellant's planning witness' rebuttal<sup>108</sup> is flawed as it does not compare like with like. The areas examined include larger areas of open countryside rather than focusing on the built-up area and so does not help with whether the development makes efficient use of land. None of the above gives rise to any reason to reach a different view from that concluded previously by the SoS. It is submitted that the simple fact here is that the proposed development would not make efficient use of land and is unacceptable in policy terms as a result. Regardless of the HLS position, the conflict with the NPPF is so significant it justifies refusal in its own right.

#### Best and most versatile land (BMV)

- 8.66. The appellant accepted that the development will result in the loss of some BMV and that this gives rise to a conflict with Policy NE7. He accepted that Policy NE7 is consistent with the NPPF and up to date and is to be given full weight in the determination of this appeal.

#### Benefits of the proposed development

- 8.67. Regardless of the HLS position, it is accepted that the provision of affordable housing should be given significant weight. If there is a 5 year HLS, the benefits of extra market housing are moderate at best. The weight to ascribe should take into account that the actual amount of housing that may come forward is uncertain (up to 203). If there is no 5 year HLS then the benefits of extra market housing could be significant, depending on the number and how many units are likely to be delivered in the 5 year period.
- 8.68. It will take time for decision on this appeal. It took 18 months last time. If it is assumed that a decision to allow is reached in 6 months (July 2020) there would be a period of time to secure reserved matter approvals and discharge pre-commencement conditions before works start on site. Based on the evidence of the appellant's HLS witness, the average time from grant of outline permission to commencement on site is 5 years. If that were applied here, the development would make no contribution to the 5 year HLS. If commencement began at a rate 5 times faster i.e. July 2021 there would be delivery in the 5 year period. At 50dpa, this would be 150 units at most, so the weight to be given to the contribution to 5 year HLS must be reduced.
- 8.69. There have been no material changes in circumstances in terms of economic benefits, which should be ascribed moderate weight.
- 8.70. The appellant cites the provision of an alternative route to the existing Cranfield Road / Newport Road junction as a highway benefit, but the updated TA presents modelling that shows increases in queue lengths and traffic flows at both the Newport Road and Cranfield Road junctions. While a very modest impact, this does not suggest improvement. There is no appraisal of the benefit to safety and so anything suggested is just assertion. Thus, while the development is acceptable in highway terms, there are no material benefits to be weighed in favour.
- 8.71. It is unclear the extent to which the offer relating to medical facilities is justified as necessary to make the development acceptable in planning terms

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<sup>108</sup> APP10

or the extent to which that offer goes beyond the mitigation of what is proposed. To the extent that it mitigates the effect of the development it is not a benefit but rather what is required to render the scheme policy compliant. To the extent that it goes beyond that position then it cannot be given weight as a benefit since to do so would be contrary to regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

- 8.72. No details have been provided to show that the development would provide potential to mitigate the risk of surface water flooding. Since this alleged benefit would involve drainage proposals which seek to address a pre-existing issue it cannot be required by condition or by a planning obligation since it goes beyond that which is related to the development proposed. To give this factor weight would thus be contrary to the requirements of NPPF paragraphs 55 and 56 and to regulation 122 of the CIL Regulations 2010
- 8.73. A high quality living environment is unknown at this stage given the outline nature of the proposal. Further, such a requirement is required to be delivered by all development in Milton Keynes as a result of Policies D1 and SD1 of Plan:MK. This is not a benefit but a policy requirement and so carries no weight.

#### The proper approach to the determination of this appeal

- 8.74. Policies DS1, DS2, DS5, HN1 and NE7 of Plan:MK and Policies WS5 and WS6 of the NP are all relevant development plan policies. They are also the policies which are the most important to determining the application<sup>109</sup>. Further, as has been established above, they are all consistent with the NPPF and are up to date. The Council has a 5 year HLS. Thus, NPPF paragraph 11(d) is not engaged and rather it is NPPF paragraph 11(c) that should be used.
- 8.75. Plan:MK is up to date. The development does not accord with it overall since it conflicts with the spatial strategy, its policy approach to making efficient use of land and to avoiding the loss of BMV. Section 38(6) of the 2004 Act requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development conflicts with the above policies and so is not in accordance with the development plan.
- 8.76. The development's benefits are not of such a nature or scale to justify departure from the constraint policies of a recently adopted plan. All of the benefits could be claimed by any housing development on greenfield land on the edge of any settlement in Milton Keynes. The weight to these benefits cannot be such as to outweigh the conflict with the development plan. Thus, the development conflicts with NPPF paragraph 11(c) and is not sustainable development. It does not accord with the development plan with insufficient material considerations to outweigh the conflict.
- 8.77. If, contrary to the Council's case, NPPF paragraph 11(d) is engaged, it is accepted that the application of policies in the NPPF that protect areas or assets of particular importance do not provide a clear reason for refusing the proposed development. As such, NPPF paragraph 11(d)(i) does not provide a

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<sup>109</sup> Based on the cross-examination of appellant's planning witness and the evidence in chief of the Council's planning witness

reason for refusing planning permission. Accordingly, the tilted balance in paragraph 11(d)(ii) would be engaged.

- 8.78. There would be adverse impacts in a development of inappropriate density and the loss of BMV. These impacts would conflict with NPPF paragraphs 122, 123(c) and 170(b). In circumstances where greenfield land is to be released to meet housing needs due to inadequacies in the 5 year HLS it is all the more important that efficient use is made of that greenfield resource to meet as much of the unmet need as is possible (NPPF paragraph 123). The development does not optimise the use of the site but promotes a sub-optimal density and continues the inefficient low density development of the past. This clear breach of NPPF paragraph 123 should result in refusal given the importance of the issue and the clear words of paragraph 123(c). This is an adverse impact contemplated by the NPPF as justifying refusal.
- 8.79. Even if NPPF paragraph 11(d) is applied, the Council submits that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the proposed development does not represent sustainable development even on this basis. This means that the NPPF weighs heavily in favour of refusal of planning permission. Applying section 38(6), even in circumstances where there is no 5 year HLS, the breach of the development plan together with the breaches of the NPPF weigh heavily in favour of refusal. It is submitted that the other material considerations which weigh in favour of the grant of planning permission are not sufficient to outweigh these factors. Thus, even if there is no 5 year HLS, planning permission should be refused for the proposed development.

### Conclusion

- 8.80. The planning system should not be an obstacle course for local planning authorities. It should be about delivering homes that are needed at the right time and in the right place. That is best achieved via the plan-led system and not ad hoc at appeal, making judgments on the capability of housing supply with regard to all material evidence.
- 8.81. Plan:MK is not even 12 months old since adoption and yet is faced with submissions that there is no 5 year HLS. All relevant evidence should be considered for the 5 year HLS position. All that a decision maker has to guard against is skewing the 5 year period by not including schemes in the assessment that were not there at the outset. The obstacle course promoted by the appellant has no place in policy or guidance and is wholly impracticable.
- 8.82. The proposed development is contrary to a development plan which is less than a year old and up to date. It is contrary to the NPPF. The application of section 38(6) points firmly in favour of refusal.

## **9. The Case for Interested Parties**

- 9.1. A number of interested parties made representations to the first Inquiry. Paragraphs IR7.1 to IR7.49 of the first Inspector's report<sup>110</sup> provide an overview of their comments. In summary, the representations focused on traffic and parking impacts, ecology, flooding, development plan compliance, and the effect on existing services and facilities. The following parties made representations to the second Inquiry:

*Councillor Jacky Jeffries – Woburn Sands Town Council*<sup>111</sup>

- 9.2. Woburn Sands was still a small town at the start of the 21<sup>st</sup> century with a population of about 2,500 in 950 dwellings. New housing since 2006 have added 622 homes, a 65% increase and an even bigger population increase. Yet, the infrastructure remains virtually unchanged and restricted by available land. Milton Keynes has always sought to preserve the character of existing settlements and the WSNP seeks to preserve green space around town to create small separation from Milton Keynes. Hence, the site is designated open countryside.
- 9.3. Education and medical services in Woburn Sands are at capacity and the proffered doctor's site will not be taken up as it will not be viable. The town has lost shops and the bus service to central Milton Keynes is once an hour. The library remains open thanks to volunteers. The future of East-West rail is uncertain and the line separates the development from the town. There is also the threat of the Oxford to Cambridge Expressway with the preferred corridor almost certain to go through part of this development.

*Councillor David Hopkins – Milton Keynes Council and Wavendon Parish Council*<sup>112</sup>

- 9.4. Plan:MK is recently adopted and should be afforded full weight for applications and appeals. The Plan:MK Inspector did not support the representations of the appellant made at the examination. Plan:MK sets out where development should and should not take place. The site is open countryside. The appellant can make representations to the Plan:MK Review should they wish.
- 9.5. The Council can demonstrate a 5 year HLS with enough land in excess of the Plan:MK housing requirement including the shortfall and a 5% buffer. There is clear evidence of deliverability for each site in the 5 year supply.
- 9.6. The WSNP makes it clear that the site is not included directly or as a reserve site for development. Wavendon does not have a neighbourhood plan but does have 4000 dwellings underway within the parish boundary as part of the Strategic Land Allocation first identified in the Local Plan 2001-2011.
- 9.7. The land is close to the East-West rail link and the preferred option for the Oxford to Cambridge Expressway. The Plan:MK Inspector while allowing the South East Milton Keynes allocation restricted development before 2023 to allow for full consultation and approval of the Expressway. If the Expressway does not come forward or the route goes elsewhere, then this site could be considered against other sites.

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<sup>110</sup> CD10.33

<sup>111</sup> RID04

<sup>112</sup> RID05



- 9.8. There are issues regarding density. There are issues regarding the capacity of the local highway network now and in the future with East-West rail seeing additional trains and the level crossing closed more often. The neighbouring land at Wavendon House is now a registered park and garden. There needs to be a masterplan when this site does come forward to take account of the park and garden, the need for highways infrastructure and other improvements and the provision of local services.

*Judith Barker – local resident*<sup>113</sup>

- 9.9. Plan:MK has been adopted and does not designate the land for development. Policy WS5 of the WSNP protects the field behind Tavistock Close from development. Woburn Sands' character and identity needs protecting. New flats at the Greens development remain unsold. The town's infrastructure cannot cope and the railway is due to be upgraded. When there is a problem on the M1, traffic re-routes through Woburn Sands.
- 9.10. The appellant has control over land to the east of the site and permission would set precedent for more rural development. Land along the A421 is already being developed for 4000-6000 dwellings with extra cars on local roads. New housing is not being bought by local people. Milton Keynes has a 20 year land supply in pipeline. Highways England has recommended no permission on land within the preferred route corridor until further consultation on route options in 2020.
- 9.11. If applications get turned down and the developer appeals and wins the Council has to recompensate the development with council tax money. The appellant has prejudiced the appeal outcome by giving a story to The Times complaining that smaller building companies are not getting permissions for political reasons when the reality is based on planning grounds. The importance of open countryside for nature and wildlife cannot be ignored in light of climate change issues and sustainability. There is a shortage of Council housing rather than housing in general. Firms are getting approvals and then not building to raise the land value for speculation purposes. Finally, Milton Keynes has 4 times more urban land than UK average and over 10 times less natural areas, all the more important to protect open countryside.

*Jenny Brook – local resident*<sup>114</sup>

- 9.12. We will need farmland even more in the context of Brexit. Curveballs are being thrown at the local planning authority. Milton Keynes was intended as a city for 250,000 people and is now planning for 500,000 people. There are national infrastructure issues with East-West Rail and the Expressway. Network Rail has said the level crossing is not their issue. Plans need to be put in place to deal with the through traffic issue.

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<sup>113</sup> RID16

<sup>114</sup> Oral comments only

## **10. Written Representations**

- 10.1. In terms of the original application and appeal, paragraphs IR8.1 to IR8.6 of the first Inspector's report set out the comments that were made. They covered many of the points raised by interested parties above.
- 10.2. In terms of the redetermined appeal, there have been 11 letters of objection<sup>115</sup> from local people and statutory bodies, and a further written objection received at the Inquiry highlighting concerns with surface water flooding from the site to adjoining properties<sup>116</sup>. The concerns raised in all of the other letters highlighted similar issues to those raised above. They included the loss of open countryside, ecological and flooding impacts, the capacity for Woburn Sands to take more development, increased strain on local services including the doctors and the police, traffic effects including delays at the level crossing, and the route of the potential Expressway.
- 10.3. One of the letters was from Highways England dated 13 December 2019 noting that the site lies within the preferred corridor of the Expressway. The letter registered concerns that development of the site could affect or be affected by a potential route option either directly or indirectly. The letter noted that environmental and planning constraints in the Woburn Sands area effectively limit the potential availability of route options in this area. As such, there are risks of conflict with the Expressway particularly in relation to proposals for major development which lie outside defined settlement boundaries. Highways England supports Plan:MK which seeks to accommodate necessary growth in the form of sustainable development whilst facilitating the Expressway as a key national infrastructure project with the potential to increase connectivity in Milton Keynes. The letter concludes that the development would be contrary to the adopted development plan and as such would potentially result in conflict with the Expressway.

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<sup>115</sup> See bundle of representations in REP1

<sup>116</sup> RID11



## 11. Conditions and Obligations

- 11.1. Suggested conditions are included in Section A2 of the agreed SOCG between the parties<sup>117</sup>. They are based on the conditions recommended by the first Inspector with an additional condition relating to housing mix. The list of recommended conditions (28) in the attached annex are broadly the same of those in the SOCG with some small drafting changes to reflect discussions at the Inquiry. The main change is to Condition 3 which only requires compliance with those parts of the plans not reserved for later approval; the previous wording required the development to be along the lines of the illustrative layout and parameters plans which would prejudice the reserved matter applications.
- 11.2. Should the Secretary of State decide to allow the appeal, I consider all of the conditions to be necessary and meet the tests in NPPF paragraph 55. The reasons for each condition, including why some need to be pre-commencement, are set out in the annex.
- 11.3. The main thrust of the S106 agreement is set out above in Section 3 of this report. The justification for each obligation was set out by the Council before the Inquiry opened with further clarification provided during the Inquiry<sup>118</sup>. The affordable housing obligation meets the requirements of Policy HN2 of Plan:MK. The carbon neutrality obligation meets the requirements of Policy SC1 to help offset the carbon impact of the development. The obligations relating to education facilities are in accordance with Policy INF1 of Plan:MK and the Planning Obligations for Education Facilities SPG<sup>119</sup> to address the impact of the development on school places. The leisure, recreation and sports obligations<sup>120</sup> are in accordance with Plan:MK Policies INF1 and L4 and the Planning Obligations for Leisure Recreation and Sports Facilities SPG<sup>121</sup> to address the on-site and off-site impact of the development on such facilities. This includes an obligation to agree the specification of public open space within the development.
- 11.4. The social infrastructure obligations<sup>122</sup> are in accordance with Policies INF1 and CC1 of Plan:MK and the Social Infrastructure Planning Obligations SPD<sup>123</sup> and address various social requirements arising from the development. They include a financial contribution either towards the provision of the on-site surgery or expanding capacity at the nearest surgery serving the development. There is also an obligation relating to reserving a site within the development for a potential health facility should this be required to address capacity issues in the local area that have been identified by the Council and relevant parties.
- 11.5. There is an obligation relating to the provision of bus vouchers and the distribution of travel information packs to promote more sustainable mode of transport in accordance with Policy CT5 of Plan:MK on public transport. There

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<sup>117</sup> Section A2 of RID06

<sup>118</sup> RID12

<sup>119</sup> RID32

<sup>120</sup> Relating to playing fields, local play, neighbourhood play, community hall, local park, district park, allotments, and sports hall

<sup>121</sup> CD5.9

<sup>122</sup> Relating to public art, libraries, burial grounds, heritage, health facilities, waste management, social care-day care, emergency services, voluntary sector, skills and training, and inward investment

<sup>123</sup> CD5.10

is also an obligation to secure the highway works necessary to form the highway accesses and connecting footpaths to the site.

- 11.6. All of the above obligations are necessary to make the development acceptable in planning terms. They are also directly related to the development, and fairly and reasonably related in scale and kind to the development. Therefore, they meet the 3 tests set out in NPPF paragraph 56 and regulation 122 of the CIL Regulations 2010.

## 12. Conclusions

- 12.1. The numbers in square brackets refer back to earlier paragraphs which are relevant to my conclusions.

### Main Considerations

- 12.2. The main considerations for the reopened Inquiry were informed by the previous decision letter, notwithstanding submissions by both main parties on the extent to which specific sections of that letter remain a material consideration. Nevertheless, it was broadly accepted that those sections which did not form part of the High Court judgment to quash the first decision, or have not been overtaken by circumstances such as the adoption of Plan:MK, remain relevant to this redetermination. **[7.1-7.4 and 8.2-8.4]**
- 12.3. The main considerations were narrowed down at the pre-Inquiry meeting<sup>124</sup>. At the start of the Inquiry the main parties confirmed that the effect on the character and appearance of the landscape was no longer a main consideration. It was agreed that the main considerations now are as follows<sup>125</sup>:
- (a) whether or not the Council can demonstrate a 5 year supply of deliverable housing sites;
  - (b) whether the proposed housing would be in an appropriate location having regard to the development plan and national policies, as well as routes of potential new transport infrastructure;
  - (c) the acceptability of the proposed housing density; and
  - (d) the overall planning balance in relation to the economic, social and environmental dimensions of sustainable development.

### Housing Land Supply

- 12.4. A number of overarching themes were debated at the Inquiry which are discussed below before turning to an assessment of specific sites and whether the Council can demonstrate a 5 year HLS.

#### *The definition of deliverability*

- 12.5. The 2019 revision to the NPPF definition of deliverable retains reference to “a realistic prospect that housing will be delivered on the site within five years” as it did in the original 2012 version of the NPPF. The Court of Appeal judgment in *St Modwen* found that realistic prospect did not mean a site’s deliverability must necessarily be certain or probable. It also noted the distinction between deliverability and delivery in that a deliverable site does not necessarily have to be delivered. **[8.23-8.24]**
- 12.6. The more recent Court of Appeal judgment in *East Bergholt* noted that a decision maker could adopt a more cautious view when assessing a “realistic prospect”. It went on to say that the assessment of realistic prospect falls

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<sup>124</sup> CD10.44

<sup>125</sup> It was agreed by the main parties at the start of the inquiry that the effect of the development on the character and appearance of the landscape and surrounding area was no longer a main consideration

within the realms of policy and planning judgment rather than a legal concept. The judgment did not seek to take a different view on the distinction between deliverability and delivery. Therefore, I consider that the *St Modwen* and *East Bergholt* approaches are broadly compatible and there is no need to favour one over the other when assessing deliverability. **[7.21, 8.25]**

- 12.7. Nevertheless, the 2019 revision to the NPPF resulted in a more precise approach to the assessment of deliverability, with two specific categories (a) and (b) and the need to provide clear evidence in both. This necessitates a site specific assessment to determine whether a site is deliverable.

*The base date and timescale of the evidence*

- 12.8. The Council uses a base date of 1 April 2019 for the purposes of calculating its 5 year HLS position. It published its assessment in June 2019 with the housing trajectory in Appendix 1 containing notes on deliverability. Proformas were sent out by email on 20 May 2019 asking for a reply by 7 June 2019. Where no response was received, this was followed up. It was accepted by the Council that the amount of evidence predating 1 April 2019 that informed the assessment was limited. **[7.26]**
- 12.9. However, there is nothing in the NPPF or PPG that stipulates that all of the documentary evidence for a 5 year HLS has to be available at the base date itself. Instead, the PPG advocates the use of the latest available evidence. A local planning authority can prepare and consult on an APS after the 1 April base date before submission to the Planning Inspectorate by 31 July. While not directly applicable here, this indicates that evidence can be produced and tested after the base date. The HLS position statements in Babergh and Mid Suffolk for the 2019-2024 period were published in September 2019 and included data to justify supply that was only known about after 1 April. **[7.25, 8.16, 8.17, 8.19, 8.20]**
- 12.10. The Council has avoided adding new sites after the base date to prevent the skewing of supply in line with the Woolpit decision. While the Woolpit Inspector criticised the retrospective justification of sites after the publication of the Annual Monitoring Report, the Inspector at Darnall School Lane permitted additional evidence to support sites identified as deliverable at the base date which was a position accepted by the SoS in that case. The Longdene and Colchester Road Inspectors took a similar approach. In terms of Milton Keynes appeals, the Castlethorpe Road and the Globe Inspectors took into account the proformas used by the Council to inform its June assessment of 5 year HLS. **[7.23, 7.24, 8.18, 8.21]**
- 12.11. Therefore, I consider it acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019.
- 12.12. The appellant argues for a 1 October 2019 base date in order to take into account the Council's June assessment and quarterly monitoring data. This would result in a necessary adjustment of the 5 year supply period to 30 September 2024. There is little in national policy or guidance that advocates such an approach and it would appear to go against efforts to create greater certainty in the planning process. I concur with the Council that such an approach would mean having to argue HLS at every appeal, rather than having

a fixed base date. Moreover, the quarterly monitoring data is not intended to be an updated assessment of supply<sup>126</sup>. Thus, I do not consider it necessary to apply a 1 October base date. Nevertheless, if the SoS disagrees on this point, my assessment of specific sites below includes an assessment of the 5 year HLS supply position using a 1 October base date. **[7.27, 8.22]**

#### *The proformas*

- 12.13. The appellant's criticisms of the Council's use of proformas focused on whether they provided sufficient written evidence in line with the guidance in the PPG 68-007 and, in some cases, whether the reliance on information provided by bodies such as Homes England and the MKDP on sites in public ownership was appropriate. **[7.28, 7.30]**
- 12.14. Dealing with the former, the Council clarified at the Inquiry that the proformas included a covering letter explaining their purposes for assessing 5 year HLS. Representatives of each site were asked to confirm or amend the Council's trajectory for each site. Although relevant boxes were not always ticked, the proformas were signed and returned with a covering email in many cases. While a SOCG or MOU could provide more information, they offer no more of a commitment to the deliverability of homes than a proforma. Therefore, I consider that a proforma can, in principle, provide clear evidence of a site's deliverability. Additional evidence to support a proforma can also be taken into account subject to its specific content and timing. **[8.11, 8.21, 8.36]**
- 12.15. Turning to the latter, it is apparent that some publicly owned sites have not come forward as quickly as anticipated such as Tattenhoe Park. However, the evidence linking slow delivery to unreliable forecasting from the bodies responsible for managing the disposal of these sites is not conclusive. Although representatives of Homes England and MKDP form part of the group that assesses the proformas, there is little to suggest that their responses to their own proformas is misleading or inaccurate in principle. Therefore, it would not be appropriate to automatically disregard all of their sites. **[8.35]**

#### *Past forecasts and the application of discount rates*

- 12.16. The first Inspector for this appeal noted the uncertainty, slippage and failure in the Council's forecasts of housing delivery and that reasonable adjustments would clearly reduce the HLS to less than 5 years. Evidence presented to this Inquiry has noted the historic under-delivery of housing against forecasts of around 28-30%. While delivery is not the same as deliverability, it is apparent that past forecasting has not been particularly accurate. However, recent evidence in terms of housing delivery has shown that the Council met its annual delivery requirement from Plan:MK for 2018/19 and is set to do so again for 2019/20. The number of units under construction is at a high rate. **[7.31, 7.32, 8.8].**
- 12.17. The Plan:MK Inspector found the plan sound in terms of housing delivery rates and considered the higher delivery to be realistic with minimal risk of non-delivery. I accept that the Inspector examined the plan under the

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<sup>126</sup> LPA3 paragraph 2.9

2012 NPPF definition of deliverable and it should not be assumed that because the plan was found sound that a 5 year HLS can be demonstrated now. There is a need to review sites on the basis of the 2019 NPPF definition. Indeed, the Council has removed sites in the Plan:MK supply for completion by 31 March 2024 where it no longer considers they meet the new definition. **[7.16, 8.9, 8.13]**

12.18. Nevertheless, the appellant has not applied a discount of 28-30% to their assessment of the Council's 5 year HLS as they have carried out a site by site assessment. Moreover, the appellant accepted that for the purposes of establishing whether a 5 year HLS exists, it is only necessary to apply a 5% rather than a 20% buffer in Milton Keynes due to rates of delivery. **[8.26, 8.28]**

12.19. The Council has historically applied a lapse rate to its forecasting of HLS for sites with delivery in Year 5, where a 10% discount is applied across the 5 years for those sites. Given that the Council has moved to a site by site assessment, it considers that such a discount is no longer necessary. However, for robustness and consistency with the Plan:MK trajectory, the discount has been applied to this appeal by the Council. Therefore, I have taken into account the Council's lapse rate as part of my HLS assessment. Based on recent delivery rates and Plan:MK, I see no reason to apply a greater discount than the Council's rate **[8.27, 8.29]**

#### *Build-out rates*

12.20. National reports<sup>127</sup> are helpful in identifying previous maximum average built-out rates over 5 years for large strategic sites like Brooklands (268 dwellings per annum). However, they can only be a guide and consideration should be given to evidence relating to specific sites as set out below. **[7.29, 8.37, 8.39]**

#### *Prior approval sites*

12.21. Prior approval sites are not mentioned in categories (a) or (b) of the NPPF definition of deliverable. However, I am persuaded by the Council's argument that where Article 3 of the GPDO grants planning permission for development in Schedule 2, that is within the definition of planning permission in the TCPA 1990. Such approvals are designed to provide a boost to new housing and are required to be implemented within 3 years. The PPG at 68-029 only refers what can count as a completion for the purposes of calculating HLS. It refers to new build, conversions and changes of use, but only in the context of where housing has been completed. Nevertheless, the PPG and NPPF do not explicitly exclude prior approval sites from housing supply. The Inspector and SoS at the Hanging Lane decision found that such sites can be taken into account as part of a 5 year HLS assessment. **[7.74, 8.30-8.34]**

12.22. Thus, I consider that prior approval sites can be regarded as having detailed planning permission and can form part of the supply of deliverable sites within category (a). The onus is on the appellant to demonstrate clear

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<sup>127</sup> Such as CD11.1



evidence that such sites do not have a realistic prospect of being delivered within 5 years.

*Consistency with previous appeal decisions in Milton Keynes*

- 12.23. The Globe and the Castlethorpe Road appeal decisions dated 5 and 26 September respectively came to different conclusions on whether the Council could demonstrate a 5 year HLS. The former said it could and dismissed the appeal whereas the latter said it could not and allowed both appeals. Both had regard to the most up to date evidence including the proformas and both noted the recent improvement in housing delivery. The Castlethorpe Road decision found that reliance on past rates of delivery to be inappropriate, but nevertheless applied an optimism bias to the supply at a point midway between the appellants and the Council. The decision also considered that clear evidence for at least 2,717 houses had not been shown.
- 12.24. The Castlethorpe Road decision was challenged by the Council, but permission to apply for statutory review was refused by the High Court. Nevertheless, it would be wrong to afford Castlethorpe Road more weight than the Globe on the premise that it was more legally robust as the Globe has not been tested in the same way. Likewise, while the Castlethorpe Road Inspector explains in paragraph 65 why he has come to a different view on HLS to the Globe Inspector, this is largely on the basis of the nature and manner in which evidence was presented to him rather than any criticism of the Globe decision. **[7.33, 8.10-8.13]**
- 12.25. Therefore, it is not possible to say that one decision should be preferred over the other. There is a need for consistency in appeal decisions along with clear explanations of any divergence in views from another Inspector. This report is based on the evidence before me, and where necessary, it will explain any difference in findings to the Castlethorpe Road or Globe Inspectors.

*Assessment of disputed sites*

- 12.26. The following assessment is based on the disputed sites set out in the appellant's proof of evidence for HLS (APP2/3), specifically in Table 23 and Appendix 3, along with the HLS SOCG (SOCG1), specifically Table 3. The appellant's rebuttal proof updated Appendix 3 and included at Appendix 3a summarising the main parties' positions on each site (APP4/5/6). Following the roundtable session, the appellant produced an errata document (RID20/RID36) that updates Table 23 in the proof of evidence and Table 3 in the SOCG. The errata document also contains updates to Tables 21 and 22 in the appellant's proof setting out the contended land supply positions at 1 April and 1 October 2019. Appendix 6 of the Council's proof of evidence on HLS (LPA2) contains the primary source of evidence for each site.

*Strategic sites - Brooklands (Site 1) [7.35-7.37, 8.40]*

- 12.27. Brooklands has detailed planning permission for all of its remaining parcels. While the projected completions are high, the rate of delivery over the past 4 years has been high at an average of 247dpa. There have been 267 completions in 2019/20 up to 1 January 2020 against a projection of 182. While one parcel did not submit a proforma response, the Council's projections are based on delivery across the wider site and the phasing methodology. The

appellant's criticisms in terms of the limited number of developers, local experience, past rates of delivery and national reports do not match the current build out rates since 2015/16. Therefore, there is a realistic prospect that the projected housing will be delivered in the 5 year period with no clear evidence to the contrary. This applies to the April and October base dates.

*Strategic sites – Tattenhoe Park (Site 2) [7.38-7.39, 8.41]*

- 12.28. The projected completions on Phases 2-5 at Tattenhoe Park were considered deliverable by the Council in the June HLS assessment, based on proformas returned that month. The completions were taken into account by the Globe Inspector and rejected by the Castlethorpe Road Inspector, both based on the above proformas. The 2018 tender documents for Phases 2 and 3, which were provided to the Council in November 2019, are an indication that Homes England is actively seeking to facilitate delivery of housing (including lead-in times and build out rates). Both phases now have detailed permission via reserved matter applications granted in October and November 2019. While the Castlethorpe Road Inspector found the evidence to be lacking, the additional information provides clear evidence that there is a realistic prospect of housing delivery in the 5 year period for Phases 2 and 3. This applies to both the April and October base dates. Conversely, no additional information has been put forward for Phases 4 and 5 and so there is an absence of clear evidence of their delivery. Thus, these phases are removed from both the April and October base dates (delete 195 units from Site 2)

*Strategic sites – Western Expansion Area (Site 3) [7.40-7.41, 8.42]*

- 12.29. The Western Expansion Area in terms of disputed elements consists of Area 10 Remainder and Area 11 Remainder. Both areas are covered by outline planning permission apart from one parcel that now has reserved matters approval for 152 units. The Council highlights the rate of completions for Area 10 since delivery began in 2015/16 which are now up to 300dpa. For Area 11, completions are up to 288dpa and have exceeded projections already for 2019/20. Site wide infrastructure is in place for the plots expected to deliver in the 5 year period. The Globe decision took the Council's projections into account whereas the Castlethorpe Road decisions did not. However, it is not evident that the latter had the benefit of the proformas dated 10 July 2019 given this was the same date as the hearing. A disposal strategy from the landowners dated December 2019 has been added to the evidence for both areas which sets out further evidence of projected completions. Based on the lack of land disposals since March 2019, this has led to the Council revising down its 5 year trajectory by 306 units for Area 10 and 229 units for Area 11 as a worst case scenario. Nevertheless, apart from these reductions, I consider that there is clear evidence of a realistic prospect of housing delivery for the remaining units in the 5 year period for either April or October (delete 535 units from Site 3).

*Strategic sites – Strategic Land Allocation (Site 4) [7.42-7.44, 8.43]*

- 12.30. The Strategic Land Allocation is divided into a number of large outline sites with several developers. There are 5 parcels that only had outline permission as of 1 April 2019. No proforma was submitted for the Ripper Land parcel and the only evidence is an email from the landowner who highlights



access issues. In line with the Castlethorpe Road Inspector, there is a lack of clear evidence regarding the deliverability of this site (delete 85 units).

- 12.31. No proforma has been submitted for the Land West of Eagle Farm South parcel but this has reserved matter approval. The appellant has queried the build-out rate alongside the other two Eagle Farm parcels with reserved matter approvals, but all 3 parcels have started delivering in line with or ahead of projections. As such, there is no clear evidence to indicate that Land West of Eagle Farm South will not deliver the projected housing in the 5 year period.
- 12.32. The remaining Eagle Farm parcel for 125 units has outline permission only with no proforma returned. An email from October indicates a reserved matter application in the summer of 2020, but it provides little else in the way of clear evidence that the projected number of units will be delivered within the 5 years (delete 125 units).
- 12.33. The proforma for the remaining outline permission at Glebe Farm was submitted after the June HLS assessment but indicates a strong rate of delivery of units. Two parts of the remaining outline permission now have reserved matters approvals from September and October 2019 for a total of 366 units. This surpasses the 310 projection in the 5 year supply and with two developers operating the build-out rates appear realistic. A proforma from one of the developers in November supports these rates. Although this evidence post-dates 1 April 2019, it clearly demonstrates there is a realistic prospect of delivering the projected amount of housing within the 5 year period.
- 12.34. The Council's projection of 180 units for the Golf Course Land was based on the proforma dated May 2019. Since then, reserved matters approval was granted on 1 November 2019. This additional information provides clear evidence of deliverability within the 5 year period.
- 12.35. The proforma for Church Farm indicates a reserved matters application by late 2019. The Globe decision found this to be sufficient information whereas the Castlethorpe Road decision considered it fell short. Further information indicates that the application submission has now slipped to Easter 2020 with issues regarding road to be agreed. This continues to fall short of the clear evidence to demonstrate a realistic prospect of delivery (delete 90 units).

*Outline or pending permissions as at 1 April 2019*

- 12.36. The June 2019 proforma for Newton Leys (Site 5) indicates the delivery of 80 units, which has been reinforced by reserved matters approval in September 2019. The Globe decision considered the site was deliverable and I consider there is clear evidence and a realistic prospect of delivery at either base date.
- 12.37. The June 2019 proforma for Campbell Park Remainder (Site 6) indicates the delivery of 300 units in the 5 year period. The Globe and Castlethorpe Road decisions came to opposite conclusions on the deliverability of this site. There is now further information in the form of email correspondence from December 2019 that outlines progress towards starting on site in 2021. This represents clear evidence of deliverability and as such there is a realistic prospect of the projected numbers coming forward for either base date.

- 12.38. The June 2019 proforma for Wyevale Garden Centre (Site 9) noted a resolution to grant planning permission. This was granted in July 2019. This supports clear evidence of the site being deliverable, while the build-out rates of 150 and 130 units in 2021/22 and 2022/23 appear achievable given that the development relates to apartments that can be delivered in larger numbers at one time. Therefore, there is a realistic prospect of the projected numbers coming forward for either base date.
- 12.39. Planning permission for the Agora redevelopment (Site 13) has lapsed and the June 2019 proforma noted viability issues and a pending decision on whether to list the existing building. The Castlethorpe Road decision found clear evidence to be lacking. Further information from November 2019 notes that the listing request was turned down and there has been progress towards planning permission and building demolition in 2020. While viability issues remain over S106 contributions, this does not appear to be a significant constraint. Based on the above, clear evidence of deliverability has been demonstrated and as such there is a realistic prospect of the projected numbers coming forward for either base date.
- 12.40. At the inquiry, the Council accepted that Galleon Wharf (Site 14) is not deliverable. I have no reason to disagree (delete 14 units).
- 12.41. The Railcare Maintenance Depot (Site 15) has outline permission, but the June 2019 proforma provides no information on progression towards approving reserved matters. The appellant also notes that part of the site has now been developed for a supermarket. Based on the lack of clear evidence, it has not been demonstrated that a realistic prospect of delivery exists for either base date (delete 175 units).
- 12.42. Eaton Leys (Site 16) has outline permission but no proforma was submitted in June 2019. However, a reserved matter application was pending and due to be determined by January 2020. A proforma was provided by the developer in December 2019 updating projections which appear achievable for the size of development and a major housebuilder. Thus, there is clear evidence of deliverability and as such a realistic prospect of the projected numbers coming forward for either base date.
- 12.43. The June 2019 proforma for Timbold Drive (Site 26) provides limited information on the delivery of the site notwithstanding an existing outline permission. The Council notes in its proof that a new outline permission is being sought. There is a lack of clear evidence of progress towards a reserved matters approval and a realistic prospect of delivery within 5 years has not been demonstrated (delete 130 units).
- 12.44. The June 2019 proforma for Land at Walton Manor (Site 33) provides little information on delivery. The site had an application for outline permission as at 1 April 2019 which was granted in November 2019. However, there is little information on start times and build out rates. Thus, clear evidence is lacking and a realistic prospect of delivery in 5 years has not been demonstrated (delete 115 units).
- 12.45. The June 2019 proforma for Land at Towergate (Site 34) notes marketing in the summer of 2019 and a start date of January 2021. Progress has been made in terms of discharging conditions, but there is limited

information on progress towards approving reserved matters. Thus, clear evidence is lacking and a realistic prospect of delivery in 5 years has not been demonstrated (delete 150 units).

- 12.46. For High Park Drive (Site 36), no proforma was submitted in June 2019. However, a reserved matters application was submitted in November 2019 along with applications to discharge conditions. A proforma from November 2019 indicates a start date of autumn 2020. Thus, there is clear evidence of deliverability and as such a realistic prospect of the projected numbers coming forward for either base date.
- 12.47. For Land East of Tillbrook Farm (Site 40), the anticipated reserved matters application in the summer of 2019 did not materialise but a January/February 2020 application was indicated in further information. Thus, there is clear evidence of deliverability and as such a realistic prospect of the projected numbers coming forward for either base date.
- 12.48. The June 2019 proforma for Land West of Yardley Road (Site 42) indicated the submission of a reserved matters application in July. The Globe decision found the site was deliverable. The application was delayed until November 2019, but this still demonstrates progress towards securing detailed permission. Thus, there is clear evidence of deliverability and a realistic prospect of the projected numbers coming forward for either base date.

*Sites with prior notification approval as at 1 April 2019*

- 12.49. Based on the above reasoning, Maybrook House (Site 37), Mercury House (Site 38) and Bowback House (Site 39) can be considered as having detailed planning permission based on their prior notification approval to convert from officers to residential. No proformas have been submitted for these sites, but the assumption should be that there is a realistic prospect of delivery unless clear evidence indicates otherwise. All 3 sites had prior notification granted in 2018 and so as of 1 April 2019 there was still ample time to implement. While the sites may not be fully vacated now and being marketed for office use, there was a realistic prospect of delivery as of 1 April 2019 with no clear evidence to the contrary. Therefore, all 3 sites can be included within the 5 year supply.

*Allocated sites as at 1 April 2019*

- 12.50. No evidence for the South East Milton Keynes Strategic Growth Area (Site 7) was presented to the Castlethorpe Road Inspector and so it was discounted. However, the Council note that the projection is based on the Plan:MK trajectory and the SOCG to the plan examination. There is the uncertainty of whether the route of the Oxford to Cambridge Expressway will go through the site, delaying progress with delivering housing. However, the Plan:MK Inspector referred to a modest output by 2023/24. Although there have been delays to announcements on the preferred route of the Expressway, progress is being made towards a planning application for a smaller part of the site and a wider Development Framework is being prepared. Therefore, clear evidence of a realistic prospect of delivering 50 units on the site has been demonstrated.

- 12.51. Berwick Drive (Site 8), Food Centre (Site 10), Redbridge and Rowle Close (Sites 11 and 12), Land off Hampstead Gate (Site 19), Land off Harrowden (Site 20), Hendrix Drive (Site 22), Kellan Drive (Site 23), Singleton Drive (Site 24), the former Milton Keynes Rugby Club (Site 25), Land north of Vernier Crescent (Site 28), Manifold Lane (Site 29), Daubney Gate (Site 30), Springfield Boulevard (Site 31), Reserve Site Hindhead Knoll (Site 32), Reserve Site 3 (Site 35) and Tickford Fields (Site 41) are all allocated sites where the June 2019 proformas gave little information on the delivery of these sites and the Castlethorpe Road decision found clear evidence to be lacking.
- 12.52. For Site 8, Site 23 and Site 31 there is further information from the Council's property team dated November 2019 setting out a specific timetable for delivery by 2021, albeit with a revised number of dwellings. For Site 10, there is now a planning performance agreement for the site, and hybrid planning applications have been submitted following positive public consultation events for a significantly larger number of units overall. The Council's June assessment projected 298 units delivered in the 5 years, although this has been revised down to 200 units based on the further information. For Site 19, Site 29, Site 30, Site 32 and Site 41 there is further information in the form of emails setting out the timetable for an application and construction. For Site 25, land disposal has been agreed and plans prepared. Based on the above, clear evidence of deliverability has been demonstrated and as such there is a realistic prospect of the projected numbers coming forward for either base date.
- 12.53. For Sites 11 and 12, an updated proforma and letter from November 2019 confirms that the sites have passed through a neighbourhood plan examination with increased unit numbers. However, there is no clear evidence of a timetable for submitting planning applications and starting on site (delete 19 + 18 units). For Sites 20, 22, 24, 28 and 35 there is no further information provided meaning that there is still a lack of clear evidence to demonstrate a realistic prospect of delivery for either base date (delete 25 + 10 + 22 + 14 + 22 units).
- 12.54. The Lakes Estate Neighbourhood Plan site allocations (Site 17 as well as Site 18 Phelps Road and Site 27 Southern Windermere Drive) gave limited information on firm progress towards the submission of an application and the Castlethorpe Road decision found clear evidence to be lacking. Further information and timings have been submitted in November 2019 providing greater detail on progress towards submitting the application and starting on site. The development would deliver a net total of 398 dwellings allowing for the demolition of existing Council homes. Phase A will involve the construction of 110 new homes, with further new homes in Phase B only once demolition has taken place in early 2022. Therefore, there is a realistic prospect of delivering the 130 units projected by the Council over the 5 year period, with clear evidence to support this for either base date.
- 12.55. The self-build plots at Broughton Atterbury (Site 21) form part of an allocated site with the wider site subject to detailed planning permission. However, the June 2019 proforma provides little information on the delivery of this site and no further information has been provided on this matter or evidence of demand for such plots. Thus, there is a lack of clear evidence to

demonstrate a realistic prospect of delivery for either base date (delete 6 units).

*New sites between 1 April and 1 October 2019*

- 12.56. In the event that a 1 October 2019 base date is preferred, there are a few sites that could be included in the 5 year supply, although the appellant disputes their inclusion. Omega Mansions (Site 43) and Chancery House (Site 45) are prior notification approvals for office to residential granted in July and August 2019 respectively. There is no clear evidence to indicate these sites with detailed permission will not deliver within the 3 years of their approval. Therefore, they can be included for an October base date. Cable House (Site 44) is a duplication with Mercury House and so has not been included. The appellant has also referred to a prior notification site at Station Road Elder Gate (Site 48) although I have little information on this site including any projected numbers. As such, it makes no difference to the supply either way.
- 12.57. Land south of Cresswell Lane (Site 46) was an allocated site as of 1 April 2019 but gained detailed permission for 294 flats in July 2019. A proforma from November 2019 indicates delivery within the 5 years which is achievable for two blocks of flats. There is no clear evidence to suggest there is not a realistic prospect of delivery and so the site can be included for an October base date.
- 12.58. The Castlethorpe Road decisions (Site 47a/b) granted outline permission for 50 units on one site (a) and detailed permission for 51 units on the other site (b). For the latter, there is no clear evidence to indicate non-delivery in the next 5 years. For the former, there is no clear evidence to demonstrate progress towards reserved matters approval. Therefore, I can include Site 47(b) for an October base date but exclude Site 47(a) (delete 50 units).

*Sites potentially delivering between 1 April and 30 September 2024*

- 12.59. If the base date is shifted to 1 October 2019, this would necessitate moving the end date to 30 September 2024 in terms of the 5 year period. Based on the June 2019 assessment, there are 13 sites currently in Year 6 (2024/25) that are shown as starting to deliver in that year. At the Inquiry, the Council only sought to argue that 4 of them have a realistic prospect of delivery. The amount for each site would be half of that shown in Appendix 1 of the June assessment for 2024/25 given that 1 April to 30 September is 6 months.
- 12.60. The sites at the rear of Saxon Court (Site 49), the rear of Westminster House (Site 50), Site C4.2 (Site 51) and the Cavendish site (Site 52) within the Fullers Slade regeneration project are all allocations in Plan:MK. There is little evidence of progress towards applications for any of these sites. Site 49 has had a development brief prepared but there is no other information. The regeneration project has been through a referendum and a development programme agreed. While an application could be submitted in late 2020 and delivery commence in the 5 year period for Site 52, there is little evidence to support this position. Therefore, it has not been shown that there is a realistic prospect of delivery for these 4 sites and they should not form part of the 5 year supply for a 1 October 2019 base date (delete 20 + 15 + 22 + 9 units).



*Conclusion on housing land supply*

- 12.61. For the 1 April 2019 base date, the Council considers it has a surplus of 2,845 units with a lapse rate applied to the supply (removing 678 units) in Scenario 1 above **[8.44]**. The appellant's closing statement reports the Council's contended surplus to be 2,844 which is one unit lower **[7.19]**. The discrepancy is not clear, but I have used the lower surplus figure just in case. The above assessment deletes a number of units from specific sites coming to a total of 1,750 units deleted for a 1 April base date. This would reduce the surplus to 1,094 units and result in a supply of 11,181 units (12,931 – 1,750). Set against an agreed 5 year requirement of 10,087 units this would result in a HLS of 5.5 years. Bearing in mind that the lapse rate has only been applied to ensure robustness, I am satisfied that the Council can realistically demonstrate a 5 year HLS for this base date.
- 12.62. For a 1 October 2019 base date position, the Council's surplus based on its monitoring data and its approach to assessing deliverability is 3,859. The reduction in units set out above, including those sites purported to be in a 5 year supply between 1 October 2019 and 30 September 2024, comes to a total of 1,866 units deleted. The effect on the surplus would reduce it to 1,993 units and result in a supply of 12,083 units (13,949 – 1,866). Set against a 5 year requirement of 10,091 units, this would result in a 5 year HLS of 5.99 years for this base date.
- 12.63. I have had regard to the Council's Scenario 2 **[8.45]** which includes all of the adjustments in paragraph 4.62 of the Council's proof (LPA1) except paragraph 4.62.11 along with the removal of Site 14 at Galleon Wharf. This scenario sees an overall reduction in supply by 330 units from Scenario 1 but still provides a 5 year HLS of 6.25 years. My assessment above has already applied the adjustments to the sites in paragraphs 4.62.1 and 4.62.2 and deleted all or part of the sites in paragraphs 4.62.6, 4.62.12 and 4.6.13. It has not applied the adjustments in the remaining paragraphs, but even if it did, this would result in a minor overall addition of 95 units to the supply for the April base date. Thus, Scenario 2 does not affect my findings on HLS.
- 12.64. Scenario 3 is the same as Scenario 2 **[8.46]** but without the Council's lapse rate applied. I have decided that it would be prudent to apply the lapse rate and so this scenario also does not affect my findings on HLS.
- 12.65. In conclusion and based on the evidence before me, I find that the Council can demonstrate a 5 year supply of deliverable housing sites whichever approach is taken in terms of the base date, and even with the application of the Council's lapse rate. In the event that the SoS finds that a 5 year supply cannot be demonstrated, I deal with this scenario and its implications below.

The Location of the Development*The Development Plan – Plan: MK*

- 12.66. The appellant accepts that the proposal conflicts with Policies DS1, DS2 and DS5 of Plan:MK due its location in the open countryside outside of the development boundary for Woburn Sands. While adjacent to this key settlement, the proposal does not meet any of the 13 criteria set out in Policy

DS2 and neither does it meet any of the exceptions in Policy DS5. **[7.5, 8.48, 8.50]**

- 12.67. The appellant argues that the proposal is in accordance with the approach that underpins the Plan:MK spatial strategy given that it adjoins a key settlement that Plan:MK defines as 'chosen for development'. There is general agreement between the main parties that the site is in a sustainable location with regards to its proximity to a range of services and facilities in Woburn Sands. The NPPF supports housing in such locations and where it can enhance or maintain the vitality of rural communities. However, I consider that the location and type of development does not comply with Policies DS1, DS2 and DS5 which sets out the spatial strategy for residential schemes. The presence of a 5 year HLS means the weight to any conflict with these policies is not diminished. **[7.5, 7.93, 7.94, 8.49]**
- 12.68. While Plan:MK does not set out housing requirements for the Woburn Sands neighbourhood area as advocated in NPPF paragraph 65, the Plan:MK Inspector considered that no specific allowance for additional development was necessary for this settlement. The development boundary is tightly drawn around the settlement but it has been reviewed as part of the Plan:MK examination with amendments made to accommodate recent planning approvals. This is not to say that there is a cap on development in Woburn Sands, but there is no policy requirement to deliver additional housing in this settlement. Moreover, it has not been demonstrated that Policies DS1, DS2 and DS5 are inconsistent with the NPPF in terms of their approach to the spatial strategy and the location of housing and the objective to safeguard the countryside from inappropriate development. **[7.6, 7.7, 7.92, 8.49, 8.50]**

*The Development Plan - Woburn Sands Neighbourhood Plan*

- 12.69. The appellant accepts that the proposal conflicts with WSNP Policy WS5 as none of the exceptional circumstances currently apply to allow for an extension of the current development boundary. The appellant stressed that WSNP Policy WS6 is parasitic on Policy WS5 and only allows for a limited amount of additional housing in the plan area and none of the listed circumstances apply. **[7.9, 7.13]**
- 12.70. The WSNP has not been reviewed within 5 years of it being made and it makes no allocations for housing. The previous Inspector's report and SoS decision only gave moderate weight to Policy WS5 as it was based on tightly drawn boundaries and the old Milton Keynes Local Plan 2001-2011. The requirement in the policy for any boundary amendment through Plan:MK to be agreed by the Town Council was not recommended by the examiner. Such a requirement is at odds with the NPPF which clarifies the hierarchy of local plans over neighbourhood plans. **[7.10-7.12]**
- 12.71. However, as noted above, the development boundary has been reviewed and updated as part of the Plan:MK process and no specific allowance for additional development was necessary. There is no inconsistency with the NPPF in terms of how Policies WS5 and WS6 seek to safeguard the countryside and direct development to specific locations. Therefore, significant weight can be afforded to both policies and any conflict with them, particularly in light of a demonstrable 5 year HLS. Neither policy should be regarded as being out of date. **[7.14, 8.51-8.53]**

*Proposed new transport infrastructure*

- 12.72. It is conceivable that the route of the Oxford to Cambridge Expressway could travel through or near to the appeal site based on the preferred option of Highways England and the various constraints within the Woburn Sands area. However, there has yet to be a formal announcement on the next stage of this road project or further public consultation on specific options or routes. Plan:MK addresses the Expressway in relation to the South East Milton Keynes extension in terms of the timing of any planning permission but does not preclude development in specific locations as the details and future of the project are still yet unclear. The main parties agree that the proposal does not conflict with the development plan insofar as the Expressway is concerned and so does not warrant refusal of the proposal on this matter. **[6.1, 7.95, 7.96, 9.3, 9.7, 9.10, 10.3]**
- 12.73. The East-West rail project would see greater use of the line through Woburn Sands and interested parties have expressed concerns regarding the potential increased frequency of the level crossing being closed. However, there is little evidence that the appeal proposal would hamper the delivery of the rail project or result in unacceptable traffic conditions insofar as the level crossing is concerned. Again, there is no conflict with the development plan or reason to refuse the proposal on this matter. **[9.3, 9.7, 9.8, 9.12]**

*Conclusion on the location of the development*

- 12.74. While there are no reasons to withhold permission having regard to routes of potential new transport infrastructure, the proposed housing would not be in an appropriate location having regard to the development plan and national policies. As noted above, it would conflict with Plan:MK Policies DS1, DS2 and DS5 and WSNP Policies WS5 and WS6.

Housing Density

- 12.75. At the time of the first SoS decision, Policy H8 of the Local Plan 2001-2011 sought a density of 35dph. The SoS found that the density of the proposed development, which was generally considered to be 16dph at the time, was a very significant departure from this policy with significant weight given to the conflict. Policy H8 has since been replaced with Policy HN1 of Plan:MK which sets no density limit but seeks a balance between making efficient use of land with respecting the surrounding character and context. **[7.99, 8.58]**
- 12.76. Paragraphs 122 and 123 of the NPPF have not changed between the 2018 version considered by the SoS and the current 2019 version. Paragraph 122 seeks efficient use of land taking into account various factors including the desirability of maintaining an area's prevailing character and setting. Paragraph 123 seeks to avoid low densities, but only in the context of an existing or anticipated shortage of land. Given my findings above, this paragraph is not applicable. Policy H8 was considered by the SoS to be consistent with the NPPF, but it is clear that he found conflict with the policy only. This is because he said that the various factors in paragraph 122 did not justify the departure from policy (DL26). **[7.98, 8.60]**



- 12.77. At the first Inquiry, the appellant demonstrated<sup>128</sup> how 16dph was broadly comparable to the densities of immediately adjoining residential streets. The first Inspector found the proposed density to be acceptable. At the second Inquiry, the appellant contended that the net density based on the illustrative layout would actually be 20.3dph. The parties disagreed on the extent of land within the site that would be developed for housing and directly associated uses including the access roads. Around 50% of the site would be developed for housing, but there is no agreement on the overall density. **[7.97, 8.64]**
- 12.78. The fact that there is disagreement over an illustrative layout for a proposal where all matters are reserved apart from access indicates that the final density figure cannot be established at this point. As part of any reserved matter application relating to layout, the provision and situation of buildings, routes and open spaces across the site area is to be assessed and determined. Thus, while density is not a specific reserved matter, the eventual layout could affect the density figure. If the layout was unacceptable to the Council in terms of how it related to the development and buildings and spaces beyond, it could refuse the reserved matters application. Thus, I am persuaded more by the judgment in *Inverclyde* which found density could be considered as part of a reserved matter than the judgment in *Chieveley* which focused on gross floor space. **[7.101, 7.102, 8.54, 8.55]**
- 12.79. No condition has been put forward to fix a specific density or developable area. The development is for up to 203 dwellings. Thus, it is not possible to be certain of the final density figure. There is no detailed analysis from the Council on a specific density figure or range of figures. Its planning witness stated that the development should reflect the overall average density of Woburn Sands which is 27dph. However, this is based on an unverified figure in the appeal decision for the Nampak site. The appellant's analysis indicates that the built-up area of Woburn Sands has a density of 23.7dph. Its density figures for the individual parishes are lower but less helpful as they include large area of countryside. **[7.100, 8.63, 8.65]**
- 12.80. Notwithstanding the disagreement over density figures and the scope of reserved matters, even if the original figure of 16dph is preferred, this would be in keeping with the surrounding character and context of the adjoining streets. The illustrative layout would reflect the spaciousness of these existing streets with the use of open space buffers to safeguard the living conditions of neighbouring properties and the setting of the listed farmhouse. Little evidence has been presented to suggest that a density beyond 16 or 20dph would be acceptable in terms of character and appearance. The first Inspector found that an indicative layout for 303 dwellings would not be desirable in terms of landscaping, amenity and context. Although the site's location has good access to facilities including public transport, it has not been demonstrated that higher density development would be acceptable. In the event that a 5 year HLS could not be demonstrated, there would need to be adequate justification that a higher density could work in this location. **[7.100, 8.63]**

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<sup>128</sup> CD2.6 appendix 13

- 12.81. While the final layout and density of the development has yet to be fixed, I consider that a scheme based on the illustrative layout with a density of 16-20dph would be relatively low but would be acceptable in this instance for this location. It would balance an efficient use of land with respecting the surrounding character and setting, and so would accord with Plan:MK Policy HN1 and NPPF paragraph 122. While I have reached a different conclusion to the SoS in his first decision, this is based on the changed development plan context, the ability to finalise density at reserved matters, and having regard to the context and character of nearby residential streets. **[7.4, 7.103, 8.65]**
- 12.82. If the SoS concludes differently and finds that the proposed density would not represent an efficient use of land, then there would be conflict with Plan:MK Policy HN1 and NPPF paragraph 122. This would increase the amount of weight against the proposal.

### Other Matters

#### *Best and most versatile agricultural land*

- 12.83. The loss of Grade 3a agricultural land within the site would conflict with Plan:MK Policy NE7. However, site allocations such as the South East Milton Keynes Strategic Growth Area encompass larger areas of best and most versatile agricultural land. The Council has not sought to argue that this matter on its own would justify refusing the development and so the policy conflict only carries moderate weight. A balance needs to be struck between the economic and other benefits of such land versus the benefits of the development. **[7.109, 8.66, 9.12]**

#### *Ecology and drainage*

- 12.84. The first Inspector noted that the ecological value of the site was limited due to its agricultural use with most of the existing habitats contained within the trees, hedgerows and ponds on the field margins. These habitats would be mostly retained and enhanced by the development with measures secured by condition. An updated desktop study and site assessment was undertaken in September 2019 with no major changes since the original 2016 ecology reports. **[6.1, 7.116, 9.11]**
- 12.85. The existing badger sett would be removed to allow for the new access from Newport Road. This would require a derogation licence to avoid an offence under the Conservation of Species and Habitats Regulations 2010. There is no requirement for a derogation licence to be provided prior to grant of planning permission, but the decision-maker must be assured that there would be a reasonable prospect of the licence being granted by Natural England.
- 12.86. The provision of housing is in the public interest, while there is no alternative but to move the badger sett given its location. The creation of an artificial sett as close as possible to the original location would provide temporary refuge and would have to be in use before the licence application. Other mitigation measures during construction would also seek to limit risks to badgers. These measures should maintain the species at a favourable conservation status. Based on these considerations, there is reasonable prospect of Natural England granting a licence. As a consequence, the

development would not have an unacceptable effect on ecology or protected species.

- 12.87. As noted by the first Inspector, the development offers the means to alleviate current drainage problems through additional attenuation and the use of a suitable maintenance regime. There should be sufficient space to allow for the drains set out in the hydrology assessment. The site is within Flood Zone 1 which has the lowest risk of flooding and the development would provide sufficient ponds, swales and ditches to address surface water run-off. The measures and maintenance plan can be secured by conditions and so the development would not have an unacceptable effect on drainage. **[6.1, 10.2]**

#### *Highways and parking*

- 12.88. The development would provide a new route between Newport Road and Cranfield Road to alleviate some of the problems associated with the junction next to the level crossing. The first Inspector noted that all of the junctions would achieve suitable visibility splays and that there would be no unacceptable highway safety impacts. The updated TA for the second Inquiry provides new trip generation and distribution estimates taking into account more recent data and reviews existing and proposed junction modelling. It concludes that there would be very modest impact on all junctions and routes with no adverse effect on highway capacity or the need for any more complex highway designs such as ghost island right turn lanes. While I note the concerns raised by interested parties about traffic impacts, the evidence before me does not indicate that the development should be restricted on highways grounds. The first Inspector noted little evidence of parking stress within Woburn Sands and the intention for a Travel Plan to encourage sustainable modes of transport. I have no reason to come to a different view on parking. **[6.1, 7.107, 7.108]**

#### *Facilities and services in Woburn Sands*

- 12.89. Woburn Sands retains a number of services and facilities including schools, shops and a medical centre, with a bus service and train station. While it may have lost or reduced the amount of services and facilities in recent years, the town remains designated as a key settlement in Plan:MK. Concerns regarding capacity limits at the schools and medical centre can be addressed via financial contributions in the S106 agreement, which also provides the opportunity for additional medical provision within the site. There is little evidence before me to indicate that the development would have an unacceptable impact on services and facilities in Woburn Sands. **[6.1, 7.115, 9.2, 9.3, 9.9]**

#### *Heritage assets*

- 12.90. The Grade II listed Deethe Farmhouse has architectural and historic interest as an 18<sup>th</sup> century property with later alterations. Its significance is also informed by its setting, which today includes the industrial estate as well as the agricultural fields of the appeal site. The former, due to their modern utilitarian appearance and use contribute little to the significance of the farmhouse, whereas the latter make a positive contribution as remnants of the building's agricultural past. The building is not highly visible from either the road or the site due to planting and so the positive contribution of the appeal site is only moderate.

- 12.91. The development would change the rural setting of the farmhouse but the illustrative layout plans shows that a landscaping buffer can be provided within the site to wrap around the shared boundary. Layout and landscaping details could be addressed at reserved matters stage. For the above reasons, the development would result in less than substantial harm to the significance of the listed building. The level of harm would be low due to the existing setting and the proposed mitigation measures. Nevertheless, NPPF paragraphs 193 and 194 state that great weight should be given to the conservation of the listed building and that any harm requires clear and convincing justification. In line with NPPF paragraph 196, this harm will be weighed against the public benefits below. **[6.1, 7.105]**
- 12.92. The recently designated Grade II registered park and garden at Wavendon House forms part of the grounds to the Grade II\* listed Wavendon House and extends close to the northern boundary of the site. The significance of the park and garden derives from its historic and design interest as an 18<sup>th</sup> century pleasure ground and park laid out by a significant landscape improver of the time (Richard Woods). Wavendon House itself has architectural and historic interest as a country estate home of 17<sup>th</sup> century origins largely remodelled in the 18<sup>th</sup> century. A mature belt of trees on the edge of the former golf course limit views between the park and garden and the site, while the listed house is further away to the north with additional landscape screening in place. Thus, the site only makes a minor contribution to the significance of both heritage assets as part of their wider setting. The development would provide trees and a landscape buffer along the boundary nearest to Wavendon House. Details could be addressed at the reserved matters stage. Given the existing screening and distances involved, there would be no harm caused to either heritage asset. **[7.105]**

#### *Character and appearance of the landscape*

- 12.93. The development would have a significant visual and landscape effect on the site itself given that it would change from agricultural fields to housing. However, as noted by the first Inspector and the first SoS decision, the site does not comprise a valued landscape and is contained by existing boundary vegetation which limits views from wider vantage points. Moreover, the site adjoins the edge of Woburn Sands and the development would be seen in the context of existing housing. Although some hedgerows and trees would be lost including those subject to a TPO, the intention is to retain and enhance planting. Little has changed in visual and landscape terms since the first Inquiry and decision. Therefore, I concur that the development would have a very limited effect on the character and appearance of the landscape. **[6.1, 6.3, 7.104, 7.117]**

#### The Planning Balance

- 12.94. A number of benefits have been put forward by the appellant. The provision of affordable housing beyond the minimum policy requirement should be strongly supported in line with Policy HN2 and so carries significant weight. The provision of market housing carries similar weight given the potential number that could be delivered and the eagerness of the appellant as a small to medium sized developer to deliver housing as swiftly as possible. The provision of medical facilities within the site is a potential social benefit but

only if it goes beyond mitigating the effect of the development which has not been proven. **[7.110-7.113, 7.115, 8.67, 8.68, 8.71]**

- 12.95. The economic benefits would include temporary construction employment, the provision of a range of homes for a cross-section of working people, secondary employment through increased spending in the local area and the payment of a new homes' bonus to the Council, some of which could be remitted to Woburn Sands Town Council. As such, reasonable weight can be afforded to these benefits. **[7.114, 8.69]**
- 12.96. In highways terms, while the new road through the site between Newport Road and Cranfield Road would offer an alternative route to the level crossing junction, the appellant's update TA notes very modest impacts on all junctions as a result of the development. The housing would reduce the extent and distance of car-borne commuting although not remove it altogether given the distance to major areas of employment and the relatively limited train and bus services. Therefore, only limited weight can be afforded any highway benefits. **[7.118, 8.70]**
- 12.97. The environmental enhancement of ecology and the provision of drainage measures to try and address existing problems would provide moderate benefits. Little weight can be afforded to the appellant's claim of a high quality living environment given the limited information at outline stage and the policy requirement that all development should be high quality. **[7.116, 8.72, 8.73]**
- 12.98. Taken a whole, the benefits range from limited to significant in magnitude. They can all be regarded as public benefits and set against the low level of harm to the significance of the listed farmhouse, they would provide clear and convincing justification for that harm. Having special regard to the desirability of preserving listed buildings and their setting in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the development would have an acceptable effect in terms of heritage assets. **[12.102-12.104]**
- 12.99. The development would have an acceptable effect on a range of other matters listed above. It would also be acceptable in terms of housing density. There are insufficient grounds for withholding permission based on routes of potential national infrastructure projects and the negative effect on best and most versatile agricultural land would not, in itself, be a reason for refusal. The conflict with Plan:MK Policy NE7 carries moderate weight as set out above and would be outweighed by the benefits. **[12.88-12.95]**
- 12.100. However, there would be conflict with Plan:MK Policies DS1, DS2 and DS5 and WSNP Policies WS5 and WS6 due to the location of the site in the open countryside. I have found that a 5 year HLS can be demonstrated and so there is no reason to reduce the weight to the conflict with these policies on that basis. Policies DS1, DS2 and DS5 are not inconsistent with the NPPF and so carry full weight, while significant weight can be afforded to Policies WS5 and WS6 based on their NPPF consistency. As policies most important for determining the application, none of these 5 policies are out of date. As such, the tilted balance in NPPF paragraph 11(d) is not engaged. **[7.119, 8.74-8.76, 12.79-12.84]**

- 12.101. The development's conflict with the development plan in terms of the location of the housing carries substantial weight as it would not accord with the spatial strategy set out in Plan:MK. While a number of benefits would be achieved, they would be insufficient to outweigh the conflict with the development plan. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should not be granted.
- 12.102. Alternatively, if the SoS finds that a 5 year HLS cannot be demonstrated or that the most important policies are out of date for other reasons, then the tilted balance in NPPF paragraph 11(d) would be engaged. As there are no policies in the NPPF that provide a clear reason for refusing the development (having had regard to the effect on designated heritage assets), it would be necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 12.103. Moreover, it should be noted that if the SoS finds that there is a housing land supply shortfall, then NPPF paragraph 123 would be engaged which seeks to avoid homes being built at low densities. NPPF paragraph 123(c) states that proposals should be refused where the decision maker considers that they fail to make efficient use of land taking into account the policies of the NPPF.

### **13. Recommendation**

- 13.1 For the reasons set out above, I recommend that the appeal be dismissed.
- 13.2 Nonetheless, if the SoS is minded to disagree with my recommendation and allow the appeal, then the conditions listed in Annex 1 should be attached to any permission granted along with the obligations set out in the S106 agreement.

*Tom Gilbert-Wooldridge*

INSPECTOR



## **ANNEX 1: SUGGESTED CONDITIONS (28)**

### *Details, phasing and lighting*

- 1) No development shall commence on any phase of the development until details of the layout, scale, appearance and landscaping for that phase (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority  
Reason: To meet the requirements of the Town and Country Planning (Development Management Procedure) Order 2015
- 2) Application/s for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun no later than the latest of the following dates:
  - i. The expiration of three years from the date of this permission; or
  - ii. The expiration of two years from the date of the approval of the last of the reserved matters to be approved.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Planning Act

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-X-001 Rev B, PL-X-003 Rev C and PL-X-004, but only in respect of those matters not reserved for later approval.  
Reason: For the avoidance of doubt and in the interests of proper planning of the development
- 4) The development hereby permitted shall not exceed 203 dwellings (Use Class C3). The use classes are those set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order with or without modification.  
Reason: To ensure the development conforms to the outline planning permission
- 5) Prior to the commencement of development of any phase of the development, a phasing plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the phasing plan shall include the phasing of the delivery of all roads, footways, redway and bridleway links and Framework Travel Plan measures. The development shall take place in accordance with the approved phasing plan.  
Reason: In order to clarify the terms of this planning permission and ensure that the development proceeds in a planned and phased manner. This is pre-commencement condition as the phasing plan would need to be agreed before any works begin.
- 6) The access arrangements hereby permitted shall be carried out in accordance with Proposed Site Access drawings nos.WO1188-101 Rev P05 and WO1188-102 rev.P03

Reason: To provide satisfactory highway connections to the local highway network

- 7) Reserved matters applications for each phase of the development shall include details of the proposed finished floor levels of all buildings and the finished ground levels in relation to existing surrounding ground levels for that phase. Development for that phase shall be undertaken in accordance with the approved levels.

Reason: To ensure that construction is carried out suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties in accordance with Policy D5 of Plan:MK

- 8) Reserved matters applications for each phase of the development shall include details of the proposed boundary treatments for that phase. The approved boundary treatments shall be carried out in accordance with the approved details for that phase and be completed prior to the occupation of the associated dwelling or first use of such phase of the development.

Reason: To provide adequate privacy, to protect the external character and appearance of the area and to minimise the effect of development on the area in accordance with Policy D5 of Plan:MK

- 9) Reserved matters applications for each phase of the development shall include a lighting scheme for all public and private streets, footpaths and parking areas. The lighting scheme shall include details of what lights are being proposed, a lux plan showing maximum, minimum, average and uniformity levels, details of means of electricity supply to each light and how the lights will be managed and maintained in the future. If any lighting is required within the vicinity of current or built-in bat features, it shall be low level with baffles to direct the light away from the boxes and units, thus preventing severance of bat commuting and foraging routes. The approved scheme shall be implemented prior to the occupation of each associated dwelling within that phase of the development.

Reason: In the interests of safety and amenity and in order to comply with Policies D5 and NE6 of Plan:MK

- 10) Reserved matters applications for each phase of the development shall incorporate measures to minimise the risk of crime in accordance with Secured by Design principles. All dwellings shall be designed to achieve Secured by Design accreditation (as awarded by Thames Valley Police) in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of reducing crime and disorder in accordance with Policy EH7 of Plan:MK

- 11) Reserved matters applications for each phase of the development shall be accompanied by a Sustainability Statement for that phase including, as a minimum, details required by Policy SC1 of Plan:MK. The approved details shall be implemented for each dwelling prior to the occupation of that dwelling.

Reason: In the interests of achieving a sustainable form of construction and to ensure the development complies with Policy SC1 of Plan:MK



- 12) No development shall take place above slab level until samples of the external materials to be used in the construction for each phase of the development (if any) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure that the development does not detract from the character and appearance of the area in accordance with Policy D2 of Plan:MK

*Affordable housing*

- 13) Reserved matters applications for each phase of development shall include details of the location and type of affordable housing pursuant to the development phase for which approval is sought. Each phase of the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development and location of affordable housing is appropriate and in accordance with Policy HN2 of Plan:MK

*Drainage*

- 14) Prior to the commencement of the development hereby permitted a detailed design, and associated management and maintenance plan, for a surface and storm water drainage scheme, based on sustainable drainage principles for the site shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include details of the way the surface and storm water drainage scheme will be implemented for each phase of development. The approved drainage scheme shall subsequently be implemented and maintained in accordance with the approved detailed design and scheme for maintenance, and in accordance with the approved phasing details and be retained thereafter.

Reason: To ensure satisfactory and sustainable surface water drainage to prevent the increased risk of contamination and flooding on or off site in accordance with Policy FR1 of Plan:MK. This is a pre-commencement condition as it is necessary to establish a drainage scheme before works begin.

- 15) Prior to the commencement of each phase of the development, a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings in that phase shall be occupied until the works have been carried out in accordance with the approved foul water strategy for that phase.

Reason: To ensure satisfactory and sustainable foul water drainage to prevent the increased risk of contamination and flooding on or off site in accordance with Policy FR1 of Plan:MK. This is a pre-commencement condition as it is necessary to establish a drainage scheme before works begin.

*Car parking, travel and access*

- 16) Reserved matters applications for each phase of the development shall include a scheme to provide car parking and cycle parking and manoeuvring of vehicles within the development in accordance with the Milton Keynes Council Parking Standards SPG (2016) or any subsequent parking standards adopted at the time any reserved matters application is

submitted and in accordance with the Council's New Residential Development Design Guide (2012) or any further guidance on parking that may be adopted at the time any reserved matters application is submitted. The approved scheme shall be implemented and made available for use for each dwelling prior to the occupation of that dwelling and shall not thereafter be used for any other purpose.

Reason: To ensure adequate parking provision at all times and to enable vehicles to draw off, park, load/unload and turn clear of the highway so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway in accordance with Policies CT3 and CT10 of Plan:MK

- 17) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction and Delivery Plan that shall outline, in accordance with the phasing as approved under Condition 5 the proposed access works and which shall include links to the existing highway, footpaths and cycle ways (including the specification thereof). Development shall then take place in accordance with the approved Construction and Delivery Plan. No other parts of the development shall begin until the new means of access for that phase has been provided and laid out in accordance with the Construction and Delivery Plan and constructed in accordance with Milton Keynes Council's standard specification.

Reason: In the interests of highway safety and to ensure adequate mitigation measures are in place. This is a pre-commencement condition to ensure that there is agreement on construction traffic and deliveries before works begin

- 18) Measures proposed within the approved Framework Travel Plan dated March 2016 will be implemented in a phased manner, in accordance with Condition 5. No phase of the development shall be occupied prior to the implementation of the agreed Framework Travel Plan measures relating to that phase. Those parts of the approved Framework Travel Plan that are identified therein as being capable of implementation after occupation shall be actioned and reported in accordance with the timetable contained within, with a minimum of annual reporting for the first five years.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Policy CT2 of Plan:MK

- 19) No dwelling shall be occupied in any phase of the development until the estate road which provides access to the dwelling, from the existing highway, has been laid out and constructed.

Reason: To provide satisfactory highway connections to the local highway network in accordance with Policy CT2 of Plan:MK

#### *Archaeology*

- 20) Prior to the commencement of each phase of the development a programme of archaeological field evaluation comprising trial trenching shall be completed. The programme of archaeological evaluation shall be detailed in a Written Scheme of Investigation submitted to and approved by the Local Planning Authority in writing. On completion of the agreed

archaeological field evaluation for each phase a further Written Scheme of Investigation for a programme of archaeological mitigation in respect of any identified areas of significant buried archaeological remains shall be submitted to and approved by the Local Planning Authority in writing. The scheme for archaeological mitigation shall include an assessment of significance and research questions; and

- i. The programme and methodology of site investigation and recording;
- ii. The programme for post investigation assessment;
- iii. Provision to be made for analysis of the site investigation and recording;
- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development in any phase shall take place other than in accordance with the Written Scheme of Investigation so approved. The development hereby permitted shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To enable expert investigation of cultural remains at this site of archaeological interest in accordance with Policy HE1 of Plan: MK

### *Ecology*

- 21) Any protected species survey report in excess of three years old at the time of the commencement of development of each phase of the development shall be updated and submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of that phase of the development. Natural England derogation licence(s) shall be obtained for any protected species likely to be harmed prior to the commencement of the development.

Reason: To safeguard protected species and biodiversity in accordance with Policy NE2 of Plan: MK

- 22) Prior to the commencement of development of each phase of the development, a Landscape and Ecology Management Plan which covers the landscape and ecological features of the development ensuring net gains for wildlife compliance with local and national policies shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include the creation of additional habitat areas and a scheme to incorporate additional biodiversity features such as swallow cups, bird and bat boxes, bricks or cavities into appropriate buildings. Thereafter the development shall be carried out in accordance with the approved scheme and all features and access to them shall be maintained in perpetuity.

Reason: To ensure the development incorporates adequate biodiversity enhancements in accordance with Policies NE3 and NE4 of Plan:MK

*Tree protection*

- 23) All existing trees and hedgerows to be retained in each phase of the development are to be protected according to the provisions of BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' prior to the commencement of any works on each phase. All protective measures shall be in place prior to the commencement of any building operations (including any structural alterations, construction, rebuilding, demolition and site clearance, removal of any trees or hedgerows, engineering operations, groundworks, vehicle movements or any other operations normally undertaken by a person carrying on a business as a builder) in that phase.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitats and to minimise the effect of the development on the area

*Open space, play areas and landscaping*

- 24) Prior to the commencement of any phase of the development, an open space specification which includes the location, details and specification for all areas of open space including the Neighbourhood Play Area shall be submitted to and approved in writing by the Local Planning Authority. Detailed proposals for play areas shall be submitted and agreed at the same time as the detailed housing layouts or otherwise demonstrate that the minimum buffer distances between residential property boundaries and the play area active zone can be achieved in compliance with the standards set out in Plan:MK Appendix C, or any subsequent standards. The open space specification shall also include the phasing for the laying out of all areas of open space including any Play Areas and the long term management and maintenance arrangements for all open space and play facilities, to cover a minimum period of ten years. The development shall be completed in accordance with the approved details.

Reason: To minimise the effect of the development on the area in accordance with Policy L4 of Plan:MK

- 25) Reserved matters applications for each phase of the development shall include a landscaping scheme with detailed drawings showing which trees and hedgerows are to be retained in that phase and which trees and hedgerows are proposed to be felled or lopped in that phase. The landscaping scheme shall also show the numbers, types and sizes of trees and shrubs to be planted in that phase including their locations in relation to associated infrastructure and a species list to include native species and species beneficial to wildlife. The planting plans shall include existing trees and/or hedgerows to be retained and/or removed within each phase accurately shown with root protection areas and based up to date tree surveys. Any trees or shrubs removed, dying, or which become severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species to be agreed in writing by the Local Planning Authority.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitats and to minimise the effect of the development on the area

*Construction*

- 26) Prior to the commencement of development of any phase of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include Noise Action Levels (based on a noise survey) and site procedures to be adopted during the course of construction including working hours, intended routes for construction traffic, details of vehicle wheel washing facilities, location of site compound, lighting and security and how dust and other emissions will be controlled. The development shall be carried out in accordance with the approved CEMP.

Reason: To ensure there are adequate mitigation measures in place in the interests of highway and pedestrian safety and in order to protect the amenities of existing and future residents in accordance with Policies CT2 and NE6 of Plan:MK

- 27) Prior to the commencement of development on any phase, the developer shall carry out an intrusive site investigation into the ground conditions at the site to determine the likelihood of any ground, groundwater or gas contamination of the site. The results of this survey detailing the nature and extent of any contamination, together with a strategy for any remedial action deemed necessary to bring each phase to a condition suitable for its intended use, shall be submitted to and approved in writing by the Local Planning Authority before construction works commence on that phase. Any remedial works shall be carried out on each phase in accordance with the approved strategy and validated on a phase by phase basis by submission of an appropriate verification report prior to the first occupation on that phase of the development. Should any unforeseen contamination be encountered, the Local Planning Authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination shall also be carried out to the written satisfaction of the Local Planning Authority.

Reason: To ensure the site is fit for its proposed purpose and any potential risks to human health, property and the natural and historic environment area appropriately investigated and minimised in accordance with Policy NE6 of Plan:MK

*Housing mix*

- 28) Any reserved matters application shall be accompanied by details outlining the proposed housing mix strategy which takes account of the latest housing need within the District. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development hereby approved reflects housing need within the Borough in accordance with Policy HN1 of Plan:MK

## **ANNEX 2: APPEARANCES**

### FOR THE APPELLANT

Peter Goatley and James Corbet Burcher of Counsel instructed by Stephen Webb of Clyde and Co LLP.

They called:

Roland Burton BSc (Hons) MRTPI	DLP (Planning) Limited
Tim Waller BA (Hons) DipTP MRTPI	Waller Planning
Julian Hudson MA (Oxon) MSc MSc MCIHT	Scott White and Hookins
Stephen Webb	Clyde and Co LLP

### FOR THE LOCAL PLANNING AUTHORITY

Reuben Taylor QC and Matthew Henderson of Counsel instructed by Sharon Bridglalsingh of Milton Keynes Council.

They called:

James Williamson BA (Hons) MSs MRTPI	Milton Keynes Council
Niko Grigoropoulos BSc (Hons) MA MRTPI	Milton Keynes Council
Paul Van Geete	Milton Keynes Council
Nazneen Roy	Milton Keynes Council

### INTERESTED PERSONS WHO SPOKE AT INQUIRY

Councillor Jacky Jeffries	Woburn Sands Town Council
Councillor David Hopkins	Danesborough and Walton Ward Councillor (Milton Keynes Council) and Chairman of Wavendon Parish Council
Judith Barker	Local resident
Jenny Brook	Local resident

### **ANNEX 3: DOCUMENTS**

#### **INQUIRY DOCUMENTS (FOR REDETERMINED APPEAL)**

RID01	Opening submissions on behalf of the appellant
RID02	Opening statement on behalf of the Council
RID03	High Court judgment R(oao Matthew Davison) v Elmbridge Borough Council [2019] EWHC 1409 (Admin)
RID04	Statement by Councillor Jacky Jeffries
RID05	Statement by Councillor David Hopkins
RID06	Statement of Common Ground between the appellant and the Council
RID07	Quarter 3 (1 October to 31 December 2019) monitoring data of housing starts and completions in Milton Keynes
RID08	Babergh District Council Housing Land Supply Position Statement 2019/20 to 2023/24
RID09	Court of Appeal judgment R (on the application of East Bergholt Parish Council) v Babergh District Council) [2019] EWCA Civ 2200
RID10	Mid Suffolk District Council Housing Land Supply Position Statement 2019/20 to 2023/24
RID11	Email and photograph from Stephanie Forester (local resident)
RID12	Addendum to the Council's justification document for Section 106 contributions
RID13	Note from the Council on the 2019 distribution of annual housing monitoring proformas
RID14	Site visit itinerary
RID15	Note from the Council on the Babergh and Mid Suffolk Housing Land Supply Position Statements
RID16	Statement by Judith Barker
RID17	Note from the appellant responding to the Council's note (RID15)
RID18	Extract from the Encyclopedia of Planning Law and Practice 3B-2200.5 (Applications for outline planning permission)
RID19	Note from the Council clarifying the sites removed from the 2019 five-year land supply when updated to a base date of 1 April 2019
RID20	Errata to Roland Bolton Proof of Evidence and Statement of Common Ground on housing land supply
RID21	Closing submissions on behalf of Milton Keynes Council
RID22	Court of Appeal judgment City and District Council of St Albans v Hunston Properties and Secretary of State for Communities and Local Government [2013] EWCA Civ 1610



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RID23	Court of Appeal judgment R v Newbury District Council, Newbury and District Agricultural Society, Ex Parte Chieveley Parish Council [1998] EWCA Civ 1279
RID24	Agricultural land quality maps for urban extensions to Milton Keynes compared to the appeal site
RID25	Order from the Planning Court regarding Milton Keynes Council's claim for Planning Statutory Review of Castlethorpe Road appeal decision
RID26	Court judgment Inverclyde District Council v Inverkip Building Company Limited
RID27	High Court judgment Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government [2014] EWHC 754 (Admin)
RID28	High Court judgment R (on the application of West Lancashire Borough Council) v Secretary of State for Communities and Local Government [2017] EWHC 3451 (Admin)
RID29	Closing submissions on behalf of the appellant
RID30	Final draft Section 106 agreement
RID31	Final draft Section 106 agreement (with tracked changes)
RID32	Supplementary Planning Guidance on Planning Obligations for Education Facilities
RID33	Clean and tracked changes version of appellant's closing submissions reflecting amendments made at the Inquiry
RID34	Clean and tracked changes version of the Council's closing submissions reflecting amendments made at the Inquiry
RID35	Addendum to Statement of Common Ground regarding Area Tree Preservation Order
RID36	Amended version of RID20
RID37	Completed and executed S106 agreement

## **PROOFS OF EVIDENCE (FOR REDETERMINED APPEAL)**

### **Appellant:**

APP1	Summary Proof of Roland Bolton (Housing Land Supply)
APP2	Proof of Roland Bolton
APP3	Appendices to Roland Bolton's Proof
APP4	Rebuttal Proof of Roland Bolton
APP5	Updated Appendix 3 of Roland Bolton's Proof
APP6	Rebuttal Appendix 3a of Roland Bolton's Proof
APP7	Summary Proof of Tim Waller (Planning)
APP8	Proof of Tim Waller
APP9	Appendices to Tim Waller's Proof



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APP10	Rebuttal Proof of Tim Waller
APP11	Errata to Roland Bolton's Proof
APP12	Errata to Tim Waller's Proof (Appendix 5)

**Local Planning Authority:**

LPA1	Proof of James Williamson (Housing Land Supply)
LPA2	Appendices to James Williamson's Proof
LPA3	Rebuttal Proof of James Williamson
LPA4	Proof of Niko Grigoropoulos

**STATEMENTS OF COMMON GROUND (FOR REDETERMINED APPEAL):**

SOCG1	Statement of Common Ground on Housing Land Supply
RID06	Statement of Common Ground (overarching)
RID35	Addendum to Statement of Common Ground (TPO)

**OTHER DOCUMENTS**

TPO1	Area Tree Preservation Order dated 8 January 2020 and illustrative drawing of other TPOs
REP1	Bundle of representations in respect of the redetermined appeal

**CORE DOCUMENTS (FOR REDETERMINED INQUIRY)**

Core Doc Ref	Name	Drawing No. (or) Reference	Date
<b>CD1 - Application Documents</b>			
CD1.1	Application forms and certificates		Submitted 11/03/16
CD1.2	Application forms and certificates		Submitted 20/07/16
CD1.3	Site Location Plan	Drawing PL-X-001/B	Submitted 09/06/16
CD1.4	Parameters Plan	Drawing PL-X-003/C	Submitted 04/08/16
CD1.5	Illustrative Layout	Drawing PL-X-004/C	Submitted 17/10/16

CD1.6	Illustrative Layout (Transport)	Drawing PL-X-005/B	Submitted 17/10/16
CD1.7	Illustrative Layout (Landscape)	Drawing PL-X-006/B	Submitted 17/10/16
CD1.8	Illustrative Layout (Character Areas)	Drawing PL-X-007/B	Submitted 17/10/16
CD1.9	Illustrative Layout (Affordable Housing)	Drawing PL-X-008/B	Submitted 17/10/16
CD1.10	Design and Access Statement, Rev. A		Submitted 04/08/16
CD1.11	Supporting Planning Statement		Submitted 11/03/16
CD1.12	Transport Assessment, Revision C		Submitted 08/07/16
CD1.13	Use of TEMPRO to Forecast Traffic Impact in 2021, Addendum to Transport Assessment		Submitted 14/11/16
CD1.14	Residential Travel Plan		Submitted 11/03/16
CD1.15	Highway Access Drawings	WO1188-101 P05 and WO1188-102 P03	Submitted 05/10/16
CD1.16	Arboricultural Schedule		Submitted 11/03/16
CD1.17	Tree Survey	Drawings SJA115.01.0 – SJA115.01.06.0	Submitted 11/03/16
CD1.18	Baseline Ecological Evaluation and Impact Assessment		Submitted 11/03/16
CD1.19	Protected Species Report		Submitted 27/07/16
CD1.20	Flood Risk Assessment (incorporating Drainage Strategy)		Submitted 11/03/16
CD1.21	Further Details on Surface Water Drainage		Submitted 08/06/16
CD1.22	Geo-Environment Audit		Submitted 11/03/16

CD1.23	Landscape Character Areas	Drawing SJA115.10.0	Submitted 11/03/16
CD1.24	Landscape Masterplan	Drawing SJA115.11.0	Submitted 11/03/16
CD1.25	Landscape and Visual Impact Appraisal		Submitted 04/08/16
CD1.26	Environmental Noise Survey		Submitted 11/03/16
CD1.27	Supplementary Noise Impact Report: SoundPLAN		Submitted 11/03/16
CD1.28	Statement of Community Involvement		Submitted 11/03/16
CD1.29	Sustainability Statement		Submitted 11/03/16
CD1.30	Delivery Programme		Submitted 01/12/16
<b>CD2 - Appellant Documents</b>			
CD2.1	Housing Density	Drawing 213.3/101	Submitted 10/02/17
CD2.2	Appellants Statement of Case (V1)		Submitted 10/02/17
CD2.3	Appellants Statement of Case (V2)		Submitted 12/09/19
CD2.4	S106 Agreement		17/08/2017
CD2.5	Unilateral Undertaking		17/08/2017
CD2.6	Tim Waller, Planning Proof of Evidence		13/06/2017
CD2.7	Roland Bolton, Housing Land Supply Proof of Evidence		13/06/2017
CD2.8	Roland Bolton, Housing Land Supply Proof of Evidence Appendices		13/06/2017
CD2.9	Mary Fisher, Landscape Proof of Evidence		13/06/2017

CD2.10	Mary Fisher, Landscape Proof of Evidence Appendices		13/06/2017
CD2.11	Katy Jordan, Wavendon Properties Proof of Evidence		13/06/2017
CD2.12	Tim Waller Rebuttal to Planning Proof of Evidence		06/07/2019
CD2.13	Roland Bolton Rebuttal Housing Land Supply Proof of Evidence		06/07/2019
CD2.14	Peter Goatley Closing Submissions		19/07/2019
<b>CD3 - Council Documents</b>			
CD3.1	Pre-Application Advice Letter		<b>18/01/2016</b>
CD3.2	Committee Report		<b>08/09/2016</b>
CD3.3	Minutes of Committee Meeting		
CD3.4	Decision Notice		<b>05/12/2016</b>
CD3.5	Note from Council's Senior Engineer, 'Highway Observations for 16/00672/FUL		<b>28/11/2016</b>
CD3.6	MKC Housing Land Supply Calculation and Trajectory April 2017 -2022	<a href="http://www.milton-keynes.gov.uk/planning-and-building/planning-policy/five-year-housing-land-supply-annual-monitoring-report">www.milton-keynes.gov.uk/planning-and-building/planning-policy/five-year-housing-land-supply-annual-monitoring-report</a>	
CD3.7	Countryside Officer Reps	<u>20160423</u>	
CD3.8	Conservation Officer Reps	<u>20160425</u>	
CD3.9	Passenger Transport Reps	<u>20160527</u>	
CD3.10	Countryside Officer Reps	<u>20160623</u>	
CD3.11	Travel Plans	<u>20160628</u>	
CD3.12	Natural England Reps	<u>20160812</u>	
CD3.13	Ecology Reps	<u>20160817</u>	

CD3.14	Urban Design Reps	<u>20160817</u>	
CD3.15	Countryside Officer Reps	<u>20160823</u>	
CD3.16	Network Rail Reps	<u>20161018</u>	
CD3.17	Highways Observations Final	<u>20161128</u>	
CD3.18	Appeal Reps from MKC Website	<u>20170515</u>	
CD3.19	[Blank Record]	-	
CD3.20	Trees	-	
CD3.21	Dev Plans	-	
CD3.22	Landscape Architecture	-	
CD3.23	Wavendon PC		
CD3.24	WS Town Council		
CD3.25	WS Town Council Appendix		
CD3.26	Jon Goodall Planning Proof of Evidence		13/06/2017
CD3.27	Jon Goodall Planning Proof of Evidence Appendices		13/06/2017
CD3.28	Jon Goodall Housing Land Supply Proof of Evidence		13/06/2017
CD3.29	Jon Goodall Housing Land Supply Proof of Evidence Appendices		13/06/2017
CD3.30	Tim Straker QC Closing Submissions		19/07/2019
CD3.31	MKC housing statistics 2019 Q2 Extract		September 2019
CD3.32	MKC June HLSP 2019		June 2019
CD3.33	Appendix 1 - Housing Trajectory 2019 - 2024		June 2019
CD3.34	MKC Assessment of Five Year Land Supply 2016 - 2021		June 2016

CD3.35	MKC Five Year Housing Land Supply Position, 2018		June 2018
CD3.36	MKC Five Year Housing Land Supply 2011-2016		November 2010
CD3.37	MKC Interim Assessment of five year land supply, 2015		November 2015
CD3.38	MKC Housing Land Supply Position 2017/18		June 2017
CD3.39	Council's Addendum Statement of Case		12 September 2019
CD3.40	Council's Addendum Statement of Case Appendices		12 September 2019
CD3.41	MKBC 2019 Annual Housing Monitoring Completed Proformas		June 2019
<b>CD4 - National Policy</b>			
CD4.1	National Planning Policy Framework		March 2012
CD4.2	National Planning Practice Guidance	(Electronic Only)	
CD4.3	Ministerial Statement of Greg Clark, then SSCLG		June 2010
CD4.4	White Paper 'Fixing Our Broken Housing Market', UK Government		February 2017
CD4.5	National Planning Policy Framework		July 2018
CD4.6	National Planning Policy Framework		February 2019
CD4.7	Independent Review of Build Out, Rt Hon Sir Oliver Letwin MP		October 2018
CD4.8	Independent Review of Build Out Rates Annexes		June 2018
CD4.9	Independent Review of Build Out Rates Draft Analysis		June 2018

CD4.10	Housing Delivery Test Measurement Rule Book		July 2018
<b>CD5 - Local Policy</b>			
CD5.1	Milton Keynes Local Plan 2001-2011		
CD5.2	Milton Keynes Core Strategy		
CD5.3	Woburn Sands Neighbourhood Plan		July 2014
CD5.4	Strategic Land Allocation Development Framework SPD		November 2013
CD5.5	Parking Standards SPD		
CD5.6	Milton Keynes Sustainable Construction Design Guide SPD		
CD5.7	Milton Keynes Affordable Housing SPD 2013		
CD5.8	Planning Obligations for Educational Facilities		
CD5.9	Planning Obligations for Leisure, Recreation and Sports Facilities SPG		
CD5.10	MKC Supplementary Planning Document Social Infrastructure Planning Obligations		
CD5.11	New Residential Development Design Guide SPD		
CD5.12	Milton Keynes Council Urban Capacity Study		February 2017
CD5.13	Milton Keynes Residential Characterisation Study: An Evidence Base For Plan:MK		March 2017
CD5.14	Landscape Sensitivity Study to Residential Development in the Borough of Milton Keynes and Adjoining Areas		December 2016

CD5.15	Milton Keynes Strategic Housing Land Availability Assessment 2012		December 2012
CD5.16	Plan: MK Topic Paper- Issues Consultation Rural Issues		September 2014
CD5.17	Woburn Sands Neighbourhood Plan - A Report to Milton Keynes Council of the Examination into the Woburn Sands Neighbourhood Plan		March 2014
CD5.18	Development Plan Policies Map Extract - Development Boundaries for Policies CS1 and H7		
CD5.19	Development Plan Policies Map Extract - Policy S10		
CD5.20	Milton Keynes School Place Planning Forward View 2017-18		
CD5.21	Newport Pagnell Neighbourhood Plan - Referendum version		
CD5.22	Milton Keynes Core Strategy Sustainability Appraisal Final Report 2010		February 2010
CD5.23	Milton Keynes Site Allocations Plan Proposed Submission Draft October 2016		October 2016
CD5.24	Plan:MK The Way Forward Development Strategy Topic Paper (2014)		
CD5.25	Milton Keynes Strategic Housing Market Assessment 2016-2031 Report of Findings Feb 2017, ORS		February 2017
CD5.26	Core Strategy Housing Technical Paper		March 2011



CD5.27	Strategic Land Allocation Development Framework SPD Adoption Statement November 2013		
CD5.28	Milton Keynes Drainage Strategy Development and Flood Risk SPG		May 2004
CD5.29	Milton Keynes Core Strategy Inspector's Report		May 2013
CD5.30	Plan:MK Draft Consultation (Reg18)		March 2017
CD5.31	Plan:MK		March 2019
CD5.32	Plan:MK Inspector's Report		February 2019
CD5.33	Plan:MK Inspector's Report Appendices		February 2019
CD5.34	Milton Keynes Council Response to Inspectors Questions for Examination Hearings - Stage 1, Matter 3		July 2018
CD5.35	Milton Keynes overall 5YLSP at April 2018		
CD5.36	Milton Keynes Council Assessment of Five Year Land Supply: 2011-2016		November 2010
CD5.37	Milton Keynes Site Allocations Plan		July 2018
CD5.38	Milton Keynes Boundary Settlement Review		October 2018
CD5.39	Sustainability Appraisal Report (to Plan:MK)		November 2017
CD5.40	Sustainability Appraisal Map		November 2017
CD5.41	MK Local Development Scheme (LDS)		September 2018
<b>CD6 - Appeal Decisions</b>			
CD6.1	Land North of Dark Lane, Alrewas, Burton Upon Trent, Staffordshire	PINS Ref: 2225799	13/02/2017

CD6.2	Brook Farm, 94 High Street, Wrestlingworth, Bedfordshire, SG19 2EJ	PINS Ref: 3150607	31/08/2016
CD6.3	Land South of Nanpantan Road, Loughborough, Leicestershire	PINS Ref: 3028159	16/01/2017
CD6.4	Land North of Lenham Road, Headcorn, Kent, TN27 9TU	PINS Ref: 3151144	09/12/2016
CD6.5	Land East of Seagrave Road, Sileby, Leicestershire	PINS Ref: 3152082	27/03/2017
CD6.6	Land at Wain Close, Newport Road, Woburn Sands, Milton Keynes	PINS Ref: 2224004	01/10/2015
CD6.7	Land at Burford Road, Witney, Oxford	PINS Ref: 3005737	24/08/2016
CD6.8	Land East of Wolvey Road, Three Pots, Burbage, Leicestershire	PINS Ref: 2202261	03/01/2014
CD6.9	Land at Long Street Road, Hanslope	PINS Ref: 3177851	05/03/2018
CD6.10	Land at Linford Lakes, off Wolverton Road, Milton Keynes, Bucks	PINS Ref: 3175391	27/03/2018
CD6.11	Land at Moat Farm, Chicheley Road, North Crawley	PINS Ref: 3186814	30/04/2018
CD6.12	Land off Olney Road, Lavendon	PINS Ref: 3182048	04/05/2018
CD6.13	Longdene House, Hedgehog Lane, Haslemere	PINS Ref: 3165974	10/01/2019
CD6.14	Darnhall School Lane Appeal - Decision Letter	PINS Ref: 2212671	16/04/2019
CD6.15	Darnhall School Lane Appeal - Inspectors report	PINS Ref: 2212671	16/04/2019
CD6.16	Land on East Side of Green Road, Woolpit, Suffolk	PINS Ref: 3194926	28/09/2019

CD6.17	The Globe, 50 Hartwell Road, Hanslope	PINS Ref: 3220584	05/09/2019
CD6.18	Land off Castlethorpe Road and Malt Mill Farm Hanslope	PINS Ref: 3214365	26/09/2019
CD6.19	Land at Church Farm, Wavendon	PINs Ref 3134194	12/08/2019
CD6.20	Land at Site North of Former North Worcestershire Golf Club, Hanging Lane, Birmingham	PINs Ref: 3192918	06/12/2018
CD6.21	Land to the south of Bromley Road, Ardleigh, Colchester CO7 7SE	PINs Ref: 3185776	13/09/2019
CD6.22	Land Off Colchester Road, Bures Hamlet, Essex	PINs Ref: 3207509	27/03/2019
CD6.23	Land Off Stone Path Drive, Hatfield Peverel, Essex	PINs Ref: 3162004	08/07/2019
CD6.24	Land to the South of Cox Green Road, Rudgwick, Surrey	PINs Ref: 3227970	16/09/2019
CD6.25	Land North of Leighton Road	PINs Ref: 3203307	24/01/2019
CD6.26	Land at Well Meadow, Well Street, Malpas, Cheshire, SY14 8DE	PINs Ref: 2214400	07/01/2015
<b>CD7 - Case Law</b>			
CD7.1	St Modwen Developments V SSCLG & East Riding of Yorkshire Council	[2016] EVVHC 968 (admin)	28/04/2016
CD7.2	Suffolk Coastal DC v Hopkins Homes & SSCLG and Richborough Estates V Cheshire East BC & SSCLG	[2016] EWCA Civ 168	17/03/2016
CD7.3	Crane v Secretary of State for Communities and Local Government	[2015] EWHC 425 (admin)	23/02/2015
CD7.4	Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and	[2017] UKSC 37	17/03/2016

	another (Respondents) Richborough Estates Partnership LLP and Another (Respondents) v Cheshire East Borough Council (Appellant)		
CD7.5	Barker Mill Estates v SSCLG & Test Valley BC	[2016] EWHC 3028 (Admin)	26/11/2016
CD7.6	St Modwen Developments Ltd v Secretary of State for Communities and Local Government and another	[2017] EWCACiv 1643	
CD7.7	Wokingham Borough Council v Secretary of State for Communities and Local Government and another	[2017] EWHC1863	
CD7.8	Barwood Strategic Land v East Staffordshire BC	[2017] EWCACiv893	30/06/2017
CD7.9	Monkhill Ltd v SSHCLG	[2019] EWHC1993	24/07/2019
<b>CD8 - Related Applications</b>			
CD8.1	11/00936/OUT - Committee Report		
CD8.2	11/00936/OUT -Decision Notice		
CD8.3	11/00936/OUT -Proposed Site Layout Plan		
CD8.4	11/00936/OUT - SITE/LOCATION PLANS		
CD8.5	12-01502-OUT, Officer Report		
CD8.6	12-01502-OUT, Decision Notice		
CD8.7	12-01502-OUT, Location Plan		
CD8.8	12-01502-OUT, Resolved Site Layout		
<b>CD9 - Additional Documents from First Inquiry</b>			

CD9.1	MK Housing Stats - Starts 2016/2017		
CD9.2	MK Housing Stats - Comps 2016/2017		
CD9.3	MK Housing Stats Appx 1a Completions 1981-2017		
CD9.4	MK Housing Stats Appx Starts, Under Cons and Completions by Tenure		
CD9.5	MK Housing Stats Appx 1g Starts Inside and Outside MK Dev Area		
CD9.6	Total Starts by Grid Square		
CD9.6a	Starts by Grid Square (200+)		
CD9.7	Total Completions by Grid Square		
CD9.7a	Housing Completions by Grid Square		
CD9.8	Summary Note of MK Housing Statistics		
CD9.9	Summary of RB PoE delivery rates		
CD9.10	Counsel Opinion on 5YHLS		
CD9.11	Council's Instructions to Counsel & appendices on 5YHLS		
CD9.12	Council's Statement of Case		
<b>CD10 - Documents Between First and Second Inquiries</b>			
CD10.1	Milton Keynes Borough Council request to Secretary of State to recover appeal		24/08/2017
CD10.2	Letter from PINS rejecting call-in request		30/08/2017
CD10.3	Letter from Ian Stewart MP to Secretary of State		12/09/2017

	requesting appeal is called in		
CD10.4	Letter from Clyde & Co to the Secretary of State regarding potential call-in decision		12/10/2017
CD10.5	Letter from PINS confirming appeal called in		31/10/2017
CD10.6	Letter from Minister of State for Housing and Planning to Ian Stewart MP confirming call-in		31/10/2017
CD10.7	Letter Clyde & Co to Minister of State for Housing and Planning regarding call-in		08/11/2017
CD10.8	Letter from Minister of State for Housing and Planning to Clyde & Co regarding call-in		20/12/2017
CD10.9	PINS letter and appeal timetable		02/02/2018
CD10.10	Letter Waller Planning to Secretary of State regarding recent appeal decisions		06/04/2018
CD10.11	PINS Letter re variation of appeal timetable		01/05/2018
CD10.12	Letter from Ministry for Housing, Communities and Local Government to Milton Keynes BC regarding recent appeal decisions		08/05/2018
CD10.13	Briefing Note on recent appeal decisions by Milton Keynes BC sent to Secretary of State		22/05/2018
CD10.14	PINS Letter re variation of appeal timetable		23/05/2018
CD10.15	Letter Waller Planning to Secretary of State		29/05/2018

	regarding recent appeal decisions		
CD10.16	Letter Clyde & Co to Secretary of State		23/07/2018
CD10.17	Letter from Secretary of state re. new NPPF & Site Allocations Plan		26/07/2018
CD10.18	Councillor Hopkins response to Secretary of State		01/08/2019
CD10.19	Clyde & Co response to Secretary of State		06/08/2018
CD10.20	Woburn Sands & District Society response to Secretary of State		09/08/2018
CD10.21	Other responses to the Secretary of State		07/08/2018
CD10.22	Woburn Sands Town Council response to Secretary of State		14/08/2018
CD10.23	Clyde & Co response to Secretary of State		15/08/2018
CD10.24	Local resident response to Secretary of State		05/08/2018
CD10.25	Local resident response to Secretary of State		
CD10.26	Local resident response to Secretary of State		16/08/2018
CD10.27	Local resident response to Secretary of State		17/08/2018
CD10.28	Milton Keynes BC e-mail and enclosure re. emerging Plan:MK		05/09/2018
CD10.29	Secretary of State's letter re. housing land supply, emerging Plan:MK and NPPF density policies and enclosures		27/09/2018
CD10.30	Waller Planning response to Secretary of State		05/10/2018

CD10.31	SPRU response to Secretary of State		05/10/2018
CD10.32	Correspondence between Waller Planning and MHCLG		15/10/2018
CD10.33	Decision by the Secretary of State (now quashed), incorporating the Inspector's recommendations		05/12/2018
CD10.34	Judgment by the High Court in relation to the Secretary of State's decision		14/06/2019
CD10.35	MHCLG letter re. need for further inquiry		09/07/2019
CD10.36	Clyde & Co response to MHCLG		18/07/2019
CD10.37	Milton Keynes BC response to MHCLG		30/07/2019
CD10.38	Wavendon Parish Council response to MHCLG		24/07/2019
CD10.39	Woburn Sands Town Council response to MHCLG		16/07/2019
CD10.40	Cllr Hopkins response to MHCLG		11/07/2019
CD10.41	Local resident response to MHCLG		19/07/2019
CD10.42	MHCLG letter re. second inquiry		16/08/2019
CD10.43	PINS letter re. second inquiry		22/08/2019
CD10.44	Inspector's Note of the Pre-Inquiry Meeting		
CD10.45	Email correspondence - Council were going to introduce new evidence to seek to justify 33 of the sites within their June 2019 trajectory		12/12/2019



<b>CD11 - External Reports</b>			
CD11.1	"Start to Finish How Quickly do Large-Scale Housing Sites Deliver?", Nathaniel Lichfield and Partners		November 2016
CD11.2	HBF Survey - Chairman's Update		
CD11.3	Home Builders Federation Planning Policy Conference presentation by John Stewart		2016
CD11.4	Housing Delivery on Strategic Sites, Colin Buchanan		2005
CD11.5	Urban Extensions Assessment of delivery rates, Savills		2013
CD11.6	University of Glasgow - (CLG housing markets and Planning Analysis Expert Panel) Factors affecting build out rates		February 2008
CD11.7	Sutton Coldfield Green Belt Sites Phase 2 Report of Study, PBA		June 2014
CD11.8	Hourigan Connolly - An interim report into the delivery of Urban Extensions 2013		
CD11.9	Ruth Stainer DCLG Planning Update		
<b>CD12 - Niko Grigoropoulos Proof additional documents</b>			
CD12.1	Historic England Designation Report, Wavendon House Landscape		1 November 2019
CD12.2	Final SAP Issues and Options Consultation Document		September 2014

CD12.3	Council's note submitted at the Pre-inquiry meeting re reasons for refusal		01/11/2019
CD12.4	Woburn Sands neighbourhood Plan Map		July 2014
CD12.5	MK Settlement Boundary Study		November 2017
CD12.6	Plan:MK Proposals map Sheet 4 extract		March 2019

## PLANS

- Plans A
1. Site Location Plan PL-X-001 rev. B
  2. Proposed site access drawing no.WO1188-101 rev.PO5
  3. Proposed site access drawing no.WO1188-1021 rev.PO3
  4. Site Location Plan PL-X-001 rev.B (A1)
- Plan B
- Illustrative layout PL-X-004 rev.C
- Plan C
- Parameters Plan PL-X-003 rev.C

## INQUIRY DOCUMENTS (FROM FIRST INQUIRY)

- ID01
- Town and Country Planning (Development Management Procedure) (England) Order 2015, extract
- ID02
- Statement of Common Ground
- ID03
- Opening Statement – Peter Goatley
- ID04
- Opening Statement – Tim Straker
- ID05a
- Housing figures, updated
- ID05b
- Summary; housing monitoring
- ID06
- Updated implications of using Core Strategy trajectory
- ID07
- Written objections from Steph Foster
- ID08
- Draft conditions 1
- ID09
- Draft Section 106 Agreement 1
- ID10
- Draft Section 106 Obligation 1
- ID11
- Development Brief for Walton Manor, Walton
- ID12
- Interventions by Milton Keynes Council to 'boost the delivery of housing'.
- ID13
- Minister opens the dual carriageways of the A421, helping to develop 2,900 new homes, October 2015
- ID14
- Funded road schemes
- ID15
- Eastern Expansion Area Delivery Pack
- ID16
- Strategic Land Allocation Delivery Pack
- ID17
- Programme of development on appeal site
- ID18
- Draft Section 106 Agreement 2

ID19	Draft Section 106 Obligation 2
ID20	Draft conditions 2
ID21	Closing submissions – Tim Straker
ID22	Closing submissions – Peter Goatley
ID23	Signed Section 106 Agreement 3
ID24	Signed Section 106 Obligation 3
ID25	Suggested conditions 3
ID26	Letter dated 30 August 2017 refusing to recover the appeal for decision by the Secretary of State
ID27	Letter dated 31 October 2017 recovering the appeal for decision by the Secretary of State

## **DOCUMENTS (FROM FIRST INQUIRY)**

Document 1	List of persons present at the Inquiry
Document 2	Conclusion and proof – Roland Bolton
Document 3	Appendices 1-35, folder 1 - Roland Bolton
Document 4	Appendices 36-62, folder 2 - Roland Bolton
Document 5	Supplementary proof and appendices 1-4 - Roland Bolton
Document 6	Proof and appendix – Katy Jordan
Document 7	Summary proof – Mary Fisher
Document 8	Proof – Mary Fisher
Document 9	Appendices A-D – Mary Fisher
Document 10	Summary proof – Tim Waller
Document 11	Proof and appendices 1-13 - Tim Waller
Document 12	Supplementary proof and appendices 1-6 - Tim Waller
Document 13	Summary and planning proof - Jon Goodall
Document 14	Appendices 1-18 to planning proof - Jon Goodall
Document 15	Summary and housing land availability proof - Jon Goodall
Document 16	Appendices 1-20 to housing land availability proof - Jon Goodall
Document 17	Statement - Cllr David Hopkins
Document 18	Objection letters on behalf of Wavendon Residential Properties Limited and Merton College Oxford - Ian McGrane <ul style="list-style-type: none"> <li>A. Letter of objection from Integrated Transport Limited</li> <li>B. Letter of objection from Heather Pugh, Partner, David Lock Associates</li> </ul>
Document 19	Statement - Cllr Jackie Jeffreys
Document 20	Statement - Chris Jenner <ul style="list-style-type: none"> <li>A. Technical Objection Report</li> </ul>
Document 21	Statement - Alistair Ewing
Document 22	Statement - Judith Barker
Document 23	Bundle of representations in respect of the appeal
Document 24	Inspector's index to representations
Document 25	Index to Core Documents



# Ministry of Housing, Communities & Local Government

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### SECTION 2: ENFORCEMENT APPEALS

#### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

EP5L



Ministry of Housing,  
Communities &  
Local Government

Our ref: APP/A0665/W/14/2212671

Mr Jon Suckley  
HOW Planning  
40 Peter Street  
Manchester M2 5GP

4 November 2019

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY DARNHALL ESTATE  
LAND OFF DARNHALL SCHOOL LANE, WINSFORD, CHESHIRE  
APPLICATION REF: 13/03127/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Melvyn Middleton BA (Econ), DipTP, Dip Mgmt, MRTPI, who held a public local inquiry on 27-30 November 2018 into your client's appeal against the decision of Cheshire West and Chester Council to refuse your client's application for planning permission for a high quality residential development with associated open space, access and infrastructure, in accordance with application ref: 13/03127/OUT, dated 12 July 2013.
2. On 25 February 2014, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.
3. The Secretary of State initially issued his decision in respect of the above appeal by way of his letter dated 7 July 2016. That decision was challenged by way of an application to the High Court and was subsequently quashed by order of the Court dated 10 August 2017. The appeal has therefore been redetermined by the Secretary of State, following a new inquiry into this matter. Details of the original inquiry are set out in the 2016 decision letter.

**Inspector's recommendation and summary of the decision**

4. The Inspector recommended that the appeal be allowed and planning permission granted.
5. For the reasons given below, the Secretary of State disagrees with the Inspector's conclusions, and disagrees with his recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing, Communities & Local Government  
Philip Barber, Decision Officer  
Planning Casework Unit  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

Tel: 0303 444 2853  
Email: [PCC@communities.gov.uk](mailto:PCC@communities.gov.uk)

## **Matters arising since the close of the inquiry**

6. On 4 July 2019 the Secretary of State wrote to the main parties to afford them an opportunity to comment on the publication of the Cheshire West and Chester Local Plan Part 2 (CW&CLP P2) Inspector's Report and Schedule of Main Modifications. A list of representations received in response to this letter is at Annex A. These representations were circulated to the main parties on 19 and 29 July 2019. The Secretary of State's conclusions on these representations are set out in this Decision Letter below.

## **Policy and statutory considerations**

7. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case, the adopted development plan for the area comprises the Cheshire West and Chester Local Plan P1 (CW&CLP P1) Strategic Policies to 2030 (adopted 29 January 2015); the Cheshire West and Chester Local Plan P2 (the P2 plan) (adopted 18 July 2019); and the made Winsford Neighbourhood Plan (November 2014). The Secretary of State considers that relevant development plan policies include those set out at IR28-33 and P2 plan Policies W1, GBC 2 and DM19.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as supplementary planning guidance on affordable housing, developer contributions and landscape character. The revised National Planning Policy Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.

## **Main issues**

### *Development plan*

10. The Secretary of State has had regard to the Inspector's conclusions on the VRBLP at IR378-382. At the time of the inquiry, the Inspector undertook a planning balance based on a finding that saved policy GS5 of the VRBLP in terms of its settlement limits was out of date such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework ("tilted balance").
11. Matters regarding the VRBLP have now moved on as the P2 Plan has been adopted which includes allocations, boundaries and detailed policies replacing those parts of the VRBLP that were saved. The Secretary of State considers that the most important policies for the purposes of this appeal are STRAT 1, STRAT 2, STRAT 6, STRAT 9, Policies H1 and H2 of the WNP, and P2 plan Policies W1 and GBC 2.
12. The appellant does not argue that Policies STRAT 1 or STRAT 2 are out of date (IR48). The Secretary of State considers that STRAT 1's aim of enabling development that improve and meets the economic, social and environmental objectives of the Borough in line with the presumption in favour of sustainable development is consistent with the Framework, and thus concludes that the policy is not out of date. He further considers that Policy STRAT 2's objective of setting minimum housing and employment

development targets and requiring development to be brought forward in line with the settlement hierarchy is consistent with the Framework, and thus concludes that the policy is not out of date. For the reasons given at IR384 he agrees that while STRAT 9 is not fully consistent with the wording of the Framework, it is not out of date and is capable of attracting weight for the reasons set out below.

13. The Secretary of State considers that the P2 Plan policies W1 and GBC 2 have been found compliant with the Framework by the Plan Inspector, and for that reason the Secretary of State concludes they are not out of date. He further notes that there is no contention that the WNP is out-of-date. As such he concludes that these policies when taken as a whole are not out of date, and that thus the development plan is not out-of-date.

#### *Five year housing land supply*

14. For the reasons given at IR325-6, the Secretary of State agrees with the Inspector that there is no evidence for disagreeing with the housing land supply details set out in the Housing Statement of Common Ground. He has had regard to the report of the Inspector into LLP Part 2, and the representations of the Council of 16 July 2019 and from the appellant of 18 July and 26 July 2019 as to whether the report on the plan confirms that the Council can demonstrate a 5 year housing land supply. However, he considers that the focus of the local plan examination was not to reach a judgment on housing land supply, that the plan Inspector did not have access to the Housing Land Monitor Review and was not considering the definition of deliverable as set out in 2019 Framework. As such has based their conclusions on the recommendation of the appeal Inspector, who heard the evidence, including more recent changes, cross examined at Inquiry at greater length than the plan Inspector, and subsequent representations from the parties.
15. The Secretary of State has gone on to consider the issue of supply. In doing so he has had regard to his guidance on deliverability issued 22 July 2019. For the reasons given at IR341-344 the Secretary of State agrees with the Inspector's conclusions on preliminary points. The Secretary of State has had regard to representations on behalf of the appellant dated 26 July 2019, with regards to evidence of deliverability.
16. For the reasons set out at IR345, the Secretary of State agrees that 167 dwellings should be deducted from the five year supply figure to account for potential future demolitions. He has gone on to deduct a further 430 dwellings, namely student accommodation, for the reasons set out at IR346-350.
17. For the reasons given at IR360-364 he considers that there is clear evidence to conclude that the disputed sites as set out in paragraph 3.9 of the Statement of Common Ground are deliverable.
18. He has gone on to consider the deliverability of six non allocated sites without planning permission that are disputed. The Secretary of State disagrees with the reasons given at IR 365 to 367, and does not consider that the sites, amounting to 222 dwellings, are deliverable since they do not fall within category a or b of the Framework's definition of deliverable, and he does not consider that there is clear evidence of deliverability within five years as required by the Framework, given the outstanding issues of the need for legal agreements and agreements on reserved matters.
19. The Secretary of State has gone on to consider the Inspector's analysis of build-out rates and lead in time at IR368-70. For the reasons given he agrees that supply should be



reduced by 505 dwellings. For the reasons given at IR371-372, he agrees that 115 dwellings should be removed from the supply figure for windfalls.

20. For the reasons given above, he thus concludes that 1,439 dwellings should be deducted from the supply figures. He thus agrees that supply is 5,838.
21. He has gone on to consider the housing requirement. The Secretary of State has noted the Inspector's analysis at IR327 – 335 and conclusions that the surplus to date should be deducted from the minimum target across the remainder of the plan period when calculating the ongoing annual requirement, based on the facts of this case. He has had further regard to the representations from the Council of 16 July 2019 and from the appellant of 18 July and 26 July 2019. While he accepts that the method of dealing with past oversupply is disputed, whether the requirement is 5,150, as stated by the Council, or 5,775, as stated by the appellant, in any case the Secretary of State concludes that the Council can demonstrate a 5 year housing land supply.

*Settlement boundaries, impact on countryside & countryside policies*

22. At the time of the Inquiry the Inspector considered all the relevant development policies relating to settlement boundaries and countryside protection. However, since then the Council has adopted the P2 plan, which sets out new settlement boundaries in policy W1. The proposal sits outside these development boundaries.
23. For the reasons given at IR383 the Secretary of State agrees that the proposal is in clear breach of policy STRAT9. For the reasons given at IR384 he agrees that while not fully consistent with the wording of the Framework, the policy is not out of date and is capable of attracting weight depending on the circumstances of the case. The Secretary of State recognises that the Council has breached the settlement boundaries in previous grants of planning permission to ensure that there is a sufficient supply of housing land. Nonetheless, those cases would have been decided on their individual merits and in a different planning context. In any case, the settlement boundaries that were breached in those instances were those set out in VRBLP, not those established by SW&CLP P2. However, for the reasons given at IR385 he agrees that it should be given reduced weight given to the site's position adjacent to a new urban area proposed under STRAT 2. The Secretary of State has had regard to the Inspector's conclusion (IR388-389) that as the impact of the proposal on the landscape would not be significant, and thus the conflict with policy Strat 9 is limited. Although the Secretary of State agrees that the proposal would not have a significant impact on the landscape, given the loss of open countryside and the clear conflict with STRAT 9 and its aim of protecting the intrinsic character and beauty of the Cheshire countryside, as underpinned by the boundary policy W1 in the CW&CWLP P2, he concludes that this should attract significant weight.

24. For the reasons given at IR390 the Secretary of State agrees that the proposal would conflict with Policy STRAT 1 by virtue of not minimising the loss of greenfield land. He further agrees however that in respect of the other elements of the policy, except as set out below, the proposal is either neutral or contributes towards their requirements, for the reasons given at IR391. The Secretary of State that there are other sites that have been allocated or granted planning permission prior to the adoption of P2 which also do not encourage the redevelopment of previously developed land (PDL) (IR391), but that does not diminish the harm that arises in this case. The Secretary of State has judged the appeal on its own merits in the context of an up-to-date plan and a five year housing supply. As such while the extent of the conflict with policy STRAT 1 is limited, he gives moderate weight to this conflict.

#### *The Winsford Neighbourhood Plan (WNP)*

25. The Secretary of State has had regard to the Inspector's analysis at IR395-398. The Secretary of State agrees for the reasons given that Policy H1 is a policy that guides and regulates whether new development in and around Winsford should be located. He further concludes, in agreement with the Inspector at IR398 that as the appeal proposal is not one of those proposed for residential development in the WNP it is contrary to Policy H1 and contrary to the WNP as a whole. While he agrees that there is support from the proposal from Policy H2 (IR398), that the proposal does not conflict with the seven themes of the plan (IR397), and the fact that housing requirement Policy H1 is expected to meet is a minimum requirement, he does not agree that Policy H1 should be given no more than moderate weight. He considers that as the Council can demonstrate a five year housing land supply H1 is not restricting housing delivery, and he affords this conflict significant weight.

#### *Housing*

26. For the reasons set out at IR392 the Secretary of State agrees that it would be premature to suggest that the requirement from the Station Quarter cannot be delivered over the next eleven years. He further agrees (IR393) that Policy STRAT 6 does not give support to the proposal, but there is also no conflict with it.

#### **Economic benefits**

27. For the reasons set out at IR403-407, the Secretary of State agrees that the economic impacts from the provision of market housing are a benefit of significant weight. He further agrees (IR406) that the impact on agricultural land does not weigh against the proposal.

#### **Social benefits**

28. The Secretary of State agrees that the social benefits of the provision of affordable housing should be given substantial weight, for the reasons set out at IR408-411. He further agrees, for the reasons set out at IR412-414, that the social benefits of the self-build element of the scheme should attract substantial weight. He also agrees with the Inspector (IR415) that the local training, employment and procurement elements should attract significant weight in favour of the proposal.

#### **Environmental**

29. The Secretary of State notes the Inspector's findings at IR 417-420 that that the negative environmental impacts of the proposal are counterbalanced by the ecological and

recreational benefits, and as such neutral in the planning balance. However, given his findings on the conflict with STRAT 9 above he concludes that the environmental harms outweigh the benefits.

### **Planning conditions**

30. The Secretary of State has given consideration to the Inspector's analysis at IR317-318 the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

### **Planning obligations**

31. Having had regard to the Inspector's analysis at IR319-322, the planning obligation dated 6 December 2018, the Unilateral Undertaking dated 17 December 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR322 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

### **Planning balance and overall conclusion**

32. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with policies STRAT 1, STRAT 9 or WNP Policy H1 and outside the settlement boundary established by policy W1 of the P2 plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan. Having regard to his conclusions on the development plan and housing land supply above, he concludes that the presumption in favour of sustainable development is thus not engaged.

33. In favour of the proposal he finds the economic benefits from the provision of housing, to which he attaches significant weight. He accords further substantial weight to the social benefits of the provision of affordable housing, local procurement, training and employment.

34. Against this he attaches moderate weight to the conflict with policy STRAT 1. He attaches significant weight to the impact on the loss of countryside contrary to policy STRAT 9. He finds that the conflict with WNP Policy H1 should attract significant weight.

35. As such the Secretary of State concludes that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

36. The Secretary of State therefore concludes that the appeal should be dismissed, and planning permission refused.

## **Formal decision**

37. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission.

## **Right to challenge the decision**

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

39. A copy of this letter has been sent to Cheshire West and Chester Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Philip Barber*

Authorised by the Secretary of State to sign in that behalf

## **Annex A – Schedule of representations**

### **Representations received in response to the Secretary of State's reference back letter of 4 July 2019**

<b>Party</b>	<b>Date</b>
Cheshire West and Chester Council	16 and 23 July 2019
Avison Young	18 and 26 July 2019
Robin Wood Associates (The Darnall Fighting Fund)	17 July 2019
Winsford Town Council	25 July 2019



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# Report to the Secretary of State for Housing, Communities and Local Government

by Melvyn Middleton BA(Econ), DipTP, Dip Mgmt, MRTPI  
an Inspector appointed by the Secretary of State

Date: 16 April 2019

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**Town and Country Planning Act 1990**

**Cheshire West and Chester Council**

**Appeal by**

**Darnhall Estate**

Land off Darnhall School Lane, Winsford, Cheshire

File Ref: APP/A0665/W/14/2212671

## LIST OF ABBREVIATIONS

Abbreviation	Reference
AH	Affordable Housing
AM	Andy Mojer
AMR	Annual Monitoring Report
Ap.	Appendix
BF	Beth Fletcher
BP	Ben Pycroft
CD	Core Document
CW&C	Cheshire West and Chester
C2s	Extra Care Residential Institutions
DP	Development Plan
ds.	Dwellings
dpa.	Dwellings per annum
Framework	National Planning Policy Framework
GCN	Great Crested Newt
ha	hectares
HELAA	Housing and Economic Land Availability Assessment
HESA	Housing Education Statistics Authority
HLM	Housing Land Monitor
HLS	Housing Land Supply
HSoCG	Housing Statement of Common Ground
ID	Inquiry Document
JiIS	Jill Stephens
JonS	Jon Suckley
JS	James Stacey
k.	Kilometre
LP	Local Plan
m.	Metre
NP	Neighbourhood Plan
NPPG	National Planning Policy Guidance
OR	Original Report
Pg.	Page
Para.	Paragraph
Pdl	Previously developed land
PSoCG	Planning Statement of Common Ground
PoE	Proof of Evidence
P1	Part 1
P2	Part 2
Re	Re-examination
S	Section
SHMA	Strategic Housing Market Area
SMEs	Small and Medium Sized Employers
SoS	Secretary of State
Sqm.	Square metre
SR	Supplementary Report
VRBLP	Vale Royal Borough Local Plan
WNP	Winsford Neighbourhood Plan
Xic	Examination in Chief
Xx	Cross-examination

**File Ref: APP/A0665/W/14/2212671**

**Land off Darnhall School Lane, Winsford, Cheshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Darnhall Estate against the decision of Cheshire West & Chester Council.
- The application Ref 13/03127/OUT, dated 12 July 2013, was refused by notice dated 26 November 2013.
- The development proposed is a high-quality residential development with associated open space, access and infrastructure.
- This report supersedes that issued on 7 July 2016. That decision on the appeal was quashed by order of the High Court.

**Summary of Recommendation: That the appeal is allowed, and outline planning permission be granted.**

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**BACKGROUND**

1. The original inquiry into this appeal opened on 10 June 2014 and closed on 11 June 2014. Following the inquiry, the Inspector's original report (OR) and recommendation to allow the appeal were submitted to the Secretary of State (SoS).
2. By letter dated 14 April 2015 the SoS decided to reopen the inquiry as he had received representations that material considerations had changed. In essence the Council considered by then that it could demonstrate more than a five-year supply of housing land. Additionally, the Cheshire West and Chester (CW&C) Local Plan (LP) Part One (P1) Strategic Policies had been adopted in January 2015 and the Winsford Neighbourhood Plan (WNP) had been made in November 2014.
3. The matters upon which the SoS wished to be further informed related to
  - a) the extent to which the appeal proposal complied with the Development Plan (DP);and
  - b) whether the proposal amounted to sustainable development, having regard to national policy, including whether there is a demonstrable 5-year supply of deliverable housing sites.
4. The inquiry reopened on 15 September 2015 and closed on 18 September 2015. The Appellant proposed a revision to the housing offer in advance of the reopened inquiry. The new proposal was that 40% of the dwellings would be affordable, that 10% of the housing would be self-build and that the remaining 50% of the housing, the 'unrestricted' open market element, would be developed by local house builders. The proposal considered at the original inquiry was for 30% affordable housing (OR37 & 149). The Appellant also proposed a revised condition entitled 'Training and Employment' and new conditions entitled 'Self-build Housing', 'Local Builders' and 'Local Procurement'. The Inspector referred to these other 'non-housing' benefits as 'novel' elements.



5. A supplementary report (SR) dealing solely with the additional matters raised by the SoS and the Appellant, along with a further recommendation on the appeal, were subsequently submitted to the SoS.
6. The Inspector once again recommended that the appeal be allowed, and outline planning permission granted subject to conditions. For the reasons set out in SR 248-259 the Inspector found that the proposal overall would be contrary to the DP (SR 260). For the reasons set out in SR 211-246, he also found that there was a housing land supply of 5.12 years (SR 246) and therefore that the DP's policies for the supply of housing were up to date (SR 247).
7. He then went on to look at whether the proposal would amount to sustainable development. He found that there would be significant economic benefits and very substantial social benefits from the development and that they clearly outweighed the moderate environmental harm that he had identified. The Inspector went on to point out that the DP should not be set aside lightly and that a failure to comply with the DP could give an indication that the development would not be sustainable overall.
8. In concluding, he said that it was a matter of balancing the harm, conflict with the DP and the adverse impacts through the loss of countryside, against the economic and social benefits arising from the provision of new homes. He found that there were substantial economic and social benefits arising from the proposal, particularly the significant proportion of affordable homes and the other 'novel' elements of the housing offer (SR 115&119). In his opinion, the conflict with the DP, the starting point for decision making, and the adverse impacts on the countryside were outweighed by other material considerations, namely the significant economic and very substantial social benefits arising from additional housing, particularly the affordable homes and the other benefits then being offered. He therefore recommended that the appeal be allowed, and outline planning permission be granted subject to conditions.
9. The SoS disagreed with the Inspector's recommendation. That was largely because he considered the conditions entitled 'Training and Employment', 'Self Build Housing', 'Local Builders' and 'Local Procurement' would not satisfy all the relevant policy tests in paragraph 203 of the then National Planning Policy Framework (Framework) 2012 and the National Planning Practice Guidance (NPPG), and therefore should not be attached to any planning permission (SoS 16-22).
10. The SoS considered that this reduced the economic and social benefits of the development identified by the Inspector in his SR. In the SoS's opinion the situation effectively reverted to the position at the time of the original inquiry as set out in the OR where the Inspector concluded that the proposal would result in a number of economic benefits, including the New Homes Bonus Scheme, construction jobs, additional local spend and employment arising from the additional expenditure (OR 147).
11. In concluding the SoS did not consider that the reduced economic and social benefits outweighed the clear conflict with the up to date DP and the moderate harm to the environmental dimension of sustainable development. He therefore dismissed the appeal and refused planning permission (SoS 31).

12. The Appellant appealed to the High Court on twelve grounds. It succeeded in the case of three, all of which related to the claimant's allegation that the SoS had erred in law in wrongly rejecting some of the proposed conditions. These conditions required training and employment measures, local building firms and local procurement to be provided/used as a part of the development.
13. The Court rejected the SoSs claim that the conditions had insufficient precision and/or there would be difficulty of detection and therefore enforcement. In the Court's opinion these conditions did potentially go to the weight to be attached to the economic and social sustainability of the proposal and accordingly would have been material in forming part of the overall planning balance<sup>1</sup>.
14. On 7 November 2017 the SoS wrote to the parties to inform them that he needed to reopen the inquiry. In his view the following matters require further consideration.
  - a) Having regard to the terms of the Consent Order quashing the SoS's decision (Richard James Verdin (t/a the Darnhall Estate) v Secretary of State for Communities and Local Government and Cheshire West & Chester Borough Council and Winsford Town Council), the implications of this in relation to the evidence that was before the Inspector and before the SoS;
  - b) The current state of play with regard to the CW&CLP, part 2 (P2) and any implications for the further consideration of this appeal;and
  - c) Any other material changes in circumstances, fact or policy, that may have arisen since his decision of 7 July 2016 was issued and which the parties consider to be material to his further consideration of this appeal.

## PROCEDURAL MATTERS

15. The resultant inquiry was held on 27-30 November 2018. I carried out an accompanied site visit on 30 November. Unaccompanied site inspections were also carried out by me, on 26 November, when I observed the site and its surroundings from public viewpoints, as well as the extent and nature of the local facilities and on 27-30 November when I visited Winsford Town Centre and other locations in the area referred to in evidence.
16. This report should be read alongside the relevant parts of the SR dated 7 July 2016. The figures in square brackets [ ] in the following paragraphs relate to the various cases advanced at this Inquiry and refer to either the relevant Inquiry Document or Core Document, which contain the source of the material being reported upon and which are set out in the lists at the end of this report. References to paragraphs in the previous Inspector's original report are prefixed "OR", those in his supplementary report are referenced "SR". I shall use the abbreviation "para." for paragraph, "pg." for page, "S." for section "Ap." for appendix, "CD" for core document and "ID" for inquiry document.

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<sup>1</sup> High Court Case No: CO/4195/2016, para 81 [CD 16/1].

17. This further report addresses the implications of the Consent Order and provides an update on the DP and its relevant planning policies as well as other material changes in circumstances, fact or policy that have arisen since the SoS made his decision. It also sets out the updated cases of the parties and my conclusions and recommendations in relation to the redetermination of the appeal. Lists of appearances, inquiry documents and recommended conditions for the reopened inquiry are appended.
18. An updated Planning Statement of Common Ground (PSoCG) [ID 1], dated 19 November 2018, was agreed between the Council and the Appellant. This document updates those submitted in advance of the original inquiry (OR7) and the supplementary inquiry (SoCG2). The updated PSOCG again records that the appeal site is situated in a sustainable and accessible location. It also confirms that the development would not result in any adverse technical impacts that cannot be mitigated against through the implementation of conventional mitigation measures. These could all be made the subject of conditions.
19. The relevant DP policies and the current status of the emerging CW&CLP P2 are set out and agreed, together with the economic, social and environmental benefits of the scheme. The document concludes by setting out six areas where the parties disagree. These include the weight to be given to some policies and whether the proposal accords with the DP when read as a whole, the five-year housing land supply position, whether the appeal proposals constitute sustainable development and the weight to be attributable to the 'novel' elements referred to by the previous Inspector and the mechanisms by which they could be secured.
20. A Supplementary SofCG on five-year housing land supply (HSoCG) was submitted on 23 November 2018 [ID 2]. Within this document, certain matters in relation to housing land supply are outlined and with an indication as to whether they are individually agreed or in dispute. I will refer to these later.
21. An updated transport assessment [CD 5/11] was submitted to the Council by the Appellant on 31 August 2018. It demonstrates that the conclusions of the original assessments remain valid. The Highways Authority has raised no objections to this or the details of the proposed means of access, which is not a reserved matter.
22. In November 2017 the Council requested an updated ecology report. This was submitted on 12 October 2018 (Appendix 4 to SoCG). Among other matters it identified that Great Crested Newts (GCNs) were foraging on the site and breeding in ponds close to the site. A mitigation strategy is proposed to compensate for the loss of GCN habitat within the site. This includes:
  - a) Provision of 2.4 hectares (ha.) of high-quality terrestrial habitat for GCNs immediately off-site to the west, including long-term management and safety;
  - b) Provision of four new ponds for GCNs immediately off-site to the west (within range of other identified breeding ponds), including long-term management and safety;and
  - c) Enhancements to three ponds off-site which were recorded as containing GCNs but could be improved to enhance their value to GCNs and improve their breeding opportunities.

23. If the appeal is allowed and the development implemented, a traditional Natural England European Protected Species licence would be required before the works are implemented.

## **THE SITE AND SURROUNDINGS**

24. The appeal site, extending to about 6.5ha, comprises three fields divided and bounded by hedgerows. Within the hedges are several mature trees. The site slopes slightly down from north-east to south-west, with an overall fall of about 3 to 4metres (m.) across the site.
25. A bridleway, which also acts as an access track to Beech House Farm, runs along the south-western boundary of the site, beyond which is undulating open countryside. To the north-west are further larger fields, with similar topography to the appeal site, stretching towards schools and other development at Hebden Green, on the western edge of Winsford. To the north-east the site is contiguous with the large housing areas of south-west Winsford, the cul-de-sac of large dwellings in Peacock Avenue being immediately adjacent. Darnhall School Lane bounds the site to the south-east, with further housing estates on the opposite side of the road. Beyond the southern tip of the site, where the bridleway meets Darnhall School Lane, lies Knobs Cottage and two former small farmsteads, one of which is now used as a livery. They are collectively known as School Green. Further south is agricultural land and woodland separating Winsford from the small village of Darnhall which lies about 1.0kilometre (km.) beyond the edge of the built-up area of the town.
26. The appeal site is some 1.5km. to the south-west of Winsford Town Centre. Within about 1km. of the site is a small convenience store in Vauxhall Way, the primary school on Darnhall School Lane and bus routes which pass along Glebe Green Road, Swanlow Way and Darnhall School Lane.
27. One field, which is about 2.0ha. (31% of the site area) in extent, is located within the township of Winsford, which has a made Neighbourhood Plan (NP). The other two fields, which are about 4.42ha. (69% of the site area) in extent, are located within the parish of Darnhall.

## **PLANNING POLICY**

28. The development plan now comprises the CW&CLP P1, the WNP (in as much as its area affects the appeal site) and the saved policies of the Vale Royal Borough Local Plan (VRBLP) [CD 13/2]. The Council approved the CW&CLP P1 Strategic Policies [CD13/1] for adoption in January 2015. This followed its examination in 2013/14 and the publication of the Examining Inspector's Report on 15 December 2014 [CD13/3a]. The Inspector agreed a minimum net housing requirement for the plan period of 22,000 new dwellings (Policy STRAT 2) or 1,100 dwellings per annum (dpa). The parties agree that 9 of its policies are relevant to the determination of the appeal.
29. Policy STRAT 1 (Sustainable Development) seeks to enable development that improves and meets the economic social and environmental objectives of the Borough in line with the presumption in favour of sustainable development. As

- well as setting minimum housing and employment development targets, Policy STRAT 2 (Strategic Development) requires development to be brought forward in line with a settlement hierarchy. Most of the new development is to be located within or on the edge of one of four towns, of which Winsford is one. Several key sites were identified, leaving further sites to be identified through the CW&CLP P2 and/or NPs.
30. Policy STRAT 6 (Winsford) says that the town will be a focus for development in the east of the Borough and that development proposals will help to support the continued regeneration of the town. Additionally, it indicates that at least 3,500 dwellings will be provided in the town.
  31. Policy STRAT 9 (Green Belt and Countryside) seeks to protect the intrinsic character and beauty of the Cheshire countryside by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. It lists the types of development that will be permitted in the countryside. These include replacement and reused buildings and developments which have an operational need for a countryside location that is of an appropriate scale and does not harm the character of the countryside.
  32. Other policies of the adopted plan relevant to the appeal are STRAT 10 (Transport and Accessibility), SOC 1 (Delivering Affordable Housing), SOC 3 (Housing mix and type), SOC 6 (Open space, sport and recreation), ENV 2 (Landscape), ENV 4 (Biodiversity) and ENV 6 (Design and Sustainable Construction).
  33. The WNP [CD15/1] was made on 19 November 2014 following a referendum on 23 October 2014. These events followed its examination in May 2014 and the report of the Examiner dated 30 July 2014 [CD 15/2]. The housing policies of the WNP, amongst other things, indicate that permission will be granted for residential development on 24 sites set out in a table (totalling some 3,362 homes) and on previously developed land (Pdl) (Policies H1 and H2). Only a part of the appeal site is within the WNP area, but it is not allocated for development in the plan.
  34. Some of the policies of the VRBLP remain saved following the adoption of the CW&CLP P1. Of particular relevance to the appeal is Policy GS5 (Open Countryside) [OR 17] which along with the VRBLP Proposals Map defines the extent of open countryside where Policy STRAT 9 of the CW&CLP and Policy GS5 of the VRBLP apply.
  35. Policies BE1 (Safeguarding and improving the quality of the Environment), BE4 (Planning Obligations), BE21 (Renewable Energy), RT3 (Recreation and open space in New Developments), NE7 (Protection and Enhancement of Landscape Features) and NE8 (Provision and Enhancement of Landscape in New Development) are also considered to be relevant [OR 17 & 18. SoCG pg.10].
  36. The Council has prepared the CW&CLP P2. This includes allocations, settlement boundaries and detailed policies. The P2 plan will eventually replace those parts of the VRBLP which are still saved. It was submitted for examination on 12 March 2018 and examined in September. Main Modifications have still to be published and the plan's adoption is not anticipated before the summer of 2019.

37. Relevant policies include Draft Policy W1 (Winsford settlement area), against which there are unresolved objections concerning the land allocations and the location of the settlement boundary. Draft Policy DM20 (Mix and Type of New Housing Development) also has outstanding objections.
38. Draft Policy GBC2 (Protection of Landscape) is intended to replace VRBLP Policy GS5. Draft Policy DM19 (Proposals for residential development) includes assessment criteria for housing development in the countryside.
39. Supplementary planning guidance on affordable housing, developer contributions and landscape character are still in place [OR 21].
40. The Framework remains as the main expression of the Government's policies on achieving sustainable development. The document was revised in July 2018 and updated in February 2019. The revisions have resulted in a change of emphasis in some parts of the document. The supporting NPPG is continuously reviewed and updated. I will deal with the relevant changes later in this report.

## **OTHER AGREED FACTS**

41. The main parties agree that the Appeal site is in a sustainable and accessible location. The centre of Winsford, where there are a wide range of shops and services is located approximately 1.5km. to the north east of the site.
42. The site has good accessibility for pedestrians and cyclists. There is an uncontrolled crossing point on Darnhall School Lane to the north east of the site that includes dropped crossings and tactile paving. This crossing links the pedestrian routes out of the site into the wider pedestrian network on both sides of Darnhall School Lane and beyond. In terms of cycle provision, regional cycle route 75 is carriageway based within the locality, with cyclists using lightly trafficked routes to the north and south of the appeal site.
43. The site is well connected by local public transport. The closest bus stops to the site are situated on Glebe Green Drive and are about 380 metres from the site's Darnhall School Lane frontage and around 540 metres from the middle of the site. There is a half hourly bus service in both directions to Crewe and Northwich, the latter via Winsford Town Centre.
44. Winsford railway station is within a 5km. cycle ride of the appeal site. The station is situated on the Birmingham to Liverpool line and provides services that stop at key destinations including Crewe, Stafford and Wolverhampton. The station offers potential opportunities for future residents to undertake employment related trips via rail.
45. In March 2017 the Council revised its open space standards. It is agreed that the required provision can be accommodated on the site. Indicative proposals are shown in Appendix 3 to the PSoCG. These substantially exceed the requirements.
46. The parties agree that the mitigation proposals to compensate for the loss of GCN Habitat meet the three derogation tests.
47. The Appellant and the Council agree that the appeal proposals will deliver the following benefits:



## **Economic Benefits**

- a) The creation of up to 370 temporary jobs in the construction sector, or up to 75 full time equivalent jobs over a 5-year period;
- b) The creation of up to 184 additional households that would generate additional household spending in the local economy;
- c) The support of around 22 additional permanent jobs in the local economy due to additional local expenditure;

## **Social Benefits**

- d) The proposals will deliver a choice and mix of up to 184 high quality dwellings, which comprises 2, 3, 4 and 5-bedroom dwellings in the form of mews, semidetached and detached properties;
- e) The development would be implemented in a timely manner through a reduced time-limit condition for the submission of reserved matters that would also require the development to be started within 2 years from the date of the outline planning permission or 1 year from the date of the approval of the Phase 1 reserved matters, whichever is the later;
- f) Up to 74 affordable housing units (40%) in the tenure mix that the Council has requested (50% intermediate housing and 50% social rented). That provision is 10% higher than the percentage that the Council seeks, and it is agreed that significant weight should be given to this in the re-determination of the appeal;
- g) On site open space provision (including formal and informal public open spaces). The Indicative On-site Open Space Plan demonstrates that 12,281 square metres (sqm.) of on-site open space could be provided. This significantly exceeds the Council's adopted open space standards. These require only 5,080.40sqm. of on-site open space. The open space provision would take the form of high-quality linked open spaces that are easily accessible to both the proposed residents and the local community;
- h) A financial contribution based on the Sports England Playing Pitch New Development Calculator would be provided towards the provision of off-site outdoor sports facilities and playing pitches, as well as a maintenance contribution;
- i) A Parks and Recreation contribution of £828 per dwelling which could result in a maximum contribution of £152,352;
- j) A 'Play Youth' contribution of £117.30 per dwelling which could result in a maximum contribution of £21,583.20 for a Non-equipped Area of Play for children of an older age;

## **Environmental Benefits**

- k) The site is situated in a sustainable and accessible location and the scheme is accessible in respect of bus, walking and cycling provision;
- l) Accessible new spaces will be created which will be accessible to the local community;

m) New footpath and cycle links and enhanced connections to the wider public footpath network to include pedestrian and cycle movements;

and

n) The appeal proposals would conserve the natural environment and sufficient appropriate mitigation would be provided to ensure that there would be no detrimental impact on protected species. Furthermore, the creation and long-term management of four new ponds and associated terrestrial habitat off-site, to offset the loss of two small ponds of low biodiversity value on site, would result in enhanced habitat available to the local amphibian population.

## **MATTERS OF DISAGREEMENT**

48. The matters of disagreement between the Council and the Appellant are:

- a) The weight to be attributed to Policies GS9 of the VRBLP and STRAT9 of CW&CLP P1;
- b) Whether the appeal proposals accord with the DP, when read as a whole;
- c) The Council's deliverable 5-year housing land supply (HLS) position;
- d) Whether the appeal proposals constitute sustainable development;
- e) The weight to be attributed to the proposals for self-build housing, involvement of a small and medium sized employer (SME) local builder and the benefits to the local employment strategy and the local procurement strategy;

and

- f) The mechanisms to secure the proposals for self-build housing, an SME local builder, the local employment strategy and the local procurement strategy.

## **THE CASE FOR DARNHALL ESTATE<sup>2</sup>**

### **Introduction**

49. The Appellant's case is not predicated on identifying a shortfall in the 5-years HLS. It relies on the fact that it is a proposal for housing on the edge of one of the four main towns in the Borough, where there is a minimum housing requirement of 3,500 and a pressing need for more affordable housing. This proposal is an innovative way to deliver both in a positive way that will assist in diversifying the housing offer at Winsford. All of this is within the context of the Government seeking to boost significantly the supply of housing.

50. Numerous appeal decisions show that there is no need to demonstrate a shortfall in HLS to secure a planning permission. These are set out in CDs/17. However,

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<sup>2</sup> References to the Framework refer to the revised Framework July 2018 as the cases for Darnhall Estate and Cheshire West and Chester Council predates the updated Framework February 2019.



the Appellant believes that there is a shortfall in the 5 years supply. It considers the Council's supply figure to be inappropriately inflated for a variety of different reasons. A shortfall is of course both an additional material consideration which weighs heavily in favour of the proposal. And it is a route to triggering the tilted balance.

### **Five-year housing land supply**

51. The parties disagree as to whether the Council can demonstrate a five-year HLS. The reasons relate to both the housing requirement for the 5-year period and the supply.
52. Ben Pycroft (BP)'s proof of evidence (PoE) at paragraphs 4.10 to 4.15 explains that the Council is not able to demonstrate a five-year supply in accordance with paragraph 74 of Framework 2018. The Council's figure should be *"produced through engagement with developers and others who have an impact on delivery and been considered by the Secretary of State."* The Council has not engaged in any such engagement with developers or others.
53. The Council has also failed to follow the guidance in the NPPG. This explains the need for LPAs to engage with stakeholders when preparing their five-year supply position statements at paragraphs 3-030, 3-047, 3-050 and 3-051. This has not happened at CW&C.

### *Past surplus*

54. The Council's position is that there has been a surplus in delivery of some 2,192 dwellings since 2010. That figure is arrived at by comparing the requirement for the first 8 years of the plan period (2010-2018), which is a figure of 8,800 (8 x 1,100) with the supply over the same period, which the Council say is 10,992. Hence the Council say there is an oversupply of 2,192. This then leads the Council to claim that the annual requirement for calculating the 5-years supply is only 917 dwellings per annum. This removed 915 dwellings from the requirement over the 5-year period.
55. The Appellant asserts that one takes the annual figure of 1,100 dwellings per annum (agreed with the Council)<sup>3</sup> multiplied by 5 to arrive at the base requirement (before adding the agreed 5% buffer). Past surpluses should not be used to discount the future requirement. The Council's approach (the residual method) forms no part of present national policy or guidance. Indeed, it would seem a very odd approach to take in the light of the Framework's priority to boost significantly the supply of new homes<sup>4</sup>, and especially when the Council's housing requirement is set at a minimum. If any 'carry forward' of historic over-supply was intended, the Government would have said so and used similar wording to that set out in paragraph 3-044 of the NPPG, which confirms that when there is a shortfall, it should be added to the five-year requirement.
56. The Council's suggestion that this approach gives rise to a "free-for-all"<sup>5</sup> is unconvincing. Each proposal that comes forward is judged on its merits. Whilst

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<sup>3</sup> BP PoE paragraph 6.1 and BF PoE paragraph 6.4.

<sup>4</sup> Framework 2018, paragraph 59.

<sup>5</sup> Council's closing submission, paragraph 51.

the residual approach may have been appropriate Government Policy before 2,000, in the context of the current housing crisis and the acceptance that as a nation we are not building enough homes<sup>6</sup>, it is no longer appropriate.

57. The Council's approach contrasts with its approach in its Annual Monitoring Report (AMR). The current AMR says that the annual net requirement remains at 1,100. Monitoring indicator STRAT 2(A) also measures annual net completions against a target of 1,100 net dwellings and indicator STRAT 2(B) measures net completions against a target of 5,500 dwellings over a five-year period. Neither measure makes provision for a requirement reduction based on over-supply [CD13.4, pages 37-39].
58. Beth Fletcher (BF) in cross examination (Xx) on Day 2 accepted that a delivery of 24,000, an amount over the minimum 22,000 set out in STRAT 2, would not be unsustainable. Added to which, the affordable housing needs have not been addressed over the past eight years.
59. The Council has referred to the Cotswold Local Plan Inspector's Report [CD18/10]. However, as BF explained in re-examination, 80% of the Cotswold District is restricted by being within an Area of Outstanding Natural Beauty (AONB). Providing a surplus there would be potentially problematic. CW&C has Green Belt. However, it amounts to nothing like such a high proportion of the Borough as to constrain the opportunity for exceeding the plan target, which is actually what the CW&CLP allows.

*Communal Establishment and student accommodation completions*

60. Since the Council engaged in this exercise of seeking to reduce their annual requirement to 917 dpa, the Appellant is bound to point out that what the Council has included in their surplus figure of 2,192 dwellings are 630 student units and 230 units in extra care residential institutions (C2). To be clear this is related to the Appellant's criticism of the Council's inclusion of such forms of development in their future 5-year supply calculation. But it is equally relevant to a claimed surplus, because the surplus itself is comprised of units derived from these forms of supply. The difference here being that the student accommodation and C2 uses form part of the completions, not the commitments.
61. This issue only arises if the Council's residual method is adopted and the surplus against the annual requirement in past years is deducted from the annual requirement. The need to consider the C2 issue here and the student accommodation point below (in terms of the housing requirement) is unnecessary on the Appellant's approach. But if the Council's approach is adopted, then completions were in fact 10,132 (860 lower) and the surplus should be reduced to 1,332. The difference between the parties relates to C2 (230) completions and student accommodation (630) completions.
62. 230 completions in respect of C2 communal care for the period 2010 to 2018 were wrongly included in the Council's completion figures. Paragraph 3.4 of the Housing Land Monitor (HLM) [CD13/5] states:

*"The proposed revisions to the Framework suggest the inclusion of communal accommodation in the calculation of the housing delivery test. This type of*

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<sup>6</sup> Housing White Paper, Foreword by the SoS (Feb 2017)

*accommodation will be monitored through the Housing Land Monitor (HLM) process but will continue to be excluded from the housing completions and forecasting figures in accordance with **the Local Plan (Part One)**.*"

63. This was accepted by the Council's witness BF on Day 2 of the inquiry, albeit her view was that it had not been included in the first place. The Appellant does not think that is right. BP shows the sources of these in table 8.3 of his Proof of Evidence (PoE) on page 22. The difference between BF and BP is that some permissions have been included which the Council thought were C3 (dwellings) but in fact are C2. As such the Council's completions figure drops by 30 units to 10,762.
64. The Appellant's position is that 630 completions in respect of student accommodation should also be removed from the Council's surplus figure. These are shown on BP's Table 8.2 in his main PoE.
65. Much of what BP says about student accommodation being inappropriately included, in the Council's 5 Year Supply calculation, applies equally to the inappropriateness of including student accommodation in the Council's completion data: BP's PoE section 13 (pages 39 - 47).
66. The NPPG says that this is important to the requirement. Paragraph 3-042 of the Housing Land Availability Assessments NPPG (updated) in relation to 'How should local planning authorities deal with student housing' confirms that:
- "all student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double counting."*
67. The Council has not undertaken any such assessment to calculate the amount of accommodation that would be released into the housing market following completion of new student accommodation, as required by the NPPG. As such the Council has provided no evidence to the inquiry to demonstrate that any would be. The student accommodation completion figures should not form part of the completion data for the housing requirement in CW&C until such time as the Council can show development is releasing dwellings back into the housing market.
68. The issue of student accommodation was covered in the Tattenhall recovered appeal decisions<sup>7</sup>. The Inspector's conclusions in relation to student accommodation are detailed in paragraphs 300-304 of the report to the SofS (pages 73 and 74) [CD 17/3]. In those decisions the Inspector found that as the Council had provided no evidence that the student units would release housing, currently occupied by students, into the market, the student units should be removed from the supply.
69. For the reasons BP explains in his detailed analysis of this issue (PoE chapter 13), students seem to be occupying an ever-increasing amount of homes in Chester, especially in the Garden Quarter where the Council have resorted to banning the

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<sup>7</sup> APP/A0665/A/12/2185667, APP/A0665/A/12/2188464 and APP/A0665/A/12/2180958 [CDs 17/3, 17/4 and 17/5].

conversion of houses to HMO through issuing Development Management Orders. BP's evidence shows the number of Class N properties in the Council Tax base data has been consistently rising (PoE Table 13.2, page 44). The evidence shows that a lack of student accommodation in Chester, which the University itself has noted<sup>8</sup>, is being met by more homes being converted into student Houses in Multiple Occupation, not less. The University has in fact noted students securing lodgings as far away as Liverpool, Manchester and Wrexham: (BP PoE, para 13.22). The number of full-time students at the university has increased significantly in recent years (see Table on page 3 of BP's Rebuttal PoE). As Inspector Dakeyne observed, many students will come into Chester from elsewhere or will be merely freeing up a bedroom in a family home. BP addresses all of these issues in detail. Full time student numbers at the University are increasing. Consequently, the Council will find it very difficult to find evidence that the new accommodation is releasing housing back into the housing market.

70. Students are part of the wider population. Nevertheless, their housing needs are not to be treated as part of the housing requirement unless they are expressly dealt with at the time of the Local Plan. The extent to which they are included in the resident population can vary between different towns and cities. When assessing overall housing needs it is necessary to look at the extent to which they form part of the census population and also if their numbers are likely to change. CW&C did look at this issue but its consultants (Nevin Leather Associates) advised that student numbers would remain static (see BP PoE, para 13.10, page 41). That being so, the fact that full time student numbers have increased means that one cannot simply take purpose-built student accommodation off the completion figures when it is plainly addressing an unforeseen increase in student numbers.
71. The 630 student accommodation completions are recorded in the Council's completion data to arrive at their surplus. The Appellant removes the related 630 completions to arrive at its total completions figure of 10,132.

#### *Supply*

72. The parties disagree as to whether the Council can demonstrate a supply of housing to meet the five-year requirement. The main point of contention is whether the Council has the requisite clear evidence that the sites it includes are deliverable within the five-year period, and what exactly is required by clear evidence.
73. In relation to supply, Framework 2018 at paragraph 67 states:

*"Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:*

- i) Specific, deliverable sites for years one to five of the plan period and*

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<sup>8</sup> Nevin Leather Associates report 2012 [BP Ap.2C].

ii) *Specific, deliverable sites or broad locations for growth, for years 6-10 and*

iii) *Where possible, for years 11-15 of the plan”.*

74. Paragraph 73 of Framework 2018 also states that local planning authorities should identify and update annually a supply of specific “*deliverable*” sites. Paragraphs 67 and 73 of Framework 2018 state that sites should be ‘*deliverable*’. ‘*Deliverable*’ is now defined within the glossary as:

*“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*

75. The above definition in the glossary can be split into two parts.

- a) those sites that require the appellant/developer/promoter to adduce clear evidence to remove them from being considered deliverable. These sites, of under 10 units or those benefitting from a detailed permission, benefit from what might be called a presumption of deliverability.
- b) Secondly, for sites with outline permission, permission in principle, allocated in the development plan or identified on the brownfield register, the Council must provide clear evidence that housing completions will begin on site within five years. This list does not benefit from a deliverable presumption and such sites should not be included in the five-year supply until the Council provides the necessary clear evidence.

76. The definition was changed to remove, from active consideration, sites which do not have detailed planning permission. Other sites from the closed list can be included, but there is a need for clear evidence on delivery from such sites. The new definition is much more realistic than the previous one because there is often little prospect or certainty of an outline planning permission delivering completions within five years. That is because the conditions imposed on outline permissions often allow five years or more even for just a material commencement (i.e. no actual completions or delivery). Reserved matters can often take a long time to agree, often out-with the five-year period. Added to this, reserved matters applications can be refused and the yield from sites can often be changed.

77. Regarding allocations, where there is no outline permission, the prospect of delivery within five years is even less likely. One does not know when the application will be submitted, how long the negotiation of the planning permission will take and what the conditions will say about the amount of time, which will be



- allowed for the submission of reserved matters, other conditions etc. Sites which are not even allocated and have no permission should not be in the supply at all.
78. The NPPG was updated on 13th September 2018. Paragraph 3-036" *what constitutes a deliverable site in the context of housing policy?*" provides examples of what form clear evidence may take and whilst not a closed list, it is indicative of the level and strength of evidence required by the Council.
79. The Appellant's case in relation to "*clear evidence*" is that the Council cannot demonstrate this for the vast majority of the sites with outline planning permission. Most fall far short of the required evidential hurdle and in consequence they should be removed from the supply. The "*Council has not come close to discharging the burden to provide the clear evidence that is needed for it to be able to rely upon such sites*" which was the approach taken by the Inspector in the Woolpit decision at para 68, [CD 17/12].
80. The disputed elements within the Council's supply cover six categories. Three relate specifically to individual sites. The quantum and sites in dispute are all set out in the HSoCG. In total there are 1,854 dwellings in dispute in terms of the 5-year supply.
81. The Appellant's position in relation to the three categories of site is that none should be included within the Council's housing land supply. That is because none of them can be considered to be deliverable within the relevant 5-year period under the new Framework definition.
82. Sites under categories II (non-allocated sites without permission) and III (small windfall allowances) are not sites where the Council can demonstrate clear evidence that completions can be delivered on-site within five years.
83. For the avoidance of any doubt, the concept of a small site windfall allowance is not covered by the second sentence of the definition of deliverable. Sites that are not major development (i.e. sites of 9 units or less) can be included in the supply, but only if they have planning permission. Windfalls do not fall within that category.
84. A roundtable session was held on day 1 of the inquiry in respect of HLS. At no point in respect of any disputed site in categories I and III did the Council provide any documentary evidence, of the type suggested by the NPPG or at all, to support the deliverability of each site in these three categories. The Council offered oral evidence on some matters, but they produced not a single letter, email or SoCG to support it.
85. The Council offers no SoCG signed by a developer or anything similar. The Council does not have the necessary evidence suggested in the NPPG to support delivery on sites without detailed permission. At the same time, it relies upon evidence obtained after the base date, so its own case is not predicated on that being a hindrance. In reality the Council will not be able to obtain the necessary evidence until the next Annual Monitoring Report (AMR) and Housing Land Monitor (HLM). The new policy and guidance in the Framework and NPPG respectively require certainty in evidence. The Council simply does not have that evidence at the moment.

*Allocated sites or sites with outline permission – (300 dwellings).*

86. The Appellant now disputes 300 dwellings across six sites. The starting point for these disputed sites (outlined in chapter 14 of BP's PoE) is that they are not to be considered deliverable unless the Council adduces clear evidence. They are one of the four categories detailed in the closed list in Annex 2 of Framework 2018.
87. The Appellant's submissions in respect of all six sites is that the Council has not adduced sufficient evidence in relation to any of the sites to provide the clear evidence required. Their approach was strikingly similar to that of Welwyn Hatfield Borough Council at the recent Woolmer Green inquiry<sup>9</sup>, with only verbal updates forthcoming, entirely unsupported by any documentary evidence. The inspector at that inquiry found the Council's evidence fell "*well short*"<sup>8</sup> of what was required. One has to ask why these verbal updates which BF provided were only verbal. One must assume if the relevant developer had been contacted, then they were simply not willing to commit what they were saying to writing.
88. Ledsham Garden Village (28 units) – no documentary evidence was forthcoming from the Council and reliance was placed by BF on '*intelligence*' received from a housebuilder, however this "*intelligence*" was not put before the inquiry in part or at all in any form which could be read, examined, scrutinised or tested in any way whatsoever. To a lawyer such evidence is usually dismissed as pure hearsay. These 28 units are in phase 6 of the development, the outline permission for which included a condition (condition 2) that states that all reserved matters do not need to be made until 24th July 2025, extendable by a further 8 years.
89. Rossfield Road Phase 5 (70 units) – There was no evidence before the inquiry regarding when reserved matters would be submitted, what they will include or when commencement would take place. Outline permission was granted just three days before the base date and as such completions should be expected post the 5-year period.
90. Lyndale Farm (24 units) – There has been no application for reserved matters and the submission of the construction management plan is a fairly simple act from the developer and is not clear evidence of the strength suggested in the NPPG.
91. Former Delamere Forest School (16 units) – Despite an application for reserved matters having been made, this was after the base date and is pending determination.
92. Land at Oakmere Road (24 units) – There has been no application for reserved matters and no clear evidence submitted by the Council to show that this site is deliverable.
93. Land at Wrexham Road (138 dwellings) – The site does not have planning permission but is allocated in the LP. The first application was made in June 2017 and a further full application and an outline application were made in December 2017. None have yet been determined. The phasing plan considers a construction period of over 14 years. The Council's verbal evidence was simply

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<sup>9</sup> APP/C1950/W/17/3190821 and as set out in the PoE of BP at 4.35-4.38, and [CD 17/12].

that a case officer had been assigned and it would be taken to the committee “*next year*” but that it had been pushed back to “*deal with and sort issues*”<sup>10</sup>. Again, this is wholly insufficient.

*Non-allocated sites without planning permission – 282 units*

94. As explained in BP’s PoE (pg19), the base date is a cut-off date. Whilst the previous NPPG indicated that sites without planning permission should automatically be considered deliverable, this is no longer the case. These sites are not contained within the closed list within the definition of ‘*deliverable*’ and as such have a lower planning status than the previous category.
95. The Council has provided nothing by way of ‘*clear evidence*’ for these sites, which are for reasons explained above problematic as a category anyway. Without planning permission, it is difficult to know when they will be delivered as one cannot even have sight of the conditions which will determine the timescale by which the permission is to lawfully come forward. None of these sites can be included in the supply.
96. The largest site within this category and touched upon during the round table session is Winnington Business Park (88 Units). It took the Council a year to determine the outline application, approval of which occurred after the base date<sup>11</sup>.
97. An application for reserved matters is required to be made before a period of three years after the decision date has elapsed. This could be as late as 20th July 2021. That is just for the submission of the reserved matters. Lawfully, material commencement need not take place until after 2023. There is no evidence as to when completions will begin.

*Small Windfall Allowances – 230 units*

98. Paragraph 70 of the Framework 2018 provides:

*“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends”.*

99. Section 17 of BP’s PoE deals in detail with the issue of windfall allowance. The Council’s approach to this issue is simply to rely on past trends to support its windfall allowance. Past trends reveal that 122 dwellings could be expected to be delivered each year on small windfall sites (i.e. 610 dwellings over the five-year period). However, 620 dwellings on small sites with planning permission are already included in the supply. Therefore, by including a further 230 dwellings (i.e. 115 dwellings per year in years 4 and 5), this would mean delivery well in excess of past trends.
100. The Council includes all small sites without applying a lapse rate at all. That is not remotely credible because small sites lapse all the time. Additionally, some

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<sup>10</sup> BF on day 1 of the inquiry.

<sup>11</sup> Decision Notice issued on 20th July 2018



small site permissions, such as a house or a bungalow proposed in the applicants own back garden (often known as retirement houses) can be repeatedly renewed because the applicant is not yet ready to move out of the main house. Such sites may be saved by modest implementation (i.e. they are not part of a non-implementation allowance). They are instead part of a non-delivery allowance. It is wholly unrealistic to assume that all of the 610 dwellings on the small sites will come forward in the 5-year period and then to add on top of that an extra 230 units from additional small sites. The past trend data does not support what the Council are doing and yet that is what the Framework requires.

101. The Inspector's decision in the appeal at Longden Road, Shrewsbury<sup>12</sup>, in circumstances such as this was that the windfall allowance should be removed, and the same approach is encouraged to be followed here.

*Demolitions and losses – 167 units*

102. The Local Plan Part 1 is explicit in recognizing that the 1,100 dwellings to be achieved each year must be a net figure<sup>13</sup> and that therefore a gross delivery figure, which is higher, needs to be achieved. The Local Plan at para 5.21 actually refers to a gross figure of 1,150. The 1,100 needs to be achieved after having made an allowance for demolitions and losses.
103. BP has not simply stuck to the 1,150-gross figure in the plan. He has looked at the actual level of demolitions and losses which have taken place. This is lower than the evidence of 50 dpa which the Local Plan Inspector had before him. BP has therefore accepted that the trend in demolitions and losses has reduced since then. The 50 dpa figure was trend based at the time of the Local Plan. And the figure of 39 dpa now relied upon is similarly so.
104. The HLM report<sup>14</sup> details the demolitions and losses on an annual basis. This sums to 315 for the previous 8-year period, an average of 39 per annum. The figure included for the 5-year period by BP is 195 (39 p/a x 5 years), carrying forward the actual average of 39 dpa demolitions from the previous 8 years into the future 5-year period. BP's figure of 39 is therefore entirely trend based.
105. The table at Appendix 4 of the HLM does not record demolitions or losses as high as this. It simply identifies 28 demolitions which are expected to take place within the next 5-year period, and which are included within the Council's supply figure. As such, whilst BP's evidence of past trends suggests demolitions of 39 units p/a, giving rise to a total of 195 to be included over the five-year period, he gives credit for the 28 included in the Council's figures: 195 minus 28 = 167. Consequently 167 units should be deducted from the Council's five-year supply figure.
106. This same argument was advanced by BP at the Tattenhall appeals and was endorsed by the Inspector. There was nothing within the subsequent SoS report that suggested any departure from that Inspector's conclusions on the matter of demolitions.

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<sup>12</sup> APP/L3245/W/15/3011886 at paragraph 40 (BP PoE paragraph 17.16).

<sup>13</sup> Local Plan Part 1, paragraph 5.21, last sentence of the paragraph.

<sup>14</sup> HLM report appendix 2, at page 24 and table 4.2 on page 10.

*Student accommodation – 430 units*

107. As recorded above, BP's PoE at chapter 13 deals with this issue in detail (pages 39 to 47). Student accommodation can only be included within the Council's supply if they are able to demonstrate the amount of housing released into the market. They are not able to do that, not least because the Council have not undertaken any exercise to show this. They have no evidence that a single dwelling will be released into the market, as a result of the student accommodation to be built.
108. In reality this may be difficult to achieve anyway. The number of full-time students increased by 2,265 between 2010/11 and 2016/17 (26.8%), (see the table on page 3 of BP Rebuttal PoE). In the most recent year for which there is data (2016/2017) there was an increase of 610 units. For full-time student numbers to have grown by over a quarter in that period is a very large increase.
109. There has been a corresponding decrease in the number of part time students. However, such students' accommodation needs are very often different. They often live at home and combine their academic studies with a job or other commitments, such as caring. Full time students in contrast are much more likely to need accommodation. The University of Chester itself is aware of this as set out in the Nevin Leather Associates report of January 2012. This states that
- "part-time students tend to remain in their existing homes, and many travel from outside of the City to study. The great majority of part-time students are unlikely to change their living arrangements in order to study"* (BP Rebuttal PoE, page 3, para 2.9).
110. The University of Chester is not the only further educational institution in Chester. Many solicitors train for their Legal Practice Course in Chester. The College of Law is now known as the University of Law in Chester. There are other FE institutions in the Borough as well. All of this adds to the increasing presence of students in the Garden Quarter (Chester) of which the Council is only too aware because some existing permanent residents are unhappy about this, hence the Council has been forced to restrict the conversion of houses to HMOs.
111. The Council tried to downplay the growth in full-time students by seeking to show that the University is located in a variety of different locations. However, the University's own documents show that around 60% of its students are based in Chester<sup>15</sup>.
112. Much emphasis was placed at the Inquiry on the new campus at Shrewsbury, which being in Shropshire is outside of the Borough. This is however a new and very small part of the University. The in-take last years was around 170 students, which was said to be its biggest intake (BP Examination in Chief (XiC)). On that basis the earlier years must be smaller. It is but a small satellite campus. This position was endorsed by Inspector Dakeyne in the previous decision for this appeal and in the Tattenhall appeals decisions. The evidence presented to them was that student numbers would increase at the University such that the new accommodation, that is being built, would simply absorb the

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<sup>15</sup> Background of Assessing demand for purpose-built student accommodation in Chester, University of Chester, August 2014: BP PoE, Ap EP 2D (pg2 first para)

additional numbers of students or those who at the moment are unable to find accommodation in Chester. For those reasons, the Appellant removes all 430 units in relation to student accommodation from the Council's supply.

*Build rates and lead times – 505 units*

113. The Appellant's challenge to the Council's suggested build rates and lead-in times results in a deduction of 505 dwellings from the Council's supply (S16 of the PoE of BP (pg.64 onwards)). To be clear all the Appellant has done is rely on the rates the Council itself has suggested in the HLM, or on empirical evidence.
114. In relation to the Ledsham Garden Village site, BP has applied a build rate based on the empirical evidence as to what was the actual build out rate achieved on an earlier phase on the site i.e. 66dpa. This is important because Ellesmere Port is not a strong housing market and local factors are relevant to what sales rates can be achieved there. The Council officers seek to distance themselves from the tangible, empirical evidence and instead base their projection on supposed intelligence from the housebuilder. There is no proof that the 140dpa. in years 3 and 4, are achievable on the site. BP applied the same consistent approach for the site at Grange Farm. Again, the Council provided no evidence to the Inquiry in any written or tangible form.
115. In relation to the former British Gas and Part of the former Gulf Oil sites, the Council has provided no evidence as to how their delivery rate has been calculated, save that they have departed from the standard method and assumptions for calculating this, as contained within their Housing and Economic Land Availability Assessment (HELAA) 2017 [CD13/6]. BP has applied the standard method and HELAA assumptions in his calculation.
116. In all cases, in relation to the build-out rates, the Council has failed to provide any documentary evidence to support their case or justify why it departs from its own standard method and assumptions. The 'email' highlighted by BF in relation to the Station Quarter, which suffers from ground conditions problems and fractious land ownership, was not provided to the inquiry.

*Conclusion on Five Year Supply*

117. The Council's approach suggests a five-year requirement figure of 4,815 dwellings, which is an annualized figure of 963 dpa. The Council's final supply figure is 7,277. This gives rise to a supply of 7.56 years<sup>16</sup>.
118. The Appellant's approach is different. The Council's requirement for the 5-year period from the base date of 1st April 2018 is 5,500 (5 x 1,100 annual requirement). A 5% buffer is then applied (275 units), which means that a supply of 5,775 dwellings must be demonstrated. That gives rise to an annualized figure of 1,155 dwellings<sup>17</sup>.
119. The Appellant's supply figure is 5,423<sup>18</sup> following removal of 1,854 units from the Council's supply. On that basis, the Council are unable to demonstrate a

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<sup>16</sup> SCG on 5YS, dated 23 November 2018, third table under para. 3.15 on page 7, lines F- I.

<sup>17</sup> SCG on 5YS, dated 23 November 2018, first table under para 3.15 on page 7.

<sup>18</sup> SCG on 5YS, dated 23 November 2018, second table under para 3.15 on page 7, line G.

deliverable 5-year supply of housing land, having just a 4.69 years supply<sup>19</sup>. The inspector at Nether Peover, highlighted the fact that because the 5-years supply is a minimum requirement, then even a shortfall of 150 homes in Cheshire West should be seen as significant (BP PoE, Ap EP 1D, para 35). That approach seems particularly apposite when one is talking about a minimum on a minimum (i.e. a minimum 5-years supply requirement, based on a minimum LP requirement of "at least 22,000"). In the conjoined Tattenhall inquiry, the Inspector found a very modest shortfall.

120. As such, footnote 7 of the Framework 2018 is brought into play and the tilted balance in paragraph 11d is triggered in favour of the application. This is a second route to the tilted balance in addition to the fact that Policy GS5 is out of date.

### **The Statutory Development Plan**

121. The starting point for the determination of this appeal is the DP. That is now,

a) CW&CLP P1, adopted on 29th January 2015;

b) The WNP, made on 19th November 2014;

and

c) The saved policies of the VRBLP First Review Alteration, adopted in June 2006, (specifically Policy GS5).

122. The primacy of the DP in decision making is reiterated at paragraphs 12 and 47 of the Framework. With regards to the specific weight to be attached to existing DP policies, paragraphs 212 and 213 state that due weight is to be given to relevant policies according to their degree of consistency with the Framework from the day of its publication.

123. The Framework (2018) states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework (para 213). The closer a policy in a plan is to the policies in the Framework, the greater the weight that may be given. However, Lord Carnworth in his Supreme Court judgement reminds us that both a policy from a plan which is beyond its end date and a policy based on out of date housing requirements are out-of-date [CD 16/8].

124. As such, it follows and is accepted that should any of these policies be found to be '*out of date*', then the titled balance within paragraph 11d) of the Framework 2018 would be applicable.

### *Conflict with the DP*

125. It is important to note that it is a plan-led system not a plan-dictated system. A DP provides the opportunity to set spatial strategies, set minimum housing targets, remove land from the Green Belt and to allocate sites (which is especially important for large sites where developers need certainty). However,

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<sup>19</sup> It is right to record that these figures do vary from the proofs of evidence as both parties have sought to adjust their figures following discussion on the HSoCG. It is the figures in the HSoCG of 23 November 2018 which are to be relied upon.

plans are not the last word on everything that should come forward. That would be a misunderstanding of what is meant by a plan led system. The second sentence of paragraph 12 of the Framework (2018) needs to be read in that context. Critically, the last sentence of that paragraph reverts back to the statutory test.

126. A plan-led system is also not a system where only allocated sites are required or receive permission. The Planning Inspectorate granted planning permission for 30,000 dwellings in 2017. Many will have been on unallocated sites. Without these important sites coming forward, the housing crisis would be even worse than it is already. Planning applications and appeals on non-allocated sites are vitally important to the system.

127. CW&CLP P1 Policies STRAT 9 and H1 and VRBLP Policy GS5 were considered by Inspector Dakeyne to be the dominant policies, as per paragraph 11d) of the Framework 2018, for the purposes of determining this appeal. This is agreed by both parties having been accepted by Jill Stephens (JillS) on day 3 of the inquiry.

*Cheshire West and Chester Local Plan (Part One)*

128. The proposal is largely consistent with the CW&CLP P1<sup>20</sup>. This includes the fact that the proposal is consistent with Policy STRAT 6 which is the policy for Winsford. The conflict with the LP is predominantly focused on Policy STRAT 9<sup>21</sup>. This restricts development to that which requires a countryside location and cannot be accommodated within identified settlements.

129. The opening line of the policy sets out that its aim is to protect the intrinsic character and beauty of the Cheshire countryside. This policy goes beyond and is more restrictive to development than the Framework, as JillS accepted in Xx. Although the policy was found to be sound at examination, the Framework 2018, which postdates Policy STRAT 9, at paragraph 170 b) does not go as far as stating that the intrinsic character and beauty of the countryside is to be '*protected*' as Policy STRAT 9 does. A less restrictive bar is set, in that it should be '*recognised*'.

130. This is an important distinction and a deliberate drafting difference within the Framework 2018. As such and in accordance with paragraph 213, Policy STRAT 9 is not consistent with the Framework 2018 and is out of date, triggering the titled balance within paragraph 11d).

131. The importance of the distinction between recognised and protected is well explained and was addressed by the Inspector in an appeal decision for a site at Cornerways, High Street, Twyning, Tewkesbury at para. 7-17 [CD17/43]. However, the later Court case of Cawrey Limited<sup>22</sup> does suggest that even under the Framework, the countryside does enjoy a degree of protection. Nevertheless, that is not the same as giving it outright protection.

132. The fact that the policy is not consistent with the Framework, diminishes the weight that can be given to it, reducing in parallel the magnitude of any conflict

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<sup>20</sup> PoE of JonS.

<sup>21</sup> CD 13.1 pg.41.

<sup>22</sup> Cawrey Limited v SSCLG (2016) EWHC 1198 [CD11/3].

with it. The Council says that the conflict should be given full weight, but for a policy that is not consistent with the Framework, this cannot be the case. It must only attract reduced weight. However, to be clear, Jon Suckley (JonS) in his PoE has looked at the planning balance in circumstances where this argument is not accepted.

133. Policy STRAT 1 concerns sustainable development. In para. 3.5 of her PoE, JIIS states that the proposal should support sustainable development principles set out within the policy: one such principle being to minimise the loss of greenfield land<sup>23</sup>. However, this is not an embargo against the loss of any greenfield land and as such the loss of greenfield land would not be contrary to this policy. If that was what was intended the drafting would have said so.
134. Policy STRAT 1 does not include a checklist of rules, mandating that all items be 'ticked off', but instead contains more flexible 'principles'. The PoE of JonS, at chapter 7, deals entirely with the topic of sustainable development, concluding at para.7.23 on pg.32 that the proposal will deliver benefits in all three objectives of sustainable development in accordance with Framework 2018 para.8. The section below, in relation to sustainable development, outlines the same and why there is no conflict with Policy STRAT 1.

*Winsford Neighbourhood Plan ("WNP")*

135. The WNP was made over four years ago. Only about 2 ha of the application site, the northern most field, falls within the remit of the WNP, equating to roughly 50 homes. The remainder of the site, approximately 4.5 ha cannot be said to be in conflict with the WNP in any shape or form as it is not within the WNP area.
136. Similarly, any conflict suggested with Policy H1 of the WNP cannot be levelled against the application as a whole, it can only exist against 31% of it, which in turn must reduce the weight of any conflict, if found. However, more importantly Policy H1 of the WNP does not contain a cap on development. This was accepted by the Council's witnesses repeatedly throughout the Inquiry. The examiner's report [CD 15/2] also confirmed this at paras 3.13 and 3.18.
137. Consequently, the housing requirement and allocation within the WNP is not a preventative ceiling to additional development. JIIS accepted on Day 3 of the Inquiry that the wording within Policy H1 permits additional development over and above that allocated.
138. When the WNP was still in draft, but at the same committee as the Appellant's proposal, the Council itself granted planning permission for sites outside of the Policy H1 allocations and settlement boundaries, most notably at Swanlow Lane<sup>24</sup>.
139. The Council's case focuses on the need to limit development in Winsford to the allocations made in the WNP. However, the allocations (3,362) do not add up to the LP's requirement (Policy STRAT 6). This requires at least 3,500. More housing is consequently needed at Winsford than just the WNP allocations.

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<sup>23</sup> STRAT 1, bullet 6.

<sup>24</sup> JonS at para 13.16.



140. Mr Wood and the Council suggest that the WNP examiner rejected the site. However, this was not a LP examination. One needs to read the relevant paragraphs of Dr Mynors report accurately [CD 15/2], with care and in context. The Examiner was careful to say that he was not assessing the suitability of any particular site (para 3.29) and he made clear that he had a limited role as an Examiner (para 3.54). Whilst he had no reason to disagree with the Town Council's reasons for rejecting the site, he was plainly very mindful (and recorded the fact) that the Appellant was expecting to receive planning permission and the Borough Council were not opposing the site (para 3.50). He also made the very important point that sites can come forward, which are not in the plan, based on other material considerations (para 3.47).
141. One also needs to look at the context of the WNP itself. It was actually prepared against an intended housing figure for the Borough of just 21,000 new homes (see para 2.1.19 of the WNP). One thousand homes less than the LP actually requires.
142. Furthermore, a full investigation of the plan's housing allocations (which did not take place at the second inquiry) has revealed that 1,224 of the dwellings in the plan had permission before the plan was made. Additionally, there are delivery problems at the main location for development at the Station Quarter. That context is important because it suggests that despite the WNP having been made 4 years ago, it is not actually providing much assistance in meeting Cheshire West's housing needs. The lack of delivery at Winsford compared to Chester and Northwich suggests that there are real problems with delivery at Winsford.
143. The Council's case has evolved into suggesting that the proposal conflicts with the themes of the WNP. However, it is genuinely difficult to see how the proposal offends these when the proposal is similar to other housing proposals at Winsford. For example, the proposal will bring in new households and they will support the town centre, just as the allocations will do (see Theme 1, on pg.17 of the WNP). Added to which, the proposal will in fact assist in promoting some of the objectives of the WNP, such as the objective to create a variety of employment opportunities where initiatives to develop skills are proposed (WNP pg43). The training and employment obligation or condition, proposed by the Appellant will plainly do just that. In line with observations from the Inspector, the Appellant has sought to make that more localised with 20% of those employed needing to come from Winsford or the surrounding parishes.
144. The suggestion that the proposal is not in a gateway location was also easily dismissed by JonS in both Xx with regard to site W5 and in re-examination with regard to site O3. If anything, the appeal site offers more of an opportunity to create a gateway than either of these sites.
145. The Borough Council is careful to suggest that it was the view of the Town Council that the proposal offended the vision of the WNP. In truth, there is no conflict with the vision.

146. The Crane case suggests that the WNP needs to be read as a whole<sup>25</sup>. However, the Tesco case decided that all policies in the DP need to be read in their proper context<sup>26</sup>. This was reiterated and made clear by Lord Carnwath at para 63 in the Suffolk Coastal/Richborough Estates case<sup>27</sup>. The fact the WNP Examiner made clear that the allocations were not to be seen as a cap is a critical part of the context here. It would therefore be wrong to read into this plan, any suggestion that other sites cannot come forward.
147. In any event, the WNP was made on 19th November 2014 and allocated 3,362 homes (WNP page 46). However, following this on 25th January 2015, the CW&CLP P1 was adopted, and its policies take precedent<sup>28</sup>. This included the aim of 3,500 new homes being delivered at Winsford over the plan period.
148. For the reasons outlined above, the WNP is not delivering new homes in the numbers required. It allocates less than the Local Plan, which post-dated it and windfalls have not taken it above that. All the more serious because the Local Plan figure for the town is expressed as a minimum. Over one third of the dwellings in the plan already had planning permission by the time the WNP was made. A second third, at the main development location in the town (the Station Quarter), are simply not coming forward.

*Vale Royal Borough Local Plan saved policies*

149. Policy GS5 is the only saved policy of this plan that the proposal is stated as being in conflict with [CD 13/2]. It relates to development within the open countryside (pg 18). The policy is out of date because it is from a plan which only addressed development needs up until March 2016. More importantly it is based upon strategic housing and employment policies which are plainly out of date. This matter was considered in paragraph 63 of the Judgment discussed above<sup>26</sup>.
150. The Daventry case<sup>29</sup>, relied upon by the Council, relates to the guidance in the old Framework. It relates to a situation where the Inspector simply accepted that the policy was out of date without considering the extent to which the housing requirement in that plan was based on out of date housing requirements. That is what the Inspector did in the Cheshire East/Richborough appeal. The Supreme Court supported his approach. That case post-dates the Daventry case on which the Council rely.
151. Policy GS5 is retained simply as a 'stop gap' to prevent a 'policy vacuum' from occurring if it were to be removed. It will be removed when the CW&CLP P2 comes forward. The settlement boundaries proposed in P2 of the LP do not match those within GS5, further evidencing the out-datedness of GS5. The Council cannot suggest the policy has little relevance in the light of Policy STRAT 9. The fact is the Council need Policy GS5 to show where the settlement boundary is located. In granting permission for lots of sites beyond the Policy

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<sup>25</sup> Crane v SSCLG (2015) EWHC 425 [CD16/3].

<sup>26</sup> Tesco Stores v Dundee (2012) UKSC.

<sup>27</sup> Suffolk Coastal DC v Hopkins Homes: Richborough Estates v Cheshire East Council (2017) UKSC 37 [CD16/8].

<sup>28</sup> Section 38(5) TCPA and NPPG Neighbourhood Planning, Paragraph: 084 Reference ID: 41- 084-20180222

<sup>29</sup> Daventry BC v SSCLG & Gladman Developments (2016) EWCA 1646 [ID 38]



GS5 boundary in Winsford, the Council have plainly not seen that boundary as a hindrance and must have given it reduced weight.

152. The Council's professional planning officers in their report to committee on 21 November 2013 [CD2/2] gave Policy GS5 reduced weight, correctly so, and stated it to be more restrictive than the Framework 2012, as was then.
153. The settlement boundaries contained within Policy GS5 have not prevented the Council from themselves granting planning permission for sites that sit outside of them and so it cannot be said to preclude such development. Jills accepted as much in Xx on day 3.
154. The Council made clear on Day 1 of the inquiry that Policy GS5 is to be viewed as an important policy. It is nevertheless plainly out of date. Consequently, the tilted balance is triggered through this alone, regardless of the 5-year supply issue.

#### *Development plan conclusions*

155. In relation to the policies most important for determining the application;
- a) Whilst there is conflict with Policy STRAT 9 of the CW&CLP P1, this policy cannot be afforded full weight as it is more restrictive than the Framework 2018. In particular, it is not consistent with para 213. As such, the impact of any conflict with Policy STRAT 9 is reduced. Even if it is given full weight, it does not stand in the way of granting planning permission as Inspector Dakeyne's recommendation made clear.
  - b) Policy STRAT 1 of the CW&CLP P1 does not contain a mandated checklist of obligatory requirements. It is a flexible list of principles or desires. Loss of greenfield land is not embargoed within STRAT 1 and the proposal delivers on all three sustainable development objectives (see para. 204 below). The appeal proposal as such does not conflict with this policy.
  - c) Policy H1 of the WNP, does not set a maximum figure or a cap on development, this was outlined by Dr Mynors at the examination and is accepted by all parties. There is no conflict with this policy. However, even if there is, this policy does not stand in the way of granting planning permission as Inspector Dakeyne's recommendation made clear.
  - d) Finally, saved policy GS5 of the VRBLP is out of date. It is based on out of date housing requirements. Being out of date it triggers the tilted balance within paragraph 11d) of the Framework 2018 and permission should as such be granted unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework 2018 taken as a whole.

#### **The benefits of the proposal**

156. There are multiple benefits. These include the delivery of new homes to address the shortfall in the 5-year supply, the delivery of much needed affordable housing (AH), the provision of self-build housing, and the economic benefits of the proposal.

157. These are not to be treated as neutral. The point is well explained by the Inspector in the very recent appeal at Land East of Park Lane, Coalpit Heath [CD 17/13], who said at para 61 that:

*"There are three different components of the housing that would be delivered: market housing, affordable housing and custom-build housing. They are all important and substantial weight should be attached to each component for the reasons raised in evidence by the appellants, which was not substantively challenged by the Council, albeit they all form part of the overall housing requirement and supply."*

*Small and Medium Sized Local House Builders*

158. The proposal will deliver up to 92 market homes at a time when the Government has enshrined its objective of "*significantly boosting*" the supply of homes within national policy<sup>30</sup>.
159. The benefit of these market homes is substantial, simply on the basis of a national housing crisis, but is increased on the Appellant's case where the Council cannot demonstrate a five-year supply of housing land. However, the Appellant's case does not live or die by the presence or not of a five-year supply, as many appeal decisions have seen permission granted in circumstances where the Council can demonstrate a 5-year supply of housing land<sup>31</sup>.
160. The critical feature in terms of market housing is that the proposal is to be built specifically by small and medium sized builders from Cheshire. The Government's desire to support local housebuilders who are Small and Medium Sized Employer(s) (SME) is well documented [CD 12/10]. There is an increasing awareness of the important role that they can play in helping to address the national housing crisis, the government has encapsulated this within national policy at paragraph 68 of the Framework 2018. This accords with the aims and desires of Government, something not lost on the Inspector at the Lydney appeal<sup>32</sup>.
161. Further, the Lyons Review [CD 9/12] has identified the over reliance placed on large-volume, national house builders as one of the two main contributory causes for the housing crisis.
162. The Appellant has provided four letters from local SME building firms; Apex, Cruden, Garratt and Moorcroft. These explain the difficulties faced by such SME firms when competing against national housebuilders and outline the lack of suitable sites locally. All four express their interest in the appeal site and the proposal. These are real words from local, real builder SMEs, the exact businesses that the local approach of this proposal aims to assist. For these reasons the local SME builders' provision, to be secured through a legal agreement, should attract significant weight.
163. The Appellant also plans to implement a local training and employment strategy, to be approved by the Council prior to the commencement of

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<sup>30</sup> Framework 2018 paragraph 59

<sup>31</sup> Appendix 18 to the PoE of JonS

<sup>32</sup> APP/P1284/13/OUT Land off Driffield Road, Allaston Road, Lydney, Gloucester

development, delivering localised benefits to the peoples of Winsford in the form of new skills, qualifications and careers. It should attract significant weight.

164. A very similar 'local approach' to the one offered here was put forward by the Appellants in the Lydney appeal. The SoS ultimately concluded that the benefits of this were significant enough to outweigh the conflicts with the development plan.
165. Following the concerns that the SoS had about the conditions used previously, the Appellant has sought to promote these local aspects of the proposal by way of a planning obligation. That was the successful approach taken by the appellant in the Lydney case.
166. The Appellant was content with conditions last time, as it would be this time as well. The Council officers prefer them as they believe conditions are easier to enforce in the event of a breach. However, having seen the Lydney decision approved on the basis of ensuring its 'Local Approach' was made legal through a planning obligation, the Appellant is reluctant to not make that the preferred mechanism now in this case.
167. Given the obligation (or condition) for the market housing to be built by a local SME builder(s), there is no real need to have a local procurement obligation (or condition). They will inevitably obtain a high percentage of their employees and material from the local area. That is why the Appellant agreed to its removal from the list of draft conditions.

#### *Affordable Housing (AH)*

168. At the heart of the Framework, is the government's objective to significantly boost the supply of homes of the right size, type and tenure (para 59 and 61). The Appellant contends that there is incontrovertible evidence of the need for significantly more new housing nationally, particularly affordable housing, given the existence and extent of the national housing crisis.
169. JonS's evidence at S8 suggests that many of the affordability indicators are now worse than in 2015. Affordability has worsened and so have housing waiting lists. Consequently, he rightly describes a graver more serious problem meriting an enhanced weight to this crucial benefit. The Council considers this to be part of a wider problem. However, the lack of a 5-year supply is a local manifestation of a more systemic problem. As the Inspector set out in the Ludlow case at para 40 page 9:

*"whilst the LPA is able to demonstrate a deliverable five-year supply of housing sites based upon its requirements set out in Policy CS1, this is not a limit: there is an acute housing shortage in England. It is recognised in National policy that the government anticipates a significant boost to the supply of housing. In this respect, the provision of any extra housing to this national shortfall is a benefit in favour of the proposal, including both market and affordable housing" [CD17/33].*

170. The proposal will make a substantial contribution towards meeting the general housing needs in the area in accordance with the requirement placed upon local planning authorities to provide for the full objectively assessed housing needs of the area. The 2013 SHMA [CD13/8] sets out a requirement for 714 affordable houses per annum.

171. The problems of unmet housing need and delivery problems do not just beset market housing or general housing need. There is a particular problem in this Borough with affordable housing and Custom/Self-Build housing. As Cllr Hooton (Chairman of Planning – Winsford Town Council) explained, social housing has posed problems for Winsford over the years. He advised that the Town Council want to see more social housing from the Council and social landlords. The affordable houses proposed will be transferred to and managed by a Registered Social Landlord exactly how Cllr Hooton wishes.
172. The Council wish to portray the position of affordable housing delivery as being “*admirable*”. However, the LP target is less than half the annual need arising in the District. The LP is failing at the outset to meet the full needs of household’s requiring assistance with their housing choices. Whilst obviously now forming part of the DP, this requirement was not what JonS was comparing when assessing net annual affordable housing delivery against annual needs.
173. Comparing net annual AH delivery against the annual requirement in the Strategic Housing Market Area (SHMA), covering exactly the 5-year period, the delivery record is much less rosy. As JonS’s evidence shows with this comparison (JonS Figure 4.7 page 37 of PoE) there is an accumulated shortfall of -1,503 dwellings over the first 5-year period. These households have not had their housing needs met. These households are being failed by this Council.
174. Given that the backlog is increasing, there can be no net ‘social progress’ in addressing AH needs in the District. Subsequently, it is highly questionable how the Council can be content with this, regardless as to how well it is performing against the pragmatically founded LP target. Any additional AH contribution must be especially beneficial in at least mitigating the continuing harm. In this context JonS considered the delivery of AH to be abysmal<sup>33</sup>. JonS agreed in Xx that delivery compared to the LP target was better but that is not the true picture of AH provision and need in CW&C.
175. A major part of the Appellant’s case is the fact that the proposal involves the delivery of up to 74 affordable homes, equivalent to 40% affordable housing. The affordable housing offer at 40% is numerically 10% more than required by Policy SOC1. This equates to an extra 18 affordable homes or 32% more than would have been delivered by a policy compliant proposal. Furthermore, in the event that the Custom and Self-Build housing is not provided, that 10% would revert to AHs so that the AH offer would total 50% of the entire dwellings on the site. It was agreed in Xx of Jills that in this scenario the appropriate weight to be given in the planning balance would be very substantial.
176. The appropriate weight to be given to AH in the overall planning balance is of fundamental importance and has been a matter which the SoS and Inspectors have regularly considered. In JonS’s opinion it should attract nothing less than very substantial weight. This contrasts with the substantial weight awarded by the Council, which appears to be a deliberate ploy on its part to downplay the vast array of worsening market indicators. These justify JonS’s position of ascribing a greater degree of weight than was given in 2015. To merely accept the same weight would fail to take account of significant changes in local circumstances.

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<sup>33</sup> See Section xiv of JonS’s Executive Summary

177. The delivery of new housing contributes to the social and economic roles of sustainable development (SD). It delivers major benefits in line with the Framework's policy. Those merits are brought into stark reality by the evidence of JonS, and especially the 6,204 households falling into need. JonS explained that in spite of stricter registration criteria there remains a high number of households needing assistance with their housing needs. As the Inspector asserted at para 8.122 in the Pulley Lane, Droitwich Spa appeal [CD17/8]

*"Needless to say, these socially disadvantaged people were unrepresented at the Inquiry".*

178. As is evident from JonS's evidence, the need for accelerated AH provision pervades national and local policy. The estimated AH needs are considerable, with the 2013 SHMA setting out a requirement of some 714 affordable dwellings per annum.

179. As JonS explains, there is an accumulated shortfall of some 1,503 dwellings since 2013/14 (JonS figure 4.7 page 37 of PoE). Not an insignificant figure equating to almost half the growth in the waiting list between April 2015 and April 2018 (Change of 3,414 more households). The growth in the housing register has been staggering. It was previously acknowledged that the housing register had been artificially reduced in 2014 from 19,000 households to 2,790 households in 2015 (JonS figure 4.1 and para 4.7 page 32 of PoE). Despite the stricter qualification criteria introduced by changes allowed in the Localism Act 2011, the housing register has increased by over 3,400 households in the space of just 3 years. This is more than 3 households per day registering or re-registering (JonS XIC). There are now 6,204 households on the register as at 1st April 2018. Yet the Council make no reference to the worsening of the housing register.

180. The hugely important benefits of living in a home such as: secure tenure, ability to set down roots, ability to plan for families and to be close to relatives and support groups is immeasurable and has no doubt manifested itself into the "*grief and hardship*" referred to by Mr Boles back in 2013.

181. The Appellant contends that there is a vast array of indicators which have also not been fully considered by the Council. These indicators are illustrated by JonS in his PoE<sup>34</sup>.

182. There can be no doubt that there is an acute need for AH in CW&C. The proposals will deliver a substantial number of AH, for which there is a significant demonstrable need and in a sustainable location. This should be considered in the context of significant under-delivery against the SHMA requirement, with JonS ascribing very substantial weight to the delivery of much needed AH. The need for AH at Winsford is also very evident. This point was echoed by Mr. Tony Hooton (see para 315 below).

183. Finally, Table 4.7, as contained within the PoE of JonS<sup>35</sup>, highlights the underperformance of the Council when it comes to the provision of AH since

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<sup>34</sup> JonS pgs. 31-34, 36, 37 & 51.

<sup>35</sup> Ibid at paragraph 4.22 page 37.



2013/14. In none of the previous five years has the Council achieved its identified AH need of 714 dpa<sup>36</sup>. The closest it has got was in 2017/18, with 552, still some 162d short. In the previous 5 years, the Council has achieved 2,067 net AH completions, 1,503 less than the required 3,570. It has delivered less than 58% of that which was required. This shortfall affects real people, in real need. Given the above, the AH provision must attract nothing less than very substantial weight.

#### *Self-build*

184. The Housing White Paper (CD12/7) is clear that:

*"The government wants to support the growth of custom build homes".*

185. As recently as 16 October 2018, during a debate on housing and homeownership in the House of Commons (Appendix AM2), the Housing Minister Kit Malthouse reaffirmed the Government's commitment to self-build and custom build, stating that:

*"We are very keen to encourage self-build".*

186. The revised Framework sets out at Paragraph 60 that in determining the minimum number of homes needed, strategic policies should be informed by a local housing need assessment. It goes on at Paragraph 61 to say that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in policy, including *"people wishing to commission or build their own homes"* with footnote 26 of the Framework detailing that:

*"Under Section 1 of the Self-Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and Custom-Build properties could provide market or affordable housing".*

187. The Council does not dispute that there are 309 households on their self-build register seeking a self-build or custom housebuilding serviced plot, nor do they appear to dispute that the Self-Build and Custom Housebuilding Act 2015 requires them to grant enough suitable development permissions to meet identified demand.

188. What has become apparent however is that the Council has no idea whether it is granting sufficient permissions to meet demand. As Jills conceded in Xx she does not know how many self-build plots the Council has granted planning permission for in the plan period. Furthermore, Jills was unable to point to any other site in Winsford that provides a self-build plot.

189. In the re-examination (re) of Jills, the Council sought to contend that because Winsford urban area is nil-rated for CIL then the chances of learning about self-build from CIL exemptions in Winsford was not possible. However,

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<sup>36</sup> Taken from the 2013 SHMA.

this merely seeks to distract from the fact that the Council simply do not know how many self-build plots there are in CW&C and have no idea whether they have granted sufficient suitable development permissions to meet demand on their register.

190. It is important to remember that the Self-Build register, whilst being an important tool in helping to gauge local demand, cannot predict longer term demand for plots and is therefore only a part of the picture in robustly assessing demand.

191. The Framework is clear that:

*"Local authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance within NPPG)"<sup>37</sup>.*

192. It signposts the reader to the housing and economic development needs guidance, which states that:

*"In order to obtain a robust assessment of demand for this type of housing in their area, local planning authorities should assess and review the data held on their register. They should also supplement the data from the registers with secondary data sources such as: building plot search websites, 'Need-a-Plot' information available from the Self Build Portal, and enquiries for building plots from local estate agents."<sup>38</sup>*

193. Appendix AM3 to Andy Mojer's (AM's) Self-Build and Custom Build Statement [ID9 Ap.13] contains secondary data supplied by Build Store who hold the UK's largest database of self-build building plot opportunities. This data shows that there were 443 registrants on their Custom Build Register wishing to create their own home within a 10-mile radius of the appeal site.

194. In addition to this, the Build Store secondary data shows that there were 1,209 Plot Search subscribers within a 10-mile radius of the appeal site. These are people who are actively looking for a plot to build or commission their own home within this area.

195. This is precisely the type of secondary data source that the NPPG expects to be used to supplement the Council's own self-build register, in order to obtain a robust assessment of demand in the area. The Council have failed to do this and in doing so cannot consider the data on their self-build register alone to form a robust assessment of demand within CW&C.

196. The fact that the Council have failed to robustly assess demand in line with the requirements of the NPPG calls into questions their contention that the 18 self-build plots on the appeal site would fail to come forward due to a lack of demand.

197. Emerging CW&CLP P2 Policy DM20 is intended to require residential development proposals to demonstrate how development proposals will address

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<sup>37</sup> Paragraph: 011 Reference ID: 57011-2016040127.

<sup>38</sup> Paragraph: 020 Reference ID: 2a-020-20180913.

demand for self-build and custom build housing. But it sets no targets and allocates no sites.

198. It follows that it must be noted that neither adopted nor emerging policy expressly define a target for self-build and custom house building in CW&C. Additionally, the Council does not appear to have any particular mechanism (such as a percentage requirement to provide self-build plots on qualifying sites for example) for securing delivery.
199. Without sites such as the appeal site, which could deliver 10% of its units as serviced self-build and custom housebuilding plots, it is unclear how the Council intends to address demand for self-build and custom housebuilding within CW&C.
200. The Council's contention that there is insufficient demand and therefore the benefit of the self-build plots would fail to materialise as a deliverable benefit was mitigated during the inquiry by the introduction of a fall-back position. Should the self-build units remain undelivered within five years, then they would revert to affordable housing plots, thus increasing the overall affordable housing offer to 50%. The appellant contends that this should be afforded nothing less than very substantial weight. As Jills conceded in Xx, the fall-back position means that in either eventuality a material benefit of substantial weight would be delivered through the appeal proposals.
201. The appellant's position remains that there is sufficient demand for the 18 self-build plots despite the introduction of a fall-back position. When considered against the scale of unmet demand and the lack of a suitable strategy from the Council to address demand, the provision of 18 self-build and custom build plots through the appeal proposals should be afforded nothing less than substantial weight in the planning balance.
202. Full details of the self-build evidence is provided in the evidence of AM [ID9 Ap.13] and supplemented by evidence from JonS.

#### *Local Training and Employment*

203. The proposed condition is very similar but more specific than the condition the Council itself imposed on the Ledsham Road permission. The Appellant's suggested condition is much superior in its clarity and intention. The purpose is to ensure that some of the work carried out in building the site is done by people local to both Winsford and Cheshire West. There is clear evidence of multiple deprivation in Winsford and one might have expected the Council to welcome such a condition. There are no enforcement problems. The Appellant will ask the house builders and their contractors to keep a record of the people they employ, and each contractor will plainly be made aware of the condition. The Appellant's Estate office will itself keep all of the records.

### **Sustainable development**

204. The proposal would deliver sustainable development, offering a wide range of benefits within all three objectives of sustainable development<sup>39</sup>, on a site that is

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<sup>39</sup> NPPF 2018 paragraph 8.



accepted as being in a sustainable location. Whilst this is dealt with in detail in chapter 7 of the PoE of JonS, the key benefits would be:

*Economic*

- a) House building, with specific support for a local SME building firm with exclusive access for them to a major housing site;
- b) Additional employment opportunities within both Cheshire West and Winsford in particular;
- c) A commitment to the training of local people to work on the site;
- d) Additional expenditure by the new households in the local economy;

*Social*

- e) The delivery of a choice and mix of housing in a sustainable location, including: market housing, affordable housing and self-build on the one site;
- f) An affordable housing provision of 40% against a Council requirement of 'up to 30%';
- g) On site open space provision of at least 8,000sqm. against a Council minimum of 5,000sqm;
- h) Financial contributions towards a new playing pitch, parks and recreation and play for youth;

*Environmental*

- i) The site is located in a sustainable and accessible location in respect of bus, cycling and walking provision;  
and
- j) An enhanced habitat will be made available on site with the creation and long-term management of four ponds for the use of GCNs.

## **The Planning Balance**

*The Tilted Balance*

205. The titled balance applies because Policies GS5 and STRAT 9 are out of date. It would also apply if there was not a 5-year supply of housing land. The proposal plainly satisfies the test in Framework, para 11(d) (ii). The adverse impacts come nowhere close to outweighing the benefits, which are many and attract much weight. There are no 11(d)(ii) policies which apply here.

*Section 38(6) PCPA Balance*

206. If the titled balance does not apply, then it is the conventional status test which applies. The Appellant does not consider that this proposal conflicts with the DP, save for Policy STRAT 9 of the CW&CLP P1, which should be afforded reduced weight in any event, owing to its inconsistency with para 213 of the Framework 2018.

207. However, in the alternative and should further conflict with the DP be found, including with regard to Policy H1 of the WNP, then the benefits which are termed other material considerations far outweigh the conflict found with the DP. This is the exact route to approval taken by Inspector Dakeyne and which can properly be taken again if required, based on the considerations and sustainable development outlined above.

### Overall Conclusion

208. There is a real need for this type of development in England and Cheshire West, to assist in addressing the housing crisis. It is a proposal entirely aligned with Government policy. It is a proposal comprised solely of plots for self-build, custom build, small and medium sized local builders and affordable housing. The SoS should properly take these into account. His failure to do so last time was unlawful. Giving them little weight, as the Council suggests, would be wholly contrary to the thrust of Government policy, statement and emphasis. It would send precisely the wrong message to the house building and self-build sectors.

209. The WNP does not allocate the level of housing necessary to meet the Council's minimum requirement for the town as set out in the LP. It allocated land for 3,362 new homes, whereas the Local Plan requires a minimum of 3,500 new homes. Being later in time it is the LP figure which takes precedence<sup>40</sup>. Being a minimum, the Local Plan figure for Winsford is to be exceeded. That is what the plan intends. But to be clear, at para 3.13 pg 25 the WNP Examiner was plain that the housing allocations in the WNP were not to be seen as a cap [CD 15/2]. There are clearly delivery problems with the main site at the Station Quarter where over 1,000 homes are allocated. Not a single house has been completed in that area and the vast majority of the sites (nearly 800d) do not have planning permission.

210. The Appellant believes the Council is not able to demonstrate a 5-year supply of housing land. But to be clear, a shortfall in the 5-year supply is not a requirement to grant planning permission, as evidence by the SoS's own decisions at Hook Norton in Cherwell [CD17/42], and Watery Lane in Lichfield [CD17/39]. The former was also contrary to a newly made NP. The latter was contrary to a whole host of LP policies. The SoS also took that view in CW&C at Sealand Road, Chester [CD17/1]. There are a host of other appeal decisions in which this has also been the case, such as sites at Upper Chapel, Launceston [CD 17/23], Foldgate Lane, Ludlow [CD17/33], Drakes Broughton, Worcestershire [CD17/35] and Whitworth Way, Wilstead in Bedfordshire [CD17/45]. Additionally, in this Borough at Fountain Lane, Davenham [CD17/41] and Hill Top Farm, Northwich [CD17/40]. However, if there is a shortfall, it is another route to the tilted balance and also a major material consideration weighing in favour of the proposal.

211. In the light of the evidence of BP, AM, JS and JonS, the Appellant once again invites an Inspector to recommend approval of the proposal (as has been the

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<sup>40</sup> Section 38(5) of the Planning and Compulsory Purchase Act 2004: *"(5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan"*.

case twice before) and invites the SoS to grant planning permission in a manner which is consistent with his own decision at Lydney.

## THE CASE FOR CHESHIRE WEST AND CHESTER COUNCIL<sup>2</sup>

### Introduction

212. The Appellant has persistently referred to large numbers of other appeal decisions both of Inspectors and the SoS, pointed to the language used, particularly as regards the weighting of various factors used in that case, and invited others to agree that such language would be appropriate in this case. That is a simplistic and inappropriate approach.
213. It is the most basic principle of decision making that all cases must be addressed on their own merits. A decision maker's choice of language and of adjective to describe weighting is a classic example of a case-specific and a fact-specific assessment. For example, the Inspector's and the Secretary of State's findings about the weighting to be given to the "*local approach*" and to the completion of the scheme by small or medium builders in the Lydney appeal [CD 17/2] was no more than a product of the facts at play in that case. To lift the language from the decision letter, deprive it of context and then seek to insert it into the balancing exercise at play in this case is to make a basic and fundamental error.

### Five-year housing land supply

214. The Council's position remains that there is a five-year supply of deliverable housing land. It is common ground that the five-year supply position is to be tested borough-wide and that the requirement figure for the Winsford area is not to be used to calculate the five-year supply.
215. It is notable that the Appellant's very best case only reduces the Council's supply to 4.69 years<sup>41</sup>. The Appellant only has to be slightly wrong in order for the Council to have a five-year supply. Indeed, if BP's approach to the requirement calculation is wrong, then even if he is right on every single point that he takes in relation to the supply side of the calculation, the Council would still have a 5-year supply<sup>42</sup>.

#### *The Housing Requirement*

216. Part 1 of the LP provides that at least 22,000 net new dwellings should be provided over the twenty-year plan period. That is an annual rate of at least 1,100 dwellings. The dispute in calculating the requirement is limited to the question of whether past annual delivery over 1,100 dwellings per annum should be discounted from the minimum requirement calculated for future years. Provision could not sensibly be tested by reference to an unspecified, but higher, figure.

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<sup>41</sup> See the summary table on page 72 of BP's proof.

<sup>42</sup> Council 5-year requirement = 4814, Appellant supply = 5423, giving a supply of 5.63 years.

217. Even if some student accommodation completions were to be deducted from the Council's figure for completions, in the eight years of the plan period so far (10,992 units), provision well above the minimum requirement has been made. The minimum requirement to be met over the rest of the plan period can only be the 22,000 figure minus completions so far. On the Council's completions, that means that at least  $22,000 - 10,992 = 11,008$  units have to be provided over the remaining 12 years of the plan (at least 917.3 net new units per annum).
218. The five-year requirement should be a product of that residual figure. To do otherwise risks imposing a requirement figure upon the Council, which, if in relation to which there is not a five-year supply, imposes the tilted planning balance and a finding that important policies are not up to date, even though housing provision is well on track to meet needs over the plan period and is meeting needs in the plan period to date. Such an approach makes no sense.
219. It is no answer to say that the Framework, in all of its versions, implores us to boost significantly the supply of housing. The way in which the Framework sees that objective, as set out in para. 59, is by identifying and meeting needs as para 73 requires. The Council is doing so. Furthermore, as was pointed out in cross-examination of BS, CW&C is an authority where the plan's annual requirement figure of 1,100 net new dwellings was not a reduction from the OAN figure but is the full OAN.
220. Further, as BF sets out, to keep providing at a rate of 1,100 dwellings per annum, regardless of the plan's performance to date, risks having to provide houses in places which conflict with the plan's strategy and which therefore risks being unsustainable.
221. The Appellant refers to two decision letters which it says support its case. They are both markedly different from the position in this Borough:
- a) In the Doncaster [CD 17/16] case, the Council was using a requirement figure from its SHMA, with a base date of 2015/2016 (para.8), which had been exceeded in the first year of the relevant period (para.37). That was hardly a firm foundation against which to test housing provision and it is not surprising that the Inspector took the approach she did in that case in those circumstances;
  - and
  - b) In the Wendover appeal [CD 17/15], the Council seems to have been making its case by reference to alleged oversupply which took into account delivery in years prior to the requirement's base date (para.118), which is odd to say the least, as BP accepted in cross-examination. Further, in asserting that delivery at higher rates would not be problematic (para.119), the Inspector does not address (and may not have had to address) the point made by BF about the risks of unsustainable development at much higher rates than the plan period minimum rate.
222. Instead, the Council can draw firm support from the report of the Cotswold LP Inspector [CD 18/10]. He concluded in that case at para 187 that:
- "An approach that fails to take account of completions during the plan period would result in additional land being made available for development that is not required to meet identified needs. In a high demand area such as*

*Cotswold district such land would no doubt be developed. This would lead to the unnecessary loss of greenfield sites and be likely to lead to increased commuting out of the district."*

223. This appeal is a manifestation of the risk that greenfield land could be unnecessarily lost if the housing land requirement is not calculated on a residual basis. There is every sense in using the residual basis to calculate the requirement here and no sense in using a flat annual rate, whatever past performance. With the agreed 5% buffer, the five-year requirement in this case is 4,814 units, net.

#### *Supply issues*

224. The Appellant complains about the way in which the Council's five-year supply assessment is carried out, particularly as regards consultation. However, there is no merit in its criticism, for the following reasons:

- a) The Appellant points to NPPG<sup>43</sup> paragraph 3-030-20180913 "*How can an authority demonstrate a 5-year supply of deliverable housing sites?*". That paragraph refers to consultation in the context of plan preparation and, even then, only refers to consultation as regards the assumptions being used. As is clear from the evidence, the Council has consulted upon the assumptions which are used in the absence of site-specific evidence, both in the SHMA and Housing and HELAA processes;
- b) The Appellant also refers to NPPG paragraph 3-047-20180913 "*How can authorities review their five-year supply annually?*". Again, the reference to consultation is in the context of formulating assumptions;
- and
- c) Paragraph 3-051-20180913 of the NPPG "*What engagement should the authority undertake to prepare an annual position statement?*" is wholly about the requirements relating to annual position statements. It is irrelevant.

225. The Council's forecasting has proven to be remarkably cautious. The graph/bar chart on page 34 in Appendix 3 of the 2018 Housing Land Monitor [CD 13/5] shows that for the numerous forecasting exercises made for a number of future years, only one forecast for one specific year proved too high. Every other forecast made produced a figure which is lower than the figure for completions, which was subsequently achieved for that year. This Council does not make over-optimistic and unrealistic forecasts for delivery.

226. The revised Framework does change the definition of "*deliverable*", as regards the evidential requirements for demonstrating whether sites are deliverable or not. The Council does not accept that sites without planning permission, a plan allocation or sites which are not included in the brownfield register can never be included in a five-year supply. The basic definition of "*deliverable*" is still set out in the first part of the definition, and refers to sites which are available now, offer a suitable location for housing now, and which are achievable, with a realistic prospect that housing will be delivered on the site within 5 years.

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<sup>43</sup> All of the NPPG paragraphs referred to in this paragraph can be found in CD12/2.

227. The rest of the definition sets out where the evidential burden lies for various sites. To read the rest of the definition as two "*closed lists*" as the Inspector did in para 30 of the Woolmer Green decision [CD 17/11], reads too much into the paragraph. If the SoS really meant to exclude greenfield sites (or brownfield sites which are not on the brownfield register) with no permission and no allocation from the possible five-year supply (even if, for example, they had a resolution to grant full planning permission), he could be expected to have said so in plain terms.
228. It is notable that the recent consultation on amendments to the Framework states that the SoS is contemplating clarifying the guidance on what weight can be given to sites with different levels of planning certainty<sup>44</sup>. That part of the consultation does not suggest that the SoS intends there to be a "*bright line*" between sites which can be included in the five-year supply and those which can never be included. The purpose of the two lists is to explain when sites need to be shown to be undeliverable and when they need to be shown to be deliverable. They are not exhaustive lists of the only types of site which can be included in the supply calculations.
229. Further, the Appellant is far too demanding as regards the "*clear evidence*" of delivery that the Framework and NPPG expects to see before a site can be included in the five-year supply. The NPPG at 3-036-20180913 [CD 12/2] sets out three bullets listing the types of material which could contribute towards demonstrating clear evidence "*may include*" and then gives two "*examples*". It is self-evident that this paragraph does not provide an exhaustive list of the type of "*clear evidence*" which may be expected. Yet the Appellant's repeated position, during the round table discussion on supply, was to use these examples as though they were the only types of evidence which could be used. BP even went so far at one point as to claim that a site should be excluded from the supply simply because it was not the subject of a SoCG between the developer and the Council.
230. The Appellant also takes a point about post-base date information. The Council is not guilty of trying to shift a base date. No category shifting of sites is going on. No site which was not in the supply as of 1<sup>st</sup> April 2018 is now being included through the partial review of supply or BF's evidence. Where new information is being referred to, it is for the purpose of testing the judgments formed about a site and its categorisation at the base date and for showing that those judgments are correct. Inspector Dakeyne understood and properly concluded upon this issue in para 220 of his supplementary report on this appeal [CD 2/7], where he stated:

*"So far as post-base date information is concerned, it is appropriate to take into account information received after 1 April 2015 if it affects events prior to, or predictions as to delivery beyond, that date. Moreover, I agree that information that supports a pre-base date judgement should not normally be ignored [SR131]. However, generally sites should not be added or taken out post-base date. They will be picked up in the next HLM equivalent."*

231. That is the precise and sole purpose for which post-base date information is being used by the Council now, as it was in 2015. The irony, of course, is that

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<sup>44</sup> "Technical Consultation on Updates to National Guidance" Page 15, para 38 [CD 12/14].



the Appellant condemns the Council for not immediately responding to the Framework revision in July and the NPPG revisions in September with a whole new set of evidence to prove deliverability of sites at the base date. However, had it done so, the Appellant would have said that such information was an illegitimate attempt to use post-base date information.

232. Finally, the Appellant points to the risk of developers with sites in the five-year supply "*talking up*" forecast delivery in order to promote their sites at the expense of competitors' sites. There are two simple answers to that point:

a) The point can be met with the equal and opposite point that the Appellant has a very direct interest in "*talking down*" sites in the supply in order to promote its own position, so the point goes nowhere;

and

b) Rather more constructively, such a risk of sites being talked up has not manifested itself, given how cautiously robust the Council's forecasting has proven to be, as set out above.

### *Specific Categories of Site*

#### *Communal Establishments*

233. There is no issue in this regard. Only C3 uses are counted towards the five-year supply. C2 uses appear in the monitoring information as DHCLG requires the information, but those units do not figure in completions against the five-year requirement or forward-looking supply calculations.

#### *Demolitions and other losses*

234. Every element of the Council's housing land supply assessment is done on a net basis. Paragraph 5.21 of the LP points out that an assessment needs to be done on a net basis. It is. Completions are assessed net. Every known site in the housing land supply is looked at net. Even the modest small sites windfall allowance for years 4 and 5 is done on a net basis. It is even the case that the future forecasts take into account future losses from residential use, which are not connected to a scheme creating new dwellings: see, for example, site HOO/0061, 5 Derby Place, Chester, on the sixth page of the tables in Appendix 4 of the HLM [CD 13/5], where net housing losses without any new housing creation are allowed for. The Council again points to Inspector Dakeyne's conclusions in paras 225 and 226 of his SR [CD 2/7], where he accepted the Council's submissions. There is no reason to take a different view at this Inquiry.

235. The Nether Peover Inspector at para 19 of his decision letter<sup>45</sup> expressly said he was discounting from a net figure. The purpose of a net figure is to account for demolitions and losses. One discounts from a gross figure of losses and demolitions to get to the net figure in the first place. To discount from a net figure to allow for demolitions is to perform the discounting process twice. Whilst the Inspector's decision at Hill Top Farm [CD 17/40] is not explicit, he does not appear to have discounted any figure from the Council's supply to allow for

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<sup>45</sup> BP's App EP1D.

demolition or losses, because he noted that monitoring and forecasting was all done on a net basis.

236. There is no reason to discount from the Council's supply figure on this issue.

*Student Accommodation*

237. This is an issue which has been gone over on a number of previous occasions. The Council recognises that Inspectors have found for Appellants on this point, notably at Tattenhall [CD 17/3] and previously in this case. However, events have moved on since this issue was last considered by Inspectors.

238. CW&CLP P1 took into account the housing need generated by students in self-contained student accommodation. That is made clear by note ED112 which was submitted to the LP [CD 13/10]<sup>46</sup>. A need which is accounted for in requirement ought to be taken into account when provided, as a contribution to supply. BP agreed with that principle. The two sides of the requirement and supply calculation need to be conducted on the same basis.

239. The nub of the Appellant's point is that self-contained student accommodation is not freeing up general market housing in Chester because the University is expanding to a degree which was unforeseen when CW&CLP P1's housing requirement was devised.

240. Whatever the position in front of previous Inspectors, the evidence at this inquiry does not support that contention. The Higher Education Statistics Authority (HESA) figures, to which the Appellant has had access via the weblink referred to in BF's evidence (but has not challenged) show that, overall, student numbers have not increased and the rise in full time students has been much more modest than predicted in the 2013 and 2014 reports appended to BP's evidence. The Appellant has totally failed to consider whether the evidence relied upon at previous inquiries is still up to date. It manifestly is not.

241. Further, on the evidence, it is impossible to conclude that any increase in full-time student numbers across the whole university manifests itself in increased need in Chester. The University of Chester has multiple sites – in Chester, Rease Heath (near Nantwich and out of the Borough), Warrington and Shrewsbury. The University cannot or will not release figures broken down by site. BP's assertion that the Shrewsbury campus is small turned out to be an erroneous reliance upon the entry into studies by one cohort of students in one year. Without more information about the number of years of study pursued by students and whether there are undergraduate courses, post-graduate courses or both available, makes his reliance on that simple figure meaningless.

242. The HESA data and the points about the existence of the Rease Heath, Warrington and Shrewsbury sites are new ones, to which the Council has not drawn attention before. There is thus a justifiable reason for the Council inviting a different conclusion on this issue now. The facts have changed, with important consequences.

243. Further, the NPPG makes it clear that all types of student accommodation can count: see NPPG ref 3-042-20180913 [CD 12/2]. The Council only includes self-

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<sup>46</sup> See, especially, the table summarising the position.



contained accommodation and so takes a cautious approach. Further still, if it is not accepted that self-contained student accommodation can be counted towards meeting requirements, then BF has provided unchallenged evidence of the average student household size. By reference to table 6.2 on page 19 of BF's evidence, 442 units should be included in supply on the basis that all of those units go to meet identified needs. But, at the very least, 137 units should be included, as she sets out.

244. No deduction should be made to the supply or past completion figures on this issue.

*Sites with Outline Planning Permission or subject of a development plan allocation*

245. The November 2018 partial HLM review [ID 17] led to a narrowing of issues in relation to this category. The remaining sites that are in issue are listed in para. 3.09 of the HSoCG. Six sites that account for 300 dwellings are disputed.

246. These sites were discussed at the round table session. In very large measure, the Appellant's position is explained by what it regards as being necessary if the Council is to provide "*clear evidence*" of deliverability in five years. The Council's position is summarised in the entries in the tables at Appendix 1 of the November partial HLM review for all of these sites, save for Wrexham Road, which is dealt with in Table 2 in Appendix 2. In each case, for the reasons set out in the tables and expanded upon by BF, in the round table session, the Council's contribution to supply from these sites is supported by clear evidence on a site by site basis.

*Non-Allocated Sites without planning permission*

247. Again, the partial HLM review of November 2018 has narrowed the issues. The remaining sites that are at issue are listed in para. 3.11 of the HSoCG. Six sites that account for 222 dwellings are disputed.
248. The Council's position on each site is set out in table 3 of Appendix 3 of the November 2018 partial HLM review. In each case, there are sound reasons amounting to "*clear evidence*" for their inclusion. The Appellant's point largely rests on its contention that such sites can never be included in a five-year supply calculation, a point which is rejected for the reasons set out earlier.

*Build-Out Rates and Lead-In Times*

249. There are 5 disputed sites in this category, which are listed in para. 3.12 of the HSoCG. 505 dwellings are disputed. All of these sites were discussed at the round table session and the Council's position on the first, third and fourth of these sites are summarised on page 22 of BF's evidence at table 7.3.
250. This issue is not one where the Framework definition of deliverability puts the burden on any particular person. Site specific evidence of build out rates and lead in times are used when available. For Roften Works, standard lead-in times have been used by the Council. Further, BP's calculation for delivery at Ledsham Garden Village is unreliable because it applies, in part, to a build out rate for a part of a year and he turns that into an annual figure for the purpose of calculating average delivery, thus underplaying the delivery from the site. The Council's position on these sites is robust.

### *Small Sites Allowance*

251. The Council only uses an allowance for small sites, namely those below 5 units in size, and then only in years 4 and 5. Small site delivery in years 1, 2 and 3 is forecast on a site by site basis, making a further allowance for a lapse rate unnecessary. Small sites have an estimated contribution of 115 units in each year, making a total contribution to supply of 230 units in years 4 and 5.
252. BF's evidence explains that such small sites have consistently been shown to be a reliable source of completions. The rate of completions has generally increased as time progresses: see para 6.47 of her evidence. The 115-unit rate of delivery in years 4 and 5 accords well with the rate of completions from this source in recent years: see table 5.1 in the 2017-2018 HLM [CD 13/5]. Comparing forecast delivery to past-completions means that it is, again, unnecessary to make a further allowance for a lapse rate as the completions are the reality of what number of units has been delivered from this source over time. Again, there is no reason to deduct from supply on this issue.

### *Housing Land Supply – Conclusion*

253. The requirement figure for the five-year period is 4,814 units<sup>47</sup>. The Council's deliverable supply, taking the Framework revisions into account, stands at 7,277 units<sup>48</sup>. The supply is 7.56 years. As a result, the housing land supply position in CW&C does not engage the tilted planning balance.

## **Development Plan policies, the weight to be afforded to them and whether the appeal would accord with the Development Plan**

### *Local Plan Policies*

254. It is common ground that the proposals breach both Policy GS5 and Policy STRAT 9. Saved VRLP Policy GS5, has to be addressed in the light of Policy STRAT 9 of the CW&CLP P1. Policy GS5 performed two functions: it provided settlement boundary limits for, among other places, Winsford, and then applied a development control test to proposals for development beyond those settlement limits. The policy, along with its boundaries, has been saved.
255. CW&CLP P1 Policy STRAT 9 provides a new development management test, and is applied, at present, to the saved Policy GS5 boundaries. Policy GS5 was saved because, without it, Policy STRAT 9 would have no territorial application in the former Vale Royal part of the Borough<sup>49</sup>. The development management test in Policy STRAT 9 is more up to date than that in Policy GS5, has been found sound, and is to be preferred. The position is that Policy STRAT 9's test is to be preferred to that in Policy GS5 and Policy STRAT 9's test applies beyond the Policy GS5 boundaries, at least until CW&CLP P2 is adopted.
256. The Appellant's contention that Policy STRAT 9 only deserves modest weight because it is out of date by reason of being inconsistent with the Framework is not correct. Policy STRAT 9 was found sound in accordance with the 2012

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<sup>47</sup> November 2018 partial HLM Review table 5.1, page 10.

<sup>48</sup> Ibid table 5.2 pages 10-11.

<sup>49</sup> And the same difficulty would have arisen in the former areas of Chester City Council and Ellesmere Port and Neston Borough Council.

version of the Framework. Nothing has changed in the 2018 Framework to mean that a formerly sound policy became out of date in July 2018. In para 161 of the Examination report, the Local Plan Examiner did take into account a contention that Policy STRAT 9 was inconsistent with the Framework because it referred to protecting the countryside [CD13/3a]. The Inspector still found the policy sound. Furthermore, Inspector Dakeyne found Policy STRAT 9 to be up to date and did not reduce the weight he would otherwise have given it (see SR para252 [CD 2/7]). The decision-making test in Policy STRAT 9 deserves full weight.

257. The Appellant makes the point that the boundaries to which Policy GS5 apply are out of date because they come from a time-expired Local Plan and planning permission has been granted for housing on land beyond those settlement limits. This is an argument which has been put to and comprehensively rejected by the Court of Appeal<sup>50</sup>. In that case, Gladman argued that as a five-year supply had been achieved by granting planning permission beyond settlement limits, those limits were out of date because development in accordance with them could not meet up to date needs, and that, in other words, the plan was "*broken*" in that regard. The Court held that the mere age of a policy does not deprive it of the statutory priority given to it by section 38(6) of the Planning and Compulsory Purchase Act 2004<sup>51</sup>.
258. Further, because the Framework attaches importance to plan-led development, significant weight should be given to the general public interest in having plan-led planning decisions, even if particular policies in a DP might be old. There may still be a considerable benefit in directing decision-making according to a coherent set of plan policies, even though they are old, rather than having no coherent plan-led approach at all [para 40(iv)]. The Court expressly rejected the argument that the plan, or its settlement limits were "*broken*", holding at paras 43 and 44 that such grants of permission were simply an illustration of section 38(6) at work. It characterised the argument as "*unsustainable*". The argument put to JILLS on this issue at this inquiry is just a repetition of Gladman's rejected case. It must fail for the same reasons as it failed in Daventry.
259. Inspector Dakeyne picked up on the point about the reasons for Policy GS5 being saved and its relationship to Policy STRAT 9. He observed that the decision-making test in GS5 had been effectively superseded by that in Policy STRAT 9. That meant that Policy GS5 should not be afforded full weight in terms of its general application [CD 2/7]<sup>52</sup>. However, he also recognised that the position of GS5 as regards Winsford was different. He noted the allocation of sites for some 3,360 units in the NP and that Pdl sites have been and will be found in accordance with its policies H1 and H2. He also noted that, although CW&CLP P2 will have to define new settlement boundaries, the NP allocations will form the main basis for the settlement boundary. As a result, sites which are not allocated by the NP and which lie beyond the GS5 boundaries do not comply with STRAT 9<sup>53</sup>.

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<sup>50</sup> Daventry BC v SoSCLG and Gladman Developments Limited (2016) EWCA Civ 1646 (ID 38).

<sup>51</sup> Judgment para 40(i).

<sup>52</sup> SR pg 47 para 251.

<sup>53</sup> Ibid pg 48 para 255.

260. That conclusion led to Inspector Dakeyne affording "*considerable weight*" to Policy GS5 "*in the context of Winsford*"<sup>54</sup>. The Council supports those conclusions and the reasoning which led to them. Indeed, the Council's position has, if anything strengthened since the 2015 inquiry because the Council is not proposing to amend the settlement boundary in P2 of the LP so as to include the appeal site. It is plain that the NP allocations have, as Inspector Dakeyne foresaw, been the dominant factor in the approach to the proposed settlement boundaries at Winsford.
261. Furthermore, Inspector Dakeyne is not alone as an Inspector in concluding that more weight can be afforded to Policies GS5 and STRAT 9 than the Appellant considers. The same conclusions were reached by the Inspectors in appeals at:
- Shepherds Fold Drive, Winsford [CD 11/1]<sup>55</sup>;
- Hill Top Farm [CD 17/40]<sup>56</sup>;
- Fountain Lane, Davenham [CD 17/41]<sup>57</sup>;
- and
- West Winds, Winsford [CD 11/2]<sup>58</sup>.
262. Policy STRAT 1 embodies the requirement to provide sustainable development. It seeks to minimise the loss of greenfield land. Inspector Dakeyne was right to find that the appeal scheme involves a "*degree of conflict*" with Policy STRAT 1 because of the loss of a greenfield site<sup>59</sup> :- a conclusion which led him clearly to find that there was a breach of the policy overall [CD 11/1]<sup>60</sup>.
263. The Appellant relies upon the housing requirement figures for the Borough, as set out in Policy STRAT 2 and for the Winsford area, as set out in Policy STRAT 6, being minima as a reason to support the appeal scheme. But the plan has to be read as a whole. The plan does not advocate a free-for-all on housing numbers. Although the simple fact of provision over the minimum figures does not constitute harm, the plan's requirement figures are applied in relation to settlement boundaries. The Appellant's argument logically leads to the conclusion that a breach of Policies STRAT 9 and GS5 can be overlooked or downplayed. It cannot. Providing development within settlement limits, unless it falls within one of the types of acceptable development listed in Policy STRAT 9, is as much a component of the plan's strategy as the fact that the requirements figures are minima. The two issues go together.
264. Policy STRAT 6 sets out the indicative minimum requirement for the Winsford area. In re-examination (Re) of JonS, the point was made that the NP over-relied upon the Station Quarter. A mathematical exercise was undertaken, comparing the WNP allocations with those in CW&CLP P1. The exercise was a false one, because the policy provides approximate figures for the number of dwellings to

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<sup>54</sup> Ibid pg 49 para 260.

<sup>55</sup> Paras 14 to 17.

<sup>56</sup> Para 8.

<sup>57</sup> Paras 18 and 25.

<sup>58</sup> Paras 15 to 23.

<sup>59</sup> Ibid page 48 para 253.

<sup>60</sup> Ibid page 52 para 282.

be provided at the Station Quarter of "*in the region of 1000 new dwellings*" and the reference to the 775 units to be provided in the plan period must be seen in that context. The LP cannot be interpreted in a way which properly admits to such mathematical precision. There is no reason to think that the allocations in Policy H1 of the WNP are inappropriately high.

#### *Winsford Neighbourhood Plan*

265. The WNP has been made. It is part of the DP. The appeal site was put forward as an allocation for the WNP by the Appellant in the preparation and examination processes for that plan but was rejected. It was rejected because the Town Council did not think that the allocation would accord with the plan's vision<sup>61</sup> – an argument which the Examiner regarded as a sound reason [CD 15/2]<sup>62</sup>.
266. The WNP says that it seeks to actively plan where development should go<sup>63</sup>. For housing development, the plan contains a clear strategy of locating development close to the town centre, creating a new quarter around the railway station and creating positive new "gateways" at key arrival points into the town [CD 15/1]<sup>64</sup>. Developing the appeal site would not accord with any element of that vision.
267. The Appellant points to the key themes set out in the plan [CD 15/1]<sup>65</sup>. As to those themes which are relevant to the appeal scheme<sup>66</sup>:
- a) The Appellant says that the first theme would be served by the development providing new high-quality buildings. That point does not serve to justify a contention that the appeal site is a location for development which accords with the plan. Any development anywhere would be expected to be high quality;
  - b) The Appellant contends that the third theme would be served by residents of the scheme contributing to spend in the town centre. The same could be said of any site within reasonable proximity of the town centre and, again, this point cannot support the appeal site as a location for development within (or adjacent to) Winsford;
  - c) The reference in theme 4 to strengthening the employment base is obviously referring to employment development, not the employment provided by the construction of a housing estate. In any event, and once again, it does not support the appeal site in locational terms;
  - d) The reference to sustainable growth in theme 5 only makes sense if it is read alongside the plan's vision for locating development, as set out above, which the appeal site does nothing to support;
  - e) Theme 6 is about improving social, community and leisure facilities. The Appellant refers to the contributions to be made by the planning obligation. As those contributions comply with the requirements of Regulation 122 of the

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<sup>61</sup> Para 3.52.

<sup>62</sup> Para 3.54.

<sup>63</sup> Page 4 para 1.1.3 and page 20 para 4.1.1.

<sup>64</sup> Page 44, shaded box in left hand column.

<sup>65</sup> Page 17: themes 1 to 7.

<sup>66</sup> Theme 2 is not really relevant to the appeal scheme.

CIL Regulations, they are necessary to make the development acceptable in planning terms by satisfactorily mitigating impacts which would otherwise occur. In any event, this matter does not point to the appeal site being acceptable as a location for development;

and

- f) Theme 7 seeks the improvement of movement around the town and the region. The only improvements which the appeal scheme would bring would be to a short length of footway and the provision of cycling access into the site. These are very modest matters and do not support the appeal site as a location.

Overall, the appeal site draws no support as a location for development within Winsford from the themes of the plan.

268. Policy H1 (pg. 44) allocates sites to meet the vast majority of the need with which the plan deals [CD 15/1]. The appeal site is not allocated for development by that policy. The Appellant argues that the site's non-allocation does not weigh against the appeal proposal, as the housing requirement to which the plan relates is not a maximum or ceiling figure. However, as Inspector Dakeyne concluded [CD 2/7]<sup>67</sup>, *"such an interpretation would mean that policy H1 served no purpose in guiding and regulating development."* Further, the policy can derive no support from Policy H2 (pg. 46), which adopts a permissive approach to development on PDL land [CD 15/1].

269. Policy H1 of the WNP also requires proposals to accord with other policies of the NP and the LP. Development of the appeal site would not accord with Policies GS5 and STRAT 9, as is agreed. The appeal scheme conflicts with Policy H1 of the WNP, as Inspector Dakeyne accepted [CD 2/7]<sup>68</sup>. The policies of the NP have not changed since Inspector Dakeyne reported and there is no justification for reaching a different conclusion on that matter now.

270. There is no policy of the WNP which provides support for the development of the appeal site in locational or any other terms. JonS could point to none in Xx. The appeal scheme would accord with CW&CLP P1 Policy SOC1 on affordable housing, as is set out in a little more detail below.

*Breach of the Development Plan taken as a whole?*

271. The Council's position is that VRBLP Saved Policy GS5, CW&CLP P1 Policies STRAT 1 and STRAT 9 and Policies H1 and H2 of the WNP are the dominant policies of the DP for the purposes of determining this appeal. Inspector Dakeyne also accepted that Policies GS5, STRAT 9 and H1 were the dominant policies for development outside of the settlement limits [CD 2/7]<sup>69</sup>. The Council contends that the breach of those policies of the DP which are breached in this case amounts to a breach of the DP overall. Again, Inspector Dakeyne agreed<sup>70</sup>. There is no reason to reach a different conclusion now. The appeal scheme is in conflict with the DP when taken as a whole.

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<sup>67</sup> Supp report pg 48 para 256.

<sup>68</sup> Supp report pg 49 para 260 and pg 52 para 282.

<sup>69</sup> Supp report pg 49 para 260.

<sup>70</sup> Ibid pg 49 paras 260 and 282.



272. None of the relevant DP policies, still less those which could be called the most important for determining the appeal, are out of date for reasons relating to a lack of consistency with the Framework. The second possible route into the tilted planning balance does not apply in this case. Given the housing land supply position, there is thus no route into the tilted planning balance available to the Appellant.
273. It follows that a decision in accordance with the DP would be a decision to dismiss the appeal. The issue is therefore whether there are material considerations which indicate that a decision otherwise than in accordance with the DP should be taken in this case.

### **Scheme Benefits**

#### *Market Housing*

274. The appeal scheme would contribute more market housing. That is a social benefit deserving of weight, but the weight is tempered by the presence of a five-year supply across the Borough. As set out earlier, the requirement of the Framework to boost significantly the supply of housing is one which is to be met by identifying and meeting the need for housing. As far as market housing is concerned, that is being done.

#### *Affordable Housing*

275. The appeal scheme would contribute affordable housing at a rate of 40%, as opposed to a policy requirement of a target of up to 30% on qualifying sites. JILLS agrees that this is a social benefit which can be afforded substantial weight<sup>71</sup>. The issue is therefore limited to whether the word "very" should be added before the word "substantial", as JonS contends.
276. It should not. The position on affordable housing is not as bad as JonS would have us believe. Indeed, his written evidence calls the Council's delivery record as regards affordable housing "*abysmal*", which is not fair, as he accepted in Xx.
277. The Council points to the following matters on affordable housing. If it were to be (wrongly) assumed that every site was a qualifying site for affordable housing provision and every site provided at the full 30% rate (which would never happen), then the delivery of 22,000 dwellings over the plan period would lead to the delivery of 6,600 affordable units. In fact, the Council has delivered 3,139 affordable units over the eight years of the 20-year plan period to date<sup>72</sup>. That is a useful benchmark for assessing its performance, especially given the unrealistic assumptions in the calculation.
278. JS points out that the Council has not delivered 714 units in any one year since 2013/2014, which is the base date for the affordable housing need figure for five years, assuming the backlog is eradicated in five years. However, the Council has never been required to provide that amount, as can be seen from an analysis of the LP Inspector's report [CD 13/3a]:

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<sup>71</sup> Her oral evidence in chief.

<sup>72</sup> JILLS proof, table on pg 21.

- a) The content of para 23 of the report shows that the Inspector was alive to the need for the LP to meet the full OAN for market and affordable housing;
- b) At para 31, he noted that affordable housing need contributed to the reasons for uplifting the objectively assessed need above purely demographically generated need;
- c) At para 36 and footnote 2, he noted that the SHMA gave the annual figure of 714 units per annum for affordable housing need if the backlog were to be cleared over 5 years;
- d) He concluded, at para 39, that an OAN above 1,100 dwellings per annum would require higher job growth, population growth and in-migration than the demography would suggest;
- e) His judgment at para 46 was that an OAN of 1,100 dwellings per annum was optimistic and aspirational and would have a "significant positive effect upon the provision of affordable housing";
- f) The requirement was 22,000 dwellings over the plan period, or 1,100 per annum (para 144);

and

- g) The OAN constituted the full need for housing in the plan period (para 145).

279. Therefore, the Local Plan Inspector never concluded and never said that the LP had to deliver 714 affordable homes in each of the first five years from the SHMA base date. If, using a requirement for 1,100 dwellings per annum, 714 affordable homes per year would have to be provided, then 65% of all dwellings in the first five years of the plan would have to be affordable. That is plainly unrealistic. Alternatively, if 30% of dwellings were to be affordable, then providing 714 affordable homes each year would require 1,900 new homes to be delivered each year. That is plainly not realistic either.

280. In fact, JonS's own evidence shows that the Council's Borough-wide affordable housing delivery has been admirable. That is shown by the revised version of figure 4.6 of BS's evidence. Policy SOC1 of the CW&CLP applies the up to 30% target as a proportion of new homes permitted on qualifying sites. Using that approach, the new column in the revised figure 4.6 shows that the Council has been delivering at a rate of 26% across all sites, not just those on which affordable homes could be required by Policy SOC1. If student completions need to be removed, as BP insists, then the performance would rise to 27.9%.

281. The picture becomes even more favourable to the Council once the Winsford area is considered. Figure 4.9 of JS's proof tests delivery in Winsford against the need for 98 units. That 98 figure is the Winsford component of the Borough-wide 714 need figure. Even if the Council's performance were tested against that 98 figure, the Council has delivered just 25 units short of the 495 units that would have been required over the first five years of the Local Plan period. Again, that is not evidence of a Council which is seriously failing to deliver affordable homes.

282. Further, table D6 on pg.102 of the 2013 SHMA shows that the Winsford urban area has the lowest mean average house prices in the Borough [CD 13/8]. The



Council has also secured and accepted funding for affordable housing delivery on three Council-owned sites in Winsford at the 30% rate.

283. Ascribing substantial weight to the affordable housing provision on the appeal site is reasonable and generous to the Appellant's case.

*Self-build and custom build*

284. Since Inspector Dakeyne reported, the facts have changed on this issue. We now have available the statutory register which records the level of interest for self and custom-build in the Borough. The register is appended to JonS's supplementary proof. The register is important evidence of the level and type of interest, to which the NPPG refers.

285. As part of the register compilation process, the Council asks people to state any preferences they have for location and for site size. The register provides scant evidence of demand for self and custom build in Winsford and for such building on larger sites such as the appeal site. Indeed, when those two factors are combined, there is not a single person on the register who wants to self or custom build in Winsford on a larger site. The evidence of the register points unequivocally to the conclusion that the 18 plots on the appeal site would not be taken up for self or custom build housing.

286. The Appellant points to other sources of evidence, but:

- a) The SHMA survey simply records aspirations for self-build. It does nothing to check the realism of those aspirations or the degree of commitment to self or custom build;
- b) AM's report refers to alleged survey evidence "*consistently*" showing<sup>73</sup> that 1 in 50 of the population want to purchase a self or custom-built home, but the footnote designed to support this point refers only to one survey, with no details of its sample size, methodology, questions or degree of checking whether those aspirations are realistic;
- c) The information garnered from the Custom Build register and Plot Search subscription database<sup>74</sup> is useless. Without knowing how one gets to become a subscriber, what, if any steps are taken to keep registrations/subscriptions up to date (by, for example, filleting out people who have lost interest or achieved their aim) and what testing, if any, is done to test the realism of their ambitions, one cannot sensibly ascribe any weight to the information set out in the email;  
  
and
- d) The letters and emails at JonS's Appendix 12, supplemented by him with a further clip of letters/responses when he gave evidence in chief, contain scant evidence of realistic support for self-build in Winsford and certainly not to the level of 18 plots on the appeal site.

287. JonS emphasised his client's commitment to promote self and custom-build housing. If that is so, it is all the more noteworthy that there is such a paucity of

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<sup>73</sup> JonS at App 13

<sup>74</sup> Email from Tom Connor on 8 November 2018, Appendix 3 to AM's report

evidence of demand for self and custom build on the appeal site, given that the Appellant has had over 3 years to gather such evidence since the self and custom-build offer was first put before the SoS in August 2015.

288. The Appellant points to the absence of registered CIL exemptions as evidence of the lack of delivery of self-build. As JonS accepted, there is nothing to indicate on the face of a planning application whether it is or is not a self or custom-build proposal. It is no surprise that there is an absence of CIL exemptions in Winsford – there is no CIL in Winsford, as parts only of the Borough are levied for CIL for viability reasons. Self-evidently, self and custom-build can never show up in CIL exemption certificates in Winsford.

289. On the evidence, there is little to no prospect of the self and custom-build offer being taken up on the appeal site and no significant weight can be afforded to it in the decision-making process.

*The use of small and medium size builders for the construction of the market housing*

290. This is another point that the Appellant raised in 2015 for the first time. The point is inspired by the outcome of the Lydney appeal [CD 17/2]. However, the facts there were very different. The evidence at Lydney was that the action of a large housebuilder was keeping local small and medium size builders out of the market and the Inspector, saw the ability to develop that site by smaller builders as the key to unlocking housing delivery in Lydney<sup>75</sup>.

291. The only evidence, to support that contention here, are the very late letters from three of the building companies who are apparently interested in developing the site. It was obviously not possible to ask about these letters at the inquiry, but the letters contain short, bald assertions about competition from large builders. Only one of them actually says that the competition causes difficulties, but even then, no details of the alleged difficulties are given. None of them, perhaps for understandable reasons, claims that such competition is threatening their business. Indeed, their earlier letters all boast of their success and track record.

292. There is still, despite those letters, no evidence that the position in Winsford is remotely similar to that in Lydney and no real evidence that local SME builders cannot already access the market in the Borough in general or in Winsford in particular (as opposed to facing competition). The second letter from Cruden, submitted during the inquiry, was said to provide evidence on this issue, but does not.

293. Again, no significant weight can be ascribed to this benefit.

*Training and Employment*

294. There is little evidence to support affording significant weight to this aspect of the Appellant's package of benefits. Winsford does not suffer from levels of deprivation or lack of skills which are close to those in Ellesmere Port, as the

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<sup>75</sup> See the Appellant's case, reported at paras 2.2(a), 2.9, 2.62, 2.63, 2.64 and 2.70 of the Inspector's report and his conclusion at para 6.87. This was accepted by the Secretary of State at para 22 of the decision letter.

October 2018 claimant count information provided by the Appellant during the Inquiry shows. The weight to be afforded to training in relation to a 2,000-unit scheme in Ellesmere Port is not equivalent or even close to the weight to be afforded to this benefit in the context of a scheme of up to 184 units in Winsford. The condition is necessarily woolly to avoid offending against European Union freedom of movement. That means that the obligation to aim to encourage local employment can be afforded little weight.

#### *Economic Benefits*

295. These have been appropriately weighed by JllS. They are not site specific and do not provide a justification for developing the appeal site. The same benefits would come from developing a site of the same size anywhere in the Borough or in Winsford.

#### *Ecological improvements*

296. There would be minor positive ecological impacts through the creation of new GCN habitat [CD 5/12 at pg 24].

#### *Other matters of mitigation (not benefits)*

297. A number of matters set out by JonS are either statements of mitigation of harm to acceptable levels (such as matters to be dealt with through the planning obligation) or a statement that harm does not arise (such as the site being in flood zone 1, the absence of contamination, the lack of noise or air quality impacts and the lack of impacts upon the significance of heritage assets). These are not properly classified as benefits, as JonS accepted in cross-examination.

### **Scheme harm**

298. The appeal scheme would cause harm. Chief amongst that is the harm caused by the breach of the DP which, of itself, is harm to be afforded significant weight. That is because of the general principle that weight is to be given to the need to determine proposals in accordance with the DP unless material considerations indicate otherwise. But it also has a case specific dimension because of the terms of Policy STRAT 1. Compliance with Policy STRAT 1 of the CW&CLP is a part of the assessment of overall sustainability.
299. In a plan-led system, the DP is not to be lightly set aside. Inspector Dakeyne in his SR at para 283 accepted that to allow the appeal would be to undermine the credibility of the plan-led system, and he weighed that matter in the balance [CD 2/7].
300. The Council also asks the Inspector and SoS to take full account of that part of the breach of the DP that in this case springs from the breach of the WNP. It would be unfortunate, to say the least, if local people were to be encouraged to prepare neighbourhood plans as a means of shaping the places where they live, only to see them not being upheld in an appeal.
301. There is also the harm caused by the loss of greenfield land to development. There does not need to be a specific landscape and visual case to make good that contention because Policy STRAT 9 operates by regulating development types and does not require a specific assessment of a proposal's effect upon the countryside. Additionally, Policy STRAT 1 expressly makes the minimisation of

the loss of greenfield land per se one of the sustainability principles used to determine planning applications.

*The Planning Balance.*

302. The Council's evidence shows why the appeal scheme would cause a serious and damaging breach of the DP, which deserves substantial weight. The benefits of the appeal scheme have been overplayed, especially those relating to local labour and training, self-build and the use of small and medium sized builders.
303. The material considerations in favour of the appeal scheme are insufficient to outweigh the breach of the DP and the identified harm caused by the scheme. It is accepted that the Council is inviting the Inspector and SoS to depart from the ultimate recommendation of Inspector Dakeyne, but the evidence and arguments relating to the scheme benefits are different now to what they were in 2015. There are sound reasons for reaching a different ultimate conclusion.
304. Furthermore, there would be a loss of a greenfield site in a location, beyond the settlement limits and in breach of the DP (both as regards its LP and WNP components). This would be in circumstances where the Council is meeting market housing needs and broadly making the level of contribution to easing affordability. It has also identified a deliverable housing supply which is well in excess of five years. This is a serious matter and weighs heavily against the grant of consent. Development in such circumstances would not be sustainable development overall.
305. If, for some reason, it were thought that the tilted planning balance was engaged in this case, then although the requirements of para 14 of the revised Framework cannot now be met (as the WNP is more than two years old and the transitional arrangement in respect of para 14(a) of the Framework has now ended), that does not mean that the application of the tilted planning balance cannot lead to the dismissal of the appeal. All that para 14 of the Framework does is to indicate that the SoS is likely to conclude that the harm caused by the breach of a NP would significantly and demonstrably outweigh the benefits of providing housing in breach of it. Para 14 does not say that the SoS will only ever find the tilted planning balance determinative against the proposal if the four criteria are met. Further, para 14 only weighs the breach of a NP against a proposal. In this case, the breach is accompanied by a serious breach of the LP.

## **The Case for Interested Parties**

*Councillor Stephen Burns*

306. Councillor Burns represents a part of Winsford on CW&C Council. The WNP was overwhelmingly endorsed in a referendum after being passed by an examiner. It is about meeting the town's employment and leisure needs as well as housing. Local residents decided through consultation where they did and did not want residential and other new development. The site of this appeal was not selected, and it is opposed by Darnhall Parish Council and Winsford Town Council.
307. The WNP has balanced development across the town, including 3,500 residential properties by 2030. This development is therefore not needed. There has already been three major developments in the part of Winsford where the

appeal development is proposed. The local ward (Swanlow and Dene Ward) has already contributed more than its fair share and fulfilled its obligation. However, the application site is outside of the NP area and the development would reduce open countryside around Winsford and unnecessarily reduce biodiversity.

308. In response to questions, he accepted that the WNP had no cap on the amount of residential development, that ground and ownership constraints had meant that development in the Station Quarter had not yet come forward and that Winsford was lagging behind the other three main towns in its rate of housing delivery.

*Robin Wood*

309. Mr Wood lives next to the site and is Chairman of Darnhall Fighting Fund, a local resident's group that opposes the proposal. He pointed out that the proposal would have a disruptive impact on the community of Darnhall which comprises less than 90 dwellings. He considers the application to have been previously rejected on planning grounds and that the three grounds upheld at the Judicial Review were not planning grounds.
310. The application is in conflict with the WNP, which seeks to focus new development close to the centre of the town and within the Station Quarter. The plan is well on track for securing the completion of 3,500 new homes by 2030. Grants from Homes England are enabling at least 30% of the properties on three sites to be provided as affordable homes. The appeal site was considered unsuitable for inclusion in the WNP at various stages during its preparation and also during the preparation of the CW&CLP P1.
311. The Darnhall Neighbourhood Plan is now emerging and approaching draft form. CW&CLP P1 supports the retention of Darnhall as open countryside and the area has exceptional biodiversity. In answering questions, he agreed that WNP set no cap or upper limit for residential development.

*Councillor Brian Clarke*

312. Councillor Clarke represents a part of Winsford on CW&C Council. He was also chairman of the Winsford Neighbourhood Steering Group until the NP referendum. The development sites that emerged from the WNP were the result of a long period of community consultation. The chosen sites were picked because they were central to the plan and had good accessibility to shops, schools, employment and the railway station.
313. The plan also took into account a desire for Winsford not to grow into the neighbouring parishes and for them to maintain their individual identity. Allowing this appeal would be an affront to democracy and the principles of neighbourhood planning. The need for additional affordable housing is already being addressed.

*Councillor Tony Hooton*

314. Councillor Hooton is a member of Winsford Town Council. CW&CLP P1 required Winsford to allocate sites for the development of 3,500 houses by 2030. WNP identified sites upon which this could take place. However, whilst work has started on many of these, a number have not yet started. Government grant has recently been awarded to accelerate the construction of social housing at Winsford.

315. The Town Council welcomes the provision of affordable housing and the use of local builders and training opportunities but in this case, it does not consider that they outweigh the requirements of the WNP. He considers the amount of proposed new dwellings (3,500) to be a guide rather than a definitive number and points to the emergence of windfall sites from time to time to boost numbers.

### **Written Representations**

316. In December 2017 the Council notified seventeen statutory consultees and about ninety local residents that the inquiry was to be reopened and advising them that they could make comments at the Planning Inspectorate's Appeals Casework Portal. A notice was subsequently posted at the site providing the same information and advising members of the public when the inquiry was to be reopened. Three written responses were received, one from the community Fire Protection Officer asking for access and facilities (including water for fire-fighting) on the site, one from Robin Wood who appeared and presented his case to the Inquiry [IR 309-311] and one from John and Gillian Higgs. They reiterated points that had been made in their previous representations, including concerns about wildlife, support for the adopted DP, which does not support the proposal and the continued opposition from local residents to the proposal.

### **Conditions and Obligations**

317. The Appellant submitted a set of conditions shortly before the inquiry reopened [ID 40]. They are based on the conditions discussed at the original inquiry [OR122-126, 164-166] and at the supplementary inquiry [SR 204-208]. The Council was not in full agreement. These conditions were discussed further during this inquiry and further modified [ID 41]. At the conclusion of the inquiry further discussion led to the Appellant agreeing to the removal of the Local Procurement condition and changes to the other three Local Approach conditions. The finally agreed conditions are contained in ID 42 and appended to this report. However, to all intents and purposes they are the same as the conditions recommended in the OR together with the additional conditions recommended in the SR, with the following changes.
- a) The time limits for the submission of reserved matters and the commencement of development in conditions 2 and 3 have been reduced;
  - b) Conditions 4 and 20 have been amended to include a reference to the additional access plan submitted by the Appellant;
  - c) The pre-commencement requirement in conditions 8 and 21 was changed to an occupation requirement;
  - d) Conditions 11, 17, 22, 23 and 24 have been amended to reflect the introduction of phasing into the proposed scheme;
  - e) Condition 12 has been amended to reflect the fact that because of the passage of time, an updated ecological assessment was required. Development should accord with the submitted updated assessment;
  - f) Additional conditions (now 13 and 14) have been inserted to deal with the presence of Great Crested Newts on the site. As a result, former condition 13 is now condition 15, 14 is now 16 etc;



- g) Former condition 19 has been deleted because the highway improvement referred to has already been completed by another developer. As a result, former condition 20 is now condition 21, 21 is now 22 etc.
  - h) Condition 3 to the SR (Self-build Housing) has been extended to allow for the non-commencement of any of the self-build dwellings within five years of the grant of planning permission. In such circumstances the Appellant would now be required to submit a scheme for the construction of affordable dwellings on these plots.
  - i) It is agreed that the use of local builders, in the construction of the market housing, together with self-builders, would be likely to result in the objectives of the former SR condition 5 (Local Procurement) being met without the need for a condition. Former SR condition 5 has therefore been removed.
  - j) A new condition (No. 8) has replaced the provision in the S106 Agreement to secure the provision of on-site open space.
318. The Appellant now considers that the matters addressed by SR additional conditions 2, 3, 4 and 5 could be more appropriately covered in a legal agreement. The Council wished them to remain as conditions only.
319. The Appellant has nevertheless submitted a signed planning obligation by way of a Unilateral Undertaking under S106 to this Inquiry. This obligation commits the Appellant, if planning permission is granted, to restricting the construction of all dwellings that are not affordable housing units or self-build units to a builder or company that:
- a) has its main office or registered office within CW&C, Cheshire East or Warrington Borough
  - and
  - b) has built a total of not more than 500 residential units in any one year within the 5 years prior to development commencing.
320. The owner also undertakes not to commence development until details of a Training Employment Management Plan has been submitted to and approved in writing by the Council. The plan will aim to promote training and employment opportunities during the construction phase for local people. A target of not less than 50% of the workforce being resident within CW&C and 20% in Winsford or adjacent parishes is set.
321. Finally, a scheme for the provision of self-build plots that would be approved under condition 6 is to be submitted to and approved in writing by the Council. The undertaking provides that if any of the 18 self-build plots have not commenced development within five years of the date of the planning permission, those plots that remain will be provided as additional affordable housing units.
322. The S106 obligation referred to in the original report [OR120-121,163] and the supplementary report [SR 203] has been revised. A new agreement covering only financial contributions to off-site leisure facilities has been signed by both parties.

## CONCLUSIONS

323. The numbers in square brackets [IR...] refer back to earlier paragraphs which are relevant to my conclusions.

### Main Considerations

324. The main considerations arising from the reopened inquiry are:

- a) Whether or not the Council can still demonstrate that there is a 5-year supply of deliverable housing sites;
- b) Whether the proposal is in accordance with the DP;
- c) Whether all of the DP's policies for the supply of housing are still up-to-date, having regard to paragraph 213 of the Framework and legal judgements;
- d) Whether the emerging CW&CLP P2 has any implications for the determination of the appeal;
- e) The implications of the consent order for the conditions that related to the revised housing offer;
- and
- f) Whether the proposal would accord with the presumption in favour of sustainable development, having regard to its accordance with the development plan and the economic, social and environmental dimensions of sustainable development.

### Five Year Housing Land Supply

#### *Agreed Matters*

325. The HSoCG agrees the following in relation to housing land supply:

- a) a base date of 1 April 2018;
- b) a 5-year period of 1 April 2018 to 31 March 2023;
- c) an overall housing requirement of a minimum of 22,000 dwellings (net) 2010-30 or 1,100pa;
- d) the buffer to be applied in accordance with paragraph 73 of the Framework is 5%.

326. I see no reason to come to a different view on these matters based on the evidence before me.

#### *Requirement*

327. The adopted CW&CLP sets out the minimum housing requirement per annum as 1,100 dwellings (net) in policy STRAT 2. The Council argues that since there was a surplus amounting to some 2,192ds. between 2010 and 2018 (about 25%), these should be subtracted from the total requirement for the remainder of the plan period. Rounding the figures to the nearest decimal place and including a 5% buffer results in a 5-year requirement of 4,816ds or 963pa [IR 54 & 219].



328. The Appellant disagrees and considers the requirement to be 5,775ds. (1,100x5+5%) [IR 55]. The Appellant also considers that the Council's completion figures are inflated by some 860 units through the inappropriate inclusion of some student self-contained accommodation and some C2 units [IR 60]. I deal with the student accommodation aspect later when considering supply from these sources [IR 350]. The C2 aspect is discussed in the next section [IR 336-338].
329. The Council argues that not to include such an over-provision risks a finding that there is not a five-years supply, even though the Council has created circumstances through which the annual requirement has been repeatedly exceeded since 2014. If the cumulative experience of the past eight years continues, then an overall supply during the plan period, which is noticeably above the minimum requirement (about 25%), is very likely. If the removal of the over-provision results in a finding that there is not a five-year supply, then the tilted balance would be triggered and relevant policies for the supply of housing found out of date in circumstances where such an outcome is not justified [IR 220].
330. The Appellant's response is that the Council's approach has no basis in current Government policy. If it was the Government's intention for past surpluses to be deducted from the requirement then it would have said so in the NPPG. It points out that each proposal should be judged on its merits and that in the context of the current housing crisis, government policy is to boost the supply of housing. It also refers to the Council's different approach in its AMR, which states that the net requirement in that document is 1,100 and that net completions were measured against that target [IR55-57].
331. The Framework is silent on the matter and although one of the Government's priorities is clearly to boost the supply of housing, that is written in the Framework in the context of ensuring that a sufficient amount and variety of land can come forward where it is needed. CW&C has clearly met that objective through its DP and the implementation of its planning management policies, otherwise it would not have significantly exceeded its annual target in all of the years since 2014. This is how the system is intended to work [IR 221 & 222].
332. The Appellant referred me to two appeal decisions at the Inquiry [CDs 17/15 & 17/16] and one subsequently [ID 47], where Inspectors had found that it was not appropriate to discount historic over-provision from the future requirement. The Council referred me to a contrary finding by an Inspector assessing the five-year requirement at a LP Examination [CD 18/10]. In the Doncaster case the surplus only related to the first year of the relevant period, which is hardly an indication of a trend of surpluses and in the Wendover case the over-supply included delivery in the years prior to the requirement's base date. The historic over-provision would have been accounted for when establishing the OAN. Neither of these scenarios reflect the position in CW&C, where there has been a surplus in every year since 2014, resulting in a net surplus of 2,192 (25%) over the first eight years of the plan period, according to the Council's calculation [CD 13/5 pg.15, IR 210 & 223].
333. The Highnam Inspector was referred to the Doncaster and Wendover decisions and noted that they "*did not support an approach whereby an over-supply could be used to reduce the annualised target in later years of the plan*

period”, noting that “this would run counter to the requirement to significantly boost the supply of housing”. His assessment was brief, and no reasons are given so it is not possible to judge the extent to which the situation was similar to the two other appeals referred to or to that at CW&C. Although agreeing with the Inspector’s conclusions on the annual requirement, the SoS is silent on the discounting of past historic over-supply [ID 47].

334. I have already pointed out the problems of comparing the Doncaster and Wendover cases with CW&C [IR 332]. The evidence suggests that CW&C has already significantly boosted the supply of homes such that a sufficient amount and variety of land can come forward where it is needed. If it had not, then the large surplus would not have accumulated. I also note that the HMA, of which Tewkesbury District is a part, contains other local planning authorities and that there was past under delivery in that HMA when considered as a whole. The LP Examining Inspector considered that in the case of CW&C “the HMA corresponds with the Borough boundary” [ID 47, IR 221 & CD 13/3a para24].
335. In the Cotswold case the Inspector pointed out that “an approach that fails to take account of completions during the plan period would result in additional land being made available for development to meet identified needs. This would lead to the unnecessary loss of greenfield sites”. I agree with this conclusion and reject the Appellant’s assertion that the Area of Outstanding Natural Beauty within Cotswold District was a factor. 20% of Cotswold District is a large area of land within which additional dwellings could have been located if the Inspector felt that there was a justifiable case to provide for them. I therefore conclude that the surplus to date should be deducted from the minimum target across the remainder of the plan period when calculating the on-going annual requirement for the five-year land supply [IR 59 & 224].

#### *Communal Establishments*

336. The Appellant alleges that 230 completions in respect of C2 communal care facilities were wrongly included in the Council’s completion figures. As the Appellant points out, in its HLM report 2017-18 at para 3.4, the Council refers to the suggestion in the Framework revisions that communal accommodation be included in the calculation of the housing delivery test. However, it goes on to explain that whilst this type of accommodation will continue to be monitored through the HLM process, it will continue to be excluded from the housing completions figures. At paragraph 4.4 the document lists the sources of completions that the Council uses for the purpose of the five-year land supply. C2 accommodation is not listed [IR 60-64 & 234].
337. Of the two sites completed in 2018 and referred to in BP’s evidence in his table 8.3, only 87 Heath Lane is listed as wholly C2. Without a forensic analysis of the entire completions table it is not possible to conclusively determine whether or not this site and the others listed as completed in previous years, have been inappropriately counted in the completions data, despite what is said in paragraph 4.3. The potential need for such an exercise should have been discussed during the round-table session and if necessary, the parties should have got together to check the arithmetic. That did not happen.
338. In cross examination BF explained that the C2 accommodation was included in the appendix to the HLM for information purposes but was not counted in the overall completions total. I have no reason to disbelieve her. In consequence I

have not discounted any non-student accommodation from the requirement [IR 63 & 234].

339. I have nevertheless found that 630 student units should be removed from the surplus [see IR 350]. Recalculating the figures, this would give a five-year requirement of about 5,150ds or 1018pa.

#### *Supply*

340. At 1 April 2018, the Council considered that it could demonstrate a 5-year supply of 7,277ds, a surplus of 2,462ds, whereas the Appellant claims that the 5-year supply should be no more than 5,423ds, a shortfall of 362ds. on its calculation of the net requirement [HSoCG pg.7]. These numbers translate into supplies of 7.56 years and 4.69 years respectively. The differences in supply stem from the contributions from the following sources – demolitions; communal establishments; student accommodation; sites with outline planning permission; sites allocated in the DP; non-allocated sites without planning permission; lead-in times and build-out rates and the windfall sites allowance. I will deal with each in turn.

#### *Preliminary Points*

341. The Appellant is critical of the consultation process that the Council undertook when assessing the five-year land supply, referring to a number of paragraphs in the Framework and NPPG that discuss consultation. However, the NPPG is only general advice and for the most part the paragraphs referenced are referring to annual position statements (3-051), the formulation of assumptions (3-047) and the demonstration of a five-year supply through the plan examination process (3-030), rather than the annual up-dating of the five-year supply calculation [IR 53, & 225].
342. Nevertheless, para 3-030 does discuss the transparency of judgements about the deliverability of sites and refers to the provision of robust up-to-date evidence and the consideration of the involvement of people with an interest in delivery in the process. Whilst para 3-030 discusses the work undertaken to establish a five-year supply at the plan making stage, it is clearly relevant at the annual review stage and particularly in the context of individual site delivery. Whilst benchmarks concerning delivery at different types of site can be established through consultation at the plan making stage, the assumptions nevertheless require periodic review and not all sites perform to the norm. In this context it is not unreasonable to expect some research, with or without consultation, on the progress of sites where large numbers of dwellings are involved. The recent changes to the definition of "*deliverable*" in the Framework makes such research more important. I refer to this later [IR 53 & 226].
343. In dealing with the various sources of supply I have considered the information and evidence put before me at face value. I note the numerous references by the Appellant to Inspector's assessments of five-year land supplies, when determining appeals in CW&C and elsewhere (CDs 17). However, for the most part the time period is not the same, the Framework and NPPG have both been reviewed and changed, the locational circumstances are mostly different and the evidence before other Inspectors may not have been the same as that before me. The Appellant refers to the Framework's assertion that every case should be determined on its own individual merits and that is what I have done when

assessing the five-year land supply put before this Inquiry. I have considered the 5-year supply evidence on its own merits whilst having due regard to what previous Inspectors have said [IR 56, 120, 212 & 213].

344. There is a dispute about the introduction of post-base date information by the Council in its review of the April 2018 assessment for the purpose of this Inquiry [ID 17]. Whilst I agree that it is not appropriate to introduce new sites at this stage, their insertion should await the next full review, it is nevertheless appropriate to take into account information received after 1 April 2018 if it affects sites that were in the last full assessment. Subsequent information that supports a pre-base date judgement should not normally be ignored [IR 85, 130 & 131].

#### *Demolitions and other losses*

345. The 1,100dpa. requirement in Policy STRAT 2 is a net figure. At the time of the Examination, losses of around 50dpa. were estimated and a gross figure of 1150dpa. established. The estimate was based on trends at the time the LP was prepared. More recent analysis undertaken by the Appellant and using the demolitions in the Council's HLM reports 2011-18 suggests that a figure of 39dpa. is more appropriate. The Council says that the calculations in its supply figures are based on a net assessment, with the actual number of housing losses, be they from housing development sites or other known sources, subtracted from the completions data. However, other than the 28ds. referred to by the Appellant and as identified in Ap.4, there is no evidence in the HLM that the Council actually knows how many losses there are likely to be during the next five years. Unlike Ap.2 Completions, which clearly identifies housing losses on a site by site basis, Ap.4 Housing delivery and forecasting, appears to do no such thing. Indeed, it is far from clear how the Council would know which properties are likely to be lost from residential use going forward unless their demolition was a part of an approved scheme. The Appellant has discounted the 28ds. that it identified in Ap.4 and suggested that the Council's five-year supply figure should be reduced by 167ds. to account for potential future demolitions. For the reasons discussed above I agree. [IR 102-106 & 235-236].

#### *Student Accommodation*

346. CW&CLP P1 assessed the anticipated student population expected to be residing in the District when the FOAHN was established. The accommodation needs of students was included within the overall housing target with the exception of those living in halls of residence (CD13.10). If the number of resident students overall, including those living in halls of residence, has remained approximately the same since 2011, then this is a reasonable approach to take [IR 238].
347. However, this does not appear to have happened. Whilst overall student numbers seem to have changed little (+75), the number of full-time students at the University of Chester appears to have grown (by about 25%), whilst there has been a similar numerical decline in part-time student numbers. It is a well-recognised fact, supported by research on behalf of the University of Chester<sup>8</sup> (pg.8) in this instance, that part-time students are more likely to be from the local area and to live at home than are full-time students, many of which will have moved from other parts of the country and require accommodation. If this has happened on a significant scale (the Appellant suggests an increase of 2,265

full-time students since 2010), then account of it should be taken in the calculations [IR 69, 108-109 & 238-40].

348. To count purpose built self-contained student accommodation, as a part of the supply, when such accommodation is likely to be meeting the needs of a growing number of full-time students, rather than the more constant numbers that were planned for, is not appropriate. In these circumstances, the dedicated student schemes [SR 144], whilst increasing the overall housing stock with self-contained units, would be unlikely to release accommodation into the wider housing market, such as freeing up some of that currently occupied by students in the Garden Quarter of Chester. Most of the units would be soaked up by some of the increasing numbers of students. Other students may also need to occupy open market homes such as HMOs [IR 107-111 & 243].
349. The Council refers to the multiplicity of University sites, some of which are outside of the district and to the opening of a new campus at Shrewsbury but there is no comprehensive assessment of the changes in student numbers and their locations since 2010. Given the attention paid to this at the previous Inquiries into this appeal and also at the Inquiries into the Nether Peover and Tattenhall Appeals and the findings of previous Inspectors against the Council, in this regard, I find this surprising. In the circumstances I agree with the Appellant that all of the 430 student units in the Council's supply should be removed [IR 107-112, 238, 241 & 242].
350. 630 student units are included in the pre-2018 completion figures and have contributed to the surplus. Without a demonstration on the part of the Council that these were adding to overall housing supply, as envisaged in the LP and not simply meeting the needs of a growing student population, then they should also be discounted [IR 60-61 & 244].

#### *Individual sites*

351. In July 2018 the definition of "*deliverable*" contained in Annex 2 Glossary to the Framework was amended<sup>76</sup>. This had the effect of categorising sites from the perspective of demonstrating deliverability. Sites that are not major development and sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years. Other sites, including sites with outline planning permission, should only be considered deliverable where there is clear evidence that housing completions will begin within five years [IR 74, 75, 227, 229 & Framework Pg.66].
352. The implication of this change is to shift the requirement to demonstrate deliverability or not from the Appellant to the Council in the case of the other sites, whilst the onus is now firmly on the Appellant to demonstrate that sites with detailed planning permission will not be delivering houses to the extent advanced by the Council. The Appellant has not challenged the Council's assessment of sites with planning permission, although it does challenge the validity of the windfall allowance, which largely relates to small sites without planning permission. It has however extensively challenged the second category

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<sup>76</sup> A further updating to assist with clarity was published in February 2019



of sites on the basis that the Council has not submitted sufficient evidence [IR 76-83].

353. The Council considers the Appellant to be too demanding in its search for "*clear evidence*" and points out that the three bullets in the NPPG that set out the types of material, which could contribute towards demonstrating clear evidence, are only examples and that the list is not exhaustive. I tend to agree. Additionally, as the Council pointed out in pre-Inquiry correspondence, there was only a limited amount of time between the publication of the changes in the Framework and the need to submit proofs of evidence. Again, I agree [IR 227 & 228].
354. In an ideal scenario the Appellant may be correct but the circumstances of the Council's review of the 2018 HLM were far from ideal. Whilst the Framework definition of deliverability undoubtedly changed in July, the advice in the PPG as to the sort of information that could be used to demonstrate deliverability was not published until September, a matter of weeks before proofs of evidence had to be submitted at the end of October. Discussions on the SOCG, prior to its submission, should also have been held before then. To expect the Council to have undertaken a comprehensive update of its information base for this appeal is not realistic. There was not sufficient time to undertake a forensic analysis of every site in the supply that does not have a detailed planning permission to the extent of consulting every builder and developer involved. Such an exercise is in any event a matter for the annual review, not a planning appeal. That will have to await the full review in 2019. Despite its case alleging insufficient evidence, the Appellant seems to acknowledge this. I have therefore taken a pragmatic approach to the analysis of the evidence that the Council has been able to assemble in the limited time available [IR 85].
355. The appellant makes the point that developers and builders can inflate the forecast contributions from their existing sites to stymie new development and refers to appeal decisions where this has been given some weight by Inspectors [BP 11.22-11.29]. However, as a corollary the Council argues that the appellant has, more than likely, downplayed the delivery from the sites that it has assessed. Both lines of argument are based on speculation rather than evidence. I therefore give the propositions little weight and deal with the disputed sites on the basis of all of the available factual evidence that is before me [IR232].
356. In considering individual sites, although the evidence about some of the principles at play was tested at the Inquiry, forensic examination of each and every site was not conducted. I have therefore based my findings on the documentary evidence provided to me by the 5-year land supply witnesses, BF and BP, including the tables within the HSoCG, together with some supplementary information contained in the Closing Submissions. However, whilst the Appellant's Closing Submissions do refer specifically to some sites, those from the Council do not [IR 88-93].

#### Sites with outline planning permission or allocated in the DP

357. A discussion between the parties, following the publication of the November 2018 partial HLMR [ID 17], led to a narrowing of the sites in dispute in this category. It was agreed that over 400ds. on ten sites would not be completed during the five-year period. The remaining six disputed sites, amounting to 300ds, are set out in para 3.9 of the HSoCG [IR 86 & 245].

358. The Appellant's complaint about the inclusion of these sites stems from its interpretation of the meaning of "*clear evidence*" of deliverability. In its opinion the Council has not provided sufficient information in relation to any of these sites to demonstrate the "*clear evidence*" that is now required. In effect the Council's case is based on a site-by-site update of the 2017-18 HLM contained in CD 13/5, with additional verbal updates presented to the Inquiry. The Appellant considers that they should all be supported by comprehensive documentary evidence laid before the Inquiry. I discussed the feasibility of the Council providing such evidence in the timescale in para 354 [87, 246].
359. The revisions to the Framework (13/09/2018) suggest that for these sites, evidence to demonstrate that housing completions will begin on site within five-years could include any progress being made towards the submission of an application, site assessment work or relevant information about site viability, ownership constraints or infrastructure provision.
360. In this context, Table 1 in the November 2018 HLM review indicates that all the sites have developers. There is also other information commensurate with that suggested in the NPPG in Appendix one to HLM review. Ledsham Garden Village is an ongoing site with five phases now having full planning permission and where 90 dwellings were completed in an earlier phase in 2017-18<sup>77</sup>. Buildings have been demolished and the sites are being cleared at Rossfield Road and Delamere Forest School; some conditions have been discharged at Lyndale Farm and a full application has been submitted at Wrexham Road [IR 88-93 & 246].
361. Four of the six sites involve the completion of fewer than 30 dwellings. In the circumstances of, a combination of a developer, clearance/site works and/or movement towards detailed planning permissions/discharge of conditions, my experience suggests that it is more than likely that such modest estimations of completions are likely to be achieved in the five-year period. The two larger sites at Rossfield Road and Wrexham Road again seem very likely to be delivered, given the face value of the information submitted. I therefore consider that further changes to this category are not justified.
362. In coming to this conclusion, I am also aware that following the discussion with the Appellant, more than half of the numbers in this category were removed by the Council. I am also aware of the excellent track record achieved by the Council in predicting future housing delivery. Since the CW&CLP base date (2010), with the exception of only one year (2012/13), when there was a small shortfall of completions when compared to the housing delivery forecasts, the Council's forecasts have under-estimated the subsequent completions. This does not suggest that the Council has been traditionally over-optimistic when making its housing completion forecasts [IR 225 & 246].
363. I note the Appellant's point about the timeliness of some conditions and that if reserved matters applications are submitted at the last possible moment and then development does not commence until that time period is about to expire, then there will be few if any completions on such sites where the combined time periods are in the region of four years or more. However, the purpose of time limits in conditions is not to establish a mechanism through which to forecast

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<sup>77</sup> HLM 2017-18 Appendix Two, Completions Report.

housing delivery. They are a vehicle to enable a review of (the) permission(s) already granted if circumstances have changed. My experience suggests that in situations where land with planning permission has been acquired by a builder/developer, as is the case here, rather than being owned by a land-owner or site promoter then conditions are discharged and works commenced on site at a date that is far sooner than the time limits in conditions [IR 86-93].

364. The Appellant refers to a case at Woolmer Green where an Inspector considered the Council's evidence to be "*well short*" of what was required. However, I do not have the evidence that led to that conclusion before me [IR 87 & 227].

#### Non-allocated sites without planning permission

365. There are six sites remaining that account for 222ds. remaining in dispute in this category. The Appellant's case rests on the contention that such sites can never be included in a five-year land supply calculation. However, nowhere in the definition of "*deliverable*" in the Glossary to the Framework or in the NPPG does it say that the sites referred to are an exclusive list. Nevertheless, I agree with the Appellant, that given the status of such sites in the planning system, there needs to be a credible justification for any such sites to be included. [IR 94, 95, 247 & 250].
366. The sites are contained in table 3 to Appendix 3 of the 2018 HLM review [ID 17]. Although not allocated or having outline planning permission at the time of the 2018 HLM there were applications, which have since been granted or approved subject to a legal agreement, submitted by builders at Trafford Street, Hartford Manor, Knutsford Road and Chester Road. None of these sites will provide more than the 42ds. at Hartford Manor. Given the progress that appears to have been made on all of these sites during the past year it seems to me very likely that they will all deliver dwellings in the five-year period.
367. Winnington Business Park is larger than the others (88d). The site appears to have made good progress since the outline application was received in April 2017, that application being approved, subject to a legal agreement in March 2018 and a decision issued in July 2018. A demolition application has been subsequently submitted and approved, along with an outline application for other parts of the site. Although there is now little more than four years to go, there appears to be no significant obstacles to overcome before housing delivery can commence. In the circumstance a forecast of 88 ds by March 2023 does not appear unattainable. The remaining site at Newhall Road is only expected to deliver 12ds. There is already a resolution to grant planning permission, a builder is driving the scheme and the building on the site is no longer in use. The construction of 12ds on this site in over four years does not seem an unreasonable expectation in my view. The Appellant once again refers to the time periods in conditions for the submission of reserved matters and commencement on site, the latter being potentially after 2023. However, there is no evidence to suggest that after the good progress to date, work to secure the implementation of 88 ds on this site by 2023 is about to stop. I therefore prefer the Council's assessment and consider the inclusion of the six non-allocated sites as of April 2018 to have been justified by the subsequent events [IR 96 & 97].



### Build out rates and lead in time

368. The Appellant challenges the delivery rates applied to five sites (505ds.), based on the interpretation of the Council's standard build-out rates and lead in times [IR 113, 298]. It alleges that the Council has inflated its delivery rate assumptions. A comparison of the assumptions in table 2.9 of the HELAA (2017)<sup>78</sup> with the Council's forecasts (pg.6 of HDoCG) suggests in broad terms that this is correct [114 & 250].
369. Table 7.3 of BF PoE suggests that at Ledsham Garden Village, Station Quarter and Grange Farm the inflated figures are a response to delivery forecasts from developers. However, there are no copies of the correspondence with developers to confirm what they are saying and why. More fundamentally there is no independent assessment by the Council analysing why it should take on board the opinions of developers in preference to its own standard assessment. The delivery rate assumptions are presumably based on historic analysis of the performance at many sites, from which average rates will have been arrived at. Some of the sites that were assessed, will have performed better than the average whilst others will have performed worse than it. Even if the opinions of individual builders are correct and their sites perform better than the average, there will no doubt be other sites that do not. Unless the Council undertakes a forensic analysis of every site, which it has not done, then there is no justification for departing from its overall assumptions unless very special circumstances can be demonstrated.
370. The Appellant claims that the proposed delivery at Ledsham Garden Village is greater than what was actually achieved on an earlier phase. The evidence indicates that 41 dwellings were completed in 2016-2017 and 90 in 2017-18. To add these together and then divide by two to achieve an annual delivery rate of 66dpa as BP has done is far too simplistic. Building work only began in 2016 and there was not a full year's output during 2016-17. 2017-18 is only one year so a judgement as to whether or not the 90 dwellings constructed in that year was typical and likely to be repeated is not easy to make. Output from sites often peak in the first full year, if market conditions remain the same, so that the Council's estimate of that number being sustained for a further five years seems high, especially when it is wishing to count an additional 28d on a later phase into the supply. With two developers, the delivery rate assumptions would suggest an annual output from this site of not much above 70. The evidence does not suggest a different position with regard to Rossfield Road and Roften Works. I therefore accept the Appellant's analysis and reduce the supply by 505ds.

### Small sites windfall allowance

371. The Framework says that an allowance can be made for windfall sites if there is compelling evidence. The Council's historic analysis of completions shows that there has been numerous completions delivered on sites with a capacity below five units on a consistent basis. On the basis of this evidence, the Council therefore makes an allowance for windfall dwellings in years four and five. It recognises that some windfall sites will have been granted planning permission

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<sup>78</sup> CD 13.6.

before the base date and uses this information to assess the number of windfalls likely to be delivered in the first three years [IR 98, 251 & 252].

372. Whilst the Appellant notes that completions from this source have been steadily increasing since 2010 (as they have from the other sources), it points out that the 122dpa average from past trends would lead to the delivery of 610ds. over a five-year period. It then goes on to point out that the Council has assumed that 620d with planning permission would contribute to this source of supply in years one to three. It claims that the Council has not applied any lapse rate to these permissions. Whilst the Council acknowledges that some planning permissions will not be implemented, it is not clear how this has been discounted in years one to three. The number of dwellings completed on small sites increased from 70 in 2010-11 to 174 in 2017-18. If the 2017-18 output were to be delivered over the five-year period, then 870ds could be delivered from this source. The Council has assumed 830. To achieve this, dwellings on small sites would have to be delivered at a rate so far not experienced other than in 2017-18. I consider this to be too optimistic. There is not the evidence to enable me to make a different assessment and nor should I in any event. I have therefore taken the mid-point (115d) between the two parties' cases and subtracted that from the Council's figure [IR 99-101 & 252].

#### *Housing land supply conclusions*

373. Housing land supply assessment is not an exact science. It relies on objective judgement and some assumptions based on the available evidence. What is certain is that the assessed delivery from individual sites is unlikely to be correct. All one can hope for is that the over-estimations are corrected by under-estimations to a similar amount.
374. The Framework and the NPPGs guidance on this matter were changed some months after the Council undertook its 2018 HLM. The new guidance requires a better demonstration on the part of Councils of the deliverability of certain types of site. Whilst the Council has submitted additional evidence to address the changes, that evidence falls short of what might be expected in a full HLS assessment. However, that is not due to be undertaken before April 2019. Whilst not to the Appellant's satisfaction, I nevertheless consider the evidence that the Council submitted both in written form and verbally at the Inquiry does not lead to a conclusion that its assessment of dwellings to be delivered from sites with outline planning permission or allocated and non-allocated sites is fundamentally wrong. I have therefore not changed these assessments.
375. I have however, accepted the Appellants arguments with regard to demolitions, student accommodation, build-out rates and lead in times and in part the small site allowance. I have deducted 1,217d from the Council's supply. This gives a supply of 6,060 to meet a requirement of 5,150 or a supply of 5.41 years.

#### **Development Plan**

376. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the DP unless material considerations indicate otherwise. The statutory DP for the area still consists of the CW&CLP P1, adopted on 29 January 2015, the WNP, made on 19 November 2014 and the saved policies of the VRBLP First Review

Alteration, adopted in June 2006 (in the context of this appeal, specifically Policy GS5) [IR 122-124].

377. Para. 5.3 of the SoCG sets out the agreed relevant policies. The parties agree that the proposal breaches both Policies STRAT 9 and GS5, the latter being addressed in the context of STRAT 9. The Council also considers the proposal to be contrary to STRAT 1 of CW&CLP and to Policies H1 and H2 of the WNP. It also considers all of the above policies to be the dominant ones for determining the appeal. Inspector Dakeyne in his SR only considered STRAT 9, GS5 and H1 to be the dominant policies but also agreed with the Council that the proposal was contrary to STRAT 1 [IR 127, 155, 255 & 259, (SR 218)].

#### VRBLP

378. Of the VRBLP policies that have been saved, only GS5 has been referred to in substance. That policy seeks to protect the character and appearance of the countryside and to prevent new building therein, unless provided for through other policies. It also defines open countryside as all parts of the Borough which lie outside of defined settlement boundaries [ID 24]. In the context of this appeal, the countryside protection policies have been superseded by those in CW&CLP P1 Policy STRAT 9. Only the settlement limits are relevant because they define the area within which Policy STRAT 9 applies [IR 34, 149, 255 & 259].

379. However, these settlement limits are out of date but have not been replaced. They were defined in the context of the housing requirements established for the VRBLP before 2006. This plan had an end date in 2016. Not only is the boundary seeking to accommodate development needs from a previous plan period, those development needs have been superseded by new ones and the actual period for which the boundaries were meant to represent the land release requirement has now been over for nearly three years. During this period planning permission has been granted for residential development, outside of the settlement boundaries on a number of occasions. Even as early as 2013 and whilst the VRBLP as a whole was still a part of the DP for the area, the Council's officers gave GS5 reduced weight in the decision-making process. [149, 151, 152, 155 & 257].

380. Nevertheless, the Council still considers Policy GS5 to be one of the dominant policies for determining the appeal. Para. 11d of the Framework says that where policies which are most important for determining the application are out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I therefore conclude that what has become known as the tilted balance applies [IR 155d & 260].

381. Whilst Inspector Dakeyne did not come to this conclusion, indeed he afforded Policy GS5 "*Considerable weight in the context of Winsford*" that decision was arrived at in November 2015 when the VRBLP was still extant and the WNP had recently been made [IR 261, 260 & 261].

382. The Council refers to the findings of the *Daventry BC v Gladman* (2016) Court of Appeal decision to support its contention that GS5, in the context of its settlement boundaries, is up-to-date. However, that decision has been superseded by the *Richborough Estates v Cheshire East DC* (2017) case, where at para. 63 Lord Carnwath said in similar circumstances of an extant LP that "*on*

any view, quite apart from para. 49, the statutory development plan was out of date". He went on to confirm that *"the weight to be given to the restrictive policies was reduced to the extent that they derived from settlement boundaries that in turn reflect out-of-date housing requirements"* [IR 123, 150, 257 & 258].

#### CW&CLP

383. The appeal site is beyond the settlement limits of Winsford as defined by VRBLP Policy GS5. Until the CW&CLP P2 is adopted, these limits define the area to which Policy STRAT 9 applies. The proposal does not comprise one of the types of development that is acceptable in principle in the countryside under Policy STRAT 9 so there is a clear breach of the policy [IR 31, 126 & 255].
384. However, as the Appellant points out, the policy *"aims to protect the intrinsic character and beauty of the Cheshire countryside"* whereas the revised Framework at para. 170. which gives more clarification as to the government's position on this issue, seeks to only protect valued landscapes and only to recognise the intrinsic character and beauty of the countryside, not to protect it. Despite the interpretation of previous Inspectors, in the context of a now revised Framework, Policy STRAT 9 is not fully consistent with the wording of the Framework. Nevertheless, the Framework does recognise the overall intrinsic character and beauty of the countryside and the Cawrey judgement<sup>79</sup> confirms that the loss of undesignated countryside is capable of being harmful and attracting weight in the planning balance. In my judgement Policy STRAT 9 is consequently not out of date and is capable of attracting weight, depending upon the circumstances of the case. However, such weight cannot now be the full weight that Inspector Dakeyne gave to the Policy [IR 128-131, 255, & 256].
385. Whilst arguing that full weight should be given to the breach of STRAT 9, because the proposal is outside of the settlement limits, the Council has breached these same settlement limits on numerous occasions itself, granting planning permissions in order to maintain a five-year supply of housing land. In the context of the current settlement limits, Policy STRAT 9 is a policy for the supply of housing and in the context of a site immediately adjacent to one of the four urban areas where Policy STRAT 2 proposes to locate the majority of new development, it should also be given reduced weight in that context [IR 130].
386. I note that the Council, whilst referring to Inspector Dakeyne's SR, says that CW&CLP P2 will be defining new settlement boundaries and that the WNP allocations will form the main basis for the new boundary around Winsford. It also points out that the proposed boundary does not include the appeal site. However, this aspect of that plan is subject to outstanding objections so, at this point in time, it cannot be used in support of additional weight for the breach of Policy STRAT 9 [IR 36, 255, & 259-261].
387. Furthermore, a comparison of the boundaries shown in the VRBLP [ID 24] and that proposed in CW&CLP P2 [ID 25], with the WNP allocations (CD 5/1 pgs30-31) suggests that other land not allocated through that plan has been included in the proposed amendment to the Winsford settlement area on the Policies Map. There are also examples of development and the settlement boundary extending into adjacent parishes, such as further along School Green Lane from the appeal

<sup>79</sup> Cawrey Limited v SoS and Hinckley and Bosworth BC [2016] EWHC 1198

site. Repeating those at the appeal site would not be a new departure [IR 151 & 260].

388. By virtue of being outside of the settlement envelope the proposal is contrary to STRAT 9. However, the Council has not advanced an argument that the proposal would be harmful to the character and appearance of the countryside itself, only that by being within the Policy STRAT 9 considerations, it must in principle be contrary to that policy. Indeed, the Council's officers, when recommending members to approve the application that is now the subject of this appeal, back in 2013, said that

*"the site is contained on two sides with residential development to the north and a main road along the eastern boundary, with the impact on landscape character not considered to be significant. The site is relatively well contained visually within the local landscape, with the topography and woodland vegetation to the south and west restricting long-distance views"* (CD 2/2 para. 7.32).

389. These observations are as relevant today as they were six years ago. There is also extensive residential development across the main road referred to and some further residential development in the form of individual dwellings and out-buildings on either side of the eastern end of the lane that abuts the southern boundary (SV). The proposed development would undoubtedly result in the loss of open countryside but its impact on the wider countryside and its landscape would be minimal. I therefore give the infringements against Policy SRAT 9 only minor weight [CD 2.2].

390. Policy STRAT 1 requires development to support eight sustainable development principles, following which it will be approved without delay, unless material considerations indicate otherwise. The sixth criterion requires proposals to minimise the loss of greenfield land. The Council quite rightly refers to the proposal's conflict with this but not to any of the others. Inspector Dakeyne found that *"a degree of conflict was involved"*. There is clearly conflict but with regard to the other seven criteria, the proposal is either neutral or contributes towards their requirements [IR 29, 133, 134, 155b, 262].

391. In particular the "Local Approach", which could be secured by conditions or a legal agreement, would help to support regeneration in one of the most deprived areas of the Borough and the parties agree that the new housing would have good accessibility to local shops, community facilities and a primary school. In the context of Winsford it has good connections to public transport. It is agreed that there would be improvements to biodiversity, particularly as a result of the measures proposed to improve the habitat and breeding ponds used by GCNs, a protected species. The proposal would not encourage the use and redevelopment of Pdl but then many of the sites proposed for housing development in the LP or granted planning permission by the Council would not. In the overall circumstances I can only give limited weight to the harm to Policy STRAT 1 [IR 158-170, 184-207 & 284-297].

392. Policy STRAT 2 sets a minimum target of 22,000d for the borough. Policy STRAT 6 Winsford requires provision to be made for at least 3,500 of these new dwellings at Winsford by 2030. The WNP makes provision for 3,362 and I was told that no further sites around Winsford have been identified in the CW&CLP P2. However, I agree with Inspector Dakeyne that the development of Pdl and other



windfalls over the next 11 years would be likely to more than make up for this shortfall of identified numbers. The Appellant refers to issues that are alleged to be undermining the delivery of land within the Station Quarter and suggests that this could lead to an overall under-provision at Winsford. However, the Station Quarter is only meant to deliver 775d during the plan period (about 22%). I have not been referred to any development phasing plan at Winsford and given that more than half the plan period has yet to come, I consider it premature to be suggesting that the requirement from the Station Quarter cannot be delivered over the next eleven years [IR 29, 30, 128, 139, 142, 147, 148, 263, 264 & 308].

393. In my judgement the Policy STRAT 6 requirement is likely to be achieved without the development of the appeal site. Whilst the policy does not offer any support for the appeal proposal, given that it sets a minimum requirement and there is no evidence to suggest that that number is already likely to be unsustainably exceeded, the proposal does not conflict with it either [IR 238 & 264].
394. Policy SOC 1 Delivering affordable housing seeks to maximise the provision of such accommodation on all larger schemes. A target of 30% is set. The proposal would achieve at least 40%, with a further 10% being set aside for self or custom-build housing in the first instance. The scheme clearly accords with this policy, even the Council considering that the benefit deserves substantial weight [IR 32, 175 & 280].

#### *WNP*

395. The Appellant points out that only about 2h of the appeal site (30%) falls within the remit of the WNP and that in any event 70% of the proposal cannot be considered to be in conflict with that plan. However, the development as a whole would be a clear extension to the town of Winsford, even though a part would be within another parish. Indeed, the Appellant put the site forward as a potential allocation for the WNP. The proposal would clearly be meeting the needs of Winsford, rather than the small village of Darnhall, in whose parish some of the site is located. Darnhall village is some distance from the appeal site. In addition, the high proportion of affordable housing and the "Local Approach" benefits are clearly there in a Winsford context and do not relate to Darnhall. I therefore consider the proposal as a whole would respect the objectives and policies of the WNP. [IR 135, 136 & 265].
396. The Council and some of the third parties suggests that the plan has a clear strategy for locating housing development, close to the town centre and the railway station as well as creating positive new "gateways" at key arrival points. However, whilst some of these may be contributing to the underlying themes of the plan, there are a number of sites proposed for development that clearly do not meet these descriptions. The appeal site could be considered to be a gateway, albeit only to a minor extent but nevertheless to a greater extent than some of the sites that are expected to deliver Winsford's contribution to the overall housing requirement [IR 147, 266 & 268].
397. The Council suggests that the proposal conflicts with the themes of the plan. There are seven of these. I agree with the Appellant (Para.s 143 & 144) that it is difficult to see how the proposal actually offends any of them. However, at the same time many other sites proposed for development in Winsford would

contribute towards the delivery of the vision. Consequently, for the most part the Appellant's contribution to the vision through the seven themes is little different to many of the sites that are proposed for development or indeed others that are coming or could come forward. The training and employment proposals would nevertheless create a variety of employment opportunities, including skills training, which is an employment objective [IR 145, 203 & 267].

398. Policy H1 supports residential development on a range of sites at Winsford that in total would achieve the construction of around 3,362d. As discussed above I consider that to comply with the requirements of CW&CLP Policy STRAT 6. The appeal site is not one of the listed sites. Whilst there is no ceiling on development, I agree with Inspector Dakeyne's conclusion that to see Policy H1 other than as a policy that guides and regulates where new development in and around Winsford should be located would be to suggest that it serves no real purpose. The policy makes proposals as to where residential development in Winsford should be located up until 2030. The appeal proposal is not one of these and so it is contrary to the policy and contrary to the WNP. The policy also requires proposals to accord with other policies of the NP and LP. In this context there is clear support from Policy H3, which seeks to secure a sustainable and mixed community with different dwelling types, a range of tenures and including affordable housing. Consequently, in the overall circumstances of the minimal requirement that Policy H1 is expected to meet and the absence of significant conflict with the vision themes and objectives of the plan, I give Policy H1 no more than moderate weight [IR 33, 136, 268 & 269].

#### *Development Plan Conclusions*

399. The proposal would be in compliance with a number of relevant DP policies. These are set out in full in the PSoCG and include those used to assess the proposal against specific matters such as transport (STRAT 10), affordable housing (SOC 1), housing mix (SOC 3) and the environment (ENV 2, ENV 4 and ENV 6). I have found GS5 to be out of date and no real conflict with STRAT 2 because in the context of its minimum 21,000d target, an additional 184d would not be significant [PSoCG & IR 32 & 318].
400. Nevertheless, there would be minor conflict with CW&CLP P1 Policy STRAT 9 and to a limited extent with Policy STRAT 1. There would also be limited conflict with Policy H1 of the WNP, an additional 184d representing about a 6% increase in the context of its target of 3,400d. The housing supply policies STRAT 9 and H1 are the dominant policies for assessing proposals for development inside and immediately outside of the Winsford settlement boundary. The proposal does support Policy SOC1's objective of maximising the provision of affordable housing and given the circumstances, [see IR 408-411] this weighs in the proposal's favour. However, approving proposals that are contrary to dominant policies in the DP, particularly one that is within a NP, should not be undertaken lightly. To do so would undermine the public's trust and confidence in the DP system. I conclude that on balance the proposal would be contrary to the DP overall but only to a minor extent [IR 155 & 271].

#### *CW&CLP P2*

401. Apart from establishing new settlement boundaries, this plan when adopted should have no real bearing on the outcome of this appeal as it does not propose any land allocations at or adjacent to Winsford. The plan was submitted for

examination on 12 March 2018 and hearings closed on 27 September 2018. Agreement to Main Modifications are expected soon, with adoption anticipated later in 2019. There are outstanding objections to Policy W1, which establishes the new Winsford settlement boundary. Other objections relate to the plan's alleged failure to provide sufficient land allocations at Winsford through this policy. There are also outstanding objections to Policy DM 20, which relates to the mix and type of housing [PSoCG paras. 5.6-5.9 & IR 36-38].

402. The Appellant accepts that once this plan has been adopted, its route to the tilted balance will fall away and that in that context CW&CLP Policy STRAT 9 will be up-to-date [IR 151]

## **Sustainable development**

### *Economic*

403. The economic benefits set out in OR147 and SR 261-263 still apply. In addition, the housing offer whereby up to 92 new homes would be built by local SMEs, supports the Government's objective of boosting that sector. It would also add value to the local economy as would the self-build plots and elements of the proposed local training, employment and procurement proposals [SR80 & IR 205 & 295].
404. The weight to be given, to the benefit of the additional market housing, needs to be seen in the context of the Council's response to the need to boost significantly the supply of housing. That is what has been achieved by continuing to provide a 5-year supply of housing land [IR 174] and enabling a significant surplus in housing supply over requirement since 2014 [IR 380, 419]. Such a situation cannot justify giving the provision of more market housing significant weight, especially when the LP Inspector clearly said that an OAN of more than 1,100dpa. would require higher job growth than the forecasts suggest are likely to be achieved and necessitating more population growth from in-migration<sup>80</sup>. If job-growth doesn't match the growth in the economically active population then there would likely be an increase in out-commuting, which is not a sustainable outcome [IR 158, 159, 274 & 290-293].
405. However, the market housing would be delivered by SMEs so that in that context it should attract some weight. As Inspector Dakeyne said:
- "this, along with the other elements of the housing offer, means that the economic benefits of the appeal proposal are likely to be able to be distinguished from many other housing proposals in the Borough or indeed other proposals on non-allocated sites on **the edge of Winsford**"*
- [SR 174, 175, 282 & IR 158-167, 278d & 290-293].
406. The agricultural land position has not changed since the original inquiry and should not weigh against the proposal [OR148].
407. Overall there are significant economic benefits from the proposal [SR 264 & IR 278d].

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<sup>80</sup> CD 13/3 pgs. 9&10



*Social*

408. The proposal would deliver 40% of the dwellings as affordable housing, 10% more than the requirement. The facts surrounding the extent of the need for affordable housing are again in dispute. Notwithstanding that the Council accepts that the need for affordable housing in CW&C is such that the provision of 40%, which is 10% above the LP target of 30%, should be afforded substantial weight. The dispute is over the attachment of the pronoun "very" [IR 175, 182, 275 & 283].
409. Affordability appears to have got worse in CW&C and the numbers on its housing register have more than doubled since it was reviewed in 2014. At the same time, affordable homes have continually been lost from the stock as a result of the "right to buy". Nevertheless, in the context of the LP target of 30%, on past performance the Council appears to be capable of meeting this and achieving the delivery of 6,600 affordable units over the plan period [169, 172, 173, 188, 276 & 277].
410. The unachieved provision of 714dpa. and the corresponding shortfall of 1,503d, referred to by the Appellant, are in the context of the backlog being resolved within five-years. That was never going to be achieved, without a substantial increase in public funds, because it would involve 65% of all dwellings constructed over the five-year period being affordable. As the LP Inspector observed, the figure would still be reduced if the backlog was cleared over a longer period, such as the plan period. However, meeting all of the existing and future affordable housing needs by 2030 from the private sector contribution even if it were always 30%, is likely to be an impossible task [IR173, 174, 176, 178, 179 & 278-280].
411. Nevertheless, because of public investment, the evidence suggests that provision has fared better in Winsford, over the plan period to date, than in the Borough as a whole. Additionally, and despite this and its overall opposition to the proposal, the Town Council in its evidence considers that there is a need for more affordable homes and would welcome the provision on this site. Furthermore, the backlog represents people in housing need now, some of them acutely and so it should not be easily glossed over. I agree that at least substantial weight should be given to the provision of affordable housing on the site [IR 171, 177, 180, 182, 183, 281-283 & 315].
412. The self-build plots would help meet the government's objective expressed in the Housing White Paper and now included in the revised Framework, to support the growth of self and custom build homes. Whilst maintaining a register of those seeking to acquire serviced plots under Section 1 of the Self-Build and Custom Housebuilding Act 2015, to date there are no specific development permissions in CW&C to meet the identified demand. As identified through the Council's self-build register that amounts to 309 households. In Xx the Council confirmed that it did not know how many self-build plots it had granted planning permission for during the plan period. The extent to which the Council has supplemented this data with secondary information, as recommended by the Framework, was also not clear but despite Build Store's database identifying 443 registrants within ten miles of the appeal site, the Council maintained that there is no demand at all in Winsford for such housing on a large site [IR 184-196 & 284-288].

413. I do not share the Council's pessimism about the need for self and custom-build housing at Winsford. Its stance is largely based on conjecture rather than hard evidence and I also note that despite government advice, emerging Policy DM20 of the CW&CLP P2 sets no targets for self and custom-build housing nor allocates any specific sites. The twenty-six plots on adjacent Peacock Avenue, which were developed in such a way some years ago, suggests that such a development can be achieved at Winsford in the right circumstances. Furthermore, to counter the Council's pessimism during the Inquiry, the Appellant agreed to a fall-back position, whereby, if any of the eighteen self-build plots do not commence development within five years of the date of the planning permission, additional affordable housing plots will be built on those sites. [SR80, IR 197-202 & 289].
414. The self-build element would carry some social benefits in helping to respond to the needs of a particular group, identified by the SHMA [SR80] and the Government, who wish to build their own homes. The proposals do not follow the approach advocated by Policy SOC3 of the CW&CLP as a Community Land Trust is not involved<sup>81</sup>. Therefore, there are questions over the affordability of the plots [SR183]. That said the proposed condition that requires the submission of a scheme for the delivery of the self-build plots, would allow an input by the Council into the open market value of the plots. There would thus be social benefits from this element of the scheme. I consider that the self-build element of the scheme should attract substantial weight [IR 184-186].
415. The local training, employment and procurement elements would bring some social benefits to the Borough as a whole and Winsford in particular. There are relatively high levels of deprivation and joblessness, including in the ward adjacent to the appeal site, at Winsford. These considerations deserve significant weight [OR77 & IR203].
416. Overall there are substantial social benefits from the proposal [SR 273].

#### *Environmental*

417. There would be less than moderate harm from the loss of open fields but at some point in time there will be a requirement for some greenfield land to be developed around Winsford. The Council does not refer to any specific landscape, visual or ecological harm. The discovery of Great Crested Newts, which are a protected species, foraging on the site has resulted in proposals for off-site mitigation. It is agreed that the proposed improvements go beyond what is necessary to mitigate against the potential harm to the protected species on the site and that there would be minor overall benefits to its habitat and breeding opportunities. There is an acceptance that there would be other minor ecological improvements as a result of the scheme [IR 22, 23, 46, 47n, 204j, 296 & 301].
418. About 8,000 sqm of public open space would be landscaped. This is 3,000 sqm more than the revised standard now requires and would be of minor benefit to the wider community [IR22, 45, 47g & 204g].
419. It is agreed that the site is in an accessible location with sustainable access to bus, cycling and walking facilities. However, such advantages could be a part of

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<sup>81</sup> CD 13/1 pg. 71

the credentials of many sites and attract no weight to support the proposal [IR 47k & 204j].

420. Overall I consider the impact on the environmental dimension of sustainable development, from the loss of three open fields, would be counter balanced by the ecological and recreational benefits that would occur so that the harm would be neutralised.

### *Sustainability Conclusions*

421. The Framework considers the three overarching objectives of sustainability to be interdependent and says that they should be pursued in mutually supportive ways. In this case the proposal would achieve significant economic benefit and substantial social benefits along with having a better than neutral impact upon the environment<sup>82</sup>. However, that is not the end of the matter. The conflict with the up to date development plan is a key component of the final balancing exercise. I deal with this in my overall conclusions. In this respect Policy STRAT 1 of the CW&CLP indicates that sustainable development would not be achieved if a proposal would fundamentally conflict with the LP [IR 298-301].

### **Conditions and obligations**

422. As referred to above, following discussions with the Council, the Appellant submitted a set of agreed conditions shortly before the inquiry reopened. I discussed some of these further during the inquiry when further minor modifications were agreed. Before the inquiry concluded it was further agreed that if a local builder was employed to build the market housing and 10% of the dwellings were constructed through self-build, then it was more than likely that the levels of local procurement sought in the draft condition would be achieved without the need for the condition. The procurement condition was therefore removed. With this exception, to all intents and purposes the conditions are the same as the conditions recommended in the OR together with the additional conditions recommended in the SR, with the changes outlined in IR 317. The finally agreed conditions and the ones that I recommend to the SoS are listed at the end of this report.
423. I have considered the need for these conditions in the context of the six tests contained in paragraph 206 of the Framework and the advice contained in the NPPG. The conditions are necessary in order to ensure that the development is of a high standard, creates acceptable living conditions for existing and future residents within the development and area as a whole, is safe and sustainable, minimises the impact on the environment and complies with the other relevant DP Policies.
424. The SoS previously considered that the Training and Employment, Self-Build Housing and Local Builders conditions did not enable these considerations to outweigh his reasons for dismissing the appeal. The High Court found that the SoS had given inadequate reasoning for the rejection of the Training and Employment Measures and the Local Builders condition. It found that the SoS's reasoning that the Self Build Housing condition should not be attached to any permission was sufficient to support that conclusion.

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<sup>82</sup> CD 12/1 Pg. 5

425. The Appellant now considers that the matters addressed by the conditions in ID 42 could be more appropriately covered in a legal agreement. It cites an example from Gloucestershire<sup>83</sup> where the SoS has granted planning permission for a residential development with a similar Agreement to secure similar benefits. The Council wished them all to remain as conditions only.
426. I am of the opinion that all of the conditions as now proposed meet the tests in the NPPG and its guidance suggests that that conditions are to be preferred to planning obligations if they meet the tests. Nevertheless, if the SoS agrees with my overall conclusion, it is a matter for him whether or not he imposes conditions to secure the implementation of the "local approach" matters or accepts the Unilateral Undertaking as a substitute means of securing the implementation of the benefits. If the former, then it may be necessary to ask the Appellant to withdraw its Unilateral Undertaking.

### **The Planning Balance**

427. I have found VRBLP Policy GS5, considered to be one of the dominant policies for determining the application, to be out of date. At paragraph 11d the Framework says that where policies, which are the most important for determining the application, are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
428. I have found that the development is sustainable development in the overall context of the Framework, with substantial weight being given to the benefits from the social dimension and significant weight given to the economic dimension. The adverse impacts from the loss of the green fields and on the confidence in the DP are not so great as to demonstrably outweigh the benefits. I consequently find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole and that planning permission should be granted.
429. If the SoS disagrees with my finding and considers that VRBLP Policy GS5 is not out of date and the tilted balance is not applied I would nevertheless, like Inspector Dakeyne, recommend in favour of allowing the appeal. In this instance it is a matter of balancing the harm, conflict with the DP and the adverse impacts through the loss of countryside, against the economic and social benefits arising from the provision of the new homes.
430. To a limited extent, the proposal is contrary to CW&CLP Policy STRAT 1. There is also a degree of conflict with CW&CLP Policy STRAT 9 and Policy H1 of the WNP. Although a number of development plan policies support the proposal, particularly CW&CLP Policy SOC1, overall, I consider the proposal to be contrary to the DP when read as a whole but only to a minor extent. That conflict is by and large a technical one and a number of the relevant policies, particularly those of the WNP are not explicit in forming a basis to resist the development. Other than the loss of three green fields that do not easily relate to the wider

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<sup>83</sup> Appeal ref: APP/P1615/A/3013622 Land off Driffield Road, Allaston Road and Court Road, Lydney, Gloucestershire (CD 17/2).

landscape, I have only identified minor harm from the development in the context of the principles of sustainability. Nevertheless, the DP is not to be set aside lightly. A failure to comply with the DP, particularly in the context of Policy STRAT 1, could also give an indication that the development would not be sustainable overall.

431. Unless fully justified, permission would undermine the credibility of the planned system and the status of NPs promoted by the Framework, even though paragraph 198 of the Framework should not be interpreted as giving NPs enhanced status over other components of the DP. There are adverse impacts through the loss of open countryside and conflict with the DP overall. Together I conclude that these represent moderate harm. The Council has not alleged any other harm and agrees that the other material impacts could be made acceptable by the use of conditions. In this case there are substantial economic and social benefits arising, particularly the significant proportion of affordable homes and the other "Local Approach" benefits of the housing offer. Whilst this type of offer could be repeated, the circumstances are unlikely to be commonplace because of the position of the Appellant as landowner as set out in detail in the 'Local Approach'.
432. Development that conflicts with the DP should be refused unless other material considerations indicate otherwise. But it does not necessarily follow that a proposal which conflicts with the DP cannot comprise sustainable development as illustrated by many appeal decisions<sup>84</sup>. I conclude that the conflict with the DP, the starting point for decision making, including the relatively minor adverse impacts on the countryside are outweighed by other material considerations, namely the significant economic and very substantial social benefits arising from additional housing, particularly the affordable homes and the self-build housing.
433. In arriving at this conclusion, I have taken into account that the Council, putting to one side the conflict with the DP and including the in-principle objection to the loss of countryside, have not suggested that the grant of planning permission will result in any site specific adverse impacts or that the site is not in a sustainable and accessible location. For these reasons, the proposal would accord with the presumption in favour of sustainable development, having regard to the DP and the economic, social and environmental dimensions of sustainable development considered in the round.

## **Recommendation**

434. I recommend that the appeal be allowed, and outline planning permission be granted subject to the conditions set out in the next section. This recommendation is consistent with that contained in Inspector Dakeyne's two reports [OR168].

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<sup>84</sup> For example those referred to in IR65 & IR159

## **Recommended conditions in the event that permission is granted**

### *Reserved Matters*

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of the development shall be submitted to, and approved in writing by, the local planning authority before any development of that relevant phase begins and the development of each phase shall be carried out in accordance with the details approved under that phase.
2. Application for approval of the reserved matters for Phase 1 of the development as approved under condition 6 of this permission shall be made to the local planning authority before the expiration of one year from the date of this permission.  
Application for approval of the reserved matters for the Phase 2 of the development as approved under condition 6 of this permission shall be made to the local planning authority before the expiration of two years from the date of this permission.  
Application(s) for the approval of reserved matters for each subsequent phase of development must be submitted to the local planning authority not later than the expiration of three years beginning with the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. All reserved matters applications shall accord with principles set out in the following:
  - a) Parameters Plan HP/WIN/PP01 Rev B dated 4 July 2014;
  - b) Boundary Treatment Proposals Plan 1789/P07a dated September 2013;
  - c) Design and Access Statement dated July 2013;
  - d) Access Plan (Drawing No. CBO-0149-006).
5. No more than 184 dwellings shall be erected on the site.

### *Phasing*

6. A Phasing Plan for the whole development shall be submitted to, and approved in writing by, the local planning authority as part of the first application for reserved matters within the application site. Full details of the phasing of the construction of the development hereby approved, including highway and pedestrian routings, shall be submitted as part of the Phasing Plan. The development shall be carried out in accordance with the Phasing Plan approved under this condition.
7. The details for each phase of the development required under condition no 1 of this permission shall include:
  - a) samples or the manufacturer's specification of the external materials to be used in the construction of the dwellings;



- b) soft and hard landscaping works, including details of retained trees and hedges, areas to be landscaped including the numbers, size, locations and species of trees and shrubs to be planted, boundary treatments, hard surfaces, and an implementation programme;
- c) existing levels and proposed finished floor (slab) and site (garden) levels;
- d) street furniture/structures including proposed substations or other utility structures;
- e) external lighting;
- f) on-site open space/play space provision. The total amount of on-site open space shall amount to no less than 5,000 square metres;
- g) parking for cars and cycles;
- h) roads, footways and cycleways;  
and,
- i) provision for waste and recycling in connection with the dwellings.

The details for each phase shall include a implementation programme for the works.

#### *Open Space*

8. No dwelling in any phase of development shall be occupied until details of the management and maintenance regime for the open space within that phase, including any landscaping and planting buffers, shall be submitted to, and approved in writing by, the local planning authority. Following implementation in accordance with condition 7, the open space shall be managed and maintained in accordance with the approved details.

#### *Trees, Hedges and Landscaping*

9. Any trees or shrubs, forming part of the soft landscaping works, which die, become diseased or are damaged within the first five years after planting shall be replaced with a tree or shrub of the same species and size in the following planting season.

10. No trees or hedges shall be cut down, uprooted or destroyed nor shall any retained tree be topped or lopped unless the works are in accordance with the Management Recommendations within the Tree Quality Survey Report dated 9 July 2013 (Report No 1789\_R05b\_JB\_JTF) or have been approved in writing by the local planning authority under condition 7 of this permission. Any lopping or topping shall be carried out in accordance with "British Standard BS3998:2010 recommendations for Tree Work". If any retained tree or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted at the same place and the specification of the replacement tree or hedge shall be approved in writing by the local planning authority.

11. No works in any phase, including ground preparation, shall commence on the site until all existing trees and hedges to be retained in that phase, in accordance with condition 6, are fully safeguarded by protective fencing and ground protection in accordance with specifications to be submitted to, and approved in writing by, the local planning authority, following the provisions of "British Standard 5837: 2012 Trees in relation to design, demolition and construction". Such measures shall be retained for the duration of the construction works.

### *Biodiversity*

12. The development shall be implemented in accordance with the mitigation measures detailed in the Tyler Grange Updated Ecological Assessment Report of 12 October 2018 and Drawing 11391/P09d.

13. Prior to the commencement of development, a detailed method statement of works with regards to Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved method statement.

14. The development shall be delivered in accordance with the Great Crested Newt mitigation and compensation proposals as detailed in Section 5 of the Tyler Grange Updated Ecological Assessment Report of 12h October 2018 and Drawing 11391/P09d hereby approved.

15. Prior to the commencement of development, details of the off-site pond creation, including a methodology and timetable, shall be submitted to, and approved in writing by, the local planning authority. The works shall be carried out in accordance with approved details, methodology and timetable.

16. A habitat creation and management plan shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The plan shall include:

- a) Description and evaluation of the features to be created and managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including a project register, an annual work plan and the means by which the plan will be rolled forward annually);  
and
- g) Personnel responsible for implementation of the plan.

17. No on-site hedgerow/scrub/tree shall be removed between the 1 March and 31 August inclusive, unless the site is surveyed for breeding birds, and a scheme to protect breeding birds is submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved scheme.

18. Prior to the commencement of each phase of the development a scheme and timetable for the provision of bat and bird boxes, including the numbers and locations for that phase of development, shall be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be installed in accordance with the approved scheme and timetable. Thereafter the bat and bird boxes shall be retained.

### *Construction Management*

19. No development shall take place in any phase until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the



local planning authority. The approved Statement shall be adhered to throughout the construction period for that phase. The Statement shall provide for:

- a) details of access, including routing of construction traffic, and temporary pedestrian routes;
- b) hours of construction and construction deliveries;
- c) the parking of vehicles of site operatives and visitors;
- d) loading and unloading of plant and materials;
- e) storage of plant and materials used in constructing the development;
- f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g) wheel washing facilities;
- h) measures to control the emission of dust and dirt during construction; and
- i) a scheme for recycling/disposing of waste resulting from construction works.

#### *Access and Highways*

20. The proposed vehicular access, footways and dropped crossing on Darnhall School Lane as detailed on the Proposed Access Plan (Drawing Ref CBO-0149-006 dated 26 April 2013) shall be completed to binder-course level prior to the commencement of the construction of any dwellings on the site.

21. No dwelling shall be occupied until the part of the highway or footway which provides access to it has been constructed in accordance with the approved details up to binder-course level. The surface course shall then be completed within the approved timetable for the relevant phase as approved under condition 7.

#### *Travel Plan*

22. Prior to the occupation of each phase of the development, a travel plan for that phase shall be submitted to, and approved in writing by, the local planning authority. The submitted travel plan shall include the objectives, measures and targets set out in the Travel Plan Framework dated 8 July 2013. The approved travel plan shall be operated from first occupation.

#### *Archaeological Work*

23. Prior to the commencement of the development of each phase, a programme of archaeological work in accordance with a written methodology of investigation for that phase shall be submitted to, and approved in writing by, the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

#### *Drainage*

24. No development shall take place in any phase until a scheme for the disposal of surface water and foul drainage for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall be carried out in accordance with the approved details.

### *Affordable Housing*

25. Prior to the commencement of each phase of development a scheme for the provision of affordable housing in that phase shall be submitted to, and approved in writing by, the local planning authority. The affordable housing shall be 40% of the total number of dwellings to be provided on site, be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a) The numbers, tenure and location on the site of the affordable housing provision to be made;
- b) The type and mix of affordable dwellings;
- c) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- d) The arrangements for the transfer or management of the affordable housing;
- e) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;  
and
- f) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

All parts of the approved scheme for the provision of affordable housing shall be implemented in full.

### *Local Approach Conditions*

#### *Training and Employment*

26. The development hereby permitted shall not commence until details of a Training and Employment Management Plan has been submitted to, and approved in writing by, the local planning authority. The plan shall aim to promote training and employment opportunities during the construction phase for local people by undertaking to meet a target of not less than 50% of the total workforce on the site being resident within the Cheshire West and Chester Council area, of which not less than 20% is within the town of Winsford and the adjacent parishes:

#### *Self-Build Housing*

27. Prior to the commencement of the self-build phase of the development, as approved under condition 6, a scheme for the provision of self-build plots shall be submitted to, and approved in writing by the local planning authority. The self-build plots shall be 10% of the total number of the dwellings to be provided on the site and will not be an affordable unit. The self-build plots shall be provided in accordance with the approved scheme. The scheme shall specify:

- (i) The number, location and size of the plots that would be reserved for self-build;
- (ii) That the dwelling that is built is first occupied by the person or family that purchases the plot;

- (iii) The period that the person or family that purchases the plot shall remain in occupation;
- (iv) The roads and services to be provided to service each self-build plot and the phasing thereof;
- and,
- (v) A programme for the marketing of the self-build plots specifying the open market values at which they will be offered.

All parts of the approved scheme for the provision of the self-build plots shall be implemented in full.

28. Details of the self-build units shall be provided to the Council for approval in line with the reserved matters timeframes. In the event that none or any number of the 18 self-build plots are not commencement within 5 years of the date of this planning permission, those plots that remain will be provided as additional affordable housing dwellings over and above the 40% specified in condition 25 above. Within 6 years of the date of this planning permission, a scheme for the provision of these additional affordable housing dwellings shall be submitted to, and approved in writing by, the local planning authority. This affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a) The numbers, tenure and location on the site of the affordable housing provision to be made;
- b) The type and mix of affordable dwellings;
- c) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- d) The arrangements for the transfer or management of the affordable housing;
- e) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- and,
- f) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

#### *Local Builders*

29. No dwelling which is not an affordable or a self-build unit shall be constructed other than by a builder or company that:

- a) Has its main office or registered office within the Cheshire West and Chester, Chester East or Warrington Borough Council's areas at the date of this permission;
- and
- b) Builds a total of not more than 500 residential units in any one year in the last 5 years prior to development commencing.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Martin Carter of Counsel	instructed by Pamela Chesterman, Solicitor Legal Manager, CW&CC
He called	
Beth Fletcher BSc, MSc	Senior Planning Officer, CW&CC
Jill Stephens BA, Dip TP MRTPI	Senior Planning Officer, CW&CC

### FOR THE APPELLANT:

Christopher Young, Queens Counsel	Instructed by Gary Halman of GVA HOW Planning
He called	
Ben Pycroft BA, Dip TP MRTPI	Emery Planning
James Stacey, BA, Dip TP, MRTPI	Tetlow King Planning
Jon Suckley, MTCP, MRTPI	GVA How Planning

### INTERESTED PERSONS:

Councillor Stephen Burns	Councillor CW&CC
Robin Wood	Chairman Darnhall Fighting Fund and local resident
Brian Clark	Councillor CW&CC, Chair of Winsford Neighbourhood Steering Group
Tony Hooton	Councillor, Winsford Town Council

## DOCUMENTS

### DOCUMENTS SUBMITTED BEFORE THE INQUIRY

- 1 2018 Planning Statement of Common Ground
- 2 Statement of Common Ground on Five Year Housing Land Supply
- 3 Proof of Evidence of Beth Fletcher with Appendices
- 4 Proof of Evidence of Jill Stephens with Appendices
- 5 Proof of Evidence of Ben Pycroft with Appendices
- 6 Supplemental Affordable Housing Evidence of James Stacey with Appendices
- 7 Rebuttal Affordable Housing Evidence of James Stacey
- 8 Proof of Evidence of Jon Suckley
- 9 Appendices to the Proof of Evidence of Jon Suckley
- 10 Rebuttal Proofs of Evidence of Ben Pycroft and Jon Suckley

### DOCUMENTS SUBMITTED AT THE INQUIRY

- 11 Opening Statement of the Appellant
- 12 Opening Statement of the Local Planning Authority
- 13 Statement from Councillor Stephen Burns
- 14 Statement from Robin Wood
- 15 Statement from Councillor Brian Clarke
- 16 Statement from Councillor Tony Hooton
- 17 Housing Land Monitor Report 2017-18
- 18 Extracts from CE&C Economic Dashboard, submitted by the Appellant
- 19 CW&C Inequalities Report, submitted by the Appellant
- 20 WNP Sustainability Appraisal Scoping Report, submitted by the Appellant
- 21 Winsford, Index of Multiple Deprivation 2015, submitted by the Appellant
- 22 Plan of Electoral Wards in Winsford, submitted by the Appellant
- 23 Schedule of WNP Allocations and relevant planning history, submitted by the Appellant
- 24 Plan showing WNP boundary and VRBLP Town Policy Boundary for Winsford, submitted by the Council
- 25 Plan showing CW&CLP P2 proposals for a revised Winsford Settlement Area Boundary, submitted by the Council
- 26 Comparison of housing completions and annual delivery forecasts 2010/11-2017/18, submitted by the Council
- 27 Housing Completions in CW&C 2013/14-2017/18, submitted by the Appellant
- 28 CW&C Affordable Housing Completions 2010/11-2017/18, submitted by the Appellant
- 29 CW&C Report to Cabinet on the Accelerated Construction Fund (grant for Affordable Housing), submitted by the Council
- 30 Letter from "Cruden" to the Appellant expressing support for the use of local SME builders in the proposal's construction
- 31 Letter from "J Garratt" to the Appellant expressing support for the use of local SME builders in the proposal's construction
- 32 Letter from "Moorcroft" to the Appellant expressing support for the use of local SME builders in the proposal's construction
- 33 CW&C Self-build Register, submitted by the Council
- 34 Schedule of Planning Applications for the development of dwellings at Peacock Avenue, submitted by the Appellant

- 35 Schedule of Planning Applications for the development of dwellings at Harewood Close, submitted by the Appellant
- 36 Appeal decision ref: App/A0665/A/13/2209026, Land South of Ledsham Road, Little Sutton, Ellesmere Port, Cheshire, submitted by the Appellant
- 37 SoCG between CW&CC and Redrow Homes, App/A0665/A/13/2209026, Land South of Ledsham Road, Little Sutton, Ellesmere Port, submitted by the Appellant
- 38 Gladman Developments and Daventry District Council and SoS, Court of Appeal ref: C1/2015/4315, submitted by the Council
- 39 Amstel Group Corporation and SoS and North Norfolk District Council, Royal courts of Justice ref: CO/3750/2017, submitted by the Council
- 40 Draft conditions as agreed in principle by the parties prior to the commencement of the Inquiry
- 41 Draft conditions as agreed and amended during the Inquiry with tracked changes
- 42 Conditions as amended and agreed at the close of the Inquiry with tracked changes
- 43 Closing submissions of the Local Planning Authority
- 44 Closing submissions of the Appellant

#### DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 45 Revised Planning Obligation by way of Agreement under S106 of the T&CPA 1990, (Financial contributions towards off-site leisure provision), submitted by the Appellant
- 46 Planning Obligation by way of Unilateral Obligation under S106 of the T&CPA 1990, (Local Approach), submitted by the Appellant
- 47 Appeal decision: App/A0665/W/14/2212671, Land south of Oakridge, Highnam, Gloucestershire, with supporting letter from the Appellant
- 48 Letters of 07 January 2019, to the main parties, informing them that the Inquiry is closed
- 49 Correspondence with the main parties about conditions and obligations
- 50 Correspondence with the main parties about pooled contributions, as set out in Regulation 123 of the CIL Regulations, in the context of the S106 Agreement
- 51 CW&C, Land at Darnhall School Lane, Winsford, Statement of compliance with CIL, submitted by the Council
- 52 Correspondence with the main parties about revisions to the NPPF

## CORE DOCUMENTS

Core Document Reference	File Reference	Title	Document Reference
		<b>Planning Application Form</b>	
CD1/1	CD1 – CD3	Planning Application Form	-
		<b>Decision Notice and Reporting</b>	
CD2/1	CD1 – CD3	CWaC Decision Notice	13/03127/OUT
CD2/2		Officers Report for 13/03127/OUT to CWaC Strategic Planning Board (November 2013)	-
CD2/3		Planning Committee Transcript (January 2014)	-
CD2/4		Officers Report for 13/03127/OUT to CWaC Strategic Planning Board (18 June 2015)	-
CD2/5		CWaC Strategic Planning Board Minutes (18 June 2015)	-
CD2/6		Officers Report for 13/03127/OUT to Planning Committee (4 September 2018)	-
CD2/7		Planning Inspectorate reference APP/A0665/A/2212671: SoS Decision Letter and Inspector's Reports (7 July 2016)	-
		<b>Site Location Plan</b>	
CD3/1	CD1 – CD3	Site Location Plan	HP/WIN/LP/01
		<b>Original Submission Plans</b>	
CD4/1	CD4 File 1	Access Plan [replicated by CBO-0149-010]	CBO-0149-006
CD4/2		Illustrative Sketch Masterplan	HP/WIN/SKMP01
CD4/3		Parameters Plan [Superseded by HP/WIN/PP01 Rev B]	HP/WIN/PP01
CD4/4		Topographical Land Survey	S13-199
		<b>Original Submission Documents</b>	
CD4/5	CD4 File 1	Application Covering Letter	-
CD4/6		Supporting Planning Statement (including Affordable Housing Statement and Section 106 Heads of Terms)	-
CD4/7		Statement of Community Involvement	-
CD4/8		Transport Assessment	-
CD4/9		Travel Plan Framework	-
CD4/10		Ecological Assessment [Superseded by August Version]	-
CD4/11		Landscape and Visual Impact Assessment	-
CD4/12		Tree Quality Survey, Root Protection Areas and Development Implications	-
CD4/13	CD4 File 2	Air Quality Assessment	-
CD4/14		Noise Impact Assessment	-
CD4/15	CD4 File 2	Flood Risk and Surface Water Drainage Assessment	-
CD4/16		Archaeological Desk-Based Assessment	-
CD4/17		Phase 1 Geo-Environmental Ground Investigation	-
CD4/18	CD4 File 3	Agricultural Land Classification Assessment	-
CD4/19		Proposed Waste Management Strategy	-
CD4/20		Outline Utilities Strategy	-
CD4/21		Socio-Economic Impact Assessment	-



Core Document Reference	File Reference	Title	Document Reference
		<b>Additional Plans and Documents</b>	
CD5/1	CD5	Proposed Highway Improvements: Swanlow Lane/ Townfields Road Signals Plan	CBO-0149-009
CD5/2		Walking & Cycling Catchment and Site Accessibility	Figure A
CD5/3		Boundary Treatment Proposals Plan	1789/P07a
CD5/4		Parameters Plan	HP/WIN/PP01 Rev B
CD5/5		EIA Screening Report, Covering Letter and Email	-
CD5/6		Ecological Assessment – 13 August 2013	-
CD5/7		CWaC EIA Screening Opinion Letter	-
CD5/8		National Planning Casework Unit EIA Letter	-
CD5/9		Addendum to Ecological Assessment	-
CD5/10		Technical Note: Review of Swanlow Lane / Townfields Road Signal Junction Improvement	-
		<b>2018 Additional Plans and Documents</b>	
CD5/11	CD5	Updated Transport Assessment	-
CD5/12		Updated Ecology Note	-
CD5/13		Indicative On-site Open Space Plan	HP/WIN/IOSP/01
CD5/14		Phasing Plan	HP/WIN/IPP/0
		<b>Design and Access Statement</b>	
CD6/1	CD6 – CD10	Design and Access Statement	-
		<b>Correspondence (with DCLG/ PINS/ CwaC)</b>	
CD7/1	CD6 – CD10	Communities and Local Government Letter to Reopen Inquiry 14 April 2015	-
CD7/2		Letter J Stephens 21 March 2014	-
		<b>Statement of Common Ground</b>	
CD8/1	CD6 – CD10	Copy Statement of Common Ground 2015	-
		<b>Grounds of Appeal</b>	
CD9/1	CD6 – CD10	Grounds of Appeal	-
		<b>Statement of Case</b>	
CD10/1a	CD6 – CD10	Statement of Case (January 2014)	-
CD10/1b		Statement of Case (July 2015))	-
CD10/2		Statement of Case (December 2017)	-
CD10/3		CwaC Statement of Case (December 2017)	-
		<b>Additional Council Core Documents</b>	
CD11/1	CD11	Appeal decisions: APP/A0665/A/15/3129628. Land adjacent to Shepherds Fold Drive, Winsford	-
CD11/2	CD11	Appeal decisions: APP/A0665/W/16/3151068. West Winds, Chester Lane, Winsford.	-
CD11/3		High Court Decision: Cawrey Limited v SoSCLG (2016) EWHC 1198	-
CD11/4		High Court Decision: De Souza v SoSCLG EWHC 2245	-
CD11/5		Land Allocations Background Paper (2017)	-
CD11/6		Brownfield Register	-



Core Document Reference	File Reference	Title	Document Reference
CD11/7		Appeal decision Land South of Watlington Road, Benson	-
CD11/8		CWaC Self-build Register	-
		<b>National Planning Policy and Ministerial Statements</b>	
CD12/1	CD12 File 1	National Planning Policy Framework (July 2018)	-
CD12/2		National Planning Practice Guidance: Housing and economic land availability assessment (September 2018)	-
CD12/3		(Superseded) National Planning Practice Guidance: Delivering a wide choice of quality homes (March 2012)	-
CD12/4		Sajid Javid's speech to the Federation of Master Builders 12 December 2017	-
CD12/5		Autumn Budget (November 2017 by Philip Hammond MP)	-
CD12/6	CD12 File 2	House of Commons Briefing Paper: Self-Build and Custom Build Housing (March 2017)	-
CD12/7		Housing White Paper – Fixing our Broken Housing Market (February 2017)	-
CD12/8		Support for small scale developers, custom and self-builders – Housing and Growth Ministerial Statement by The Minister of State for Housing and Planning (Brandon Lewis on 28 November 2014)	-
CD12/9		Lyons Housing Review: Mobilising across the nation to build the homes our children need (October 2014)	-
CD12/10		Announcement – Government investment to build thousands of new homes (Eric Pickles on 26 June 2014)	-
CD12/11		Laying the Foundations: A Housing Strategy for England (November 2011)	-
CD12/12		Homes England Strategic Plan 2018/19 – 2022/23	-
CD12/13		Housing delivery test measurement rule book (July 2018)	-
CD12/14		Technical consultation on updates to national planning policy guidance (26 October 2018)	-
		<b>Local Plan Policy and Guidance</b>	
CD13/1	CD13 File 1	Cheshire West and Chester Local Plan (Part One) (adopted January 2015)	-
CD13/2	CD13 File 1	Vale Royal Borough Local Plan – Policies saved after 29 Jan 2015	-
CD13/3a		Inspector's Report On The Examination Into The Cheshire West And Chester Local Plan (Part One) Strategic Policies (15 December 2014)	-
CD13/3b		Inspector's Report On The Examination Into The Cheshire West And Chester Local Plan (Part One) Strategic Policies (15 December 2014) - Appendices Main Modifications	
CD13/4		Council's Annual Monitoring Report 2018	-
CD13/5	CD13 File 2	Housing Land Monitor 2017-18	-

Core Document Reference	File Reference	Title	Document Reference
CD13/6		Housing and Economic Land Availability Assessment (2017)	-
CD13/7		Council Plan (2016-2020)	-
CD13/8		Strategic Housing Market Assessment (2013)	-
CD13/9		Cheshire West and Chester response to Inspector's Matters, Issues and Questions – Matter 8: the supply and delivery of housing land	-
CD13/10		ED112: Council note to the Inspector on communal establishments and housing requirement	-
		<b>Emerging Development Plan Background Documents</b>	
CD14/1	CD14 – CD16	Local Plan (Part Two) Land Allocations and Detailed Policies – Submission Plan	-
CD14/2		Cheshire West and Chester response to Inspector's Matters, Issues and Questions – Matter 3: the supply and delivery of housing	-
		<b>Neighbourhood Guidance</b>	
CD15/1	CD14 – CD16	Winsford Neighbourhood Plan (Made 19 November 2014)	-
CD15/2		Winsford Neighbourhood Plan Examiner's Report (30 July 2014)	-
		<b>Court Cases</b>	
CD16/1	CD14 – CD16	Verdin (T/A The Darnhall Estate) v The Secretary of State for Communities and Local Government and Others (Neutral Citation Number: [2017] EWHC 2079 (admin))	-
CD16/2		Woodcock Holdings Ltd v The Secretary of State for Communities and Local Government (Neutral Citation Number: [2015] EWHC 1173 (Admin))	-
CD16/3		Ivan Crane vs Secretary of State and Harborough District Council (Neutral Citation Number: [2015] EWHC 425 (Admin))	-
CD16/4	CD14 – CD16	R (Cherkley Campaign Limited) v Mole Valley District Council (Neutral Citation Number: [2014] EWCA Civ 567)	-
CD16/5	CD14 – CD16	Coleman v Secretary of State (Neutral Citation Number: [2013] EWHC 1138 (Admin))	-
CD16/6		R v Rochdale MBC ex parte Milne (Neutral Citation Number: [2000] EWHC 650 (Admin))	-
CD16/7		Allaston Developments Limited v Secretary of State and Others (Claim No. CO/476/2016)	-
CD16/8		Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents)  Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)  (Neutral Citation Number: [2017] UKSC 37)	-

Core Document Reference	File Reference	Title	Document Reference
		<b>Appeal Decisions</b>	
CD17/1	CD17 File 1	Planning Inspectorate appeal reference APP/A0665/V/15/3013622: Land At Clifton Drive, Sealand Road, Chester; <u>Secretary of State Decision</u> (27 February 2018)	-
CD17/2		Planning Inspectorate appeal reference APP/P1615/A/14/2218921RD: Land Off Driffield Road, Allaston Road, and Court Road, Lydney, Gloucestershire; <u>Secretary of State Decision</u> (7 November 2017)	-
CD17/3		Planning Inspectorate appeal reference APP/A0665/A/12/2188464: Land Opposite Brook Hall Cottages, Chester Road, Tattenhall; <u>Secretary of State Decision</u> (21 April 2017)	-
CD17/4	CD17 File 2	Planning Inspectorate appeal reference APP/A0665/A/12/2185667: Land To The Rear Of 15-38 Greenlands, Tattenhall, Cheshire; <u>Secretary of State Decision</u> (21 April 2017)	-
CD17/5		Planning Inspectorate appeal reference APP/A0665/A/12/2180958: Land Adjacent To Adari, Chester Road, Tattenhall, Cheshire; <u>Secretary of State Decision</u> (21 April 2017)	-
CD17/6	CD17 File 3	Planning Inspectorate appeal reference APP/F2415/A/14/2213765: Land Off Dunton Road, Broughton Astley, Leicestershire; <u>Secretary of State Decision</u> (20 March 2015)	-
CD17/7		Planning Inspectorate appeal reference APP/K2420/A/13/2208318: At Land Surrounding Sketchley House, Watling Street, Burbage, Leicestershire; <u>Secretary of State Decision</u> (18 November 2014)	-
CD17/8	CD17 File 3	Planning Inspectorate appeal reference APP/H1840/A/13/2199426: Pulley Lane, Droitwich Spa; <u>Secretary of State Decision</u> (2 July 2014)	-
CD17/9		Planning Inspectorate appeal reference APP/F2415/A/12/2183653: Site At Land South Of Hallbrook Primary School, Crowfoot Way, Broughton Astley, Leicestershire; <u>Secretary of State Decision</u> (17 April 2014)	-
CD17/10		Planning Inspectorate appeal reference APP/P3040/A/07/2050213: Land at Gotham Road, East Leake, Nottinghamshire, LE12 6JG; <u>Secretary of State Decision</u> (3 March 2008)	-
CD17/11		Planning Inspectorate appeal reference APP/C1950/W/17/3190821: Entech House, London Road, Woolmer Green SG3 6JE; <u>Inspector Appeal Decision</u> (26 October 2018)	-

Core Document Reference	File Reference	Title	Document Reference
CD17/12		Planning Inspectorate appeal reference APP/W3520/W/18/3194926: Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF; <u>Inspector Appeal Decision</u> (28 September 2018)	-
CD17/13		Planning Inspectorate appeal reference APP/P0119/W/17/3191477: Land east of Park Lane, Coalpit Heath, South Gloucestershire; <u>Inspector Appeal Decision</u> (6 September 2018)	-
CD17/14		Planning Inspectorate appeal reference APP/N1730/W/17/3185513: Broden Stables, Redlands Lane, Crondall, Farnham GU10 5RF; <u>Inspector Appeal Decision</u> (23 August 2018)	-
CD17/15		Planning Inspectorate appeal reference APP/J0405/W/16/3158833: Land north of Aylesbury Road, Wendover, Buckinghamshire; <u>Inspector Appeal Decision</u> (9 October 2017)	-
CD17/16		Planning Inspectorate appeal reference APP/F4410/W/16/3158500: Land off Westminster Drive, Dunsville, Doncaster, South Yorkshire DN7 4QF; <u>Inspector Appeal Decision</u> (12 July 2017)	-
CD17/17		Planning Inspectorate appeal reference APP/V4250/A/14/2226998: Land South West of Bee Lane, Atherton, Wigan; <u>Inspector Appeal Decision</u> (17 July 2015)	-
CD17/18	CD17 File 3	Planning Inspectorate appeal reference APP/A0665/W/14/3001859: Land off Boundary Park, Parkgate, Neston, Cheshire CH64 6TN; <u>Inspector Appeal Decision</u> (7 July 2015)	-
CD17/19		Planning Inspectorate appeal reference APP/Y2810/A/14/2225722: Salisbury Landscapes Ltd, Boughton Road, Moulton, Northampton; <u>Inspector Appeal Decision</u> (18 June 2015)	-
CD17/20		Planning Inspectorate appeal reference APP/A2470/A/14/2222210: Greetham Garden Centre, Oakham Road, Greetham, Oakham; <u>Inspector Appeal Decision</u> (26 May 2015)	-
CD17/21		Planning Inspectorate appeal reference APP/N1350/A/14/2217552: Land off Sadberge Road, Middleton St George, Darlington; <u>Inspector Appeal Decision</u> (12 January 2015)	-
CD17/22		Planning Inspectorate appeal reference APP/Z2830/A/14/2216712: Land off Grays Lane, Paulerspury, Towcester NN12 7NW; <u>Inspector Appeal Decision</u> (9 January 2015)	-
CD17/23		Planning Inspectorate appeal reference APP/D0840/A/13/2209757: Land north of Upper Chapel, Launceston; <u>Inspector Appeal Decision</u> (11 April 2014)	-

Core Document Reference	File Reference	Title	Document Reference
CD17/24		Planning Inspectorate appeal reference APP/F2360/W/18/3198822: Land off Brindle Road, Bamber Bridge, Preston, PR5 6YP; <u>Inspector Appeal Decision</u> (31 August 2018)	-
CD17/25		Planning Inspectorate appeal reference APP/X0415/W/18/3202026: Land to the rear of the Old Red Lion, High Street, Great Missenden, HP16 0AU; <u>Inspector Appeal Decision</u> (4 September 2018)	-
CD17/26	CD17 File 4	Planning Inspectorate appeal reference APP/U3935/W/17/3192234: Land at Hill Cottage, Ermin Street/Blunsdon Hill, Broad Blunsdon, Swindon; <u>Inspector Appeal Decision</u> (18 October 2018)	-
CD17/27		Planning Inspectorate appeal reference APP/C1760/W/17/3170081: Abbotsford, Braishfield Road, Romsey, Hampshire SO51 0PB; <u>Inspector Appeal Decision</u> (24 November 2017)	-
CD17/28		Planning Inspectorate appeal reference APP/F1610/W/16/3165805: Land at The Leasows, Chipping Campden GL55 6EB; <u>Inspector Appeal Decision</u> (2 November 2017)	-
CD17/29	CD17 File 4	Planning Inspectorate appeal reference APP/D0840/W/16/3142806: Land off Tregenna Lane, Camborne TR14 7QU; <u>Inspector Appeal Decision</u> (09 February 2017)	-
CD17/30		Planning Inspectorate appeal reference APP/R3705/W/16/3155070: Land North of Manor Barns, Newton Lane, Austrey, Warwickshire CV9 3EP; <u>Inspector Appeal Decision</u> (14 November 2016)	-
CD17/31		Planning Inspectorate appeal reference APP/W3005/W/16/3150467: Land between Pleasley Road and North of Mansfield Road, Skegby, Sutton in Ashfield, NG17 3BS; <u>Inspector Appeal Decision</u> (5 October 2016)	-
CD17/32		Planning Inspectorate appeal reference APP/C1625/W/15/3133335: Land rear of Canonbury Street, Berkeley, Gloucestershire; <u>Inspector Appeal Decision</u> (21 November 2016)	-
CD17/33		Planning Inspectorate appeal reference APP/L3245/W/15/3137161: Land at Foldgate Lane, Ludlow, Shropshire; <u>Inspector Appeal Decision</u> (10 November 2016)	-
CD17/34		Planning Inspectorate appeal reference APP/A0665/W/15/3140241: Land at Park Farm, Rudheath, Northwich, Cheshire CW9 7HF; <u>Inspector Appeal Decision</u> (12 May 2016)	-

Core Document Reference	File Reference	Title	Document Reference
CD17/35		Planning Inspectorate appeal reference APP/H1840/W/15/3008340: Land off Worcester Road, Drakes Broughton, Worcestershire; <u>Inspector Appeal Decision</u> (14 January 2016)	-
CD17/36		Planning Inspectorate appeal reference APP/H1840/W/15/3005494: Walcot Meadow, Walcot Lane, Drakes Broughton, Pershore, Worcestershire; <u>Inspector Appeal Decision</u> (4 August 2015)	-
CD17/37		Planning Inspectorate appeal reference APP/A0665/A/14/2227851: Land to the rear of 32 and 32A High Street, Tarporley, Cheshire; <u>Inspector Appeal Decision</u> (25 February 2016)	-
CD17/38		Planning Inspectorate appeal reference APP/K3415/A/14/2225799: At Land To The North Of Dark Lane, Alrewas, Burton Upon Trent, Staffordshire; <u>Secretary of State Decision</u> (13 February 2017)	-
CD17/39	CD17 File 4	Planning Inspectorate appeal reference APP/K3415/A/14/2224354: Land And Buildings Off Watery Lane, Curborough, Lichfield WS13 8ES; <u>Secretary of State Decision</u> (13 February 2017)	-
CD17/40		Planning Inspectorate appeal reference APP/A0665/W/14/3000528: Land at Hill Top Farm, By-Pass Road, Northwich, Cheshire CW9 8JU; <u>Inspector Appeal Decision</u> (3 September 2015)	-
CD17/41		Planning Inspectorate appeal reference APP/A0665/A/14/2226994: Land at Fountain Lane, Davenham, Cheshire; <u>Inspector Appeal Decision</u> (3 September 2015)	-
CD17/42		Planning Inspectorate appeal reference APP/C3105/A/14/2226552: Land At Sibford Road, Hook Norton, Banbury, Oxfordshire; <u>Secretary of State Decision</u> (7 September 2015)	-
CD17/43		Planning Inspectorate appeal reference APP/G1630/W/14/3001706: Land adjacent to Cornerways, High Street, Twynning, Tewkesbury GL20 6DE; <u>Inspector Appeal Decision</u> (13 July 2015)	-
CD17/44		Planning Inspectorate appeal reference APP/A0665/A/14/2214400: Land at Well Meadow, Well Street, Malpas, Cheshire, STY14 8DE; <u>Secretary of State decision</u> (7 January 2015)	-

Core Document Reference	File Reference	Title	Document Reference
CD17/45		Planning Inspectorate appeal reference APP/K0235/W/16/3147287: Land to the south and west of Whitworth Way, Wilstead, Bedfordshire; ; <u>Inspector Appeal Decision</u> (29 March 2017)	-
CD17/46		Planning Inspectorate appeal reference APP/X1545/W/15/3009772: Southminster Road, Burnham-On-Crouch, Essex; <u>Secretary of State Decision</u> (20 April 2017)	-
		<b>Other Documents</b>	
CD18/1	CD18	Federation of Master Builders, House Builders Survey (September 2018)	-
CD18/2		House Builder Federation, Reversing the Decline and Small House Builders Report (March 2017)	-
CD18/3		Torbay Local Plan 2012 to 2030	-
CD18/4		Federation of Master Builders, Improving public procurement for construction SME(June 2013)	-
CD18/5		Planning for Custom Build Housing – A Practice Guide, National Self Build Association (November 2012)	-
CD18/6	CD18	The City of London Corporation, Local Procurement Charter For City Developers (February 2011)	-
CD18/7		HOW Planning Representations to CwaC Local Plan (Part Two) 29 January 2018	-
CD18/8		An introduction to the Home Building Fund	-
CD18/9		HBF Chairman's Update – November 2017	-
CD18/10		Report to Cotswold District Council	-





# Ministry of Housing, Communities & Local Government

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### SECTION 2: ENFORCEMENT APPEALS

#### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.



EP5M



Ministry of Housing,  
Communities &  
Local Government

Our ref: APP/Z1510/V/17/3180729

Mr Jonathan Dixon  
Savills (UK) Ltd  
Unex House  
132-134 Hills Road  
Cambridge  
CB2 8PA

8 July 2019

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY DAVID WILSON HOMES EASTERN  
LAND EAST OF GLENEAGLES WAY, HATFIELD PEVEREL, CM3 2JT  
APPLICATION REF: 16/02156/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Brian Cook BA (Hons) DipTP MRTPI, who held a public local inquiry from 12 December 2017 to 30 January 2018 into your client's application for outline planning permission for residential development of up to 120 dwellings, together with associated open space, landscaping, highways and drainage infrastructure works on land east of Gleneagles Way, Hatfield Peverel in accordance with application ref: 16/02156/OUT, dated 16 December 2016.
2. On 12 July 2017, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that that planning permission be granted subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated and agrees with his recommendation. He has decided to grant planning permission subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

**Procedural matters**

5. On 21 June 2018 the Secretary of State wrote to the main parties to afford them an opportunity to comment on the implications, if any, of the judgement of the Court of

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Justice of the European Union (CJEU) in Case C-323/17 People Over Wind and Sweetman v Coillte Teoranta on the correct application of the Habitats Directive 92/43/EEC, which was handed down on 12 April 2018.

6. On 1 August 2018, the Secretary of State wrote further to the main parties, to afford them an opportunity to make representations on the implications, if any, on the new National Planning Policy Framework, which was published on 24 July 2018.
7. On 2 October 2018, the Secretary of State wrote further to the main parties, to afford them an opportunity to make representations on the implications, if any, on the revised guidance on how councils should assess their housing need, which was published on 13 September 2018, and on new household projections for England published by the Office of National Statistics on 20 September 2018.
8. On 5 March 2019, the Secretary of State wrote to the main parties, to afford them an opportunity to make representations on the implications, if any, on the following documentation:
  - Written Ministerial Statement (WMS) on housing and planning issued on 19 February 2019
  - 2018 Housing Delivery Test measurement data published on 19 February 2019
  - The Government's response to the technical consultation on updates to national planning policy and guidance, dealing with the calculation of Local Housing Need and other matters, including the People Over Wind and Sweetman v Coillte Teoranta issue, published 19 February 2019.
  - Revised National Planning Policy Framework, published on 19 February 2019.
  - Updated guidance for council's on how to assess their housing needs (document).
  - Braintree District Council's latest published 5 year supply statement, January 2019 (see also paragraphs 36 to 43 of this letter).
  - Latest position statement with regard to the emerging Hatfield Peverel Neighbourhood Plan, and weight to be attached to that.
  - Three recent planning casework decisions (brought to the Secretary of State's attention by the Stone Path Meadow Residents Group - SPMRG).
9. A list of representations received in response to these letters, is set out at Annex A. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.
10. In addition, a number of representations were received following the close of the inquiry. These raised a variety of issues, and are dealt with under the considerations of main issues below. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. A list of representations which have been received since the inquiry is also at Annex A. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.

## **Policy and statutory considerations**

11. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
12. In this case the development plan consists of the saved policies of the Braintree District Local Plan Review (LPR) adopted in 2005 and the Braintree District Core Strategy (CS), adopted in 2011. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR25-32.
13. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'). The revised National Planning Policy Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the revised Framework.

## ***Emerging plan***

14. The emerging plan comprises the Braintree New Local Plan (BNLP) and the Hatfield Peverel Neighbourhood Development Plan (NDP). The Secretary of State considers that the emerging BNLP policies of most relevance to this case include those set out in IR34-38 and the emerging NDP policies of most relevance are HPE1, HPE2 and HPE6 as described at IR41-42.
15. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
16. At the time of the Inquiry the examination hearings into part 1 of the BNLP were due to commence in January 2018, with Part 2 to follow at a later date. The Secretary of State notes that on 8 June 2018, the Inspector for the emerging Local Plan wrote to the three local planning authority areas covered by the Part 1 Examination, setting out his views as to the further steps he considered necessary in order for the Section 1 Plan to be made sound and legally-compliant, and seeking views on options to pursue these matters. A joint response from the three authorities dated 19 October proposed suspending the Examination until February 2019, with a view to sitting again in June. In the light of these letters, and for the reasons given in IR425-428, the Secretary of State agrees with the Inspector that only limited weight should be given to the BNLP.
17. The Secretary of State notes that while some progress has been made with regard to the NDP since the close of the Inquiry, the further examination of the NDP has not yet concluded. For the above reasons, and for the reasons given in IR429-431, the

Secretary of State agrees with the Inspector that very limited weight can be given to the NDP at this stage.

## **Main issues**

### *Policies in the Framework on delivering a wide choice of high quality homes*

18. For the reasons given in IR420-422, the Secretary of State agrees with the Inspector that the Green Infrastructure Plan and Design and Access Statement set important context and establish important principles at this outline application stage, and that there is no evidence to suggest that the application site will not provide a range of high quality homes.

### *The extent to which the proposed development is consistent with the development plan for the area*

19. For the reasons given in IR435-437, the Secretary of State agrees with the Inspector that although as a policy for the supply of housing policy CS1 should be considered out of date, the spatial strategy within it should still be afforded some weight, and he considers that a moderate weighting is appropriate. The Secretary of State further agrees with the Inspector for the reasons in IR435-437 that the appeal proposals would be in accordance with the spatial strategy. For the reasons given in IR438-446, the Secretary of State further agrees with the Inspector that there is a conflict with adopted development plan policies RLP2 and CS5, concerning development outside of defined boundaries of settlements, where countryside policies apply. The Secretary of State further agrees with the Inspector that the conflict with policies RLP2 and CS5 should attract moderate weight when it comes to the overall planning balance, given that they would act to restrict the supply of housing and frustrate the aim of the Framework paragraph 59. He notes that the local planning authority in their representation of 22 October 2018 share his view as to the weight to be attached to policies RLP2 and CS5 at this time.

### *The effect of the development on the landscape character of the area and the visual impact that the development would have*

20. The Secretary of State agrees with the Inspector's view in IR448 that it is necessary to take into account the context of the appeal site, and notes the historic pattern of growth described in IR 448-449. For the reasons given in IR450-458 the Secretary of State agrees with the Inspector at IR459 that the studies presented set an important context for an assessment of the effect of the development proposed on the character of the landscape, and that none of the studies suggest that suitably designed development could not be accommodated. However, the Secretary of State also acknowledges that the development would have some adverse effect on landscape character by the replacement of a small arable field with a housing development. The impact however would be very localised and limited.
21. In terms of visual impact, for the reasons given in IR461-472, the Secretary of State agrees with the Inspector's assessments of the impact of the development on views

across the site to the landscape beyond and views back towards the settlement edge from distance.

22. For the reasons given in IR473-478 the Secretary of State agrees with the Inspector that the development would not be detrimental to any distinctive landscape features and would integrate successfully into the local landscape, and enhance the settlement edge as it appears as a feature in the landscape. He finds no conflict with the landscape elements of policy RLP 80, or of the third paragraph of policy CS8.
23. For the reasons given in IR479, the Secretary of State agrees with the Inspector that while harm in relation to visual impact has been identified, this can only attract limited weight. In particular, he agrees with the Inspector's view on the very limited weight to be attached to policy HPE6 of the emerging NDP concerning protected views, given concerns around the evidence base supporting that policy as well as the more general point around progress on that plan.

#### *The effect of the development on community infrastructure*

##### *Education*

24. The Secretary of State notes that by virtue of his decision on this case and on the proposals at land off Stone Path Drive, Hatfield Peverel, that the four residential developments listed in the letter attached to the Education Statement of Common Ground (Inquiry Document ID1.8) are now being taken forward. There is therefore a need for additional primary school capacity. While the issue will resolve itself over time through the operation of the admissions policy, there would be a short term impact which is most likely to manifest itself through additional journeys to school, either by bus or private car.

##### *Health*

25. The Secretary of State notes the Inspector's summary of evidence submitted on health matters at IR487-489, and has considered the subsequent closure of the Sydney House and Laurels surgeries to new registrations.
26. The Secretary of State remains of the view, for the reasons set out by the Inspector in IR490-492, that in terms of both health and education, the Appellant has entered into planning obligations to make all the contributions that have been requested to mitigate any effect from the appeal scheme, and that a finding of conflict with policy CS11 in those circumstances would not be appropriate.

#### *Erosion of gap between Hatfield and Witham*

27. For the reasons given in IR493-494, the Secretary of State agrees with the Inspector that this matter has "material planning consideration" status, and that there would be a conflict with emerging NDP policy HPE1. He notes the current position with the emerging BNLP described in IR495, and the matters at IR497-498 which could fall to be addressed by the appointed examiner for the emerging NDP.
28. For the reasons given in IR500-504, the Secretary of State agrees with the Inspector that the loss of the field to residential development would have no perceptible effect on the effective gap between Hatfield Peverel and Witham, and that only very limited weight can be given to the conflict with policy HPE1.

### *Loss of best and most versatile agricultural land*

29. All parties were content to proceed on the basis that the application site should be considered to be best and most versatile agricultural land. For the reasons given in IR505-509, the Secretary of State agrees that the application proposal would not protect best and most versatile agricultural land as required by policy CS8, and also that policy CS8 is inconsistent with paragraphs 170, 171 and footnote 53 of the Framework. In accordance with Framework paragraph 213, the Secretary of State finds that limited weight should be given to the conflict with policy CS8.

### *Other matters*

30. A post-inquiry representation referred to the cancellation of one bus route that served Hatfield Peverel. The Secretary of State has taken this into account, but remains of the view that Hatfield Peverel still demonstrates good public transport links.

### *Appropriate Assessment*

31. Following the reference back to parties exercise described in paragraph 5 of this letter, the Secretary of State has concluded that the screening assessment undertaken for the purposes of this application and presented to the inquiry is no longer legally sound.

32. Therefore, as competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010, the Secretary of State has carried out a new screening. He has concluded on the basis of this screening that an Appropriate Assessment is required, and has carried out that assessment, consulting Natural England as the appropriate nature conservation body. Both the screening and appropriate assessment are attached to this decision letter at Annex C. On the basis of his appropriate assessment, and for the reasons set out in that assessment, the Secretary of State considers that he can safely conclude that the proposed development would not adversely affect the integrity of any European site.

33. The Secretary of State notes that under paragraph 177 of the Framework, the presumption in favour of sustainable development does not apply where a plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the that the plan or project will not adversely affect the integrity of the habitats site.

### *Five year housing land supply*

34. The Secretary of State has considered the Inspector's findings as regards housing land supply at IR512-516. However, following the publication of the revised Framework, guidance on the calculation of local housing need, and revised household forecasts, he has set out his own conclusions below.

35. Paragraph 73 of the Framework indicates that in the circumstances of this case, local housing need should be applied. The Secretary of State has therefore calculated the local housing need figure based on the methodology published alongside the revised Framework 19 February 2019.

36. On 11 April 2019, the local authority published an Addendum to their Monitoring Report, and a 5 Year Supply Site Trajectory. This reflected the Housing Delivery Test 2018 data

published in February 2019; new affordability ratios published by the Office for National Statistics on 28 March 2019, and additional information relating to supply of sites.

37. In summary, the Addendum set out a 5 year land supply position for the authority of 5.29 years. While the version of the monitoring statement on which the Secretary of State referred back to parties was published on 15 January 2019, given the minor change in the authority's assessment from 5.42 years supply to 5.29 years, and given his conclusions below, the Secretary of State did not consider it necessary to further refer back to parties on this issue.
38. The Secretary of State has reviewed the material published on 11 April 2019, and has also considered the representations of parties made on this issue in response to his letter of 5 March 2019 and, subsequent emails recirculating representations that had been received.
39. Planning Practice Guidance states that in principle an authority will need to be able to demonstrate a 5 year land supply at any point to deal with applications and appeals, unless it is choosing to confirm its 5 year land supply, in which case it need demonstrate it only once per year. *Paragraph: 038 Reference ID: 3-038-20180913*
40. In this case, the authority has not chosen to confirm its 5 year land supply. Paragraph 74 of the National Planning Policy Framework sets out that this can only be carried out through a recently adopted plan (defined in footnote 38 of the Framework) or subsequent annual position statement. In the circumstances, the Secretary of State has therefore considered the latest evidence before him.
41. Having reviewed the housing trajectory published on 11 April 2019, the Secretary of State considers that the evidence provided to support some of the claimed supply in respect of sites with outline planning permission of 10 dwellings or more, and sites without planning permission does not meet the requirement in the Framework Glossary definition of "deliverable" that there be clear evidence that housing completions will begin on site within five years. He has therefore removed 10 sites from the housing trajectory, these are listed at Annex D to this letter.
42. The Secretary of State considers that, bearing this definition in mind, the authority are able to demonstrate around 4.15 years supply.
43. The Secretary of State has therefore concluded that the authority is unable to demonstrate a 5 year housing land supply. Given this finding, and the objective of significantly boosting the supply of new homes, he attaches great weight to the provision of housing.

### **Planning conditions**

44. The Secretary of State has given consideration to the Inspector's analysis at IR394-413, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy tests set out at paragraph 55 of the Framework and that the conditions set out at Annex B should form part of his decision.



## **Planning obligations**

45. Having had regard to the Inspector's analysis at IR414-417, the planning obligation dated 8 January 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR418 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.
46. The Secretary of State has taken into account the number of planning obligations which have been entered into on or after 6 April 2010 which provide for the funding or provision of a project or type of infrastructure for which an obligation has been proposed in relation to the application. Having had regard to the Inspector's analysis at IR414-417, the Secretary of State concludes that the obligations are compliant with Regulations 123(3), as amended.

## **Planning balance and overall conclusion**

47. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policies RLP 2 and CS5 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
48. The Secretary of State has concluded that the authority is not able to demonstrate a 5-year supply of housing land, therefore the presumption in favour of sustainable development applies because of the effect of paragraph 177 of the revised Framework (as set out in paragraph 33 of this letter above).
49. The Secretary of State considers that the housing benefits of the proposal carry great weight, and the economic benefits in terms of jobs and increased expenditure carry moderate weight. He attaches limited weight to the enhanced biodiversity arising from the new boundary planting.
50. The Secretary of State considers that the conflict with the adopted development plan policies attract moderate weight, and that harm caused in relation to visual impact is limited. He further concludes that only very limited weight can be attached to conflict with policy HPE6 of the emerging NDP. He attaches very limited weight to the conflict with emerging policy HPE1 which seeks to address the coalescence of settlements and limited weight to the conflict with policy CS8 (BMVL).
51. Overall, the Secretary of State concludes that there are material considerations that indicate that the proposal should be determined other than in accordance with the development plan. He therefore concludes that planning permission should be granted.

## **Formal decision**

52. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants outline planning permission subject to the conditions set out in Annex B of this decision letter for residential development of up to 120 dwellings, together with associated open space, landscaping, highways and drainage infrastructure works on land east of Gleneagles Way, Hatfield Peverel in accordance with application ref: 16/02156/OUT, dated 16 December 2016.

53. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

### **Right to challenge the decision**

54. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
55. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
56. A copy of this letter has been sent to Braintree District Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Andrew Lynch*

Andrew Lynch  
Authorised by the Secretary of State to sign in that behalf

## **Annex A – Schedule of representations**

### **General representations**

<b>Party</b>	<b>Date</b>
Mr East	14 and 26 March, 23 May and 7 September 2018
Rt Hon Priti Patel MP, encl correspondence from Mr East and Mr Ellison	15 March 2018
Mr Kearns	22 March, 18 April and 5 June 2018
Cllr Derrick	6 April 2018
Mr Simmonds	6 June 2018
Rt Hon Priti Patel MP	2 October 2018
Hatfield Peverel Parish Council	12 November 2018 and 18 February 2019

### **Representations received in response to the Secretary of State's reference back letter of 21 June 2018**

<b>Party</b>	<b>Date</b>
Hatfield Peverel Parish Council	6 August (x3) 2018

### **Representations received in response to the Secretary of State's reference back letter of 1 August 2018**

<b>Party</b>	<b>Date</b>
Hatfield Peverel Parish Council	14 and 29 August (x2) and 5 September 2018
Savills	15 August 2018

### **Representations received in response to the Secretary of State's reference back letter of 2 October 2018**

<b>Party</b>	<b>Date</b>
Hatfield Peverel Parish Council	10 and 22 October 2018
Savills	11 and 19 October 2018
Braintree District Council	22 October 2018

### **Representations received in response to the Secretary of State's reference back letter of 5 March 2019**

<b>Party</b>	<b>Date</b>
Hatfield Peverel Parish Council	25 March, 2 and 18 April 2019
Savills	25 March (x3) and 2 April (x2) 2019
Braintree District Council	26 March 2019

## Annex B List of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 120 dwellings, parking, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed below and broad compliance with the approved plans listed below:  
Approved Plans:

Location Plan:	1296/01 FINAL
Access Details:	45604-P-SK205
- 5) Prior to first occupation of the development hereby permitted the provision of the following works shall have been completed, details of which shall have been submitted to and approved in writing by the local planning authority prior to implementation:
  - The access to the application site shown in principle on drawing 45604-P-SK205
  - The cycle/pedestrian access between Gleneagles Way and Glebefield Road as shown in principle on Drawing 45604-P-SK200
  - Improved no entry signage at the end of the A12 southbound off-slip for drivers on The Street, plus improved speed limit signs and road markings for drivers leaving the A12 as show in principle on Drawing 45604-P-SK202
  - Improvements to the visibility splay from Gleneagles Way towards the A12 southbound off-slip shown on Drawing 45604-P-SK20 to include trimming/removal of vegetation/trees, relocation/replacement of signs/street furniture/lamp column(s), regrading/hardening of highway land.
  - A footway and (A12) road signage improvements at The Street/A12 north bound on-slip junction as shown in principle on Drawing 45604-P-SK201.
  - Improvements to the (A12) road signage, kerb alignment and road markings at The Street/Maldon Road as shown in principle on Drawing 45604-P-SK201.
  - The provision of dropped kerbs and associated works where the footway from Hatfield Peverel to Witham crosses the A12 northbound on-slip to the south of the Petrol Filling Station (former Lynfield Motors site), Hatfield Road, Witham.
  - The provision of a zebra crossing on B1019 Maldon Road in the approximate position shown on Drawing 45604-P-SK207
- 6) No building erected on the site shall exceed two storeys in height or have a maximum ridge height of more than 9 metres.
- 7) Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

- 8) Together with any submission of reserved matters, details of sound insulation measures must be submitted to and approved in writing by the local planning authority. The details must demonstrate that internal noise levels do not exceed 35 dB LAeq 16 hour in living rooms during the daytime (07:00 - 23:00) and also do not exceed 30 dB LAeq 8 hour in bedrooms during the night-time period (23:00 - 07:00) as set out in BS 8233: 2014. In addition, the details must demonstrate that maximum night-time noise levels in bedrooms should not exceed 42 dB L<sub>Amax</sub> more than 10 to 15 times per night. The development must be carried out in accordance with the approved details.
- 9) Together with any submission of reserved matters, details of the proposed boundary mitigation (noise barrier) must be submitted to and approved in writing by the local planning authority. The details must demonstrate that external noise levels will not exceed 55 dB LAeq 16 hour in any of the private residential gardens. The development must be carried out in accordance with the approved details.
- 10) Prior to the commencement of development hereby permitted, a wildlife protection plan shall be submitted and approved by the local planning authority identifying appropriate measures for the safeguarding of protected species and their habitats within that Phase. The plan shall include:

an appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;

details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

details of how development work will be planned to mitigate potential impacts on protected species, as informed by the project ecologist;

a person responsible for:

- a) compliance with legal consents relating to nature conservation;
- b) compliance with planning conditions relating to nature conservation;
- c) installation of physical protection measures during construction;
- d) implementation of sensitive working practices during construction;
- e) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- f) provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

- 11) Any Reserved Matters application relating to landscaping as required by Condition 1 of this permission shall incorporate for the written approval of the local planning authority a detailed specification of hard and soft landscaping works for each phase of the development. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and

lighting. The scheme and details shall be implemented as approved. The scheme and details shall provide for the following:

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in phases to be agreed as part of that scheme by the local planning authority.

Prior to the occupation of each dwelling, the hardstanding associated with that dwelling shall be fully laid out.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species.

Any Reserved Matters application relating to landscaping shall be accompanied by cross section drawings showing the relative heights of the proposed dwellings in association with landscape features.

12) No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall be implemented as approved. The Statement shall provide for:

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- A scheme to control noise and vibration during the construction phase
- Provision of a dedicated telephone number(s) for members of the public to raise concerns/complaints, and a strategy for pre-warning residents of noisy activities/sensitive working hours.

- 13) Demolition or construction works, including starting of machinery and delivery to and removal of materials from the site shall take place only between 08.00 hours and 18.00 hours on Monday to Friday; 08.00 hours to 13.00 hours on Saturday; and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 14) Details of any proposed external lighting to the site for each phase of the development shall be submitted to, and approved in writing by, the local planning authority as part of any Reserved Matters application. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). For the avoidance of doubt the details shall also:
- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All lighting shall be installed, maintained and operated in accordance with the approved details.
- 15) No piling shall be undertaken on the site in connection with the construction of the development until details of a system of piling and resultant noise and vibration levels has been submitted to and approved in writing by the local planning authority. The approved details shall be adhered to throughout the construction process.
- 16) No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following completion of the programme of archaeological evaluation as approved within the written scheme of investigation.

No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

Within 6 months of the completion of fieldwork a post-excavation assessment shall be submitted to the local planning authority. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

- 17) No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted

to and approved in writing by the local planning authority. The approved scheme shall subsequently be implemented prior to occupation.

The scheme shall include but not be limited to:

- Limiting discharge rate to 1.25l/s/ha;
- Providing sufficient storage to manage the 1 in 100 year + 40% climate change storm event on site with no flooding of the formal drainage system during the 1 in 30 year event. Provide sufficient storage so that no flooding will occur during the 1 in 30 year event in the case of pump failure;
- Provide adequate treatment across all elements of the development.

18) No development shall commence until a Maintenance Plan detailing the maintenance arrangements for each phase of the development, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the local planning authority. The Maintenance Plan shall be implemented as approved.

The applicant or any successor in title or adopting authority shall maintain yearly logs of maintenance which shall be carried out in accordance with any approved Maintenance Plan for each phase of the development. These shall be available for inspection upon a request by the local planning authority.

19) No development shall commence until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

20) No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.

21) As part of the submission of the first reserved matters application as detailed within Condition 1, an Arboricultural Method Statement (AMS) shall be submitted and approved in writing by the local planning authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (to include frequency of visits; and key works which will need to be monitored) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.



The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities within that Phase of the development and shall remain in place until after the completion of the development.

The local planning authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

- 22) No above ground works shall commence in the relevant phase of the development until details of the location of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.
- 23) No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.
- 24) Prior to the commencement of above ground construction of the relevant phase of the development details of a scheme for the provision of nest and roost sites for birds and bats shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so retained.
- 25) Prior to submission of the first application for Reserved Matters pursuant to this planning permission an updated survey of the application site will have been carried out by a suitably qualified and experienced ecologist to investigate the potential presence on the application site of badgers, bats, reptiles and Great Crested Newts.  
  
Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority for approval as part of the first application for Reserved Matters pursuant to this planning permission.
- 26) In the event that development is not commenced (or, having commenced, is suspended for more than 12 months) within three years of the planning consent, further surveys for Great Crested Newts as necessary shall be undertaken of all suitable ponds within 500 metres of the application site. Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within 8 months of the completion of the survey and a mitigation/compensation scheme, if required shall be provided for approval prior to the commencement of development. Mitigation/compensation works shall be carried out in accordance with the approved scheme.
- 27) Prior to the submission of the first reserved matters application, details must be submitted to demonstrate that ambient concentrations of nitrogen dioxide will not exceed the UK annual mean objective concentration of 40µg/m<sup>3</sup> at any residential property location within the development.
- 28) Prior to first occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residents' Travel

Information Pack for sustainable transport, approved by the local planning authority, (to include six one day travel vouchers for use with the relevant local public transport operator).

- 29) Prior to the first occupation of the development hereby permitted the overhead electricity cables crossing the site east /west shall be diverted underground.

## **Annex C – Screening & Appropriate Assessment**

### **RECORD OF THE HABITATS REGULATIONS ASSESSMENT UNDERTAKEN UNDER REGULATION 61 OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 AS AMENDED FOR AN APPLICATION UNDER THE TOWN AND COUNTRY PLANNING ACT 1990**

**Project Title and Location: Called-In planning application No. APP/Z1510/V/17/3180729 Land east of Gleneagles Way, Hatfield Peverel CM3 2JT**

**Project description:- erection of 120 dwellings, together with associated public open space, landscaping, highways and drainage infrastructure works. (Planning Application Ref: 16/02156/OUT, dated 16 December 2016.)**

**Completion Date: November 2018**

#### **Project description – further information**

1. The project site and surroundings are described at paragraphs 19 – 24 of the Inspector's report arising from a public inquiry held into this application between 12 December 2017 and 30 January 2018. The project proposal is described at paragraphs 44 – 45 of that report, in the planning application documentation and in the Environmental Statement. A copy of the inspector's report is attached to this assessment.

#### **Competent authority**

2. The above project, having been called-in by the Secretary of State for Housing, Communities and Local Government, is to be determined by him using his powers under section 77 of the Town and Country Planning Act 1990. The Secretary of State is therefore the 'competent authority' for the purposes of the Conservation of Habitats and Species Regulations 2017.

## **Part 1 - Screening**

3. A Screening Opinion provided to the Inquiry (produced by Braintree District Council took account of mitigation measures at the screening stage and concluded that no Appropriate Assessment was required. A judgment in the Court of Justice of the European Union (CJEU) in People Over Wind and Sweetman and Coillte Teoranta (12 April 2018) means this assessment is no longer legally sound.
4. It will now fall to the Secretary of State to take a screening decision for this application, taking into account any relevant information. As part of this process, a reference back to parties was undertaken, to enable further relevant evidence to be addressed by parties to the Inquiry.

## **Screening Assessment**

### *Relevant documentation*

5. The Secretary of State has taken into account the document “Habitats Regulations Assessment Report Land North East of Gleneagles Way, Hatfield Peverel, Essex” (“HRA Report”) dated June 2018. In this Screening, all references to sections, unless otherwise stated, are to that document. He has also taken into account comments made by parties to whom this document was circulated on 12 July 2018, namely the local planning authority, Rule 6 parties to the Inquiry, and the developer in the cases heard at the same Inquiry, Refs: APP/Z1510/W/16/3162004 and APP/Z1510/V/17/3180725: both on Land off Stone Path Drive, Hatfield Peverel, CM3 2LG.
6. The Secretary of State notes and agrees with sections 1 and 2 of the HRA Report, which set out relevant background and context, the legislative and policy background, factual information about the SAC, SPA and RAMSAR site and its relation to the application site, and the conservation status of the SAC, SPA and RAMSAR site.
7. With regard to the issue raised by Hatfield Peverel Parish Council at paragraph 11.c of their response, he has considered the new Zones of Influence set out in the RAMS update provided by SPMRG in their response to the Stone Path Drive cases, and has had particular regard to the methodology used for arriving at these zones. He is content that it is appropriate to consider only the Blackwater Estuary SPA and the relevant part of the Essex Estuaries SAC for the purposes of this Assessment.

### *Consideration and Conclusions*

8. In screening the proposals before him, the Secretary of State needs to conclude whether they would be likely to have a significant effect on the internationally important interest features of the site, either alone, or in combination with other projects.
9. The conservation objectives for the Essex Estuaries Special Area of Conservation are:  
**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**
  - **The extent and distribution of qualifying natural habitats**
  - **The structure and function (including typical species) of qualifying natural habitats, and**
  - **The supporting processes on which qualifying natural habitats rely**
10. The conservation objectives for the Blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection Area are:

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;**

- **The extent and distribution of the habitats of the qualifying features**
- **The structure and function of the habitats of the qualifying features**
- **The supporting processes on which the habitats of the qualifying features rely**
- **The population of each of the qualifying features, and,**
- **The distribution of the qualifying features within the site.**

11. The Secretary of State has carefully considered section 3 of the HRA Report on Potential Adverse Impacts, in particular 3.4 and 3.5. He concludes that the development proposals, with proposed conditions 4, 17, 18 and 19, should have no significant impact on designated sites in respect of urbanisation, atmospheric pollution, water abstraction and water quality.
12. The Secretary of State considers that, in the absence of mitigation or avoidance measures, there would be the potential for the application proposal to give rise to a likely significant effect due to increased disturbance from recreational activities, namely walking and dog-walking. He considers that the distance from the designated sites means that regular visits from new residents would be unlikely, and that the public open space provided as an integral element of the proposals, together with links to the existing public right of way would provide opportunities for informal recreation for both new and existing residents. He therefore concludes that the proposals are not likely to have a significant effect on the interest features of the SAC, SPA, or RAMSAR site, when considered in isolation.
13. The Secretary of State does however find that the proposal, in the absence of avoidance or mitigation measures, would have potential to contribute towards a significant effect on the interest features for which the SAC, SPA and RAMSAR site has been classified, when considered in combination with other plans and projects.
14. He has considered the issues raised by Hatfield Peverel Parish Council at paragraph 11.e of their response, concerning whether a median or worst-case estimate should form the basis of estimates of impact.
15. While he has found potential to contribute towards a significant effect on the interest features for which the SAC, SPA and RAMSAR site has been classified, through walking, dog walking and informal recreation, when considered in combination with other plans and projects, the Secretary of State disagrees that a worst-case scenario should be used for the purposes of this assessment. The test at this screening stage is one of a likely significant effect. In the Secretary of State's opinion, this test requires estimating the most likely impact based on available evidence, rather than the worst potential impact.

#### *Overall conclusions*

16. The Secretary of State has concluded that the proposal, in the absence of avoidance or mitigation measures, would have potential to contribute towards a significant effect on the interest features for which the SAC, SPA and RAMSAR site has been classified, when considered in combination with other plans and projects.
17. In light of that conclusion the Secretary of State considers that, in light of the judgment of the CJEU mentioned above, the correct course of action is to undertake an Appropriate Assessment.
18. As the competent authority in this case, he has gone on to carry out such an assessment in Part 2 of this document.

## **Part 2 – Appropriate Assessment**

19. The Secretary of State has identified at the screening stage potential to contribute towards a significant effect on the interest features for which the SAC, SPA and RAMSAR site has been classified, when considered in combination with other plans and projects, and has determined that an Appropriate Assessment is required.
20. In accordance with the People Over Wind and Sweetman and Coillte Teoranta ruling, avoidance or mitigation measures can only be considered at this Appropriate Assessment stage. This Appropriate Assessment now needs to consider whether it can be concluded that the proposal will not adversely affect the integrity of the site. In the event it is concluded that the mitigated project will adversely affect the integrity of the protected sites considered, the Appropriate Assessment will need to consider whether it can be demonstrated that there are no alternatives and there are imperative reasons of overriding public interest as to why it must proceed.

### *Relevant documentation*

21. The Secretary of State has had regard to the previously mentioned document “Habitats Regulations Assessment Report Land North East of Gleneagles Way, Hatfield Peverel, Essex” dated June 2018, (“the HRA Report”) and the responses received thereto following reference back to parties. In addition, he has also had regard to documents considered at the Public Inquiry, as set out in Annex A of the Inspector’s report, in particular Core Documents Set C, “Documents submitted by David Wilson Homes Eastern” and “Documents submitted during the Inquiry by the parties”.
22. The Secretary of State’s appropriate assessment has not simply relied on and adopted the above information and responses to it. Rather, the Secretary of State has considered the relevant information independently, and reached his own conclusions. He has also sought the views of Natural England as the appropriate nature conservation body on a draft of this assessment, which are summarised at paragraph(s) 31-32 of this Appropriate Assessment.

### *Consideration*

23. At the prior screening stage, the Secretary of State has already concluded that the application proposals would not be likely to have a significant effect on the SAC, SPA and RAMSAR site other than in respect of disturbance effects. In respect of disturbance effects, the Secretary of State has considered the proposed measures to avoid / mitigate the potential for significant impact on the SAC, SPA and RAMSAR site, set out in sections 4.1 and 4.2 of the HRA report.
24. The Secretary of State agrees that the provision of public open space and access to the Public Right of Way (PROW) network will provide opportunities for informal recreation and alleviate both existing and potential increased recreation at the SPA / RAMSAR site. He recognises that this provision is an integral part of the scheme, and not a proposed mitigation measure.
25. The Secretary of State also considers that the provision of information to support the use of the local footpath network, together with a proportionate financial contribution towards improvements to the PROW network will also serve to encourage new residents to utilise existing public rights of way in the vicinity, and support the diversion of visitors away from the designated sites.

26. The Secretary of State further agrees that the financial contribution towards the Essex Recreation Disturbance Avoidance Monitoring Strategy (RAMS) visitor monitoring surveys at the Blackwater Estuary will help to identify any management measures which may be necessary to mitigate and manage for potential impacts at the designated site.
27. He has paid close attention to the case made by Hatfield Peverel Parish Council in their response, in which they cite Case C-142/16 Commission v Germany contending that monitoring is not mitigation. The Secretary of State notes that in paragraph 37 of the report of Case C-142/16, that the impact assessment proposing the mitigation measure in question did not contain definitive data regarding its effectiveness, and merely stated that its effectiveness could only be confirmed following several years of monitoring.
28. The Secretary of State has considered the precise wording of the signed and dated S106 Agreement provided to the Inquiry, which was the subject of discussion at a round table session on the final sitting day of the Inquiry. The Blackwater Estuary Mitigation Contribution Purposes are defined as being used towards:
- “...the provision of visitor management measures (which may include surveys) to raise awareness of the effects of visitor disturbance at the Blackwater Estuary SPA/RAMSAR site”
29. The Secretary of State considers that this envisages that the contribution could be used towards other measures, and has taken into account the note on the RAMS update provided by SPMRG in their response which states at paragraph 4.4.3 that the three most common forms of generic mitigation are: habitat creation, education and communication, all of which would seem to be allowable under the wording of the S106 Agreement. He therefore concludes that in this case, there is sufficient certainty that a robust mitigation will be provided if required.
30. For the above reasons, the Secretary of State considers that the proposed package of on and off-site measures would be sufficient to ensure no likely significant adverse effect on the SAC / SPA / RAMSAR site, either in isolation or in combination with other plans or proposals.

#### *Natural England's advice*

31. Natural England have advised, consistent with their previous comments that a financial contribution towards 'offsite' mitigation measures at the Blackwater Estuary would be required. The mitigation measures that will be funded are consistent with the aims and aspirations of the emerging Essex Coast disturbance Avoidance and Mitigation Strategy (RAMS).
32. Provided the contribution is fully secured, Natural England agree that the proposal would not have an adverse effect on the integrity (AEol) of the Essex Estuaries SAC and Blackwater SPA and Ramsar site, either when considered alone or in combination with other plans or projects.

#### *Consideration and Conclusions*

33. Having concluded that the proposal will not adversely affect the integrity of the SAC / SPA / RAMSAR site, and having given careful consideration to the advice of Natural England the Secretary of State has considered how the proposed mitigation / avoidance measures

needed to ensure the acceptability of the proposal are to be secured should the application be granted.

34. Promoting the local footpath network by supplying all new residents with a map and guide to local (circular) walking routes is secured by Condition 28.
35. The “green infrastructure” package for this development, including public access to the adjacent PROW which will provide a link to a circular walk to the PROW network to be available all year round is an integral part of the proposals. Taken together with a financial contribution towards improvements to the Public Rights of Way (PRoW) network within the vicinity of Hatfield Peverel, secured by Schedule 10 of the s106 agreement dated 8 January 2018, the Secretary of State is satisfied that these will provide an opportunity for dog walkers in close proximity to the development site, thus diverting them away from visiting the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA & Ramsar site.
36. The financial contribution towards the Essex Recreation Disturbance Avoidance Monitoring Strategy (RAMS) is secured by Schedule 9 of the s106 agreement dated 8 January 2018.
37. Accordingly, the Secretary of State is satisfied that if the application were granted outline planning permission, the mitigation and avoidance measures he has deemed necessary to make the application proposal acceptable could be secured. In the light of this conclusion, he has not needed to go on to consider whether it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest as to why it must proceed.
38. Copies of the technical information and correspondence referred to in this Assessment may be obtained by application to the address at the bottom of the first page of the decision letter.



## Annex D - Sites removed from housing trajectory published on 11 April 2019

Local Plan Site reference	Planning Application reference	Name and address of site
GOSF 251	BTE/17/0610/OUT BTE/18/2007/FUL	Land South of The Limes Gosfield
GGHR 283 HASA 293	BTE/17/0575/OUT BTE/18/1749/FUL	Land east of Sudbury Road Halstead
	BTE/16/0569/OUT	Land NE of Inworth Rd Feering
KELV 335	BTE/17/0418/OUT	Station Field, Land west of Kelvedon Station Road (Monks Farm) Kelvedon
RIDG 359	BTE/17/1325/OUT BTE/19/0635/FUL	SE side Ashen Rd, at junction with Tilbury Rd Ridgewell
EARC 225	BTE/15/1580/OUT	Land rear of Halstead Road Earls Colne
WIS 10X	BTE/14/1528/OUT	Former Bowls Club And Land At Old Ivy Chimneys Hatfield Road Witham
WITN 426	BTE/15/1273 BTE/19/0026/FUL	Land north of Conrad Road Witham
WIS 09	BTE/12/1071	Land south of Maltings Lane Witham
BOS6H	BTE/15/1319	Land West of Panfield Lane



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# Report to the Secretary of State for Housing, Communities and Local Government

by Brian Cook BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Date: 20 March 2018

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THE TOWN AND COUNTRY PLANNING ACT 1990

BRAINTREE DISTRICT COUNCIL

APPLICATION BY

DAVID WILSON HOMES EASTERN

Inquiry Held on 12 December 2017

Land east of Gleneagles Way, Hatfield Peverel CM3 2JT

File Ref(s): APP/Z1510/V/17/3180729

**File Ref: APP/Z1510/V/17/3180729**

**Land east of Gleneagles Way, Hatfield Peverel CM3 2JT**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 July 2017.
- The application is made by David Wilson Homes Eastern to Braintree District Council.
- The application Ref 16/02156/OUT is dated 16 December 2016.
- The development proposed is erection of 120 dwellings, together with associated public open space, landscaping, highways and drainage infrastructure works.

**Summary of Recommendation: The application be approved.**

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**Procedural Matters**

***Matters common to all three schemes considered at the Inquiry***

1. The Inquiry opened on 12 December 2017 and sat for eight days. I carried out an unaccompanied visit to the site and a tour of the surrounding area on 3 January which included viewpoints to which I was directed by the parties. Closing submissions were made in writing in sequence during January. The Inquiry was closed in writing on 30 January 2018 following receipt of all outstanding documents including obligations entered into under s106 of the principal Act.
2. Three schemes were considered at the Inquiry; the application listed in the summary details above; an appeal against the refusal of an application by Gladman Developments Ltd (GDL) for outline planning permission for up to 80 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, primary vehicular access off Stone Path Drive, and associated ancillary works on Land off Stone Path Drive, Hatfield Peverel, Essex (ref: APP/Z1510/W/16/3162004); and an outline application in the same terms but for up to 140 dwellings at the same address and submitted by the same applicant (ref: APP/Z1510/V/17/3180725).
3. In each case all matters except access are reserved for future determination.
4. The two applications were called in for determination by the Secretary of State on 12 July 2017. In each case the reason given was that he wished to be informed about:
  - i) Policies in the National Planning Policy Framework (Framework) on delivering a wide choice of high quality homes;
  - ii) The extent to which the proposed development is consistent with the development plan for the area; and
  - iii) Any other matters the Inspector considers relevant.
5. The appeal was recovered for determination by the Secretary of State on 12 October 2017. In this case the reason given for the direction under s79 of the principal Act was that, having called in application 16/01813/OUT (file ref: APP/Z1510/V/17/3180725) which affects the same site, the Secretary of State wishes to re-determine the appeal himself so that he can consider both proposals at the same time. The appeal was therefore recovered because of the particular circumstances.

6. No pre-Inquiry meeting was held. Instead, I issued two pre-Inquiry notes on 8 November 2017 (INSP1) and 5 December 2017 (INSP2) and a further email dated 7 December 2017 relating specifically to housing land supply issues (INSP3).
7. In response to these notes three documents were produced on behalf of both GDL and David Wilson Homes Eastern (DWH). These are Cumulative Air Quality Impact Assessment (ID1.4), a Transport/Highways Note (ID1.5) and a Statement of Common Ground (SOCG) with Essex County Council (ECC) on education issues (ID1.8). A further Briefing Note: Clarification of Presentation Provided by Mr John Webb (ID20) was produced following the submissions from interested persons on the first day of the Inquiry.
8. Some evidence was common to all three schemes. This included that on housing land supply which was heard, at the parties' request, by way of a round table discussion. Much of the policy evidence was also common to all three schemes.
9. I issued a further note following the close of the Inquiry sessions (INSP4). This concerned a heritage matter that is not relevant to this application and also sought clarification of the submissions made in respect of Core Strategy policy CS1. In short, I asked whether it was the whole policy that should be considered to be out of date or just that part of it relating to housing numbers and, depending on the answer to that, whether the spatial strategy embedded in the policy could still be considered current if the settlement boundaries predicated upon out of date housing supply numbers could not. The clarifications provided have been taken into account.
10. In a further response before the close of the Inquiry the Parish Council advised that a Habitats Regulation Assessment Screening Report was submitted to Natural England on 18 December 2017 and, further, that Natural England's comments were received by the Council on 25 January 2018. Although the comments have not been made available to the Inquiry, the Parish Council states '...at face value the comments appear positive enabling the Neighbourhood Development Plan to progress.' It further advises that a meeting has been arranged for 5 February with the Council to discuss the way forward and '...to agree how to expedite the Plan.'
11. GDL co-ordinated the core documents listed in Annex A. Although there are three sets, one for each GDL scheme and another for the conjoined Inquiry, all three sets are listed in each report since reference was made throughout to all three sets. DWH prepared its own core documents specific to the scheme that is the subject of this report. The documents listed as being submitted during the Inquiry relate to all three schemes. It is perhaps worth noting that only a limited number of the documents listed was referred to in the written and oral evidence.

### ***Matters specific to this application***

12. Before the Inquiry the Planning Inspectorate agreed to the request made by Hatfield Peverel Parish Council (HPPC) to be a made Rule 6 (6) party.
13. The application was supported by a number of documents which are listed as SAV1 to SAV28 inclusive in Annex A.
14. DWH has prepared and submitted a SOCG with each of the Council and HPPC (SOCG4 and SOCG 5 respectively). Each follows the same format. Among the

matters that are agreed are the relevant policies of the adopted and emerging development plan, the application site and its surroundings, the application proposal and the position on a wide range of detailed considerations that are listed. Although the precise terms of each agreement is different (for example SOCG5 with HPPC does not acknowledge that the scheme would make a substantial contribution to the shortfall in five year housing land supply), each agrees that the Council cannot currently demonstrate a five year supply of housing land.

15. The SOCG between DWH and the Council records DWH's view that the objectively assessed housing need (OAHN) for market and affordable housing is higher than that proposed by the Council in the emerging development plan. In the event, this dispute was not pursued. DWH also records that it expects to contest the conclusions of the Council's updated five year housing land supply assessment when it is published.
16. There are five matters in dispute between DWH and HPPC. These are:
  - a. The weight to be given to relevant policies in the adopted and emerging development plans;
  - b. The weight to be given to the conflict with the spatial strategy of the development plan;
  - c. The degree of harm to the rural character of the area and the landscape setting of the village and the weight to be given to that harm;
  - d. Whether the proposal would result in a loss of part of the significant gap of open countryside between the settlements of Hatfield Peverel and Witham such as to harm the identities of these separate settlements; and
  - e. Whether the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
17. An Obligation pursuant to s106 of the Act was entered into by DWH and the Council and a completed document (ID59) was submitted before the close of the Inquiry.
18. The Council issued a Screening Opinion on 28 August 2015 to the effect that a development of approximately 140 dwellings was not EIA development (paragraph 4.1 SOCG4). The Secretary of State came to the same view having considered the scheme both on its own and in combination with others.

### **The Site and Surroundings**

19. The application site is about 5.2ha in extent and is situated on the north eastern side of Hatfield Peverel. To the north east again is the town of Witham.
20. The topography of the site, which is currently in use as arable farmland together with associated field margins, is generally flat. To the north east of the site is agricultural land and, beyond that, a fishing lake introduced following mineral extraction.
21. It is thus a greenfield site located outside but adjoining the built-up area of the village. In that respect it is bounded to the west by existing residential

development at Gleneagles Way, Wentworth Close, Birkdale Rise, Ferndown Way, Woodham Drive and Vicarage Crescent with the village beyond. A single private dwelling (Small Acres) lies immediately to the south. To the north is The Street (B1137) and the A12 slip road. The A12 links Ipswich, Colchester and Chelmsford to the M25 and east and central London beyond.

22. Agricultural vehicles use a break in the hedge in the south east corner to access the land. Other vehicular accesses are available from Birkdale Rise and Ferndown Way. A public right of way links Maldon Road to the south west of the application site with agricultural land to the north west. At present this path does not connect to the application site.
23. The site does not contain nor does it form part of any heritage asset or setting of any heritage asset. It lies within Flood Zone 1, the lowest probability of flooding.
24. The site is within the designated Hatfield Peverel Neighbourhood Plan (NDP) Area. The village is a Key Service Village (KSV) identified in the adopted development plan. Although slightly renamed, that status is maintained in the emerging plan. There is a good range of services and facilities in the village centre which is close to the application site. There are four bus stops within 0.5km of the application site used by various bus services. There are frequent services to Witham, Colchester, Chelmsford and other nearby settlements with less frequent services on Sundays. Trains run from the village to London Liverpool Street, Colchester, Braintree and other destinations.

## **Planning Policy**

### ***Adopted development plan***

25. The adopted development plan for the area includes the saved policies of the Braintree District Local Plan Review (LPR) adopted in 2005 and the Braintree District Core Strategy (CS), adopted in 2011. Included in the SOCGs is a lengthy list of what are termed policies relevant to the application. Included in CD11.1, set B and CD10.1, set B are those policies and the supporting text that are of particular relevance to the determination of this application.

### *The LPR*

26. Policy RLP 2 states that new development will be confined to the areas within town development boundaries and village envelopes. Outside these areas countryside policies will apply although exceptions may be made for affordable housing schemes which comply with LPR policy RLP 6. Such considerations do not apply in this case. Policy RLP 3 sets out a number of criteria that all residential development within development boundaries and village envelopes must meet.
27. RLP 80 addresses landscape features and habitats. In essence it requires applicants to assess the impact of a proposed development on wildlife and distinctive landscape features and for proposals in mitigation of any impacts to be put forward. Development that would not integrate successfully into the local landscape will not be permitted.
28. Other LPR policies listed in the SOCG are in a form designed to ensure that the technical requirements of statutory and other consultees are given policy force.

The wording is generally in the form of not allowing development unless required measures are secured.

#### *The CS*

29. Policy CS1 sets out the housing provision that will be made over the period 2009 to 2026. It also sets out where those new dwellings will be located. These include KSVs; Hatfield Peverel is such a village. Policy CS2 sets out the requirement for developments to provide affordable housing with the target percentage being determined by the location of the proposed development. A target of 40% applies on sites in rural areas.

30. The precise wording of policy CS5 is as follows:

*Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.*

31. The natural environment and biodiversity is addressed by policy CS8. This is a policy that covers almost two sides of A4. The gist however is that developers are required to have regard to, or to take account of, the impact of the proposed development on a wide range of factors. Of relevance to this proposal are the protection and enhancement of the natural environment in the widest sense, the protection of the best and most versatile agricultural land, the character of the landscape and its sensitivity to change and the minimisation of exposure to flood risk.

32. Policy CS9 is in many respects a general design principles policy. A good provision of high quality and accessible green space including accessible natural green space to meet, among other things, amenity needs is secured by policy CS10. Policy CS11 sets out, in essence, that development contributions towards necessary infrastructure services and facilities will be secured through, among other things, planning obligations.

#### ***Emerging development plan***

##### *Braintree New Local Plan (BNLP)*

33. The BNLP was submitted to the Secretary of State in October 2017. The examination has therefore commenced. It is in two parts. Part 1 (CD12.3 set B) plans strategically across three local planning authority areas. At the time of the Inquiry the examination hearings were due to commence in January 2018. Part 2 (CD12.4 set B) relates to the Council area only. Hearing dates have yet to be arranged. There are a substantial number of representations raising fundamental issues with both parts of the BNLP. Those made by GDL are at CD33.1, set C.

34. Although in Part 1 policy SP 2 continues a spatial strategy for North Essex that seeks to accommodate development within or adjoining settlements according to their scale, sustainability and role, it also proposes three new garden communities one of which would be to the west of Braintree. Policy SP 3 sets out housing needs which for Braintree are 14,320 dwellings over the period 2013 to 2033 on the basis of an OAHN of 716 dwellings per annum.



35. Turning to part 2, the broad spatial strategy for the Council area is to concentrate development on the town of Braintree, planned new garden communities, Witham and the A12/Great Eastern Mainline corridor and Halstead. Hatfield Peverel lies within the A12/Great Eastern Mainline corridor and is identified as a KSV. Policy LPP 1 states:

*Within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement.*

*Development outside development boundaries will be strictly controlled to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside.*

36. Policy LPP 31 proposes a comprehensive redevelopment area on land between the A12 and the Great Eastern Main Line. This comprises four areas; the former Arla Dairy site; Sorrell's Field; Bury Farm; and a smaller site to the rear of Station Road. Among the list of things that the development will be expected to provide are financial contributions to early years and childcare provision, contributions towards primary and secondary education facilities and contributions to other community facilities including health provision as required by the NHS.
37. Landscape character and features are subject to policy LPP 71. This requires, in broad summary, applications for development to demonstrate an understanding of the landscape character of the area and show how the development proposed would fit in. Development that would not successfully integrate into the local landscape will not be permitted.
38. Green buffers are proposed through policy LPP 72 where it is considered desirable to prevent coalescence of two settlements. No green buffer is proposed between Hatfield Peverel and any other settlement such as Witham.

#### *Hatfield Peverel Neighbourhood Development Plan (NDP)*

39. The NDP (CD15.2, set B) has been submitted for examination and the examiner appointed. At Appendices MR23 to MR 25 of Mr Renow's proof (HPPC1) is the exchange of letters between the examiner and HPPC. On 5 September 2017 the examiner set out the two 'important' matters about which she had 'serious concerns in respect of the progress of the examination and the (HP)NDP meeting the statutory Basic Conditions' (MR23). Having considered the reply dated 13 September 2017 from HPPC (MR24), she wrote again on 20 September declining to continue the examination while the necessary additional work was undertaken (MR25). The reason given was '...the issues raised are sufficiently substantive that I feel to do so runs the risk of undertaking work that could later be found to be abortive and incur unnecessary costs to the local authority.'
40. The NDP is subject to unresolved objections including those from GDL (CD33.2, set C) and DWH (SAV50 and SAV52).
41. Policy HPE1 creates a green wedge along the eastern development boundary of Hatfield Peverel to avoid coalescence with Witham. The policy sets out those types of development that would be permitted within the green wedge provided that the open nature of the area is maintained. The list is very similar to those



listed in Framework paragraph 89. However, the 'very special circumstances' caveat set out in Framework paragraph 87 is not included.

42. The retention of existing trees, hedgerows and habitats, the mitigation of their loss and the retention of natural boundary treatments and the provision of new areas through new development is the subject of policy HPE2. The protection of the landscape setting of the village through the preservation and enhancement of views identified by the community and the Hatfield Peverel Landscape Character Assessment is achieved through policy HPE6.

### **Relevant Planning History**

43. An outline application for the erection of up to 145 dwellings and associated infrastructure was refused planning permission in April 2016.

### **The Proposals**

44. The application has been submitted in outline with all matters except access reserved for future approval. Access would be via Birkdale Rise. Up to 120 dwellings would be provided with 40% being affordable housing.
45. The application was accompanied by a Design and Access statement (SAV7) and a Parameters Plan (SAV4). Both are illustrative only and not therefore for approval. They do however indicate how the development might be implemented.

### **The cases put by the parties**

46. Although three separate developments were being considered at the Inquiry, that was not, in the main, how the evidence was presented and tested. This was inevitable and the most efficient use of Inquiry time as there was a significant degree of commonality in, for example, the evidence given on policy and housing land supply topics. Counsel for GDL adopted the submissions of Mr Tucker in respect of both these matters. Similarly, Mr Tucker adopted the submissions of Ms Osmund-Smith in a limited number of matters and the case made by GDL in that respect is therefore set out below.
47. Although Stone Path Meadow Residents Group (SPMRG) has no interest in this application, Ms Scott did call evidence and make submissions about both policy and housing land supply. Those are included below for completeness since Mr Tucker refers to them in his submissions on these matters. Relevant SPMRG documents are also listed in Annex A.
48. Closing submissions were submitted in the same sequence as they would have been presented at the Inquiry. The usual convention whereby the scheme promoter hears the cases against the proposal before making its case was thus observed. As will be clear, Mr Tucker has responded to points made by other advocates.
49. It is fair to say that he is quite critical of the way in which some arguments have been put by Mr Graham for HPPC and, to a much lesser extent, Ms Scott for SPMRG. In short, the criticisms are that the case has been developed, if not actually changed, from that trailed in the statement of case; evidence from witnesses has been misrepresented and concessions in cross examination ignored.

50. I believe there is some substance to all of those criticisms and I have had regard to that in coming to my conclusions. While I have recorded the flavour of the criticisms in presenting the case set out, the exact, sometimes robust, phrasing used has not been included. Each closing submission is nevertheless listed and available to read in full.

## **The case for David Wilson Homes Eastern**

### ***Introduction***

51. The land use issues raised against the DWH scheme are comparatively modest and are accepted by the Council not to be sufficient to outweigh the benefits of the scheme. This, in the context of a District where there is agreed to be an immediate need for additional housing land. Moreover, whilst HPPC and a handful of residents from the Gleneagles Estate have challenged the DWH case, it is perhaps of note that most of the time at this inquiry has been spent on the merits of the GDL schemes; the site specific merits of the DWH site were discussed and challenged in less than a day.
52. It was stated in opening that this is a comparatively straightforward proposal. In reality nothing which has been presented over the course of the Inquiry to change that position.
53. It is agreed with the Council that there is a significant deficit against the required 5 Year Land Supply (5YHLS) and there therefore is an immediate need for additional housing, which will necessarily have to include land that is presently undeveloped.
54. It is agreed that there is an immediate need for additional affordable housing.
55. There is no statutory consultee who has objected to the application scheme.
56. The only policy objections (albeit not raised by the Council) relating to the DWH proposals relate to:
- i) breach of 'in principle' countryside policies which are based upon settlement boundaries which are agreed by the HPPC's planning witness to be out of date; and
  - ii) breach of policies in respect of a draft and flawed NDP which can only be afforded the most limited weight;
57. Requested contributions to infrastructure etc. are provided for in full in the s106 obligation.
58. The application site is located in a sustainable location (in this respect DWH acknowledges and adopts the case made by GDL) and relates well to the settlement of Hatfield Peverel which it is agreed will need to accommodate additional growth.

### ***5 year housing land supply***

59. Framework paragraph 47 directs that local planning authorities must identify and update a "supply of specific deliverable sites" to provide 5 years' worth of housing against their housing requirements. Deliverable is defined in footnote 11:

*To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular, that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.*

60. In *St Modwen Developments Ltd v SOSCLG* [2017] EWCA Civ 1643 (paragraph 38, CD32.18 set C) the approach that should be taken to assessing whether a site is "deliverable" in the context of the footnote 11 definition is confirmed. Properly understood the judgment does no more than reiterate the ordinary and natural meaning of the words of the footnote. It does not, as Mr Graham sought to argue for HPPC, reduce the threshold for assessing yield from deliverable sites. In that case the Appellant was contending that only those sites with planning permission should be considered to be deliverable. Self-evidently, whether or not a site is counted into the exercise as "deliverable" is only the first step of the exercise - the crucial issue in this case is what comprises the likely yield of the deliverable sites. Doubtless this important distinction will be clear to the Secretary of State.
61. It appears from his closing submissions that Mr Graham has misinterpreted this important judgment. In response to HPPC's closing submissions, (paragraph 5, ID48) there is no judicial authority that "deliverable" means, as Mr Graham submits, 'non-fanciful'. The judgment of Lindblom LJ is clear that "deliverable" in the context of Framework paragraph 47 is defined solely by footnote 11. Mr Graham's submission in this regard is simply wrong.
62. To the minimum requirement to demonstrate a 5YHLS must be added a buffer of 5% or 20% depending upon whether there has "been a record of persistent under delivery". The courts have clarified what is meant by "persistent under delivery" in *Cotswold DC v SOSCLG* [2013] EWHC 3719 (paragraph 47, ID1.15). Essentially, whether under delivery has been persistent is a matter of planning judgment, considering a reasonable period of time for analysis and against a justifiable housing requirement which can include consideration of what is proposed in an adopted plan and evidence of need. Addressed below is why it is considered that a 20% buffer is appropriate.
63. The starting point for the numerical calculation of the 5YHLS is to identify an appropriate requirement against which to judge the available supply of deliverable sites. In this case the requirement of the adopted CS is based upon a hopelessly out of date figure derived from the "policy on" content of the long defunct Regional Spatial Strategy. In those circumstances it is agreed with all parties that it is appropriate to identify the OAHN based upon the most up to date evidence, without any policy adjustment.
64. What figure comprises the OAHN will be a matter of intense debate at the forthcoming examination in public of the emerging BNLP, to which there is intense dispute. That debate will take place in January 2018. However, given that the decisions of the Secretary of State will be made after this debate has taken place GDL/DWH in this Inquiry have taken the pragmatic decision not to use the Inquiry as a dry run for those arguments, but rather to accept for the

purposes of the Inquiry that the Council's figure is the correct one. Should compelling evidence arise to support a contrary position prior to the decision of the Secretary of State then that will be drawn to his attention in advance of that decision.

65. Thus, for the purposes of the Inquiry, Mr Spry adopts the Council's estimated OAHN of 716 dpa derived from the evidence base from the emerging BNLP. There is no disagreement between any of the parties to this Inquiry that this approach is reasonable and thus, this is the appropriate starting point.

66. The disagreement between the parties relates to the following areas:

- i) Liverpool or Sedgefield approach for addressing the shortfall: - The applicants and the Council have agreed, again for the purpose of this Inquiry, that the correct approach is Sedgefield. It is noted that the Council is pursuing the Liverpool methodology at their Local Plan examination, however it properly accepts, that without specific support from the examining Inspector, it could not reasonably support such an approach for the purpose of this Inquiry;
- ii) 5% or 20% buffer;
- iii) The supply of deliverable sites - There is a dispute between SPMRG and GDL/DWH on the sites that should be considered to be deliverable and therefore included in the supply with SPMRG arguing for the inclusion of draft local plan allocations. That position is expressly rejected by the Council which does not consider that those sites should be afforded sufficient weight to be included, given the stage in the process and the degree of unresolved controversy which relates to them. There is then the more important debate about the likely yield from a handful of disputed sites as between the Council and Mr Spry. This disagreement on yield on those sites is essentially one of judgment based upon agreed facts and is covered in detail in ID1.14 where the difference between the parties is reduced to a yield of 68 dwellings.

67. HPPC lead no evidence on the point. The submissions made in closing on which sites should be included must therefore be given no weight.

#### *Liverpool v Sedgefield*

68. The only parties advocating for a "Liverpool" approach - ie spreading the shortfall over the whole of the local plan period - are the Rule 6 parties. The Council has agreed that this is not the correct method for calculating the 5YHLS position for this Inquiry, whilst arguing for that position through the BNLP examination. Its reasoning is robust - until the examining Inspector endorses a different approach then based upon recent appeal decisions, the "preferred" approach of Planning Practice Guidance (PPG) of the Sedgefield methodology is to be preferred.

69. Notably there was no discernibly logical argument put forward by either of the Rule 6 parties to support a contrary case for the use of Liverpool. The best that was offered was that the Liverpool methodology would be appropriate because when looking back at the record of under delivery it is claimed that the Council cannot meet its requirement in the short term and therefore Liverpool should be used - repeated in the SPMRG closing (paragraph 86(ii), ID49). With the greatest of respect, this is not sound planning. Not only is it in conflict with

guidance to the contrary in PPG, but also it has serious social consequences, given that the shortfall in delivery is not one which arises over the next 15 years but rather it exists right now, at the start of the 5 year period under consideration. Not to do so now means deferring the meeting of needs - which is the antithesis of the tone and content of Framework paragraph 47.

70. The argument is that it is simply not possible to deliver the undersupply in the first 5 years. It is accepted the PPG says that the undersupply should be addressed within 5 years "where possible". However, self-evidently the correct approach to this guidance is to start from a position that it is possible and only change that view where it is shown to be impossible. An impossibility cannot be proven through previous undersupply - the very problem the buffer seeks to address. An impossibility might be proven in cases where the LPA's area is highly constrained e.g. AONB, Green Belt, other designations, or where there is clear market evidence of saturated demand. However, it is strongly submitted that "not possible" is a high bar and one which is not close to being met in this case.
71. The illogic in respect of the DWH site is even more striking since it argues that a site should not be released to a national housebuilder in a sustainable location because there are concerns about the ability of the market to deliver.
72. Thus, if a local planning authority cannot meet its housing requirement, the answer is to release more sites, not to accept that past under delivery represents the benchmark for future delivery and to thereby leave more families without a home.
73. The reality of the Rule 6 parties' position is clear from the SOCG on Additional Housing Supply Sites (ID37). This shows that they need to convince the Secretary of State in respect of all of their points in order to demonstrate a marginal excess against the 5YHLS - i.e. it is only on their flawed analysis of the additional sites together with the use of the Liverpool method and with only a 5% buffer that they can mathematically demonstrate a marginal excess over the 5YHLS. If nothing else this evidences just how dire the position on 5YHLS is in this District. If objectors have to argue for a swathe of implausible assumptions and can still only just show a mathematical exceedance then the clear reality of the land supply position is Braintree falls significantly below what is needed. If there was any doubt to the contrary then no doubt the Council would not have readily conceded the absence of a 5YHLS a matter of weeks before the start of the BNLP examination hearings.
74. In her written evidence, Mrs Jarvis for HPPC attempted to make a somewhat curious secondary argument that even if there was a need for additional housing then development should be distributed evenly within the hierarchy of settlements at the tier within which Hatfield Peverel falls (paragraph 2.15, HPPC2) However, in cross examination that point was rapidly abandoned.
75. First, she accepted that the table within the adopted CS is a minimum figure and therefore one can conclude that the table does not form a basis for a mathematical exercise in allocating the shortfall of housing within the hierarchy. Second, when she was carefully taken through the emerging BNLP she readily accepted that it contained significant changes to the adopted strategy of housing distribution - most obviously in its dependence upon the new Garden Communities - but crucially given the enhanced role of Hatfield Peverel as part of

the A12 corridor of growth. With all due respect to Mrs Jarvis her point went nowhere and it certainly does not support the proposition that she intended that the DWH proposals are out of scale with the settlement, let alone the more radical distribution point made at paragraph 2.15 of her proof.

76. In conclusion, DWH, supported by the Council, strongly submit that the Sedgefield approach must be preferred for this Inquiry. The social dimension of sustainable development must require the shortfall to be delivered within the 5 years - to do otherwise is simply to put off the requirement to boost significantly the supply of housing and results in a failure to meet the requirements of those who want to own a home in this part of the country.

*The Buffer - 20% or 5%*

77. The Council argues for a 5% buffer, GDL/DWH for 20%. The evidential basis for the debate is the update (ID1.11) to table 5.1 in Mr Spry's proof of evidence (4/POE). This updated the completions figures for the early part of the period. The updated table shows:

- i) The Council has not met annual requirement figure since 2011/12;
- ii) There has been persistent and significant under-delivery between 2012-2017;
- iii) There is under-delivery against current half year (April to Sept 2017);
- iv) In combination, there has been under-delivery of housing against the requirement of:
  - 458 - 16.5 yrs
  - 1,002 - 10.5 yrs
  - 1,448 - 9.5 yrs

78. This table compellingly illustrates the inescapable conclusion that there has been persistent under delivery of housing in Braintree. Against this, the Council's unconvincing contention was to argue that it was "unfair" to judge them against an OAHN of 716 from 2013 when the figure was only introduced in November 2016. Rather it was argued that the lower Structure Plan figure should be used. However, the Council will have been well aware that an increased OAHN was likely given the household projections figures (detailed in the updated table 5.1) which were consistently in excess of the Structure Plan figure.

79. It is also clear that the Council was aware of the likely increase in OAHN as evidenced in the minutes of the Council's meeting on 30 June 2014 (1/POE, Appendix 2). Under agenda item 23 the Council decided to withdraw the Site Allocation Development Management Development Plan Document. One of the points noted by the Council was that the Framework would impact on the housing need figures derived from the CS and that under a Framework compliant methodology, those numbers would go up. It is disingenuous by the Council to now say at this Inquiry that they were not aware of the housing numbers going up; plainly they were aware of this from at least 30 June 2014. Therefore not only is it sound planning to backdate the OAHN to 2013, but the Council were also well aware of the requirement to increase their housing figures.

80. The Council's approach is wholly unconvincing. Not only would it be to "reward" tardy plan making but it means judging under-delivery against the wrong metric. The intention of the buffer is not one of "punishing" a local authority which would



then bring in concepts of fairness. Rather it is an objective exercise to determine whether or not there is a need to increase the well of sites from which the development industry can draw in order to achieve the OAHN. In this case it is now known that the target of the adopted plan was substantially below what it ought to have been in order to meet the agreed OAHN and that delivery was also well below the OAHN. It is therefore known that delivery was persistently below what it should have been and more importantly there is no suggestion that the lower Structure Plan target was somehow constraining delivery.

81. The Framework, published in 2012, could not be clearer at Framework paragraph 215: local planning authorities had a period of 12 months to bring policies into line with the Framework and after this date, the weight to be given to any pre-Framework policy would depend on the consistency with it. This includes, as it must, pre-Framework housing requirement figures, such as those used by the Council taken from the now-revoked East of England Plan. The Council ought to have updated their housing requirement in this 12-month period and done so in a way that reflects Framework paragraph 159 which establishes that this should meet "household and population projections" (the figures for which are included in Mr Spry's updated table 5.1 and would have been known to the Council at the time). They could have done so in a Framework compliant way with a partial review. They did not do this and still have not done this. The only Framework compliant way is therefore to back date the OAHN requirement to 2013/14.
82. The Council argue in their closing (paragraph 23 to 24, ID47) that the OAHN figure from 2013/14 was not the "target" at the time as that figure only became known in 2016. Target is the wrong word; it is about meeting housing need. The Framework is clear. Framework paragraph 47 bullet point 2 requires local planning authorities to identify sites to meet their "housing requirements", that means the need at the time. It does not mean the need as it was last identified. To adopt such an approach could result in years of need being unmet simply because a Council has not carried out the necessary work to assess the actual housing need in its area. Mr Cannon's approach would be another reward to the sluggish authority and must be rejected. Mr Spry's must be preferred as an approach that supports the Government's clear objective of boosting the supply of housing by assessing need as it actually is, not as it once was.
83. The appeal decisions cited by SPMRG on this point (paragraphs 90 – 92, ID49) are not on point. The first decision (ID44) was in the context of an authority that had over supplied for an 8 year period. Plainly this Council is a long way from this having undersupplied over a number of years. The second decision (ID43) is also in the context of an authority that had over supplied. The arguments of DWH on this point should be preferred.

#### *Conclusions on 5YHLS*

84. If the Secretary of State accepts that the correct approach to calculating the land supply position in Braintree is Sedgefield/20%, then the supply is 3.3 years against the Council's OAHN figure. It is only if the Secretary of State concludes that all the stars have aligned and that the correct approach is Liverpool/5% with the additional sites put forward by the Rule 6 parties, that the Council could crawl over the line and show a 5YHLS - 5.38 years. It is GDL/DWHs' submissions that such a conclusion, given the weakness of the argument and absence of

supporting evidence, grossly over-stretches the elastic potential of planning judgment.

85. Should the Secretary of State conclude that the correct approach is Sedgefield/20% (or indeed Sedgefield/5, or Liverpool 5/20), then the Council cannot demonstrate a 5YHLS and there is a serious deficit against the minimum policy requirement of Government such that there is an immediate need to redress that deficit. Moreover relevant policy consequences kick in.
86. In the absence of a 5YHLS, Framework paragraph 49 says that "relevant policies for the supply of housing" are not to be considered up to date. The Supreme Court in *Suffolk Coastal DC v Hopkins Homes* [2017] UKSC 37 concluded that decision makers should adopt a narrow approach to identifying which policies should be considered as "relevant policies for the supply of housing" (paragraph 57, CD31.2 set C). However, this may not be the point of the exercise (paragraph 59):

*The important question is not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies.*

87. The approach is endorsed at paragraph 83:

*If a planning authority that was in default of the requirement of a five-years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated.*

88. The weight to be given to particular policies in the adopted and emerging local plans is addressed in due course. However, the point that must be taken from *Suffolk Coastal* is that where it is environmental (or other) policies that have resulted in the failure to demonstrate a 5YHLS, then those policies are as susceptible to having their weight reduced in the balance as those policies that fall within the definition of "relevant policies for the supply of housing".
89. HPPC's closing submissions on the ratio of *Suffolk Coastal* must be rejected (paragraph 36 and 37, ID48). The Supreme Court is not removing the s38(6) test; that is at the heart of decision making. It is a judgment about the weight to be given to policies where the plan is absent, silent or out of date. Mr Graham's approach of dismissing Framework paragraph 14 as "no more than guidance" rather than crucially important national policy which should be afforded substantial weight, is an invitation to the decision maker to fall into serious error.
90. Overall therefore it is firmly submitted:
- i) there is plainly a substantial deficit as against the minimum requirement to demonstrate a 5YHLS;
  - ii) the effect of that is that Framework paragraph 49 is engaged;
  - iii) that alone is sufficient to warrant engaging the presumption in Framework paragraph 14;
  - iv) it is agreed that there is no immediate prospect of the emerging BNLP being adopted and therefore the only means by which the deficit can



be addressed is through the grant of planning permissions in sustainable locations; and

- v) substantial weight should be afforded to the provision of general market housing which contributes to meeting that deficit.

### ***Landscape issues***

91. The Secretary of State is invited to place substantial reliance upon Jeremy Smith's proof of evidence (DWH3) and the landscape and visual impact assessment (LVIA) that underpins it which sets out the landscape considerations in a balanced and compelling way. That is not merely an exercise in advocacy, but for the following compelling reasons:

- i) the LVIA is the only LVIA which has been produced by anyone;
- ii) that LVIA was audited by the Council before it resolved to grant planning permission and was found to be methodologically sound;
- iii) no serious attack has been launched by anyone on the methodology of the LVIA. Whilst in cross examination HPPC sought to "test" some of the elements of the LVIA, HPPC had no comparable evidence to set against it;
- iv) the case in fact put to Mr Smith appeared to be to criticise him because he had taken localised viewpoints where either the application site will be seen in the context of immediately adjacent infrastructure or housing, or where it will be barely seen at all. Rather than making the HPPC's case, such arguments lead to the conclusion that the loss of this ordinary field, which is heavily influenced by adjacent urban development will give rise to no more than highly localised impacts which are readily capable of mitigation. What views will remain will be of housing from within the existing urban area - which is self-evidently characteristic and not harmful.

92. Thus, the reality from the Inquiry is that the totality of HPPC's landscape objections to the DWH scheme, both those put in a couple of pages of Mrs Jarvis's proof as well as the case put in cross examination, are deeply unconvincing. Whilst it is undoubtedly the case that the development of previously undeveloped land on the edge of a settlement gives rise to some inevitable harm, the loss of this otherwise unremarkable and unimportant area of agricultural land gives rise to harm at only the lowest end of the spectrum.

93. HPPC's case prior to the start of the Inquiry was that such a loss was not warranted - in particular because it will impinge upon an important view highlighted in the NDP and secondly that it will result in an unwarranted erosion of the gap between Hatfield Peverel and Witham. It is respectfully submitted that this approach is deeply a misguided one in both landscape and planning policy terms.

### ***Erosion of the Gap***

94. At policy HPE 1, the NDP seeks to prevent coalescence between Hatfield Peverel and Witham. It aims to do this by identifying a "green wedge" (page 24 – 25, CD16.3 set C). The previous version of this policy in an earlier draft of the NDP inappropriately references "Green Belt", rather than the provision of a green wedge as now included in the consultation draft of the NDP. While ostensibly recognising that this was inappropriate, the NDP policy now remarkably attempts

to promote a policy which is even more restrictive than Green Belt, as examined in evidence. Thus, in the Green Belt, planning permission ought to be granted if very special circumstances were evidenced, yet HPE1 provides no such provision. Similarly if a Green Belt were being established then a local planning authority would look to identify safeguarded land for future development to protect the inner boundary of the Green Belt, but here the HPE1 designation comes hard up against the settlement edge.

95. Mr Renow accepted in cross examination that the gap between Hatfield Peverel and Witham would still be almost a kilometre with the development. The assertions in paragraph 191 of HPPC's closing submissions were not put to Mr Smith and were not made by either HPPC witness.
96. The reality of policy HPE 1 is that it is trying to bestow Green Belt-style protection on the land between Hatfield Peverel and Witham, which probably provides an even more constrained policy context, contrary to any reasonable interpretation of the Framework.
97. It is also plain that this NDP policy draws no support from any credible evidence base, nor from adopted or emerging local plan policy. The BNLP (paragraphs 8.31 to 8.36 and policy LPP72, CD16.2 set C) sets out the thinking on green buffers by the Council. Notable by its absence is any protection for the gap between Hatfield Peverel and Witham, in which sits the DWH site.
98. Similarly the underlying landscape evidence base of the NDP does highlight concerns over coalescence, but not in relation to the tract of land within which the application site sits, which makes no mention at all about its supposed role in supporting an important gap.
99. It is noted that HPPC seeks some comfort in its approach from a single sentence email from an officer in the policy team of the Council (ID26), who provides a view which is patently at odds with that of the Council in promoting draft policy LPP72. It is unclear on what possible authority such an email might have been written, but the weight to be afforded to it must be very limited indeed. More importantly, policy HPE1 is subject to substantial and serious objection from both the public and the private sector which seriously diminishes the weight to be afforded to it. Most notably, there is an outstanding objection to this policy by the Essex County Council Spatial Planning Manager. In his objection he notes:

*ECC notes that this [policy HPE 1] is not consistent with Policy LPP 72... The area along the eastern boundary of Hatfield Peverel is subject to a development, which has been approved by BDC, but is subject to a call-in. Consequently, this would infer that BDC does not consider this area as meeting the requirements, which seek to prevent coalescence of settlements.*

100. It is remarkable that HPPC did not seek to draw this to the attention of the Inquiry. With respect however it is the death knell for any contention that any more than the most limited weight should be afforded to policy HPE1.

#### *An Important View?*

101. Policy HPE 6 in the NDP (CD16.3 set C) seeks to:

*protect the landscape setting of the village through the preservation and enhancement of views identified by the community and the Hatfield Peverel Landscape Character Assessment (2015). Any proposed development, or alterations to an area within these views must ensure their key features can continue to be enjoyed including distant buildings, areas of landscape and open agricultural countryside.*

102. There are a whole host of reasons why this policy should be given very little, if any, weight in the final planning balance:

- i) As Mrs Jarvis accepted, it is not consistent with policy LPP72 in the BNLPP.
- ii) In 2015, the Landscape Partnership carried out a Local Landscape Character Assessment for Hatfield Peverel (LLCA) (CD18.4 set C) that forms a fundamental part of the evidence base for the Neighbourhood Plan. The DWH site is within LLCA 4 (page 23 CD18.4). This independent study produced by landscape experts, identifies the key views within the LLCA as shown on the plan on page 23. The blue arrow pointing northeast goes along the public right of way which runs approx. 200m south of the site save for a very thin sliver of land to the extreme south of the site proper which it is intended will provide a landscaped link to the footpath network. When that is compared with the key views that have been included in the NDP (page 33, CD16.3, set C), what is immediately striking is that the view within the proximity of the application site identified by the independent experts is not the one carried forward into viewpoint 5 in the NDP. The experts, undertaking an approach with a recognisable methodology, identify the views out from the start of the public right of way which runs along the southern/eastern boundary of the site and which will be covered by public open space in the application, that view will be entirely unaffected by the appeal proposals. The NDP, at viewpoint 5, dismisses this and instead promotes a view from the end of a residential cul-de-sac, with no entrance to a public right of way that looks directly across the development site.

The reasons given for this change by Mr Renow in cross examination were that these views were voted for by local people and are considered to be the views deserving of policy protection within the NDP although Mr Renow did fairly accept that VP5 in the NDP is clearly inconsistent with the LLCA. More fairly still, he accepted that this was not a proper basis to plan protected views. Therefore HPPC's own evidence given by the person who claims to be at the heart of the neighbourhood planning process, is that the view protected in the NDP has no proper evidential basis. Instead, as Mr Smith made clear in his evidence, the view along the public right of way, that does have landscape value, will have any impacts upon it mitigated through boundary planting and the provision of public open space.

- iii) The Workshop for Important Views document (CD 18.6 set C) which sets out the analysis that supposedly led to the inclusion of viewpoint 5 in the NDP as an important view, exposes the reality of the selection. This document, at page 6, where the potential views within LLCA 4 were considered, states as follows with regard to the view across the

application site that eventually became important view 5 in the NDP - "*Key features - line of tall trees, flat field, hedgerows and trees*", but perhaps most revealing "*Value to the community - not sure if this area has any value but the residents like the view*" (emphasis added). The true purpose of the identification of the important views is finally revealed when examining why some of the sites were removed from the NDP. The view of the River Ter (CD18.6 set C, page 2, row 6), that one might consider to be a quintessential view, was removed as it is "*Not subject to planning*". Likewise that the view over St. Andrews Church was removed despite being the "*Historic core of the settlement*". Thus, if the view in the NDP has any claim to be an important one then it is in the teeth of the evidence and based upon the fact that an unknown number of people seem to "like it". As put in cross examination, it is difficult to escape the inference that those promoting the NDP have sought to promote not the important view recommended by an expert but an unimportant view in order to make a case opposing the DWH site.

- iv) Mr Renow sought to criticise the DWH assessment for not having taken account of the views of the community. A landscape character assessment undertaken by a professional landscape architect is intended to convey the objective judgment of the "assessor" and therefore is very rarely materially influenced by the views of the public, unless representations raise an objectively justifiable concern which had not been previously considered. The point is that it is a professional piece of work, which follows recognised guidance, not an informal local referendum on popularity of views. Indeed, when the Neighbourhood Plan team did attempt to take the view of locals as to which views were "important" it did so in a haphazard and inconsistent way which deviated from its purported evidence base. However even on that approach it is of note that the view from Gleneagles Way (proposed to be protected in the NDP) came 4th out of 5 proposed views. So even on his own argument, it does not suggest that even the local community find the view particularly important.
- v) The final piece of evidence exposing the real intentions of the NDP is set out at CD18.3, set C - Hatfield Peverel Site Assessment 2017. The application site is considered at page 8. It identifies no beneficial opportunities at the site, despite those drafting this document in 2017 being aware of this application to develop the site. Mr Renow accepted in cross-examination that the non-preferred sites were marked in this document with no opportunities in contrast with the preferred sites. It is in short an admitted exercise in advocacy and not evidence worthy of the name. Mr Renow reasonably made the above concession and it must be given significant weight. Paragraph 99 of the HPPC closing submissions which row back from this concession on this point can be afforded no weight at all.
- vi) HPPC note in their closing submissions that policy HPE6 deals with views 'identified by the community and the Hatfield Peverel Landscape Character Assessment'. Those are the words in the policy, but so far as relevant to the appeal site those words are flatly contradicted by the evidence base (see above). Indeed Mr Renow properly accepted in

cross examination that the choice of views was only based upon community views - a process with no recognised methodology.

### *The emerging NP*

103. The reality is that the NDP, insofar as it addresses landscape issues, is a partial document. It is not a balanced piece of planning analysis that looks to meet housing need and protect landscapes meriting protection. The motivation appears to have been in part to stymie development in Hatfield Peverel other than on the Arla Dairy site. Consequently, the landscape policies within the NDP should be given very limited, if any, weight. They lack any balanced and considered evidence base and are subject to detailed and robust objection. Additionally, as will be addressed in more detail below, the NDP is some considerable way from being made and is best described as being "stalled" with no immediate hope of being restarted.

### *Landscape Conclusions*

104. The reality of the landscape evidence with regard to the DWH site as it has emerged to the Inquiry is that Mr Smith's approach and assessment withstood challenge and were essentially not contradicted by contrary evidence. The effects of the development on the wider landscape are assessed as minor. Likewise, the visual effects of the development are properly characterised as highly localised especially once the mitigation has matured. As Mr Smith's photographs readily demonstrate there will then be no intervisibility between Hatfield Peverel and Witham, both as a result of distance, intervening landscaping, proposed landscaping as well as the marked effects of the intervening ridge that Mr Smith described. That position will not alter even if the emerging BNLP allocations are endorsed. No proper challenge was raised to Mr Smith's assessment of the scheme against the Eastleigh test. To be blunt just as with landscape, the issue of an impact upon coalescence of settlement is a makeweight point as far as the Gleneagles site is concerned.

105. Regrettably, Mr Graham has not properly recorded the evidence of Mr Smith on landscape. He did not accept that there would be clear intervisibility between the application site and Witham - evidenced in the photo montages. Mr Smith did state that it would be possible to see Wood End Farm as one leaves Hatfield Peverel on the A12. This is not the same as views from the DWH site and nor would it impact upon coalescence.

106. HPPC seek to draw attention to the view from D's Diner as making a positive contribution to the character of the area (paragraph 193 ID48). As Mr Smith made clear in cross examination, this view includes the A12 on the left, the cycle path, an unsurfaced car park in the foreground and the existing housing and diner to the right. The proportion of the view that is occupied by the application site is relatively small and, most importantly the context of new homes in this view, would be existing urban development and substantial infrastructure to both the left and right. Using the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3) process there is no doubt that this visual effect would be less than significant.

107. Finally, DWH, through Mr Smith, produced a document to the Inquiry (Statement of Landscape Principles, ID46), which should be read alongside the parameters plan (SAV4) and the design and access statement (SAV7). This sets



out in plain terms the approach the developer will take to mitigating the limited landscape harms caused by the development. The conclusion the Secretary of State will be invited to make is that there are no supportable landscape reasons for refusing this scheme. HPPC seem to suggest (paragraph 192 ID48) that a 9 metre high barrier of planting along the eastern edge of the site would "detrimentally change the character of the locality". There is however already a belt of shrubs and trees along this edge of the site and these extend to above 15 metres in height. Some of the existing trees are non-native. The DWH proposals would augment and enhance the existing planting in a manner which is entirely in character with the area.

### ***Planning***

108. DWH's planning case is set out in the proof of evidence from Mr Jonathan Dixon (DWH1), which was subject to only the most limited of challenges.
109. As stated in opening, the site is not in or adjacent to any heritage or landscape related designations and there are no technical reasons put forward to warrant the withholding of consent. The landscape objections put forward by HPPC have been addressed above and do not come close to providing a sound policy and legal basis for withholding consent, let alone comprising a basis to displace the presumption in favour of sustainable development.
110. The relevant policy issues in adopted and emerging local plans are limited to policies of minimum housing provision within the settlement hierarchy (CS1); general protection for the countryside (CS5); emerging policies on development boundaries (LPP 1); and policies in the NDP that have already been considered.
111. Dealing firstly with CS1. As Mrs Jarvis rightly accepted, this policy is presumed to be out of date as a result of the failure to show a 5YHLS. Therefore, it will carry reduced weight in the overall planning balance. However, it is also out of date and therefore of reduced weight, for several other reasons.
112. Had plan preparation proceeded properly, then the settlement boundaries, which were first established in the mid-1990s, would have been reviewed many years ago. However, there is nothing before the Inquiry to suggest that the settlement boundaries in the District have ever been subject to a comprehensive review (as opposed to merely amending settlement boundaries to accommodate strategic allocations), let alone in Hatfield Peverel. On the evidence it appears highly likely, therefore, that twenty year old boundaries have simply been rolled forward from an old (and a now-withdrawn) plan. Without an evidence base to support the policy, it is not enough to simply point at the words on the page and cry refuse - it must have an evidence base.
113. Mrs Jarvis suggested that the emerging BNLP part 2 (CD16.2 set C) had been based upon a review of the boundaries. However, she was only able to provide a short report which appears to have been provided at an early stage of plan preparation to identify what principles would be applied to a future review (HPPC2, Appendix PJ3). It emphatically does not record or detail that any such review has taken place. When Mrs Jarvis was pressed, she readily conceded in cross examination that she had not been able to identify any documentation to support the proposition that the boundaries in the District have been reviewed as part of the emerging BNLP process. It is plain from the evidence of all the

planning witnesses, including HPPC, that Mr Dixon's approach to the out of datedness of settlement boundaries is manifest.

114. What is clear is that the Council readily accepts that in order to meet its immediate needs that greenfield land will need to be released.
115. Hatfield Peverel is a KSV within the adopted and emerging plans. Far from being preclusive of growth, that designation explicitly anticipates that the settlement can accommodate growth. Indeed in the emerging BNLP the settlements on the A12 corridor (including Hatfield Peverel) are identified as being a particular focus for growth - a point noted by HPPC in their closing submission (paragraph 70 ID48). Mrs Jarvis readily accepted that Hatfield Peverel could accommodate additional growth. However her point appeared to be that the development of the appeal site would lead to excessive growth. However the yardstick against which she sought to judge whether that was excessive related to a plan whose period has expired and relating to a table of indicative distribution of growth which is explicitly a minimum. When pressed, she accepted that there was no policy limitation which is breached by the grant of planning permission. Certainly it is untenable to contend that the grant of planning permission in this case would comprise disproportionate growth for Hatfield Peverel.
116. Given the considerable under supply, it is essential that further land comes forward for development in Hatfield Peverel to meet the unmet need. Given the very limited objections to this site (both in substance and number), the DWH site is well placed to help the Council get closer to delivering its housing requirement.
117. Turning now to Policy CS5, this comprises a general blanket countryside protection policy. Mrs Jarvis rightly accepted that the weight to be given to this policy must be interpreted with regard to its consistency with the Framework. This policy imposes a blanket ban upon development in the countryside, which is not included in the Framework. Mrs Jarvis sought to place reliance upon Framework paragraph 17 which sets out the overarching principles. Eventually she conceded that the word "strictly" in CS5 went beyond what is included in the Framework. This policy should be given much reduced weight as it is inconsistent with the Framework and, recalling Lord Gill in *Suffolk Coastal*, such overly restrictive policies that result in less than 5YHLS must be given reduced weight or they would be frustrating the objectives of the Framework (CD31.2 set C).
118. The Council seek to argue that policy CS5 should attract moderate weight because that is what other Inspectors have concluded and it complies with Framework paragraph 17 by recognising the intrinsic character and beauty of the countryside. That submission on Framework paragraph 17 is flawed for the reasons above. Previous Inspectors' conclusions are persuasive but they are not binding, given the strength of argument that this policy carries limited weight the Inspector and ultimately the Secretary of State can, and should, come to a different conclusion.
119. Turning to the emerging BNLP (CD 16.2 set C). This directs substantial growth to the garden villages, however Mrs Jarvis accepted that the emerging plan was still subject to a lot of objections. Despite this (and remembering the terms of Framework paragraph 216) Mrs Jarvis inexplicably concluded that the BNLP

should carry "fairly significant" weight as it was compliant with the Framework. It is not entirely clear what is meant by "fairly significant weight".

120. This is particularly inexplicable as she accepted that the substantial controversy still attached to the BNLP would reduce the weight that could be attached and she finally concluded that the Inspector should "be cautious" about the weight to be attached to the plan. It seems that this conclusion is well founded and accords with the careful analysis of Mr Dixon. Mrs Jarvis agreed with Mr Dixon that the BNLP was not in a position to solve the immediate problems with the 5YHLS and that it will not solve it in the next 18 months. It was further accepted that the plan would not be adopted soon - "It has some way to go". All of these points of agreement support the position of the applicant, as put forward by Mr Dixon, that the BNLP should be given significantly reduced weight.
121. Finally, on the NDP. Despite the misguided optimism of Mr Renow, this is a very long way from being made:
122. Since the NDP proposes to allocate land and does so in a way which is inconsistent with both the adopted and emerging LP (Mr Renow cross examination), then it will need a Strategic Environmental Assessment (SEA) to be carried out. Such an exercise has not been undertaken and as Mr Renow accepted (cross examination), no steps have been taken to complete one. Indeed at times he appeared not to understand what an SEA was. The simple and undeniable fact is that if the NDP wants to allocate sites it must complete an SEA unless it is merely parasitic upon an adopted local plan (which it plainly is not). It does not remotely depend on the outcome of a Habitats Regulation Assessment (HRA) screening assessment as Mr Graham submits (para 84 ID48) which is an important but parallel legal process. The point made by SPMRG (paragraph 122 ID49) should also be rejected. Whilst the lack of the SEA might not directly affect landscape or protected views, it manifestly affects the ability of the plan to move (lawfully) to the next stage. If it cannot move forward in the process, then the weight to all policies in the plan cannot increase. Notwithstanding this, there are the other concerns with landscape and protected view policy in the NDP already explained. Mr Graham is simply wrong on this point.
123. Mr Renow's explanation as to why an SEA was not needed was because the Council has completed a HRA in respect of the planning application upon the Arla site, ie the site that the NDP proposes to allocate. This exercise was undertaken, as is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, because a development is proposed on the site for 145 units. To suggest that this HRA would displace the need for an SEA to allocate the site in the NDP is a fundamental misunderstanding of what is required for the NDP to allocate a site in a lawful manner. An HRA for a specific proposal is not an SEA for an allocation in a plan. If the NDP proceeds on the basis advocated by Mr Renow, it will be unlawful.
124. SAV49 is a letter from the independent examiner of the NDP. As of the letter date, 20 September 2017, it was anticipated by the neighbourhood group, as expressed to the examiner, that the SEA and HRA Screening Report would be available within 3 - 4 weeks - i.e. around mid-October 2017. No such reports have been prepared, nor is there any clear indication as to whether they ever will



be. (*note: this submission was written before HPPC notified the parties that the document had in fact been submitted to Natural England [10]*)

125. The basic conditions against which a neighbourhood plan is to be judged include compliance with European requirement and conformity with the adopted development plan. There is very clear authority that whilst there is nothing wrong with a neighbourhood plan being prepared to be consistent with both the emerging and the adopted development plan, it is against the adopted plan that the neighbourhood plan should be tested (paragraph 82 CD31.1 set C). Thus, the NDP cannot avoid meeting the obligation for a development plan which contains allocations as a plan or project to be subject to an SEA simply because it follows the lead of the emerging BNLP. Nor can it simply piggy-back on the back of the SEA for the emerging BNLP since that relates to a different plan with different considerations which will not be adopted until mid-2018 at the earliest.
126. Mr Renow accepted in cross examination that there may be a substantive problem with the SEA, but despite this, he considers that the NDP will be made well before the BNLP is adopted, at the latest June 2018. If that was the case then it would be the source of an allocation which has been untested by an SEA, and inconsistent with the adopted local plan. One reason for this is that CS policy CS4 requires the retention of existing employment sites. Paragraph 6.2 of the CS makes it clear that this also relates to KSVs. A housing allocation is plainly inconsistent with CS4. To allocate a housing site on the Arla site in advance of the emerging BNLP being adopted with such an allocation within it, and without an SEA would plainly not meet the basic conditions for a neighbourhood plan required by law.
127. In any event, it seems highly unlikely that the NDP could be lawfully made by June 2018 as a matter of simple practicalities. If the NDP seeks to allocate sites and proceeds to do so without an appropriate SEA, then it will be unlawful. Of course it could avoid any such problems by not allocating any sites or by waiting to progress further until after the BNLP is adopted, which would thereby abrogate the need for an SEA. If the NDP were modified so that it does not allocate any sites then it would still be fundamentally flawed because of the evidential issues with HPE1 and HPE 6. However if those flaws were also addressed (by deleting HPE1 and removing viewpoint 5 then such an adopted plan would not benefit from the protection of the Written Ministerial Statement on Neighbourhood Planning.
128. Moreover, just promoting the proposed allocation of the Arla Dairy site in the NDP is out of step with the BNLP (policy LLP 31) that identifies the Arla Dairy site for "mixed use of up to 200 dwellings". The NDP has far from a smooth flight path to landing. Indeed, to borrow Mrs Jarvis's words, it is a "hiccapped" plan that has various stages still to complete. She went further and said that she could not be sure whether the NDP was compliant with the Framework.
129. The argument put forward to support the argument for HPPC that the NDP should carry significant weight was because it had the support of the local community, as shown through the poll carried out by the Neighbourhood Plan group. This is wholly unsupportable in planning terms. The informal poll is not a referendum and weight does not depend simply upon popularity. It is also not an official stage in the development of the NDP. The weight to be given to the NDP must be in accordance with the requirements of Framework paragraph 216. It is

plain that Mr Renow's view of how weight is to be ascribed to a neighbourhood plan has absolutely no support in national policy or guidance.

130. The conclusion on the NDP is that the policies that are relevant should only be given very limited weight for the reasons above. Therefore, whilst HPPC seeks to argue that the development is in breach of policies HPE1 and HPE 6, the weight to be afforded to such conflict with policy is substantially reduced.

### ***Education***

131. The applicant relies upon the Education SOCG (ID1.8) to evidence the absence of any education harm requiring mitigation from this development. Whilst some local residents have expressed concern at finding school places, the applicant submits that greater weight must be placed upon the education SOCG. There is no objection from Essex County Council as local education authority and planning permission should not be withheld on this basis.

132. HPPC seek to make submissions that "for many years, primary-age occupants of the Inquiry scheme would be required to travel further afield for schooling". There is simply no evidence of this before the Inquiry, which comprises evidentially unsubstantiated scaremongering and should be rejected. Had Essex County Council considered that the proposed education provision was unacceptable then it would have objected.

### ***Highways***

133. DWH rely upon the Transport Assessment (SAV25) and the highways evidence produced as part of the application to demonstrate that all highways impact can be properly mitigated. The Highways Authority has no objections to the scheme, and there is no basis to come to a different conclusion.

### ***Conclusion***

134. The Council cannot demonstrate a 5 year supply of housing land. Therefore, substantial weight should be afforded to a proposal for general market housing which helps to redress that deficit and, critically, the tilted balance in Framework paragraph14 applies. What is plain from the evidence put before this Inquiry, is that no objections have come close to significantly and demonstrably outweighing the considerable benefits of this scheme - the delivery of much needed market and affordable housing, the provision of public open space and the economic benefits of developing such a scheme. The application proposals comprise sustainable development which should be consented without delay.
135. For the Gleneagles site there can be no issues with regard to deliverability since it is controlled by a national housebuilder who, on instructions, is keen to bring the site forward for development as soon as possible.
136. As such, it is respectfully submitted that the Inspector recommends permission be granted so that development on this site can get underway - contributing meeting the housing requirement in this part of Essex.

**Points from the Case for Gladman Developments Ltd adopted by David Wilson Homes and/or relevant to the determination of this application**

***The sustainability of Hatfield Peverel as a location for development***

137. There is no evidence that Hatfield Peverel is anything other than a sustainable location for new housing growth. There are a range of services, facilities, clubs and activities that could accommodate new residents and to which new population within the village would contribute.
138. Mr Renow seeks to suggest that the village lacks the services and facilities to accommodate new development (paragraph 10 HPPC1). However, he includes at Appendix MR5 a list of clubs, organisations and businesses that exist within the village - they demonstrate the wealth of services and facilities that are available - with Mr Renow confirming that some clubs are so popular, they have had to find other venues outside of the village. Hatfield Peverel is a thriving settlement.
139. What Appendix MR5 confirms is that there are a range of social opportunities for new residents as well as a number of services and facilities that will cater for day to day living. Those include convenience stores that would provide for top up shopping, as well as hairdressers, beauticians, garages, a library, dry cleaner, florists and a number of restaurants, to name just a few. There is also the school and the surgery. Mr Renow accepted that all of those businesses give rise to employment opportunities for people working in the village.
140. Mr Renow's point was that, over time, employment opportunities in the village have reduced. However, despite that, there are no allocations within the emerging NDP for an employment site and the one allocation for housing (the Arla site) does not require a mix of uses to come forward. Mr Renow accepted there were good links for commuters from the village to travel to work either by train or bus and thus residents of Hatfield Peverel can access employment centres in a sustainable way without having to rely on the private car.
141. He also accepted the train service begins around 5am in the morning, with trains to London and runs until after midnight. He accepted that the train station is within walking distance of the site and that other nearby towns and job opportunities can be accessed by sustainable transport modes. Mr Renow accepted that people would not have to commute by car if they were leaving the village to find work.

***Planning policies***

***Policy CS5***

142. It is not GDL's case that policy CS5, or indeed the need to recognise the intrinsic beauty of the countryside can be forgotten about because CS5 is based on out of date boundaries and there is not a 5YHLS. The impact of the scheme on the landscape is an important consideration in this appeal, but CS5 requires all schemes in all open countryside to satisfy a threshold that the Framework requires only in relation to valued landscapes - to "protect and enhance". It is that threshold - a fundamental component of the policy - and what it is seeking to achieve that is inconsistent with the Framework and was exactly the point that was addressed in *Telford and Wrekin* (CD31.3 set C).

143. Mrs Jarvis alleged that the policy was consistent with the aims of the Framework paragraph 17(7) but also agreed in cross examination both that the relevant bullet point of Framework paragraph 17 does not set an absolute threshold for all development and that there is no general duty to enhance the countryside. It will be clear that the part of Framework paragraph 17 relied on provides a broad overarching principle which is to be implemented by more detailed policies within the Framework. It is relevant in that respect that Framework paragraph 6 does not include paragraph 17 within the definition of "sustainable development".
144. Moreover, that particular bullet point directly correlates to Framework Chapter 11 and paragraph 109 where what is required to be enhanced and protected are valued landscapes - not ordinary countryside.
145. Further, the observance of development boundaries is absolutely integral to the policy. If that part of the policy is removed as it must be given the out datedness of the boundary (the Council does not apply rigid boundaries – paragraph 59, CD32.2 set C), it no longer makes any sense. There is no criterion against which to measure the acceptability of development such as those before the Inquiry other than whether it is the right or wrong side of the boundary.
146. The weight to be given to CS5 is of course a matter of planning judgement for the decision-taker but regard should be had to the reasoning in *Telford and Wrekin*. HPPC on *Cawrey Ltd v SSCLG* [2016] EWHC 1198 in response (paragraph 51 ID48). However, the submission also omits a key part of the very paragraph it relies on that makes clear the important distinction in that case - that the Inspector had found the Council could demonstrate a 5YHLS. That finding had a direct bearing on the Judge's findings at paragraph 50 which are reproduced in full below:

*Whether that loss of countryside is important in any particular case is a matter of planning judgment for the decision maker. In any event, extant policies in a Development Plan which are protective of countryside must be had regard to, and in a case such as this a conflict with them could properly determine the s 38(6) PCPA 2004 issue. If the conclusion has been reached that the proposal does conflict with the development plan as a whole, then a conclusion that a development should then be permitted will require a judgment that material considerations justify the grant of permission. If reliance is then placed on NPPF, one must remember always what Lindblom LJ has said in *Suffolk Coastal* about its status. It is not suggested in this case that this is one where the NPPF paragraph [14] test applies, which given the Inspector's findings on the effect on the landscape, and the fact that HBBC is the Borough, and Ratby the settlement, where the policies considered in Bloor applied, is unsurprising. Nor is it suggested that he should have applied NPPF [49] given his findings on housing land. There is in my judgment nothing at all in NPPF which requires an Inspector to give no or little weight to extant policies in the Development Plan. Were it to do so, it would be incompatible with the statutory basis of development control in s 38(6) PCPA 2004 and s 70 TCPA 1990. (emphasis added)*

## *Policy RLP2*

147. GDL agrees with the Council that policy RLP2 can attract only limited weight for the reasons set out in its submissions (paragraph 35 ID47). Both HPPC and SPMRG rely on the policy but do not engage with the weight to be given to it. It is clearly out of date and incapable of delivering housing to meet the needs of the population now.

### **The Case for Hatfield Peverel Parish Council**

148. The three schemes each conflict with the statutory development plan and so the starting-point is that they should be refused permission. In essence, the decisions on the three schemes will come down to whether the potential supply of housing should be given priority over the policy objectives of directing growth to other locations within development boundaries and at higher-order settlements in order to protect the environment (including the character of the settlement and historic assets), avoid excessive pressure on local facilities and infrastructure, and reduce the need to travel. This is a question of weight, which may depend on the extent to which any shortfall in 5 year housing land supply is identified, and on the Secretary of State's confidence that the proposed housing would be delivered on site within the 5 years.

### ***5 year housing land supply: the four step approach***

#### *Step 1: quantify the deliverable sites*

149. The Secretary of State will need to ask for the purpose of applying the Framework whether there is any shortfall in terms of 'supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements' (that is, the OAHN) and the extent of any shortfall (Framework paragraph 47, second bullet, emphasis added). This is a matter of planning judgment in terms of assessing whether a particular site is 'deliverable', and the capacity of a particular site to take a given quantity of housing, but it is otherwise a straightforward quantification exercise.
150. The policy test whether housing land is to be included in the 5YHLS is merely whether there is a 'realistic' - that is, non-fanciful - prospect of housing delivery (*St Modwen v SSCLG* [2017] EWCA Civ 1643 paragraphs 35-39, CD32.18 set C). A site does not have to be allocated in any plan, let alone be granted permission, in order to be included in the 5YHLS. Its delivery does not have to be a certainty, nor even more likely than not; the policy requires that it be 'realistic'.
151. Just because a site is outside development boundaries of the current plan does not mean it should be treated as having an unrealistic prospect of development where the planning authority has allocated it in an emerging plan and is currently of the view that it is a suitable and available site, viable and achievable within 5 years for the purpose of footnote 11 of the Framework, so has included it in its 5YHLS trajectory. In the Council's closing submissions, they give the example of the Gimsoms site, and assert that "[u]ntil such time as the draft allocation supersedes the present development plan status, it cannot be considered 'deliverable'."
152. This statement demonstrates that the Council has taken and continues to take a legally erroneous approach to counting sites within its 5YHLS for the purpose of Framework paragraph 47. What the Council has done is to treat sites not



allocated in the current plan as *ipso facto* incapable of being considered suitable, and has not included a single one in its land supply monitoring figures for the next 5 years. It is elementary that the adopted development plan is the starting-point but it does not predetermine the outcome of any planning application where there are good reasons for determining it otherwise than in accordance with that plan. If it were, this Inquiry would have been unnecessary. The Council cannot rationally treat sites as suitable for housing for the purpose of its forward planning but at the same time automatically treat them as unsuitable when determining actual applications just because the emerging plan has not been adopted.

153. Of course there might be other circumstances where a site allocated in an emerging plan would only become realistic for delivery in the 5 years if the plan was adopted (such as a site requiring planned infrastructure and/or a new settlement to be in existence first, if that new infrastructure or settlement would not otherwise come forward in time). No such circumstances apply here; the new settlements proposed in the emerging local plan are not proposed to come forward in the first 5 years of the plan, and are not relied upon in the early part of the housing trajectory. This is the advice in the PPG which states "If there are no significant constraints (eg. infrastructure) to overcome such as infrastructure [sic] sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe." (Paragraph: 031 Reference ID: 3-031-20140306).
154. On this analysis, it was wrong to exclude the sites that the Council is satisfied are soundly evidenced for inclusion in the trajectory showing the 'expected rate of housing delivery' for the purpose of promoting its local plan.
155. On that basis, the Secretary of State is entitled to rely on the sites counted in the housing trajectory appended to the Council's letter to the Rt Hon Priti Patel dated 29 November 2017 (ID42). On that basis, there is no, or no material, shortfall for the purpose of Framework paragraph 47. The trajectory table shows delivery in the first 5 years of the plan period as (501 + 577 + 1128 + 1443 + 1329), which is 4978 dwellings. Taking OAHN of 716, multiplying by 1.05 to allow for the 5% buffer gives 751.8 (say 752) dwellings per year, this gives 6.62 years' supply. If the Liverpool approach to adding backlog is adopted ((716 + 107) x 1.05), the annual requirement would need to be 864 which gives 5.76 years' supply (taking the OAHN figures from Alison Hutchinson's proof, (BDC1, table 1 on p.11). If the Sedgefield approach is adopted ((716 + 332) x 1.05 using Ms Hutchinson's figures) an annual requirement of 1,100 and 4.52yrs' supply is the outcome. The text of the letter to Ms Patel quotes figures of 6.24yrs and 4.9 yrs respectively, but the workings for arriving at those are not indicated.
156. Furthermore, the housing land supply position is improving and may have improved further by the time the Secretary of State issues a decision. For example, Mrs Hutchinson's Proof, (BDC1 table 2, page 12) shows improvement from 3.91 to 3.97yrs on the Liverpool approach and 3.1 to 3.9 years on the Sedgefield approach between 31 March 2017 and 30 September 2017, adopting the Council's approach of excluding the emerging allocations.
157. It is appreciated that the prospect of delivery of housing on one or more of the sites before this Inquiry may also be relevant to the determination of these

schemes, if - contrary to HPPC's submissions that these sites are not suitable - the Framework footnote 11 requirements were thought to be met and it were considered that housing on one or both was realistically likely to be delivered within 5 years (whether or not by virtue of these applications). Some addition to the supply might need to be made for that by the Secretary of State depending upon how each appeal or application is to be determined, when determining the others.

*Step 2: take the OAHN*

158. There was uncontested evidence at this Inquiry that the extent of OAHN is 716 dwellings annually.

*Step 3: decision as to whether to add to the requirement to allow for past shortfall and over what period to expect this to be made up*

159. At the Inquiry there was a debate about whether an addition should be made to the housing requirement to make up for previous shortfalls using either the Liverpool or the Sedgfield methods.

160. This exercise is essentially a policy judgment for the decision-maker which, importantly, is not prescribed by Framework paragraph 47. As Lindblom J noted in *Bloor Homes East Midlands Ltd v SSCLG* [2014] EWHC 754 (paragraph 108, ID61) upholding a decision to apply a Liverpool approach:

*Neither method is prescribed, or said to be preferable to the other, in government policy in the NPPF. In my view the inspector was free to come to his own judgment on this question.*

161. Framework paragraph 47 does not say to add previous years' shortfalls to the current OAHN to arrive at an annual requirement figure. This may be of significance when applying Framework paragraph 49 and determining whether the second bullet of the decision-taking limb of Framework paragraph 14 should apply.

162. The closest is the advice in the PPG section dealing with plan-making rather than decision-taking, which says, "Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the duty to cooperate." This guidance is consistent with the plan-led system, and does not dictate whether to add to a current years' annual requirement when taking a particular decision to make up for previous shortfalls, nor dictate a method for doing so.

163. If an allowance to make up for past shortfalls is to be added, the Liverpool method is appropriate here because the emerging local plan contains a strategy shared with partner Essex authorities to accommodate growth in new garden communities and large allocated sites, which can better respond to the requirements for new infrastructure, and will come forward later in the plan period. The evidence of the Council's professional planner Ms Hutchinson was that in her judgment the Liverpool approach was amply justified, but that the Council felt constrained not to advocate such an approach until the examination of its emerging local plan as it had lost other appeals.

164. However, HPPC considers this to be over-timid and inappropriate. The spatial strategy of the emerging BNLP would be undermined if development in less sustainable locations was permitted with the intention to meet a short-term need, to the detriment of what the Council properly consider to be the best long-term plan for the District. At this Inquiry there was no evidence led to contest the soundness of the Council's overall approach in its emerging BNLP. Indeed, Mr Lee sought to argue consistency with it, albeit on the selective basis that some growth was proposed for Hatfield Peverel whilst downplaying the fact that the Stone Path Drive site was located in the countryside for the purpose of the emerging plan (paragraph 13.3.6,1/POE). Although no party would contend that the emerging plan should be treated as if it were already the adopted development plan, the Secretary of State is fully entitled to give weight to it and to apply the Liverpool approach to these applications and appeal.

*Step 4: add buffer*

165. The Framework paragraph 47 provides guidance that an adjustment should be made to the OAHN by the addition of either a 5% or a 20% buffer. This requires a different form of judgment to be made about whether the record of the local planning authority is one of 'persistent under-delivery'.
166. A buffer of 5% is the default for ensuring choice and competition in the market for land. A buffer of 20% should be added 'to provide a realistic prospect of achieving the planned supply' where there is a record of 'persistent under-delivery' (Framework paragraph 47). The point is to make an allowance for proven persistent failures of delivery, to correct for over-optimism about meeting planned-for targets or requirements and to build in a margin for failure to deliver the targets currently planned for.
167. There is no further or different purpose (other than also ensuring choice and competition in the market) for the 20% buffer suggested by the Framework. It is not specified to apply by reference to a particular level of accumulated current shortfall, and is not designed to hasten the delivery of units in response to a particular urgency of need. The purpose of the buffer is not to correct for a particular shortfall, but to address the problem of over-optimism. Any accumulated shortfall in delivery against what is now understood to be the OAHN is reflected automatically in the figure for current housing need.
168. It would be quite wrong to test 'under-delivery' anachronistically against requirements that were not known at the time. HPPC respectfully adopt the archery analogy given by Mr Cannon (paragraphs 22-23, ID47). There is no record of persistent under-delivery here.
169. Even if there were a record of persistent under-delivery, the Framework is only guidance and the purpose of applying the higher 20% buffer is to ensure 'a realistic prospect of achieving the planned supply'. The Secretary of State is entitled to assume that sites in the Council's housing trajectory are 'realistic' (HPPC has not given evidence of its own on suitability and deliverability other than on specific comprehensive development area sites at Hatfield Peverel) and can be counted on as indicating the expected rate of housing delivery.



## Summary

170. Adopting the correct *St Modwen* approach to the meaning of 'deliverable sites', the Liverpool method for apportioning past under-delivery and a 5% buffer, there is no shortfall and the Council has a healthy 5.76 years' housing land supply on the latest figures. Even if one were able to demonstrate that some of the allocated sites were not realistic prospects, one would still have a 5 year supply on the Liverpool approach if there were land sufficient for 4,320, so there is a built-in healthy margin for error.
171. Whilst HPPC do not consider adopting the Sedgefield method to be appropriate, if we include the emerging allocations and a 5% buffer, there would be 4.52 years' supply, even on that basis, which is a very modest shortfall in the context of a rapidly improving supply position.

## **Policy issues in respect of all schemes**

### *Framework paragraph 14 and its application-updatedness*

172. The question of 'updatedness' does not depend on chronological age in itself (Framework paragraph 211) but on changes in circumstances and/or planning policy.
173. By virtue of Framework paragraph 49, shortfall in 5YHLS would usually be treated as a factor indicating policies for the supply of housing were 'out of date', hence the materiality of the 5YHLS question.
174. The term 'policies for the supply of housing' has a narrow meaning, but as the Framework is only guidance it is not appropriate to embark on a legalistic exercise of classifying policies (paragraph 59, CD31.2 set C). Whether policies for the supply of housing (or indeed other policies) are out of date does not determine the weight to be given to them, which remains a matter for the decision-maker (paragraphs 29, 55 to 56 CD32.2 set C).

### *Framework paragraph 14 and its application-silence*

175. Mr Lee –but not Mr Dixon- sought to argue that the development plan was 'silent' in relation to these appeals, because "the Development Plan is now silent in respect of where development should be located outside of the strategic areas identified on the Core Strategy Proposals Map" (paragraphs 6.4.3 to 6.4.4 1/POE).
176. Mr Lee's argument cannot be sustained here. In *Trustees of the Barker Mill Estates v Test Valley BC* [2016] EWHC 3028 (Admin) [2017] PTSR 408 at [100]-[101], Holgate J rejected as a 'fallacy' the analogous argument that 'first, the inspector had to consider whether the plan was "silent on a particular issue" and second, that issue was where land to provide for a shortfall of 6,823 square metres of B8 floorspace should be located'. The learned judge ruled:

*Neither paragraph 14 of the NPPF nor SD1 of the RTVLP [the local plan at issue] enable a party simply to select one of the "issues" relevant to the outcome of a planning application or appeal, so that it may be claimed that the plan is "silent" on that particular issue. Instead, the proper question for the decision-maker is whether there is a sufficient policy content in the plan taken*

*as a whole to enable the planning application to be determined as a matter of principle...*

*... In the Bloor Homes case Lindblom J explicitly stated, at para 59, that the fact that allocations have yet to be put in place in a development plan (in that case for housing), does not mean that the development plan is "silent".'*

177. The policies in the adopted Braintree Core Strategy, taken as a whole, indicate that permission should be refused because the strategy places both the Gleneagles and Stone Path Drive sites outside the village boundary in the countryside and directs growth to brownfield sites and infills within the village. Furthermore, there are emerging plan policies at an advanced stage which maintain both the Stone Path Drive and the Gleneagles sites outside the village boundary, and specifically protect the sites (particularly emerging NDP policies HPE6 on landscape setting and HE1 on coalescence).
178. Mr Lee referred to *South Oxfordshire District Council v Cemex Properties UK Limited* [2016] EWHC 1173, but that case needs to be considered on its peculiar facts. There, a core strategy stated that at least 1154 dwellings would be allocated in certain larger villages including Chinnor, but no allocations had been made. The inspector had regard to the fact that the emerging local plan was at a very early options stage, and there was not even a draft emerging neighbourhood plan to give direction. It was in those circumstances that the Inspector concluded there was a 'policy vacuum on the issue of site allocations in the larger villages' (judgment at paragraphs 43 and 48, citing decision letters). The judge ruled that:

*'91 ...the question for the decision maker is...(1) does this development plan contain a body of policy relevant to the proposal being considered; and (2) is that body of policy sufficient to enable the development to be judged acceptable or unacceptable in principle? The first question involves an identification of the policies in question, and their correct interpretation; the second involves the exercise of planning judgment on the practical effect of that body of policy on the making of the decision in issue.*

*92....It follows also from the fact that the decision maker must make a planning judgment that... what matters is not simply whether the plan contains a policy which can be looked at to determine the question posed in Bloor at [50] and repeated in the last sentence of my [91] above: for its sufficiency at the time the decision is being made is an essential issue, and that involves the making of a qualitative planning judgment. I emphasise that the judgment to be made is at the time of the decision. A Development Plan may not have been "silent" when adopted, but has become so.*

*93... In the case of this Development Plan, the mechanism by which its housing requirement figures were intended to be translated into actual allocations was the DPD, which SODC had since abandoned. The question "how much housing does the Development Plan intend should be allocated in the period x to y" is not the same question as "where does the Plan say that that housing could or should be built?" In some cases, it can be the second question that matters. Whether it does so depends on the circumstances and is a matter for the planning judgment of the decision maker.'*

The judge concluded:

*97 'This was a case where it was her planning judgment that it was the answer to the second question above which mattered... Thus, she found that there was effective silence on the critical issue. That was a planning judgment which she was entitled to form.*

*98 Her conclusion...is a planning judgment that was open to her'*

179. Although in the case before this Inquiry, the initially envisaged site allocations document to follow the CS did not proceed to adoption, there are important distinctions from the situation in the Oxfordshire case. CS policy CS1 states that the dwellings 'will be located...On previously developed land and infill sites in the Key Service Villages and other villages'. Furthermore, unlike the South Oxfordshire case where the development boundaries and countryside protection policies were merely contained in a previous saved plan pre-dating the core strategy, CS5 states as set out above (paragraph 30).
180. This gives a further clear steer that large housing developments in the countryside are not in accordance with the CS. Thus, Braintree's adopted plan is not, in its policies, silent about where it expects the growth to take place. The policies do not require the Site Allocations DPD before being able to say whether in principle development in green open countryside adjacent to Hatfield Peverel is encouraged: the answer is a clear 'no'. By way of further distinction, there are submitted examination drafts of the emerging BNLP, and emerging NDP. Furthermore, the question of how much development is intended in Hatfield Peverel matters as well as where that development is located.
181. In this regard, the situation here is more akin to that in *Bloor Homes East Midlands Ltd v SSCLG* [2014] EWHC 754, where the site lay within a 'green wedge' designated by a policy in the core strategy and the High Court upheld the decision that the plan was not 'silent' even though the core strategy had contemplated that a future site allocations DPD would review that boundary (see judgment at paragraphs 29, 30, 36 and 51-58).
182. The unsustainability of any argument that the development plan is silent is perhaps demonstrated by the subsequent length of Mr Lee's proof where he sets out and considers the relevant policies, and by his eventual acknowledgement (paragraph 13.2.2, 1/POE) that "Having tested the proposals against the material policies contained within the Braintree development plan I accept that the appeal proposals conflict with the Plan". Notwithstanding his subsequent oral equivocation over this point during his cross-examination, that acknowledgement in the Proof was rightly made.

*Framework paragraph 14 and its application-Specific policies in this framework*

183. 'Specific policies in this framework' means policies that, applied here, indicate in the judgment of the decision-taker that permission should be refused. Such policies may include relevant development plan policies within the framework of the Framework.
184. The second bullet-point in the decision-taking limb of Framework paragraph 14 is no more than guidance and only applies where a development plan is absent, silent or out-of-date. It does not displace the statutory presumption in favour of determining applications in accordance with the development plan so that

proposals conflicting with the plan should be refused unless material considerations indicate otherwise (Framework paragraph 12). It has to be read consistently with that presumption. Where, although the plan may be generally or in some particular respects (e.g. in its policies in relation to the supply of housing) out-of-date so as to engage Framework paragraph 14, that does not determine the weight to be given to particular development plan policies. Over-legalistic interpretation of the Framework, drawing fine, unintended distinctions, is to be deprecated. These principles are clear from *Suffolk Coastal* (paragraphs 14, 21, 23, 54-56, 74 and 85 CD32.2 set C).

185. At Framework paragraph 154 it is emphasised that 'Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where'. A decision-maker is fully entitled to conclude that specific policies within the Framework -such as for protection of countryside and favouring greenfield over brownfield development- indicate that permission is to be refused without having always to conclude that benefits are 'significantly and demonstrably' outweighed by harms.

### ***The adopted development plan***

#### *The spatial strategy*

186. The CS is based on a 'hierarchy of place' (paragraphs 2.4-2.14, HPPC2) focusing growth at settlements higher up the hierarchy. In that context, at policy CS1 it identifies a minimum requirement of 600 homes for the period 2009 to 2026 at the six KSVs. The number of dwellings to be provided in these Inquiry schemes (up to 260 across the two Inquiry sites), in combination with the development permitted since 2009 in Hatfield Peverel, would greatly exceed a proportionate distribution across the villages. The proportions are relevant as well as the numbers: six KSVs are to take 12% of the homes between them (paragraphs 2.15-2.18, HPPC2).
187. Policy CS 1 further states:
- These dwellings will be located (as set out in table CS1):  
On previously developed land and infill sites in the Key Service Villages and other villages.*
188. This means that the growth is being directed within the village, and to previously developed land, rather than to greenfield sites outside the village such as those at issue at this Inquiry.
189. The supporting text to the CS (para 9.11) noted that sites would be allocated in a subsequent DPD, and stated, 'There will also be sites, which are not yet identified in the Housing Supply Trajectory or Table 6, which could come forward through minor extensions to town or village development boundaries in the Site Allocations DPD', but this text was not part of the policy and does not cut down or qualify the policy to direct growth outside the settlement boundaries (paragraph 16, *R(Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567).
190. In that context, policy CS5 is an intrinsic part of the spatial strategy (paragraphs 2.19 to 2.25, HPPC2). It should be given full or substantial weight for the reasons explained by Ms Jarvis in her Proof and later in these

submissions. Saved Policies RLP2 and RLP3 are not merely hangovers but are reflected in the CS.

191. Accordingly, there is a conflict between the spatial strategy of the adopted local plan and the principle of the Inquiry schemes. The strategy has been based on sound planning principles and is consistent with the objectives in the Framework paragraphs 17, 34, 37, 38, 70, 110-111, 112 of being genuinely plan-led, minimising the need to travel, focusing development in locations that are or can be made sustainable, preferring land of lesser environmental value and previously developed land over green field land, taking account of the different roles and character of different areas, protecting the intrinsic character and beauty of the countryside, minimising adverse effects on the local and natural environment, undertaking significant development on agricultural land only when necessary, and planning for the location of housing, economic uses and community facilities and services in an integrated way.
192. Hatfield Peverel is a fairly small village with 1815 households in 2011. It has a limited range of services and little employment potential, having lost employment with loss of the Arla Dairy. For weekly or big-ticket item shopping, employment and indoor leisure facilities, it is already necessary to travel outside the village. The village can only sustainably accommodate housing growth in proportion to its role in the settlement hierarchy.

#### *Boundaries and review*

193. Mr Tucker suggested in cross-examination that the Hatfield Peverel settlement boundaries in the current and emerging local plans were merely holdovers from previous plans and that their maintenance had not been reviewed. This is not a submission supported by the evidence.
194. Both the adopted CS and the emerging BNLP have been subject to sustainability appraisal and the latter exercise specifically considered the question of retention of boundaries, assessing this as environmentally positive to landscapes and townscapes, service centre vitality, sustainable travel, climate change and accessibility compared to relying on the Framework alone; and the question of new allocations was considered (PoE/Jarvis pages 17-20 and paragraph 2.40 and Appendix PJ2, HPPC2). Spatial Strategy Formulation (ID33) refers to review criteria, options, KSVs, countryside and draft allocations. The adopted CS was found sound by the Secretary of State.
195. It is right that the policy was not to alter the boundaries to take the Inquiry sites within the village envelope of Hatfield Peverel. Strategic policy choices were taken to retain the settlement boundaries, subject to specific allocations and to creating new urban areas or extensions, and to focus growth elsewhere. These were legitimate policy choices.
196. Whilst HPPC accepts that the Secretary of State is entitled to consider provision of housing to be a material consideration weighing against applying the development plan at the Inquiry sites, there are no grounds to give less weight to the adopted or emerging development plan just because successive plans have retained the Hatfield Peverel boundary south of the A12.



## *Policies for the protection of the countryside*

197. The suggestion by GDL that the adopted countryside policies and policy CS5 in particular are inconsistent with the Framework is wrong. Two further assertions are also misconceived. First, that the Framework draws a distinction between valued landscapes and the countryside such that 'ordinary' countryside is not subject to general protection. Second, that because the countryside and emerging NDP green wedge policies do not have built-in exceptions for beneficial housing development made them inconsistent with the Framework.

198. The Framework comprises general policy guidance. It is not a statute and must not be read like a statute. In contrast to statutes, which must be obeyed unless there is an express exception, it is an intrinsic feature of policies and guidance that they may be departed from for good reasons, where material considerations indicate otherwise. In *Cawrey Ltd v SSCLG* [2016] EWHC 1198 (Admin) at paragraphs 43 and 45, Gilbert J cited Lindblom LJ's judgment in *Suffolk Coastal*:

*The NPPF is a policy document. It ought not to be treated as if it had the force of statute... It is for the decision-maker to decide what weight should be given to NPPF policies in so far as they are relevant to the proposal. Because this is government policy, it is likely always to merit significant weight. But the court will not intervene unless the weight given to it by the decision-maker can be said to be unreasonable in the Wednesbury sense."*

*... Before Suffolk Coastal it had been striking that NPPF, a policy document, could sometimes have been approached as if it were a statute, and as importantly, as if it did away with the importance of a decision maker taking a properly nuanced decision in the round, having regard to the development plan (and its statutory significance) and to all material considerations. In particular, I would emphasise this passage in Lindblom LJ's judgment at [42]-[43], which restates the role of a policy document, and just as importantly how it is to be interpreted and applied. NPPF is not to be used to obstruct sensible decision making. It is there as policy guidance to be had regard to in that process, not to supplant it.'*

199. In *Bloor Homes East Midlands Ltd v SSCLG* [2014] EWHC 754 at paragraphs 175 and 186, Lindblom J (as he then was) considered the argument that a 'green wedge' policy was inconsistent with the Framework if it restricted all house-building without an exception for a positive cost-benefit analysis, rejecting 'the proposition that every development plan policy restricting development of one kind or another in a particular location will be incompatible with policy for sustainable development in the Framework, and thus out-of-date, if it does not in its own terms qualify that restriction by saying it can be overcome by the benefits of a particular proposal'.

200. Mr Lee cited the case of *Telford and Wrekin BC v SSCLG* [2016] EWHC 3073 (Admin) (CD31.3 set C), where Lang J declined to quash a decision by a planning inspector that a policy which sought to 'strictly control' development in the countryside 'is not up-to-date and in conformity with the more recent planning policy context established by the Framework, where there is no blanket protection of the open countryside and where there is a requirement to boost

significantly the supply of housing,' such that he would give it 'less than full weight'. The *Cawrey* judgment was not cited. Lang J stated at paragraph 47,

*In my judgment, the Inspector did not err in law in concluding that Policy CS7 was not in conformity with the NPPF and so was out-of-date. It is a core planning principle, set out in NPPF 17, that decision-taking should recognise "the intrinsic character and beauty of the countryside and supporting thriving rural communities within it". This principle is reflected throughout the NPPF e.g. policy on the location of rural housing (NPPF 55); designation of Local Green Space (NPPF 76); protection of the Green Belt (NPPF 79 - 92) and Section 11, headed "Conserving and enhancing the natural environment" (NPPF 109- 125). However, NPPF does not include a blanket protection of the countryside for its own sake, such as existed in earlier national guidance (e.g. Planning Policy Guidance 7), and regard must also be had to the other core planning principles favouring sustainable development, as set out in NPPF 17. The Inspector had to exercise his planning judgment to determine whether or not this particular policy was in conformity with the NPPF, and the Council has failed to establish that there was any public law error in his approach, or that his conclusion was irrational. (emphasis added).*

201. At its highest, the *Telford* case was therefore decided on the basis that the weight to give to various principles within the Framework pulling in different directions (supply of housing and other principles versus protecting intrinsic character and beauty) was a matter of planning judgment that Lang J would not interfere with. It is not automatically inconsistent with the Framework, as a matter of law, to have a general policy to protect the countryside by restricting the development that is presumed to be appropriate there. This judgment does not require the Secretary of State to follow the Telford inspector's approach to weight as a matter of planning judgment, which remains a matter for the decision-maker even if a policy is judged to be out of date (per *Suffolk Coastal* cited above).
202. Whether a policy is judged to be inconsistent with the Framework is a matter of planning judgment depending upon the weight to attach to different passages of the document, so long as the wording of the Framework is understood correctly. Clearly, the actual character and attractiveness of particular countryside will be relevant to the weight to place on a policy protecting the countryside, and the merits of making an exception in the particular case. Policies cannot just be applied mechanistically for the sake of it in a 'blanket' way, without regard to features of particular sites. But that is a straw man argument, because HPPC are not contending for such an approach here.
203. HPPC commend the approach taken by the Secretary of State in his decision regarding Land East of Ditchling Road, Wivelsfield, East Sussex (ID25). The relevant part of the decision concerned the question whether a materially indistinguishable general policy to protect the countryside ('CT1') outside development boundaries was inconsistent with the NPPF. In the decision letter, (para 15), the Secretary of State concluded, 'for the reasons set out at IR327-328, the Secretary of State agrees that LP policy CT1 is not out of date (either by operation of paragraph 215 or paragraph 49 of the Framework) and that the conflict with it should be given significant weight in the decision'. The Inspector had concluded as follows:

*[IR 327] With respect to the adopted plan, there is conflict only with one policy, CT1, of the Local Plan, but this leads to an overall conclusion that the proposal is not in accordance with the development plan as a whole.*

*[IR 328] The defined Planning Boundaries as the means through which policy CT1 operates are related to development requirements that no longer apply, with an end date for these of 2011. While policy CT1 gives blanket protection to countryside, the NPPF directs specific protection to valued landscapes. Nevertheless, a core planning principle of the NPPF includes recognising the intrinsic character and beauty of the countryside. Policy CT1 is expressed as the 'key countryside policy' in the Local Plan. The proposal would involve the incursion of development on a greenfield area of countryside. Taking into account also the finding above that a five-year housing land supply is demonstrated, I consider that policy CT1 is not out-of-date for the purposes of paragraph 14 of the NPPF, and that the conflict with it should be given significant weight in the decision'.*

204. It should be noted that unlike Wivelsfield, where the countryside boundaries were merely in a saved out of date policy in a time-expired plan, in this case they are a tool utilised by policy CS5 in the adopted CS which has an end date of 2026.

205. HPPC readily acknowledges that Wivelsfield was a case where there was a 5YHLS and that the weight to give to such a policy may depend on whether there is a 5YHLS, but that is a different point to the question whether it is inherently inconsistent with the Framework, and therefore always to be given low weight by virtue of Framework paragraph 215 regardless of the housing land supply. The clear decision in Wivelsfield (DL para 15) was that there is no such inconsistency. That is a planning judgment which is right and should be followed here.

206. HPPC also draws the Secretary of State's attention to the Finchingfield decision where the Inspector considered CS policy CS5 and likewise determined that it was consistent with the Framework for the purpose of Framework paragraph 215:

*I accept that the policy does not reflect the exact wording of the Framework; its adoption pre-dated the publication of the Framework. For that reason the policy needs to be considered against paragraph 215 of the Framework. It is a policy firmly aimed at protecting the environment, landscape character and biodiversity of the countryside. This accords with recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it given in paragraph 55 of the Framework. I therefore consider that it should be given the greater weight identified in paragraph 215.'*(paragraph 39, CD32.10 set C).

*Paragraph 109 and value to attach to a given area of countryside*

207. Mr Lee in particular was anxious to argue that Framework paragraph 109 did not apply and that this would mean less weight should be given to the policies protecting the countryside (paragraphs 7.1.14 and 8.2.43-48, 1/POE).

208. Paragraph 109 is merely providing sensible general guidance that 'The planning system should contribute to and enhance the natural and local environment by among other things, protecting and enhancing valued landscapes, geological conservation interests and soils'.



209. The countryside is itself a type of landscape. The value to place on protection of any particular part of the countryside is ultimately entirely a matter for the Secretary of State's planning judgment, depending upon the advice in this report concerning the appreciation of the site and its features or attributes. If the Secretary of State considers the current landscape valuable at a particular spot, it is likely to be desirable, other things being equal, to preserve and enhance it. That is all paragraph 109 is getting at.
210. It would be quite inappropriate to treat paragraph 109 like a statute establishing a special category apart of 'valued' landscapes that has to be closely defined and given special status, and implying that the remainder of the countryside is not worth protecting or enhancing generally. That would be quite against the spirit of the Framework and would be just the kind of legalistic exercise that was deprecated in the *Suffolk Coastal* case by the Court of Appeal and Supreme Court.
211. The only cases to consider Framework paragraph 109 in light of argument about its meaning have stressed that a decision-maker must have regard to demonstrable physical attributes and not merely popularity. For instance, in *Stroud DC v SSCLG* [2015] EWHC 488 (CD31.20 set C), where Ouseley J stated:
- [13] It is important to understand what the issue at the Inquiry actually was. It was not primarily about the definition of valued landscape but about the evidential basis upon which this land could be concluded to have demonstrable physical attributes. Nonetheless, it is contended that the Inspector erred in paragraph 18 because he appears to have equated valued landscape with designated landscape. There is no question but that this land has no landscape designation.... The Inspector, if he had concluded, however, that designation was the same as valued landscape, would have fallen into error. The NPPF is clear: that designation is used when designation is meant and valued is used when valued is meant and the two words are not the same.*
- [14] The next question is whether the Inspector did in fact make the error attributed to him. There is some scope for debate, particularly in the light of the last two sentences of paragraph 18. But in the end I am satisfied that the Inspector did not make that error. In particular, the key passage is in the third sentence of paragraph 18, in which he said that the site to be valued had to show some demonstrable physical attribute rather than just popularity. If he had regarded designation as the start and finish of the debate that sentence simply would not have appeared....*
- [16] ...The closing submissions of Miss Wigley referred to a number of features and it is helpful just to pick those up here. The views of the site from the AONB were carefully considered by the Inspector. There can be no doubt but that those aspects were dealt with and he did not regard those as making the land a valued piece of landscape. That is a conclusion to which he was entitled to come.'*
212. What *Stroud* did not do was hold that Framework paragraph 109 creates a rigid category or implies that protection of countryside not within that category was not desirable for the purposes of the Framework.
213. In *Cawrey Ltd v SSCLG* [2016] EWHC 1198, Gilbert J ruled:

*[49] NPPF undoubtedly recognises the intrinsic character of the countryside as a core principle. The fact that paragraph [109] may recognise that some has a value worthy of designation for the quality of its landscape does not thereby imply that the loss of undesignated countryside is not of itself capable of being harmful in the planning balance, and there is nothing in Stroud DC v SSCLG [2015] EWHC 488 per Ouseley J or in Cheshire East BC v SSCLG [2016] EWHC 694 per Patterson J which suggests otherwise. Insofar as Kenneth Parker J in Colman v SSCLG may be interpreted as suggesting that such protection was no longer given by NPPF, I respectfully disagree with him. For it would be very odd indeed if the core principle at paragraph [17] of NPPF of "recognising the intrinsic beauty and character of the countryside" was to be taken as only applying to those areas with a designation. Undesignated areas - "ordinary countryside" as per Ouseley J in Stroud DC - may not justify the same level of protection, but NPPF, properly read, cannot be interpreted as removing it altogether. Of course if paragraph [49] applies (which it did not here) then the situation may be very different in NPPF terms.*

*[50] Whether that loss of countryside is important in any particular case is a matter of planning judgment for the decision maker. In any event, extant policies in a Development Plan which are protective of countryside must be had regard to, and in a case such as this a conflict with them could properly determine the s 38(6) PCPA 2004 issue. If the conclusion has been reached that the proposal does conflict with the development plan as a whole, then a conclusion that a development should then be permitted will require a judgment that material considerations justify the grant of permission... There is in my judgment nothing at all in NPPF which requires an Inspector to give no or little weight to extant policies in the Development Plan. Were it to do so, it would be incompatible with the statutory basis of development control in s 38(6) PCPA 2004 and s 70 TCPA 1990.' (emphasis added).*

214. Accordingly, the fact that no witness or party at this inquiry argued for any special 'valued' status by reference to paragraph 109 does not mean that the Secretary of State cannot or should not give weight to the protection of the countryside at these sites and to the adopted and development plan policies that seek to achieve this, nor that as a matter of law he cannot treat the physical attributes of the sites as favouring their protection. It is simply a subjective question of judgment for the Secretary of State in the particular case what value to place on the sites.
215. This also accords with the GLVIA3 (para 5.26) which advise that the fact that a landscape is not designated 'does not mean that it does not have any value. This is particularly true in the UK where in recent years relevant national planning policy and advice has generally discouraged local designations unless it can be shown that other approaches would be inadequate. The European Landscape Convention promotes the need to take account of all landscapes with less emphasis on the special and more recognition that ordinary landscapes also have their value'.

### ***The emerging BNLP***

216. The emerging BNLP can be given significant weight as it has progressed to examination stage. It properly seeks to meet the identified OAHN with an

additional 10% margin in a strategic way in collaboration with other Essex authorities.

### *Spatial strategy*

217. This is again based upon a hierarchy of place. Part 1 policies SP2 and SP3 which set out the spatial strategy and the number of homes to be planned for across north Essex and in the Council area are summarised above (paragraph 34).
218. The way in which the quantum of new homes to be provided in Braintree District is to be apportioned is explained by Ms Jarvis (paragraphs 2.29-2.53, HPPC2). The order of focus of new development is the town of Braintree, new planned garden communities, then Witham, then the KSVs in the A12 corridor, then other settlements. The principle of garden communities is fully consistent with national policy (e.g. Framework paragraph 52).
219. An allocation of land for 285 homes (2% of the total) is made at the Comprehensive Redevelopment Area (CRA) in Hatfield Peverel by draft Policy LPP31.
220. The District's population is about 150,000 (paragraph 3.3, CD16.3 set C). The populations of Witham and Hatfield Peverel were 25,353 and 4,500 in 2011 (paragraph 2.44, HPPC2). Hatfield Peverel therefore has around 3% of the District's population. Given that about 3,650 (25%) of the new homes in the District are to be located in the 2 new garden communities, it is evident that the emerging BNLPP envisages Hatfield Peverel accommodating the planned housing growth in scale with its share of the population. Development significantly in excess of the 285 homes allocated in the draft plan would not be in keeping with the spatial strategy for distribution of housing.
221. Furthermore, Policy LPP17 makes clear that 'Sites suitable for more than 10 homes are allocated on the Proposals Map and are set out in Appendix 3', and no other site outside the CRA is allocated in or adjacent to Hatfield Peverel. Paragraph 6.63 of the supporting text makes explicit what is already implicit, that 'All sites suitable for delivering ten or more homes are allocated for development on the Proposals Map' (emphasis added). This indicates that the spatial strategy does not envisage either the Stone Path Drive site or the Gleneagles site being suitable for large-scale housing development. The unsubstantiated assertions made in cross-examination by Mr Tucker that the boundaries have not been reviewed and considered is flatly contradicted by paragraph 5.17 of the supporting text in Section 2 to the emerging plan, which states:  
*Development boundaries within this document have been set in accordance with the Development Boundary Review Methodology which can be found in the evidence base.*
222. This is evidently linked to the assessment of constraints. Paragraph 5.7 of Section 2 of the emerging BNLPP supporting text explains that 'Development may be considered sustainable within a KSV, subject to the specific constraints and opportunities of that village' (emphasis added).
223. One such constraint is the surrounding countryside and local character. It is not envisaged that there should be built development outside of the settlement boundaries, nor ribbon development along the A12. That is seen at Policy LPP1,

the full text of which is given at paragraph 35 above. For reasons explained above, it is perfectly consistent with the Framework to have such a general policy that built development is considered not to be appropriate in the countryside, so long as it is always applied in individual cases with the particular characteristics of a particular site in mind.

224. Another constraint is local infrastructure, services and facilities including roads, healthcare and schools. Draft Policy SP 5 states that development 'must be supported by provision of infrastructure, services and facilities that are identified to meet the needs arising from new development', including sufficient school places in the form of expanded or new schools.

225. For reasons already alluded to above in relation to the 'Liverpool method' and the adopted plan, the spatial strategy in the emerging local plan seeks to advance planning objectives underlying the Framework. It should be given significant weight and provides comfort that the District's OAHN will be met sustainably without the Inquiry schemes coming forward and encroaching on the countryside setting of Hatfield Peverel.

### ***The emerging NDP***

226. Mr Renow's evidence has set out in detail why the NDP is supported by written national policy and the political commitments made by the present Secretary of State.

### ***Emerging stage and status of the NDP***

227. The NDP can be given significant weight insofar as it indicates the concerns and aspirations of the local community and their vision for the village of Hatfield Peverel.

228. The NDP can be given at least as much weight, if not more weight, as it was given by Inspector Parker in connection with the 80 dwelling appeal, as it has now progressed to examination.

229. Whilst it is accepted that there are likely to be modifications to the drafting of the NDP before it is put to referendum, in particular to ensure that it allocates no less development than the emerging BNLP, the Secretary of State can be confident that a plan containing the relevant restrictive policies directly in issue at this Inquiry (Policies HPE6 and HPE1) in materially the same form will be passed.

230. The Regulation 14 consultation indicated extremely high (89%) support for the vision and objectives of the draft NDP, support between 77% and 92% for each of the individual draft policies (HPPC1, Appendix MR 18). The survey in September 2017, with 570 respondents, indicated 96% approval of the draft plan at that stage (HPPC1, Appendix MR26). Subject to the question of legal compliance with the 'basic conditions', the Secretary of State can be confident that the NDP would pass a referendum and proceed to adoption.

### ***Basic conditions***

231. Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990, as modified by section 38C(5) of the Planning and Compulsory Purchase Act 2004, requires the examiner to consider the following:

- i) whether the draft plan 'meets the basic conditions' (defined at sub-paragraph (2));
- ii) whether it complies with the provision made by or under sections 38A and 38B of the 2004 Act; and
- iii) whether the area for any referendum should extend beyond the neighbourhood area to which the draft plan relates; and
- iv) whether the draft plan is compatible with 'the Convention rights', as defined by the Human Rights Act 1998.

232. There can be no suggestion that the NDP is incompatible with anyone's human rights, and there has been no suggestion that the referendum area should be wider than the parish.

233. The Examiner is not considering whether the neighbourhood plan is 'sound' (the test in section 20(5) of the 2004 Act for local plans), and the tests of paragraph 182 of the NPPF do not apply. In other words, unless the strategic environmental assessment procedure applies, the Examiner does not have to consider whether a draft policy is the 'most appropriate strategy' compared against alternatives, nor is it for her to judge whether it is supported by a 'proportionate evidence base' (paragraph 13, *R(Maynard) v Chiltern District Council* [2015] EWHC 3817 (Admin)). The 'basic conditions' only require consideration whether it is 'appropriate' to make the plan having regard to national policy and guidance, whether it is in general conformity with the adopted plan; whether the making of the plan contributes to sustainable development, whether the making of the plan is compatible with EU obligations, and prescribed conditions are met. Regulation 32 of and paragraph 1 of Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 prescribe the condition that: '[the] making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012 ) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).'

#### HRA

234. As it is one of the prescribed 'basic conditions' that the plan should not be likely to have a significant effect on a protected European site and as the likelihood of such an effect is also an important, if not determinative, consideration to decide whether SEA is required, it made sense for HPPC to commission a re-screening examining possible effects on European protected sites before it reconsidered the broader question whether SEA was required.

235. As Mr Renow explained in his evidence (pages 12-13, HPPC1), Section 2 of the emerging BNLP which includes an allocation of 285 dwellings at the CRA as well as much larger quantities of other development, has been assessed for compliance with the Habitats Directive and found compliant. No issue is predicted to arise except in combination with other forthcoming district plans envisaged by Section 1.

236. The draft NDP would progress in advance of those other plans and would be for a much smaller quantum of development than the BNLP which proposed at least 14,320 dwellings as well as employment development and other development.



237. In *R (Forest of Dean Friends of the Earth) v Forest of Dean DC* [2015] EWCA Civ 683 at [13] Sales LJ ruled:

*where a series of development projects is in contemplation, the strict precautionary approach required by the Habitats Directive will be complied with in relation to consideration of the first particular proposed development project if that project will not of itself have a detrimental impact on a protected site and there will be an appropriate opportunity to consider measures in relation to a later project which will mean that any possible in-combination effect from the two projects together will not arise (failing which, permission may have to be refused for the later project, when it is applied for: see the Smyth case, paras 87–102. In other words, so long as the relevant assessment of options has been carried out at the level of the relevant development plan (land use plan), as explained in Commission v United Kingdom [2005] ECR I-9017, it will be lawful when planning permission is sought for the first specific development project in the series for the relevant planning authority to assess that that project taken by itself will not have any relevant detrimental impact on the protected site (and then grant planning permission for it), even though it is possible that there might be future in-combination effects on the protected site if planning permission were later granted for the next project in the series.'*

This was based upon opinions of the Advocate General Kokott in the *Commission v United Kingdom* and *Waddenzee* cases, and the need to 'avoid sclerosis of the system' (Sales LJ at paragraphs 15-18).

238. This principle applies by analogy to plans as well as to projects. Where a draft plan (here the NDP) is the first in a possible series of plans that would be promoted separately by other authorities (here, the Local Plans of Braintree District and the other North Essex districts), it is sufficient to assess the draft plan in combination with other existing plans and permitted projects, without attempting to speculatively assess combined future effects of other plans. The impacts of those plans can be assessed when they come forward.

239. Furthermore, a habitats regulations screening assessment in July 2017 found no requirement even for 'appropriate assessment' before grant of planning permission for up to 145 homes at the Arla site (ID14).

240. In the light of the above, the Secretary of State can be confident that the requirements of the Habitats Directive will not prevent adoption of the NDP.

#### SEA

241. The Examiner's concern was that the SEA screening was done when the plan was at an earlier stage of development and premised on no allocation being made in the Draft NDP, when the Arla site was subsequently allocated by draft Policy HO6. If the allocation policy were dropped and allocations left entirely to the emerging local plan, it is unlikely that SEA would be required.

242. As regards SEA, article 3(2) of Directive 2001/42/EC only requires strategic assessment of plans that 'determine the use of small areas at local level and

- minor modifications' to broader town and country planning plans if the Member States 'determine that they are likely to have significant environmental effects'.
243. Whether potential environmental effects are 'significant' is a matter of judgment for the planning authority, subject to review on grounds of reasonableness.
244. It is not anticipated that the NDP is likely to give rise to significant environmental effects, and no evidence has been presented at this Inquiry by any party proving that it would.
245. It is therefore anticipated that the Examiner and the Parish and District Councils would conclude that the NDP determines the use of small areas at local level (the parish) and that it is not likely to have significant environmental effects in combination with existing plans, programmes and projects. This is particularly the case given that the Arla site has already been granted permission for a greater number of homes than contemplated in the current Draft NDP, the project is on brownfield land and that project has been found not to be likely to have significant effects on a protected European site which is one of the important factors relevant to the assessment (ID14). If that is the eventual conclusion, no SEA would be required.
246. SEA has already been conducted for the emerging BNLP. Article 4 of the Directive expressly provides that 'Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy. For the purpose of, *inter alia*, avoiding duplication of assessment, Member States shall apply Article 5(2) and (3).' Article 5(2) and (3) in turn state that where an environmental assessment report is required, the level of detail should take account of 'the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment', and the report may use 'information obtained at other levels of decision-making or through other Community legislation'. This is reflected in regulation 12(3) and (4) of the Environmental Assessment of Plans and Programmes Regulations 2004.
247. Even if it were considered that NDP does require SEA, then the sustainability appraisal could draw upon the work already carried out in that regard rather than duplicate it. Whilst some additional months would be required to assess the draft plan and the reasonable alternatives, Mr Renow's evidence was that this could be expected to have been completed by summer 2018. The requirements of the SEA Directive are not 'showstoppers'.

*Evidence base for not allocating the Inquiry sites*

248. It was suggested that the Parish Council should have sought to take a more proactive approach to maximise housing delivery and that the exercise was only aiming to allocate sites sufficient to provide 78 homes. However, that criticism does not impinge on the appropriateness of adopting the draft NDP. A neighbourhood plan does not have to make any site allocations. The written and oral evidence of Mr Renow was that HPPC would accept a pre-emptive 'future-proofing' modification of the text to bring the draft into line with the CRA in the

emerging Local Plan. Its policies would be superseded by specific conflicting policies in later development plan documents such as the emerging BNLDP in any event.

249. An attack was made on the ranking assessment when determining which sites to allocate for development in the NDP (CD18.3 set C). It was put to Mr Renow that the exercise unfairly failed to expressly mention in the 'opportunities' column of the table the opportunities afforded by the Gleneagles site to provide housing. This was itself an unfair critique; it was a given, as the whole point of the exercise was to determine which of the sites to allocate for housing and one of the scoring criteria was the number of homes that could be accommodated.
250. In any case, sites HATF313, HATF630 and HATF608 which correspond to the CRA all scored more highly in their ranking than the Inquiry sites. The scoring system was one that was perfectly reasonable and lawful. The choice of policy objectives and the weight to attach to each was a matter for the judgment of the democratically elected Parish Council.
251. Lastly, the criticism was levelled that the site assessment was not considering these particular projects with mitigation measures. Such is almost always the case when engaging in forward planning of this nature and does not invalidate the assessment.

*The evidence base for protected views*

252. The NDP specifically designates views for protection and enhancement in order to protect the landscape setting of the village (Policy HPE6). It is evidence that the specified 'views and open spaces...are valued by the community and form part of the landscape character' (NDP 'objectives' p.32).
253. Extensive evidence was given by Mr Renow of the local engagement that the Parish Council undertook with the local community, including the survey, the 'walkabout' and photographic competition referred to in the supporting text to the policy, as well as public consultation. The reality is that the abovementioned engagement and evidence-gathering programme provided a sufficient evidence base.
254. DWH sought to suggest that the Parish Council had been disingenuously misrepresenting that View 5 in the table accompanying HPE6 had been identified in the Landscape Character Assessment of October 2015 (CD18.4 set C), and consequently that the policy lacked an evidence base. However, this line of attack was misconceived. The text of HPE6 makes very clear that it protected both views 'identified by the community (see pages 33-37) and the Hatfield Peverel Landscape Character Assessment' (emphasis added), and was not purporting to say that all the views were identified in the Landscape Character Assessment.
255. Although the Landscape Character Assessment (CD 18.4 set C) did identify 'key views' and photographs, these were selected to 'reflect the key characteristics of each area' (para 3.12) by an individual professional consultant as part of an exercise to characterise the area and make suggestions for its management. That exercise had not involved public consultation to ascertain the views of the community. Meanwhile, the residents' survey in October 2015 indicated that 'views towards Witham looking from Gleneagles Way' was selected



as one of the 3 views to 'be safeguarded if new development takes place in the parish' by 237 respondents (HPPC1, Appendix MR28). In those circumstances, it was perfectly proper to reflect the wishes of the community.

256. The Table at pages 34-35 of the NDP identifies the key features/physical attributes of the views, and any access by residents. It is not merely about popularity but rather the NDP explains the features of the views that are valued. Views 1 and 5 are attractive open vistas and it is readily understandable why the views are valued by the local community.
257. Criticisms were directed at the Parish Council's reviewer of the feedback from the workshop held in December 2016 (CD 18.6 set C). A comment was made by that individual that in respect of the view from Gleneagles Way (view 16 in that document) they were not personally sure if the view had value but people liked it, and so it had been retained.
258. Insofar as it was suggested for DWH that it was illegitimate for the draft NDP to reflect the views of the community, the whole point of neighbourhood plans is to 'reflect the... priorities of their communities' (Framework paragraph 1), giving 'communities direct power to develop a shared vision for their neighbourhood' (Framework paragraph 183) and to 'shape and direct sustainable development in their area' (Framework paragraph 185). Landscape value and the degree of attractiveness of any view is highly subjective and it is a matter that the Secretary of State will form his own view on, informed by this report, itself informed by the inspection of the site and surrounding area. Any argument that the personal opinions of a particular hired consultant or parish working-group volunteer are privileged over the views of the community reflected in a neighbourhood plan is to be deprecated.
259. It was also suggested that the response to the workshop is evidence that views were chosen merely to stymie development at those locations and not because of the value of the views. However, it is plain as can be that the reviewer in question in December 2016 was engaged in a whittling-down process determining which of the views identified by the community to retain as most valued and meriting protection, not introducing new views of their own. It was perfectly proper to choose to designate and protect only those valued views that might realistically be subject to development. Neighbourhood plans are supposed to be practical documents to shape and direct development. Mr Renow explained in his oral evidence and cross-examination how views identified by the public were then whittled down to retain the most locally valued views that required protection.

#### *Coalescence and the propriety of policy HPE1*

260. Mr Renow's evidence was that maintenance of the distinctive separate character of the village of Hatfield Peverel and prevention of coalescence were identified as objectives that were important to the local community (pages 24-26 HPPC1 and Appendix MR29).
261. Consistently with the purposes of neighbourhood plans, as alluded to in the Framework and the localism agenda, it was therefore entirely proper for this to be reflected in the Vision and in Objective 4 of the NDP and translated into draft policy HPE1.

262. DWH sought to contend that the green wedge policy was 'strategic' and trespassing on the remit of the emerging Local Plan. They argued that it amounted to a green belt which the PPG and the Framework stated should only be designated by a local plan at district level. They also argued that it was somehow inconsistent with the emerging BNLP because draft Policy LPP 72 ('Green Buffers') had not included a green buffer between Witham and Hatfield Peverel.
263. Those arguments are unsustainable. The Prevention of Coalescence Areas that would be designated by draft policy HPE1 in the NDP are small areas on the outskirts of a fairly small village within one parish, aimed purely at preventing intrusion into those wedges to retain separation between Hatfield Peverel and the nearby hamlet of Nounsley and expanding town of Witham. In no sense are they 'strategic' and nor can they credibly be contended to create a 'green belt'.
264. Just because the emerging Local Plan did not include a policy contained in the NDP, that does not mean there is an inconsistency; otherwise no NDP could ever contain a distinct policy. In fact, the additional green wedge is complementary rather than inconsistent.
265. Alan Massow, the Senior Policy Planner at the Council, had liaised with and advised HPPC in the NDP drafting process and had confirmed that the District did not designate a Green Buffer in the Local Plan on the understanding that one would be promoted by the NDP, a decision that it considered to be up to the Parish Council and to be consistent with the emerging BNLP (ID26). This was in full accordance with Framework paragraph 185 which states in terms: 'Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.'

### ***Housing delivery***

266. Any argument that an exception should be made to allow development conflicting with the statutory development plan on the basis that there is not currently a 5 year supply of housing land has to be premised on the scheme in question being delivered within 5 years, so as to meet that housing need.
267. It is therefore relevant not only what the level of OAHN is (and the extent of any shortfall) but also how likely it is that the housing in any particular scheme will actually be completed and occupied as a home within 5 years. The evidence in relation to delivery is addressed separately in respect of each scheme later.

### ***Health, education and infrastructure/sustainability issues common to all 3 schemes***

268. There would be conflict with Policy SP5 of the emerging BNLP ('Development must be supported by provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.'). Development whose needs are not served should not be considered acceptable in planning terms, and where planning obligations are inadequate to make the development acceptable, permission should be refused (Framework paragraph 176).
269. In both his written and oral evidence Mr Renow explained the existing situation in terms of the lack of employment opportunities for new residents within Hatfield Peverel (pages 26-27, HPPC1); the pressure on health facilities and their lack of space to physically expand (pages 27-28, HPPC1); the requirements for

- additional school places (pages 29-33, HPPC1); the lack of a safe walking route to Witham along the A12 (pages 33-35, HPPC1); and pressures with regard to transport infrastructure and traffic (pages 36-38, HPPC1).
270. No suggestion was made by the applicants that it was safe for children to walk to Witham along the A12, with reliance being placed instead on potential travel by bus (paragraph 7.2.35, 1/POE).
271. As regards healthcare and the physical inability to extend the Sidney House surgery, the factual evidence of Mr Renow was not challenged or rebutted. The developments would generate additional occupiers who would require health services. There was no evidence that mere internal reconfiguration of the surgery would provide the required extra accommodation for an extra doctor; furthermore there is no indication that any such improvement to the Sidney House Surgery is planned or even practicable.
272. As regards current and projected school places, and the number of students generated by the developments, the numerical situation appears to be common ground (ID1.8).
273. The occupiers of the dwellings would require school places. There are currently 484 primary pupils on the roll of schools within Hatfield Peverel, which have a capacity of 525. The number without additional housing is predicted to fall slightly to 470 by 2021/22. The extant Former Arla Dairy and Bury Lane permissions would generate an additional 58 primary school pupils between them (ID1.8, Appendix). This means that any of the Inquiry schemes would result in excess demand that could not be met by existing capacity.
274. Village schools' admissions policies give preference to village children if they become over-subscribed, but this is subject to sibling preference. It would also only apply to children newly entering the school and existing pupils would not be moved. This means that for many years, primary-age occupants of the Inquiry schemes would be required to travel further afield for schooling. This is contrary to the objectives in the Framework of minimising the need to travel and providing schools within walking distance of larger scale housing development (Framework paragraphs 34 and 38).
275. The corollary of that outbound travel phenomenon diminishing in scale would be a diminishing in-school choice for parents living outside the village and the requirement for children residing outside the village who otherwise would have attended the Hatfield Peverel schools having to be found school places elsewhere. As a result, the developments would generate a demand for additional school places whether for the children of occupiers or those children who otherwise would have been accommodated at the village schools. This requirement for additional educational provision is a negative externality of the developments to be weighed in the planning balance.
276. The cost of that externality would not be internalised by means of a Section 106 planning obligation. None was requested by Essex County Council in respect of the costs occasioned by these schemes because it was concerned that the CIL Regulations prohibit pooling of 5 or more contributions in respect of a particular project or type of infrastructure (CD21 set C). In fact, CIL regulation 123(3) prevents pooled planning obligations being relied upon as 'a reason for granting planning permission'. This is not exactly the same as a prohibition upon pooling

such contributions, or against treating absence of such contributions as a reason for refusing permission. There is no CIL charging schedule in place either. As a result, the cost of putting in place the educational provision would be borne by the taxpayer.

277. Moreover, the additional travel costs in terms of bus transport would either fall to be borne by the local authority (to the extent that it is statutorily obliged or agrees as a matter of discretion to pay them) or by parents. This would be a particular burden for parents on low incomes.

278. Framework paragraph 72 states that 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities...local planning authorities should... give great weight to the need to create, expand or alter schools' (emphasis added). This principle is also reflected in Draft Policy SP5 of the emerging BNLPP. The Secretary of State should attach great weight to the failure of these schemes to provide for the necessary school places and the impact on parental choice.

### ***Summary of HPPC's case respecting the DWH scheme***

#### *Conflict with the spatial strategy*

279. The development conflicts with the spatial strategy in the adopted and emerging development plans for the reasons set out above. That means there is a statutory presumption against granting permission by virtue of s.38(6) of the Planning and Compulsory Purchase Act 2004. Specifically, there is conflict with policies CS1, CS5, and RLP2 of the adopted plan; and draft policies LPP1 and LPP17 of the emerging BNLPP. This conflict should be given great weight because the Framework expects the system to be genuinely plan-led.

#### *Harm by reason of Coalescence*

280. Draft anti-coalescence policy HPE1 of the NDP reflects the vision of the community for Hatfield Peverel. The conflict with this policy should be given significant weight given the current status of the NDP as a submitted examination draft for the reasons set out above.

281. Coalescence is a material consideration in this application. The development would result in expansion of the settlement of Hatfield Peverel to the east, narrowing the gap between it and the settlement of Witham (as substantially extended by the Wood End Farm, Lodge Farm and the development to the west of Maltings Lane (ID13) to approximately 1km, down from 1.4km. This would be a relatively small gap, which would be traversed in around 30 seconds travelling at 70mph on the A12.

282. DWH's witness, Mr Smith, stated that in his view the key consideration was whether there would remain a perception of leaving one place and entering another. However, that test could be met even within an urban area. Although there would remain some fields between Witham and Hatfield Peverel, the settlements would begin to feel uncomfortably close and the rural village character of Hatfield Peverel would be eroded as the net effect of the Gleneagles Way development and the new development on the edge of Witham would be that it came to feel more like a southern extension of Witham.

283. In his oral evidence, Mr Smith accepted that there would be clear inter-visibility between the permitted and as-yet-unbuilt development at Witham north of the A12 and the development at the Gleneagles site, particularly from upper floors. The only way to prevent this and screen views would be to significantly strengthen the planting along the eastern edge of the application site to a height of 9m or more, as was indeed proposed. That would fundamentally and detrimentally change the character of the locality by blocking broad open views out across what remained of the countryside. The line of vegetation would only serve as a marker for the built development behind, adding a prominent and abrupt edge to what had been filtered views in to the houses from the footpath

*Landscape, character and visual harm*

284. The development would fundamentally obstruct and mar the pleasant views out across open countryside enjoyed from The Street outside D's Café Diner, (ID13 photographs, Mr Renow's viewpoint 1 for this site), the 3 culs-de-sac of Wentworth Close, Birkdale Rise and Ferndown Way (ID13 viewpoints 2-7), and Gleneagles Way (ID13 viewpoint 8), which make a positive contribution to the character of the area.

285. Although the view protected by the NDP policy HPE6 is not from the same place as the view identified as characteristic by the Local Landscape Character Assessment of October 2015 (CD18.4, set C) which was not based on consultation of residents, that document did highlight the physical attributes of this landscape character area as including large and geometric fields under arable cultivation, with 'broad open views possible across open farmland' which it recommended should 'be safeguarded'. For the reasons explained above, the conflict with draft policy HPE6 by reason of loss of the 'key feature' of 'open arable farmland' should be given significant weight.

286. The Essex Landscape Character Assessment (ELCAA) (pages 94-95, CD14.5, set B) noted that potential residential expansion of settlements... 'would be conspicuous on the surrounding rural landscape' and recommended that any development be 'small-scale'. As explained above, the emerging BNLP allocated all the sites considered suitable for development of more than 10 dwellings, which indicates that development on this scale was rightly judged inappropriate at this location.

287. Currently, the estate off Gleneagles Way has a spacious, open and rural character by reason of the view out across open countryside. Its village character would become more suburban.

288. The character of the application site itself would fundamentally and detrimentally change as the open countryside was lost and replaced by a housing estate.

289. These views out from the village are experienced by pedestrians, very low-speed traffic, and residents of the houses who are moderate and highly sensitive receptors for the purpose of the GLVIA3.

290. These views are more highly valued by the community than the views in from the surrounding footpath as they are more frequently experienced.

291. There would additionally be harm to views from Footpath 40. The views towards the village are already filtered to a degree from this footpath and the



most attractive views from it are to the south and east. Nevertheless, there will undoubtedly be harm to views from Footpath 40 looking towards the village to the west- the worst of which have not been accurately shown in a montage and the users of the footpath will be high-susceptibility receptors as advised by the GVLIA3 passages previously cited.

292. The tall boundary screening would create a strong sense of enclosure, which would be much stronger than that which currently exists and would undermine the character of the area. Rather than integrating the development, the planting would simply block it off from the countryside that currently forms an intrinsic part of the setting of the settlement edge. The future residents of the estate, and the residents of the Gleneagles estate, would be prevented from enjoying the views of the surrounding countryside setting.

293. These changes would harm the character of the area.

294. There are conflicts with Policy RLP80 in that the development would harm the distinctive landscape features of the area and would not integrate successfully into the local landscape. There is also related conflict with Policy CS8 in that it fails to enhance the character of the landscape and results in loss of best and most versatile agricultural land; this point is elaborated upon below.

#### *Evidence regarding delivery*

295. The question of delivery was raised before the opening of the Inquiry in the second pre-inquiry note (INSP2). The only evidence regarding delivery was given orally by Mr Dixon in evidence. It amounted to a statement that DWH are a housebuilder with the intention to develop the site, an assertion that had the application not been called in, they would have submitted a reserved matters application already and an assertion that 'the likelihood is' that the development would be completed within the 5 years. No details as to DWH's track record were given. This is a slender basis indeed for the Secretary of State to give extra weight to provision of housing as a benefit on the strength of any claimed shortage of 5YHLS.

#### *Unsustainability/ demand for services*

296. The development would generate demand for and increased pressure on local public services in conflict with policy as explained above.

297. In relation to schools, the development would generate an estimated 36 additional primary pupils (ID1.8).

298. The healthcare contribution of £378.54 per dwelling (SAV56, schedule 8) would not actually address the problem of insufficient staff for the reasons referred to above.

#### *Loss of BMV agricultural land*

299. DWH's own evidence discloses that this site is best and most versatile agricultural land, although no details as to its quality are given. The site area is 5.2Ha (SAV2, application form). The loss of this land to agriculture is material, particularly in combination with the other consented and planned green-field development in the area (including the emerging BNLP allocations) and conflicts with CS Policy CS8 with Framework paragraph 112.

*5YHLS/weight attaching to provision of housing*

300. HPPC's case is that on the correct approach, there is no shortfall in 5YHLS for the reasons set out above. Even if that be wrong, the shortfall does not justify departure from the development plan. The specific development plan policies and the physical and policy harms referred to (including conflict with the Framework) significantly and demonstrably outweigh the benefits of providing 120 dwellings at this location.

***Conclusion of HPPC case to the Inquiry***

301. For the reasons set out above, the 3 schemes should be refused planning permission; the GDL 140 dwelling and the DWH 120 dwelling applications should be refused and the GDL appeal dismissed.

**The Case for Stone Path Meadow Residents Group on policy and housing land supply**

***Introduction***

302. There are three parts to the case for SPMRG. First, identifying conflict with the Development Plan; second, the application of Limbs 1 and 2 under the fourth bullet point of Framework paragraph 14; and third, a consideration of the planning balance. Only extracts from the first two parts are of relevance to the determination of this application.

303. In very brief summary, SPMRG submit that with respect to part one, there is a conflict with development plan in respect of seven separate policies only some of which are relevant.

304. With respect to part 2, SPMRG submit that there is a five year housing land supply and that as such the fourth bullet point does not, in fact, apply.

***Part one***

305. SPMRG submits that the evidence presented at the Inquiry demonstrates that there is significant conflict with the following adopted development plan policies:

- i) Policy RLP2: Town Development Boundaries and Village Envelopes;
- ii) Policy CS5: in relation to the countryside and development outside village envelopes;

*Development Boundaries: RLP2 and CS5*

306. Both GDL application schemes (and by extension this application scheme) clearly fall outside the adopted development boundaries, and it was accepted by Mr Lee for GDL that both proposals would therefore breach policies RLP2 and CS5 (this is also the position of DWH). Significant weight should be given to these breaches. The relevant policy in the emerging BNLP is LPP1 the wording of which is set out above (paragraph 35).

307. Ms Jarvis was asked in cross-examination about the date when development boundaries were last reviewed. It is submitted that, in the context of this District and this site, this is irrelevant. It is apparent from the emerging Local Plan that the Council's spatial strategy, as discussed by Ms Jarvis in her written and oral evidence, is focused on significant development in other areas of the District and, in particular, on a number of Garden Villages. It is plain from BNLP Inset Map 36

that the development boundaries of Hatfield Peverel are intended to remain exactly the same in relation to this site as they are in the adopted development plan documents. The current intention of the Council as seen through the emerging Local Plan therefore clearly demonstrates that the development boundaries are appropriate in their current location.

308. It is acknowledged that the RLP2 and CS5 date from before the introduction of the Framework and therefore must be judged against Framework paragraph 215. In the very recent appeal decision (CD.32.10 set C, paragraph 39), on the same policies under consideration here, the Inspector discussed Policy CS5:

*I accept that the policy does not reflect the exact wording of the Framework; its adoption pre-dated the publication of the Framework. For that reason the policy needs to be considered against paragraph 215 of the Framework. It is a policy firmly aimed at protecting the environment, landscape character and biodiversity of the countryside. This accords with recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it given in paragraph 55 of the Framework. I therefore consider that it should be given the greater weight identified in paragraph 215. (emphasis added).*

309. Contrary to suggestions made at Inquiry that this Inspector had erred in her analysis, she has clearly identified that it was open to her to attach "due weight... according to [its] degree of consistency with this framework" to CS5 as set out in Framework paragraph 215. It is submitted that the Inspector found that the policy was highly consistent with the Framework, focusing in particular on Framework paragraph 55 and therefore determined that, given its closeness to the Framework, she could accordingly give it greater weight than if it had been inconsistent with the Framework. In accordance with the well-rehearsed principles set out in *Bloor Homes East Midlands Ltd v SSCLG* [2014] EWHC 754 (Admin) in relation to how to read an Inspector's decision letter, it is therefore submitted that the Inspector's analysis is sound, based on an accurate understanding of the Framework and should be adopted here.
310. It is therefore submitted that significant weight should be attributed to the breaches of RLP2 and CS5 that would occur should either proposal be granted planning permission. As set out below when considering the tilted balance, emerging policy LPP1 would also be breached.

**Part two:**

311. This second part addresses the two limbs of the fourth bullet point of Framework paragraph 14: the "tilted balance" in Limb 1 and the "unweighted balance" to be applied to the identified heritage harm in Limb 2.
312. First it is necessary to consider whether the proposals fall within the fourth bullet point at all - is the development plan "absent, silent or [are] relevant policies out of date" - before considering the restrictive heritage policies under Limb 2, followed by the tilted balance under Limb 1, in the event that the Secretary of State disagrees with the first two conclusions.
313. Only the general points relating to 5YHLS set out below are relevant to the determination of this application.



### *Five Year Land Supply*

314. As per the table of the parties' agreed positions (ID1.13), it is SPMRG's case that the Council can demonstrate a 5YLS, such that Framework paragraph 49 does not apply and "relevant policies for the supply of housing" are "up to date", such that there is no access to the tilted balance on this ground.
315. SPMRG's position on the disputed elements of the 5YLS calculation is as set out in Mr Leaf's adopted proof of evidence (RG5) and as per the discussion at Inquiry.

### *The Liverpool approach*

316. The appropriate approach to take in addressing the backlog is the Liverpool approach, spreading the backlog of 1,660 dwellings out over the remaining plan period.
317. As explained by Mrs Hutchinson on behalf of the Council, the Liverpool approach forms the basis of the emerging Local Plan which is currently at examination. SPMRG submits that to adopt the Sedgefield method would be to undermine this approach taken by the Council after considerable consultation and work and, consequently, would be inappropriate in a plan-led system.
318. Paragraph 35 of the PPG provides that undersupply should be addressed "where possible" during the first five years of a plan. SPMRG submit that, here, it is not "possible". Adopting the Sedgefield method plus 5% produces an annual requirement of 1,100 dwellings or 1,258 dwellings with 20%: these targets are far in excess of anything achieved by the Council going back as far as 2001 and it is therefore extremely unlikely that the Council would be able to achieve these targets. There is therefore no practical purpose to adopting this approach: it is simply not possible for the Council to meet these requirements given their historic performance. Similarly, Mrs Hutchinson notes in her first proof that it is unrealistic to expect that the scale of increase in delivery required could be achieved straight away (paragraph 4.16, BDC1).
319. The significant increase in housing requirement from the Core Strategy figure of 272 dwellings per annum to an OAHN figure of 716 also indicates that the Liverpool approach is appropriate. This sudden upsurge in the annual requirement is another reason why it is not possible for the Council to address the existing backlog in the next five years.
320. It is also highly relevant that the Council is bringing forward new Garden Communities in its area as set out in policies SP2 and SP7 of the BNLP, Section 2. The Council has thus deliberately planned its anticipated housing delivery over the Plan Period as a stepped housing trajectory based on the delivery of a strategic site, as opposed to a "standard annualised requirement". The latest 5YLS Statement predicts that 40,000 new homes in North Essex will be delivered by these Garden Communities. This also suggests that the Liverpool approach is appropriate, given the way in which the Council is planning its approach to housing delivery over the whole plan period.
321. SPMRG notes that Planning Inspectors have adopted the Sedgefield approach in the recent decisions at Coggeshall (paragraph 14 to 15, CD32.2 set C), Steeple Bumpstead (paragraph 9, CD32.10 set C). In the first place, the BNLP has now been submitted for examination since these decisions, which is a significant step

forward in terms of the certainty of the Council's approach to Garden Villages (although plainly the Plan has yet to make it through examination). Secondly, neither Inspector's analysis addresses the points raised above in respect of whether it is possible for the Council to make up the backlog in the first five years.

*5% or 20% Buffer*

322. As submitted at Inquiry, SPMRG's case is that the appropriate target against which the Council's record of delivery should be measured for the purposes of applying either a 5% or 20% buffer is the requirement that was in place at the time. SPMRG therefore agrees with the Council's closing submissions on this point.
323. Further support is provided for this use of contemporary targets for measuring delivery by the two planning decisions submitted by SPMRG on the first day of the Inquiry.
324. The first is the Navigator L decision, dated 20th January 2015 (ID44). Here the Council had "oversupplied" against local plan figures from 2006-2014, but had undersupplied against a SHMA figure dating from April 2011. The Council argued that it should have its policy "oversupply" deducted from the requirement figure going forward over the next five years, on the grounds that it could not have known about the SHMA figure until 2014, so the requirement should not be calculated using that figure. The Inspector rejected that argument, noting that "I fully accept that during 2011-2014 the Council could not have been expected to meet a need which it was not aware of at the time, but that is not the point here." In footnote 8 to this paragraph, the Inspector goes on to say that the Council's being unable to meet a need of which it was not aware "might be relevant in other circumstances, such as where the point at issue relates to where there has been "persistent under-delivery" for the purposes of the NPPF-buffer". The issue he was deciding was different but he clearly took the view that the Council should be measured in "persistent under-delivery" terms against the targets which it knew it was aiming for.
325. The second decision is Land North of Cranleigh Road, dated 14th August 2017 (ID43). Here, the Council had a low pre-Framework Core Strategy housing target, on which it sought to rely for establishing a forward requirement (unlike the Council here). The Inspector disagreed and found that the forward requirement should be calculated using much more recent and much higher OAHN figures, even though these were not yet tested or adopted in a development plan document.
326. The developer also argued that "persistent under-delivery" should also be measured against these new figures from 2011, the date from which the requirement was calculated. This argument was rejected by the Inspector, referencing the Navigator decision, on the grounds that "in the period up until 2014 when the then PUSH SHMA identified a OAHN the LPA could not have been expected to meet a need that it was not aware of. On this basis, allowing for peaks and troughs, significant under-delivery in only 3 out of the last 10 years. On this basis, the application of a 20% buffer is not, in my view, justified."

327. Both of these decisions provide support for adopting the targets in place at the time when determining whether the Council has persistently under-delivered. It is plain that there is no under delivery in the present case.

### *Supply*

328. As set out in Mr Leaf's letter (ID21), SPMRG submits that the Council has underestimated its supply by 461 dwellings (including the Sorrell's Field at 50 dwellings), such that there ought to be a 5YLS of 5.35 years using the Liverpool method plus 5%. Individual treatment of these sites is set out in Mr Leaf's letter and is not repeated here.
329. SPMRG has identified these sites on an application of the principles in Framework paragraph 47 and footnote 11 of the Framework and paragraphs 35-9 of *St Modwen Developments Ltd v SSCLG and others* [2016] EWHC 968 (Admin) (CD31.18, set C). It is submitted that it is plain that these sites fall within the definition of "deliverable", which does not require a site either to be allocated or to have planning permission.
330. SPMRG makes the following submissions in response to the Statement of Common Ground between GDL, DWH and the Council (ID39).
331. SPMRG maintains that the identified sites can be considered to be "available now": the fact that steps need to be taken before the site can be developed does not prevent the site from being available any more than GDL's need to sell the site to a housing developer prevents Stone Path Meadow from being available.
332. The figure for Sorrell's Field was adjusted down from 52 dwellings to 50 on the understanding that the application was being revised down to 50 units.
333. Contrary to the penultimate paragraph of the SOCG, the Gimsoms site (WITC 421) is included in the housing trajectory appended to the letter to Priti Patel MP, headed "Copy of full housing trajectory including draft allocations re query". The entry is on the last page, showing 70 dwellings over the next five years and noting that "Planning application expected to be submitted Autumn 2017 by Bellway Homes".
334. Should the Secretary of State find that there is a 5YLS deficit, contrary to the above submissions, this deficit should be given limited weight for the reasons set out in Mr Leaf's adopted proof and applying the principles in the case of *Phides Estates (Overseas) Limited v SSCLG* [2015] EWHC 827 (Admin) (CD31.10 set C) as set out in the Statement of Case (at paragraphs 103-108 and not repeated here).

## **The Case for Braintree District Council**

### ***Introduction***

335. The background to this inquiry is set out in the Procedural Matters at the beginning of this report. The case set out addresses all three schemes before the Secretary of State unless otherwise stated.
336. As was made clear in Opening, the Council's position to this inquiry is that there is no sufficient basis to refuse planning permission for these schemes, notwithstanding that they are in conflict with the adopted development plan. It stands by the assessments that its officers made of the schemes. It recognises

that had the two larger schemes not been called in, it is likely that they would have planning permission by now. It has not sought to challenge the developers' core case that, respectively, their schemes merit planning permission.

337. Equally it is of course primarily for those developers to persuade the Secretary of State that their schemes are worthy of planning permission, and the Council has not, in that same context, sought to attack the case mounted against the schemes by SPMRG and HPPC, even where those parties have been critical of the Council's approach. That does not mean, of course, that the Council accepts those criticisms are well-founded - they are not - but stems from a recognition that the purpose of this Inquiry is to consider the case for granting planning permission for each of the schemes.

338. In that same context, the Council will not descend into the detail of many of the disputes which will govern the ultimate outcome of this process; not because the Council does not have a view on them, but because it recognises that additional submissions from the Council on those points, beyond those made by the party advancing a particular position, are unlikely to assist. Accordingly, the Council's case is relatively brief. It does, however, touch on some of the controversial issues where the Council has taken a particular position on them which may not be mirrored by the relevant other party. The first is in respect of housing land supply.

### ***Housing Land Supply***

339. A key element of the Council's conclusions on the ultimate acceptability of these schemes - all of which are contrary to the adopted development plan - is that it could not then and cannot now demonstrate a 5-year supply of housing land. Efforts were made 'behind the scenes' to reach an agreed position with the two appellants as to housing land supply (including the suggestion of agreeing a 'range') but that did not bear fruit.

340. The Council was pleased to agree a position in respect of OAHN but in the light of Mr Spry's eventual position, remain surprised that further agreement could not be reached. Broadly we accept the Inspector's characterisation of the position when summarising the round table discussion, that it is unlikely that there would be a materially different effect on weight whether there was a c.3.3-year (GDL/DWH high water-mark) or c.3.9-year (Council's best case) deficit. In either scenario, the deficit is considerable and weighs in favour of granting permission for more housing.

341. Nonetheless GDL/DWH maintained that the true position was the lower end of that range, for reasons the Council do not accept are valid. As such a number of points arise for further comment.

342. Before moving to the specific controversies, it is important to be absolutely clear about the Council's approach to its BNLP. It would not have submitted its draft Plan for examination if it was not confident about its soundness. It is not inconsistent with that confidence to recognise that until the examination process has been carried out and expert consideration given to the contents, some uncertainty remains. Confidence in the plan's soundness does not exclude a pragmatic view of the reliance that can be placed on its draft provisions in the development management context until such time as they are confirmed.

343. Indeed such an approach accords with national policy in the Framework, which at paragraph 216 advises that weight should be afforded to emerging policy according to various factors, all of which are referable to the inherent uncertainty about the contents of draft plans until they are adopted.
344. A good example is the inclusion of draft allocations for housing on sites which under the existing adopted plan - which retains its statutory primacy - would be contrary to the development plan. The Gimsons site - identified by SPMRG in this case as one draft allocation that should be included in the five-year supply - makes the point neatly. While the emerging plan allocates it for housing development, the adopted plan has it as a Visually Important Space under Policy RLP4, meaning it is inappropriate for housing. Until such time as the draft allocation supercedes the present development plan status, it cannot be considered 'deliverable'. Of course, there is the additional irony that Priti Patel MP, in whose office Mr Leaf works, has objected to the draft allocation of the Gimsons site in the emerging plan and yet here (by extension) argues that it should be treated as a deliverable site for housing.
345. This general approach is relevant to the Council's position in two respects. First, in terms of the Liverpool/Sedgefield dichotomy in dealing with the shortfall since 2013 and, second, in terms of the additional sites that SPMRG sought to promote as being deliverable in their letter of 12 December 2017 (ID21). The Council turns next to the specific components of the supply debate.

### ***OAHN***

346. There is no challenge in this inquiry to the Council's position that its OAHN is 716 dwellings per annum. That figure has been derived from the latest household projections (in accordance with the PPG), and uplifted by 15% to account for 'market signals' (essentially past unmet need). That means that the ultimate figure of 716 dpa specifically accounts for unmet need in past years, in the way the PPG requires.
347. The figure is one of the key elements of the first Section of the emerging plan, which will be considered at the EiP in January 2018. All parties will be likely to wish to make submissions on the outcome of that EiP on the OAHN, and its ramifications (if any) for the matters before this Inquiry if they remain undetermined at that point.

### ***Shortfall***

348. The quantum of the shortfall against the OAHN of 716 (effectively unmet need) since 2013 is uncontroversial, but the period over which it is sought to be 'recovered' is not. GDL/DWH argue that it should be recovered in the next five years, relying on the PPG, which suggests that this 'Sedgefield' approach is appropriate unless it is unachievable. The Rule 6 parties contend for the shortfall to be recovered over the entire plan period, the so-called 'Liverpool' approach.
349. The Council will contend at the forthcoming EiP into its emerging plan that the examining Inspector should accept, for the purposes of the soundness of the emerging plan, the 'Liverpool' approach. This is in large part because that same plan contains an overall strategy (shared with its partner authorities) of seeking to meet future growth in Braintree (and beyond) by creating new Garden Communities and allocating larger housing sites, which can better respond to the



requirements for new infrastructure to support housing development, a strategy which the Council considers accords with government policy and is a sound approach to meeting future growth needs.

350. That same strategy means, however, that some of the new land for housing will not come forward until the middle of the plan period (and indeed beyond). If it is confirmed by the EiP as a sound strategy, it will provide ample justification for the Liverpool approach. The Council hopes it will be so confirmed. However, it has argued in three recent s.78 appeals that it provides that justification now, even as a draft strategy, and in each case has failed to persuade the Inspector of that. The failure in each case has been broadly on the basis that until there is greater certainty about the emerging plan, the Sedgefield approach should be preferred. That appears to be rooted in Framework paragraph 216.
351. On that basis, and for essentially pragmatic reasons, the Council's position to this Inquiry has been that it accepts that until its strategy is confirmed, it is likely to remain the case that the Sedgefield approach to making up the shortfall is appropriate for development management decisions. It recognises the clear steer in the Framework and PPG towards meeting needs, and doing so for the next five 5 years in particular. It has had regard - entirely properly - to the conclusions on this very issue reached by three recent s.78 appeal Inspectors. Its key justification for the Liverpool approach depends on a strategy within a plan that is still emerging and has yet to be tested. Its approach here is pragmatic but also sound and sensible, and there is no inconsistency with its approach to the emerging local plan.
352. It is also consistent with its position of relying on the other conclusions of those three Inspectors, in respect of (for example) the weight to be attached to policies of the development plan. It is generally unattractive to seek to rely only on those parts of a recent decision that suit one's case, while ignoring other elements which do not. The Council does not fall into this trap.

### **Buffer**

353. This debate was essentially reduced, via the round table session, to a binary disagreement about whether one treats the OAHN of 716 dpa as being the 'appropriate target' from 2013, or only from the time when it became a target at all (i.e. in 2016). Mr Spry says you should 'backdate' it to 2013, Mrs Hutchinson says not.
354. The Council adopts the Inspector's characterisation of Mr Spry's approach as illogical. Unlike the consideration of the shortfall since 2013, this exercise is not one of quantifying unmet need. It is specifically considering how likely it is that the planned supply will be met, using past performance against applicable targets as an indicator of likely future performance. This is clear because the purpose of including a 20% buffer (where there has been 'persistent under-delivery') is 'in order to provide a realistic prospect of achieving the planned supply' (see Framework paragraph 47). A local authority which has persistently, as it were, fired its arrows wide of the target must be moved closer to the target in order to improve its chances of hitting that target in future.
355. It thus follows that the nature of this exercise is considering past performance, not in terms of meeting actual needs but in terms of meeting planned targets. It is not about being 'unfair' to anyone - that was Mr Spry's straw man - but about

the nature of the exercise. The advocates for GDL/DWH were quite correct to say this has nothing to do with 'punishing' anyone and should be carried out in an entirely dispassionate way. It also explains why it is not helpful here to consider whether past targets were themselves likely to be lower than actual needs. The question is how often Braintree's arrows hit the target, not whether those targets ought to have been different. Nothing in the *Cotswold* judgment (ID1.15) indicates otherwise.

356. The simple fact is that 716 was not in any sense a 'target' for this Council prior to 2016 and it makes no sense in this context to consider its performance in hitting a 'target' that it was not aiming for; that would say precisely nothing about the likelihood of 'achieving the planned supply' in the future. The usefulness of the exercise relies upon identifying what the target in fact was at the time. It was not 716 until 2016.

357. For those reasons a 5% buffer is appropriate. Mrs Hutchinson's evidence makes clear that Braintree has not persistently under-delivered.

### ***Supply***

358. There is (now) an immaterial difference, some 68 units, between GDL/DWH and the Council on the quantum of supply.

359. Of more materiality is the SPMRG position that ten further sites should have been included in the supply as set out in Mr Leaf's letter of 12 December (ID21). The question of whether those sites should be included in the supply is the subject of a SOCG between GDL/DWH and the Council (ID37), both as a matter of principle and on a site-by-site basis. The Council does not repeat, but does rely upon, those points here.

360. There is ample justification for the position taken by the Council in respect of those sites, as accepted by GDL/DWH. In short and in general terms the draft allocations may only attract limited weight until the emerging plan within which they appear has progressed further along its journey to adoption. Looking at the sites individually results in the conclusion in each case that they are not yet to be considered 'deliverable' for development management purposes.

361. It is also clear that these sites only make a material difference to the position if the position of the Rule 6 parties (contrary to the case presented by the Council and GDL/DWH) that the Liverpool approach should be adopted now is correct.

### ***Conclusion - housing land supply***

362. The above points lead to the conclusion that the Council is correct to say that it cannot yet demonstrate a five-year supply of housing land. Insofar as it matters, the position is that it can demonstrate something in the region of 3.9 years, at least until its emerging plan attracts greater weight. That means that the proposals fall to be determined having regard to the 'tilted balance' in Framework paragraph 14. There is, therefore, justification for not applying the restrictive policies of the development plan 'with full rigour'; and the delivery of housing attracts greater weight in favour of the proposals than it might if there was a five year supply.

### ***The approach to the development plan***

363. These proposals are all contrary to the adopted development plan. The controversy revolves around how that conflict should be treated within the context of the Framework and the statutory test.
364. GDL/DWH and the Council agree that the ultimate outcome of that exercise is that planning permission should be granted for all three schemes. However, there is some divergence in the way in which the parties arrive at that conclusion. On that basis it may assist to have the Council's position set out clearly.
365. The proper approach to the development plan, where there is no five year supply of housing land, has been considered a number of times recently by Inspectors on s.78 appeals in Braintree District Council. The Council respectfully adopts the reasoning of Inspectors Hill and Gregory in the Coggeshall (CD32.2 set C) and Steeple Bumpstead (CD32.10 set C) Inquiries (respectively), and the consistent decision of Inspector Fagan at Finchingfield (CD32.4 set C). It is of note that both GDL, and its counsel here, appeared at Steeple Bumpstead and advanced the same argument there as here in respect of restrictive policy CS5, and it was roundly rejected. There does not appear to have been any real recognition of that in their position to this inquiry.
366. In short:
- i) There is a sound basis in principle for reducing the weight to be applied to restrictive policies of the development plan on account of the lack of a five year supply of housing land;
  - ii) The quantum of that reduction depends on a number of factors, including the extent of the shortfall, the purpose of the policy, and the consistency of the policy with the Framework;
  - iii) There is no sound basis for reducing the weight to be attached to restrictive policies on account of their age alone (paragraph 40 iii F6f); and
  - iv) In terms of consistency with the Framework, a nuanced approach is required by Framework paragraph 215 which calls for due weight to be attached depending on the degree of consistency with the Framework (paragraph 52, *Daventry DC v SSCLG and Ors* [2015] EWHC Civ 3459).
367. Saved policy RLP2 can be afforded limited weight because it is restrictive of housing and the District has a shortfall in housing land supply. The boundaries on which it relies were set with reference to housing needs for a period that has expired. This is the same conclusion reached by Inspector Fagan in the Finchingfield decision (CD32.4 set C, paragraph 10).
368. Although Saved policy RLP80 is not criteria based and applies a generalised approach in protecting landscape features and habitats, it is generally in conformity with the Framework and the Council maintains that it should be given considerable weight.
369. CS policy CS1 is a 'policy for the supply of housing' and is out of date by virtue of Framework paragraph 49. Insofar as there is a breach of its terms it attracts



limited weight as found by, for example, the Finchingfield Inspector (CD32.4 set C, paragraph 10).

370. By contrast, CS policy CS5 attracts more than the 'very limited weight' argued for by Mr Lee (for GDL) and the 'limited weight' argued for by Mr Dixon (for DWH). For the reasons set out by Inspectors Hill (CD32.2 set C, paragraph 59), Gregory (CD32.10 set C, paragraphs 39 & 65) and Fagan (CD32.4 set C, paragraph 59), policy CS5 should be afforded more than moderate, but not full, weight. It is consistent with the Framework core principle concerned with protecting the countryside from harm. There is some justification for a reduction in weight on account of the lack of a five year supply but no justification for that reduction to be as great as argued for by GDL/DWH here. This has been confirmed three times in s.78 appeal Inquiries since July 2017. It may be that Mr Dixon's evidence is in line with this, following clarification in his evidence in chief that it is the precise position of the boundaries, rather than the protective element, that attracts reduced weight.
371. GDL is correct to say that the Framework provides for a hierarchy of protection; at the top are designated landscapes, then below those come 'valued landscapes' and then the residual category of landscapes within which the Stone Path Drive site sits. It does not follow, however, that those at the bottom of this hierarchy get no protection. The hierarchy simply requires that they attract a lesser degree of protection than might categories above them in the hierarchy. In the Finchingfield and Steeple Bumpstead decisions, both of which concerned 'valued landscapes', it was held that Framework paragraph 109 was a 'footnote 9 policy' indicating that development should be restricted, providing an additional level of protection by disengaging the 'tilted balance'. That alone is sufficient to satisfy the hierarchy argument. Policy CS5 permits this hierarchy of protection to be respected.
372. Lastly, the emerging NDP. This is not yet part of the development plan and attracts only limited weight on that basis. It does not provide any sufficient basis for refusing any of the schemes. In particular, the debate about the wording of policy HPE1 (whether it is or is not restrictive of all - or all large - housing development in the countryside, and thus its consistency with the Framework) is precisely the kind of debate that will be resolved when the NDP is examined. It is an excellent example of why only limited weight attaches to plans at this stage of their development.
373. It would be remiss not to mention the Alan Massow e-mail (ID26). The position vis-à-vis the draft Green Gap between Hatfield Peverel and Witham is a draft policy in an emerging neighbourhood plan, which has some way to go before it is made and becomes part of the development plan. As Mr Massow's e-mail suggests, and as Mrs Hutchinson clarified in her evidence, the District Council considers that the question of whether there should be a green gap in this location to be a non-strategic one and for that reason it is not included as a draft policy in its emerging plan.
374. The question of whether a green gap in this location should be part of the development plan is left to the neighbourhood level, which is entirely proper. This Inquiry is not the place to examine either the emerging local plan or the emerging neighbourhood plan. The debate is sidestepped by acknowledging that the weight to be attributed to the terms of the emerging draft neighbourhood

plan - including the draft Green Gap policy - is limited, pursuant to Framework paragraph 216.

### ***The planning balance***

375. In each case, on the above basis, a balance must be carried out using the 'tilted balance' contained within Framework paragraph 14. A finding that such an exercise points to the proposal being sustainable development (i.e. the harms not outweighing the benefits) will be a weighty material consideration pointing towards a grant of permission notwithstanding the conflict with the development plan. That is, essentially, the conclusion that the Council reached in respect of all three schemes. It is the conclusion the Council suggests should be recommended to the Secretary of State.

376. The crucial benefit here, in each case, is the delivery of much-needed housing in a situation of deficit. Given that the deficit is, on any view, more than a year's worth of housing at this stage, and is unlikely to be eliminated until such time as the new local plan is adopted, the weight to be afforded to that benefit is substantial and is not outweighed by the harms, which are relatively limited.

### ***Conclusion***

377. The conclusions reached by the Officer's Reports in respect of each scheme are sound and should in effect be confirmed.

### ***The Case for Interested Persons***

378. A total of six people made presentations to the Inquiry and answered questions from Mr Tucker. All responded positively to my request for a written statement and these are listed in Annex A. Mr Webb and Mr Hutton gave their statements by way of a PowerPoint presentation, copies of which are included in the documents. Thanks are due to the Council officers for making the necessary equipment available. What follows is a summary of the main points made by each speaker. The full submissions are available to read.

379. **John Webb** is a resident of the Gleneagles Way estate. His evidence focused on the traffic implications arising from the proposed development. He noted that Gleneagles Way is already a cul-de-sac development with a single point of access to the wider highway network. That single point of access would remain; it would however serve triple the number of dwellings if the proposal went ahead.

380. The junction of Gleneagles Way and The Street is inherently dangerous as it requires turning into (to exit the estate) or across (to return home) the off-slip from the A12. Traffic leaves the A12 at speed and has only a short distance to slow to 30mph. He put the distance from the 30mph sign to the junction at some 60m.

381. Local people did not accept the reported results from the speed survey carried out and submitted by DWH. HPPC commissioned another. He included the outcome figures and argued that using the average speeds as DWH had completely distorts the true picture. In fact, the new survey shows that 45% of the vehicles going past the junction do so at speeds in excess of 30mph. Proposed improvements to the visibility splay miss the point entirely. It is the design of the off slip that makes speed difficult to judge combined with the failure to enforce speed restrictions that cause the danger. (*Inspector note: DWH were*

*not aware of this additional survey data until Mr Webb presented it. Document ID20 is its response).*

382. **Michael Hutton** has been resident in the Gleneagles Estate for some 23 years. His presentation contained a number of annotated images. These showed the effect that new developments on the edge of Witham such as Lodge Farm and Woodend Farm were already having on the distance between Witham and Hatfield Peverel. The application scheme would reduce this separation distance further to just under 1km from just over 2km before these developments took place.
383. The application site is beyond the village boundary and previous planning applications have been refused. Photographs of views (which appear several times in the evidence) illustrate views across the application site.
384. The NDP already includes a comprehensive development area which is well-placed in relation to the main line station.
385. **Lesley Moxhay** has been a local resident for 34 years. She spoke about the ecology of the area. She suggested that the field margins provided a rich habitat while the land itself was Grade 2 and therefore best and most versatile agricultural land. Building on it was therefore contrary to Framework paragraphs 111 and 112.
386. In summary, her evidence is that the human activity that will be introduced into the area will have an adverse impact on the many protected species on or near to the site such as bats, badgers, grass snakes and slow worms. Furthermore, the measures put forward and agreed by the Council in mitigation of potential impacts on the Blackwater Estuary Natura 2000 site will be wholly inadequate and potentially counter-productive for local wildlife. The cumulative effect on the ecosystem from all of the developments planned in Hatfield Peverel should be given great weight in the planning process.
387. A resident of Woodham Drive whose property abuts the south western tip of the site, **Ron Elliston** made a number of points all of which are raised by HPPC or others. In summary, these include:
- a. That the site is not allocated in any development plan and lies beyond the settlement boundary;
  - b. The site is best and most versatile agricultural land;
  - c. Previous applications have been refused and this one is opposed by the local MP, County Councillor and District Councillor;
  - d. The green wedge between Hatfield Peverel and Witham will be further eroded;
  - e. The A12 is a source of noise and exhaust emissions which the acoustic barrier proposed will not mitigate even though it will have a landscape impact;
  - f. Similar traffic safety concerns to those expressed by Mr Webb;
  - g. Local schools and the surgery are already at capacity with more pressure to come from planned development;
  - h. Few employment opportunities with the closure of Arla dairy resulting in increased commuting.

388. In a supplementary statement (ID11a), Mr Elliston challenged the proposed provision of a new crossing point on Maldon Road near to the junction with The Street on the basis that it did not and could not comply with current guidance.
389. **Andy Simmonds** has lived in the village for 36 years. His statement was essentially a criticism of the way that the Council had dealt with the application.
390. **Kenneth Earney** spoke with respect to the effect on habitats, the lack of allocation in the development plan, the pressure on local schools and health facilities and traffic; he made similar points to other speakers.

### **Written Representations**

391. At application stage the Council received 94 objections with some residents and households submitting multiple representations. The main material and non-material reasons for objection are summarised in the report to Committee (SAV38). The main headings under which they are grouped are principle of development; layout, design and appearance; landscape and ecology; highways; living conditions; and other matters. Most, if not all, of these issues have been raised by either or both HPPC and the interested persons in their evidence to the Inquiry.
392. A further seven representations were received by the Planning Inspectorate. These generally refer to matters raised in the initial objections to the scheme. Two are from Mr Webb and Mr Elliston and make the same or similar points as recorded above.

### **Conditions and Obligations**

393. These were discussed at a round table session on the final sitting day of the Inquiry.

### **Conditions**

394. Various drafts of the conditions that might be imposed if the Secretary of State decides to grant planning permission were submitted. The wording and need for each was discussed and a consolidated set helpfully provided by the Council following the discussion (ID53). In considering the conditions to recommend to the Secretary of State I have had regard to the advice in the relevant section of the PPG. The conditions that are recommended are set out in Annex C and the following references are to the conditions there.
395. Conditions 1 to 4 inclusive are standard outline planning permission conditions which define the reserved matters that will be subject of further approval. DWH explained that the Statement of Landscape Principles, (ID46) should be read alongside the parameters plan (SAV4) and the design and access statement (SAV7) in order to appreciate the approach the developer will take to mitigating the limited landscape harms caused by the development [107]. However, neither the Council nor DWH suggested that these should be subject to a condition and I consider to do so would go beyond what is normally specified at outline planning permission stage. No doubt the Council will nevertheless have regard to both when considering the reserved matters applications.

396. Condition 2 sets 2 years as the period within which the reserved matters applications must be submitted for approval to ensure that the eventual developer of the land brings forward housing in good time.
397. Condition 5 secures the access arrangements which are for approval now. It also secures a number of improvements to the crossing points and footways in the general vicinity of Gleneagles Way, The Street and A12 overbridge. Included among these is the new zebra crossing on Maldon Road proposed as part of ID1.5 and shown on Drawing 45604-P-SK207. Having walked the area in the afternoon I consider that an additional controlled crossing point is necessary to achieve a safe route to the bus stop for those wishing to travel by bus to Witham and further afield. This is especially important given the expectation that both primary and secondary pupils may have to travel in that direction to secure a school place.
398. Conditions 6 and 7 work together to control the ridge heights of the dwellings on those boundaries of the developable area that affect views of the settlement edge from the countryside. The height specified is that upon which the LVIA is based. The restriction is necessary to integrate the current settlement edge into the setting of the village.
399. Conditions 8 and 9 are necessary to ensure that any air quality issues arising from the proximity of the site to the A12 are addressed in the interests of the health and well-being of the future residents. Condition 10 is necessary to protect wildlife during construction and condition 11 is required to ensure that in bringing forward the reserved matters applications the scheme is landscaped in accordance with the parameters set out and maintained thereafter as specified.
400. In order to ensure that disturbance to the existing residents in the area is minimised as far as is practicable while the development takes place conditions 12 and 13 should be imposed to control the management and operation of the site and the hours during which work can take place and materials can be moved on and off site. The requirement for details of any piling to be approved (condition 15) arises for the same reason.
401. A number of schemes are required before development begins to ensure that any issues not already identified are explored and addressed as appropriate. These include conditions 16 (archaeology), 17 to 19 (surface water drainage) and 20 (foul water drainage). Condition 21 is similar in that it requires the measures to be put in place to protect all the identified existing trees and hedges that are to be retained to be approved prior to construction. I have removed the phrase 'to the complete satisfaction of the local planning authority' from the suggested condition 21 as this is an uncertain specification and therefore unenforceable. It would not therefore meet the tests on the PPG.
402. There are a number of conditions that are required to protect the nature conservation interest of the site and surrounding area. These include no clearance of trees and hedges during the defined nesting season (condition 23), the provision of nest and roost sites as the development becomes occupied (condition 24) and reviews of already submitted surveys prior to the submission of reserved matters (condition 25) or if the development is delayed or suspended such that circumstances might have changed (condition 26). Condition 14 (external lighting) is required primarily to mitigate any disturbance that may be caused by light pollution to roosting and foraging bats. It is my understanding of

the discussion that this is its purpose. It is not intended to provide detailed control over the lighting that individual occupiers might wish to provide for, say, security. It is more to address the lighting of public spaces that will be provided as part of reserved matters applications.

403. Condition 28 is necessary in the interests of promoting sustainable modes of travel. The achievement of a high quality development where people will wish to live will be enhanced by the undergrounding of existing overhead power lines and that will be secured by condition 29.
404. A number of conditions were subject of debate and disagreement in some cases.
405. Condition 22 secures the important provision of space for the necessary materials recycling bins in order to facilitate the more sustainable management of waste materials by the local collection authority.
406. During the discussion of that condition it was suggested that its scope be widened to include the provision of other infrastructure such as high speed broadband. While there was a consensus that this would be desirable, its provision was not in the control of the developer. A condition of that nature would therefore be unenforceable and so would not meet the tests set out in the PPG.
407. While there is no dispute that the condition is required to protect the health of future residents living close to the A12 there is a disagreement about the timing of the submission of details. I agree with the Council that the details need to be approved before reserved matters are submitted rather than together with them. The approved details may well influence the layout if not the appearance and to risk a refusal which meant a review of an already submitted reserved matters application seems to run counter to the objective of expedited housing delivery. It seems though unwise to restrict by condition the mitigation to the boundary even if that is what is ultimately approved. Suggested condition 27 therefore represents compromise wording of the two suggestions put forward.
408. Two other conditions were suggested by the Council and these are included within Annex C as conditions 30 and 31. They are set out there in italics as, in my view, neither is required. The suggested wording is nevertheless included should the Secretary of State take a different view.
409. Condition 30 is a standard materials condition of the type commonly imposed where this is either unclear at application stage or the local planning authority wishes to exercise further control over the matter. However, in this case 'appearance' is a reserved matter. It seems to me that the materials to be used are fundamental to the appearance of the buildings and I fail to understand why this important matter cannot be addressed then.
410. The Council explained that condition 31 is required to ensure that, initially, each plot is provided with some means of enclosure. The condition is not intended to remove the rights available under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. That may not be the intention but I consider that it would be the effect. No evidence was put forward to justify such a restriction which the PPG advises



should only be imposed where circumstances require. Those circumstances do not exist here in my judgement.

411. A third condition suggested by the Council related to car parking standards. It was very specific in its requirements and referred to the Essex Parking Standards Design and Good Practice 2009 as the source. During the discussion it was argued that this condition was unnecessary as the reserved matters applications would be determined in accordance with the development plan policy and any supplementary planning document applicable at the time. I agree and do not suggest this condition be imposed.
412. A fourth suggested condition would have required a number of highway works and improvements to bus stops. It seems to me that the former are already secured by condition 5 while the latter relate not to this development but to those proposed at Stone Path Meadow which are the subject of separate reports. The condition is therefore not required in this case.
413. Finally, the Council suggested a condition requiring the submission for approval of a landscape and ecological management plan. From the body of the condition and the non-exhaustive list of matters it should cover it seems to me that it would duplicate a number of other landscape and ecological conditions that are already suggested to the Secretary of State. It is therefore unnecessary in my view.

### ***Obligations***

414. A planning obligation in the form of an agreement between the Council, ECC, the landowners and the developer has been submitted (ID59). It is signed by all parties and dated and is explicitly made pursuant to s106 of the principal Act with the obligations entered into being enforceable by the Council and ECC. The commencement date is defined as being when a material operation for the purposes of s56 of the Act is carried out.
415. The obligations are set out in 11 schedules. These make provision either in the form of financial contributions or other mechanisms for outdoor sport (Schedule 1), allotments (Schedule 2), community building (Schedule 3), highway works (Schedule 4) open space (Schedule 5), affordable housing (Schedule 6), education (Schedule 7), healthcare (Schedule 8), Blackwater Estuary mitigation contribution (Schedule 9), public rights of way contribution (Schedule 10) and housing phasing and landscape strategy (Schedule 11)
416. The Council has submitted a statement of compliance with the CIL Regulations (ID29) setting out the policy justification for each of the obligations provided.
417. In my judgement each of the obligations is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development proposed. In my judgement each obligation meets the requirements of CIL Regulation 122 and Framework paragraph 204.

### **Conclusions**

418. Throughout my conclusions, numbers in [] are references to other paragraphs in my report. Those in () are to the parts of the documentary or oral evidence upon which my conclusion or inference is based.

**Policies in the Framework on delivering a wide choice of high quality homes**

419. This is the first reason for the application being called in by the Secretary of State [4]. Little evidence was given about this.
420. Schedule 6 of the s106 obligation (ID59) will secure the provision of a substantial number of affordable homes within the development proposed. A mix of market and affordable housing would be delivered on-site and the policy set out in Framework paragraph 50, bullet 3 would therefore be delivered.
421. All of the other elements that go towards delivering the requirements for good design set out in Framework section 7 will be subject of the reserved matters applications that would need to be submitted. The Statement of Landscape Principles (ID46) sets an important context for the development and the Design and Access Statement (SAV4) also establishes some important principles that will no doubt guide the Council's development management process at reserved matters stage although no condition was suggested in this regard [395].
422. There is no evidence to suggest that the application site which is being promoted by a national housebuilder will not provide a range of high quality homes.

**The extent to which the proposed development is consistent with the development plan for the area**

423. This is the second reason given by the Secretary of State for the call-in [4]. In addressing this I shall also deal with the third reason, namely 'Any other matters the Inspector considers relevant'. These were set out in my first pre-Inquiry note (INSP1) and have been developed in the light of the written and oral evidence given. They encompass what, in my view, are the main considerations upon which the decision should be based.
424. However, before considering the application scheme against the policies of the adopted development plan I shall address the weight that I consider should be given to the emerging BNLP and NDP.
425. Turning first to the BNLP, the SOCG between DWH and the Council records that the weight to be given to the emerging plan policies should be determined in accordance with Framework paragraph 216 (paragraph 6.12, SOCG 4). That is different to the Council's agreement with GDL that limited weight should be given to the BNLP as a whole (paragraph 3.3.10 SOCG1). In closing submissions the Council considers the weight that should be attached to individual policies rather than the plan as a whole [363 to 374].
426. DWH reached the same initial agreement with HPPC (paragraph 6.12 SOCG 5). In closing submissions HPPC has revised its position and argues that the emerging BNLP can be given significant weight as it has progressed to examination stage [216]. That however is only one of the three considerations in Framework paragraph 216 that have to be taken into account.
427. The BNLP is subject to a considerable number of representations that it is unsound. For example, in an extensive representation (CD33.1 set C) GDL argues that policies SP1, SP3, SP5, SP7, SP8, SP9, SP10, LPP 1, LPP 18, LPP 19, LPP 22, LPP 37, LPP 49 and LPP 72 are unsound. Of these, only policy LPP 1 is a



relevant policy. No criticism is made by GDL of the others (such as SP 2 and LPP 71) referred to above [36 and 37].

428. The stage reached remains as set out above [33]. That is an advanced stage in the process to adoption but it is, nevertheless, the first stage at which independent scrutiny of the plan takes place. The Council is best placed to know the full extent of the challenge to the plan and its individual policies and thus the number and nature of the unresolved objections to them. The degree of consistency with the policies in the Framework must therefore be viewed in that context. Taking these three components of Framework paragraph 216 into account, I see no reason to take a different view to that which the Council took in the SOCG with GDL that only limited weight should be given to the BNLP.
429. The weight that should be given to the NDP is a matter of legal dispute between DWH [121 to 130] and HPPC [227 to 247]. I am not legally qualified to resolve that dispute and the Secretary of State may need to take his own legal advice to do so if he considers it necessary.
430. In my view, the position is actually quite straightforward. The NDP has been submitted for examination [39]. The exchange between the examiner and HPPC set out there seems to me conclusive. The examiner's first letter (Appendix MR24, HPPC1) is quite explicit that 'as it stands....the NDP fails to meet the Basic Conditions...'. Her second letter (Appendix MR25) declines to continue the examination because '...the issues raised are sufficiently substantive...' that to do so would risk abortive and unnecessary costs to the Council.
431. Both GDL (CD33.2 set C) and DWH (SAV50 and SAV52) have objected to the submission version of the NDP. Among the policies objected to are HPE1, HPE2, HPE6 and HPE8. Given the nature of the additional work to be done, the uncertainty over the timescale in which it will be completed and the effect that the outcome of that work and indeed the examination itself may have on the form of the NDP put to a referendum I consider that, in line with the guidance in Framework paragraph 216, very limited weight can be given to the NDP at this stage. I do not consider that the late information provided by HPPC [10] alters that conclusion. Although HPPC says the required work has now been done, Natural England's comments have not been made available; the outcome of the meeting with the Council to discuss the way forward is similarly unknown; and the views of the examiner about all of this are unknown in any event.

***Would the proposal be in accordance with the spatial strategy?***

432. The CS spatial strategy is set out in policy CS1 [29]. It promotes development in the KSVs and Hatfield Peverel is so categorised. The emerging BNLP does not alter the spatial strategy in that regard and identifies the A12/Great Eastern Mainline corridor as a location for future development [36]; Hatfield Peverel lies within that corridor.
433. As I explain a little later in this report I agree with GDL, DWH and the Council that the Council cannot show a 5YHLS. Framework paragraph 49 says that in those circumstances relevant policies for the supply of housing should not be considered up to date. Policy CS1 is clearly such a policy.
434. Whether it is the whole of the policy including the spatial strategy or just that part of the policy that sets the housing requirement that should be considered

out of date was the subject of post Inquiry sessions correspondence (INSP4 and ID54 to ID56).

435. Taking those views into account it is my judgement that, although as a policy for the supply of housing policy CS1 should be considered out of date, the spatial strategy within it should still be afforded some weight. The Council is having to address a substantially increased OAHN in the emerging BNLP. How it is doing so is set out in the evidence base (ID33). This confirms that the Settlement Fringes Evaluation (SFE) is part of the evidence base used to develop the strategy. That confirms that to meet the OAHN '...development will need to be accommodated on the periphery of the main towns and larger settlements...' (paragraph 1.4, CD14.4 set B) with Hatfield Peverel being identified as one of the nine settlements studied. Furthermore, ID33 explains why both the 'new settlement only' and 'constrained growth' options were rejected.
436. It seems to me therefore very likely that any strategy coming forward through the BNLP will include development at the KSVs, especially where these are within the A12/Great Eastern Mainline corridor that is identified as a location for future development.
437. I therefore conclude that the development proposed would be in accordance with the spatial strategy. There is no evidence to support the contention by HPPC that development in any settlement needs to be 'proportionate' [186]. Nevertheless, HPPC is correct in my judgement to argue that the spatial strategy does not, of itself, dictate that the boundary in this part of Hatfield Peverel needs to be altered [214 and 215] but that is a different point that relates to policy CS5 which I turn to now.

***Would the proposal conflict with policies RLP2 and CS5?***

438. These two development plan policies are summarised at [26] and [30] respectively with the precise wording of policy CS5 set out. They are worded differently but their effect is the same. Both establish that outside the defined development boundaries of settlements, countryside policies will apply. Policy CS5 goes further explaining that development will be strictly controlled to uses appropriate to the countryside.
439. It is a matter of fact that the application site adjoins, but is nevertheless beyond, the development boundary of Hatfield Peverel. The proposal is therefore in conflict with the development plan in this regard, a fact acknowledged by DWH (paragraphs 6.12 and 6.34 DWH1). The point in issue is the weight that should be given to this conflict in the overall planning balance.
440. There are two aspects to this. First, whether the policy is inconsistent with the Framework; that argument applies only in respect of policy CS5 [142 to 146]. Second, whether the development boundaries that are critical to the application of the policies are out of date because they are based on out of date housing requirements. They have not been subject to review for many years [112 and 113].
441. Dealing first with consistency with the Framework, policy CS5 has three components. The subject of the policy is (of relevance to this appeal) development outside village envelopes. The 'action' of the policy is to strictly control that development to uses appropriate to the countryside. The purpose is

- ‘to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside’.
442. The policy does not, in my view, apply blanket protection to the countryside. It makes clear that uses appropriate to the countryside would be permitted. The policy itself and its supporting text do not explain what those uses might be but it is difficult to imagine that a substantial village expansion housing development would fall into that category. Some guidance is however given elsewhere in the CS (at paragraph 4.24) in the discussion of ‘The Countryside’. Some of the uses there (for example, development necessary to support traditional land-based activities such as agriculture and forestry) are not dissimilar to one of those listed in Framework paragraph 55 (the first bullet).
443. One of the core planning principles set out in Framework paragraph 17 requires local planning authorities in both plan-making and decision-taking to recognise the intrinsic character and beauty of the countryside. To my mind a policy that seeks to ‘protect and enhance’, as policy CS5 does, is not seriously out of kilter with that core principle.
444. Although drafted in advance of the publication of the Framework I therefore do not consider policy CS5 to be inconsistent with it. As the Council notes when arguing that more than moderate but not full weight should be afforded to this policy [370] three previous Inspectors have considered the same policy in relation to appeal proposals submitted by GDL in the District (CDs 32.2, 32.4 and 32.10 all in set C). My conclusion with respect to this aspect of the policy is consistent with each of theirs.
445. Turning to the development boundaries point, there is no evidence before this Inquiry of any review of the development boundaries as part of the preparation of the BNLP [113]. While the methodology for doing so has been approved by Council members (Appendix PJ3, HPPC2), there is no evidence that the review has actually taken place. However, DWH contends [90] and the Council accepts [362] that a 5YHLS cannot be shown. For reasons that I will discuss later, that is also my conclusion. If then the development boundaries are rigidly applied through the operation of both policies they would restrict the supply of housing and frustrate the aim of Framework paragraph 47. The court has held that in those circumstances the weight that can be afforded to them is much reduced [117]. That is also the view of the Council and the reason for it with respect to policy RLP2 [367] and, by inference, policy CS5 [370].
446. That was also the view taken by the three Inspectors in the decisions referred to above [370]. I see no reason to take a different view given that circumstances are more or less unchanged. Therefore, while there is a conflict with the adopted development plan policies, overall those policies can attract only moderate weight when it comes to the overall planning balance.
447. For completeness, the wording of BNLP policy LPP 1 is set out above [35]. It is not materially different from policy CS5. For the reasons set out above [425 to 428] the weight that can be given to that policy is limited.

***The effect of the development on the landscape character of the area and the visual impact that the development would have***

*Landscape character*

448. In my view, it is necessary to take into account the way in which Hatfield Peverel has developed. The historic maps in Mr Handcock's evidence (Appendix A2, 3/APP) shows how Hatfield Peverel has evolved from a linear settlement focused on The Street, shown as the Roman Road on the 1874 map and part of the route linking London with Colchester. By 1955 the land between Church Road and Maldon Road to the south of The Street had begun to be developed as had land to the north of The Street between it and the railway. This pattern continued to 1980 as more and more edge-of-settlement fields and allotments became housing developments. The 1978-80 map shows the Gleneagles Way and Woodham Drive cul-de-sac developments extending the village into the countryside to the east beyond Maldon Road. By 2002, (the next map in the sequence provided) what is now the Stone Path Drive development had breached the Church Road boundary and taken the village onto yet more former allotments on its western flank.
449. Under cross examination by Ms Scott of the case for GDL Mr Holliday confirmed his view that as a result of this pattern of development the character of Hatfield Peverel had changed over the last 50 years or so from a linear settlement to a nucleated form and that the development proposed by GDL would simply continue that pattern and, by inference, be in keeping with what is now the character of the settlement. He rejected Ms Scott's suggestion that the Stone Path Drive development would be a complete departure from the settlement pattern. His view was that each time housing development has taken place on the edge of the village a field has been lost but there has been no further change to the character of the village; the GDL development proposed would be no different.
450. Mr Smith was not present when Mr Holliday gave this evidence. I summarised that evidence as being that the character of Hatfield Peverel was that of a fair-sized settlement in a rural setting and that, while the GDL development would extend the village into the countryside, that fundamental relationship between the village and its setting would not be altered. I asked Mr Smith if he agreed with Mr Holliday's assessment and whether it applied equally to the DWH development. Mr Smith agreed with Mr Holliday's assessment and confirmed that it was relevant to the consideration of the DWH application. In a further answer Mr Smith confirmed his view that the village had evolved over time through edge-of-settlement accretions of similar scale to each of the proposals before the Inquiry. Each would therefore simply continue that evolution.
451. This assessment is supported by Braintree Historic Environment Characterisation Project 2010 (CD28.1 set C). This report has been produced to assist ECC and the Council in the production of their development plans. It studies the historic landscape character, archaeological character and historic urban character and weaves the three strands together to establish the historic environment character. Discussing the Hatfield Peverel area (HLCA 13) it notes the historically dispersed settlement pattern with Hatfield Peverel being the only nucleated settlement of any size (emphasis added). The post-1950s boundary

- loss ‘...can be described as moderate, however the overall grain of the historic landscape is still clearly visible.’
452. Furthermore, there are a number of studies that have had an assessment of the landscape capacity of various areas of land around the settlement edge to absorb further development as their broad purpose.
453. CD14.1 set B focuses on eight key settlements in the District. Its purpose is to assess the sensitivity and capacity around those settlements to accommodate new development. The application site lies within a study area (HP4) to the east of the settlement and to both sides of the A12.
454. From the analysis set out in summary form in Table 4.1 of the document it is clear that of the four study areas encircling the village this was the one that had the highest capacity to accommodate change without significant effects on landscape character. Contributory points in reaching this conclusion include the lack of distinctiveness along the settlement edge; the moderate contribution to the setting of eastern Hatfield Peverel and the wider landscape because of the enclosure provided by landform and peripheral vegetation; and the influence of the A12 which ‘cuts through’ the area and introduces movement and noise within the landscape thus reducing its overall sensitivity to change.
455. The Landscape Partnership prepared CD14.4 set B for the Council. This followed and built upon the earlier Chris Blandford Associates document (CD14.1 set B) and has the same broad objective for Hatfield Peverel but at a finer grain of analysis. As Mr Smith notes (paragraphs 83 and 84 DWH3), it did not investigate area HP4 further since this had already been found to have a higher overall potential to accommodate development than the other three study areas (paragraph 2.2, CD14.4 set B).
456. The Landscape Partnership also prepared the Hatfield Peverel Landscape Character Assessment for HPPC (CD28.3 set C). Its purpose is to assist ‘the village’ in commenting on development proposals coming forward and to support the emerging NDP. One of the aims is to provide an assessment of the landscape character and sensitivity of it around the village building on work undertaken at district level (paragraph 1.4). The application site is within local landscape character area 4 (Wickham Bishops Road – Upper valley slopes with pits/reservoirs). This area is less extensive than study area HP4 being confined to the south of the A12 although it does extend to include a small area of land further to the south east.
457. This study does not assess the capacity of the area to accommodate development. Rather, it sets out a general commentary about the characteristics of the landscape and some landscape guidelines which, on a fair reading, appear to assume development taking place to facilitate them.
458. Of relevance from the general commentary are the sharp transition between the existing residential fringes reflected in the linear garden boundary line of Gleneagles Way and Woodham Drive and the farmland beyond and the broad open views that are possible across the open arable farmland that characterises the area. Guidelines include tree belt planting along the northern boundary to provide a visual break to the A12, enhancement of the ecological value of the area through hedgerow retention and enhancement and safeguarding of open views across arable farmland towards the steep ridge at Wickham Bishops.



459. In my view the above document review demonstrates that the Council has been considering the potential for further edge-of-settlement development at Hatfield Peverel in accordance with the emerging or adopted spatial strategy since at least 2007. Indeed, as set out above [435] this was an explicit purpose of the SFE which states that such development was '...inevitable...' if the OAHN was to be met (paragraph 1.4 CD14.4 set B). The application site would extend the Gleneagles Way cul-de-sac development into what is the next field to the east and, moreover, into a modest part of a larger area that several studies have confirmed has the landscape character capacity to accommodate it subject to development guidelines being met. The Statement of Landscape Principles (ID46) demonstrates that those guidelines can be met. While not subject to a condition [421] it will be for the Council to take these into account at reserved matters stage; this is the expectation of the applicant [107].
460. That is not to say that the development would not have an adverse effect on landscape character. The submitted LVIA acknowledges this (Table D4 SAV16). These effects would however be limited to the loss of the gently sloping landform which would be replaced by a housing estate. That has both a physical effect in that a landscape feature would be lost and aesthetic/ perceptual effects all of which would be negative. They would nevertheless be very localised and largely contained to the site itself, particularly given the mitigation measures that would be put in place. At a wider regional and county level the loss of a small (in context) arable field would have a negligible effect on landscape character.

#### *Visual impact*

461. It seems to me that although the landscape character effects and visual impacts that the development would have are not clearly distinguished from one another, this is the nub of the HPPC case on this consideration [284 to 294].
462. During my visit to the area I walked all of the routes that I was invited to [1]. These are shown on HP 003A in the LVIA (SAV16) and on HP/EJS/01 (Appendix 2 DWH4) and allowed a complete circuit of the application site on public land.
463. The application site itself is an open arable field that is devoid of any feature of significance. Its value, in my judgement, is that it enables views across it. Those views will be interrupted by the development but the effect of that varies greatly depending on the viewpoint.
464. Views to the east in the direction of Witham across the site to the farmland beyond are available from a very limited number of places. Walking through the Gleneagles estate it is only possible to see between the houses to the application site when passing the entrances to the three culs-de-sac. Photograph 8 (ID13) shows the type of view that would be available; it is a glimpse only.
465. Photographs 2 and 4 (ID13) and viewpoint 9 (HP 012 SAV16) show views that are representative of those available towards or at the end of each cul-de-sac. They are not representative of the view obtained by people passing through the estate on foot, cycle or in a vehicle or by the vast majority of residents in their homes. Viewpoint 9A (HP 012 SAV16) appears to represent that view but it would only be available to those living at the very end of a cul-de-sac; that would be about six properties. Photographs 3, 5, 6 and 7 (ID13) may represent the view from the gardens of the properties at the ends of each cul-de-sac but, as they do not seem to have been taken from public land, I cannot be sure.

466. What is beyond dispute is that each of these views would be replaced by a view of housing. DWH correctly assess this effect to be 'major' and 'negative' at all assessment dates (Table E3 SAV16).
467. From all other viewpoints on public paths generally to the north, east and south of the application site the proposed development would not be the dominant feature in the view in my judgement.
468. It is only along a short length of the footpath adjacent to the A12 and the off-slip to the village that the application site adjoins a public path. At this point the development would be largely screened by existing planting as shown by representative viewpoint 10 (HP 013 SAV16).
469. From the other representative viewpoints 1, 2, 4, 5, 6, 7 and 8 (respectively HP004A & B, HP 005, HP 007, HP 08A & B, HP 009, HP010 and HP010 SAV16) one view is to the settlement edge of Gleneagles Way and Woodham Drive across the intervening farmland which would remain undisturbed. At points that view is in any event screened by existing planting as the SAV16 photographs show.
470. That is however only one view. As HP003A & B (SAV16) show, viewpoints 1, 4 and 5 are along a footpath that runs parallel to the application site but is separated from it by a further field. While the settlement edge is visible if the walker turns to look that way, turning the other way or looking in the direction of travel would give a view across open countryside. That is also the case from viewpoints 5, 6 and 7. Indeed, travelling north east is moving away from the application site which would be increasingly to the rear and thus not really in the normal view.
471. No evidence was given about the extent to which these paths are actually used. At the time of my site visit a woman was exercising a dog from the path running parallel to the application site and two lads were riding what looked like a trials bike across the fields around the point where the path turns south west towards the village. It is not clear to me how well used the path would be since the end-point is the path alongside the A12; an unpleasant walking experience in my view.
472. Photomontages have been produced to show how the development might look from certain viewpoints after the mitigation planting has become established (HP004A & B, HP008A & B). Taking those and my own observations into account, I consider the applicant's assessment that the visual effects from all these representative viewpoints would ultimately be minor/moderate at worst is fair.

### *Conclusion*

473. There would be a localised adverse effect on the character of the landscape which DWH acknowledge [460]. That harm must, however, be seen in context.
474. Several studies have considered the capacity of the settlement-edge landscape to accommodate the additional development that would be 'inevitable' if the OAHN is to be delivered. The application site is part of an area that independent landscape professionals consider capable of accommodating that development subject to guidelines to mitigate the effects being put in place. At least one of those studies has been prepared for HPPC [456 and 457]; no alternative LVIA has been put in evidence by HPPC.

475. The application site is an arable field with no distinctive features. There is no reason in my view why the landscape principles set out in ID46 could not be achieved at reserved matters stage. While a new settlement edge would be created as a result of extending the existing residential edge the width of a field further into the countryside, all existing boundary trees and hedgerows would be retained and enhanced as appropriate. To the extent that these are distinctive landscape features there would be no detrimental impact upon them. As the new planting matures over time the development would, in my judgement, be successfully integrated into what is a settlement-edge landscape.
476. There would therefore be no conflict with the landscape elements of policy RLP 80.
477. It is only the third paragraph of policy CS8 that is relevant to this consideration. It is clear from the submitted LVIA and the evidence presented to the Inquiry that the applicant has had regard to the character of the landscape and its sensitivity to change. That is what the policy requires and that part is therefore satisfied. Whether the development would enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment is a matter of judgement. Appendix 5 of the CS confirms that it is the 2007 study (CD14.1 set B) that is being referred to. In detail, that has been developed or superseded by later studies. In my view, the development would enhance the settlement edge as it appears as a feature in the landscape and thus this part of the policy would be complied with too.
478. Neither of these policies deals explicitly with the visual impact of proposed developments although these are the only two development plan policies that are referred to by HPPC as being breached in respect of this overall consideration [294]. I have found that there would be harm caused by the development with respect to visual impact although that would be limited to the occupiers of the properties along the three culs-de-sac off Gleneagles Way and, even then, mainly to those living at the end of each.
479. To the extent that weight can be attached to the policies of the emerging NDP [431] there would be conflict with policy HPE6 in this regard. However, in addition to the general point concerning progress on the NDP there are specific concerns about the evidence base that underpins the views to be protected and enhanced under policy HPE6 [101 to 103]. Mr Graham addresses this [252 to 259] but in my judgement there is some strength to Mr Tucker's case that this policy has been developed to frustrate development coming forward on the settlement edge [103]. This is nevertheless a matter properly for resolution through the NDP examination and, in any event, the impact and thus the conflict would be limited to a small number of adjoining residents and to users of certain footpaths pending the mitigation planting maturing. While this harm needs to be weighed in the overall balance, it attracts very limited weight in my view.

### ***The effect of the development on community infrastructure***

#### ***Education facilities***

480. The concern relates only to primary school places and has been something of a moving feast as ECC, as education authority, has come to appreciate the full impact of planned and speculative development in Hatfield Peverel and the changing position over time with respect to school rolls (series of letters in CD21



set C). In my view, the SOCG (ID1.8) does not take things much further although the letter dated 1 September 2017 to Priti Patel MP from the ECC chief executive attached to it does. So does the helpful report from EFM that was prepared for GDL/DWH in response to my pre-Inquiry note (INSP1) and is appended to the proof of Mr Dixon (Appendix 8, DWH2).

481. The EFM report explains that estimating the numbers likely to be demanding a place at any particular school in future years is an inexact science. It is compounded, in the author's view, by the inherent contradiction between the duty placed upon education authorities to promote choice and variety of schools on the one hand and the Framework paragraph 38 requirement to locate, where practical, primary schools within walking distance of most properties on the other hand (report paragraph 27). The position in Hatfield Peverel is further complicated as the Council does not have a CIL charging schedule in place.
482. The letter is slightly opaque but, as I understand it, any one of the four residential developments listed in the letter could, in isolation, be accommodated without the need for additional primary school capacity. As two of the potential developments are allocated in the BNLP and the other two are this application scheme and whichever of the schemes put forward by GDL that is implemented (both cannot be), it is unlikely that only one scheme in isolation will come forward. Depending on the decisions made by the Secretary of State, all four could come forward.
483. Both the letter and the EFM report say that in that circumstance it is necessary to look more closely at where the children attending the Braintree Group 10 schools (Hatfield Peverel Infant, St Andrew's Junior and Terling CE Primary) actually live. It appears that some 35% live in the priority admissions areas of other schools but choose to be educated at one of those three named schools.
484. Given that the education authority has a duty to secure sufficient school places (and there is no evidence that it will not do so) the assumption is that this issue will resolve itself over time through the operation of the admissions policy. In short, in-catchment applications will always trump out-of-catchment applications (report paragraph 42) and, while no pupils will be displaced, over time more and more pupils in the Braintree Group 10 schools will come from Hatfield Peverel if that is their choice.
485. In evidence in chief Mr Dixon confirmed that his position on this matter did not differ from that of Mr Lee for GDL whose evidence he had heard. Mr Tucker further sets out the position in his closing submissions [131 and 132]. Mr Lee's position can perhaps be summarised best by his answer to my question when he confirmed that had ECC asked for a contribution to primary school provision it would have been paid. There is therefore no resistance from either GDL or DWH to addressing the issue. Although Mr Graham believes that ECC may have misdirected itself in respect of CIL Regulation 123(3) [276] the fact remains that its understanding of the pooling restriction prevented it from seeking any contributions from the applicant.
486. Nevertheless, while the situation settles down, and there is no indication as to how long that may take, Mr Lee accepted during cross examination by Ms Scott for SPMRG that there would be a short term impact which neither developer would be able to mitigate. That impact is most likely to manifest itself through additional journeys to school, either by bus or private car. In my judgement it is

very unlikely that any pupils would walk to schools in Witham. The walk is by the A12 and unpleasant in my view and likely to be perceived as dangerous even if, in fact, it is not.

### *Health facilities*

487. On this topic too DWH effectively adopts the position of GDL since, once again, in evidence in chief Mr Dixon confirmed that his position did not differ from that of Mr Lee. The consultation response from NHS England is not available but its contents are summarised in the report to Committee (SAV38). The consultation responses by NHS England to the GDL schemes have been submitted in evidence and have the 'feel' of a template letter (CD3.16 set A and CD4.11 set B). At paragraph 5.1 of the response to the 80 dwelling scheme it says that the development would give rise to a need for improvements to capacity by way of 'extension, refurbishment or reconfiguration at the Laurels surgery'. The terms used in the definition of the 'healthcare contribution' in the s106 Obligation [415] are 'extension or reconfiguration of the Sydney House surgery'.
488. It is clear in my view that the impact of the development and the contribution sought to mitigate it is established purely in terms of the need for additional floor space generated. Unchallenged evidence was given by Mr Renow to the effect that Sydney House could not be physically expanded [272]. GDL's response, which has been adopted by DWH, was that capacity can be increased without necessarily having to physically expand the building and could be achieved by, for example, internal alterations.
489. However, a letter from the Practice Manager is somewhat confusing as to what is meant by 'capacity' (CD20.1 set C). One reading is that it is the number of medical staff available that is the issue, not the physical space available. Not only is the concern expressed that the contribution would not be spent by NHS England at that surgery (clearly wrong given the terms of the Obligation) but that it was not recurrent funding. That is suggestive of the concern locally not being one of space constraints.

### *Conclusion*

490. CS policy CS11 says, in essence, that the Council will work with partners, service delivery organisations and developers to provide required infrastructure services and facilities in a variety of functional and service areas that include education and health. Provision is to be funded through among other things, planning obligations and CIL. In the absence of the latter, the Council is reliant in this case on planning obligations.
491. The evidence suggests that there may be some short term harm in terms of additional journeys to schools while a new equilibrium is established in the primary education sector. It may well be that what appear to be current capacity issues at the surgery may be exacerbated if, as HPPC contend (and SPMRG made the same point), the surgery cannot be physically expanded and that is, as NHS England would appear to believe, actually the issue.
492. However, having identified those concerns it must be acknowledged that DWH has obligated to make all the contributions that have been requested to mitigate any effect from the application scheme. In my view, a finding of conflict with policy CS11 in those circumstances would not be appropriate.

***Whether the development would erode the gap between Hatfield Peverel and Witham***

493. Coalescence of settlements is not a matter that is addressed by any adopted development plan policy. It is addressed by emerging BNLP policy LPP 72 [38] and emerging NDP policy HPE1 [41]. Strictly therefore, this matter has 'material planning consideration' status.
494. The straightforward answer to the question is 'yes' because, as a matter of fact, the development proposed would extend the built development of the village into the open countryside between the two settlements by the width of a field. As a matter of fact there would therefore be a conflict with emerging NDP policy HPE1 as the application site is within the area designated as a green wedge.
495. The key issue that this policy is drafted to address is to prevent the encroachment of the nearest town, Witham and the merging of Hatfield Peverel and Nounsley to protect the uniqueness and separation of these settlements (page 24 CD16.3 set C) (emphasis added). The objectives are to prevent coalescence between Hatfield Peverel and each of the others.
496. However, it is again a matter of fact that Witham is being extended on its southern/south eastern boundary as a result of planned development. Development of the town is therefore eroding the gap. BNLP policy LPP 71 does propose a green buffer for Witham but not between Witham and Hatfield Peverel (CD16.2 set C). As a matter of policy therefore it would appear that the Council does not agree with HPPC that this is a matter of concern that should be addressed through the development plan. I give very little weight to the views of an officer of the Council in this respect [99, 373 and 374].
497. The key issue that policy HPE1 is drafted to address emerged from the October 2015 Residents Survey (paragraph 9.2 HPPC1) with the outcome being shown graphically in Appendix MR29 (HPPC1). In my view there is a significant issue with the way the question that prompted this outcome is framed and the response rate is therefore hardly a surprise.
498. There is a further issue in my view with the extent of the green wedge identified. It falls far short of the NDP Designated Area Boundary (page 5 CD16.3 set C) and, in fact, leaves most of the area between Hatfield Peverel and Witham unprotected by the policy. That can be contrasted with the green wedge between Hatfield Peverel and Nounsley which seems to include almost the whole of the gap. If confirmed in the NDP as now drafted and illustrated on the map, it is not clear to me how the policy will achieve the retention of the kind of gap that HPPC considered to be required to maintain adequate separation [281].
499. However, both of these points will be for the appointed examiner if she considers them to be material.
500. In that context, I have already noted that this policy is subject to objection [431]. The weight that can be given to the policy is again a matter of dispute between DWH [94 to 100] and HPPC [260 to 265]. My view on the weight that can be given to the NDP and therefore the 'in principle' conflict with policy HPE1 is set out above [431]; it is very limited weight (also broadly the view of the Council [374]) but it remains a material consideration.

501. Mr Smith addressed this issue by reference to what have become known as the Eastleigh principles (section 5 DWH3). His analysis was not subject to substantive challenge [104]. My note simply records an agreement by Mr Smith that physically the gap would be eroded slightly and a further answer on the sense of leaving a place in which he disagreed with Mr Graham's example of moving within the urban area of London but nevertheless leaving one distinctive area and arriving in another.
502. In my judgement the A12 is a very significant factor in the sense of leaving Hatfield Peverel and arriving in Witham. I do not believe that it is possible to walk between the two on the shorter route without travelling alongside the A12 for some distance. The quickest route by road both ways requires travel actually along the A12 albeit for a short distance. Therefore in my judgement the A12 would remain a very significant physical and psychological barrier between the two settlements and would continue to give a sense of separation even if the actual separation was less than it is now.
503. Furthermore, there is no inter-visibility between the two settlements because of the intervening ridge (sections 5.3 and 5.8 DWH3). This can be seen on HP/EJS/03 (Appendix 2 DWH4) and is, as I saw for myself, even clearer on the ground.
504. In my judgement, the loss of the field to residential development would have no perceptible effect on the effective gap between Hatfield Peverel and Witham. That was also the view of the Council when considering the application (page 87 SAV38).

#### ***Loss of best and most versatile agricultural land***

505. Although Mr Dixon confirmed in evidence that no invasive survey had been undertaken to establish the agricultural land classification of the application site he was content to proceed on the basis that it was grade 2 and thus best and most versatile agricultural land. This was because '...in North Essex you don't bother to look because it all is.'
506. That, in essence, was the advice given by the Council's officers in the report to members on the application (page 85 SAV38).
507. The relevant part of policy CS8 simply states that development should protect the best and most versatile agricultural land; the application proposal would not do so. Mr Dixon considers that this part of the policy is inconsistent with Framework paragraph 112 (paragraph 6.45 DWH1) and that would also appear to be the view of the Council officers as they quote the Framework paragraph in full before reminding Members that since most of this part of Essex is land of that quality the loss of the application site to development would not be a sufficient basis for resisting the application.
508. Whether or not the application proposal amounts to significant development of agricultural land is a matter for debate since the term 'significant' in this context is not defined in the Framework. However, what does seem clear is that if development is to take place in accordance with the spatial strategy to direct future development to the A12/Great Eastern Mainline corridor (among other places), there would be little opportunity to use areas of poorer quality

agricultural land since it is not widely present. In my judgement, the application would not conflict with Framework paragraph 112.

509. In my judgement policy CS8 is inconsistent with the Framework in this respect since it does not permit the more considered analysis inherent in the Framework to be undertaken. Applying Framework paragraph 215, I consider limited weight should be given to the conflict with policy CS8.

***Conclusion - The extent to which the proposed development is consistent with the development plan for the area***

510. I have concluded that the development would accord with the spatial strategy [437]; would not conflict with policy RLP 80 [476] or policy CS8 [477]; and would not conflict with policy CS11 [492]. There would be some visual impact from the development [478]. However, the harm would be limited and very localised in effect. Moreover, this matter does not appear to be subject of a relevant adopted development plan policy. With respect to best and most versatile agricultural land take I do not consider there to be any conflict with Framework paragraph 112 which has greater weight than CS policy CS8 which is inconsistent with its provisions [508 and 509]
511. The sole conflict that I have identified with the development plan is that with policies RLP 2 and CS5. The conflict arises because the application site lies adjacent to but beyond the development boundary of the village. For the reasons set out the weight that should be attributed to this conflict is moderate [438 to 446].

**Five year housing land supply**

**Background**

512. For the purposes of the Inquiry there is no challenge to the Council's assessed OAHN of 716 dwellings per annum [64]. The requirement side of the equation is therefore accepted and the focus of the debate is on the extent to which that requirement can be met over the five year period by the supply of specific deliverable sites.
513. Again, for the purposes of this Inquiry only, the Council accepts the 'Sedgefield' method to deal with the shortfall [351 and 352]. It does not agree with GDL/DWH that there has been persistent past under delivery of housing and does not therefore agree that a 20% buffer should be applied [353 to 357]. On supply there is an immaterial difference between the Council and GDL/DWH of 68 dwellings [358].
514. The final and agreed position is that there would be a 3.4 years' supply (GDL/DWH – Sedgefield+20%) or 3.9 years' (Council – Sedgefield+5%) (Appendix 3 ID37). It was agreed during the Inquiry when I summarised my understanding of the position that this was not close enough to 5 years for the Secretary of State to give anything other than substantial weight to the shortfall. However, as it was not possible on even the most favourable assumptions to get below 3 years, GDL/DWH accepted the implications of the Written Ministerial Statement on Neighbourhood Planning if the NDP passed a referendum before the Secretary of State determined the application.



515. In those circumstances it is not necessary to resolve the small difference between the Council and GDL/DWH.

516. HPPC [170] and SPMRG do not agree with this and suggest that there is a 5YHLS. They contend that the 'Liverpool' approach should be used to deal with the shortfall and that the buffer should be 5%. However, as is clear from the SOCG (Appendix 3, ID 37) that alone is not enough to show a 5YHLS. It also requires most, if not all, of the additional supply sites first mentioned by SPMRG during the round table discussion and then confirmed in writing (ID21) to be 'deliverable' within the meaning of Framework footnote 11.

### ***Supply of deliverable sites***

517. Except for Mr Tucker's criticism of Mr Graham's specific interpretation of *St Modwen* regarding the term 'realistic' [61], it appears to be agreed between the parties that whether a site is deliverable or not is determined by the ordinary and everyday meaning of the words in Framework footnote 11 and not on the planning status of the site in question. It is in that context that GDL/DWH/the Council have reviewed and commented upon (ID 37) the sites put forward by SPMRG (ID21). ID37 is dated 21 December 2017, the final day of the Inquiry sessions. Ms Scott's first and only opportunity to respond was through her closing submissions although what she says [332 and 333] is, in fact, taken into account in ID37.

518. Appendix 1 to ID37 sets out in detail the positions of both GDL/DWH and the Council in respect of each site. None has planning permission and only three are subject of planning applications. A number are subject of objections and until these are resolved through the BNLP examination they must be considered uncertain notwithstanding their allocation in the draft BNLP. Furthermore, some are owned or part owned by the Council. The mechanism by which they will be developed has yet to be confirmed by the Council and they cannot be considered as available now.

519. Ms Scott puts the additional sites suggested by SPMRG as adding a further 461 dwellings to the supply [328]. In only challenging ID37 in respect of two sites (Sorrell's Field and Gimsoms), it must be assumed that SPMRG accept the case made on the others. Even if the SPMRG response to ID37 is agreed, GDL/DWH/the Council say that it adds only about 25 units net to the supply. They further contend that this additional supply makes no material difference to the 5YHLS position.

520. In my view that must be correct. However, the extent of the shortfall below 5 years may still be material and it is therefore necessary to consider the next most significant factor which is whether 'Sedgefield' or 'Liverpool' is the appropriate approach to take to dealing with the shortfall.

### ***Sedgefield or Liverpool?***

521. The shortfall arises because the OAHN has been applied, as it should be, from the start of the plan period in 2013 but the plan itself, the strategy and the allocations to deliver it are not yet approved and planned delivery is thus delayed. I appreciate that some of the developments that may come forward as a result of the adoption of the submitted BNLP may do so towards the latter part of the period. That may well be an argument for the Liverpool approach and is

likely to be put by the Council to the examining Inspector. However, that is all for the future and the shortfall exists now. Although Ms Scott argues that the BNLP is now far more advanced than when Inspectors Hill and Gregory considered their respective appeals [321], in practice that is not so as she implicitly acknowledges ('although plainly the Plan has yet to make it through examination').

522. The PPG is quite clear that Sedgefield should be preferred unless there are sound reasons for not doing so. The case made by SPMRG that the Council is simply not able to deliver housing in the numbers required following the Sedgefield approach [318] is attractive at first sight. However, there is no analysis as to why that has not been the case in the past (is it lack of market demand, lack of available sites, lack of planning permissions being granted against a former development plan requirement?) so the past is not necessarily a guide to the future performance. In any event, even an under-shoot would still make up some of the shortfall.
523. The approach advocated by HPPC [159 to 164] makes the plan strategy point referred to above and, referring to *Bloor Homes* (ID61), argues that it is a matter of judgement for the decision taker.
524. In my judgement there has been no material change in circumstances since my colleagues determined the Coggeshall and Steeple Bumpstead appeals. They both concluded that Sedgefield was the appropriate approach to adopt and this has influenced the Council's acceptance of that for the purposes of this Inquiry [350]. There is no cogent evidence before this Inquiry to take a different view.

### **Conclusion**

525. As Mr Tucker put it [84], in order for HPPC and SPMRG to get the 5YHLS 'over the line' all the stars must align. The evidence shows that when the assessed supply of deliverable sites is taken into account and the Sedgefield approach is applied it makes no material difference whether it is 5% or 20% that is applied as the buffer. On either, the best that can be achieved is still less than 4 years' supply.

### **Framework Paragraphs 49, 14 and the 'tilted balance'**

526. In the circumstances that I have just found Framework paragraph 49 is clear that relevant policies for the supply of housing should not be considered up to date. In turn, that means Framework paragraph 14 is engaged. Planning permission should be granted unless either of the limbs of Framework paragraph bullet 4 indicates that the tilted balance should be dis-applied.
527. It is not part of HPPC's case as I understand it that there is any conflict with a policy in either the development plan or the Framework that can be construed as falling within the scope of Framework footnote 9. The tilted balance is not therefore dis-applied by virtue of the second limb of Framework paragraph 14 bullet 4.
528. Turning now to the first limb, the harms that I have identified are set out above [510 and 511] with the conflict with development plan policies identified where appropriate. The totality of the harm or adverse impacts is limited and localised and restricted to visual impact and an 'in principle' conflict with the two development boundary policies. The benefits are set out by Mr Dixon under the

'economic', 'social' and 'environmental' headings found in Framework paragraph 7 (section 8 DWH1). In fairness, Mrs Jarvis for HPPC acknowledges many of these benefits and confirms that appropriate weight should be given to many, including significant weight to the provision of market and affordable housing and economic benefits (paragraphs 6.33 to 6.38 HPPC2). In my judgement that is correct. The limited adverse impacts of the proposal are some distance from significantly and demonstrably outweighing those benefits. Accordingly, I do not consider the first limb dis-applies the tilted balance either.

529. To conclude on this consideration, the tilted balance set out in Framework paragraph 14 applies in this case and is a material consideration that should be given substantial weight in the planning balance.

### **The planning balance**

#### ***The development plan***

530. The application proposal would conflict with the policies of the development plan. The application site is beyond the development boundary of Hatfield Peverel and it is not a use appropriate to the countryside. There is a conflict therefore with policies RLP 2 and CS5 which attracts moderate weight in the balance [511]. I do not consider there to be any other conflict with the development plan.

531. The application should therefore be determined in accordance with the development plan unless material considerations indicate otherwise. In this case there are a significant number of material considerations to take into account.

#### ***Material considerations against the development***

##### ***Visual impact***

532. In my understanding, the effect on landscape character and visual impact are two separate, but related, issues although they are usually considered in a single LVIA. My conclusion on landscape character is part of my assessment of the development against the policies of the development plan.

533. In relation to visual impact, I conclude that there would be some harm caused [478 to 479]. However, that would be limited, affecting very few residential occupiers and users of certain public paths only pending the maturing of mitigation planting. Although I agree with DWH's categorisation of the scale of adverse effect, the harm caused is limited and localised. Given my conclusions on the weight that should be given to the emerging NDP [431] any conflict with emerging policy HPE6 on this consideration can only be given very limited weight, particularly as this is a policy that is subject to objection from GDL and possibly others although there is no evidence about that.

#### ***Material considerations in favour of the development***

##### ***Tilted balance***

534. I have concluded that the Council cannot show a 5YHLS [525]. Moreover, at less than 4 years' supply, the shortfall is of some significance. In these circumstances Framework paragraph 14 is engaged by virtue of Framework paragraph 49. There is no reason why the tilted balance should be dis-applied [527 and 528] and I consider that it should attract substantial weight [529].



### *Housing delivery*

535. There is no reason to suppose that the proposal would not deliver a high quality development that includes a mix of market and affordable housing [420 and 422].
536. Mr Graham has raised a concern about housing delivery [295]. What he says accords with my note of Mr Dixon's evidence in chief which Mr Tucker draws upon [135]. This is a dispute between the parties with little firm evidence before the Inquiry to allow a resolution. However, Framework footnote 11 is clear that sites with planning permission (which, as not excluded, must include outline planning permission) should be considered deliverable unless there is clear evidence (examples are set out) to the contrary. In this case at this point in time there is no such evidence. It must be assumed therefore that the whole site could be developed within five years. It is also noteworthy in this context that suggested condition 2 reduces to two years the period within which the reserved matters applications must be submitted. There is no reason therefore not to afford some weight to the delivery of housing over the five year period.

### *Spatial strategy*

537. Notwithstanding any conflict with the development plan arising from the position of the village development boundary, the application proposal would accord with the longstanding and continuing spatial strategy for the area [437]. That attracts some weight in the balance.

### *Economic, social and environmental benefits*

538. These are the three dimensions of sustainable development set out in Framework paragraph 7. The applicant's assessment of each is set out by Mr Dixon (section 8, DWH1).
539. Although not quantified, a range of positive economic benefits are claimed which include an enlarged labour force of economically active residents; extra household spending in the local area and thus improved viability and vitality of local services and facilities; direct support for additional employment in the local area arising from that additional demand; investment in construction and support for construction jobs; New Homes Bonus for local investment; and increased council tax revenues.
540. While it is reasonable to assume that 120 homes will generate additional spending power, there is no evidence in my view to support the contention that this will be spent to the benefit of local businesses and services. However, there is nothing in the Framework to suggest that the economic benefit of a development must be enjoyed by the area in which the development is located to meet this objective. I therefore consider that some weight should be attributed to this set of benefits.
541. I have already accounted for the delivery of a mix of affordable and market housing in the planning balance. The other social benefits claimed are social infrastructure and transport.
542. Under social infrastructure the applicant includes provisions to mitigate the impact of the development on community facilities. First, I do not believe that providing mitigation of a harm that would be caused can be counted as a benefit;

at best it has a neutral effect in the balance. Second, in this case, I do not consider the harm to education and health infrastructure will be mitigated [491]. Nevertheless, I do not consider that there can be a conflict with the development plan policy since DWH has obligated to provide all the contributions sought by the service providers [492].

543. Also included under this heading is the provision of safe access routes to the application site. I accept that some of these measures will be of wider benefit but they arise principally to mitigate what the applicant sees as a potential harm arising from the development taking place.

544. I therefore conclude that very little weight should be attributed to the social benefits claimed.

545. Most of the paragraphs set out under the environmental benefits heading by the applicant in fact explain how the proposal would accord with the policies of the development plan. Such considerations do not amount to benefits in my view.

546. Also claimed are new tree and hedge planting and the creation of additional ecological habitat. I note that in reporting to members on the application, Council officers recognised the potential to add to the ecological value of the site (page 89 SAV38). However, most of the required schemes still need to be worked up and approved [402]. I therefore afford limited weight to this benefit.

### ***Conclusion***

547. In my view the conflict with the development plan, which attracts moderate weight applying Framework paragraph 216, and the single material consideration that weighs in favour of determining the application in accordance with it are significantly outweighed by those that indicate it should be determined other than in accordance with the development plan. In my judgement the application represents sustainable development as defined in the Framework and planning permission should be granted.

### **Recommendation**

**File Ref: APP/Z1510/V/17/3180729**

548. I recommend that planning permission be granted subject to conditions.

*Brian Cook*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Josef Cannon of Counsel	Instructed by Ian Hunt Legal Services Braintree District Council
He called	
Alison Hutchinson BA MRTPI	Partner, Hutchinsons Planning & Development Consultants

### FOR THE APPELLANT:

Paul Tucker QC and Philip Robson of Counsel	Instructed by Jonathan Dixon BA MA MRTPI Associate Director Savills (UK) Ltd
They called	
Matthew Spry BSc (Hons), DipTP (Dist) MRTPI MIED FRSA	Senior Director Nathaniel Lichfield and Partners
Jeremy Smith BA CMLI	Director SLR Consulting Limited
Jonathan Dixon BA MA MRTPI	Associate Director Savills (UK) Ltd

### FOR HATFIELD PEVEREL PARISH COUNCIL:

David Graham of Counsel	Instructed by direct access
He called	
Mike Renow	Parish Councillor
Philippa Jarvis BSc DipTP(Hons) MRTPI	Principal PJPC Ltd (Planning Consultancy)

### INTERESTED PERSONS:

Andy Simmonds	Local resident
Kenneth Earney	Local resident
Ron Elliston	Local resident
Lesley Moxhay	Local resident
Michael Hutton	Local resident
John Webb	Local resident

## **Annex A**

### **CORE DOCUMENTS**

#### ***Set A: Appeal Ref: APP/Z1510/W/16/3162004***

##### *CD1 Application Documents*

- 1.1 Application Covering Letter, Application Form and Certificates
- 1.2 Location Plan
- 1.3 Framework Plan
- 1.4 Planning Statement
- 1.5 Design and Access Statement
- 1.6 Landscape and Visual Impact Appraisal
- 1.7 Transport Assessment
- 1.8 Travel Plan
- 1.9 Ecological Appraisal
- 1.10 Arboricultural Assessment
- 1.11 Flood Risk Assessment
- 1.12 Foul Drainage Assessment
- 1.13 Air Quality Assessment
- 1.14 Noise Assessment
- 1.15 Archaeological Desk Based Assessment
- 1.16 Heritage Assessment
- 1.17 Phase 1 Preliminary Risk Assessment
- 1.18 Utilities and Infrastructure Statement
- 1.19 Statement of Community Involvement
- 1.20 Socio-Economic Impact Report
- 1.21 Sustainability Report
- 1.22 Framework Plan Rev H 09.08.16
- 1.23 Education and Heritage response 25.08.16
- 1.24 Bat and GCN survey 05.10.16
- 1.25 Icení Heritage letter 07.10.16

##### *CD2 Correspondence with Local Planning Authority*

- 2.1 Email with minutes of pre-ap meeting 29.03.16
- 2.2 Pre-ap response letter from BDC 08.04.16
- 2.3 Email from GDL to BDC requesting pre-ap response 11.05.16
- 2.4 Email and letter from GDI to BDC 11.05.16
- 2.5 Email exchange re conference call 08.06.16
- 2.6 Email from BDC re Chris Paggi contact 10.06.16
- 2.7 Email from Chris Paggi re POS 17.06.16
- 2.8 Email from GDL to BDC re POS 21.06.16
- 2.9 Email exchange re additional land 30.06.16
- 2.10 Email exchange re education meeting 30.06.16
- 2.11 Email exchange re site visit 05.07.16
- 2.12 Email from GDL to BDC re response to additional land request  
12.07.16
- 2.13 Email from GDL to BDC re officer support 12.07.16
- 2.14 Email from GDI to BDC re submission of 2nd application 13.07.16
- 2.15 Email and letter from BDC re additional land 21.07.16
- 2.16 Email from BDC to GDL re education 01.08.16
- 2.17 Email from GDL to BDC re amendment to Framework (footpath)  
12.08.16

- 2.18 Email from BDC to GDL re legal agreement 23.08.16
- 2.19 Letter from GDL to BDC re legal agreement/conditions 23.08.16
- 2.20 Email from GDL to BDC re legal agreement/heritage 24.08.16
- 2.21 Email from GDL to BDC re education 25.08.16
- 2.22 Email from BDC to GDL re legal agreement 25.08.16
- 2.23 Email from GDL to BDC re feedback from Conservation Officer  
07.09.16
- 2.24 Email from BDC to GDL re financial contributions 09.09.16
- 2.25 Email from GDL to BDC re photos of the site from Hatfield Place  
13.09.16
- 2.26 Email from BDC to GDL re HoTs/conditions 20.09.16
- 2.27 Email from GDL to BDC re legal costs 21.09.16
- 2.28 Email from BDC to GDL re HoTs 23.09.16
- 2.29 Email from BDC to GDL re TRO 27.09.16
- 2.30 Email from BDC to GDL re highways 05.10.16
- 2.31 Email from BDC to GDL re survey work 05.10.16

*CD3 Consultation Responses*

- 3.1 Anglian Water - 24.08.16
- 3.2 BDC - Environmental Health
- 3.3 BDC - Landscape - 05.09.16
- 3.4 ECC - Archaeology 11.04.16
- 3.5 ECC - Drainage 18.04.16
- 3.6 ECC - Education 1 - 20.04.16
- 3.7 ECC - Education 2 - 30.08.16
- 3.8 ECC - Heritage 1 - 24.05.16
- 3.9 ECC - Heritage 2 - 06.09.16
- 3.10 ECC- Highways 12.05.16
- 3.11 Hatfield Peverel Parish Council 12.05.16
- 3.12 Highways England 25.05.16
- 3.13 Highways England 21.06.16
- 3.14 Historic England 16.08.16
- 3.15 Housing Research and Development 27.04.16
- 3.16 NHS England 19.04.16
- 3.17 PRoW 15.04.16

*CD4 Validation Letter*

- 4.1 Validation letter from Braintree District Council dated 30.03.16

*CD5 Committee report and Decision Notice*

- 5.1 Committee Report
- 5.2 Decision Notice

**Set B: Appeal Ref: APP/Z1510/V/17/3180725**

*CD1 Application Documents*

- 1.1 Application Covering Letter, Application Form and Certificates
- 1.2 Location Plan
- 1.3 Framework Plan
- 1.4 Planning Statement
- 1.5 Design and Access Statement
- 1.6 Landscape and Visual Appraisal
- 1.7 Transport Assessment

- 1.8 Travel Plan
- 1.9 Ecological Appraisal
- 1.10 Arboricultural Assessment
- 1.11 Flood Risk Assessment
- 1.12 Foul Drainage Analysis
- 1.13 Air Quality Assessment
- 1.14 Noise Assessment
- 1.15 Archaeological DBA
- 1.16 Heritage Statement
- 1.17 Phase 1 Preliminary Risk Assessment
- 1.18 Utilities and Infrastructure Statement
- 1.19 Statement of Community Involvement
- 1.20 Socio-Economic Report
- 1.21 Sustainability Report
- 1.22 SUDS checklist

*CD2 Additional reports submitted after validation*

- 2.1 Ecology Response to RSPB comments 14.12.16
- 2.2 Additional Heritage Statement to respond to HE 13.01.17
- 2.3 Rebuttal letter to HE comments 09.03.17

*CD3 Correspondence with Local Planning Authority*

- 3.1 Notice to Owners
- 3.2 EIA screening letter
- 3.3 Update and recommendation
- 3.4 RSPB objection
- 3.5 Letter to case officer
- 3.6 Landscaping photos
- 3.7 Bird mitigation land
- 3.8 Ecology matters
- 3.9 Ecology matters - Wistaston decision
- 3.10 Heads of Terms
- 3.11 Single storey buildings around perimeter
- 3.12 Timing of Reserved Matters application
- 3.13 Heads of Terms
- 3.14 Blue land management
- 3.15 Response to RSPB objection
- 3.16 Ecologist qualifications
- 3.17 Overall recommendation
- 3.18 On agenda
- 3.19 Education contribution
- 3.20 HRA matters
- 3.21 Maintenance of blue land
- 3.22 Farmland bird surveys and contributions
- 3.23 Interim breeding bird surveys

*CD4 Consultation Responses*

- 4.1 Essex County Council Specialist Archaeological Advice
- 4.2 Essex County Council SUDS
- 4.3 Braintree District Council Environmental Health
- 4.4 Parish Council
- 4.5a Historic England
- 4.5b Historic England

- 4.6 Essex County Council Education Statement
- 4.7 Essex County Council Historic Buildings Consultant
- 4.8a Highways England
- 4.8b Highways England
- 4.8c Highways Recommendation
- 4.9 Essex County Council Economic Growth and Development
- 4.10a RSPB Response to applicants ecologist
- 4.10b RSPB
- 4.11 NHS Statement
- 4.12 Essex County Council Highways
- 4.13 Essex County Council Ecologist
- 4.14 Braintree District Council Wynne-Williams Landscape Review
- 4.15 Shaun Taylor Landscape Services
- 4.16 Natural England
- 4.17 Anglian Water
- 4.18 Police
- 4.19 Braintree District Council Ecology
- 4.20 Essex County Council Flooding and Water update
- 4.21 Essex Field Club
- 4.22 Archaeology Place Services
- 4.23 Braintree District Council Environmental Health

*CD5 Third Party Representations*

- 5.1 Mr Mark Scofield
- 5.2 Ms Allison Hinkley
- 5.3 MP Priti Patel
- 5.4 Mrs Diana Wallace
- 5.5 Mr Paul Hawkins
- 5.6 Mrs Linda Shaw
- 5.7 Mr John Dinnen
- 5.8 Mrs Amanda Millard
- 5.9 Mrs Angela Peart
- 5.10a Mr Peter Harvey
- 5.10b Mr Peter Harvey
- 5.10c Mr Peter Harvey
- 5.11 Mr Kenneth Earney
- 5.12a Mr Mark East
- 5.12b Mr Mark East
- 5.13 Mrs S.J.Freeman
- 5.14 Miss Marine Page
- 5.15 Mr Philip Swart
- 5.16 Mrs Susan Farrell
- 5.17 Ron and Marel Elliston
- 5.18 Mr M Fleury
- 5.19 Mrs Rita Hocking
- 5.20 Mr Tom Bedford
- 5.21 Mrs Helen Sadler
- 5.22 Mr B.Knight
- 5.23 Ms Serena Grimes
- 5.24 Andy and Stephanie McGuire
- 5.25 Mr Nicholas Carey
- 5.26 Mrs Greta Taylor

- 5.27 Residents Group
- 5.28 Mr K. Kearns
- 5.29 Mrs Margaret Freeman
- 5.30 Kenneth and Jackie Earney
- 5.31 Mr Kevin Dale
- 5.32 Mr Robert Shales
- 5.33a Ms Janis Palfreman
- 5.33b Ms Janis Palfreman
- 5.34 Mrs Diane Wallace
- 5.35 Mrs Faye Churchill
- 5.36 Mr Derek Jones
- 5.37 Mrs Janet Jones
- 5.38 Miss Grace Clemo
- 5.39 Mrs Valerie Bliss
- 5.40 Mr Bryan Hale
- 5.41 Mr Les Priestley
- 5.42 Ade
- 5.43 Ms Janice Robinson
- 5.44 Mr James Knights
- 5.45 Mr Guy Bosworth
- 5.46 Rachel and Liam Bone
- 5.47 Mr Robert Anstee
- 5.48 Mr Lee Vandyke
- 5.49 Frank Diane Flynn
- 5.50 Mrs Stella Miller
- 5.51 Dr Judith Abbott
- 5.52 Mr Mitchell Cooke
- 5.53 Ms Jane Russell
- 5.54 Mrs Lesley Naish
- 5.55 Mr John Wallace
- 5.56 Mr Peter Naish
- 5.57 Mr Tim Steele
- 5.58 Ms Irene Lindsell
- 5.59 Mr and Mrs Edwards
- 5.60 Kathleen and Albert Evans
- 5.61 Mr Paul Harris
- 5.62 Mr Mark Nowers
- 5.63 Mr Ian May
- 5.64 Ms Ann Ford
- 5.65 Ms Alexandra Harris
- 5.66 Mr Nick Harris
- 5.67 Lynsey and Rob Deans
- 5.68 Ms Theresa Brewster
- 5.69 Ms Sue Pienaar
- 5.70 Ms Karen Devlin
- 5.71 Mr Peter Devlin
- 5.72 Ms Catherine Devlin
- 5.73 Ms Lisa Hanikee
- 5.74 Mr Timothy Barber
- 5.75 Mr Martin Gibbs
- 5.76 S.Warrant
- 5.77 Mr David Bull



5.78 Mr Sean Osborne  
5.79 Mr Richard Parker  
5.80 Miss Joanna Burch  
5.81 Mr Colin Moore  
5.82 Mr Chris Earwicker  
5.83 Mrs Kate Bryant  
5.84 Mrs Gillian Jones  
5.85 S.Warrant  
5.86 Ms Rita Hocking  
5.87 Mrs Karen Williams  
5.88 Mr Philip Hawkins  
5.89 Ms Jane Hawkins  
5.90 T Davis  
5.91 J.C.Roche  
5.92 Mr Keith Wright  
5.93 Mr Peter Haldane  
5.94 Mr John Campbell  
5.95 Ruth Ramm  
5.96 No Name  
5.97 Ms Deborah Fraser  
5.98 Ms Lindsay Gilligan  
5.99 Mr Michael Renow  
5.100 Mr Neil Ruston  
5.101 Mr Vincent Hawkins  
5.102 Mr Trevor Wilson  
5.103 Mr Sebastian Gwyn-Williams  
5.104 Mr Darryl Day  
5.105 Mrs Ann Walker  
5.106 Mr Richard Butler  
5.107 Mrs Angela Lapwood  
5.108 Mrs Teresa O'Riodan  
5.109 Mrs Elise Gwyn-Williams  
5.110 Mr Daniel McDermott  
5.111 Mr Richard Windibank  
5.112 Mrs J.Buckmaster  
5.113 Mrs J P Wright  
5.114 Carole and Howard Cochrane  
5.115 Chistine C Lingwood  
5.116 D.R.Wallis  
5.117 Mrs Jean Ashby  
5.118 Mrs Lesley Wild  
5.119 Mr Paul Hanikene  
5.120 Mr George Boyd Ratcliff  
5.121 Mrs Helen Peter  
5.122 Mr Mark East  
5.123 Graham and Jean Lightfoot  
5.124 Mr Roderick Pudney  
5.125 Mr Stephen Mitchell  
5.126 Mrs L.Wild  
5.127 Mr and Mrs David Warburton  
5.128 Ms Marian Headland  
5.129 Mrs Chris Marks

5.130 Mrs Carole Allen  
5.131 Mrs Amanda Bright  
5.132 Mrs Joe Quieros  
5.133 Mr Richard Quieros  
5.134 Mrs Joanne Melly  
5.135 Mrs Claire Harris  
5.136 Miss Natasha Wilcock  
5.137 Mr Ted Munt  
5.138 Mr Neil Ekins  
5.139 Margaret and Robert Parry  
5.140 Mr Neville Oldfield  
5.141 Ms Joanne Middleton  
5.142 Ms Steph Gunn  
5.143 H.J.Lane  
5.144 Mrs M.Blake  
5.145 Mr I and Mrs J Jolly  
5.146 Derek and Jan Newell  
5.147 Henryk Podlesny  
5.148 Lorraine Podlesny  
5.149 Glenn Blake  
5.150 Mr Paul Wallace  
5.151 Stone Path Residents Group  
5.152 Mr David Bebb  
5.153 Mrs Jo Bull  
5.154 Mr David Groves  
5.155 No Name  
5.156 No Name  
5.157 Julie Gammie  
5.158 No Name  
5.159 Mrs Ann Westhersby  
5.160 C Merritt  
5.161 Mr Tony French  
5.161 Mrs Elsie Filby  
5.163 Mr Charles William Joiner  
5.164 Michele Lewars  
5.165 Mr Andrew Jackson  
5.166 Mrs Julia East  
5.167 A.W.Mabbits  
5.168 No name  
5.169 Mr Paul Thorogood  
5.170 No name  
5.171 Jane and Eddie Cook  
5.172 Richard Foulds  
5.173 Mrs M.E.Gratze  
5.174 S.Hughes  
5.175 No Name  
5.176 No Name  
5.177 No Name  
5.178 Alan J Evans  
5.179 Ron and Marel Elliston  
5.180 Elizabeth Pryke  
5.181 Suzanne Evans

- 5.182 Mr Mark Schofield
- 5.183 Sonya Foulds
- 5.184 Daniel Power
- 5.185 Daniel Power
- 5.186 Miss Susan Nye
- 5.187 Philippa Moody
- 5.188 Moira and Steve Hagon
- 5.189 Kevin and Sue Aves
- 5.190 Allison Hinkley
- 5.191 Mr Peter Fox
- 5.192 Mrs Elizabeth Simmonds
- 5.193 Mr Mark Bayley
- 5.194 Mr Andy Simmonds
- 5.195 Mr Stephen Armson-Smith
- 5.196 Miss Charlotte Greaves
- 5.197 Mrs Jodi Earwicker
- 5.198 Mrs Vivian Cooke
- 5.199 Mrs Victoria Wren
- 5.200 Mrs Natacha Murphy

*CD6 Committee Report*

- 6.1 Committee Report
- 6.2 Committee Meeting Minutes

*CD7 Habitats Regulations Assessment*

- 7.1 HRA Screening Report
- 7.2 NE response in respect of HRA

*CD8 Draft Legal Agreement*

- 8.1 Engrossed legal agreement

*CD9 Appeal decisions*

- 9.1 Walden Road, Thaxted
- 9.2 Chapel Lane, Wymondham

*CD10 Braintree District Local Development Framework Core Strategy*

- 10.1 Core Strategy Policies

*CD11 Braintree District Local Plan Review*

- 11.1 Extracts of Policies

*CD12 Braintree District Council Draft Local Plan*

- 12.1 Current status of draft local plan
- 12.2 New policy numbers for publication of draft local plan
- 12.3 Publication draft Local Plan part 1
- 12.4 Publication draft Local Plan part 2

*CD13 Supplementary Planning Guidance/Documents*

- 13.1 Essex Design Guide
- 13.2 External Artificial Lighting 2009
- 13.3 Open Space contributions 2017
- 13.4 Open Space contributions effective 01.04.16
- 13.5 Open Space Action Plan
- 13.6 Open Space SPD Nov 2009

- 13.7 Parking Standards
- 13.8 Affordable Housing SPD

*CD14 Other Guidance*

- 14.1 2007 Landscape Character Assessment
- 14.2 E40 Landscape Character Assessment preface 2006
- 14.3 E40 Landscape Character Assessment intro 2006
- 14.4 Settlement Fringes Landscape Area Evaluation 2015
- 14.5 Landscape Character Assessment

*CD15 Draft Hatfield Peverel Neighbourhood Plan 2015-2033*

- 15.1 Reg 14 version of NHP (Superseded)
- 15.2 Pre-examination version HP NHP

***Set C: Appeal Ref: APP/Z1510/V/17/3180725, APP/Z1510/V/17/3180729 & APP/Z1510/W/16/3162004***

*CD16 Policy*

- CD16.1 Emerging Local Plan Part 1
- CD16.2 Emerging Local Plan Part 2
- CD16.3 Emerging HP Neighbourhood Plan

*Parish Council Documentation*

*CD17 Housing documents*

- CD17.1 Neighbourhood Area Housing Requirement Study
- CD17.2 Slipping through the loophole
- CD17.3 Government response online petition
- CD17.4 BDC draft five year supply table at 30/09/17

*CD18 Neighbourhood Plan Background Documents*

- CD18.1 Basic Conditions Statement
- CD18.2 Consultation Statement
- CD18.3 HP Site Assessment 2017
- CD18.4 HP LLCA Oct 2015
- CD18.5 Character Assessment HP
- CD18.6 Workshop for important views
- CD18.7 NPD Support results
- CD18.8 Residents survey Oct 2015
- CD18.9 Residents survey results Oct 2015
- CD18.10 Business survey Sept 15
- CD18.11 Business survey results Sept 15
- CD18.12 RCCE HN report Feb 2015
- CD18.13 Estate agents survey March 2015
- CD18.14 BDC letter to PC re SEA screening
- CD18.15 HP NP SEA screening report 2016
- CD18.16 BD economic dev prospectus 2013-2026
- CD18.17 Minutes 08/12/14
- CD18.18 Minutes 26/01/15
- CD18.19 Minutes 30/03/15
- CD18.20 Minutes 21/03/16
- CD18.21 Minutes 16/08/16
- CD18.22 Minutes 27/02/17
- CD18.23 Minutes 25/09/17

*CD19 Stone Path Drive (SP) Correspondence 80 & 140*

CD19.1	PC email to BDC 12.05.16
CD19.2	PC letter to BDC 24/11/16
CD19.3	PC presentation 28/03/17
CD19.4	PC email to BDC 30.05.16
CD19.5	PC letter to BDC 04/04/17
CD19.6	BDC letter to PC 19/04/17
CD19.7	Extract PC minutes 24/04/16 - 17/08/16
CD19.8	MP letter to PC 21/04/17
CD19.9	Extract PC Minutes 16/11/16
CD19.10	Extract minutes BDC 11/10/16
CD19.11	Development boundary 80 & 140

*CD20 SP - Health*

CD20.1	HP Surgery Letter 31/08
CD20.2	Surgeries constraints
CD20.3	Extract village Healthcare Cllr Bebb
CD20.4	Letter to PINS surgery_ Schools 25/09/17

*CD21 SP - Education*

CD21.1	ECC letter 12.01.17 SPM
CD21.2	ECC letter 15.0617 Arla
CD21.3	ECC letter 11.0117 GE
CD21.4	ECC emails 21&22.1216 GE
CD21.5	ECC letter 27.07.17 Bury Farm
CD21.6	ECC letter 10.08.17 Sorrells

*CD22 SP - Road infrastructure*

CD22.1	HE A12 Widening Intro
CD22.2	Existing traffic capacity and journey times
CD22.3	Extracts HE A12 Widening Options
CD22.4	Environmental Constraints Plan
CD22.5	Ecology impact A12
CD22.6	Bus stops

*CD23 Gleneagles Way (GE) correspondence*

CD23.1	PC letter to BDC 11.01.17
CD23.2	PC presentation 25.04.17
CD23.3	PC letter to BDC 11.05.17
CD23.4	MP letter to PC 11.05.17
CD23.5	BDC letter to PC 01.06.17
CD23.6	MP letter to PC 02.06.17
CD23.7	Extract minutes 11.01.17
CD23.8	List of 3rd Party reps
CD23.9	Comments from residents (combined)

*CD24 Gleneagles Way (GE) documents*

CD24.1	PC letter to BDC 30.11.15
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CD24.2	Extract minutes 25.11.15
CD24.3	CMTE report 26.04.16
CD24.4	Decision Notice 26.04.16
CD24.5	Extract minutes BDC 26.04.16
CD24.5	Location Plan

*Gladman documentation*

*CD25 Stone Path Drive Plans for determination*

CD25.1	Revised Framework Plan (80)
CD25.2	Tree retention plan (80)
CD25.3	Access Plan for both schemes
CD25.4	Email re access plans
CD25.5	Tree retention plan (140)

*CD26 Ecology*

CD26.1	Breeding bird survey report - 2nd application
CD26.2	Stonepath Bird Survey (Paul Hawkins) Jan 17

*CD27 Heritage*

CD27.1	Conservation principles
CD27.2	HE Managing Significance
CD27.3	HE The setting of Heritage Assets
CD27.4	Correspondence between Iceini ECC and HE
CD27.5	Heritage Statement - Additional information

*CD28 Landscape*

CD28.1	Braintree HEC extracts
CD28.2	Essex LCA extracts
CD28.3	HP LLCA
CD28.4	NCA 86 extracts

*CD29 HLS/OAN*

CD29.1	PPG - Housing and Economic development
CD29.2	PPG - Housing and Economic Land availability assessments
CD29.3	OAN Study Nov 2016 Update, Peter Brett Associates
CD29.4	SHMA Update December 2015
CD29.5	BDC: 5 Year Supply Statement as at 30 June 2017
CD29.6	BDC: 5 Year Supply Housing Trajectory as at 30 June 2017
CD29.7	BDC: 5 Year Supply Statement as at 30 September 2017
CD29.8	BDC: 5 Year Supply Housing Trajectory as at 30 September 2017
CD29.9	BCD Authority Monitoring Review 2015/2016 (AMR, May 2017)
CD29.10	Planning for the right homes in the right places – Consultation Proposals (Sep 2017)
CD29.11	Housing White Paper (February 2017)
CD29.12	Planned and Deliver (Lichfields, 2017)
CD29.13	Start to Finish (Lichfields, 2016)
CD29.14	A long-run model of housing affordability, University of Reading
CD29.15	OBR Working Paper No. 6 – Forecasting House Prices (2014)
CD29.16	Review of Housing Supply, Delivering Stability: Securing our Future Housing Needs' (March 2004), Kate Barker
CD29.17	Developing a target range for the supply of new homes across England' (October 2007), NHPAU
CD29.18	Housebuilding, demographic change and affordability as outcomes

	of local planning decisions; exploring interactions using a sub-regional model of housing markets in England' (2 October 2014) in Planning 2015
CD29.19	Business West: Wider Bristol Housing Market Area Strategic Housing Assessment 2015: Commentary by Bramley
CD29.20	Building more homes' 1st Report of Session 2016–17 (15 July 2016)
CD29.21	The Redfern Review into the decline of home ownership' (16 November 2016)
CD29.22	Forecasting UK house prices and home ownership' (November 2016) Oxford Economics
CD29.23	OBR March 2017 Economic outlook accompanying tables and charts – Chart 3.21 on house prices
CD29.24	Planning Application (ref. 15/01319/OUT) Transport Assessment & Framework Travel Plan, September 2017 (ref. VN30215), Vectos
CD29.25	Application of proposed formula for assessing housing need DCLG, 14 September 2017
CD29.26	East Hampshire Local Plan Inspector's Report (April 2014)
CD29.27	Eastleigh Local Plan Inspector's Report (2015)
CD29.28	House of Lords Select Committee on Building more homes
CD29.29	OAHN Study Nov 2016 Update
CD29.30	Bramley and Watkins report on Housebuilding

*CD30 Planning*

CD30.1	Committee transcript
CD30.2	Local plan sub committee 25.05.16
CD30.3	Examiner procedural matters letter
CD30.4	PPG determining a planning application (prematurity)
CD30.5	HP Independent examination correspondence 20.09.17

*CD31 Planning Judgements*

CD31.1	<i>BDW &amp; Wainhomes Vs CWAC</i> 2014
CD31.2	<i>Suffolk Coastal</i> Supreme Court Judgment -2017
CD31.3	<i>Telford and Wrekin v SoS for CLG</i> - 2016
CD31.4	<i>Palmer v Hertfordshire Council</i> - 2016
CD31.5	<i>Forest of Dean &amp; SoS for CLG &amp; Gladman</i> - 2016
CD31.6	<i>Colman &amp; SoS for CLG &amp; NDDC &amp; RWE Npower Renewables Ltd</i> – 2013
CD31.7	<i>SODC &amp; SoS for CLG and Cemex Properties UK Ltd (Crowell Road)</i> 2016
CD31.8	<i>Barwood Strategic Land II LP &amp; East Staffs &amp; SoS for CLG</i> 2017
CD31.9	<i>Lee Vs FSS &amp; Swale BC</i> 2003
CD31.10	<i>Phides Estates Ltd &amp; SoS for CLG &amp; Shepway DC &amp; Plumstead</i> – 2015
CD31.11	<i>St Albans City and District Council v (1) Hunston Properties Ltd and (2) SoS for CLG</i> - 2013
CD31.12	<i>(1) Gallagher Homes Ltd and (2) Lioncourt Homes Ltd v Solihull MBC</i> - 2014
CD31.13	<i>West Berkshire District Council v SoS for CLG &amp; HDD Burghfield Common Ltd</i>



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CD31.14	<i>Satnam Millennium Limited and Warrington Borough Council 2015</i>
CD31.15	<i>Kings Lynn and West Norfolk Borough Council v SoS for CLG 2015</i>
CD31.16	<i>Wainhomes and SoS for CLG 2013</i>
CD31.17	<i>St Modwen v (1) SoS for CLG, (2) East Riding of Yorkshire Council and (3) Save Our Ferriby Action Group 2016</i>
CD32.18	<i>St Modwen v (1) SoS for CLG, (2) East Riding of Yorkshire Council and (3) Save Our Ferriby Action Group 2017</i>
CD31.19	<i>Chelmsford City Council v SoS for CLG 2016</i>
CD31.20	<i>Stroud DC v SoS for CLG 2015</i>

*CD32 Appeal Decisions*

CD32.1	Land at Blean Common, Blean Appeal Ref: APP/J2210/W/16/3156397
CD32.2	Land at West Street, Coggeshall, CO6 1NS, Appeal Ref: APP/Z1510/W/16/3160474
CD32.3	Land east of Crowell Road, Chinnor, Appeal Ref: APP/Q3115/W/14/3001839
CD32.4	Land of Wethersfield Road, Finchingfield Appeal ref. APP/Z1510/W/17/3172575
CD32.5	Land north of Pulley Lane and Newland Lane, Newland, Appeal ref APP/H1840/A/13/2199426
CD32.6	Land off Stone Path Drive, Hatfield Peverel, Appeal Ref: APP/Z1510/W/16/3162004
CD32.7	Land off Western Road, Silver End, Appeal Ref: APP/Z1510/W/16/3146968
CD32.8	Land off Plantation Road, Boreham, Essex CM3 3EA Appeal Ref: APP/W1525/W/15/3049361
CD32.9	Land at Southwell Road, Farnsfield, Nottinghamshire Appeal Ref: APP/B3030/W/15/3006252
CD32.10	Land off Finchingfield Road, Steeple Bumpstead ref. APP/Z1510/W/17/3173352
CD32.11	Land to the south of Dalton Heights, Seaham, Appeal Ref: APP/X1355/W/16/3165490
CD32.12	Longbank Farm, Ormesby, Middlesbrough, TS7 9EF Appeal Ref: APP/V0728/W/15/3018546
CD32.13	Land at Flatts Lane, Normanby Appeal Ref: APP/V0728/W/16/3158336

*CD33 Representations made by Gladman*

CD33.1	Representations to the Braintree Local Plan (Reg 19) July 2017
CD33.2	Representations on the HP NHP (Reg 16) July 2017

***Documents submitted by David Wilson Homes Eastern***

(Where a number in the sequence is missing the document is already listed elsewhere in this Annex)

*Application drawings and documents*

SAV1	Cover Letter
SAV2	Application Form
SAV3	Location Plan
SAV4	Parameters Plan



SAV5 Access Plan

*Supporting drawings and documents*

- SAV6 Planning Statement
- SAV7 Design and Access Statement
- SAV8 Affordable Housing Statement
- SAV9 Air Quality Assessment
- SAV10 Archaeological Desk-Based Assessment
- SAV11 Design Review
- SAV12 Draft S106 Heads of Terms
- SAV13 Extended Phase 1 Habitat Survey & HSI Assessment
- SAV14 Pre-Planning Assessment Report (Incl.: 15/12/16 letter from RJIE to DWH & Proposed Foul Sewerage Plan)
- SAV15 Objective Assessment of Housing Need
- SAV16 Landscape and Visual Impact Assessment (2 parts)
- SAV17 Great Crested Newt eDNA Results
- SAV18 Noise Impact Assessment
- SAV19 Phase One Desk Study Report (4 parts)
- SAV20 Reptile Survey and Badger Walkover Survey
- SAV21 Site-Specific Flood Risk Assessment Report (4 parts)
- SAV22 Statement of Community Engagement
- SAV23 Sustainability Statement
- SAV24 Topographical Survey
- SAV25 Transport Assessment (4 parts)
- SAV26 Tree Survey & Constraints Plan & Schedule
- SAV27 Utilities Report
- SAV28 Letter to landowners dated 20/12/16 enclosing Article 13 Notice.

*Post submission relevant correspondence*

- SAV29 Email from BDC (Neil Jones) to DWH (Sean Marten) on 01/03/17 @ 11:15 re noise and air quality attaching: Consultation response from BDC EHO (unknown date).
- SAV30 Letter from Savills (Jonathan Dixon) to BDC (Neil Jones) dated 21/03/17 re noise and air quality, enclosing: Technical Memo re noise (24 Acoustics) dated 21/03/17; and Technical Letter re air quality (MLM) dated 17/03/17.
- SAV31 Email from BDC (Neil Jones) to Savills (Jonathan Dixon) on 29/03/17 @ 17:13 re Committee date.
- SAV32 Email from BDC (Neil Jones) to Savills (Jonathan Dixon) on 30/03/17 @ 12:27 re S106.
- SAV33 Email from BDC (Neil Jones) to Savills (Jonathan Dixon) on 10/04/17 @ 08:51 re air quality.
- SAV34 Email from Savills (Jonathan Dixon) to BDC (Neil Jones) on 11/04/17 @ 15:58 re air quality.
- SAV35 Email from Savills (Jonathan Dixon) to BDC (Neil Jones) on 11/04/17 @ 17:35 re air quality.
- SAV36 Email from BDC (Neil Jones) to Savills (Jonathan Dixon) on 21/04/17 @ 16:25 re air quality & HRA Screening attaching: Consultation response from BDC EHO dated 13/04/17.

*Documents referenced in Jonathan Dixon proof*

- SAV37 Letter from BDC to DWH c/o Savills (Jonathan Dixon) dated 20/12/16 acknowledging receipt of the application.

- SAV38 Report to BDC Planning Committee Meeting on 25/04/17 re application, plus Appendix and Addendum.
- SAV39 Minutes to BDC Planning Committee Meeting on 25/04/17 re application (see pages 5-9).
- SAV40 Letter from DCLG (Dave Moseley) to BDC (Tessa Lambert) dated 11/05/17 re potential call-in.
- SAV41 Email from BDC (Neil Jones) to Savills (Jonathan Dixon) & DWH (Sean Marten) on 31/05/17 @ 08:50 re potential call-in.
- SAV42 Letter from DCLG (Dave Moseley) to DWH c/o Savills (Jonathan Dixon) dated 12/07/17 confirming call-in.
- SAV44 Extracts from Reg. 18 Braintree Local Plan 'Draft Document for Consultation' dated 27/06/16 re housing requirement of 845 dpa (see page 30).
- SAV45 Extracts from East of England Plan dated May 2008 re housing requirement of 290 dpa (see page 30).
- SAV46 Reg 22 Notice of Submission of Braintree Local Plan dated 09/10/17.
- SAV47 Evidence (from BDC website) that Hatfield Peverel Neighbourhood Plan (NDP) has been submitted for Examination.
- SAV50 Letter from Savills (Jonathan Dixon) to HPPC dated 30/09/16 setting out representations on behalf of DWH to Reg. 14 NDP consultation.
- SAV51 Report to BDC Local Plan Sub-Committee on 05/10/16 setting out representations to Reg. 14 NDP consultation (see reps to draft NDP Policy HPE 1 on p13).
- SAV52 Letter from Savills (Jonathan Dixon) to HPPC dated 17/07/17 setting out representations on behalf of DWH to Reg. 16 NDP consultation. (NB Subject line incorrectly refers to Reg. 14.)
- SAV55 Letter from Natural England to BDC (Neil Jones) dated 26/10/17 re no objection (or need for HRA).
- SAV56 Draft s106 Agreement
- SAV59 Braintree Pre Submission Site Allocations and Development Management Plan (as amended by further changes) dated September 2014.

### ***Statements of Common Ground***

- SOCG4 David Wilson Homes Eastern and Braintree DC
- SOCG5 David Wilson Homes eastern and Hatfield Peverel PC

### ***Proofs of Evidence***

#### *David Wilson Homes Eastern*

- DWH1 Jonathan Dixon Proof (Planning)
- DWH2 Jonathan Dixon Appendices
- DWH3 Jeremy Smith Proof (Landscape)
- DWH4 Jeremy Smith Appendices
- 4/POE Matthew Spry Proof and Appendices (Housing Land Supply)

#### *Braintree District Council*

- BDC1 Alison Hutchinson Proof

BDC1a Alison Hutchinson Appendices  
BDC4 Alison Hutchinson Rebuttal Proof

*Hatfield Peverel Parish Council*

HPPC1 Mike Renow Proof and Appendices  
HPPC2 Philippa Jarvis Proof and Appendices

*Gladman Developments Limited (where relevant)*

3/APP Laurie Handcock Appendices

***Documents submitted during the Inquiry by the parties***

- ID1.1 *Lee v First Secretary of State and Swale BC* [2003] EWHC 2139 (Admin) (GDL)
- ID1.2 *Arun DC v Secretary of State for Communities and Local Govnt and Green Lodge Homes LLP* [2013] EWHC 190 (Admin) (GDL)
- ID1.3 What is Neighbourhood Planning? PPG extract (GDL)
- ID1.4 Cumulative Air Quality Impact Assessment (GDL & DWH)
- ID1.5 Transport/Highways Note in response to Inspector's pre-Inquiry note No. 1 (GDL & DWH)
- ID1.6a 7015-L-106 rev B Green Infrastructure Strategy for 80 dw scheme (GDL)
- ID1.6b 7015-L-108 rev C Green Infrastructure Strategy for 140 dw scheme (GDL)
  
- ID1.7 Plans omitted from CD14.4 set B (GDL)
- ID1.8 Statement of Common Ground Education (GDL & DWH)
- ID1.9 Secretary of State Appeal decision APP/D3830/A/12/2189451RD (GDL)
- ID1.10 Council decision on land adjacent to Walnut Tree Cottage, The Street, Hatfield Peverel (GDL)
- ID1.11 Updated table showing past supply against housing requirement 2001/2-2017/18 (GDL & DWH)
- ID1.12 Reworked Table 6.1 as requested by Inspector on 7 December 2017 (GDL & DWH)
- ID1.13 Update post exchange of proofs re 5 year housing land supply at 30/9/17 (GDL & DWH)
- ID1.14 Schedule of supply table for round table discussion (GDL & DWH)
- ID1.15 *Cotswold DC v Secretary of State for Communities and Local Govnt and others* [2013] EWHC 3719 (Admin) (GDL)
- ID1.16 Supplementary Unilateral Undertaking (GDL)
- ID2 Opening statement (GDL)
- ID3 Opening statement (DWH)
- ID4 Opening statement (Council)
- ID5 Opening statement (HPPC)
- ID6 Opening statement (SPMRG)
- ID7 Note on housing land supply (Council)
- ID8 Statement by John Webb (interested person)
- ID9 Presentation by Michael Hutton (interested person)
- ID10 Statement by Lesley Moxhay (interested person)
- ID11 Statement by Ron Elliston (interested person)

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ID11a	Further Statement by Ron Elliston (interested person)
ID12	Statement by Kenneth Earney (interested person)
ID13	Viewpoints and photographs (HPPC)
ID14a	Council HRA Screening Report Arla Dairy Site (HPPC)
ID14b	Natural England consultation response on above (HPPC)
ID15	Suggested conditions for the 80 dw and 140 dw schemes (GDL)
ID16	Email from Sue Hooton to Council dated 12 December 2017 (GDL)
ID17	Draft agreement under s106 (DWH)
ID18	Suggested conditions for Gleneagles Way scheme (DWH)
ID19	Consultation comment by Essex County Council on Hatfield Peverel Neighbourhood Plan (DWH)
ID20	Briefing Note: clarification of presentation provided by Mr John Webb (GDL & DWH)
ID21	Note on additional five year land supply sites (SPMRG)
ID22	Now ID11a
ID23	Statement by Andy Simmonds (interested person)
ID24	Not used
ID25	Secretary of State Appeal decision APP/P1425/W/16/3145053 (HPPC)
ID26	Email thread between Diane Wallace and Alan Massow re green wedge policy in neighbourhood plan (HPPC)
ID27	Extract from Chapter 7 of the Lewes Local Plan (HPPC)
ID28	Statement of compliance with CIL Regulations re: Gladman schemes (Council)
ID29	Statement of compliance with CIL Regulations re: David Wilson Homes scheme (Council)
ID30	Conserving and enhancing the historic environment: PPG extract (GDL)
ID31	Letter dated 12 December 2017 from Cala Homes (GDL)
ID32	Email from Linden Homes dated 15 December 2017 (GDL)
ID33	Spatial Strategy Formation (Council)
ID34	Call in conditions comparison (DWH)
ID35	Not used
ID36	Not used
ID37	Statement of Common Ground: joint position on additional housing land supply sites (Council, GDL & DWH)
ID39	Viewpoints and Photographs (HPPC)
ID40	Article re: housing at Towerlands park Bocking (SPMRG)
ID41	Consultation notification re: housing at Church Road, Great Yeldham (SPMRG)
ID42	Letter from the Council to Priti Patel MP dated 29 November 2017 re: five year housing land supply (SPMRG)
ID43	Appeal decision APP/A1720/W/16/3156344 Portchester, Fareham, Hampshire (SPMRG)
ID44	Appeal decision APP/A1720/A/14/2220031 Lower Swanick, Hampshire (SPMRG)
ID45	Report to Cabinet dated 27 November 2017 re: proposed disposal of land to provide access to residential development site off Maldon Road, Witham (SPMRG)
ID46	Land east of Gleneagles Way: Statement of Landscape Principles (DWH)

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ID47	Closing submissions (Council)
ID48	Closing submissions (HPPC)
ID49	Closing submissions (SPMRG)
ID50	Closing submissions (DWH)
ID51	Closing submissions (GDL)
ID52	Historic Environment Good Practice Advice in Planning Note 3 (GDL)
ID53	Consolidated suggested conditions post Inquiry round table session (the Council)
ID54	Response to INSP4 (GDL)
ID55	Response to INSP4 (DWH)
ID56	Response to INSP4 (HPPC)
ID57a	Completed planning obligation for 80 dwelling scheme (GDL)
ID57b	Addendum to planning obligation for 80 dwelling scheme (GDL)
ID58	Completed planning obligation for 140 dwelling scheme (GDL)
ID59	Completed planning obligation for 120 dwelling scheme (DWH)
ID60	Letter dated 29 January 2018 re progress on the NDP (HPPC)
ID61	<i>Bloor Homes East Midlands Ltd v SSCLG</i> [2014] EWHC 754 (Admin) (BDC)
ID62	<i>Daventry DC v SSCLG and Ors</i> [2015] EWHC Civ 3459 (BDC)
ID63	<i>Shadwell Estates Ltd v Breckland DC</i> [2013] EWHC 12 (Admin) (SPMRG)
ID64	<i>Steer v SSCLG</i> [2017] EWHC 1456 (SPMRG)
ID65	<i>R(Forge Field Society) v Sevenoaks DC</i> [2014] EWHC 1895 (Admin); [2015] J.P.L. 22 (HPPC)
ID66	<i>R (Forest of Dean Friends of the Earth) v Forest of Dean DC</i> [2015] EWCA Civ 683 (HPPC)
ID67	<i>R(Maynard) v Chiltern District Council</i> [2015] EWHC 3817 (Admin) (HPPC)
ID68	<i>Cawrey Ltd v SSCLG</i> [2016] EWHC 1198 (Admin) (HPPC)
ID69	<i>R(Cherkley Campaign Ltd) v Mole Valley DC</i> [2014] EWCA Civ 567 (HPPC)
ID70	<i>South Oxfordshire District Council v Cemex Properties UK Limited</i> [2016] EWHC 1173 (HPPC)
ID71	<i>Trustees of the Barker Mill Estates v Test Valley BC</i> [2016] EWHC 3028 (Admin) [2017] PTSR 408 (HPPC)

### ***Inspector Documents***

INSP1	Pre-Inquiry Note no. 1 dated 8 November 2017
INSP2	Pre-Inquiry Note no. 2 dated 5 December 2017
INSP3	Email to parties dated 7 December 2017
INSP4	Post Inquiry sessions note dated 18 January 2018

**Annex B****Abbreviations**

5YHLS	5 year housing land supply
BNLP	Braintree New Local Plan
CRA	Comprehensive Redevelopment Area
CS	Braintree District Core Strategy
DWH	David Wilson Homes Eastern
ECC	Essex County Council
ELCAA	Essex Landscape Character Area Assessment
Framework	National Planning Policy Framework
GDL	Gladman Developments Ltd
GLVIA3	Guidelines for Landscape and Visual Impact Assessment 3rd Edition
HPPC	Hatfield Peverel Parish Council
HRA	Habitats Regulation Assessment
KSV	Key Service Village
LCA	Landscape Character Area
LLCA	Local Landscape Character Assessment for Hatfield Peverel
LPR	Braintree District Local Plan Review
LVIA	landscape and visual impact assessment
NCCA	National Character Area Assessment
NDP	Hatfield Peverel Neighbourhood Development Plan
PPG	Planning Practice Guidance
PROW	Public Right of Way
OAHN	objectively assessed housing need
SEA	Strategic Environmental Assessment
SFE	Settlement Fringes Evaluation
SOCG	Statement of Common Ground
SPMRG	Stone Path Meadow Residents' Group



## Annex C

### Suggested Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 120 dwellings, parking, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed below and broad compliance with the approved plans listed below:  
 Approved Plans:  
 Location Plan: 1296/01 FINAL  
 Access Details: 45604-P-SK205
- 5) Prior to first occupation of the development hereby permitted the provision of the following works shall have been completed, details of which shall have been submitted to and approved in writing by the local planning authority prior to implementation:
  - The access to the application site shown in principle on drawing 45604-P-SK205
  - The cycle/pedestrian access between Gleneagles Way and Glebefield Road as shown in principle on Drawing 45604-P-SK200
  - Improved no entry signage at the end of the A12 southbound off-slip for drivers on The Street, plus improved speed limit signs and road markings for drivers leaving the A12 as show in principle on Drawing 45604-P-SK202
  - Improvements to the visibility splay from Gleneagles Way towards the A12 southbound off-slip shown on Drawing 45604-P-SK20 to include trimming/removal of vegetation/trees, relocation/replacement of signs/street furniture/lamp column(s), regrading/hardening of highway land.
  - A footway and (A12) road signage improvements at The Street/A12 north bound on-slip junction as shown in principle on Drawing 45604-P-SK201.
  - Improvements to the (A12) road signage, kerb alignment and road markings at The Street/Maldon Road as shown in principle on Drawing 45604-P-SK201.
  - The provision of dropped kerbs and associated works where the footway from Hatfield Peverel to Witham crosses the A12 northbound on-slip to the south of the Petrol Filling Station (former Lynfield Motors site), Hatfield Road, Witham.
  - The provision of a zebra crossing on B1019 Maldon Road in the approximate position shown on Drawing 45604-P-SK207

- 6) No building erected on the site shall exceed two storeys in height or have a maximum ridge height of more than 9 metres.
- 7) Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

- 8) Together with any submission of reserved matters, details of sound insulation measures must be submitted to and approved in writing by the local planning authority. The details must demonstrate that internal noise levels do not exceed 35 dB LAeq 16 hour in living rooms during the daytime (07:00 - 23:00) and also do not exceed 30 dB LAeq 8 hour in bedrooms during the night-time period (23:00 - 07:00) as set out in BS 8233: 2014. In addition, the details must demonstrate that maximum night-time noise levels in bedrooms should not exceed 42 dB LAmax more than 10 to 15 times per night. The development must be carried out in accordance with the approved details.
- 9) Together with any submission of reserved matters, details of the proposed boundary mitigation (noise barrier) must be submitted to and approved in writing by the local planning authority. The details must demonstrate that external noise levels will not exceed 55 dB LAeq 16 hour in any of the private residential gardens. The development must be carried out in accordance with the approved details.
- 10) Prior to the commencement of development hereby permitted, a wildlife protection plan shall be submitted and approved by the local planning authority identifying appropriate measures for the safeguarding of protected species and their habitats within that Phase. The plan shall include:
  - i) an appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;
  - ii) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - iii) details of how development work will be planned to mitigate potential impacts on protected species, as informed by the project ecologist;
  - iv) a person responsible for:
    - a) compliance with legal consents relating to nature conservation;
    - b) compliance with planning conditions relating to nature conservation;
    - c) installation of physical protection measures during construction;
    - d) implementation of sensitive working practices during construction;



- e) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- f) provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

- 11) Any Reserved Matters application relating to landscaping as required by Condition 1 of this permission shall incorporate for the written approval of the local planning authority a detailed specification of hard and soft landscaping works for each phase of the development. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting. The scheme and details shall be implemented as approved. The scheme and details shall provide for the following:

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in phases to be agreed as part of that scheme by the local planning authority.

Prior to the occupation of each dwelling, the hardstanding associated with that dwelling shall be fully laid out.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species.

Any Reserved Matters application relating to landscaping shall be accompanied by cross section drawings showing the relative heights of the proposed dwellings in association with landscape features.

- 12) No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall be implemented as approved. The Statement shall provide for:

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;

- The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to control the emission of dust and dirt during construction;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works.
  - A scheme to control noise and vibration during the construction phase
  - Provision of a dedicated telephone number(s) for members of the public to raise concerns/complaints, and a strategy for pre-warning residents of noisy activities/sensitive working hours.
- 13) Demolition or construction works, including starting of machinery and delivery to and removal of materials from the site shall take place only between 08.00 hours and 18.00 hours on Monday to Friday; 08.00 hours to 13.00 hours on Saturday; and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 14) Details of any proposed external lighting to the site for each phase of the development shall be submitted to, and approved in writing by, the local planning authority as part of any Reserved Matters application. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). For the avoidance of doubt the details shall also:
- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All lighting shall be installed, maintained and operated in accordance with the approved details.
- 15) No piling shall be undertaken on the site in connection with the construction of the development until details of a system of piling and resultant noise and vibration levels has been submitted to and approved in writing by the local planning authority. The approved details shall be adhered to throughout the construction process.

- 16) No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following completion of the programme of archaeological evaluation as approved within the written scheme of investigation.

No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

Within 6 months of the completion of fieldwork a post-excavation assessment shall be submitted to the local planning authority. . This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

- 17) No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The approved scheme shall subsequently be implemented prior to occupation.

The scheme shall include but not be limited to:

- Limiting discharge rate to 1.25l/s/ha;
- Providing sufficient storage to manage the 1 in 100 year + 40% climate change storm event on site with no flooding of the formal drainage system during the 1 in 30 year event. Provide sufficient storage so that no flooding will occur during the 1 in 30 year event in the case of pump failure;
- Provide adequate treatment across all elements of the development.

- 18) No development shall commence until a Maintenance Plan detailing the maintenance arrangements for each phase of the development, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the local planning authority. The Maintenance Plan shall be implemented as approved.

The applicant or any successor in title or adopting authority shall maintain yearly logs of maintenance which shall be carried out in accordance with any approved Maintenance Plan for each phase of the development. These shall be available for inspection upon a request by the local planning authority.

- 19) No development shall commence until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.
- 20) No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.
- 21) As part of the submission of the first reserved matters application as detailed within Condition 1, an Arboricultural Method Statement (AMS) shall be submitted and approved in writing by the local planning authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (to include frequency of visits; and key works which will need to be monitored) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities within that Phase of the development and shall remain in place until after the completion of the development.

The local planning authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

- 22) No above ground works shall commence in the relevant phase of the development until details of the location of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.
- 23) No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the

presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

- 24) Prior to the commencement of above ground construction of the relevant phase of the development details of a scheme for the provision of nest and roost sites for birds and bats shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so retained.
- 25) Prior to submission of the first application for Reserved Matters pursuant to this planning permission an updated survey of the application site will have been carried out by a suitably qualified and experienced ecologist to investigate the potential presence on the application site of badgers, bats, reptiles and Great Crested Newts.

Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority for approval as part of the first application for Reserved Matters pursuant to this planning permission.

- 26) In the event that development is not commenced (or, having commenced, is suspended for more than 12 months) within three years of the planning consent, further surveys for Great Crested Newts as necessary shall be undertaken of all suitable ponds within 500 metres of the application site. Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within 8 months of the completion of the survey and a mitigation/compensation scheme, if required shall be provided for approval prior to the commencement of development. Mitigation/compensation works shall be carried out in accordance with the approved scheme.
- 27) Prior to the submission of the first reserved matters application, details must be submitted to demonstrate that ambient concentrations of nitrogen dioxide will not exceed the UK annual mean objective concentration of 40µg/m<sup>3</sup> at any residential property location within the development.
- 28) Prior to first occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residents' Travel Information Pack for sustainable transport, approved by the local planning authority, (to include six one day travel vouchers for use with the relevant local public transport operator).
- 29) Prior to the first occupation of the development hereby permitted the overhead electricity cables crossing the site east /west shall be diverted underground.
- 30) *No above ground development shall commence in the relevant phase of the development until a schedule and samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.*
- 31) *Prior to first occupation of the relevant phase of the development, details of all gates / fences / walls or other means of enclosure within the relevant phase of the development shall be submitted to and approved in writing by the local planning authority. The details shall include position, design,*

*height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the relevant plot.*



# Ministry of Housing, Communities & Local Government

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## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### SECTION 2: ENFORCEMENT APPEALS

#### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

EP5N



## Appeal Decision

Inquiry Held between 30 July and 7 August 2019

Site visits made on 29 July and 2 August 2019

**by John Felgate BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 3<sup>rd</sup> September 2019**

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**Appeal Ref: APP/J2210/W/18/3216104**

**Land off Popes Lane, Sturry, Kent CT2 0JZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Limited against the decision of Canterbury City Council.
  - The application Ref 18/01305, dated 22 June 2018, was refused by notice dated 24 September 2018.
  - The development proposed is the erection of up to 140 Dwellings, with public open space, landscaping, sustainable drainage system, and vehicular access.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

#### *General*

2. The appeal proposal is for outline permission with all details reserved except for access. In so far as the submitted Framework Plan includes details of other elements, including the type and disposition of the proposed open space and planting, it is agreed that these details are illustrative.
3. During the inquiry, a Section 106 planning agreement was completed. The agreement secures the provision of affordable housing and the proposed on-site open space and sustainable urban drainage (SUDs) system, and a system of travel vouchers for future house purchasers. It also provides for financial contributions to schools, libraries, community learning, healthcare, adult social care, youth services, highways, cycle routes, public rights of way, traffic regulation orders (TROs), and ecological mitigation.
4. In the light of these provisions in the S.106 agreement, the Council withdrew Refusal Reasons (RRs) Nos 6, 7 and 8, relating to housing tenure, infrastructure, and the effects on a designated Special Protection Area (SPA). In addition, the Council withdrew RR5, relating to air quality, in the light of further information submitted prior to the inquiry.

#### *Matters relating to internationally designated sites*

5. The SPA contribution provided for in the S.106 agreement relates to mitigation measures for recreational disturbance to the Thanet Coast and Sandwich Bay SPA, for which the Council has established a mitigation scheme in consultation

with Natural England (NE). NE was consulted on the original application and raised no objection subject to this contribution. Subsequently, the appellants prepared a Shadow Appropriate Assessment. The Council has expressed itself to be satisfied with that Assessment.

6. At the inquiry, a copy was produced of a letter from NE regarding certain other proposed developments within the Sturry area. In that letter, NE raised issues relating to possible impacts on water quality at another protected site, the Stodmarsh Special Area of Conservation (SAC), which is also a Ramsar Site and a Site of Special Scientific Interest (SSSI). In the light of this letter, the Council wrote to NE, inviting any further comments regarding the present appeal proposal. NE's reply, dated 16 August 2019 and therefore received after the inquiry had finished sitting, indicates that similar concerns are now considered applicable to this appeal site.
7. In the circumstances, it seems to me that, without further information as to the potential impacts on the Stodmarsh site, planning permission for the appeal proposal could not be granted without contravening the relevant provisions of the Conservation of Habitats and Species Regulations 2017. This is because, in the light of NE's stated position, I cannot be certain that the development could be carried out, either individually or cumulatively, without adversely affecting the protected site's integrity. If in other respects the balance of the evidence had pointed towards granting permission, I would have been minded to allow the appellants some further time to address this new issue before making my decision. However, having fully reviewed all the evidence, I find that is not the case. I have therefore proceeded to my decision, on the evidence that is already before me.

### **Relevant Development Plan Policies**

8. The development plan policies relevant to the appeal are contained in the Canterbury District Local Plan (the CDLP), adopted in July 2017. Policy SP2 sets out the overall housing requirement for the District, of 16,000 dwellings over the period 2011-31.
9. Policy SP3 identifies twelve strategic housing site allocations. One of these comprises land at Sturry and Broad Oak, which is allocated for 1,000 dwellings, business floorspace, local shopping and community facilities. The allocation is also intended to help deliver a new Sturry Relief Road, by-passing the centre of the village. The present appeal site is not included in any of the strategic allocations.
10. Policy SP4 sets out the overall spatial strategy, including the settlement hierarchy. Sturry is identified as a rural service centre, within the hierarchy's second tier.
11. Policy SP1 broadly reflects the presumption in favour of sustainable development in the National Planning Policy Framework (the NPPF). Where other relevant policies are out of date, planning permission is to be granted, unless material considerations indicate otherwise, taking account of whether the adverse impacts would significantly and demonstrably outweigh the benefits, and whether specific NPPF policies indicate that development should be restricted.
12. Other policies relating to particular issues in the appeal are identified elsewhere in this decision, where relevant.

## Main Issues

13. Having regard to all the submissions before me, I consider the main issues in the appeal to be as follows:
- whether the district has an adequate supply of deliverable land for housing;
  - the effects of the proposed development on the highway network and safety;
  - the effects on the character and appearance of the area and its landscape;
  - the effects on the setting of nearby listed buildings;
  - the effects on 'best and most versatile' agricultural land;
  - and whether the appeal site is a suitable location for the proposed development, having regard for the CDLP's policies for the location of housing.

## Reasons for Decision

### *Housing land supply*

#### *Base data*

14. The evidence prepared for the inquiry by both parties, including the agreed Statement of Common Ground (SCG), was based on the Council's 'Housing Land Supply Statement 2017/18'. That document has a base date of 1 April 2018, and looks to a 5-year period of 2018-23 (the 2018 HLSS). Shortly before the inquiry, the Council produced a draft version of the annual update, with a base date of 1 April 2019, and a 5-year period of 2019-24 (the 2019 HLSS). The 2018 HLSS identifies a requirement for 4,611 dwellings, including a 5% buffer, and a supply of 6,059 dwellings, giving a surplus of 1,448. In the 2019 version the requirement, based on the same method, is 4,801 units, whilst the supply is 6,455 units, and the surplus 1,654.
15. The 2019 document has some limitations, in that it has not yet been subject to final checking and internal approval, and is not yet publicly available. Nor did the appellants have a great deal of time to appraise the contents, before the inquiry. But nonetheless, the information within it is more up to date, and provides a basis for a forward view spanning almost five full years from now. In the circumstances, whilst I have had regard to both of the HLSSs, I have based my calculations principally on the 2019 version.

#### *The housing requirement*

16. In both versions of the HLSS, the 5-year housing requirement figures are based on the broad phasing indicated in CDLP Policy SP2, which shows a stepped annual requirement, starting from 500 dwellings per annum (dpa) in 2011-16, and then 900 dpa in each of the subsequent phases of the plan period. I accept that elsewhere in the Local Plan, and in the Examining Inspector's report, there are statements or other indications which appear to support a flat rate of 800 dpa across the plan period. But in the event of any contradiction, it is the policies that must prevail over the supporting material. In the present case, that means using the phasing set out in Policy SP2.

17. I acknowledge that in another appeal<sup>1</sup> (in which I was the inspector), in February 2018, the land supply calculations were based on a flat rate approach. But each decision must be based on the evidence given at the time. In the present appeal, the Council's approach differs from that advanced in the earlier case. But this inconsistency does not change my view as to the merits of the two approaches, as set out above.
18. The Council's approach to the housing requirement in the present appeal is based on the 'Liverpool' method, whereby any past shortfall in delivery is to be made up over the remainder of the plan period. I accept that, in general, the advice in the Planning Practice Guidance (PPG) favours the alternative 'Sedgefield' method, of seeking to make up the deficit within the next five years. But the PPG also advises that a Liverpool-type approach may be acceptable, provided that approach is put forward and accepted through the Local Plan examination process. In the case of the CDLP, the Liverpool method was expressly endorsed by the Examining Inspector in 2017. I agree that this does not mean that the methodology can never be reviewed, but having regard to the reasons given by the Inspector at that time, I see no compelling argument for departing from the approach that was agreed only two years ago.
19. For my calculations therefore, I have primarily addressed the requirement figure of 4,801 dwellings, and the period 2019-2024, which are contained in the 2019 HLSS.

#### *Deliverability*

20. The NPPF requires that sites which are to be included in the 5-year supply should be deliverable, within the terms of definition set out in the Glossary. To come within that definition, amongst other things, sites should be available now, and be achievable, with a realistic prospect that housing will be delivered on the site within five years. Sites for major development, without detailed planning permission, will only be counted as deliverable where there is clear evidence that completions will begin within that period. In addition, the PPG gives examples of some types of evidence which may be relevant.
21. In the present case, the Council's 5-year supply relies heavily on sites in this category, having only outline permission or no permission at all. In the 2019 HLSS, sites of this kind account for 3,923 units, representing some 60% of the claimed supply for the 5-year period. The evidence before me, in so far as it relates to the 2019 supply schedules, focuses on eleven such sites which are disputed by the appellants<sup>2</sup>. In considering this evidence, I am keenly aware that part of the reason that the Council is reliant on sites of this type is because the CDLP seeks to achieve a rapid increase in the rate of housing delivery, and that process is still in the early stages. However, the NPPF makes it clear that the planning system should aim to ensure continuity in the housing supply in the short term, as well as planning for the longer-term future, and it seems to me implicit that this is what the 5-year supply test is primarily designed to achieve.

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<sup>1</sup> Land at Old Thanet Way, Whitstable

<sup>2</sup> In the Table in the Housing SCG, the disputed sites that are relevant to the 2019 supply are Nos 1-7, 9, 11, 12 and 17. Sites Nos 8 and 13-16 are not forecast in the 2019 HLSS to produce any completions in the relevant period, so are no longer relevant to my consideration. Site No 10 is now under construction, and is no longer disputed.

22. In the light of these considerations, I have given close attention to the nature of the evidence which the Council has produced to demonstrate the disputed sites' deliverability. In this regard, I fully appreciate the efforts that Officers have gone to, to introduce new systems for liaising with developers and landowners, and monitoring progress, particularly through the establishment of the Housing Delivery Group, and the preparation of the Phasing Methodology. I have no doubt that these systems are designed to enable housing delivery forecasts to be accurate, robust, flexible and up to date. But nevertheless, it is clear from the NPPF and PPG that, until sites achieve detailed planning permission, they should not be treated as deliverable, unless the evidence clearly demonstrates that this status is justified.
23. For a number of the disputed sites, the Council's evidence is founded on site-specific SCGs which have been agreed with the developer or landowner of the site in question. I appreciate that the PPG refers to SCGs as an admissible type of evidence, and I have had full regard to that advice. But nevertheless, the evidential value of any particular SCG in this context is dependent on its content. In a number of cases, the SCGs produced by the Council primarily record the developer's or landowner's stated intentions. Without any further detail, as to the means by which infrastructure requirements or other likely obstacles are to be overcome, and the timescales involved, this type of SCG does not seem to me to demonstrate that the development prospect is realistic. In addition, most of the site-specific SCGs are undated, thus leaving some uncertainty as to whether they represent the most up-to-date position.

#### *Disputed sites*

24. Only one of the disputed sites has any kind of planning permission. That site is Strode Farm (Site No 4 on the disputed sites list), which has outline permission for 800 dwellings. In the 2019 HLSS, the Council forecasts 190 dwelling completions within the relevant 5-year delivery period, 2019-24. A legal challenge to the outline permission has only recently been resolved, and to that extent it is not surprising that there has been no apparent progress towards an application for reserved matters. But even so, there is no clear evidence of any other kind to show deliverability. An SCG has been agreed with the site's promoter, but it appears that a development partner is to be appointed, and there is no indication that that party has been involved in the SCG. The timings and build rates suggested are not supported by any detailed programme, or explanation of how the timing would be achievable. The development is apparently to include major road infrastructure, both on-site and offsite (albeit now reduced from what was originally sought), and there is no evidence as to how this may affect the timing or viability. The evidence therefore does not demonstrate that the site is deliverable within the terms of the NPPF definition.
25. Five of the disputed sites are the subject of current outline or hybrid applications or appeals. One of these is the site known as South Canterbury (Site No 1). The overall outline scheme, supported by an allocation in the CDLP, is for 4,000 dwellings. The Council resolved in 2016 to grant a hybrid permission, including full permission for the first 140 dwellings, and outline for the remainder. In the 2019 HLSS, the site is forecast to produce 550 completions in the relevant delivery period. However, the permission has not yet been granted. Since 2016, further environmental information has been submitted, which has not been the subject of any further resolution. In

addition, Kent County Council (KCC) has requested an increase of over £7m in the education contribution. There is no information as to what effect this will have. The development also requires major infrastructure works, including on- and off-site highway works, sewer diversions, and the removal of pylons. Conditions relating to archaeology and contamination, amongst others, are proposed. The SCG from the site promoter contains no programme to show how the timescales for all the necessary approvals, advance works and site preparation can be accommodated. At the inquiry, the Council's witness admitted that the Council does not have this information. Without that kind of detail, on a site of such a scale and complexity, the SCG is unconvincing. I have little doubt that the necessary permission is likely to be granted at some point, but the critical factor is likely to be the lead-in time after that occurs, and on this the evidence is entirely lacking. On the evidence submitted therefore, the South Canterbury site cannot realistically be counted as deliverable at this stage.

26. In the same category is the allocated site known as Sturry/Broad Oak (Site No 2). This site is currently the subject of two planning applications, by different developers, totalling 1,106 dwellings. One of these is a hybrid, which seeks full permission for some of the dwellings. The Council forecasts 440 dwellings in the 5-year period. However, no decisions have yet been made on the current applications. As noted earlier, Natural England has raised an objection relating to the effects on the Stodmarsh SAC. The development as a whole is bound up with the proposed Sturry Relief Road, and although contributions to this have been agreed in principle, further funding is needed and is yet to be fully secured. KCC is said to be considering the phasing of the housing in relation to the new road, but this has not yet been agreed. The potential effects of this phasing on the scheme's overall viability are not yet known. From the evidence available, it is not clear how this may affect the scheme. The development also involves the provision of other local infrastructure, but there is no evidence of any binding agreement between the various parties as to how the costs are to be apportioned. Nor is there evidence of any detailed programme for the necessary approvals, site works and other works necessary prior to any house completions. In the face of so many unresolved issues, it seems to me that the prospect of any housing completions on the Sturry/Broad Oak site within the relevant 5-year period is far from certain. The site therefore cannot be classed as deliverable.
27. The next site in this category is Land at Hillborough (Site No 3), which is allocated in the CDLP for 1,300 dwellings, and is in three parcels. Two of the are the subject of current applications totalling 1,080 units. In the 2019 HLSS, the site is forecast to deliver 195 dwellings in the relevant 5-year period. However, the applications are undetermined. The Council's evidence highlights the complex nature of the issues relating to access and road infrastructure, and the apportionment of costs between the owners or developers of the different land parcels. In addition, it appears that these costs may now rise as a result of recent decisions which have reduced the amount that will be contributed by the Strode Farm site. It is said that discussions about viability and costs are continuing. However, there is no evidence as to how the admitted complexities can be overcome, or within what timescale. None of the evidence produced amounts to clear and realistic evidence that the site will deliver housing completions within five years.



28. The site known as Greenhill (Site No 5) has no planning permission, but is the subject of a current outline application. The site is said to have no major infrastructure requirements, and the Council expects it to produce 150 dwellings in the relevant 5-year period. However, the current planning application is for 450 dwellings, which exceeds the CDLP allocation for 300 units, by some 50 per cent. The principle of the site being developed on this scale is therefore unsupported by the Local Plan, and it cannot be regarded as certain that the current application will be found acceptable. Nor can it be assumed that an alternative, policy-compliant scheme would necessarily come forward within the relevant timescale. There is therefore no certainty as to whether any permission will be forthcoming to allow the development to proceed in its present form. As such, the development cannot currently be regarded as deliverable.
29. The only other site with a current proposal awaiting determination is the site known as Grassmere (Site No 9), where there is a current appeal for a hybrid scheme of 300 dwellings. The site is allocated in the CDLP, and is expected by the Council to produce 70 completions, in the 2019 HLSS. At the time of the present inquiry, the Council hoped to be able to withdraw its opposition to the appeal scheme, but had not done so yet. As long as the appeal is contested by the Council, there is clearly no certainty as to the outcome. If the appeal is dismissed, it may still be possible for an acceptable alternative scheme to come forward within the relevant five-year period, but there is no evidence to show that this would be likely, let alone that such a scheme would qualify as a realistic prospect. Consequently, while the appeal remains undetermined, the site cannot be treated as deliverable.
30. None of the other disputed sites is the subject of any current planning application. The largest of these other sites is Land North of Hersden (Site No 7), which is allocated in the CDLP for 800 dwellings, and has been the subject of pre-application discussions. The Council sees it as delivering 160 completions in the relevant 5-year period. But there is no evidence of any firm progress towards a planning application, or any site assessment work. Contractual negotiations between the landowners and the prospective developer appear to be still on-going. The site is likely to be required to make a contribution in excess of £5m to the Sturry Relief Road. The SCG, although involving the developer, contains no details of how the development would be delivered within the relevant timescales, or whether the required contribution would be viable. The evidence does not demonstrate a realistic prospect of completions being achieved within the five years, and the site therefore does not come within the definition of deliverable.
31. The disputed sites at Canterbury West Station (Site No 11), and Rosemary Lane car park (Site No 12), have been allocated for housing since the previous Local Plan, in 2006. Between them, these two small sites are forecast in the HLSSs to deliver a total of 40 dwellings in the relevant 5-year period. But both are currently in active use as Council car parks. Although they may be freed up from that use in February 2020, when a new multi-storey park is completed, this means that they are not available now. From the evidence presented, it also seems that no formal decision has yet been taken by the Council regarding any future development. The sites are therefore not currently deliverable.
32. The site known as Land at Rough Common Road (Site No 17) was likewise allocated in the 2006 CDLP, and is now forecast to produce 16 dwellings in the

relevant period. Pre-application discussions have been held. But there is no evidence of any further progress towards the submission of an application. The site therefore does not qualify as deliverable.

33. The final disputed site is Land North of Thanet Way (Site No 6), which has outline permission for 400 dwellings, and a current reserved matters application for 138 of these units. In the 2019 HLSS the site is forecast to deliver 297 completions in the relevant five years. The site is not challenged by the appellants on grounds of deliverability, but on timing and build rates. Given the involvement of a Registered Provider as lead developer, I consider the forecast in the 2019 document reasonable. I therefore make no further adjustment in respect of this site.

#### *Conclusion on housing land supply*

34. In the light of the above, I conclude that the disputed sites numbered 1, 2, 3, 4, 5, 7, 9, 11, 12 and 17 should all be excluded from my assessment of the deliverable supply. In all these cases, this is because there is insufficient clear evidence to show that they meet the NPPF's definition of deliverable. Sites which are not deliverable cannot be counted as part of the supply for the purposes of meeting the 5-year requirement.
35. In total, these 10 non-deliverable sites are relied on in the 2019 HLSS to deliver 1,811 housing completions in the period 2019-24. The effect of excluding these sites is that the supply for that period is reduced to 4,644 units, which represents a shortfall of 157 against the Council's requirement figure of 4,801 units. On this basis, the deliverable supply is 4.8 years.
36. For completeness, if the calculations were instead based on the 2018 HLSS, the effect of deleting the same sites from the Council's supply figures for 2018-23 would be to reduce the supply for that period by 1,760 units. The result in terms of the years' supply would then be very slightly lower, at just under 4.7 years. However, for the reasons that I have explained, I consider the use of the 2019-based figures to be more appropriate. In any event, the difference in the outcome is not significant.
37. For the reasons set out above, I conclude that the Council has been unable to demonstrate a 5-year supply of deliverable housing land. In the circumstances, the provision of up to 140 dwellings in the appeal proposal, including 30% affordable, would be a substantial benefit of the scheme.

#### *Traffic and highway safety*

##### *Existing traffic conditions*

38. Even though the inquiry took place during the summer holiday period, I was able to see on my visits to Sturry that the village suffers from a combination of factors that make it particularly prone to traffic problems. The coming together of the A28 and A291, at the centre of the village, funnels traffic from two main routes into one. The sharp bend, and the lack of signal controls, makes it difficult for traffic from the A291 to emerge at the uncontrolled junction. The gated railway crossing, directly adjacent, causes extensive queuing on the A28, which blocks the road junction and compounds the problems. The only practical alternative route involves a network of minor roads and narrow lanes, which are unsuited to through traffic.



39. The evidence of both parties confirms the scale of the existing problems. On the A28, the appellants' traffic counts show average 24-hour weekday flows of around 19,000 vehicles. In the morning and afternoon peaks, the average 2-way flow is over 1,400 vehicles an hour, with one-way flows in the busier direction of around 850 and 780 vehicles respectively. These latter figures exceed the link capacity for a road of this type, as advised in the DMRB<sup>3</sup>, even without taking account of the level crossing, which further restricts that capacity.
40. The Sturry level crossing is said to be amongst the 'top ten' busiest crossings in Network Rail's national database. On average, the barriers close five times per hour, halting traffic flows for a total of about 12 minutes out of every hour, thus losing about 20% of the total time available. Some of the individual closure periods last for 4-5 minutes or more. The appellants' surveys show queue lengths during the barrier closures averaging 79 vehicles on the southbound side in the AM peak, and 115 vehicles northbound in the PM peak. The maximum lengths during the longer closures reached 144 vehicles and 215 vehicles respectively. Even on the less busy side of the crossing in each case, average queues were around 30-33 vehicles, with maxima of up to twice these numbers. Further queuing also takes place on the southbound A291, where the exit onto the A28 becomes blocked during these periods.
41. There is no disagreement that this congestion in the village centre is responsible for large numbers of vehicles diverting onto minor roads. To the west of the A291, on the rat-running route via Sweechgate, Shalloak Road and Broad Oak Road, the evidence indicates 2-way flows of over 700 vehicles an hour in the AM peak and only slightly less in the PM period. Over a full day, the Sturry and Herne Highway Capacity Study (the SHHCS) reports traffic flows of 7,000 vehicles on Shalloak Road. To the east of the A291, it is clear that some traffic from the A28 connects to this route, via Babs Oak Hill, Hawe Lane and Popes Lane. For much of their length, these circuitous rat-runs comprise narrow, winding lanes, with sharp bends and poor forward visibility. Their use by high volumes of through traffic is a cause for justified concern.
42. Some of the junctions along these routes, under existing conditions, are at or approaching their practical capacity. At the A291/Sweechgate junction (Junction SJ8), on the appellants' figures, the current RFC<sup>4</sup> value for the right-turn movement into Sweechgate in the AM period is 0.97, with a queue length of 16 vehicles. At this point the A291 is only wide enough for one lane in each direction, so all southbound traffic is held behind the vehicles that are waiting to turn. In the PM period, the RFCs on Sweechgate are 0.90 for the left-turn and 0.83 for the right-turn, and again in practice most of the turning vehicles on this arm are combined into a single queue, with the Council's survey showing that this can reach 150m. At the Broad Oak/Vauxhall Road roundabout (SJ 10), the RFCs on all three arms are between 0.92 - 0.95 in either one or both of the peaks. At SJ9, Shalloak Road/Mayton Lane, the RFC in the PM peak reaches 1.08. All of these RFCs indicate that these junctions are operating at, or very close to, their limits. Given the range of daily variation which is evidenced in the traffic counts, it seems likely that on some days their capacities will be exceeded.

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<sup>3</sup> Design Manual for Roads and Bridges (Mr Finch's Appendix C)

<sup>4</sup> Ratio of flow-to-capacity

43. The evidence identifies a high number of accidents in the Sturry area, with 108 recorded in a 5-year period in the village as a whole. Although the A291 has been downgraded from the highest risk category in the 'EuroRAP' system, it is apparently still classified as medium-high risk, and the A28 as medium risk.
44. The difficulties of the existing traffic conditions in Sturry, together with those at Herne village, a little further along the A291, are recognised and indeed highlighted in the CDLP. Moreover, it is the need to address the traffic problems of these two villages that has clearly dictated a large part of the plan's spatial strategy, as a significant number of the largest housing allocations have been chosen at least partly for their ability to contribute to a comprehensive highway solution for the A291 corridor.
45. Overall, it seems to me that the evidence adds up to a picture of a local road network in and around Sturry that is under considerable strain, and where delays, inconvenience, unnecessary extra mileage, and potential safety hazards are evidently part of the everyday experience of local residents and other road users. Clearly, none of these problems are of the appellants' making, and refusing permission for the present proposal will not in itself bring any improvement. But nonetheless, the development does have the potential to make the situation worse. The extreme difficulty of the existing traffic conditions in Sturry is a material consideration to which I attach considerable weight in this case.

*Committed developments and the Sturry Relief Road*

46. The appellants' Transport Assessment (TA) models the impact of the appeal proposal in relation to two scenarios, relating to 2018 and 2031 respectively. The 2018 assessment is based on the observed traffic flows at that date, with no changes to the network, and no other new developments apart from the appeal proposal. The 2031 scenario takes account of known housing commitments, and also assumes the completion of the Sturry Relief Road. The modelled scenarios therefore do not include any assessment of the appeal scheme in a situation where some or all of the other committed developments may have been completed, but not the Relief Road.
47. From the evidence of Mr Finch, on behalf of Kent County Council (KCC) as the Highway Authority, the earliest date envisaged for the completion of the southern section of the Relief Road is in the year 2023/24, and the time lag between this and the northern section is expected to be around four years. The earliest date for the completion of the whole Relief Road is therefore likely to be about 2027/28. These dates have not been challenged. Although the road is designed to be constructed in these two phases, it is self-evident that it can only start to serve its main purpose of bringing traffic relief to the village, when the whole route is complete.
48. KCC is evidently keen to start work on the southern section as soon as possible, and the above programme reflects this aim. Nevertheless, it is equally clear that the Authority is unlikely to start any part of the construction work until they can be confident that the whole of the road can be delivered. As a minimum, this is likely to mean having all the necessary approvals in place, and full funding secured. As things stand, that position seems some way off. Neither of the two planning applications for the road itself have yet been approved, and objections are said to remain outstanding, including that from

Natural England. Planning permission for the northern section is also bound up with the applications for housing on the Sturry/Broad Oak site. Discussions regarding some aspects of these, and the terms of the permissions that might be granted, are evidently still on-going. With regard to funding, contributions are required not only from these two developments, but also from the North of Hersden site. None of these contributions can be regarded as certain until the relevant planning permissions have been granted. Partial funding is said to have been secured from the LEP<sup>5</sup>, but this appears to be to some extent conditional on the timing. Ultimately, it seems more likely than not that all the necessary approvals and funding arrangements will fall into place. But nonetheless, substantial hurdles remain. At the present time therefore, neither the timing nor indeed the actual delivery of the Relief Road are yet assured. Having regard to the terms of the judgement in *Manor Oak Homes*<sup>6</sup>, the delivery of the road in this case is not beyond sensible doubt.

49. The seven committed housing developments identified in the TA amount to a total of over 5,200 dwellings. The assessment carried out for the SHHCS in 2016 estimated that the traffic generation from five of these sites, those that were known at that time, would add 1,084 additional peak-hour trips to the road network through Sturry. Since that assessment, some 150 or so of the dwellings at the Herne Bay Golf Course site have now been built and occupied, and thus may be accounted for in the appellants' traffic counts. But these are partly balanced out by the Sturry/Broad Oak scheme, where the overall number of proposed dwellings has now grown by about 100, with the current applications totalling 1,106 dwellings compared to the 1,000 units originally allocated. The other sites identified in the SHHCS, at Strode Farm, Hillborough and North of Hersden, are all unchanged. The two additional sites identified in the TA, at Hoplands Farm and Chislet Colliery, amount to 620 dwellings. The traffic from these two sites will therefore be over and above that which was anticipated in the SHHCS.
50. The developments at Herne Bay Golf Course, Strode Farm, Hoplands Farm and Chislet Colliery all have planning permission and are unrestricted in terms of their timing or phasing in relation to the Sturry Relief Road. Although the allocated sites at Hillborough and North of Hersden are not yet permitted, the Council made it clear at the inquiry that it does not anticipate imposing any such restrictions. In the case of the Sturry/Broad Oak applications, the Council will be seeking to agree limits on the number of dwellings to be occupied before the Relief Road is completed, but those numbers have not yet been decided. KCC is currently testing a phasing limit of 350 units for the Sturry part of the scheme, and is also to consider a separate allowance for the Broad Oak part. It is fairly clear from this that the combined limit for the site as a whole is likely to exceed 350 dwellings. Indeed, given that this is the development that will have to contribute the most to the new road, not only financially but also in physically delivering part of it, it would not be surprising if the number of dwellings allowed in advance were to increase further.
51. In any event therefore, the Sturry/Broad Oak development is the only one of the committed sites that is likely to be subject to any timing or phasing restrictions in relation to the Relief Road, and even there a significant part is

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<sup>5</sup> Local Enterprise Partnership

<sup>6</sup> *Manor Oak Homes v SoS & Aylesbury Vale DC* [2019] EWHC 1736 (Admin)

likely to be unrestricted. All of the other dwellings in the TA's list of commitments are free to come forward ahead of the new road. Although a number of these developments are not yet far enough advanced to be classed as deliverable for the purposes of the 5-year housing supply, they are all potentially capable of being developed, either wholly or largely, prior to the opening of the Relief Road, even if the road is delivered by its earliest date of 2028. If this timing were to slip by as little as two or three years, then the evidence suggests that all of the unrestricted dwellings could be completed in full.

52. All of these committed developments are expected to have an impact on traffic in Sturry. This is evident from the fact that they are identified in the TA and taken account of in its 2031 scenario, albeit that this is the scenario that includes the completed Relief Road. Having regard to the traffic generation figures identified previously in the SHHCS, it seems probable that the numbers of dwellings at Sturry/Broad Oak which will be subject to phasing restrictions will roughly balance the number of units added in the new sites at Hoplands and Chislet Colliery, which were not included in the SHHCS assessment. In round figures therefore, the SHHCS's estimate of about 1,000 additional vehicles through Sturry, from committed developments, probably remains broadly applicable.
53. To my mind it seems likely that the addition of these extra 1,000 traffic movements to the 2018 base model, without the benefit of the Relief Road, is likely to result in some further deterioration in the performance of the network, especially given the number of key junctions which have been shown to be already at or close to capacity. In my view, this likely further deterioration forms part of the context within which the impact of the appeal scheme should be viewed. In the TA however, none of the committed developments is taken into account in any modelled scenario except that which also includes the Sturry Relief Road. Consequently, in so far as the existing network is concerned, the cumulative effect of the appeal scheme together with these other relevant developments is untested.
54. I appreciate that there is a high degree of optimism that the Relief Road will be achieved, but the prospect remains of a lengthy period before it is completed, and indeed there is as yet no certainty about the road at all. This latter scenario is not so remote that it can be disregarded. I appreciate that the scoping for the TA was agreed in advance with the Highway Authority, but this does not change the fact that the necessary testing and modelling, of what in my view is a critical alternative scenario, is conspicuously lacking. To my mind, this flaw significantly weakens the case now advanced by the appellants with regard to traffic impact.

*Traffic impact of the appeal scheme*

55. The proposed development is forecast to generate 79 traffic movements in the AM peak hour, and 72 in the PM peak. These are not large numbers. But in a situation where some junctions are already under pressure, a relatively small increase may be significant, especially where the effect would be to push some junctions closer to their capacity, or beyond. And in any event, the NPPF makes it clear that traffic impacts should be considered on a cumulative basis, and that a severe cumulative impact may amount to grounds for refusal of permission.

56. At the junction of Popes Lane with the A291 (Junction SJ2), on the appellants' 2018-based figures, the appeal scheme is forecast to add 71 vehicles to the existing AM peak traffic flow on the Popes Lane approach, an increase of 8.7%. As shown in the TA, the effect of this would be to increase the RFC value significantly, from 0.81 to 0.94, with queue lengths and delay times approximately doubled. This sharp increase in the RFC indicates that the junction would, within the space of 4-5 years, come to within a few vehicles of the 'absolute' capacity level of 1.0, and significantly in excess of the 0.85 threshold which is often cited as 'practical' capacity. Furthermore, in so far as these figures indicate that the junction would still have any reserve capacity left at all, the TA records a daily variation of 41, indicating that on some days this reserve would be further reduced by that number of additional vehicles. And in any event, as already noted, these figures exclude any traffic from the other committed developments that are expected. It is common ground that when and if the Sturry Relief Road is built, the level of through traffic on Popes Lane will fall, and the junction's performance will improve. But without the new road, the evidence of the TA indicates that it will be overloaded.
57. A large proportion of the traffic at Junction SJ2 currently turns right onto the A291, heading for the rat-run route via Sweechgate, and in the absence of the Relief Road, this is likely to continue. At this point the A291 has a speed limit of 40mph, and the daily flow is said in the SHHCS to be around 7,500 vehicles. The junction has some recent history of accidents, albeit not a large number. In this type of situation, there seems a strong possibility that the increase in queuing time would result in drivers exiting from Popes Lane taking more risks. I accept that the installation of a toucan crossing on the A291 could potentially help, by creating gaps in the traffic flow. But this would depend on the amount of use. Apart from the Broad Oak Village Stores, there is nothing to attract pedestrian trips to this semi-rural section of the road. I am therefore not convinced that the toucan crossing would improve the safety of the junction to any significant degree.
58. To my mind, the development's potential impact on Junction SJ2, without the Relief Road, gives justified cause for concern. Even without any other development, the effect of the appeal scheme alone would be to significantly increase pressure on the junction, pushing it towards the limits of safe operation. Cumulatively with the other planned developments, the development would be likely to go beyond those limits.
59. Elsewhere on the network, at the already overloaded junctions identified in the TA, the proposed development would lead to further significant deterioration. At SJ8 (A291/Sweechgate), in the AM peak, the RFC on the A291 southbound would be elevated to 0.99. The queue of right-turning vehicles on the main carriageway would extend to over 19 vehicles. In the PM period the Sweechgate arm would reach 0.96 and 0.93, for the left and right turns respectively, with a further lengthening of queues and delay times. This junction has a significant accident history, and this record combined with the high RFC levels suggests that the risk of further accidents would be increased. At SJ9 (Shalloak Road/Mayton Lane), in the PM peak period the queue length would extend to 30 vehicles, with an RFC of 1.13, indicating a junction significantly beyond its capacity. Again, there is no dispute as to the fact that both of these junctions are expected to improve considerably if and when the Sturry Relief Road is available, but for the reasons already given, I consider that the interim situation must also be taken into account.



60. At all of these locations, the RFC values presented in the TA show that the proposed development would depend on these junctions being able to continue to operate under the pressure of congestion levels even worse than those suffered now. And in all cases, when the development is considered cumulatively with the other developments already committed, the RFCs, queue lengths and delay times associated with these junctions would be likely to be higher than those shown in the TA. Even though the TA does not quantify the impacts of those other commitments, the other evidence before me indicates that they would be significant. Where the network is already under strain, it seems to me that these cumulative effects, taking account of the appeal scheme and the other committed developments, would amount to a severe impact on the highway network.
61. The appellants point to the fact that in some cases the incremental effect of the appeal scheme would be less than the existing daily variation in flows. But the scheme's impact would be additional to that daily variation, not in place of it. Just like the base flows, the cumulative impact would vary from day to day. This means that there would be some days when the impact would be less than indicated in the TA, but equally there would be others when it was worse. The argument therefore has little merit.

#### *Mitigation*

62. The highways contribution in the S.106 agreement would cover part of the cost of converting Junction SJ10 (Broad Oak Road/Vauxhall Road) to a full-size roundabout. If this improvement were carried out, then Junction SJ10 would function better with the proposed development than it does currently without it. But the proposed contribution would not cover the full cost of the improvement; indeed it would leave something in the order of £1m still to be raised from other sources. There is no evidence as to where this balance could be found, and therefore no apparent prospect at present that the improvement could be realised. And even if it were, an improvement to this single junction, well away from the appeal site, would not remove the adverse effects on the three others that I have identified, which are all closer to it.
63. Various other transport-related mitigation measures are proposed by the appellants, including the toucan crossing, improvements to pedestrian routes and cycleways, and a travel plan which would include a travel voucher scheme. But although these measures would be potentially beneficial in their own ways, there is no evidence to suggest they would reduce traffic impacts that have been identified. Indeed the TA makes it clear that measures of these kinds were taken into account when the trip generation and distribution rates for the development were decided.
64. During the inquiry, the possibility was mooted of a 'Grampian' condition, restricting the development until the Sturry Relief Road is in place. But neither party appears to support such a condition. In any event, given the degree of uncertainty over the road, and the likelihood that it will not become available within the normal 3-year life of an outline planning permission, I consider that a condition along these lines would not be reasonable.

#### *Conclusion on traffic impact*

65. For the reasons explained above, I conclude that the proposed development would have an unacceptably severe cumulative impact on traffic flows, and on

the operation of the highway network, and on highway safety. In all these respects, the scheme would be contrary to paragraph 109 of the NPPF, which provides for permission to be refused in these circumstances. It would also conflict with CDLP Policy T1, which amongst other things seeks to control the level of vehicular traffic and its impacts.

*Effects on the character and appearance of the area and the landscape*

66. The appeal site is essentially a flat, rectangular arable field. Although the trees and woodland on two of its boundaries provide a pleasant backdrop to outward views, the site itself is featureless. These trees separate the appeal site from the surrounding countryside, so that the site is seen only as a discrete compartment rather than as part of any wider landscape context.
67. If the site were developed with housing and open space as now proposed, the main change would be the loss of its openness. With that loss would go the close-range views from Popes Lane, and from the two public footpaths which cross the site. The medium-range views across the site from a short section of the A291 would also be altered, although to a lesser extent. The site itself would change in character from semi-rural to suburban. These impacts would result in some harm to the area's appearance and visual amenity, but the degree of that harm would be no more than minor. The change to the wider landscape would be insignificant.
68. In order to accommodate 140 dwellings, given the constraints of the gas pipeline that crosses the site, the density would be higher than that of most of the other nearby housing. But those existing areas are not necessarily an appropriate guide for new development. And in any event, the site has ample space for structural planting and open space, to create a strong landscape framework. The height of the buildings could also be controlled by condition, if thought necessary.
69. Overall, I conclude that the harm that the development would cause to the area's character and appearance, including any effects on the landscape, would be so minor as to be insignificant. In the light of this conclusion, I find no conflict in this respect, either with Policy DBE3 or with any other policy in the CDLP, nor with the relevant provisions of the NPPF.

*Effects on nearby listed buildings*

70. The significance of the Grade II listed Sweech Farmhouse lies primarily in its evidential and illustrative value as a 15<sup>th</sup> century hall house. Some value also derives from its later use as a farmhouse, at the centre of a farmstead with a group of ancillary buildings, including the listed stables and the former listed barn. The stables has some evidential and illustrative value derived from this functional relationship. Although the barn is no longer standing, there is apparently permission for its reinstatement, and although there seems some uncertainty as to what its status would then be, it is likely that it would retain some heritage value, as part of this group.
71. It is an agreed matter that the appeal site lies within the setting of at least the Farmhouse, and in my view it must therefore also form part of the setting of the whole group. But to my mind, its role in the setting is a limited one. The site is separated from the building group by trees and vegetation. There is



little intervisibility. Although the roof and chimneys of the Farmhouse can be made out from the appeal site, the views from this direction are not important ones, and do not assist in the appreciation of any of the buildings. It is believed that the appeal site can be seen from the Farmhouse's upper windows, but such views would be heavily filtered by the trees. In views from further south on the A291, the buildings and the appeal site can be seen as part of the same panorama, but only at some distance. In the more important views, facing the front of the house and the group as a whole, the appeal site cannot be either seen or sensed. There is no evidence of any historic functional relationship between any of the buildings and the appeal site.

72. The site's contribution to the buildings' setting is therefore confined to its role in illustrating the relative isolation that the farmstead would once have had from any nearby settlements. But in so far as that quality may have been important to the buildings' significance at one time, it has now been eroded by other developments, particularly the 20<sup>th</sup> century housing at Broad Oak, and the modern A291 which runs immediately in front of the building group. In addition, although there are differing accounts of the various planning applications within the Sweech Farm site, it appears that permissions have been granted for up to three new dwellings, as well as for the residential conversion of the Stables. Whilst the details of these developments are not before me, it seems likely that they would have the effect of further emphasising the former farmstead's continuing evolution, away from its one-time agricultural role, and back to its original purely residential function. Having regard to this historical and present day context as a whole, it seems to me that the appeal site makes a very limited contribution to the buildings' significance as heritage assets.
73. If the appeal site were developed as now proposed, the glimpsed views of the Farmhouse from within the site would either be lost or would be seen from within a much-changed context. The same change of context would also be evident in the sideways view from the A291. Housing sited as shown in the Development Framework plan would be well away from the boundary of the listed buildings. Although lighting within this area might be discernible from the Farmhouse and parts of the former farmyard, at night this would not be readily distinguishable from that associated with the existing development in Popes Lane. Any lighting or built development in the part of the site closest to the listed buildings could be adequately controlled by conditions. If a mini sports pitch was located in this part of the site as suggested, there could be some noise, but the development could take place without this facility if required.
74. Overall therefore, I consider that the harm to the setting of the listed buildings would be minor. Given also the limited role that this part of the setting plays in contributing to the buildings' significance, it follows that the harm to their significance would also be minor. To my mind, the characterisation of this by the appellants' heritage witness as being 'at the lower end of less than substantial' is a reasonable way of describing the extent of the harm in this case. Notwithstanding that the effect is agreed to amount to harm, in these circumstances it seems to me that the harm identified would be so minor that, to all intents and purposes, it would be inconsequential.
75. In coming to my conclusion on this issue, I have had full regard to the desirability of preserving listed buildings' settings, and the need to give due

weight to any harm in that respect. I have also taken account of the NPPF's advice that great weight is to be given to the conservation of heritage assets, and that less than substantial harm is to be weighed against any public benefits. In this case, I have found only minor harm to the setting, and to the assets' significance. Given the low level of this harm, even when great weight is attached to it, I consider that in the present case the harm would be outweighed by the benefit of providing the proposed housing, as well as the other benefits identified elsewhere in this decision.

76. In the light of the above, I conclude that the harm identified would be so minor as to involve no significant conflict with CDLP Policy HE1, which seeks to protect, conserve and enhance all historic assets, or with Policy HE4, which has similar aims and is targeted specifically at listed buildings.

*Effects on best and most versatile land*

77. The appeal site is said to comprise 9.36 ha of agricultural land, of which about 5.06 ha is classed as best and most versatile (BMV) land. CDLP Policy EMP12 states that BMV land will be protected, but permission for significant development on agricultural land may be granted, including BMV land, where the development is shown to be necessary, and where no sites within the urban area or on poorer quality agricultural land are available.
78. I accept that the amount of BMV land in the appeal proposal would be significant. But in view of my findings with regard to the housing land supply, it is evident that some additional housing development is necessary, and also that the available sites on urban and poorer quality land are insufficient to meet the need.
79. As part of its aim to contribute to and enhance the natural and local environment, NPPF paragraph 170 advocates recognising the economic and other benefits of BMV land. But this aim seems to me to be reflected in Policy EMP12, and thus needs no further response beyond compliance with that policy.
80. In the circumstances, I find no conflict with Policy EMP12, and no conflict with NPPF paragraph 170. I conclude that the loss of BMV land in this case would not be unacceptable.

*Whether the scheme would accord with **the CDLP's** locational policies*

81. The principal CDLP policy relevant to the location of housing on unallocated sites is Policy SP4. The policy states that the main focus for development is to be at the three larger urban areas, together with development at the rural service centres, of which Sturry is one, and also at the local centres. In relation to Sturry and the local centres, paragraph 2 of the policy goes on to say that, in addition to the plan's allocations, the provision of new housing of a size, design, scale, character and location appropriate to these villages' character and built form will be supported, provided the proposal is not in conflict with certain other policies. Under paragraph 5 of SP4, development in the open countryside will be permitted for agriculture and forestry. In addition, Policy HD4 sets out in more detail the circumstances in which new dwellings in the countryside may be permitted, none of which apply to the appeal scheme.

82. Policy SP4 therefore gives some encouragement to development at Sturry and the local centre villages, as settlements where development is to be focussed, and also allows for some sites to come forward over and above those already allocated. Nothing in this part of the policy requires sites to be within the existing built confines, and in the absence of a defined boundary, it seems to me that the policy permits some flexibility with regard to sites on the village edge. In this context, I note that 'flexibility' was the term used by the Examining Inspector in explaining the need for the modifications that he recommended to the policy<sup>7</sup>, and I consider that his comments in this regard are helpful in understanding the way the policy is designed to operate.
83. In the present case, the appeal site is adjacent to Sturry's main built-up area, and relates reasonably well to the existing development pattern. Although its size would be substantial, the settlement itself is a large village, and the development would not be out of scale with it. Design is a reserved matter, and the final criterion, character, is largely a function of the others. None of these criteria therefore seem to rule out the proposed scheme from being supported within the terms of SP4's second paragraph.
84. With regard to Policy SP4's fifth paragraph, I agree that there is a clear inference that development in open countryside that is not for the specified purposes will not normally be permitted, and this approach is reinforced by Policy HD4. In the case of Sturry, with its lack of a defined boundary, this leaves unanswered the question of whether a particular site falls within open countryside, or within the ambit of SP4's second paragraph. But to my mind this is part and parcel of the same flexible approach that is inherent in that paragraph as a whole. I therefore find nothing in either Policy SP4 or Policy HD4 that specifically requires the appeal site to be treated as countryside.
85. In coming to this view, I accept that the CDLP is to be read as a whole, and I have had regard to all the various paragraphs that I have been directed to, including the explanatory text supporting Policies SP4 and HD4, and Policy HD3 relating to exception sites, and also page 237 which refers to the plan's objectives for the countryside. However, nothing in these seems to me to be conclusive, and I have therefore drawn my interpretation of Policy SP4 from the words of the policy itself. I have also noted the Inspector's reasoning in the recent appeal relating to a site in Westbere. But Westbere is defined as a hamlet, in the lowest tier of the settlement hierarchy, where a different policy approach applies, under another part of Policy SP4.
86. I fully agree with the Council that Policy SP4 cannot have been intended to permit development on each and every site around the fringes of Sturry, or the other paragraph 2 villages. Rather, it seems to me, the policy allows decisions on proposals at these settlements to be made on a case-by-case basis, having regard to the policy's own criteria, together with the nature of the particular site, and the circumstances at the time. Different and more restrictive approaches for the lower tiers of the settlement hierarchy are set out in Policy SP4's other paragraphs, and it seems to me that the greater flexibility given to Sturry and the local centres is clearly intended to complement that approach.
87. For completeness, I note that the final proviso in Policy SP4's second paragraph, regarding compliance with other CDLP policies, is relevant to the

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<sup>7</sup> Inspector's Report on the CDLP Examination, paras 55 and 97

appeal, as I have already found the proposal to conflict with Policy T1 with regard to traffic impact. However, that matter is taken into account elsewhere in this decision, and does not affect my conclusion as to the policy's locational aspects.

88. In the circumstances of this case, I find that the appeal proposal falls within the type and scale of development that could be accepted within the terms of the second paragraph of Policy SP4. As a result, it follows that Policy HD4 is not relevant in this case. The proposal is therefore not in conflict with either of these policies.

## **Other Matters**

### *The Section 106 agreement*

89. The provisions of the S.106 agreement relating to the provision of 30% affordable housing are needed for compliance with CDLP Policy HD2. This provision, amounting to up to 42 affordable units, has no mitigatory role and would therefore represent a substantial public benefit.
90. The provisions relating to the proposed on-site open space, including an equipped play area, a proposed mini pitch and a trim trail, and also the SUDs drainage system, are all needed to ensure a high standard of development and future maintenance. The quantity of the proposed open space exceeds policy requirements, but is necessary because of the large amount of land within the site that is sterilised by the pipeline. The open space would be available to the public and would therefore be a general benefit, to which I give some weight.
91. The agreed contributions to the Canterbury-Herne Bay cycle route, surfacing and improvements to public footpath CB59, and the provision of travel vouchers for new residents, are all necessary to manage travel demand and mitigate the development's transport impacts to the levels assumed in the TA, in accordance with relevant policies. The first two of these items would also have benefits for the general public, carrying a small amount of weight.
92. The contributions to primary and secondary education, community learning, healthcare, adult social care, libraries, youth services, and the SPA, are all needed to mitigate the development's impacts on these services, in accordance with the relevant CDLP policies. The contribution for TROs is needed, to allow for the introduction of waiting restrictions on Popes Lane, in order to mitigate any impact on safety in connection with the proposed site access.
93. All of the above obligations have been demonstrated to be necessary to make the development acceptable, and to be relevant to the development and reasonably related in scale and kind. I have therefore taken these into account, and where I have identified that these would involve public benefits, I have given weight to those benefits accordingly.
94. The proposed contribution to highway works at Junction SJ10, Broad Oak Road/Vauxhall Road, would help to relieve congestion at that junction. It would thus have potential benefits for the general public, assuming that the balance of the cost could be raised from another source, and the improvement scheme could then be implemented. However, the junction is remote from the appeal site, and is not one of those where the impact of the proposed development would be most severe. Nor would the improvement to this junction, if carried out, make the development acceptable, in terms of its

overall traffic impact. In the circumstances, the proposed contribution does not meet the necessary legal tests, and I have therefore not taken the potential benefit of this obligation into account.

*Other benefits of the development*

95. In addition to the benefits already identified above, the development would have significant benefits for the local and national economy. The overall construction spend is estimated by the appellants at £16.3m. Over the construction period, it is estimated that 140 full-time equivalent direct jobs, and 152 indirect jobs, would be created. The gross value added is put at £5.4m. The development's future residents are estimated to generate a total household expenditure of £4.17m, and the Council would benefit from Council Tax receipts and New Homes Bonus payments totalling around £3.2m. The appellants' figures for these items have not been challenged. These beneficial economic effects would be additional to the District's other committed housing sites. I consider that the economic benefits carry moderate weight.
96. In addition to the contributions in the S.106 agreement, improvements are also proposed by the appellants to existing pedestrian routes between the site and the village centre<sup>8</sup>. These improvements could be secured by condition. Although minor in nature, they would have some benefits for existing residents as well as future occupiers at the development itself. These carry modest weight.
97. The creation of new and enhanced wildlife habitats, and other biodiversity gains, could also be secured through conditions, likewise attracting some modest weight.
98. Although new public parking bays are proposed in Popes Lane, these would merely replace the on-street spaces lost due to the necessary TROs. As such, this would represent mitigation rather than a net benefit.

### **Planning Balance and Overall Conclusions**

99. For the reasons set out in this decision, I find that the proposed development would fit acceptably well with the CDLP's spatial strategy, embodied in Policy SP4. I also find no serious adverse consequences for the area's character and appearance, or for the nearby listed buildings, or for agriculture. Having regard to all of the above matters, I find no significant conflict with the development plan in respect of any of these matters.
100. However, in the light of the development's impact on the road network and highway safety, there would be a serious conflict with Policy T1. Numerically, this conflict is with only one policy compared to the larger number where I have found no such conflict in relation to other issues. But nevertheless, the conflict with Policy T1 is in my view so substantial that it is not outweighed merely by causing no harm in those other respects. In the context of this particular scheme therefore, I find Policy T1 to be the most important development plan policy in the appeal. The proposal before me is in clear conflict with that policy.

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<sup>8</sup> Shown on Plan no. 1592/13, Revision A

101. Weighing against this conflict with Policy T1, and in favour of the appeal, are the benefits that I have identified. Given the Council's failure to demonstrate a 5-year supply of housing land, the most significant of these benefits is the provision of up to 140 dwellings, and especially the 30% which would be affordable. I have therefore given the benefits of providing housing substantial weight. The other benefits, in order of weight, are firstly the economic effects, particularly the construction jobs and investment; then the on-site public open space, including the proposed play and leisure facilities; the improvements to pedestrian and cycle routes; and also the opportunity for gains to biodiversity. But in my view, given the seriousness of the traffic impacts that I have identified, even when these benefits are all added together, they do not outweigh the harm to the road network and safety.
102. I have had regard to Policy SP1, and paragraph 11 of the NPPF, which both embody a presumption in favour of sustainable development, including a 'tilted balance' to be applied where relevant policies are out of date. But in this case the most relevant policy, T1, is not out of date. Nor is it made out of date simply by the shortfall in the housing supply. The NPPF's policy towards developments which would have a severe impact on the road network, or an unacceptable impact on highway safety, is very clear. Policy T1 supports that aim and is consistent with it. Consequently, despite the need that I have found for additional short-term housing land in the District, I do not see any basis for reducing the weight given to these important national and local transport policies.
103. I therefore do not consider that the tilted balance provisions of either the NPPF or Policy SP1 should be applied in this case. But in any event, even if the tilted balance were to be applied, I consider that the harm that I have identified, due to the scheme's impacts on traffic and safety, significantly and demonstrably outweighs the benefits. In these circumstances, the appeal scheme does not constitute sustainable development, and should be refused.
104. I have had regard to all the other matters raised, but none alters or outweighs these conclusions. The appeal is therefore dismissed.

*J Felgate*

INSPECTOR



## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Ms Isabella Tafur	Of Counsel (instructed by the Principal Solicitor to the Council)
She called:	
Ms Shelley Rouse MA MRTPI	Principal Planner
Mr John Etchells MA BPhil CMLI	Consultant Landscape Architect
Ms Elizabeth Johnson BA MSc IHBC(Affiliate)	Senior Heritage Officer
Mr Colin Finch BTech MIPROW	Principal Transport and Development Officer, Kent County Council
Mr Chris Pragnell LLB	Principal Planning Officer

### FOR THE APPELLANT:

Mr John Barrett	Of Counsel (instructed by Ms Richardson of the appellants)
He called:	
Mr Desmond Dunlop BA(Hons) MRTPI	D2 Planning
Ms Silke Gruner Ba(Hons) LArch CMLI	CSA Environmental
Ms Gail Stoten BA(Hons) MCIFA FSA	Pegasus Group
Mr Benjamin Jackson BEng(Hons) MSc MCIHT	Ashley Helme Associates
Ms Diana Richardson BA(Hons) MA MRTPI	Gladman Developments Ltd

### INTERESTED PERSONS:

Ms Ann Davies	Local resident and Sturry Parish Councillor
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## DOCUMENTS TABLED DURING THE INQUIRY

### DOCUMENTS TABLED BY THE COUNCIL

C/1	Manor Oak Homes v SoS and Aylesbury Vale DC [2019]EWHC 1736 (Admin)
C/2	Opening submissions
C/3	Email dated 1 August 2019 from R Hill, Regeneration Programme Manager, re Station Road West and Rosemary Lane car park sites
C/4	Email from Persimmon Homes, dated 2 August 2019, re land north of Hersden
C/5	Email dated 2 August 2019 from L Barden, Streetworks Co-Ordinator, re S.74 roadworks charge
C/6	List of appearances for the Council
C/7	CIL compliance statement by KCC Highways
C/8	Closing submissions

### DOCUMENTS TABLED BY THE APPELLANTS

AP/1	List of appearances for the appellants
AP/2	Opening submissions
AP/3	Email from BDW Homes, dated 18 July 2019, re Broad Oak housing site
AP/4	Table comparing 2018 and 2019 housing site trajectories (Mr Dunlop)
AP/5	The Council's land supply evidence to Old Thanet Way inquiry, 2018
AP/6	Letter from KCC, dated 12 June 2019, re South of Canterbury site – education contributions
AP/7	Note re land north of Hersden – land ownerships
AP/8	'Yotta' highways works record sheets
AP/9	Location plans relating to appeal site at Staines Hill, Westbere
AP/10	Closing submissions
AP/11	Executed S.106 agreement, dated 15 August 2019
AP/12	Email from D Richardson dated 27 August 2019 in response to Natural England comments

### OTHER DOCUMENTS

GEN/1	Jointly suggested site visit route plan
GEN/2	Letter from Natural England dated 28 June 2019, re Sturry/Broad Oak housing sites
GEN/3	Housing Delivery Test: 2018 measurement results
GEN/4	Main Modifications to the Canterbury District LP, April 2017
GEN/5	Agreed joint note on Habitat Regulations Assessment
GEN/6	Policies Map 2017, extract
GEN/7	Plan of the proposed A28 Sturry Link Road
GEN/8	Draft conditions and comments, based on list tabled on 24 July 2019 (including appellants' agreement to pre-commencement conditions)
GEN/9	Further comments on draft conditions, tabled on 6 August 2019
GEN/10	(not used)
GEN/11	Consultation letter from Council to Natural England, dated 10 December 2018
GEN/12	Notification letter from Council to Natural England, dated 9 July 2019
GEN/13	Consultation email from Council to Natural England, dated 6 August 2019
GEN/14	Email from Natural England dated 16 August 2019, Habitat Regulations Assessment

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## Appeal Decision

Inquiry held on 5 – 8 July 2022

Site visits made on 5, 6 and 7 July 2022

**by H Porter BA(Hons) MSc Dip IHBC**

an Inspector appointed by the Secretary of State

Decision date: 25<sup>th</sup> August 2022

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**Appeal Ref: APP/Y1110/W/22/3292721**

**Land off Spruce Close, Exeter, EX4 9DR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Salter Property Investments Ltd. against the decision of Exeter City Council.
  - The application Ref 20/0538/OUT, dated 22 May 2020, was refused by notice dated 12 October 2021.
  - The development proposed is for up to 93 residential dwellings (approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration).
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### Decision

1. The appeal is allowed and planning permission is granted for up to 93 residential dwellings (approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) at Land off Spruce Close, Exeter, EX4 9DR in accordance with the terms of the application, Ref 20/0538/OUT, dated 22 May 2020, subject to the conditions set out in the schedule at the end of this decision.

### Application for costs

2. An application for costs was made by Salter Property Investments Ltd. against Exeter City Council. This application will be the subject of a separate decision.

### Preliminary Matters

3. Exeter Greenspace Group (EGG) sought and was granted Rule 6 status under the Inquiry Procedure rules. In addition to a general planning Statement of Common Ground (SoCG), a Transportation and Highway SoCG; Housing Land Supply SoCG; and Character and Appearance SoCG were agreed by the Appellant and Council; a further SoCG was agreed between the Appellant and EGG. The Inquiry sat for four days between 5 and 8 July 2022. I undertook unaccompanied site visits at the end of the first and second sitting days and an accompanied site visit before the end of the third. Documents that were submitted during the Inquiry are listed at Annex 2 (referred to as ID1, ID2 etc).
4. A certified Planning Obligation by Unilateral Undertaking dated 25 July 2022 (UU) and a Planning Obligation by Agreement dated 25 July 2022 (S106 Agreement), made pursuant to S106 of the Town and Country Planning Act 1990 (as amended), were submitted after the Inquiry had closed and in

accordance with agreed timescales. The UU contains various planning obligations securing provision of affordable housing; the management and maintenance of the New Valley Park and formal and informal Open Space including a local area of play (LAP) and local equipped area of play (LEAP); sustainable urban drainage systems; and a Travel Plan. It also secures financial contributions for GP surgeries; secondary education provision; implementing Traffic Regulation Orders (TROs) and a Travel Plan; the Valley Park; E4 Cycle Route Phase 4; upgrading facilities at local multi-use games areas (MUGAs); and Royal Devon University Healthcare NHS Foundation Trust (NHS Foundation Trust) healthcare services. The S106 Agreement secures a financial contribution for the creation and maintenance of a landscape buffer along the proposed access route on land owned by the Council.

5. The extent to which the provisions within the UU and S106 Agreement meet the tests set out in the National Planning Policy Framework (the Framework) and Regulations 122 of the Community Infrastructure Regulations 2010 (as amended), and the weight I attach to any necessary provisions they contain, are dealt with later in this decision.
6. The outline application was submitted with all matters reserved except for access. Notwithstanding the need for reserved matters approvals, it was confirmed at the Inquiry that the Land Use Parameter Plan, Density Parameter Plan, Scale Parameter Plan, Access and Movement Parameter Plan, Open Space Parameter Plan, and Landscape Strategy Parameter Plan have been submitted for approval at the outline stage. I have considered the appeal on this basis and on the basis that up to 93 dwellings could be provided.

### **Background and Main Issues**

7. The development plan comprises saved policies from the Exeter Local Plan First Review, 2005 (ELP) and the Exeter City Council Core Strategy, 2012 (CS). The Council's single reason for refusing to grant outline planning permission cites conflict with its spatial approach and ELP Policy H1 and CS Policy CP16, through development on an area identified for protection<sup>1</sup>. The Appellant and Council are in agreement that: there would be no actual harm in respect of landscape; that the site is in a sustainable location; and that the proposals meet the Council's policy requirements for the provision of open space<sup>2</sup>. Nevertheless, EGG has submitted evidence and maintains harm in respect of these matters.
8. With all this in mind, I consider the Main Issues in this appeal to be:
  - Whether the appeal site offers an appropriate location for the proposed development, having regard to the development plan and whether services and facilities could be accessed by sustainable modes;
  - The effect of the proposed development on the character and local distinctiveness of the area, including Exeter's 'Landscape Setting'; and
  - Whether loss of open space would be replaced by equivalent or better provision.

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<sup>1</sup> CD-DD8

<sup>2</sup> CD-ID4 paras 6.9, 6.16, 6.17

## Reasons

9. Comprised of two fields laid to semi-improved grassland, the site has a developed edge to the west (Celia Crescent) and south (Spruce Close); an area of open space (Juniper Green) lies just beyond the site's southern boundary. In addition to the two fields within the appeal site's 'red line' boundary (Fields 1 and 2), three further sloping fields with mature tree and hedgerow boundaries (Fields 3, 4 and 5) extend beyond it and are within the 'blue line' boundary. Collectively these fields form part of the rolling open countryside that unfolds at the northern outskirts of Exeter, within the 'hills to the north and northwest' that are designated 'Landscape Setting'<sup>3</sup>.
10. The appeal scheme proposes the development of up to 93 residential dwellings and associated infrastructure, as well as formal and informal open space within the appeal site. One vehicular access point is proposed from the south, via a new road through Juniper Green and a realignment to Spruce Close. A second would be at the site's western boundary where an extant field entrance opens on to a short road fronted by garages leading to Celia Crescent. Although part of the 'blue line' boundary area carries Valley Park status, it is not publicly accessible. The appeal proposal would also involve the designation of Fields 3, 4 and 5 as New Valley Park and allow formal public access to it.

### *Policy principle of the location*

11. The appeal site is undeveloped agricultural land and adjacent to but outside the 20<sup>th</sup> century residential suburb of Beacon Heath and outside the city's urban boundary. It is neither previously developed nor brownfield land and is not covered by any strategic allocation for housing.
12. Saved Policy LS1 of the ELP concerns development within Exeter's Landscape Setting and lists a limited number of development types<sup>4</sup>. None of these include housing development on greenfield land that lies within the hills to the north and northwest. Purely as a matter of straight-forward policy reading, there is clearly a conflict between the appeal proposal and this aspect of saved Policy LS1. However, the Council does not rely on saved Policy LS1 within its reasons for refusal and it is common ground that it is inconsistent with the Framework and should carry very little weight.
13. Saved Policy H1 of the ELP establishes a search sequence by which the Council identifies locational priorities, with development on greenfield land through urban extensions within public transport corridors the last in that sequence<sup>5</sup>. The explanatory text makes clear that potential sites have been assessed against criteria set out in PPG3, which has long-since been superseded. Criterion (iii) of saved Policy H1 refers to housing development on greenfield land through 'sustainable urban extensions within public transport corridors', which are not referenced in the Framework.
14. While there is no definition of either within the ELP, and the wording differs with the Framework, insofar as saved Policy H1 is prioritising development on previously developed land first and lastly on greenfield land last, but where reliance on accessibility to jobs and services by means other than by car exists, it broadly aligns with the Framework. Saved Policy H1 does not require an

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<sup>3</sup> CD-DP9

<sup>4</sup> CD-DP5

<sup>5</sup> CD-DP5

applicant undertake a sequential test, nor does it preclude development on greenfield land per se. Rather, my reading of saved Policy H1 is that housing development on green fields is least preferable and only acceptable where extending an existing urban area that is in a sustainable location, through being well served by public transport.

15. The appeal site is situated a little over 2.5 miles from central Exeter and immediately adjacent to the existing urban area of Beacon Heath, which is predominantly residential and where the local topography is steep. The Appellant's Design and Access Statement (DAS) indicates there are various local facilities and services within walking distance of the appeal site<sup>6</sup>, although EGG contend that the assessment of the site's separation and connectivity fails to reflect the 'facts on the ground' accurately.
16. To get a sense of the site's locational circumstances, I followed two suggested routes, recording times to reach various services and facilities on the way. One journey took me from the Celia Crescent site access, past the Spar store on Beacon Lane, to the entrance of Morrisons supermarket, and back. I also walked from the Spruce Close/Juniper Green access, crossing Beacon Lane to walk along Summer Lane as far as the entrance to Exeter Arena, and back.
17. In certain parts, the gradients along the routes from the appeal site are in excess of the 5% figure recommended in Manual for Streets and the hilly characteristics of the Beacon Heath surroundings do not fit with guidance for 'walkable neighbourhoods'. Personally, I found the distances, steepness and walking environs experience to be manageable, resulting in recorded timings fairly similar to those put forward by the Appellant. I accept, however, there are many factors that could influence different timings, impede or disincentivise 'active travel', particularly for those less mobile, carrying heavy shopping, accompanied by very small children, or walking or cycling during inclement weather.
18. That said, the area is also served by a local bus service (F1), which stops a short walk from the appeal site's proposed western access. A little further downhill along Beacon Lane are additional bus services with sheltered stops, travelling westwards towards the city centre, and eastwards, to Pinhoe train station, which has onward connections to Exeter St David's.
19. It has been put to me that few local residents currently use the bus service. On the other hand, EGG's evidence indicates 35% of those surveyed do use the bus, despite finding it expensive, irregular, and unreliable for onward connections<sup>7</sup>. The appeal scheme proposes to loop the F1 service directly through the site, providing an extension within the existing street network<sup>8</sup>. Consequently, not only would the appeal site be close to existing bus stops, but the public transport route would also run directly through it. There is no reason to doubt that, as the EGG survey confirms, at least some future residents of the proposed development would choose to utilise the extended bus service. It is also evident that the looping of the F1 service through the site would improve the choice, operating conditions, and availability of sustainable travel more widely.

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<sup>6</sup> CD-PA4

<sup>7</sup> CD-GB1 para 1.4.3

<sup>8</sup> CD-ID3 para 2.2.1

20. I consider that the location of the appeal site affords a genuine choice of sustainable ways to access services and facilities. Even if such choices might involve limitations, the proposed development would ensure safe and suitable access to services and facilities by a range of transport modes. Therefore, the appeal proposal would be a sustainable urban extension of Beacon Heath in an area well-served by public transport, thereby offering choice of travel modes other than just the private car and is therefore in a sustainable location. Drawing all of this together, I do not find the appeal proposal would conflict with saved Policy H1 of the ELP.

*Landscape setting, character and local distinctiveness*

21. Saved Policy LS1 seeks to avoid development that would harm Exeter's Landscape Setting, requiring proposals maintain local distinctiveness and character. The Council's reason for refusal relies not on saved Policy LS1 but CS Policy CP16, which likewise seeks, amongst other things, to ensure that the character and local distinctiveness of the hills to the north and northwest will be protected. This Policy aligns with the Framework, notably paragraph 174, which requires decisions contribute to and enhance natural and local environment by, amongst other things, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
22. For the purposes of the Exeter Fringes Landscape Sensitivity and Capacity Study, 2007 (LSCS) <sup>9</sup>, the appeal site straddles the southern corners of Zones 4 and 6, which cover much larger swathes of land, each assessed as having high landscape sensitivity. The capacity for housing in Zone 4 is low, indicating it is unable to accommodate development without significant adverse effects. Zone 6 has a medium-low capacity, with development accommodated only in limited situations. The LSCS provides a valuable, broad-brush, starting point by which to judge the sensitivity and capacity of Zones for housing. However, while the characteristics of the landscape described within the LSCS Zones have not obviously changed since its writing, it does not preclude development per se, nor establish degrees of sensitivity or capacity for housing at a site-specific level.
23. The Appellant's Landscape and Visual Impact Assessment<sup>10</sup> (LVIA) has been subject to review by the Council's officers, and subsequently updated and reviewed by an independent chartered landscape architect<sup>11</sup>. These assessments align with my own observations of the appeal site and its context. Indeed, I saw that the green and undeveloped nature of the appeal site fits in with the network of undulating fields, interspersed with woodland and mature vegetation, that characterise the wider rural landscape. Views to the site, and more apparently Fields 3, 4 and 5, are gained from various vantages, including country lanes, highways, residential developments, and other areas designated as Valley Park further afield.
24. Even where the green and undeveloped nature of the appeal site is perceptible from nearby and longer distances, it is read in the context of the extant urban fringe and the transition of the settlement edge into the open countryside. The appeal scheme would occupy the land that slopes alongside the settlement

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<sup>9</sup> CD-SPD14

<sup>10</sup> CD-PA9

<sup>11</sup> CD-DD7



edge, where development already exists on two sides of the site, and where the local topography and mature vegetation offer relative containment. As the ground level rises beyond the upper part of the appeal site, above the 115m AOD contour, the change from the urban fringe becomes more evident. In my judgement, the value and sensitivity of this part of the Landscape Setting increase as the City's green landscape backcloth becomes more obvious, beyond the 115m contour and into Fields 3, 4 and 5.

25. At this stage there are various Parameters Plans for approval, which would contain the developable area to below the apex of the urban fringe and the 115m AOD contour. Building in the upper portion of that developable area would be lower density, detached, and not higher than 9.5m. A landscape 'buffer' would be retained, and stretches of undeveloped green space, and existing mature tree and hedgerow planting supplemented. Jointly, the proposals would concentrate development on parts of the appeal site that are already influenced by built form and would retain and supplement natural boundaries and a landscape 'buffer'.
26. In my judgement, all of this, plus the detail that would come through reserved matters, would ensure the development would not appear as piecemeal but relative to the urban fringe, low on the hillside, and well contained and softened by mature vegetation. Additionally, the sensitive and visually prominent tracts of open land within Fields 3, 4 and 5 would now be secured as New Valley Park<sup>12</sup> in perpetuity, preventing their future development.
27. And yet, the development of up to 93 dwellings and associated infrastructure would inescapably cause an urban intrusion onto the appeal site, weakening its open, verdant and undeveloped character. There are factors that would mitigate the impact of the development, facilitating a successful assimilation in views from further afield, and increasingly so over the years. Inevitably, however, the scheme would push the city's urban fringe into the open countryside that is part of Exeter's Landscape Setting. The urban intrusion onto the appeal site would be unmistakable from nearby, as for example residential dwellings, Juniper Green, and Fields 3, 4 and 5.
28. I note the findings of the independent landscape architect in respect of CP16, and the Council's endorsement of that assessment. However, even if extremely localised and affecting a very small proportion of the area identified for protection, for the forgoing reasons I find some harm to the character and local distinctiveness of the hills to the north and north west would arise. I judge there would be conflict with CS Policy CP16 as a consequence. While not relied on by the Council, conflict with the spatial element of saved Policy LS1 also arises. Such policy conflicts must be considered against consistency with the Framework and other material considerations.

### *Open Space*

29. Juniper Green lies immediately to the south of the appeal site and is designated an Open Space within the ELP Proposals Map. Saved Policy L3 of the ELP only permits development on open space in certain circumstances, including when the loss of open space is outweighed by its replacement in the area by open space of at least equivalent recreational, community, ecological or amenity value (including, in particular, the provision and enhancement of equipped play

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<sup>12</sup> CD-PA22, CD-PA23, CD-PA24, CD-PA26

space). Similarly, paragraph 99 of the Framework seeks to ensure the loss [of existing open space] resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location<sup>13</sup>.

30. The latest design iteration has sought to reduce the impact of the site's southern access road on Juniper Green, realigning it further to the north-east away from the widest portion of the open space. Nevertheless, the road itself would bisect the currently uninterrupted and undeveloped Juniper Green, causing a quantitative loss of that open space. Moreover, the introduction of a vehicular route through the space would change the way it is currently enjoyed by residents, including necessitating extra vigilance for playing children and dog walkers, thereby having a qualitative as well as quantitative impact. However, the proposals would provide informal open spaces within the appeal site, including at its southern edge immediately adjacent to Juniper Green that would more than make up for the quantitative loss at Juniper Green due to the access road.
31. I accept the point that the additional open space within the site would be bisected by the new road. I also recognise that the proposals would change the nature of Juniper Green and the way the space is used by some residents. And it would be reasonable to expect existing users of Juniper Green to take some time to adapt to the new open space. However, I consider the proposals will ensure a large area of open space with separation from the road and passing vehicles and a logical physical linkage between Juniper Green and the compensatory open space. Furthermore, while landscaping is a reserved matter, the S106 Agreement would secure additional landscaping along the proposed new access road that, in my judgement, would reduce its visual impact and create a natural barrier to influence play and activities away from it.
32. Saved Policy L3 supports proposals, such as in this appeal scheme, which would include provision of equipped play space. The proposal would enable existing residents to access the proposed LAP and LEAP. Although it has been used by some residents for their recreation and enjoyment, the appeal site is private land with no formal rights of way across it and is not public open space. I do not consider that those currently using Juniper Green would be either unwilling or unable to use the open spaces within the appeal site. Even if they were, the open space provision at Juniper Green, with the supplementary space to the south of the appeal site, would be equal in a qualitative, as well as quantitative, sense to the existing provision. The appeal scheme would also offer enhanced access to open space provision for residents who live further up the hill and would enter off Celia Crescent. I therefore see no conflict between the proposals and saved Policy L3 of the ELP, nor paragraph 99 of the Framework.

### **Housing Land Supply (HLS) and The Planning Balance**

33. The proposal would not be in accordance with the development plan's location aspect of Saved Policy LS1 insofar as it seeks to avoid housing development within Exeter's Landscape Setting. However, this policy is not up-to-date and carries very little weight. Even if the proposed development would not be in accordance with the development plan, a significant material consideration is

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<sup>13</sup> Framework para 99 b)

the Framework's presumption in favour of sustainable development. The Council is unable to demonstrate a 5-yr supply of housing land. While the extent of the shortfall does not affect the operation of footnote 8<sup>14</sup> and the HLS agreed matters, a sizable gulf exists between the Council and Appellant's respective shortfall positions. The Council contends its HLS is 4.69 years, a shortfall of 213 homes; the Appellant, however, argues HLS is just 3.17 years<sup>15</sup>.

34. A number of disputed sites were discussed at the Inquiry, including sites with planning permission, where the onus is on the Appellant to provide clear evidence that homes will not be delivered within five years (Category A sites), as well as various sites with outline planning permission, where the onus is on the Council to provide clear evidence that housing completions will begin on site within five years (Category B sites). Additionally, two sites for 'co-living' units were discussed. I turn to these first.

#### *Co-living sites*

35. Ostensibly, co-living is a relatively new development model and a sui-generis use. Anecdotally, large metropolitan cities such as Manchester and Liverpool count co-living units on a one-for-one basis. However, there is no apparent national or local policy guidance, nor obvious local authority consensus on how co-living units should be counted in HLS figures.
36. The Harlequin Centre and the Ambulance Station are co-living developments in which co-living studios (271 and 133 respectively) have been counted towards the Council's HLS on a one-to-one basis. 107 bed-spaces in cluster flats at the Harlequin Centre are counted as 59 dwellings. Owing to the short-term nature of the accommodation they offer, the Appellant contends all dwellings from these sites should be discounted from the Council's supply; a reduction of 463. An alternative position is that a 1.8 ratio be applied to the co-living studios.
37. My impression is that the co-living studios at the Harlequin Centre and Ambulance Station would comprise small private living spaces with their own front door, kitchen and bathroom. Taking them to be similar to the co-living examples provided, the studio units would be supplemented with shared and fully equipped social and living areas<sup>16</sup>. It seems to me that the co-living studios at the Harlequin Centre and the Ambulance Station would provide smaller individual living quarters and less autonomy than more standard rented accommodation.
38. To my mind, the co-living offer could attract a range of persons beyond students, and for tenancy rates longer than three months. I therefore do not consider they warrant wholesale deduction from HLS figures. Yet, even if future occupiers were liable to pay Council Tax, the specific nature of the accommodation type makes co-living studios, unlike standard rented studio apartments, more akin to other communal living accommodation, such as provided by a House in Multiple Occupation (HMO). On this basis, it seems logical and reasonable that a similar ratio be applied. By my calculation, this equates to a reduction by 120 units at the Harlequin Centre and 59 at the Ambulance Station.

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<sup>14</sup> That the policies which are most important for determining the application should be considered as out-of-date

<sup>15</sup> CD-R1 p. 7

<sup>16</sup> CD-R3 Appendix E pp. 21 - 25

*Category B sites*

39. The Planning Practice Guidance (PPG) gives examples of what evidence may demonstrate deliverability. The PPG is also clear that this should be done using the latest available evidence. The Council's approach has been to rely on responses to a standard pro-forma. The exercise may not be intended to obtain 'cast-iron certainty, but to take a realistic view'<sup>17</sup> and I accept the 'draft' watermark may be an error. However, more crucially, where pro-formas are undated, it casts doubt over whether the information is up-to-date. In the absence of a clear indication of who completed the form or their relationship to the development, I find the pro-formas deficient as evidence of a written agreement between Council and site developer confirming delivery intentions and timescales.
40. Land east of Cumberland Way gained outline consent for 80 dwellings. The site has been sold to a housing association and the Council has recently received a reserved matters pre-application and held a meeting. However, the Council had been assured that a reserved matters application would be submitted in 2022 and, by the time of the Inquiry mid-way through that year, one had not been submitted. Nor, as far as I understand, have pre-commencement or other conditions attached to the outline permission been discharged. This site may be similar to other greenfield developments where housing schemes have been delivered successfully, but the evidence available to me falls short of the requisite 'clear evidence' established in the PPG. Thus those 80 dwellings should be removed from the HLS figures.
41. A similar scenario applies at Land at Redhills, where no reserved applications have been made, no developer identified, and no written agreement exists between them and the Council. Indeed, the Council was unable to gain any response to its pro-forma. I do not agree that a Statement of Case for an appeal satisfies the test of clear evidence. Thus the 62 dwellings counted towards the Council's HLS should be deducted.
42. Although a reserved matters application for the site at Aldens Farm West was submitted in early 2022, there are outstanding objections, including in respect of flood risk and drainage. The Council suggested amended plans were expected to resolve these issues, but none were in at the time of the Inquiry and, once submitted, would be subject to consultation. I understand none of the pre-commencement or other conditions attached to the outline consent have been discharged. All of this, plus the absence of a written agreement with the developer, casts doubt over whether there is a realistic prospect that housing will be delivered on the site within five years. On this basis, I agree with the appellant that 96 dwellings be removed from the HLS figures.
43. Phase 2 at the Old Coal Yard site is yet to have reserved matters application approval, and timescales given by an agent in September 2021 are out of date. There is no written agreement between the Council and the developer, and while the site could be developed rapidly if modular homes were to be built, but I have seen no evidence of this. Phase 3 is subject to a full planning application for 89 dwellings, to be decided under delegated powers. However, at the time of the Inquiry, no planning officer report nor completed S106 agreement was available to support the Council's indication that there is an officer's resolution to grant permission, and the Appellant indicates the proposal is subject to

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<sup>17</sup> ID18 para 12

objection. I therefore find the Council's evidence does not reach the high bar of 'clear evidence' and so the 62 dwellings for each phase (124 in total) should not be counted.

44. The tilted balance is already in play, and the land supply circumstances before me are not comparable to those when the Pennsylvania Road Appeal<sup>18</sup> was decided. I am also not required to pinpoint a precise HLS figure. But, even if I were to accept the Council's position in respect of the 57 dwellings at Bricknell's Bungalow as well as all 376 Category A dwellings, it pushes the Appellant's figure up by some 433 dwellings but the Council's down by at least 541. Crucially, the above indicates that the shortfall is not as 'modest' as purported by the Council, but materially worse.

*Planning balance*

45. The Council's HLS position confirms that relevant policies for determination should be considered out-of-date in accordance with paragraph 11d) and footnote 8 of the Framework. I have noted conflict with the spatial element of saved Policy LS1, and localised harm to character and local distinctiveness would be contrary to CS Policy CP16. In light of this, I must consider the weight attributed to these conflicts and against material considerations, including the presumption in favour of sustainable development in the Framework.
46. There are key social and economic benefits associated with the provision of up to 93 dwellings. I attribute significant weight to the delivery of market housing in the context of a national policy objective to significantly boost the supply of homes and a less-than-modest HLS shortfall in Exeter, even if it is capable of being rectified in the short term. The proposal would also provide affordable dwellings at a full policy-compliant level and with a mix of dwellings that would contribute to the choice of homes in the City. Given the context of a demonstrably acute and persistent under-delivery of affordable housing<sup>19</sup>, the affordable housing the appeal scheme would realise carries substantial weight in its favour.
47. The provision of open space within the appeal site would be in mitigation and necessary to make the proposal acceptable in planning terms. However, the proposal would also secure Fields 3-5 in their entirety as Valley Park, formalising public access to them. This is a benefit that carries moderate weight in the scheme's favour.
48. In economic terms, jobs and spending would arise during the development's construction, and its future residents would contribute to the local economy. Furthermore, an existing bus service would be extended and enhanced, offering an improved choice of sustainable modes of travel, not just to future occupiers of the proposal, but also to existing local residents. This aspect of the proposal goes above and beyond the provision of opportunities to access a range of services and facilities by a range of sustainable modes and is a benefit to which I attribute moderate weight.
49. Highway works would also involve relocating on-street parking from the inside of a bend. However, as the volume of traffic on the existing road network would be increased, I attribute very little weight to this specific element of the

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<sup>18</sup> CD-A14

<sup>19</sup> Indicating just 6 affordable homes were provided in Exeter last year



scheme in the balance in its favour. The absence of harm otherwise in respect of highways or flood risk is a neutral factor that carries no weight either for or against the proposals. Landscaping, open space provision within the site, and financial contributions for off-site infrastructure would not carry any weight as benefits, rather I consider them to be necessary mitigation and neutral in the overall planning balance.

50. I am acutely aware of the strong opposition to the appeal scheme and have carefully considered any parallels with the Pennsylvania Road appeal decision<sup>20</sup>. However, there are significant differences in terms of my findings on HLS and the quantum of market and affordable housing being delivered against the shortfall.
51. I appreciate that the local community and EGG may be dismayed and frustrated by the outcome of this appeal, especially given their investment of time and personal effort in presenting evidence to the Inquiry. Ultimately, the thrust of government policy is to significantly boost the supply of homes and in this appeal a balance must be struck between the need for housing, the preservation of undeveloped green fields, the prevailing development plan and other material considerations. In this light, and notwithstanding development plan conflict, the adverse impacts of granting planning permission would not be of such magnitude that they significantly and demonstrably outweigh the benefits.

#### *UU and S106 Agreement*

52. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 requires that, if planning obligations contained in s106 Agreements and UUs are to be taken into account in the granting of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
53. The Royal Devon University Healthcare NHS Foundation Trust (NHS Foundation Trust) has submitted evidence in support of a request for financial contributions to provide additional healthcare services to meet patient demand in light of increasingly severe funding and capacity issues. However, the evidence before me does not indicate the Council agrees in respect of the methodology and policy support, nor precisely what those contributions will be spent on and how they will relate to the development specifically, nor that the methodology avoids the potential lag between consent and occupation. The evidence before me does not provide sufficient justification that the health care service contributions meet the Regulation 122 tests. Accordingly, I have afforded no weight to this element of the UU and take no account of them in the overall planning balance.
54. Other than in respect of the NHS Foundation Trust contributions, the UU planning obligations and financial contributions are supported by the CIL compliance statement<sup>21</sup>. I am satisfied those obligations would secure 35% of the proposed dwellings as affordable housing units, 70% of which would be Social Rented and the remainder Intermediate; provision of open space (LEP and LEAP) and the Valley Park, their management and maintenance of the Valley Park; formal and informal Open Space including SUDS; a Travel Plan as

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<sup>20</sup> CD-A14

<sup>21</sup> CD-ID14

necessary to render the proposal acceptable in planning terms. I am also satisfied that the financial contributions towards youth facilities, GP Surgery, secondary education, walking and cycling, bus service, travel plan and TRO are proportional to the scale of the development and justified in terms of mitigating the potential effects of the development on local services and facilities. I have taken these into account in reaching my decision.

55. The s106 Agreement would secure £15,000 to enable ECC to create a 'landscaped buffer' on land outside that within the appellant's control along Juniper Green. I consider such a contribution necessary to ensure suitable mitigation for loss of open space and creation of a safe and attractive environment at Juniper Green. The contribution would therefore be proportionate, directly related, and fairly and reasonably related in scale and kind to the development in question. I have taken it into account in reaching my decision.

### **Other Matters**

56. Interested parties have raised concerns relating to additional vehicular movements, increased pressures on the local road network and parking. Concerns over the potential impact on living conditions, through loss of privacy and outlook, have been put to me, as have the potential for a legal covenant to restrict any development on Juniper Green. Points were also made regarding wider environmental and biodiversity impacts associated with the provision of housing on green fields in the context of a global climate crisis.
57. Interested parties have raised additional concerns, including in respect of highway safety, the practicalities of the new bus route and the impacts on the highway network and parking; biodiversity and ecological impacts; and harm to local residents' living conditions through disturbance and loss of privacy. However, these matters have been assessed by the Council's officers, the Highway Authority, and independent professionals, none of whom have raised any objection. Consequently, I see no reason to doubt or deviate from their professional judgement. In the absence of any written evidence, the potential for a covenant is a matter of conjecture. Even if one did exist, it would be a legal matter that sits outside of my consideration of the planning merits of the appeal.
58. Part of the appeal site, notably the vegetation north west of Spruce Close and to the field to the north west of Celia Crescent, is covered by a local nature conservation designation, and the latter is also designated as a Valley Park. The parameters plan shows movement by way of public foot access through Fields 3, 4 and 5 as part of the New Valley Park. However, it is supposition that any formal hard-surfaced routes would be created or that they would make any material harm to Landscape Setting. Rather, the proposals would be formalising public accessibility to those fields, which I understand has historically been assumed without express landowner consent.
59. I do not wish to minimize the threat of climate change, including through unsustainable housing development and the loss of green fields. However, I have found the appeal site is located where future occupiers would have a choice of travel by sustainable modes, and there would be improved choice through the extension of the bus service to existing streets. Additionally, the detailed energy performance and construction of the proposed dwellings would be dealt with as part of the reserved matters. Detailed considerations relating



to landscape, layout, scale and appearance will also be considered at the reserved matters stage. Subject to these, along with the executed legal agreements and conditions I have imposed, there is no reason to doubt that a high-quality, safe and sustainable scheme would be delivered. I therefore find no reason to refuse the development on the basis of these other matters raised. My decision stems from the planning merits and site-specific circumstances before me. Allowing this appeal therefore does not offer a precedent for further housing development at Exeter's Landscape Setting, nor would it apply further development pressure on green fields.

### **Conditions**

60. Various suggested conditions were discussed at the Inquiry and subsequently refined and agreed (with three exceptions) with the Appellant. I have considered these against the six tests set out in paragraph 55 of the Framework. In some instances, while I have adopted the suggested conditions, I have made minor changes to wording to add clarity as appropriate.
61. Conditions setting out the reserved matters details, timescales for their approval and the commencement of the development, and the list of approved plans, are all required in the interests of providing planning certainty and clarity.
62. The appeal site falls within an area identified by Exeter Airport as requiring assessment of a development proposal to potentially conflict with its Instrument Flight Procedure (IFP). While the assessment extends beyond just building heights, matters of landscaping and layout, as well as scale, are part of the reserved matters. Therefore, the detailed plans that come forward with the reserved matters will be consulted on, subject to Exeter Airport's own IFP as required. I therefore do not find it would be reasonable or necessary to impose an IFP condition.
63. A condition requiring a written scheme of archaeological investigation is necessary to identify the site's archaeological potential and record/publish results in the interests of the historic environment. Matters of drainage and contamination are outside the scope of the reserved matters and so conditions requiring details of surface water drainage and contamination are required in the interests of managing flood risk and pollution.
64. Conditions requiring a Tree Protection Plan and Arboricultural Method Statement, as well as details in respect of nesting birds and bat boxes and dark skies, Ecological Mitigation and Enhancement, as well as a Landscape and Ecology management Plan are all required in the interests of biodiversity and ecology. A condition requiring the details of rapid charge electric vehicle charging points and cycle parking provision, as well as requiring dwellings be constructed in accordance with Energy Performance Standards, are necessary in the interests of mitigating climate change and contributing to sustainable development.
65. The conditions requiring details of a 'wearing course', a vehicle/pedestrian/cycle route, as well as implementation of access arrangements, link roads and car parking within the site are all required in the interests of highway safety and the efficient operation of the local highway network. Safeguarding the living conditions of future residents in respect of air quality, noise and the disturbance associated with the development, as well as

ensuring waste and pollution arising from the development are appropriately dealt with justifies the condition for a Construction and Environmental Management Plan.

### **Conclusion**

66. In view of the absence of a 5-year housing land supply and the engagement of the 'tilted balance', in my judgement, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development.
67. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*H Porter*

INSPECTOR

### **APPEARANCES**

#### **FOR THE LOCAL PLANNING AUTHORITY**

Ms Kate Olley of Counsel

Instructed by Mr Simon Curran LLB

She called:

Mr Simon Curran LLB

Service Lead, Legal Services ECC

Ms Katharine Smith

Principal Project Manager, Local Plans Team ECC

Mr Robin Upton MRTPI

Director, Tetra Tech Planning

#### **FOR EXETER GREENSPACE GROUP:**

Ms Namia Allcock

Exeter Greenspace Group

She called:

Reverend Steven Hanna

Dr Gillian Baker

Mr Michael Bennett

#### **FOR THE APPELLANT:**

Mr Zack Simons of Counsel

Instructed by Dr Thomas Rocke

He called:

Dr Thomas Roche BA (Hons) PHD BTP (DIST) MRTPI	Rocke Associates
Mr Ben Pycroft BA (Hons) Dip TP MRTPI	Emery Planning
Mr James Stacey BA (Hons) Dip TP MRTPI	Tetlow King Planning
Mr Nick Bunn BA (Hons) PG Dip MA CMLI	Redbay Design Landscape Consultants
Ms Caroline Waller	Clarke Willmott LLP

**INTERESTED PARTIES:**

Dr Peter Stott, local resident in opposition

Mr Dawkins, local resident in opposition

**Annex 1**

**DOCUMENTS SUBMITTED AT THE INQUIRY**

- ID1 Appellant Opening Statement
- ID2 LPA Opening Statement
- ID3 Rule 6 (EGG) Opening Statement
- ID4 Mr Dawkins (Interested Party) Summary Statement of Opposition
- ID5 Dr Peter Stott (Interested Party) Summary Statement of Opposition
- ID6 A3 Hard copies of Appellant Photographic Evidence
- ID7 A3 Hard copies of Appendix II Rule 6 Viewpoints Rev A
- ID8 Suggested Draft Conditions (Version 1)
- ID9 Suggested Draft Conditions (Version 2)
- ID10 BSI Biodiversity Code of Practice
- ID11 Cover email (Robin Upton) 6.7.22 explaining wording of suggested LEMP condition 27
- ID12 Suggest Draft Conditions (Version 3 – including Rule 6 (EGG) comments)
- ID13 Schedule of Drawings for Approval
- ID14 Cover email (Tom Roche) 6.7.22 confirming drawings for which approval is sought as at suggested condition 3
- ID15 Appeal Decision APP/Y1110/W/21/3278148 7 February 2022 (Land at Redhills, Exwick Lane, Exeter)
- ID16 Appellant's written costs (full) application
- ID17 Hard copy Suggested Draft Conditions (Version 3)
- ID18 Closing Submissions on Behalf of Exeter City Council
- ID19 Council written costs rebuttal
- ID20 Rule 6 (EGG) Closing Submissions
- ID21 Appellant's Closing Submissions

## **Annex 2**

### **SCHEDULE OF CONDITIONS**

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (1000 Rev E); Parameter Plan Land Use (1150 Rev F); Parameter Plan Density (1151 Rev F); Parameter Plan Scale (1152 Rev F); Parameter Plan Access and Movement (1153 Rev F); Parameter Plan Open Space Provision (1154 Rev G) Parameter Plan Landscape Strategy (1155 Rev A); Preliminary Road Design Celia Crescent Access (04268-A-SK110-P4); Spruce Close Access and Parking (04268- A-SK124-P4 ); Spruce Close Bus Stop Locations (04268-A-SK125-P4).
- 5) Concurrent with the submission of the reserved matters, a Lighting Design Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The Lighting Design Strategy shall include the following details:
  - a) A plan indicating where 'dark areas' will be maintained on the development site;
  - b) Assessment of light levels arising from the development (including from building, vehicles, street lighting and any other external lighting sources)
  - c) Plans annotated with isolines to show predicted illuminance and light spill in relation to the 'dark areas';
  - d) Evidence to demonstrate light spillage arising from the development shall not exceed 0.5lux within 'dark areas' and be maintained in perpetuity.

The development shall be carried out and maintained in accordance with the Lighting Design Strategy, and thereafter be retained as approved.

- 6) No demolition/development shall take place within the site until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
  - a) the programme and methodology of site investigation and recording;
  - b) the programme for post investigation assessment;
  - c) the provision to be made for analysis of the site investigation and recording;

- d) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - e) the provision to be made for archive deposition of the analysis and records of the site investigation;
  - f) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 7) Concurrent with the submission of the reserved matters, details of surface water drainage system shall be submitted to and approved in writing by the local planning authority. The details shall include:
- a) a programme of soakaway and groundwater tests that have been carried out in accordance with BRE 365, and the results submitted to and approved in writing by the local planning authority;
  - b) a detailed drainage design based upon the Flood Risk Assessment (Land off Spruce Close Exeter O777 Rev C, 18 June 2021) and the soakaway and groundwater test submitted in relation to a);
  - c) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by the relevant public authority or statutory undertaker (South West Water) and any other arrangements to secure the operation of the scheme throughout its lifetime;
  - d) the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

No dwelling hereby permitted shall be occupied until the works associated with the surface water drainage system have been implemented in accordance with the approved details and shall thereafter be managed and maintained in accordance with those approved details.

- 8) No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide for:
- a) the provision of site accesses haul routes, parking of vehicles for site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant, materials or other equipment used in constructing the development;
  - d) the erection and maintenance of security hoarding;
  - e) the supply of water for damping down and wheel washing;
  - f) wheel washing protocols and facilities;
  - g) a timetable of dust generating activities and details of measures to control the emission of dust and dirt during construction (include prohibiting burning of any materials or vegetation on site);

- h) a Waste Audit Statement for recycling/disposing of waste resulting from demolition and construction works in accordance with the waste audit template in Devon County Council's Waste Management and Infrastructure SPD
- i) measures to minimise noise/vibration disturbance to nearby residents from plant and machinery
- j) delivery, site clearance, piling and construction working hours;
- k) Detailed proposals for the management of surface water and silt run-off from the site during construction
- l) Air quality monitoring objectives and protocols, including site log book and procedure by which to notify the Environment and Safety Services Department of any air quality objectives being exceeded or other exceptional incidents;
- m) the name, role and contact details of the authorised personnel responsible on site for fulfilling the CEMP including the Air Quality Monitoring Log Book during the course of construction works

The approved CEMP shall be adhered to throughout the construction period for the development.

- 9) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.
- 10) In the event of there being evidence of contamination as the development proceeds, the development shall cease pending the carrying out of an investigation of the extent and nature of contamination, the risks that it poses, together with the preparation of a remediation strategy, that shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be carried out in accordance with the approved details.
- 11) No site vegetation clearance or works to trees or hedgerows on site shall take place until a scheme for the protection of trees and hedgerows has been submitted to and approved in writing by the local planning authority. The scheme shall include:
  - a) A Tree Protection Plan showing the position of every tree or hedgerow on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees are to be removed; any proposed pruning, felling or other work;
  - b) An Arboricultural Method Statement in relation to every existing tree or hedgerow identified to be retained on the plan referred to in a) above, details of any proposed alterations to existing ground levels, and of the position of any proposed excavation,

that might affect the root protection area; and, all appropriate tree or hedgerow protection measures required before and during the course of development (in accordance with paragraph 5.5 and 6.1 of British Standard BS 5837) (or in an equivalent British Standard if replaced);

- c) A Nesting Bird Method Statement that shall include timetable for carrying out works to trees outside bird nesting season, protocols in the event nesting birds are found or suspected during works, and the name and contact details of a suitably qualified ecologist overseeing those works.

The vegetation clearance or works to trees or hedgerows shall subsequently be carried out in accordance with the approved details.

- 12) The application for approval of landscaping as a reserved matter shall include the following details:
  - a) A full specification of all proposed tree and hedgerow planting to be approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification;
  - b) Details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
  - c) An Ecological Mitigation and Enhancement Strategy (EMES) for the operational phase of the development that shall have been prepared in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and take into account the mitigation and enhancement measures in section 5.0 of the submitted Ecological Impact Assessment.

The EMES and landscaping works shall be implemented as approved.

- 13) No development shall take place on any phase of the development until a Landscape and Ecology Implementation and Management Plan (LEMP) for that phase has been submitted to and approved in writing by the local planning authority. The LEMP shall include a timetable for implementation of the landscaping and ecology work and details of the management regime. The LEMP shall be implemented in accordance with the approved details.
- 14) Concurrent with the reserved matters application details of a Standard Assessment Procedure (SAP) calculation of the dwellings hereby approved, which demonstrates that a reduction in CO<sub>2</sub> emissions necessary to meet the requirements of Part L of the 2013 or Part L of the 2022 Building Regulations as appropriate. The measures necessary to achieve the CO<sub>2</sub> emissions saving shall thereafter be implemented on site and within 3 months of completion of any dwelling hereby approved, an



'as-built' SAP calculation report from a suitably qualified consultant submitted to an approved in writing by the local planning authority.

- 15) Concurrent with the reserved matters application details of provisions for nesting birds and roosting bats within the development hereby approved shall be submitted to and approved in writing by the local planning authority. Those details shall show locations of built-in next/roost sites across the appeal site and demonstrate a minimum overall average ratio of 1 built-in next/roost site per dwelling. The provisions for nesting birds and roosting bats shall be implemented in accordance with the approved details and maintained thereafter.  
  
The provisions for nesting birds and roosting bats shall subsequently be carried out in accordance with the approved details and retained thereafter.
- 16) Concurrent with the reserved matters application details and specification of a vehicular/pedestrian/cycle route from Celia Crescent to Spruce Close/Pinwood Meadow Drive shall have been submitted to and approved in writing by the local planning authority.
- 17) Concurrent with the reserved matters application, details, specification and a timetable for application of the 'wearing course' to be applied to the estate roads and access arrangements as per the Preliminary Road Design Celia Crescent Access (04268-A-SK110-P4) shall be submitted to and approved in writing by the local planning authority. The 'wearing course' shall be constructed in accordance with the approved timings and details and maintained thereafter.
- 18) Concurrent with the reserved matters application, details of rapid charge electric vehicle charging points specification within the development hereby approved shall be submitted to and approved in writing by the local planning authority. Those details shall show locations of rapid charge points and demonstrate a provision of 1 per 10 spaces of unallocated parking and 1 per 10 dwellings with allocated parking (subject to network capacity). The rapid charge points shall be provided in accordance with the approved details and maintained (or subsequently upgraded) thereafter.
- 19) Concurrent with the reserved matters application, details of cycle parking provision within the development hereby approved shall be submitted to and approved in writing by the local planning authority. Those details shall demonstrate the cycle parking provision satisfies the design and minimum parking standards guidance set out in the Sustainable Transport SPD. The cycle parking provision shall be provided in accordance with the approved details and maintained thereafter.
- 20) The application for approval of layout as a reserved matter shall include details of car parking provision within the site. No dwelling hereby approved shall be occupied until the carparking for the dwelling and access to it has been provided and made available for use in accordance with the approved details and maintained thereafter available for the purpose of carparking.
- 21) Notwithstanding condition 4, not more than 50 of the dwellings hereby approved shall be occupied until the access arrangements on Spruce Close/Pinwood Meadow Drive and link road through Juniper Green open

space as per Spruce Close Access and Parking (04268- A-SK124-P4) shall have been provided and laid out. The access arrangements and link road shall be maintained thereafter.

- 22) Notwithstanding condition 4, not more than 50 of the dwellings hereby approved shall be occupied until the vehicular/pedestrian/cycle route from Celia Crescent to Spruce Close/Pinwood Meadow Drive has been provided and laid out in accordance with the details required by Condition 16 and 17. The vehicular/pedestrian/cycle route shall be maintained thereafter.

EP5P

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## Appeal Decision

Inquiry Held on 27-30 April, 4-7, 11 and 12 May 2021

Site visit made on 10 May 2021

**by Harold Stephens BA MPhil Dip TP MRTPI FRSA**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

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**Appeal Ref: APP/Q3115/W/20/3265861**

**Little Sparrows, Sonning Common, Oxfordshire RG4 9NY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Senior Living (Sonning Common) Limited and Investfront Ltd against the decision of South Oxfordshire District Council.
  - The application Ref P19/S4576/O, dated 12 December 2019, was refused by notice dated 30 June 2020.
  - The development proposed is a hybrid planning application for the development of a continuing care retirement community care village (Use Class C2) of up to 133 units with ancillary communal and care facilities and green space consisting of (i) A full planning application for 73 assisted living units within a "village core" building with ancillary communal and care facilities, gardens, green space, landscaping and car parking areas and residential blocks B1-B4; and (ii) An outline application (all matters reserved except access) for up to 60 assisted living units with ancillary community space, gardens, green space and landscaping and car parking areas.
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### Decision

1. The appeal is allowed and planning permission is granted for a hybrid planning application for the development of a continuing care retirement community care village (Use Class C2) of up to 133 units with ancillary communal and care facilities and green space consisting of (i) A full planning application for 73 assisted living units within a "village core" building with ancillary communal and care facilities, gardens, green space, landscaping and car parking areas and residential blocks B1-B4; and (ii) An outline application (all matters reserved except access) for up to 60 assisted living units with ancillary community space, gardens, green space and landscaping and car parking areas at Little Sparrows, Sonning Common, in accordance with the terms of the application, Ref P19/S4576/O, dated 12 December 2019, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

### Procedural Matters

2. At the Inquiry an application for a partial award of costs was made by South Oxfordshire District Council (the Council) against the Appellant. This is the subject of a separate Decision.
3. The appeal follows the refusal of the Council to grant planning permission to a hybrid planning application for development at Blounts Court Road, Sonning Common. The planning application was determined under delegated powers

on 30 June 2020 and there were seven reasons for refusal (RfR) set out in the decision notice.<sup>1</sup>

4. The application was supported by a number of plans, reports, and technical information. A full list of the plans on which the appeal is to be determined is set out at Appendix 4 of SoCG 4 Planning<sup>2</sup> which was agreed by the main parties. A full list of all documents forming part of the consideration of this appeal is set out at Appendix 3 of SoCG 4 which was agreed by the parties.<sup>3</sup>
5. I held a Case Management Conference (CMC) on 4 March 2021. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry and timings. In the weeks following the CMC the main parties continued discussions on the appeal to ensure that matters of dispute were clear and that all matters of agreement were documented in either Statements of Common Ground or in draft Planning Conditions such that time on these matters was minimised at the Inquiry. The following Statements of Common Ground were submitted: SoCG 1 Landscape; SoCG 2 Transport; SoCG 3 Viability; SoCG 4 Planning and SoCG 5 Five Year Land Supply.
6. At the Inquiry a Planning Obligation was submitted.<sup>4</sup> The Planning Obligation is made by an Agreement between Investfront Limited, Lloyds Bank PLC, Senior Living (Sonning Common) Limited, South Oxfordshire District Council and Oxfordshire County Council under s106 of the TCPA 1990. The Planning Obligation secures, amongst other matters, an off-site financial contribution in lieu of on-site affordable housing provision of £7,510,350. The s106 Agreement is signed and dated 26 May 2021 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement<sup>5</sup> and an Addendum to the CIL Statement<sup>6</sup> were also submitted in support of the Planning Obligation. I return to the Planning Obligation later in this decision.
7. In relation to RfR7 (affordable housing), following discussions on viability, the Appellant reached agreement with the Council on the payment of an off-site financial contribution towards affordable housing that is secured through a s106 Agreement. Therefore, it is agreed that having regard to development viability, the appeal proposal would provide an adequate level of affordable housing provision and this matter is no longer in dispute.
8. The application was screened for Environmental Impact Assessment (EIA) prior to submission of the application and the Council determined that EIA was not required on 6 November 2019. I agree with the negative screening that was undertaken by the Council.

## Main Issues

9. In the light of the above I consider the main issues are:

(i) *Whether the proposed development would be in accordance with the Council's strategy for the delivery of older persons accommodation throughout the district as set out in the development plan;*

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<sup>1</sup> See Appendix A in CD H.1

<sup>2</sup> CD H.5

<sup>3</sup> Ibid

<sup>4</sup> INQ APP11

<sup>5</sup> INQ LPA7

<sup>6</sup> INQ LPA8

- (ii) *The impact of the proposed development on the landscape character of the AONB and the landscape setting of Sonning Common;*
- (iii) *The effect of the design of the proposed development on the character and appearance of the village;*
- (iv) *Whether the proposed development makes adequate provision for any additional infrastructure and services that are necessary, including affordable housing, arising from the development.*
- (v) *Whether, in the light of the criteria set out in paragraph 172 of the NPPF, there are exceptional circumstances to justify the proposed development within the AONB.*

## Reasons

### *Planning Policy context*

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this appeal, the development plan comprises the following documents:
  - The South Oxfordshire Local Plan 2035 (Adopted 2020) (SOLP); and
  - The Sonning Common Neighbourhood Plan (2016) (SCNP).
11. The determination of the planning application, the subject of this appeal, took place against the background of a different development plan framework to that now in place. Although the SOLP has been subsequently adopted, the SCNP was based upon the Core Strategy which has been withdrawn, including the out of date housing requirements derived from the old Regional Strategy, significantly reducing the weight that can be afforded to it.
12. The development plan policies that are relevant to this appeal are agreed by the main parties and are set out in SoCG 4<sup>7</sup> and INQ LPA6 provides an agreed schedule of the replacement policies for those cited in the decision notice.
13. The SCNP is currently under review. An initial public consultation was held between 29 February - 23 March 2020 but the Plan has not at this stage progressed further and there is as yet no agreed timetable. No weight can be given to that review.
14. SoCG 4 sets out the sections of the NPPF which are relevant in this case.<sup>8</sup> It also sets out a list of Supplementary Planning Documents and Guidance<sup>9</sup> which should be considered in this appeal and specific parts of the National Planning Practice Guidance (PPG)<sup>10</sup> which are considered relevant.
15. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). The Chilterns AONB is a 'valued landscape' in respect of paragraph 170 of the NPPF. AONBs, along with National Parks and the Broads, benefit from the highest status of protection in relation to conserving and

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<sup>7</sup> Paragraph 3.3

<sup>8</sup> Paragraph 3.5

<sup>9</sup> Paragraph 3.6

<sup>10</sup> Paragraph 3.7

enhancing landscape and scenic beauty. Section 85 of the Countryside and Rights of Way Act 2000 (CROW) places a duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB. Paragraph 172 of the NPPF requires “great weight” to be given to those matters in decision making. It is common ground that the appeal proposal involves major development within the AONB and as such should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

16. Paragraph 172 of the NPPF requires particular consideration to be given to:  
(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and (c) any detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. I deal with these matters under the main issues but at the outset it is important to address whether or not the Council has a five year supply of housing.

#### *Five Year Housing Land Supply*

17. Paragraph 73 of the NPPF sets the requirement for Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.
18. Since 2018, Oxfordshire only needed to demonstrate a three-year supply of housing. However, on 25 March 2021 the Minister of State for Housing confirmed that a five-year housing land supply was again required. The Council produced a Housing Land Supply Interim Statement (IHLS)<sup>11</sup> setting out their initial position for the period 1 April 2020 to the 1 April 2025 which asserts a 5.35-year supply. However, at the Inquiry, the Council conceded that the supply had fallen on its own case to 5.08 years. The five-year supply requirement is a minimum requirement and it needs to be deliverable. The definition of deliverable is contained in Annex 2 to the NPPF.
19. The most up-to-date position as regards the difference between the main parties is summarised in the agreed SoCG 5. There is no disagreement as to the housing need (900 dpa) or the time period for the assessment (2020/21 to 2024/25). The five-year requirement including an agreed shortfall of 922 dwellings and 5% buffer is 5,693. The difference between the main parties comes down to the Council’s position that there is a 5.08 year supply of deliverable housing sites and the Appellant’s assertion that it is instead a 4.21-year supply. Table 3 of SoCG 5 contains a schedule of 15 disputed sites. I have assessed these disputed sites in the context of the test of deliverability set out in Annex 2 of the NPPF. This specific guidance indicates which sites should be included within the five-year supply.
20. I have also had regard to the PPG advice published on 22 July 2019 on ‘Housing supply and delivery’ including the section that provides guidance on

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<sup>11</sup> CD: K.32 South Oxfordshire Local Plan Housing Land Supply Interim Statement 2021



‘What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking.’ The PPG is clear on what is required:

*"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."*

This advice indicates to me the expectation that ‘clear evidence’ must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.

21. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer or agent does not in itself constitute ‘clear evidence’. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward.
22. It is not necessary for me to go through all of the disputed sites in Table 3 of SoCG 5. In my view, the Council was not able to provide clear evidence of delivery on most of the disputed sites which significantly undermines its position. For example, the Council suggests that 100 dwellings would be delivered at Site 1561: Land to the south of Newham Manor, Crowmarsh Gifford whereas the Appellant says 100 dwellings should be deducted. The comments set out by the Appellant for this site in Table 3 are compelling. Similarly, at Site 1009: Land to the north east of Didcot, the Council suggests 152 dwellings would be delivered whereas the Appellant says 152 dwellings should be deducted. The Appellant provides cogent evidence to support its case. Furthermore, at Site 1418: Land at Wheatley Campus, the Council agrees a deduction but only of 62 dwellings whereas the Appellant says the deduction should be 230. There is no clear evidence before me that would suggest that these sites or indeed most of the disputed sites would deliver the completions suggested by the Council in the next five years.
23. Overall, I consider that the Appellant’s assessment of supply set out in Table 2 of SoCG 5 is more realistic taking into account the test of deliverability set out in Appendix 2 to the NPPF and the PPG advice published on 22 July 2019. I am satisfied that the Appellant’s approach is consistent with national policy, case law, appeal decisions and informed by current housebuilder sales rates, assessment of the technical complexities of delivering development sites and experience of the housebuilding industry including lead-in times.
24. My conclusion on housing land supply is that there are a number of sites that together significantly reduce the Council’s five-year housing land supply. Many of the sites that the Council includes within the supply cannot be justified applying the current definition of deliverable. Following discussions between the main parties, deductions from the IHLS figure of 6,093 dwellings, have been identified and summarised at Table 1 of SoCG 5 and the impact which this has on the five year housing land supply is summarised at Table 2.

25. I consider that the Council's supply figure should be reduced to reflect the Appellant's position set out in Table 2 of SoCG 5. The Council's supply figure of 5,785 dwellings in Table 2 should be reduced to give a more robust total supply figure of 4,789 dwellings for the five year period. Although the Council maintains there is a 5.08 year supply, the evidence that is before me indicates a housing land supply equivalent to **4.21** years. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall, but it also means most important policies for determining the application are automatically out-of-date. The Council accepts that means all the policies in the SOLP and the SCNP are out-of-date. It also means if the paragraph 172 tests in the NPPF are satisfied then the tilted balance applies.

*First Issue - whether the proposed development would be in accordance with the Council's strategy for the delivery of older persons accommodation throughout the district as set out in the development plan;*

*The Need for Extra Care*

26. The Council argues that the appeal proposal would be contrary to Policies H1 and H13 of the SOLP and due to its location in the AONB, outside but next to Sonning Common, brings into play Policies ENV1 and Policy H4 of the SOLP, and Policies ENV1, ENV2, H1, H2 and H2a of the SCNP. It is also claimed that the provision of 133 units of specialist housing for the elderly would be inconsistent with the proportionate growth in general housing planned for Sonning Common at both levels of the development plan.
27. Clearly the need for specialist accommodation for older people is recognised in the SOLP, which promotes the identification of suitable sites in the neighbourhood planning process and the inclusion of specialist accommodation on strategic sites,<sup>12</sup> and favours specialist housing for the elderly over conventional housing on unallocated sites.<sup>13</sup> Although extra care housing is referred to in the supporting text,<sup>14</sup> the SOLP does not prescribe particular levels of provision by type of accommodation, which allows flexibility in provision, adapting to what is an evolving sector. I note that no attempt is made to differentiate between types and tenure of specialist housing for older people, nor to address the need for each. No quantum for extra care accommodation is set out in the SOLP. Although Table 4f of the SOLP shows an outstanding requirement for 96 units over the plan period for Sonning Common it makes no reference to the needs arising from within existing households arising from their ageing.
28. Quantification of the need for open market extra care housing is not straightforward, in part because whether an owner-occupier moves to extra care housing is ultimately a matter of choice, in part because there is no prescribed or generally accepted methodology. The Government very clearly supports the identification and provision of extra care accommodation as a recognised form of specialist accommodation for the elderly.<sup>15</sup> Moreover, it is important to bear in mind that the NPPF definition<sup>16</sup> of 'older people' does not

<sup>12</sup> See CD: C.4 Policy H13(2), (3)

<sup>13</sup> See CD: C.4 Policy H1(3)(ii)

<sup>14</sup> See CD: C.4 paragraph 4.70

<sup>15</sup> See paragraphs 59 and 61 of the NPPF

<sup>16</sup> See Annex 2

exclusively mean the very frail elderly rather it embraces a wide range of people in that category both in terms of a very wide age range and significant variation in issues surrounding matters like mobility and general health.

29. Within the PPG on 'Housing for older and disabled people' it states that:<sup>17</sup>

*"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking"*

30. The Government plainly recognises that the need is 'critical' and the importance of 'choice' and addressing 'changing needs'. Offering greater choice means a greater range of options being offered to people in later life and that the range of options should at the very least include the categories the Government recognises in its guidance. This includes extra care. The PPG also advises what 'range of needs should be addressed'. It recognises the diverse range of needs that exists and states that:<sup>18</sup>

*"For plan-making purposes, strategic policy-making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people".*

31. Plainly, when compared with Government guidance, the development plan is left wanting in terms of addressing a need for extra care. There is no reference in Policy STRAT 1 to the PPG insofar as assessing the needs of older people. There is no reference in Policy STRAT 2 to the accommodation needs of those local residents who will make up more than a quarter of the total population of South Oxfordshire by 2035. Policy H13 in the SOLP expressly deals with specialist housing for older people. It covers all forms of specialist housing for older people, but it is completely generic as to provision. No attempt is made to differentiate between types and tenure of specialist housing for older people, nor to address the need for each. The needs of all older people are simply lumped together. Nor is there any engagement with the market constraints and viability considerations relating to specialist accommodation for older people evidenced by Mr Garside during the Inquiry.
32. Paragraph 3 of Policy H13 suggests that provision be made within strategic allocations. The strategic sites are mostly focused around Oxford or in the more northern part of the District. Only one such strategic site has planning permission – Wheatley Campus but no extra care is proposed. The Council want to see it on Ladygrove East. That is not a strategic allocation in the SOLP. But in any event the Council is seeking affordable extra care there and the developer (Bloor Homes) is resisting it. The Council conceded that the strategic sites do not really feature at all in its five-year housing land supply calculations. The Council also accepted that landowners and developers would achieve a better return if they build market houses.

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<sup>17</sup> See paragraph 001 Reference ID: 63-001-20190626

<sup>18</sup> See paragraph 003 Reference ID: 63-003-20190626

33. Reference is made to encouraging provision through the neighbourhood planning process.<sup>19</sup> However, without a more definitive district wide requirement it would be difficult for neighbourhood plan groups to assess the levels of provision required, which will vary; and neighbourhood plan groups generally lack the expertise to fully appreciate the requirements and the different housing models available and their viability and practicality.<sup>20</sup>
34. The Appellant's primary evidence on need is given by Mr Appleton, the principal author of two key publications in this area: *More Choice: Greater Voice* (2008)<sup>21</sup> and *Housing in Later Life* (2012).<sup>22</sup> Both of these publications seek to address how best to quantify the need for specialist housing for the elderly. They advocate a method which is based on the population and other nationally available data to look at the characteristics of an LPA area.
35. The PPG highlights the need to begin with the age profile of the population. I note that the proportions of people aged 65 and over within South Oxfordshire District currently sits above the national average.<sup>23</sup> Furthermore, there is presently a population of 15,000 in South Oxfordshire District, who are aged 75 years or older which is forecast to increase to 21,100 by 2035.<sup>24</sup>
36. In terms of care needs, 4,019 people in this population have difficulty managing at least one mobility activity on their own at present, set to rise to 6,046 by 2035.<sup>25</sup> They are overwhelmingly owner occupiers, with 81.23% of people aged 75-84 and 75.25% aged 85 and over owning their own home compared with 13.74% and 17.42% respectively Council or social rented.<sup>26</sup> Importantly, South Oxfordshire sits significantly above the national trend toward owner occupation as the dominant tenure for older people.
37. For the Appellant it is argued that there is a significant under-supply of retirement housing for leasehold sale to respond to the levels of owner-occupation among older people in the District.<sup>27</sup> There is a total of approximately 1,641 units of specialist accommodation for older people. However, there is a very marked disparity in the availability of specialised housing for older homeowners compared with the supply available to older people in other tenures.<sup>28</sup> The current rate of provision favours those in tenures other than home ownership with nearly four times as many units available to them in sheltered, retirement and extra care housing than are currently available for their peers who are homeowners.<sup>29</sup> At present, it is submitted that there are 120 units of affordable extra care housing and 113 units of market extra care housing.<sup>30</sup>
38. Mr Appleton sets out a provision rate for private extra care of 30 per 1,000 of the 75 and over population in the District based on a total provision of 45 extra care units per 1,000 (4.5%) across both the affordable and private sectors, but split on a ratio of one third for social rented and two thirds for

<sup>19</sup> See CD: C.4 Policy H13 paragraph 2

<sup>20</sup> POE of Simon James paragraph 5.1.11

<sup>21</sup> CD: K.44

<sup>22</sup> CD: K.45

<sup>23</sup> See APP 2.3 Nigel Appleton Section 6

<sup>24</sup> See APP 2.3 Nigel Appleton Table One

<sup>25</sup> See APP 2.3 Nigel Appleton Table Five

<sup>26</sup> See APP 2.3 Nigel Appleton Table Twelve

<sup>27</sup> See APP 2.3 Nigel Appleton paragraph 9.2

<sup>28</sup> See APP 2.3 Nigel Appleton Table Fourteen

<sup>29</sup> See APP 2.3 Nigel Appleton paragraphs 9.7-9.9

<sup>30</sup> See APP 2.3 Nigel Appleton Table Fourteen

sale. This takes into consideration the research in "*More Choice: Greater Voice*" and revisions in "*Housing in Later Life*". I note that the 45 units per 1,000 is to be divided as suggested in order to bring supply into closer alignment with tenure choice among older people.<sup>31</sup> That is 450 units now. Projecting forward, an indicative provision of 633 units of market extra care would be required by 2035.<sup>32</sup> The Council refers to the Oxfordshire's Market Position Statement<sup>33</sup> which assumes a lower need figure for extra care housing but the focus there appears to be on social rented extra care housing. The Council also suggests that the SHMA<sup>34</sup> evidence is to be preferred. However, I note that it does not identify figures for extra care, nor does it relate to the present PPG.<sup>35</sup> In my view, Mr Appleton's provision rate is preferred and the need for more private extra care is overwhelming.

39. At present even a very modest level of provision of 30 units per 1,000 in the 75 and over population seems unlikely in South Oxfordshire District, especially as the SOLP now requires affordable housing to be provided, when previously it was not required. No other extra care market proposals are coming forward. The Rectory Homes proposal at Thame, refused on appeal for not providing an affordable contribution has been resubmitted but the s106 Agreement is not signed. Nor is Rectory Homes Ltd a provider of care.
40. In my view, there is a strong case that Mr Appleton's 45 per 1,000 overall, with 30 per 1,000 to market extra care, should be far more ambitious given not only the true tenure split in the District but also what it could mean for the ability to contribute towards addressing the housing crisis. Mrs Smith conceded that the figure of 30 per 1,000 was hardly ambitious and, if anything, was underplaying the scale of the potential need.
41. Turning to supply, with only 113 units of market extra care units of extra care housing existing in South Oxfordshire and a current need of 450 units this leaves a shortfall of 337. As to the existing pipeline, Mr Appleton analysed the same at Figure Two of his Needs Report, which was updated at INQ APP12. The total 'pipeline' supply of extra care not already included in Mr Appleton's tabulation of current supply are the proposed 110 units in Didcot and Wallingford, and the 65 units proposed at Lower Shiplake. This gives a total gain of 175 units. However, both Wallingford and Didcot sites have been confirmed as affordable extra care. The Council did not dispute the 175 figure and Mrs Smith accepted that she did not know if the 110 units in Didcot and Wallingford would be affordable or market. I consider that only 65 units can reasonably be considered as pipeline.
42. The pipeline needs to be set against the current shortfall of 337 which still leaves 162 units even if Didcot and Wallingford are included and 272 if they are not. That is a substantial unmet need now which will only further climb and in respect of which there is nothing in the pipeline and no prospect of any strategic allocated site delivering in the five year housing land supply.
43. There is plainly a very limited supply of extra care housing for market sale (leasehold) in South Oxfordshire. Adding further concern, it is of note that

<sup>31</sup> See APP 2.3 Nigel Appleton paragraph 11.6

<sup>32</sup> See APP 2.3 Nigel Appleton Table Seventeen

<sup>33</sup> See CD: K.27 Market Position Statement for Oxfordshire in relation to Care Provision and Extra Care Housing Supplement assumes a need for 25 units of extra care housing for every 1,000 of the population aged 75+ page 9

<sup>34</sup> See CD: 14 HOUS5 Oxfordshire Strategic Housing Market Assessment April 2014

<sup>35</sup> Ibid



from 2012 to date just 133 units have been delivered despite there being in the same period permissions for a net gain of 447 additional Care Home beds. This runs completely contrary to the policy set out in the Market Position Statement of reducing reliance on Care Home beds and increasing capacity in extra care. The case for more market extra care provision now is very clear. Furthermore, the need is set only to grow.

44. The Council sought to undermine the Appellant's need case with reference to earlier data from Housing LIN and the @SHOP tool. This on-line tool is highlighted in the PPG as a basis for calculating need. But the fact is it only provides a figure based on existing prevalence and then seeks to project that forward with a proportion increase based on the increase in the 75+ age group in the District. This is not a measure of need.
45. The Council provided a list of specialist accommodation for older people<sup>36</sup> most of which is not market extra care, but mostly affordable extra care. Oxfordshire County Council has two sites with market extra care, but those schemes are in Banbury and Witney and not in the District.<sup>37</sup> In short, the pipeline adds up to very little. I consider there is hardly any market extra care housing in the District. The stark fact is that choice is largely unavailable.

#### *Policy Compliance*

46. Plainly the proposed development would make a substantial contribution toward the provision of a more adequate level of provision for older homeowners looking for an environment in which their changing needs could be met. The fact that the need is proposed to be met at Sonning Common seems entirely appropriate. Sonning Common is one of just 12 larger villages where a need for extra care provision has been identified in the SCNP, and where there is the oldest 65 and over population in the County. The SCNP expresses support for a small scale development of extra care housing in Policy H2a but no site is allocated for such use. The Sonning Common Parish Council (SCPC) accepted that SCNP policies referred to in the RfR are out of date due to a lack of five year housing land supply. That includes Policies ENV1, ENV2 and H1, which is only expressed as a minimum.
47. Policy H13 (1) in the SOLP gives support to extra care on unallocated sites. This adds to the weight that can be given to the need case. Policy H13 is the key policy in respect of specialist accommodation for older people. Though the appeal site is not a strategic site, nor allocated in the SCNP, Policy H13 does not itself require it to be. I have already discussed the difficulties associated with any of the strategic sites coming forward with market extra care either within the five year housing land supply period or at all.
48. Policy H13 (1) is clear that encouragement will be given to developments in locations "with good access to public transport and local facilities." The Council accepted that public transport for staff on the site would be more likely to take the form of bus services and they would perhaps have no difficulty walking. For residents there is a choice and it depends on their mobility. I saw that most of the site is flat. It does have a gradual gradient to the west then a steeper gradient close to Widmore Lane. The presence of a hairpin in the proposed design is to deal with the gradient which requires a

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<sup>36</sup> See Nicola Smith's Appendix 1

<sup>37</sup> CD: K.27 page 5

longer path to accommodate people with disabilities. I note that a minibus service is proposed which would take residents to the local supermarket. With regard to other trips, for example to the post office or to other facilities, residents could walk or take the minibus. Importantly, the core building has all facilities centrally. Residents could cook in their premises and meals would be provided on site. There would also be a small convenience shop on site and staff would be on hand to not only care for but also to assist people. Garden maintenance would be provided and there would be a wellbeing centre to help people's health and fitness. Overall, the facilities would take care of a considerable amount of day-to-day needs. In my view all of this would comprise "good access to public transport and local facilities."

49. With regard to matters of principle I accept that Policies ENV1 and STRAT 1 (ix) of the SOLP affords protection to the AONB and in the case of major development, it will only be permitted in exceptional circumstances and where it can be demonstrated to be in the public interest. I give these matters detailed consideration in other issues. The proposal fully accords with Policy H1 3ii) of the SOLP. With regard to Policy H4 of the SOLP, although the timeframe for review of the SCNP does not run out until December 2021 that does not bring the SCNP back into date. Whilst the review of the SCNP has commenced, it is at its earliest stage and no weight can be given to it. I conclude on the first issue that the appeal proposal would conflict with some but would comply with other elements of the Council's strategy for the delivery of older persons accommodation throughout the district.

*Second issue - the impact of the proposed development on the landscape character of the AONB and the landscape setting of Sonning Common*

50. SoCG 1 Landscape has been agreed between the parties and addresses landscape and visual matters. The appeal site is within the Chilterns AONB which is a 'valued landscape' in respect of paragraph 170 of the NPPF. The Chilterns AONB Management Plan 2019-2024<sup>38</sup> defines the 'special qualities' of the AONB and the most relevant to the appeal site and its context are summarised at paragraph 3.5 of SoCG 1.
51. In essence, the Council, supported by the SCPC, the Chilterns Conservation Board and others, consider that the proposed development would create a prominent and incongruous intrusion into Sonning Common's valued rural setting, relate poorly to the village, and cause material harm to the landscape character of the AONB. It is also claimed that the proposal would not conserve or enhance the landscape and scenic beauty of the AONB and would fail to protect its special qualities.<sup>39</sup> The policy context at the time of the decision notice referenced policies in the South Oxfordshire Local Plan 2011 which is now superseded by the adopted policies in the SOLP.<sup>40</sup> Policies ENV1 and ENV2 of the SCNP are also relevant. I note the illustrative Masterplan,<sup>41</sup> the LVIA and the Landscape Appendix<sup>42</sup> submitted by the Appellant.

<sup>38</sup> CD: F4 pages 10 and 11

<sup>39</sup> See RfR 2

<sup>40</sup> See LPA INQ6 which sets out the relevant SOLP policies including STRAT1 (ix), ENV1 and ENV5 and Design policies DES1, DES2, DES3 and DES5

<sup>41</sup> See Appendix 4.3.1 of James Atkin Drawing reference 1618\_L\_01\_01 Rev3

<sup>42</sup> CD: A.9 and CD A.10 Landscape and Visual Impact Assessment and Landscape Appendix



52. To address these points, it is necessary to understand what the special qualities of the Chilterns AONB are and the extent to which those special qualities relate to the appeal site and its context. From the evidence that is before me and from my site visit, I do not consider the appeal site or its local landscape context to be representative of the special qualities as set out in the Chilterns AONB Management Plan. Where the appeal site does exhibit some such qualities, they are generic. In all other respects, they are entirely absent.
53. Planning policy and statute give equal protection to all parts of the AONB. However, it would be unrealistic to expect the appeal site and its immediate context to share all or even most of these special qualities. It is important to have a balanced interpretation of how such special qualities relate. To that end, Mr Atkin's Table 1<sup>43</sup> summarises that relationship, drawing together judgements on the landscape and the extent to which the appeal site is characteristic, or otherwise, of the AONB. In summary, Mr Atkin's analysis demonstrates that the appeal site does not reflect the majority of the special qualities and, where there is a connection, the association is limited. It seems to me that the appeal site is more typical of an agricultural landscape that is commonplace around many settlement fringes. Plainly the appeal site and its local landscape context is less sensitive than other parts of the AONB.
54. The core characteristic of the appeal site and its context, and the most relevant of the special qualities to it, is the extensive mosaic of farmland with tree and woodland cover. However, this is probably the broadest and most generic of the special qualities acting as a 'catch all' for the extensive areas of farmland across the area. Other parts of the AONB are more distinct. The ancient woodland of Slade's Wood is located off site, outside of the AONB designation, though it does form part of its setting. As to extensive common land, this is not representative of the appeal site. In its local landscape context, Widmore Pond is designated as common land but is not an 'extensive' area contrasting with other parts of the AONB.
55. At my site visit I saw that the appeal site, being directly adjacent to the relatively modern settlement fringe of Sonning Common, detracts from any potential tranquillity. This is particularly so due to the neighbouring JMTC complex and associated car parking. It is common ground that the JMTC is 'institutional in scale'. In terms of ancient routes, there is no formal access to the appeal site. In the local landscape context, the closest rights of way are the public footpaths to the north-west and east both of which give access to the wider landscape to the north and east of Sonning Common where the characteristics of the AONB are more readily apparent.
56. The Council agreed that new development can be accommodated in the AONB and as a matter of principle can be an integral component. Indeed, the SCNP allocates development within its boundaries. I saw that the AONB in this location already contains a significant amount of built development. That contrasts significantly with the deep, rural area of countryside within the AONB some of which is located to the north east of the appeal site where the road turns east down the valley bottom heading to Henley-on-Thames. There, there is no settlement or village, no industrial buildings or surface car parks

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<sup>43</sup> See James Atkin's Appendix 4.1 pages 18-20

with 100 plus spaces. It is simply deep countryside with very limited urban development and is very attractive. That cannot be said about the appeal site.

57. Having considered how the special qualities of the AONB relate to the appeal site, I now consider the landscape character of it. The appeal site is partly located on an area of plateau between two valleys, within a landscape identified in the South Oxfordshire Landscape Character Assessment (2017)<sup>44</sup> as semi-enclosed dip slope, which in turn forms part of the broader Chilterns Plateau with Valleys Landscape Character Area (LCA10). The eastern part of the site is located above the 95m contour on the plateau area.<sup>45</sup> The southern and western parts of the site fall towards a shallow valley which contains neighbouring parts of Sonning Common. At a further distance to the north is a deeper valley which separates Sonning Common from Rotherfield Peppard.

58. The Landscape Assessment for the Local Plan 2033 for the semi enclosed dip slope LCT states:

*"...this part of the Chilterns dip slope has a surprisingly uniform character, despite its irregular pattern of plateaux and valleys and its mosaic of farmland and woodland. This complexity is a consistent and distinctive feature of the area, and the most obvious differences in landscape character are between the very intimate, enclosed wooded landscapes and those which have a more open structure and character."*

It is clear to me that there is a difference between the parts of the AONB in the dry valley and those on the plateaus.

59. What is distinctive about this part of the landscape and relevant to the landscape of the appeal site and its context is the uniformity across a larger scale area of the landscape characterised by a complex mosaic of farmland and woodland. It is this complex mosaic at the larger scale which is more closely aligned with the special qualities of the Chilterns AONB and not the appeal site itself. It isn't the loss of a part of this mosaic that is important, which in the case of the appeal site would be a relatively small agricultural piece of the mosaic; rather, it is the implications for the wider mosaic and whether that would be disrupted in terms of a reduction of its scale, or would result in the creation of a disbalance between particular parts of the mosaic.

60. SCPC referred to the Sonning Common Character Assessment and Design Statement 2013.<sup>46</sup> I accept that this formed part of the evidence base to the SCNP, but it appears to still be in draft form only many years later. Its main purpose was to provide comparative comment on sites identified for potential future development limited to only the shortlisted sites. It does not address the wider appeal site. I have also taken into account the Oxfordshire Historic Landscape Characterisation Project<sup>47</sup> and the various landscape capacity assessments cited by Mr Jeffcock that have looked at the appeal site.

61. As I perceive it, Sonning Common is very much part of the local landscape context, just as much as the adjacent agricultural land and the wider mosaic of the AONB. The appeal site performs a role of a brief transition and gateway between the suburban and rural environments. In its local context, the settlement fringes of Sonning Common, including the residential areas across the valley and on the plateau to the west and south are influential in terms of

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<sup>44</sup> CD: D.23, section 15.

<sup>45</sup> See John Jeffcock's Appendix 1, Figs 2, 7, 8

<sup>46</sup> CD: C.7

<sup>47</sup> CD: I.5

the local landscape character, as is the prominent built form of the JMTC to the north. Adjacent to the appeal site is the JMTC car park which further erodes the sense of more 'remote' or rural countryside. To the south the settlement extends some distance along Peppard Road and there is a clear experience of entering the suburban character of the village, long before the appeal site is perceptible. There are specific locations where the settlement edge is less apparent notably along Blounts Court Road from the east and in this direction the more rural aspect of the site is more dominant.

62. The Council's LCA draws a very clear distinction between the character of development on the plateau and the character found in the dry valleys.<sup>48</sup> The landscape strategy set out there suggests that development on the plateau is in keeping whereas into the valley is a negative thing. It seems clear to me that Sonning Common has grown up developmentally on two plateaus either side of the dry valley.
63. It is common ground that, like any development anywhere, physical impacts on the landscape fabric will be limited to those which occur within the appeal site itself. However, landscape character impacts and the consequent effects would not be limited to the appeal site. It is agreed that there are not likely to be significant effects on the wider landscape or visual effects further afield than a localised area set out in the SoCG 1.<sup>49</sup>
64. Although there would be localised losses of vegetation due to the access off Blounts Court Road and the proposed pedestrian connection to Widmore Lane, the proposed development would largely involve the loss of open agricultural land and the construction in its place the built development of the appeal proposals. On the most elevated part of the site, there would be a substantial, cruciform core building, 2.5 storeys (about 11.2m)<sup>50</sup> in height, with a footprint of approximately 3,900m<sup>2</sup>, and four apartment blocks with ridge heights of between 10.3m and 11.2m, the largest two of which would have footprints of about 550m<sup>2</sup> each. However, the recent application submitted for the JMTC shows that the present buildings making up the complex are between 8.7m and 10.6m depending on ground levels with block 4 up to nearly 11m in height. I accept that there would be a physical loss to the mosaic, but in character terms, the appeal site is not essential to its character and the built elements of the scheme would be consistent with the settlement fringe.
65. There would be potential impacts arising from the 15m woodland belt along the southern and eastern edges of the appeal site. This would be beneficial in terms of moderating the effect of the development. It would also provide a green infrastructure link between Slade's Wood and the green infrastructure network in the surrounding landscape. This would have a positive impact on the 'wooded' aspects of the mosaic. The woodland belt would create a further 'layer' in the landscape which would physically and visually contain the site.
66. The overall consequence of this is that there will be a highly localised impact on the 'mosaic' in terms of agricultural land use, but not to a point where, given the scale of what makes this distinct, the mosaic is disrupted or undermined. At a local and wider scale, this would not constitute 'harm' to the Chilterns AONB. Only a small part of the mosaic would be impacted, and this

<sup>48</sup> CD: D18 page 572 which deals with Sonning Common at 9.10

<sup>49</sup> CD: H.02 SoCG 1 Landscape paragraphs 3.21-3.22

<sup>50</sup> See John Jeffcock's POE paragraph 4.3.3.

would not alter the overall character of the wider mosaic or the LCT. Plainly such limited impacts would not cause 'material harm' to the landscape character of the AONB, nor would it conflict with the aims of protecting its special qualities. The appeal site would, in being development on a plateau, be in keeping with the landscape character.

67. I accept that the appeal site and the immediate landscape context within the Chilterns AONB form part of a valued landscape<sup>51</sup> this is primarily on the basis of the landscape designation and related less to the demonstrable physical attributes of the appeal site.<sup>52</sup> Although the Appellant's LVIA determines landscape value to be 'high' with some localised variations, I consider that the appeal site in its local landscape context is of 'medium to high' value taking into consideration that it is in the AONB but also the site's own merits. There is, frankly, a considerable difference between this area and more typical, characteristic parts of the AONB.
68. As to landscape susceptibility, this can be appropriately described as 'low to medium' in the appeal site's local landscape. This is a medium scale enclosure that has capacity to accommodate some form of development across the majority of the site. The settlement of Sonning Common provides some reference and context for development and the presence of the JMTC in this part of the AONB reduces landscape susceptibility to new development. The landscape sensitivity is appropriately judged as 'medium' with the AONB designation having a high sensitivity. Mr Jeffcock considers that the appeal site has a high landscape value and high sensitivity to change. However, his assessment is overstated. In my view the appeal site has a medium to high value, and low to medium susceptibility with medium sensitivity overall.
69. The appeal site is located on the very fringe of the AONB, and Sonning Common is excluded from it. This is not a core part of the Chilterns AONB and its special qualities are largely absent. Of relevance is the mosaic of wooded farmland that characterises much of the plateau and dip slope. The appeal proposals would result in a change to this characteristic at a very localised level, with the loss of an open agricultural field to built development but balanced with the introduction of further woodland and green infrastructure. This would not disrupt, or unduly influence, the mosaic. I agree that the 'slight to moderate adverse' effect on landscape character would not represent a significant impact in respect of the Chilterns AONB.<sup>53</sup>
70. As for visual effects, these would differ depending on the viewer and the viewpoint. The landscape witnesses provided a number of example viewpoints and I carried out an extensive site visit with the parties to see these and other views for myself. I have also taken into account the ZTV<sup>54</sup> and LVIA information provided by the Appellant.
71. SoCG 1 Landscape records that the physical impacts of the proposed development would be limited to the appeal site, and that consequent impacts on landscape character would be limited to a relatively small number of areas including viewpoints to the south (the route of the B481 Peppard Road); to the south west (Sonning Common village e.g. Grove Road); to the north

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<sup>51</sup> Within the meaning of paragraph 170(a) of the NPPF

<sup>52</sup> See James Atkin's Table 2 POE pages 27-28

<sup>53</sup> See James Atkin's POE page 33 paragraph 6.48

<sup>54</sup> Zone of theoretical visibility

(footpath 331/16/20) close to the southern edge of Rotherfield Peppard); to the west (the settlement edge of Sonning Common) and to the east and north east (the routes of public right of way 350/11/20 and 350/10/10). Outside of these areas it was agreed there would not likely be any significant effects on the wider landscape or on visual receptors further afield.<sup>55</sup>

72. In terms of visual amenity, the evidence demonstrates that potential views of the appeal proposals would be limited to a small envelope, largely related to the immediate context of the appeal site and not extending further into the Chilterns AONB landscape. This limited visibility reduces the perception of change to landscape character. The ZTV demonstrates that, aside from some locations very close to, or immediately adjacent to the appeal site, potential visibility from the wider landscape (and AONB) is limited. In my view this accords with the landscape character guidance which refers to the 'semi-enclosed dip slope' as having a 'strong structure of woods and hedgerows' which provide 'visual containment and results in moderate to low intervisibility'. This strong structure of woods and hedgerows provides containment in the landscape.
73. What is clear, is that only a small number of nearby locations would have direct views of the appeal proposals. This includes a very short section of Peppard Road, short sections of public footpaths to the east (350/11/20 and 350/11/40) and the approach to the settlement along Blounts Court Road. In each of these instances, impacts could be moderated by appropriate landscape works and particularly the inclusion of the woodland belt. The contained nature of the appeal site and the limited extent of landscape effects mean that the overall character of the semi-enclosed dip slope LCT would not be fundamentally altered and the effects on landscape character at this scale would not be significant. Plainly, the appeal proposals would not give rise to significant visual effects overall; either in the local landscape context of Sonning Common or in respect of the scenic quality of the Chilterns AONB.
74. The most relevant assessment is that of 'Year 15' once the tree planting proposals have had the opportunity to thrive. Those proposals are a specific and positive part of the proposed development which would deliver additional environmental functions to that of visual screening. It is common ground that the planting would be significant. It is reasonable to expect that the growth of native species would reach good heights in the medium term and mature heights that are comparable to the existing trees and woodland in the area. There would be glimpses of the built development through the perimeter planting. However, it would provide a substantial screen in the long term and help to integrate the appeal proposals into the landscape particularly when viewed from the east and from the south.
75. For the above reasons I conclude on this issue that the proposed development would have some localised landscape and visual effects, but these would not result in unacceptable impacts on the AONB or the landscape setting of Sonning Common. As such, in respect of this issue I consider the appeal proposal would conflict with Policies STRAT 1 (ix) and ENV1 of the SOLP together with Policy ENV1 of the SCNP. However, for the reasons set out above those adverse effects would be limited. I shall consider this further in the planning balance.

<sup>55</sup> CD: H.2 SoCG 1 Landscape paragraphs 3.21-3.22



*Third Issue - the effect of the design of the proposed development on the character and appearance of the village*

76. The Council's concerns about the design of the proposed development are based on RfR4 and are supported by the SCPC. In summary these are: (i) the development would not integrate with the village by reason of scale, massing, layout and character; (ii) it would result in a dominant and intrusive form of development having a significant urbanising effect on the settlement edge; and (iii) the layout and design would result in poor amenity for residents by virtue of the lack of access to private amenity space and publicly accessible green space, an overdominance of car parking and limited space for tree planting. I address each of these concerns in turn.
77. The main parties agreed a section on design within SoCG 4 Planning.<sup>56</sup> Amongst other matters it is agreed that: the detailed layout (Phase 1) is the proposed layout for that part of the site; the proposed masterplan is provided to demonstrate how the development could be laid out to respond to the physical and technical constraints and opportunities of the site; the layout for Phase 2 will be subject to future reserved matters (appearance, landscaping, layout and scale) and remain in the Council's control; the Council has no objection to the choice of building materials, detailing and hard landscape materials proposed; and the extent of existing tree retention and the selection of proposed plant species, grass, hedge and shrub planting is agreed.
78. It is also noteworthy that policies within RfR4 relate in the main to the previous South Oxfordshire Core Strategy 2012 and South Oxfordshire Local Plan 2011. The corresponding policies are set out at INQ LPA6. Policy D1 of the SCNP 2016, the South Oxfordshire Design Guide<sup>57</sup> and the NPPF (in particular paragraphs 127, 130 and 131) also apply.
79. I turn first to integration with the village in terms of scale, massing, layout and character. The Council and the SCPC are concerned that the scale and layout of the proposed development are being driven by operational requirements and the business model of the Appellant. Reference is made to the large apartment blocks and the village core which it is claimed are at odds with the more modest scale of development in Sonning Common. However, I consider it is important at the outset to understand the existing context and character of Sonning Common. At my site visit I saw that Sonning Common is not the archetypal Chilterns Village, and it clearly lies outside the AONB. It was developed in a more planned manner with the character being 'plotlands' and later infill housing termed 'estates'.
80. The local vernacular consists of a mix of building types, but the immediate neighbouring existing development is comprised of the estates typology - Churchill Crescent, Pond End Road and the northern edge of Widmore Lane. The existing context has a range of design components that help create its character. In particular, I note that Sonning Common: is primarily 2 storeys but with elements of 2.5 storeys; is primarily domestic in scale; has predominantly traditional architecture; is relatively verdant with trees and landscaping being visible within and as a backdrop to the streetscape; and has occasional larger built form such as the school or JMTC. Furthermore,

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<sup>56</sup> CD: H.5 SoCG 4 Planning Section 6

<sup>57</sup> CD: C.8

Sonning Common has: brick walls; painted rendering on walls; clay roof tiles; chimneys; and a mix of gables, hipped roofs and porches.

81. The Design and Access Statement (DAS)<sup>58</sup> describes the appeal proposals as domestic in scale and character. I accept that the scheme is largely domestic in form and with detailing consistent with residential houses in the area.
82. In terms of *height*, the proposed buildings would reflect the heights of buildings within Sonning Common. Both plotlands and estate buildings include two storey buildings and two storey buildings with roof rooms. The proposed apartment buildings would be two storeys with the Village Core rising to two and a half storeys in places. The Village Core has accommodation in the roof space to keep the overall ridge height low. The height to the ridgeline from ground level of the Village Core Centre building is up to 2.5 storeys dropping to single storey on the eastern side. This must be seen in the context of the height of the adjacent JMTC, typically equivalent to 3 storeys, and groups of 2.5 storey dwellings on the northern side of Blounts Court Road to the west of the site. Most of the proposed development would be two storeys in height as is the overwhelming majority of built development in Sonning Common.
83. As to *massing*, the initial indicative sketch elevation demonstrates that the apartments and the Village Core would have the appearance of semi-detached buildings or groups of buildings combined into short terraces with a varying roofline which are reflective of the existing residential buildings in Sonning Common.<sup>59</sup> The massing of the apartments is derived from a variety of footprint depths which, when formed into larger blocks, allows for the scale and mass to be broken down into roof elements with simple breaks in the roofline. Appropriate equal roof pitches would give each apartment building an elegant scale. There would be elements of hipped roofs, and chimneys incorporated into the roof plane. The apartment buildings would have balconies, single and double gables further breaking down the overall mass. The Village Core would have accommodation in the roof space and the roof planes would be broken down with larger single gables, smaller double gables with a central gutter and small dormer windows.
84. In my view the *layout* of the proposed development would reflect the way existing 'plotlands' and 'estates' buildings in Sonning Common are orientated, with the arrangement of buildings fronting the main vehicular route with active frontages. A number of apartments would be arranged around the Village Core. Buildings fronting Blounts Court Road would be positioned so that they would replicate the linear street scenes typical of development within Sonning Common.<sup>60</sup> I note that the proposed building line would be setback some 15m-20m from the road edge to retain an element of openness along the streetscape allowing boundaries to be defined by planting and hard landscaping. This would reflect the layout of the 'plotlands' buildings within Sonning Common. Buildings along the main access route and internal streets would similarly front the street with setbacks from 6m-15m allowing boundaries to be defined by planting and hard landscaping. The setback for 'estate' residential buildings ranges from about 4m-14m. In my view, the proposals would be in a similar range.

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<sup>58</sup> CD: A.31

<sup>59</sup> See Mr Carr's Appendix UD4

<sup>60</sup> See CD: C7 Sonning Common Character Assessment and Design Statement



85. The Council and SCPC argued that the appeal proposal could be smaller in scale. However, it was accepted that greater economies in scale could be achieved with larger retirement village developments with extensive communal facilities. It is noteworthy that the Appellant is proposing a development which is half the size of the optimum.<sup>61</sup>
86. With regard to *character* it is clear that the Council has no objection to the choice of building materials, detailing and hard landscape materials proposed, as recorded in the SoCG 4. In any event, the proposed development would accord with the local vernacular which consists of a mix of building types found within the key character areas. In summary, Sonning Common has predominantly traditional architecture and the proposed development would have traditional architectural detailing; it is relatively verdant with trees and landscaping being visible within and as a backdrop to the streetscape and the proposed development would have similarly substantial planting in the streetscape as well as proposed and existing large scale tree planting creating a tree lined backdrop. Sonning Common has also occasional larger built form such as the school or JMTC and the proposed development has a Village Core.
87. It is fair to say that Sonning Common has an eclectic architecture which is quite conventionally suburban. There is a significant amount of 1970s housing. It has a fairly bland architecture, evidenced by the images in the Sonning Common Character Assessment and Design Statement.<sup>62</sup> Given that the site is within the Chilterns AONB, the design should not just duplicate Sonning Common, but use materials such as flint panels and dark stained boarding and design components that respond to the AONB setting.
88. In my view, the architecture would reflect a varied composition with gables, projections and porches. The proposed elevations would respect the traditional patterns, style and scale of buildings and the fenestration would be inspired by traditional Chiltern building with a solid wall area balanced with the window and door openings, relatively pitched roofs with a ridgeline, use of 'L' and 'T' building shapes, chimneys and prominent flint panels.
89. It is clear to me that the proposed new buildings would plainly add to the sense of place and local character and would 'belong' to the Chilterns. The proposed development would also create a soft edge to the countryside<sup>63</sup> and would not 'turn its back' on it; particularly given the lack of any rear garden fences defining the edge of the settlement.
90. I recognise that this is a hybrid application and there is therefore an outline element to the proposals. However, to demonstrate their commitment to provide the same level of detailing and materials as presently indicated, the Appellant has produced a Design Commitment Statement.<sup>64</sup> Importantly, this could be conditioned to provide reassurance and an additional way of ensuring that the future reserved matters keep to the quality required in this setting.
91. The Council contended that the proposal would be a dominant and intrusive form of development and it would have an urbanising effect on the settlement edge. I disagree. The apartments and cottages proposed as part of the appeal scheme would be largely consistent with a domestic form and would be very

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<sup>61</sup> See INQ LPA 2 page 13.

<sup>62</sup> See CD: C7 page 16

<sup>63</sup> See CD: K4 Chilterns Building Design Guide principle item 3.16 page 25

<sup>64</sup> See Mr Carr's Appendix UD7

similar in size and form to houses in Sonning Common and the wider AONB. It is logical to site the Village Core building where it is, on a predominately level area, avoiding any large man-made cuttings and embankments to facilitate it. Plainly having the core building on a level area is appropriate for residents in their later years of life who would want facilities to be very easy to access.

92. The NPPF emphasises the importance of making efficient use of land.<sup>65</sup> Clearly where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. I accept that it is imperative that sites such as the appeal site are optimised when developed. However, optimising does not mean fitting in as much as you can regardless, but it does mean using land efficiently. As this would be an apartment based development then I accept that it would have a greater density than a conventional residential scheme.
93. The Council argued that the proposal would have an urbanising effect. However, the proposed development would be very different to an urban character. There would be a significant landscape setting breaking up the built form and the countryside edge, when read in the context of the proposed planting, would be assimilated in townscape terms. Much has been made of the AONB designation in which the appeal site falls; but this does not mean preservation without any change. The proposed development would in many ways be read as part of the evolution of the area's character.<sup>66</sup> In my view the proposed development would create an appropriate designed edge to the settlement and an appropriate robust transition with a managed landscape that is a better edge than the back gardens adjoining the settlement boundary that can be found at the settlement edge around parts of Sonning Common.
94. I turn now to the Council's concerns that the layout and design would result in poor amenity for residents by virtue of a lack of access to private amenity space. It is common ground that in policy terms, there is no private amenity requirement prescribed for a retirement community care village. Nonetheless, the proposed development would provide a total of 1,300 msq of private amenity space<sup>67</sup> comprising: private balconies totalling 0.03 hectare; and directly accessible private landscape and terraces totalling 0.1 hectare.
95. Over and above the private amenity space there would be an extensive amount of publicly accessible green space provided. Again, I note that there is no policy requirement for a retirement community care village yet there would be: landscaped space amongst and between the built form (including foot and cycleways) totalling 1.7 hectares; and a native tree belt and woodland buffer totalling 1 hectare. Combined with the private amenity space there would be 2.83 hectares of amenity land which would be ample given that the site totals 4.5 hectares. That is 62.8% of the appeal site and equivalent to 212.78 msq for each of the 133 units.
96. All of the above is in the context of extra care developments being very different to general housing. I accept that residents do not want the work of managing their own garden. In my view, the layout of the development would

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<sup>65</sup> NPPF paragraph 123.

<sup>66</sup> See Michael Carr's POE paragraph 7.20

<sup>67</sup> See Appendix UD5 of Michael Carr's POE

be safe, attractive and inclusive with plenty of natural surveillance of the landscaped spaces which is important given the age restriction of the development and why people would choose to live there.

97. The appeal proposals include access to landscaped spaces and woodland opening up an area that would otherwise be inaccessible private land. This maximises the public benefit of the scheme and would positively contribute to the health and well-being of both residents and the community, to which weight is given in the NPPF as part of the social objective. The Council agreed that there may well be community integration and intergenerational activity through the facilities on site.
98. With regard to car parking, the appeal proposals have been designed to avoid what would otherwise be unplanned 'ad hoc' parking through a formal provision. This is not in one place, rather the design would disperse the necessary parking across the proposed development in a series of clusters. These would be set back and visibly screened from the main routes through the development and would avoid harsh urban parking courts. The proposed 15m woodland belt is a relevant consideration. The proposed planting would buffer and screen views of parked cars and both soften and integrate the parking areas so that they are read as designed landscaped courts. The Council raised concerns about the space available for tree planting. However, in my view there would be ample space on site to accommodate the tree planting the final details of which would be under the Council's control.
99. Overall, I consider the proposal would be in broad accordance with the SOLP policies including DES1, DES2, DES3, DES4 and DES5, SCNP policies D1 and D1a and other design guidance and the NPPF. I conclude on the third issue there would be no reason to dismiss the appeal due to the effect of the design of the proposed development on the character and appearance of the village.

*Fourth Issue - whether the proposed development makes adequate provision for any additional infrastructure and services that are necessary, including affordable housing, arising from the development*

100. This issue relates to the absence of a completed s106 Agreement to secure infrastructure to meet the needs of the development. At the time of the decision, agreement could not be reached with the Council on the requirements for a planning obligation. Since then, agreement has been reached and a s106 Agreement was submitted at the Inquiry. I have considered the s106 Agreement in the light of the CIL Regulations 2010, as amended, the advice in the NPPF and the PPG.
101. The NPPF indicates that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.<sup>68</sup> Regulation 122 of the CIL Regulations, as amended by the 2011 and 2019 Regulations, and paragraph 56 of the NPPF make clear that Planning Obligations should only be sought where they meet all of the following three tests: (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably related in scale and kind to the development.

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<sup>68</sup> NPPF paragraph 54

102. The Council's need for additional infrastructure and services is set out in relevant SOLP policies which include H9 Affordable housing; INF1 Infrastructure; DES 1 Delivering High Quality Development; TRANS2 Promoting Sustainable Transport and Accessibility; TRANS4: Transport Assessments, Transport Statements and Travel Plans; and TRANS5: Consideration of Development Proposals. The Council's SPD (2016) is also relevant. Based on the SPD and the relevant policies, the appeal proposal should provide: (i) a financial contribution towards local primary health care (£73,735); (ii) a recycling and waste contribution (£24,738); (iii) a street naming contribution (£2,977); (iv) a District S106 monitoring fee (£2,686); (v) an affordable housing contribution (£7,510,350); (vi) a public transport services contribution (£117,000); (vii) a travel plan monitoring contribution (£2,040); and (viii) a County S106 monitoring fee (£1,500).
103. The primary care contribution is directly related to the development because it results from the additional pressure on local health services as a result of the future residents. It is fair and reasonable as the amount has been calculated based on the number of future residents. The recycling and waste contribution is necessary for the development to be served by waste infrastructure and the calculation is directly related to the bins needed for this development. It is necessary for the development to be served by street naming plates and the calculation is directly related to the name plates needed for this development. The completion of a planning obligation requires the Council to administer and monitor those obligations. The monitoring fee contribution is necessary to cover the Council's costs and is directly related to the nature of the obligation.
104. The proposal will deliver affordable housing which is required under Policy H9 of the SOLP. It will do so via a contribution in lieu of on-site provision. The s106 Agreement secures the payment of £7,510,350 to be paid by the owners. A financial contribution towards off-site affordable housing is necessary to equate with a 40% affordable housing provision under Policy H9. It is directly related to the development and fairly and reasonably related in scale and kind. The financial contribution has been calculated based on the open market value of a unit to be delivered on the site.<sup>69</sup> The s106 Agreement requires the total affordable housing contribution to be used towards the provision of off-site affordable housing within the District.
105. The relevant policies which support the transport contributions are set out in the CIL Compliance Statement.<sup>70</sup> A contribution is required to provide an improved bus service (service 25) for residents, visitors and staff associated with the proposed development as an appropriate and viable alternative to the use of private cars and to promote travel by public transport. The contribution required would be used towards increasing the frequency of the existing service operating between Sonning Common and Reading to every 30 minutes between 0600 - 2030, Monday to Saturday and an hourly service in the evenings (up to 2300) and on Sundays (0800-1800). The contribution is directly related to the number of residential units but excludes the proposed 16 high care units, as these residents are unlikely to use public transport. A

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<sup>69</sup> INQ LPA7 provides the methodology for the calculation of the commuted sums based on the open market value of a unit to be delivered on the site.

<sup>70</sup> INQ LPA7 NPPF paragraphs 102, 103, 108 and 111; Connecting Oxfordshire: Oxfordshire County Council's Fourth Local Transport Plan (LTP4) 2015-2031 Volume 1 Policy and Overall Strategy Updated 2016 Policy 3 and Policy 34; Connecting Oxfordshire: Oxfordshire County Council's Fourth Local Transport Plan (LTP4) 2015-2031 Volume 2 Bus & Rapid Transit Strategy (2016) paragraphs 91, 93-95.

travel plan monitoring fee is required to monitor the implementation of the travel plan and an administration and monitoring fee is required to monitor the planning obligation.

106. In my view, all of the obligations in the Planning Obligation are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the CIL Regulations and should be taken into account in the decision. I conclude on the fourth issue that the proposed development makes adequate provision for any additional infrastructure and services that are necessary, including affordable housing, arising from the development.

*Fifth Issue - whether, in the light of the criteria set out in paragraph 172 of the NPPF, there are exceptional circumstances to justify the proposed development within the AONB*

107. There is no dispute that the appeal scheme would be a major development in the AONB. The tests relating to allowing such development are set out clearly in paragraph 172 of the NPPF. The relevant factors which must be considered are then listed in paragraph 172 a) to c) but it is not an exhaustive list. Great weight must be given to conserving and enhancing landscape and scenic beauty in AONBs and planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

*The need for the development and the impact on the local economy*

108. I have already discussed the need for the development in detail under the first issue. That discussion is not repeated in detail here, but it is plainly relevant to paragraph 172 a) of the NPPF. There is an immediate unmet need for extra care market housing. This arises not from some ambitious target for extra care. The target for need suggested by Mr Appleton is in fact very modest. It is just 4.5% of the District's population of people 75 years of age and over. It arises because there is hardly any of it available. There are only two schemes which have been built offering 113 units. The only future supply which is available is the market extra care that would be provided at Lower Shiplake for 65 units. Retirement Villages has now sold that site and want a larger site. Whether the Lower Shiplake scheme gets built is therefore uncertain. But even with it the supply of extra care that is available is only 178 units.
109. This against a need, based on a modest aspiration of 4.5% - that is 450 units across the whole District for an overall population of 15,000 in this age category, gives rise to an immediate shortfall of 272. The figure is 337 if the Lower Shiplake proposal is excluded. The stark fact is there is hardly any choice or to put it another way choice is largely unavailable.
110. I am in no doubt that the development of 133 units is needed. Firstly, it is needed to address the immediate shortfall in the five year housing land supply in the District which is only equivalent to some 4.21 years. Secondly, it is needed in this District where at present a population of 15,000 who are aged 75 years or older is forecast to increase to 21,100 by 2035. The demographic evidence indicates a 'critical' need for extra care housing in the District. In this case, the proposed development should be of sufficient size to support the communal facilities that are necessary to ensure an effective operation.



111. Thirdly, it is important to recognise the fact that extra care accommodation, together with all other forms of specialist housing for older people can assist in 'freeing up' existing family and other housing by allowing them to 'right size' by moving to more appropriate accommodation. This type of specialist housing could significantly contribute towards the easing of the present housing crisis in this District where under occupancy amongst older households is greater than for England as a whole. The sale of the 133 units in the appeal proposals would release 133 family houses of three bedrooms or more.<sup>71</sup> The appeal scheme would be likely to free up 39 family dwellings locally but it could be as high as 64.<sup>72</sup> Significant weight can be given to this.
112. Fourthly, the health and well-being benefits of the appeal proposal should also be recognised and given significant weight. Such benefits to elderly people are entirely obvious. I accept that such health and care benefits apply and also that they are separate from housing delivery. The benefits specialist housing for older people can bring include addressing concerns about suitable supervision, frailty, care, assistance, recreation, loneliness and isolation.
113. I do not consider the impact of refusing the proposed development would be seriously damaging to the local economy, there is no clear evidence to that effect. There is no requirement that has to be demonstrated. However, I do accept that the proposal would deliver economic benefits to the local economy and jobs as well.<sup>73</sup> The Appellant has also proposed a local employment and procurement condition which I accept is plainly relevant.<sup>74</sup> I am satisfied that there is a need for the development and that it is in the public interest.

*The cost and scope of developing elsewhere or meeting the need in another way*

114. With regard to paragraph 172 b) of the NPPF, the Council's case is that with Policy H1 and H13 the need for specialised housing for the elderly can be met outside of the AONB. The Council refers to the Oxford County Council's Market Position Statement Extra Care Housing Supplement 2019-2022 and to the SHMA. However, the Council does not quantify a need for extra care, albeit the SHMA does recognize it as a category of need and distinguishes between market and affordable extra care housing.<sup>75</sup> The Council also suggests that the need can be met in people's homes and that needs can be met by 2035. In my view, there is a specific need for extra care provision and market extra care housing. The needs which have been identified are modest and the idea that they be met at home is misplaced. The most relevant need is the immediate need and Mr Appleton's evidence demonstrates what this is.
115. I note that at both the application and appeal stages the Appellant relied upon a sequential assessment of alternative sites to show a lack of suitable sites. The Council questioned this assessment but never really suggested any alternative sites. At the Inquiry reference was made to 8 extra care sites in Mrs Smith's Appendix 1. However, all of those sites have been addressed by Mr Appleton and that information was updated during the Inquiry to reveal that there were no sites with planning permission in the pipeline other than

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<sup>71</sup> Paragraph 6.24 of Roland Bolton's POE

<sup>72</sup> Paragraph 6.27 of Roland Bolton's POE

<sup>73</sup> See CD: A.6 Economic Benefits Assessment Report, it is calculated that operation of the site would provide up to circa 70 jobs (FTE). This does not include construction jobs, which are assessed to be of the order of 108 over a period of 4 years, although in practice this maybe higher dependent upon individual project needs.

<sup>74</sup> See *Verdin v SSCLG* [2016] EWHC

<sup>75</sup> See CD: D.14 Table 6 page 25

Lower Shiplake which is now uncertain. Therefore, it seems to me that the Council's own evidence supports the Appellant on the lack of alternatives.

116. Moreover, when the Appellant persuaded the landowner to agree to pay the full affordable housing contribution, that significantly strengthened the Appellant's case in respect of paragraph 172 b). That is because the appeal site stands alone as the only site in the whole of the District which can deliver extra care market housing and deliver the affordable housing contribution which the SOLP now requires for C2 uses. Mrs Smith accepted that there are no other sites in the District with planning permission for extra care market housing. The problem is a combination of land economics and SOLP Policy H9 which requires affordable housing on extra care housing schemes. Given this context the appeal proposal does connote rarity and uniqueness.
117. Extra care housing undoubtedly operates in a very different market. Mr Garside provided detailed evidence to the Inquiry how the market for land operates to the detriment of extra care operators. Extra care housing providers cannot compete with house builders or with other providers of specialist housing for older people because of the build costs, the level of the communal facilities and the additional sale costs including vacant property costs. The communal facilities must be provided before any units can be sold and sales tend to be slower.<sup>76</sup> However, I accept that extra care schemes can charge a premium for the specialist accommodation provided and also benefit from an income from deferred management fees.
118. It seems to me that these factors, all mean that age restricted developments and in particular extra care communities are less viable than traditional housing schemes. Ultimately, age restricted developers are less able to pay the same price for land as residential developers and it is much harder for age restricted developers, and in particular those seeking to deliver extra care, to secure sites for development and meet the housing needs they aim to supply.<sup>77</sup> Viability is clearly a relevant factor which supports the case under paragraph 172 b) of the NPPF. There is also a strong case for the appeal scheme given the lack of alternative sites in the light of Policy H9 of the SOLP.
119. I note that the SOLP does not allocate any sites for extra care housing, unlike for example in Central Bedfordshire. I also note that the need for extra care housing is recognised in the SCNP, which supports, as was agreed, extra care housing on unallocated sites due to Policy H2a. I am satisfied that the Appellant's need could not be met elsewhere or in any other way and that it would be in the public interest for this to happen on the appeal site.

*Detrimental effect on Environmental, Landscape and Recreation opportunities, and the extent to which they could be moderated.*

120. This factor has been considered in the second issue above. That discussion is not repeated here but it is plainly relevant to paragraph 172 c). Suffice it to say that I have concluded that there would only be localised landscape and visual effects on the AONB. These limited impacts would not cause material harm to the landscape character of the AONB, nor would they conflict with the aims of protecting its special qualities. I have concluded there would be localised landscape and visual effects on the AONB that could be moderated.

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<sup>76</sup> See section 4 of Richard Garside's POE

<sup>77</sup> See paragraph 4.65 of Richard Garside's POE



### *Other Benefits*

121. The scheme would deliver other benefits. In my view, these can also form part of the exceptional circumstances and public interest. It is the collective benefits and harms which are relevant to paragraph 172 of the NPPF. Both Mr James and Mr Garnett gave evidence as to numerous other significant benefits, individually and cumulatively, which should be weighed in favour of the proposals. These include contributing to the overall supply of housing which is under five-years; savings in public expenditure (NHS and adult care);<sup>78</sup> creating new employment and other economic investment (construction and operation);<sup>79</sup> providing new facilities and services further reinforcing the role and function of Sonning Common; and additional net revenues from Council tax and new homes bonus receipt. Mrs Smith accepted the economic benefits and that bringing facilities to the area, particularly for the older population would be a benefit. It was also accepted that there could be benefits in supporting existing facilities in that residents of Inspired Village sites having the option to support those businesses if they wanted to. No good reason was provided by the Council for discounting the benefits evidence by Mr James or Mr Garnett. The social and economic benefits are matters to which I attribute significant weight. There is a very strong case on exceptional circumstances and public benefits here.

### *Conclusion*

122. Section 85 of the CROW Act 2000 seeks to conserve and enhance the natural beauty of an AONB and paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty of the AONB. This is not the same as requiring that every development proposal engenders enhancement. Indeed, if that were the case it is difficult to see how major development in an AONB could ever be permitted. It is clearly a matter of balance, but in undertaking that exercise the NPPF makes clear that conserving and enhancing the designated resource is a matter of great weight. In this case I have given great weight to conserving and enhancing landscape and natural beauty of the AONB. The need for the development and the conclusion that there are presently no alternatives outside the designated area are also matters of substantial importance in the public interest. The social and economic benefits attract significant weight. Overall, the benefits would outweigh the localised landscape and visual effects to the AONB. For these reasons I conclude on this issue that exceptional circumstances are demonstrated and that the development would be in the public interest.

### **Other Matters**

123. I have taken into account all other matters raised including the concerns raised by the SCPC, the Rotherfield Peppard Parish Council, the representations made by interested persons including those who gave evidence at the Inquiry and those who provided written submissions. I have already dealt with many of the points raised in the main issues.

124. The SCPC and others objected to the proposed development in the context of the neighbourhood planning process. However, the review of the SCNP has

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<sup>78</sup> See paragraphs 6.16 to 6.33, PoE of Stuart Garnett. See also CD: K7, CD: K8 (Appendix 1 at page 20 onwards), CD: K12 (pages 2-3), and CD: K30 (pages 6, 12, 13, 20 and 24-26 in particular).

<sup>79</sup> See paragraphs 6.10 to 6.15, PoE of Stuart Garnett

been ongoing since around 2018 but there are no concrete proposals. It is suggested that the proposal is not small scale. However, site SON2 is in fact 3.3 hectares and broadly of the same scale.<sup>80</sup> The SCNP expressly supports extra care housing at Policy H2a albeit no site is allocated. The SCNP policies are now out of date because of the lack of a five year housing land supply to which I attach significant weight. The concerns about the neighbouring planning process are not sufficient to warrant dismissing this appeal.

125. A number of interested persons cited concerns over impacts on local services in particular the doctor's surgery and parking capacity within the centre of Sonning Common. With respect to impacts on local health services, Mr Garnett's evidence provides details of both operational efficiencies and associated social benefits of extra care, which includes the financial benefits arising from savings to the NHS and social care. I consider that extra care housing benefits elderly people in terms of health and wellbeing. The secure community environment and sense of independence can reduce social isolation and encourage greater fitness and healthy lifestyles. It is reasonable to assume that these factors would likely result in a lower number of visits to the GP, reduced hospital admissions and overall savings to the NHS. This is borne out in the research submitted to the Inquiry.
126. A number of objectors raised concerns over parking capacity within the centre of Sonning Common. However, the appeal site lies within an acceptable walking distance of a number of the facilities within the village centre. Trip generation associated with the proposals would not have a materially negative impact on the road network. I note also that a Travel Plan has been submitted in relation to the proposals.<sup>81</sup> I consider that this matter is capable of being secured by means of an appropriately worded planning condition. In addition to the 'supported transport provision' that would be provided for residents, it would be reasonable to expect that a number of residents would use the existing footpath links to access the village centre.
127. A number of objectors also raised concerns over transport safety and the sufficiency of parking on the appeal site. I note that a number of matters are agreed between the Council and the highway authority in SoCG2 Transport. A new vehicular access would be constructed to the east of the existing access on Blounts Court Road. The proposed scheme would provide for off-site highway improvements comprising works associated with the proposed site access, proposed works to pedestrian facilities along the site frontage either side of the site access, widening of the carriageway and a gateway feature along Blounts Court Road, and provision of a zebra crossing on Widmore Lane. Provision would also be made within the scheme for 93 car and 58 cycle parking spaces (12 visitor, 10 staff and 36 resident) that would be provided in relation to the full aspect of the development. Notwithstanding the original RfR5 the highway authority raises no objection to the proposal subject to the agreed conditions and the contributions contained within the s106 Agreement. In my view the concerns raised about transport issues would not provide a reason for rejection of this appeal.
128. A number of objections relate to the impact on local ecology. The appeal site contains habitats of a lower biodiversity value, which are common and

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<sup>80</sup> See CD: K.18 page 580

<sup>81</sup> See CD: A.8

widespread throughout the District. The appeal scheme provides for a net increase in biodiversity across the site, specifically an increase of 51% for the detailed element. The Ecological Impact Assessment<sup>82</sup> was accepted by the Council as demonstrating net benefit<sup>83</sup> and I attach significant weight to this.

129. At the Inquiry reference was made to numerous appeal decisions. I have taken these into account as appropriate in coming to my decision in this case.

### **Planning Balance**

130. I have concluded that the appeal proposals would be a major development in the AONB where exceptional circumstances apply, and which would be in the public interest. I have given great weight to conserving and enhancing landscape and scenic beauty in the AONB. In terms of paragraph 172 a) of the NPPF I am in no doubt that there is a need this development of 133 units to address the immediate shortfall in the five year housing land supply; to address the critical need for extra care housing in the District; to assist in the freeing up of family housing within South Oxfordshire and to provide the health and well-being benefits to elderly people.
131. The Council argued that with Policy H1 and Policy H13 the need for specialist housing for older people could be met outside the AONB; could be met in people's homes and that needs could be met by 2035. However, I have concluded that there is a specific and immediate need for extra care provision and market extra care housing. From the up-to-date evidence provided at the Inquiry it is clear to me that there are no sites with planning permission in the pipeline other than the Lower Shiplake site which is now uncertain. The case under paragraph 172 b) has been met. That is because the appeal site stands alone as the only site in the whole of the District which can deliver extra care market housing and deliver the affordable housing contribution which the SOLP Policy H9 now requires for C2 uses. In my view extra care housing cannot compete with housebuilders or even other forms of specialist housing for older people because of the build cost, the level of communal facilities and additional sale costs including vacant property costs.
132. In terms of paragraph 172 c) I have concluded there would be localised landscape and visual effects, but these would be relatively small. Only a limited part of the mosaic would be impacted, and this would not alter the overall character of the wider mosaic of the LCT. Plainly such limited impacts would not cause material harm to the landscape character of the AONB, nor would it conflict with the aims of protecting its special qualities. In terms of visual impact, only a small number of nearby locations would have direct views of the appeal proposals where glimpses of the development would be filtered and moderated by perimeter planting and particularly by the woodland belt. Overall, I have concluded under paragraph 172 of the NPPF that the circumstances in this case are exceptional and that the grant of planning permission would be in the public interest.
133. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case where the test in paragraph 172 of the NPPF

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<sup>82</sup> See CD: A32

<sup>83</sup> See PoE of Simon James Appendix 11

has been met it is difficult to see how a decision maker could nonetheless refuse to grant planning permission applying paragraph 11 of the NPPF. However, in terms of the development plan I accept that the proposal conflicts with some elements of the development plan, but it also complies with others. Policies in the SOLP are up-to-date and can be given full weight. The appeal proposal conflicts in part with the SOLP, in particular in terms of the overall strategy (STRAT1) and with relevant policies relating to the AONB (ENV1) However, there is partial accord with Policy H13 and full accordance with Policies H1 3ii, H4, H9, H11, DES1, DES2, DES3, DES4 and DES5.

134. With regard to the SCNP, this was made in 2016, against a different housing requirement albeit it is still within the grace period allowed by Policy H4(2) of the SOLP. The SCNP policies can only be given limited weight in the context of the NPPF as it was based on a Core Strategy which is now withdrawn, and it is out of date for that reason. Its policies reliant on the AONB are also out of date given the lack of a five year housing land supply. The proposal would conflict with Policy H1 in so far as the limitation of development is concerned but the policy is expressed as a minimum and the base target has been increased through the SOLP quantum of housing so the appeal scheme would contribute to that. There would be conflict with Policy ENV1 which aims to protect the AONB but there are exceptional circumstances here. There would be broad accordance with Policy H2a, D1 and D1a and ENV2 albeit that three storey development is an exception and must be justified. I conclude that the appeal proposal is in overall accordance with the development plan and there are no material considerations which indicate otherwise.
135. Even if I had decided that the proposal was in overall conflict with the development plan this is a case where there is no five year housing land supply and therefore the most important policies for determining the appeal are out of date.<sup>84</sup> As to which policies are out of date, it is agreed that the most important for determining the appeal are set out in the RfR. Thus, the tilted balance would be triggered by way of footnote 7 of the NPPF unless paragraph 11 d) i. is satisfied. In this case under paragraph 11 d) i. the adverse effects would not provide a clear reason for refusing the proposed development. It follows therefore that even if the appeal proposal was contrary to the development plan and the tilted balance under paragraph 11 d) ii. of the NPPF applied then the many and varied benefits of the proposals set out above would significantly and demonstrably outweigh any adverse effects. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed.

## Planning Conditions

136. The Council submitted a list of conditions which I have considered in the light of the advice in paragraphs 54 and 55 of the NPPF and the Government's PPG on the Use of Planning Conditions. The Appellant has agreed to all of the suggested conditions except for Condition 27 which relates to a Procurement and Employment Strategy. The Appellant has also given consent in writing that Conditions 7-27 may be applied as pre-commencement conditions.<sup>85</sup> Conditions 1, 4 and 5 relate to required time limits and Conditions 2 and 3 are necessary to determine the scope of the application and for the avoidance of

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<sup>84</sup> NPPF paragraph 11 d) footnote 7

<sup>85</sup> See INQ APP14

doubt. Conditions 6, 7 and 29 are necessary to secure net gains for biodiversity and Condition 8 is required to minimise the impacts of the development on biodiversity. Condition 9 is necessary to limit the local impact of construction work and Condition 10 is required to ensure that electric vehicle charging is provided. Condition 11 is required in the interests of highway safety and Condition 12 is necessary to ensure adequate car parking.

137. Condition 13 is required in the interests of sustainability and to encourage the use of cycling. Condition 14 on sample materials and Condition 15 on ground levels are required in the interests of visual amenity. Condition 16 is required to ensure adequate provision for the management of waste. Condition 17 is necessary to ensure high standards of sustainable design and construction. Condition 18 is necessary to protect the appearance of the area, the environment and wildlife from light pollution. Conditions 19 and 20 are necessary to ensure that the development is assimilated into its surroundings. Condition 21 is necessary to safeguard the trees which are visually important on the site. Condition 22 is required to safeguard heritage assets of archaeological interest. Condition 23 is necessary to prevent pollution and flooding. Condition 24 is required to ensure the proper provision of foul water drainage. Condition 25 is required to prevent pollution and flooding. Condition 26 is necessary to ensure that the development is not unneighbourly.
138. Condition 27 relates to a procurement and employment strategy. The Council considers that the condition would fail the test of necessity as there is no policy support for this requirement and there would be problems about enforcement. However, it seems to me that a local employment and procurement condition is plainly relevant following the Verdin judgment.<sup>86</sup> Employing local people and using local produce, to save miles travelled seems to epitomize the principle of sustainable development. Moreover, the strategy would put in place arrangements to ensure that the information was regularly provided to the Council to demonstrate the performance and effectiveness of the initiatives. The condition would not impose unreasonable or unjustified demands on the Council. The condition would meet the tests in the NPPF.
139. Condition 28 is required to ensure the provision of adequate pedestrian and cycle access to the site in the interests of highway safety. Condition 30 is necessary to ensure that sustainable transport modes are taken up. Condition 31 is necessary to avoid sewage flooding and potential pollution incidents. Condition 32 is necessary to ensure that the development is not unneighbourly or detrimental to highway safety. Condition 33 is required to protect the occupants of nearby residential properties from noise disturbance. Condition 34 is required to mitigate any impacts on air pollution.

### **Overall conclusion**

140. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

*Harold Stephens*

INSPECTOR

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<sup>86</sup> See INQ APP15 Verdin v SSCLG [2016] EWHC



## **SCHEDULE OF PLANNING CONDITIONS (1-34)**

### Time limit and approved plans relating to the full planning permission

#### **Commencement – Full**

- 1) The development subject to full planning permission, comprising the areas shown as shaded red and green on Drawing No. URB SC[08]00 01 D02 (Site Location Plan), [Phase 1] must be begun not later than the expiration of three years beginning with the date of this permission.

#### **Approved Plans**

- 2) That the element of the development hereby approved full planning permission, as shown within the areas shaded red and green on Drawing No. URB SC[08]00 01 D02 (Site Location Plan), [Phase 1] shall be carried out in accordance with the details shown on the following approved plans, except as controlled or modified by conditions of this permission:

URB SC [08] 00 01 Rev D02 (Site Location Plan)  
URB SC [08] 00 03 Rev D04 (Proposed Block Plan)  
02 Rev 03 (Landscape Plan)  
03 Rev 03 (Hard Landscaping)  
04 Rev 03 (Soft Landscaping)  
URB VC [08] 70 01 Rev D02 (Village Core Elevations)  
URB VC [08] 70 02 Rev D01 (Village Core Elevations)  
URB VC [08] 70 03 Rev D01 (Village Core Elevations)  
URB VC [08] 70 04 Rev D01 (Village Core Elevations)  
URB VC [08] 00 01 Rev D02 (Village Core Ground Floor Plan)  
URB B01 [08] 70 01 Rev D01 (Block 1 Elevations)  
URB B02 [08] 70 01 Rev D01 (Block 2 Elevations)  
URB B03 [08] 70 01 Rev D01 (Block 3 Elevations)  
URB B04 [08] 70 01 Rev D01 (Block 4 Elevations)  
URB B01 [08] 00 01 Rev D00 (Block 1 Floor Plans)  
URB B01 [08] 20 01 Rev D00 (Block 1 Roof Plan)  
URB B02 [08] 00 01 Rev D00 (Block 2 Floor Plans and Roof Plan)  
URB B03 [08] 10 01 Rev D00 (Block 3 Floor Plan)  
URB B03 [08] 00 01 Rev D00 (Block 3 Floor Plan)  
URB B03 [08] 20 01 Rev D00 (Block 3 Roof Plan)  
URB B04 [08] 00 01 Rev D00 (block 4 Floor Plans)  
URB B04 [08] 20 01 Rev D00 (block 4 Roof Plan)  
URB SS [08] 00 01 Rev D00 (Substation)  
OX5025-11PD-004 Rev H – Road Carriageway Widening  
OX5025-16PD-006 Rev A - Cross Sections of Proposed Widening along Blounts Court Road  
OX5025-16PD-004 Rev C - Proposed Off-Site Improvements  
OX5025-16PD-002 Rev C - Proposed Site Access Arrangements  
OX5025-16PD-003 Rev D - Proposed Internal Layout  
OX5025-11PD-007 Rev F - Review of Revised Masterplan (6 Metres Internal Carriageway)  
OX5025-11PD-009 Rev F Proposed Zebra Crossing at Widmore Lane

## Outline Plans

- 3) That the element of the development hereby approved outline planning permission, as shown within the areas shaded blue on Drawing No. URB SC [08] 00 01 D02 (Site Location Plan) shall be carried out in general accordance with the details shown on the following documents:

Illustrative Masterplan PW.1618.L.01 Rev 03  
Design and Access Statement May 2020  
Design Commitment Statement URB-SC A3 90 02-D00 April 21

### Reserved matters and time limit relating to the outline planning permission

## Reserved Matters

- 4) Within a period of three years from the date of this permission all of the reserved matters shall have been submitted for approval in writing by the Local Planning Authority. The reserved matters shall comprise: details of the layout, scale, appearance and landscaping of the development. All reserved matters for any one phase shall be submitted concurrently. No development shall commence within any one phase until there is written approval of all of the reserved matters for that phase and the development shall be carried out in accordance with all of the approved reserved matters.

## Commencement – Outline

- 5) The site subject to outline planning permission, comprising the area shown as shaded blue on Drawing No. URB SC [08]00 01 D02 (Site Location Plan) [Phase 2], shall be begun not later than whichever is the later of the following dates:
- (i) 3 years from the date of this permission: or
  - (ii) 2 years from the approval of the final reserved matters application.

## Biodiversity Enhancement Plan – Outline

- 6) Concurrent with the submission of any reserved matters application related to this outline planning permission, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The BEP should be broadly in accordance with the outline details of habitat enhancements illustrated in Appendix 13 of the supporting Ecological Impact Assessment (Southern Ecological Solutions, 26/06/2020, Rev E). The BEP should include:
- (a) Details of habitat creation or enhancements (this could cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required.
  - (b) Details of species enhancements including relevant scale plans and drawings showing the location, elevation and type of features such as bat and bird boxes as appropriate.
  - (c) Selection of appropriate strategies for creating/restoring target habitats or introducing target species.



- (d) Selection of specific techniques and practices for establishing vegetation.
- (e) Sources of habitat materials (e.g. plant stock) or species individuals.
- (f) Method statement for site preparation and establishment of target features.
- (g) Extent and location of proposed works.
- (h) Details of a biodiversity metric assessment

Thereafter, the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements should be delivered prior to the final occupation of the relevant phase.

#### Pre-commencement conditions

#### **Biodiversity Enhancement Plan – Full**

- 7) Prior to the commencement of the development subject of full planning permission, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The BEP should be broadly in accordance with the details of habitat enhancements illustrated in Appendix 13 of the supporting Ecological Impact Assessment (Southern Ecological Solutions, 26/06/2020, Rev E). The BEP should include:
- (a) Details of habitat creation or enhancements (this could cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required.
  - (b) Details of species enhancements including relevant scale plans and drawings showing the location, elevation and type of features such as bat and bird boxes as appropriate.
  - (c) Selection of appropriate strategies for creating/restoring target habitats or introducing target species.
  - (d) Selection of specific techniques and practices for establishing vegetation.
  - (e) Sources of habitat materials (e.g. plant stock) or species individuals.
  - (f) Method statement for site preparation and establishment of target features.
  - (g) Extent and location of proposed works.

Thereafter, the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements should be delivered prior to the final occupation of the relevant phase.

#### **Construction Environmental Management Plan for Biodiversity**

- 8) Prior to the commencement of any development (including vegetation clearance) a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- (a) Update ecological surveys for relevant habitats and species, update surveys shall follow national good practice guidelines (badgers surveys shall be no older than 6 months).
  - (b) Risk assessment of potentially damaging construction activities.

- (c) Identification of biodiversity protection zones.
- (d) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction.
- (e) The location and timing of sensitive works to avoid harm to biodiversity features.
- (f) The times during construction when specialist ecologists need to be present on site to oversee works.
- (g) Responsible persons and lines of communication.
- (h) Use of protective fences, exclusion barriers and warning signs.

Thereafter the approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

### **Phasing**

- 9) Prior to the commencement of any development subject to full planning permission or submission of the first Reserved Matters for the development subject to outline planning permission, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development of the site shall thereafter be carried out in accordance with the approved phasing plan.

### **Electric Vehicle Charging**

- 10) Prior to the commencement of each phase of development a scheme to provide that phase with Electric Vehicle Charging Points shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Electric Vehicle Charging Points shall be implemented prior to the first occupation of that phase.

### **Estate Roads and Footpaths**

- 11) Prior to the commencement of each phase of development, details of the estate roads and footpaths within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before first occupation of any unit within that phase, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained.

### **Car Parking Plan**

- 12) Prior to the commencement of the reserved matters phase of the development plans showing car parking within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed car parking provision shall be provided before first occupation of that part of the site and be retained as such thereafter.

### **Cycle Parking**

- 13) Prior to the commencement of each phase of development, details of cycle storage, for that phase shall be submitted to and approved in writing by the

Local Planning Authority. The agreed cycle parking shall be provided before first occupation of that part of the site and be retained as such thereafter.

### **Materials**

- 14) Prior to the commencement of each phase of development, details of all materials, including samples where required, to be used in the external construction and finishes of the development within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of the site shall thereafter be carried out in accordance with the approved details.

### **Site Levels**

- 15) Prior to the commencement of any development, detailed plans showing the existing and proposed ground levels of that phase, together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside of the application site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

### **Refuse and Recycling**

- 16) Prior to the commencement of each phase of development, details of refuse and recycling storage for that phase shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall be implemented in accordance with the approved details prior to the occupation of the development in each phase and retained thereafter.

### **Energy Statement**

- 17) Prior to the commencement of each phase of development, an Energy Statement demonstrating how the development within that phase will achieve at least a 40% reduction in carbon emissions compared with code 2013 Building Regulations, and details of how this will be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

### **External Lighting**

- 18) Prior to the commencement of each phase of the development approved in full, and accompanying the first Reserved Matters application for the development approved in outline, a detailed lighting scheme (including street and pathway lighting) for that phase, including a programme for its delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

### **Landscaping**

- 19) Prior to the commencement of each phase of development, a scheme for the landscaping of that phase including the planting of trees and shrubs, the

treatment of the access road and hard standings, and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme.

The scheme shall be implemented prior to the first occupation or use of that phase of development and thereafter be maintained in accordance with the approved scheme.

In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.

### **Landscape Management Plan**

- 20) Prior to the commencement of the first phase of development, a maintenance schedule and a long term management plan for the soft landscaping works for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include those areas of the site which are to be available for communal use as open space. The schedule and plan shall be implemented in accordance with the agreed programme.

### **Tree Protection**

- 21) Prior to the commencement of any site works or operations (including the removal of any vegetation or trees) required in relation with the full or outline planning permission, an arboricultural method statement to ensure the satisfactory protection of retained trees during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The matters to be encompassed within the arboricultural method statement shall include the following:
- (a) A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities.
  - (b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection.
  - (c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage.
  - (d) The means of demolition of any existing site structures, and of the re-instatement of the area currently occupied thereby.

- (e) The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees.
- (f) The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels.
- (g) The details of the materials and method of construction of any roadway, parking, pathway or other surfacing within the root protection area, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage.
- (h) Provision for the supervision of any works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.
- (i) The details of the materials and method of construction of the pedestrian and cycle access to Widmore Lane, which is to in part be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of surface required in relation to its usage.
- (j) A specification of the foundation design for the pedestrian and cycle access to Widmore Lane demonstrating absolute minimal soil excavation, soil compaction or soil contamination within the root protection area of the adjacent trees.

Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

### **Implementation of Archaeological work**

- 22) Prior to any earth works forming part of the development or the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

### **Ground Investigation**

- 23) Prior to the commencement of each phase of development the results of an intrusive ground investigation, analysing the potential for dissolution features and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The results shall then be implemented in accordance

with the approved programme and used to inform the surface water drainage design.

### **Foul Drainage**

- 24) Prior to the commencement of each phase of development, a detailed foul water drainage scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and no part of the development in the phase to which the scheme relates shall be occupied or used until the foul water drainage works to serve that phase have been completed.

### **Surface Water Drainage**

- 25) Prior to the commencement of each phase of development, a detailed surface water drainage scheme relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. This should be based on the principles contained within Flood Risk Assessment and Drainage Strategy reference 3424 Dec 2019 by Scott Hughes Design, sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

The scheme shall include:

- (a) Discharge rates.
- (b) Discharge volumes.
- (c) Catchment plans.
- (d) Maintenance and management of SUDS features.
- (e) Sizing of features – attenuation volume.
- (f) Site wide infiltration tests to be undertaken in accordance with BRE365.
- (g) Ground Investigation Report.
- (h) Detailed drainage layout with pipe/chamber/soakaway numbers & sizes.
- (i) Proposed site levels, floor levels and an exceedance plan.
- (j) Detailed network calculations to include the worst case 1:100 + 40% event.
- (k) SUDS features and sections.
- (l) Details of proposed Primary, Secondary and Tertiary treatment stages to ensure sufficient treatment of surface water prior to discharge.
- (m) Drainage construction details.
- (n) A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire."
- (o) A range of SuDS techniques throughout the site to manage water quantity and maintain water quality.

The development shall be carried out in accordance with the approved details and no part of the development in the phase to which the scheme relates shall be occupied or used until the surface water drainage works to serve that phase have been completed.

## **Construction Method Statement**

- 26) No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- (a) the parking of vehicles of site operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) storage of plant and materials used in constructing the development;
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (e) wheel washing facilities;
  - (f) measures to control the emission of dust and dirt during construction;
  - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (h) details of measures for the control of noise during construction works;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction methods.

## **Procurement and Employment Strategy**

- 27) Prior to the commencement of development, a Local Employment and Procurement Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy shall include:
- (i) Details of recruitment within the development to achieve a minimum of 25% of village staff from within a 5 mile radius of Sonning Common;
  - (ii) Details of the use of local businesses, including purchase of food, beverage and other items to achieve a minimum of 50% of fresh produce (meat, bakery, dairy, fruit and vegetables) from within a 5 mile radius of Sonning Common;
  - (iii) The timing and arrangements for the implementation of these initiatives; and
  - (iv) Suitable mechanisms for monitoring the effectiveness of these initiatives.

All parts of the approved Local Employment and Procurement Strategy shall be implemented in full and retained thereafter.

### Pre-occupancy conditions

## **Pedestrian and Cycle Access**

- 28) Prior to occupation of any development subject to full or outline planning permission, details of the pedestrian/cycle access to the site from Widmore Lane, including a 3.5m wide combined pedestrian/cycle path through the site, associated street lighting facilities and a zebra crossing along Widmore Lane shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on those shown on plan OX5025-11PD-009 Rev F, subject to the tree protection measure shown in condition 21. The works shall



be carried out and completed in accordance with the approved details before occupation of any part of the site, and permanently retained as such thereafter.

### **Landscape and Ecology Management Plan**

29) Prior to the first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Proposals for ecological enhancements for habitats and species as agreed in the Biodiversity Enhancement Plan.
- (d) Aims and objectives of management.
- (e) Appropriate management options for achieving aims and objectives.
- (f) Prescriptions for management actions.
- (g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (h) Details of the body or organization responsible for implementation of the plan.
- (i) Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be implemented in accordance with the approved details and management prescriptions implemented across the site for a timeframe to be agreed within the LEMP.

### **Green Travel Plans**

30) Prior to the occupation of the first phase of the development hereby approved a full and detailed Travel Plan and Travel Information Packs shall be submitted to and approved in writing by the Local Planning Authority. These documents will be updated upon the submission of subsequent phases of the development. Thereafter, that part of the development shall be implemented in accordance with the approved documents and the associated Travel Information Packs issued to each resident upon first occupation.

### **Wastewater**

31) No properties shall be occupied in any phase until confirmation has been provided that either:

- (i) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or-
- (ii) A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

### **Service and Delivery Management Plan**

- 32) No building shall be occupied until details of a comprehensive servicing and delivery management plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Deliveries and service areas shall be managed in accordance with the agreed scheme.

### Compliance conditions

#### **Construction Hours**

- 33) The hours of operation for construction and demolition works shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on a Saturday. No work is permitted to take place on Sundays or Public Holidays without the prior written permission of the Local Planning Authority.

#### **Air Quality**

- 34) The air quality mitigation measures outlined in the Air Quality Assessment (Ref REP-10111755A-20191212) shall be carried out in accordance with the recommendations and specifications in the report and implemented prior to occupation of each unit. Thereafter, the mitigation measures shall be retained as approved and in accordance with manufacturer's instructions.

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Robin Green of Counsel

Instructed by the Solicitor to South  
Oxfordshire District Council

*He called:*

Mr John Jeffcock  
BA (Hons) MA CMLI NZILA

Associate of Michelle Bolger Expert  
Landscape Consultancy

Mr Julian Kashdan-Brown  
B Arch (Hons) Dip Arch MSc MA RIBA

Architect and Urban Designer

Mrs Nicola Smith BSc (Hons) MSc

Principal Major Applications Officer

Mrs Emma Bowerman BA (Hons) MSc

Principal Major Applications Officer

### **FOR THE APPELLANT:**

Mr Christopher Young QC  
Ms Leanne Buckley Thompson of Counsel

Both instructed by the Appellant

*They called*

Mr Nigel Appleton MA (Cantab)

Executive Chairman of Contact  
Consulting (Oxford) Ltd

Mr Stuart Garnett BSc Dip TP MRTPI

Planning Director Inspired Villages

Mr James Atkin BSc (Hons) Dip LM CMLI

Director (Landscape) Pegasus Group

Mr Michael Carr BA (Hons) Dip LA Dip UD  
RUDP

Director (Design and Master  
Planning) Pegasus Group

Mr Roland Bolton BSc (Hons) MRTPI

Senior Director, DLP Planning Ltd

Mr Richard Garside RICS

Director and Head of Development  
Consultancy at Newsteer

Mr Simon James BA Dip TP MRTPI MIEMA

Managing Director DLP Planning Ltd

### **FOR SONNING COMMON PARISH COUNCIL:**

Mr Ben Du Feu of Counsel

Instructed by the Parish Council

*He called*

Mrs Emily Temple BSc (Hons) MSc MRTPI

Director ET Planning Ltd

## **FOR OXFORDSHIRE COUNTY COUNCIL:**

Mr Dave Harrison BSc (Hons) MSc CMILT M Inst TA	Senior Public Transport Planner
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Ms Judith Coats LLB	Infrastructure Funding Team Leader
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## **Interested Persons**

Mr Tom Fort	Chairman of Sonning Common Parish Council
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Ms Julia Whitelaw	Local Resident
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Dr Kim Emmerson	General Practitioner
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Ms Georgina Forbes	Local Resident
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Mr Jonathan Berger	Acting Chair of the Rotherfield Peppard Parish Council
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Mrs Joanne Shanagher	Local Resident
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Dr Michael Stubbs PhD MSc MRICS MRTPI	Planning Adviser, The Chilterns Conservation Board
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## **DOCUMENTS SUBMITTED AT THE INQUIRY:**

### **Local Planning Authority Documents**

INQ LPA1	Opening Statement
INQ LPA2	Factsheet 6 Design Principles for Extra Care Housing (3 <sup>rd</sup> edition)
INQ LPA3	Proof of evidence Erratum sheet, Nicola Smith
INQ LPA4	Appendix 1 update, Nicola Smith
INQ LPA5	Five-year Housing Land Supply Erratum, Nicola Smith
INQ LPA6	Replacement Policies Schedule
INQ LPA7	CIL Compliance Statement
INQ LPA8	CIL Compliance Statement Addendum
INQ LPA9	Costs application
INQ LPA10	Conditions
INQ LPA11	Closing Submissions

### **Appellant Documents**

INQ APP1	Opening Statement
INQ APP2	Summary and comparison of landscape and visual effects
INQ APP3	Correction sheet to JWA06
INQ APP4	Open letter to Boris Johnson
INQ APP5	Briefing Note Errata to Contextual Study of James Atkin
INQ APP6	Service Charges Note of Stuart Garnett
INQ APP7	References to height Johnson Matthey Planning Statement

INQ APP8 NPPF consultation document  
INQ APP9 Mr Doyle email  
INQ APP10 Extracts from Village News by Tom Fort  
INQ APP11 s106 Agreement  
INQ APP12 Nigel Appleton's Note  
INQ APP13 Central Bedfordshire Policy H3 Main Modifications  
INQ APP14 Pre commencement note  
INQ APP15 Verdin Judgment  
INQ APP16 Closing Submissions  
INQ APP17 Appellant's response to the Costs application

## **R6 Party Documents**

INQ PC1 Opening Statement  
INQ PC2 Closing Submissions

## **Interested Persons Documents**

IP1 Statement by Mr Tom Fort  
IP2 Statement by Ms Julia Whitelaw  
IP3 Statement by Dr Kim Emmerson  
IP4 Statement by Ms Georgina Forbes  
IP5 Statement by Mr Jonathan Berger  
IP6 Statement by Mrs Joanne Shanagher  
IP7 Statement by Dr Michael Stubbs

EP5Q



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## Appeal Decision

Inquiry held on 8 - 11 November 2022

Site visit made on 11 November 2022

**by H Porter BA(Hons), MSc PGDip, IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> January 2023**

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**Appeal Ref: APP/D3125/W/22/3301202**

**Land West of Wroslyn Road, Freeland, Oxon, OX29 8AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Senior Living (Freelands) Ltd against the decision of West Oxfordshire District Council.
  - The application Ref 21/02627/OUT, dated 2 August 2021, was refused by notice dated 31 May 2022.
  - The development proposed is outline planning application for the erection of a retirement community of up to 160 extra care units (C2 use class) with associated communal facilities and open space, with access from Wroslyn Road, (all matters reserved except access) and retention of veterinary practice in the coach house.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline with all matters, other than access, reserved for future consideration. I have dealt with the appeal on the basis that plans showing landscaping, site layout, building heights and detailed design are indicative and that up to 160 extra care units could be provided. During the appeal process, a discrepancy in the site's 'red line' boundary was identified and revised plans submitted. I am content to determine the appeal on the basis of the updated plans since the revisions have not materially altered the scheme and no prejudice would result.
3. Under the Inquiry Procedure Rules, Freeland Parish Council and Freeland Friends (the Rule 6 party) were granted Rule 6 status. A General Statement of Common Ground (SoCG) along with additional SoCGs covering Landscape and Visual Matters, Urban Design Matters, and Housing Land Supply (HLS), plus HLS Addendum, were agreed by the Appellant and the Council.
4. I undertook an accompanied Inquiry site visit on 11 November 2022. I also saw the site and general surroundings on three occasions during the Inquiry week, on an unaccompanied basis and from vantages suggested by the parties. This includes one early evening visit when it was dark.
5. A number of non-designated heritage assets (NDHAs) are located within or adjacent to the appeal site, while listed buildings and a Registered Park and Garden (RPG) are proximate to it. Mindful of the provisions within the National Planning Policy Framework, July 2021 (the Framework) that seek to conserve and enhance the historic environment, during the Inquiry, and at my request, the parties made written submissions clarifying their positions in respect of



various designated and non-designated heritage assets and their significance, including any contribution made by their settings. I have taken the parties' heritage responses into account in my decision.

6. On 22 November 2022, the Council published its HLS Position Statement (PS) for the period 1 April 2022 to 31 March 2027, which indicates a 5-year supply of 4,400 dwellings equating to 4.1 years. I deal with this in more detail below.
7. A completed agreement made under s106 of the Town and County Planning Act 1990 (the s106 Agreement) was submitted on 9 December 2022. The submission of the s106 Agreement means the Council's second reason for refusal of the scheme<sup>1</sup> has fallen away. The various provisions and contributions within the s106 Agreement are set out in my reasoning and planning balance. Consideration of the tests set out in the Framework and Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) (the 122 Regs), would only be relevant if I had been minded to allow the appeal.

## Main Issues

8. The main issues in this appeal are:
  - The effect of the proposed development on the character and local distinctiveness of Freeland, including its effect on the local landscape and relevant heritage assets; and,
  - Whether the appeal site offers an appropriate location for the proposed development, having regard to whether it would offer suitable access to a good range of services and facilities and where the need to travel by private car can be minimised.

## Reasons

### *The site, proposals and policy background*

9. The appeal site occupies around 4.3 hectares of land on the west side of Wroslyn Road, towards the southern end of Freeland. The site is part of the grounds associated with Freeland House, which is in use as a care home and within the ownership of the Eynsham Park Estate. The appeal site has matured vegetal boundaries and is accessed via a tree-lined driveway off Wroslyn Road. The same driveway leads to Freeland House, which is outside the appeal site and identified as a non-designated heritage asset (NDHA)<sup>2</sup>. A cluster of agricultural-type buildings, a former coach house and stables, are within the north-west corner of the appeal site, and also identified as NDHAs<sup>3</sup>. Just outside the site's red line and north of the driveway are two estate cottages<sup>4</sup> and a red brick walled garden<sup>5</sup>, also identified as NDHAs associated with the Freeland House estate. A little way to the west, beyond Cuckoo Lane lies the Grade II listed Eynsham Hall Park and Garden (List Entry Number: 1001288), a designated heritage asset.
10. The largest portion of the appeal site is occupied undeveloped grazing paddocks populated by occasional mature trees, including a central Corsican pine. A band of established woodland marks the site's western boundary and

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<sup>1</sup> CD AD18

<sup>2</sup> CD E2 para 2.16

<sup>3</sup> CD SD21 para 4.11

<sup>4</sup> Freeland Garden Cottage and Stables House

<sup>5</sup> Freeland Nurseries

offers a green buffer between the paddocks and Freeland House. The local landform falls gradually away down towards four detached dwellings that stand between the site's south-eastern boundary and Wroslyn Road.

11. The outline scheme proposes the erection of a retirement community, comprising up to 160 Extra Care units within a series of cottages and apartment buildings, as well as a 'Village Centre' containing communal facilities including a wellbeing centre, shop, cafe, and restaurant. An extant veterinary practice housed in the former coach house would be retained and served by six parking spaces, and the adjacent stables would be converted for residential use. The remaining agricultural-type buildings would be demolished. Access to the site would be via the existing driveway off Wroslyn Road, with improved visibility splays and a new secondary access for pedestrian, cycle and emergency use.
12. The development plan includes the West Oxfordshire Local Plan (2011 – 2031), adopted September 2018 (the LP)<sup>6</sup>, which sets out an overall strategy for accommodating future growth including the most suitable locations for development in the District. Table 4b lists Freeland under the category of 'villages'<sup>7</sup>, which LP Policy OS2 identifies as being suitable for 'limited development' that, amongst other things, respects village character, local distinctiveness, and maintains community vitality. The same policy also lists 'general principles' for all development, including that it is of proportionate and appropriate scale to its context; forms a logical complement to the character of the area; and conserves and enhances the natural, historic, and built environments. LP Policy H2 indicates new dwellings will be permitted in villages in certain circumstances, whilst also requiring accordance with the Policy OS2 general principles.
13. LP Policy OS4 relates to high quality design and establishes that new development should respect the historic, architectural and landscape character of the locality, and contribute to local distinctiveness including through conserving or enhancing areas, buildings, and features of historic, architectural, and environmental significance. The site also falls within the Wychwood Project Area (WPA), to which LP Policy EH2 requires special attention and protection be given to the landscape and biodiversity. LP Policy EH9 requires all development proposals conserve and/or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment, including the significance of the District's heritage assets.
14. LP Policy T1 gives priority to locating new development in areas with convenient access to a good range of services and facilities and where the need to travel by private car can be minimised, due to opportunities for walking, cycling and the use of public transport. LP Policy T3 establishes that all new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport and where such opportunities are more limited, other measures will be sought to help reduce car use as appropriate.

*Character, local distinctiveness, landscape and heritage assets*

15. Freeland is a modestly sized, traditional rural village, identified in the West Oxfordshire Design Guide<sup>8</sup> as having a 'Linear' and 'Dispersed' settlement

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<sup>6</sup> The West Oxfordshire Local Plan (2011 – 2031), adopted September 2018 (the LP) CD C1

<sup>7</sup> CD C1

<sup>8</sup> CD C2

pattern. I observed Freeland to be comprised of two distinct portions. The area known as The Green unfolds where the open countryside that characterises the route along Wroslyn Road from the south meets a loose-knit collection of detached properties in generous plots that are principally grouped around a small triangular green. Moving northwards along Wroslyn Road away from The Green there is a verdant punctuation where the instances of built form decrease, and the route is framed by the tree and hedgerow boundaries of undeveloped fields either side. Just past the driveway to Freeland House and north of Pigeon House Lane there is a transition to the main body of the settlement, distinguished by a more regular concentration of built form and a ribbon-like development pattern.

16. The discernible separation between the two distinct portions of Freeland is aided by undeveloped areas, numerous impressive trees, intermittent views towards the wider undeveloped countryside. The notable absence of street lighting at night reinforces a sense of tranquillity and rurality, which, together with an overall sense of spaciousness, underpins the form and local character of Freeland as a modestly-sized, distinctively rural village.
17. Typical of many traditional settlements, the built form in Freeland has evolved incrementally and is reflected in the mix of older vernacular buildings, small pockets of infill, and later housing-estate type developments at its edges. Yet, while noting some range in the age and architectural styles in Freeland, the majority of domestic buildings are one-and-a-half to two storeys, of stone or masonry construction, with slate or tile pitched roofs, some featuring dormers or gables. Notwithstanding occasional short terraces, dwellings also tend to be detached, or semi-detached, standing in good-sized gardens, many with independent driveway forecourts and pedestrian gateways. The overall consistency of scale and form of domestic buildings offers a sense of spaciousness, which contributes positively to the character and local distinctiveness of the settlement.
18. Against the prevailing backcloth of domestic buildings are occasional larger structures, atypical in terms of their use, height, footprint and architectural detailing. Rather than being representative of the dominant local character of the settlement, such buildings convey a sense of its historic, religious or community status and evolution, and play a defining role in establishing the unique character and distinctiveness of Freeland.
19. One such structure is Freeland House, an imposing late Victorian building, conspicuous for its scale, footprint and ornate detailing. In addition to the principal building are its historic estate grounds. Whether or not in the same use, today the various components including ornamental gardens, parkland, tree-lined avenues, productive gardens and plantations, farmland, and 19<sup>th</sup>-century ancillary estate buildings, collectively reveal the origins and functioning of Freeland House and its grounds as a consciously and holistically planned mid-to-high-status country house estate. Thus, they are all elements that contribute to the significance of Freeland House as a NDHA. The cluster of agricultural-type ancillary estate buildings are ostensibly contemporary with Freeland House and exhibit a similarity in material treatment and historic authenticity in their use and features, which underpins their significance as NDHAs of local importance.
20. Whether or not it satisfies the criteria for statutory listing, Freeland House and its wider estate contribute greatly to the local distinctiveness of Freeland and to

the historic, architectural and landscape character of the locality. There are designed landscape elements within the appeal site itself, including avenues, and undulating designed parkland, containing distinctive 'isolated parkland trees'<sup>9</sup>, which form a part of the historic estate and setting for Freeland House NDHA and the other NDHA estate buildings.

21. The presence of new buildings, timber fencing, and a lit horse menage do not diminish from either the estate parkland qualities of the appeal site nor from the overall intactness of the wider Freeland House estate landscape, which are consistent with the 'Parkland landscapes' type and Eynsham Vale character area described in the West Oxfordshire Landscape Assessment (WOLA)<sup>10</sup>. There is also a correlation between the estate parkland characteristics of the appeal site and the Wooded Estatelands landscape type and landscape character of Freeland described in the Oxfordshire Wildlife & Landscape Study (OWLS)<sup>11</sup>.
22. The local topography and dense bands of established woodland provide relative containment to the appeal site. Yet, despite the natural screening, the appeal site provides a discernible degree of separation between Freeland House and the settlement; its undeveloped nature enabling legibility of Freeland House as a salient and historically high-status structure within the local context. The appeal site encompasses elements that are integral to the designed landscape character of a seemingly authentic and intact historic country estate. Of note are the mature trees creating an avenue along the driveway and significant mature trees within the open grassland portion of the site. The undeveloped paddocks reflect a functional link with the stables that has endured to this day, while the non-native trees, such as the central Corsican pine denote a planned and imposed 'picturesque-style' landscape design, consistent with historic country house estates.
23. The same family responsible for the late 19<sup>th</sup> century development of the Freeland House also owned the Eynsham Hall estate further west, employing the same architect for some of its outbuildings<sup>12</sup>. Today, an avenue of Lime trees links Freeland House with the Eynsham Hall estate RPG although woodlands prevent intervisibility between it and appeal site. Even so, the historic associations and the physical landscape links with the adjacent RPG denote that Freeland House estate is part of the RPG setting and contributes, in a modest but meaningful way, to its significance as a designated heritage asset.
24. Although the appeal site and wider Freeland House estate landscape are not covered by any national or local designation, this does not negate landscape value. Rather, I consider the characteristics of the appeal site and wider Freeland House estate landscape to exemplify aesthetic attraction, visual interest, historic authenticity, and strong sense of place. The opportunities to experience the landscape are offered by a permissive route along the driveway, which is well used by walkers, horse riders and cyclists, conveying a recreational value.
25. The contention that the historic grounds of Freeland House should be considered a 'valued landscape'<sup>13</sup> was first advanced in the Council's PoE<sup>14</sup>.

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<sup>9</sup> As referred to in the Appellant's Design and Access Statement (DAS) CD SD6 Site Context p. 7

<sup>10</sup> CD C6 p. 12

<sup>11</sup> ID 9 pdf p. 9 and p.12

<sup>12</sup> ID 13 para. 35

<sup>13</sup> For the purposes of paragraph 174a) of the Framework

<sup>14</sup> CD E41 p.54 para 5.33

Nevertheless, a full discussion on this took place during the Inquiry, including in reference to the GLVIA3 guidelines and Landscape Institute's recent technical guidance note<sup>15</sup>. On this basis of the evidence I have seen, heard, and read, I judge the Freeland House estate landscape to embody attributes that elevate it beyond that of generic or ordinary countryside. It follows that the appeal site comprises a part of a valued landscape for the purposes of para 170a) of the Framework. Furthermore, my observations bear out the landscape as having a particularly strong unspoilt character which intensifies its sensitivity to development; warranting its 'conserve' categorisation in the WOLA<sup>16</sup>; and the aim to realise the safeguarding and enhancement of landscape character of parklands set out in the OWLS<sup>17</sup>.

*The effect of the proposals on character and local distinctiveness, local landscape and heritage assets*

26. The site layout and key masterplan principles established within the DAS denote that the Village Centre building would be positioned at the heart of the development, with other buildings located away from the surrounding residential properties, with limitation of development to the southern area of the site<sup>18</sup>. Bearing in mind the constraints identified in the DAS and the minimum quantum of development required to realise a viable scheme and the consequential amount and concentration of built form across the site, there would unquestionably be a significant urban intrusion onto it.
27. Even if vegetal boundaries and additional planting would succeed in partially screening the development from some vantages along Wroslyn Road, I consider there would be a serious undermining of the distinctive local settlement pattern of Freeland. Indeed, the characteristically green and undeveloped nature of the appeal site and the intrinsic verdant punctuation it provides between The Green and the main body of the settlement would be virtually eradicated. Thus, the scheme would advance the coalescence of the distinctively disparate portions that make up the local settlement pattern, harming local character and distinctiveness.
28. Although the precise nature of the layout, scale, appearance and landscaping are all reserved matters, the illustrative Regulating Plan<sup>19</sup> provides an indication of how the proposal could be accommodated on the site. This shows the Village Centre would occupy a footprint compatible with that of Freeland House, with the other seven apartment occupying smaller but nonetheless very large footprints. In between buildings would be a series of parking areas and landscaped courtyards. Collectively, there would be inevitable density of development would be wholly out of keeping with the spacious and more loose-knit characteristics that define the existing local context.
29. Matters of design and scale were discussed in detail during the Inquiry. Usually, a half-storey in building height would be indicative of restricted head room within roof-level accommodation. The indicative typology sections<sup>20</sup>, however, show the proposed 2.5 storey village apartments and Village Centre building as having a 2.4 metre floor-to-ceiling height on the top floor, the same as the two floors below. Irrespective of whether the proposed apartments would constitute

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<sup>15</sup> CD H33 and CD H32 Table 1

<sup>16</sup> CD C6 p. 15

<sup>17</sup> ID 9 pdf p. 17 and p. 18

<sup>18</sup> CD SD6 pp. 16 - 17

<sup>19</sup> ID 10

<sup>20</sup> CD E25 p. 20



2.5 or 3-storey buildings, and allowing for the indicative nature of the proposals, apartment blocks reaching over 11.5 metres to the roof, the apartments would be of much greater height than the prevailing buildings that characterise the Freeland context. Rather than being of 'domestic scale and appearance', I consider the proposed blocks would be wholly out of keeping with the typical domestic buildings found in Freeland.

30. The only buildings of similar scale in the locality are Freeland House and St Mary's Church. To meet the ambitions of this outline scheme the introduction of numerous blocks over 11 metres high occupying extremely large footprints would, in my judgement, severely diminish legibility of these as important salient structures, to the detriment of the character and local distinctiveness of the settlement. The blocks may not exceed the height of Freeland House but through sheer bulk and number, visual subservience would not be achieved. While the blocks located close to the Wroslyn Road boundary would be lower than those further into the site, there would be a tiering of built form that would be atypical of the domestic built form in Freeland, even where it has developed in depth. To my mind, no matter the details submitted in reserved matters, the necessary scale and form of the buildings across the site would dominate and be wholly uncharacteristic of the local context.
31. I take further issue with the indicative roof design of the proposed blocks, which the same typology section reveal would essentially comprise an expanse of flat roofs concealed by 'dummy' frontage pitches. Detailed design elements could provide some degree of articulation and material variation to the apartment blocks, with the effect of breaking the visual impact of their bulk and mass, yet proportionally, the proposed apartment blocks and Village Centre building would, in reality, be of a height, bulk and form that would be wholly disproportionate and of a scale inappropriate to its context.
32. The constituent parts that make up the Freeland House estate are integral to its overall landscape value and its sensitivity to change. The appeal scheme would severely erode a significant portion of the open undulating parkland area that separates Freeland House from Wroslyn Road. While the central Corsican pine would be retained and a channelled view between it and the spire of St Mary's Church created, the proximity of development would eclipse it as a characteristic feature tree within the site and component of the parkland. The DAS refers to the scheme 'allowing the return of a large proportion of the site to a parkland landscape' and 'setting a balance between the built form and green open space'. By contrast, I consider the urbanising impact of the proposals would be overwhelming and particularly noticeable from the permissive path access driveway. Not only would intactness and historic authenticity of the Freeland House landscape be compromised, but the landscape qualities particular to the appeal site also severely eroded.
33. The settings of Freeland House and of the ancillary estate buildings as NDHAs would be compromised, weakening their significance. Not least two NDHAs would be demolished wholly, while residential conversion of the former stables NDHA would bring about the loss of their intact stalls and internal features, causing complete loss of or serious harm to their significance respectively. The Council has not identified any harm to the significance of the Eynsham Hall RPG<sup>21</sup>. Nevertheless, irrespective of a lack of intervisibility, I judge the appeal scheme would have an adverse impact on lands that are intrinsically linked and

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<sup>21</sup> ID13 para. 38

- thereby form part of the setting of this designated heritage asset, resulting in some small residual harm to its significance. I deal with the degree of harm and public benefits later in the final heritage and planning balance.
34. Concerns in respect of light-spill and the implications for bat foraging corridors are not shared by the Council's officers and there is nothing substantive to cause me to deviate from their professional judgement. Nonetheless, even if lighting could be carefully designed, at low level to ensure no upward light spill, it seems inevitable that the proposal would create at least some lit intrusion, to the detriment of Freeland's dark skies and tranquil character at night.
35. The Appellant's willingness to work constructively with the Council on the production of a Design Code is laudable. At a more detailed level, the elevation treatments to the buildings, as well as hard and soft landscaping, might offer a sense of material quality to the scheme. Additionally, boundary planting could limit views into the site especially along Wroslyn Road and create attractive external spaces for future occupiers. However, the fundamental objectives of good design go beyond what the scheme may look like on the surface or whether views to it are restricted. Although conditions could ensure certain controls such as natural screening and a production of a design code, the fundamental issues relating to the bulk, massing and sheer size of the development would remain.
36. I am also mindful of the comments made at the Inquiry. On the one hand, that reducing building heights or the quantum of available accommodation at roof level would cause a reduction in unit numbers. Secondly, that the precise nature of the retirement village offer requires a certain level of development. This causes me to doubt there is scope for a material reduction in the scale, layout or quantum of development that could meaningfully come forward at the reserved matters stage. Rather, I judge the proposal has intrinsic and fundamental issues inherent to the need to balance the specific offer with commercial viability and affordable service charges.
37. The Appellant contends that a population increase of around 13% to the settlement would be 'limited'<sup>22</sup>. I cannot agree. While there is no definition of 'limited development' in the LP, in my judgement, a population increase of 13% seen in the context of up to 160 units plus a fully equipped leisure facility with swimming pool, spa, gym and treatment room, restaurant, café, shop and community spaces; around 150 car parking spaces distributed across the site; and 500 or so daily traffic movements generated, and landscaped attenuation pond, cannot sensibly be considered 'limited'.
38. The proposal would not fit with the overall form and layout of its surroundings but cause serious harm to the intrinsic character and quality of the appeal site, as well as wider harm the historic, architectural and landscape character of the locality. Such harms, though localised, would be both severe and permanent. The proposal would not realise 'limited development' in a village, nor would it respect village character or local distinctiveness.
39. Whilst community vitality would be maintained, overall, conflict arises with the strategic element of LP Policy OS2 as well as with its general principles, notably those that require development conserves and enhances the natural, historic and built environment; avoids the loss of an area of open space which makes an important contribution to the character or appearance of the area; protects

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<sup>22</sup> CD E30 para 8.6 p. 16



or enhances of the local landscape and the setting of the settlement; complements the existing pattern of development and/or the character of the area; and be of a proportionate and appropriate scale to its context. The conflict with the Policy OS2 general principles generates conflict with Policy H2 and the circumstances under which development in villages is supported. Conflict also arises with LP Policies EH2 and OS4. Notwithstanding the Council's case does not advance an objection in respect of heritage asset, my findings in respect of the harm to the significance of NDHA's indicates conflict with LP Policy EH9 would also arise, given that it seeks to conserve and/or enhance the special character, appearance, and distinctiveness of West Oxfordshire's historic environment.

#### *Locational sustainability*

40. In the context of the District's settlement sustainability, Freeland ranks at 28<sup>th</sup> or 29<sup>th</sup> out of the 41 settlements considered for their key services. Indeed, the services and facilities in Freeland include a horticultural nursery, public house, church, village hall, and chapel. While the range is limited, and a primary school might have little bearing for a retirement village community, these facilities are a short, level distance from the appeal site. Opportunities for using public transport to access a wider range of services further afield are offered by a limited local bus service, with additional stops proposed close to the appeal site's entrance.
41. In a usual housing development, it would be reasonable to expect that the day-to-day needs of future residents would have to be met by travel to larger settlements by private car. But the appeal scheme retirement village offer provides a range of additional communal and wellbeing facilities<sup>23</sup>. Even noting some restrictions to access to general public membership, the range of facilities on offer would reduce the necessity to undertake certain journeys by car.
42. The scheme would also provide a Village Transport Service (VTS), consisting of at least one vehicle with at least six seats to facilitate social outings, shopping trips and access to hospital appointments, with priority given to residents of the development and any nominated family member acting as carer<sup>24</sup>. Pragmatically, the VTS would not feasibly offer the type of transport option that could replace private car journeys for staff, visitors or indeed the majority of future occupiers. The quantum of indicative parking provision and anticipated additional trips are testament to this. That said, the LP gives endorsement to 'other measures' to help reduce car use as appropriate where opportunities to use public transport are more limited, such as in Freeland. Furthermore, there is recognition under paragraph 105 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
43. It would not be reasonable to expect the same level of bus service in a settlement the size of Freeland as in a larger urban area and the frequency of the bus services might suggest its use for occasional leisure trips. The proximity of the site to the facilities in Freeland along with the offer that some of the on-site facilities would be open to the extant community to access, leads me to the view that the proposal would not advance a wholly self-contained,

<sup>23</sup> Those parts of the development comprising the café and shop, restaurant, treatment room, hair salon and open space PID2 p. 3; the swimming pool, gym and fitness studio to be provided within the village Centre Building PID2 p. 9

<sup>24</sup> PID2 p. 8

'inward-looking' development, nor would it disrupt community vitality in Freeland. On balance, I consider the specific nature of the proposal would ensure use of the private car can be minimised, and offer convenient access to a good range of services and facilities. Therefore, I find no conflict arises with LP Policies T1 and T3.

## Other Considerations

### *Need*

44. The PPG recognises there are different types of specialist housing designed to meet the diverse needs of older people, and that there is a significant amount of variability in the types of specialist housing available<sup>25</sup>. The level of need and supply for specialist housing for older people within the District was discussed, including in relation to whether specific developments satisfy that of Extra Care. So too, the most appropriate methodology for measuring the need for specialist accommodation within the District. Considering the scope of the definition of Extra Care housing, including in the PPG and Housing LIN<sup>26</sup>, the shortfall may not be as acute as suggested by the Appellant.
45. Yet, even if the Council's provision of Extra Care housing may be improving and the LP policies performing in securing its provision, there remains compelling evidence of a growing population of older persons in the District, and that the proportion of older people in the Eynsham-Woodstock Sub-Area is even greater, and expected to increase substantially over the plan period and beyond<sup>27</sup>. It is also acknowledged that West Oxfordshire has higher than average rates of owner occupancy and there is an undersupply of provision for older persons within the Eynsham-Woodstock Sub-Area and a lack of future supply in the pipeline<sup>28</sup>.
46. The Framework recognises the importance that a sufficient amount and variety of land comes forward where it is needed, and that the needs of groups with specific housing requirements are addressed. I understand that there are challenges in competing for sites with a traditional volume housebuilder, especially bearing in mind the significant up-front costs involved with this type of development and the provision of facilities it offers. However, other developments providing Extra Care units in the District do appear to be in the existing supply and of a similar overall offer, even if the nature of the facilities may differ.
47. The challenges facing adult health and social care and the need to provide housing for older and disabled people are not to be underestimated. The Council contends the need for extra care housing is lower than suggested by the Appellant. Even if it were, the need for more extra care units, including private ones is clear given the pressures of the local demographic trends in West Oxfordshire that has a higher-than-average proportion of older people, and the Eynsham sub-area greater still. There is also recognition that the health and lifestyles of older people will differ greatly, along with their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high level care and support<sup>29</sup>.

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<sup>25</sup> PPG Paragraph: 010 Reference ID:63-010-20190626

<sup>26</sup> CD H27

<sup>27</sup> CD E18 para 5.1 p. 3

<sup>28</sup> CD AD17 para 5.15

<sup>29</sup> PPG Paragraph: 003 Reference ID: 63-003-20190626

48. The retirement village offer that the appeal scheme proposes would add choice to the provision of specialist accommodation available in the District. The Framework recognises the need for specialist accommodation for the elderly, and the extra care accommodation proposed would help to meet the need to provide housing for older people, which the PPG identifies as critical<sup>30</sup>. While I recognise that there may be a relatively small shortfall, if not a surplus, in the current supply I nonetheless see a significant benefit in meeting the need for older persons' accommodation and broadening the choice of such accommodation on offer in the District.

#### *Housing Land Supply (HLS)*

49. LP Policy H1 relates to the amount and distribution of housing in the District, making provision for at least 15,950 homes over the plan period. It is not in dispute that the Council cannot demonstrate a five-year HLS and that the shortfall against the requirement is 'significant'. Although there are a number of points of agreement between the parties on HLS<sup>31</sup>, they disagree significantly on the extent of the shortfall. The Council's latest position is that it can demonstrate a supply of 4,400 dwellings, equating to 4.1 years; the Appellant considers the supply to be 2,709 dwellings and just 2.5 years<sup>32</sup>. The difference in the parties' positions stems from nine disputed sites.

50. The Council counts 298 dwellings for site Ref CA1, where detailed planning permission was granted for 200 dwellings in 2013 and 23 dwellings are under construction. While a scheme for 275 dwellings is now being pursued, the 200 consented should be considered deliverable unless there is clear evidence that they will not be delivered within five years. The Appellant raises the matter of funding difficulties, and that the Council's 2021 position statement indicates there is potentially no longer an intention to implement the original consent<sup>33</sup>. However, I have seen no clear evidence that the 200 dwellings would not be viable nor anything confirming that if permission for the 275 dwelling scheme is not forthcoming, the 200 homes that have planning permission will not be delivered within five years. Therefore, I consider these 200 dwellings should be counted.

51. For sites to be 'deliverable' as per paragraph 74 of the Framework, there must be *clear evidence* that housing completions will begin on site within five years<sup>34</sup>. That said, in respect of the larger 275 dwelling scheme at site CA1, a planning application has not yet been submitted, consultations on the uplift undertaken, or timescales for resolution of 'other issues' provided. The evidence available does not in my judgement qualify as 'clear evidence' and cannot yet be considered deliverable. Those anticipated 275 dwellings should not be counted.

52. An application for outline planning permission for 200 dwellings at site WIT 2 was submitted in 2014 and is still pending determination. In 2019, an additional full planning application for 110 dwellings was submitted and is also

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<sup>30</sup> Planning Practice Guidance (PPG) Paragraphs: 001 Reference ID:63-001-20190626 and 016 Reference ID 63-016-20190626

<sup>31</sup> Including that the base date is 31 March 2022 and 5yr period is to 31 March 2027; the HLS should be measured against the "stepped" housing requirement; there is no past shortfall to address; the 5% buffer applies ID23 (paras 1.1 – 1.5)

<sup>32</sup> ID23 (Table 2)

<sup>33</sup> CDE15 para 11.34

<sup>34</sup> To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years (Framework Glossary)

still to be determined. The Council explained that a masterplan is expected in the next three months and an active developer with a proven track record is now involved. The prospects for progress on submission of reserved matters, resolutions on land ownership, and advancement of a masterplan may well seem encouraging to the Council. As it currently stands, I consider the evidence provided relies on speculation and hope, which falls short of what might constitute 'clear evidence'. Therefore, I agree with the Appellant that the 306 dwellings included in the Council's HLS PS should not be counted.

53. For site CN1, evidence provided by the Council is an email from a planning consultant, the anticipated development trajectories and timescales within which indicate the site will not be sold until January 2024 and reserved matters submitted the following month<sup>35</sup>. At the Inquiry, the Council's witness accepted there was a 'broad brush aspect' to the evidence and speculated that a reserved matters application would be 'ready to go' to inform the process of buying the land. While the site may be unconstrained, the purported timescales appear optimistic and lacking robust evidence such as clear progress being made towards approving reserved matters. Consequently, I consider that 235 dwellings at site CN1 cannot be considered 'deliverable' and should be discounted.
54. At site EW1, 50 dwellings of a site with a net capacity of 2,200 are in dispute. While progress on a masterplan may be advancing, it remains outstanding; and while the Council anticipates a hybrid application being forthcoming, it has not been submitted and its precise nature is not yet known. Therefore, while 50 dwellings may seem a conservative figure for such a large, allocated site, there is no 'clear evidence' of their deliverability within 5 years and so they should not currently be counted.
55. The Council identifies 377 dwellings at site EW2, of which 300 are in dispute. The LPA's evidence is an email from Blenheim Strategic Partners<sup>36</sup>, which includes a trajectory up to 2027, accounting for only 70 dwellings at site EW2. Even accepting the Council's evidence relating to these 70 dwellings, the evidence for the other 230 dwellings is lacking and should not be considered deliverable. These 230 dwellings should therefore be discounted.
56. Applications were submitted in January 2021 for sites EW4 and EW5. The same email referred to above refers to consent being granted at the October planning committee, which, when HLS discussions were had at the Inquiry at the end of November, had not happened. I understand that officer illness has caused delays in progressing the applications to committee. However, without an officer report, a recommendation, or even a confirmed committee date, there is currently no clear evidence to indicate that the dwellings at sites EW4 and EW5 included in the Council's PS should be considered deliverable in 5 years. The 156 and 120 dwellings should not, as yet, be included in HLS figures.
57. There remains a dispute over the outline elements at sites 12/0084/P/OP and 14/0091/P/OP. There may be longstanding relationships between the developers and planning officers. However, as no reserved matters applications have been submitted, nor any written agreements or build rates provided, it is doubtful whether there is a realistic prospect that housing will be delivered on the site within five years. On this basis, I agree with the Appellant that 85 and 164 dwellings from these two sites be removed from the HLS figures.

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<sup>35</sup> CDE43 p. 90

<sup>36</sup> CDE43 pp. 69-70

58. The agreed existence of an undersupply triggers paragraph 11d) of the Framework, and I am not required to identify a precise HLS figure. It was put to me that adopting a 'purist approach' would remove all the units from site, and even if there is some slippage in timescales it doesn't necessarily follow that no housing will come forward within 5 years. However, while there is no express definition of 'clear evidence', the PPG gives examples of far more robust and convincing evidence than that offered by the Council for some of the sites in this case.
59. Pragmatically, some, if not all the housing may be delivered on the discounted sites but the evidence available to me suggests the HLS figure to be worse than suggested by the Council. On my reading of the HLS evidence, and while the actual HLS figure may not be quite as low as purported by the Appellant, the figure is closer to the lower end figure of 2.5 years rather than the Council's upper end figure of 4.1 years.

### **The Heritage and Planning Balance**

60. The absence of a five-year supply of deliverable housing sites triggers application of paragraph 11 d) of the Framework. Firstly, the Framework requires an assessment of whether the application of policies within it that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>37</sup>. Of particular relevance are the policies relating to designated heritage assets.
61. Bearing in mind the scale and nature of the proposals, the degree of harm to the significance of the RPG as a designated heritage asset would be less than substantial, and at the lower end of that scale. In these circumstances, paragraph 202 of the Framework requires the harm be weighed against the public benefits of the proposal. The public benefits the proposal include the provision of Extra Care housing and economic benefits associated with job creation and the construction phases. In my judgement, these would be sufficient to outweigh the scale of harm identified to the significance Eynsham Hall RPG as a designated heritage asset.
62. On this basis, the application of policies in the Framework that protect assets of particular importance does not provide a clear reason for refusing the development. Thus, the proposal benefits from the presumption in favour of sustainable development, indicating permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. An important material consideration.
63. A development of the size and use proposed would realise economic benefits associated with the construction phase and proposed use, realising in the region of 30 jobs and ongoing employment, potentially within Freeland. I consider there would be clear economic benefits that carry significant weight.
64. I have born in mind the arguments that no feasible alternative sites exist and the consequences of my dismissing the appeal. Even if the apparent shortfall in Extra Care accommodation is not to the degree claimed by the Appellant, the provision of Extra Care housing carries social benefits associated with enabling older people to live more independently, while also saving on health and social costs in the future and potentially freeing up family homes. Up to 160 extra care units would count against the LPA's housing requirement and against a

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<sup>37</sup> Framework paragraph 11 d i. as defined in footnote 7



backdrop of a clear and pressing need. It is accepted that there is a HLS shortfall and one more severe than set out by the Council in their evidence. In accordance with the Framework, this leads to a conclusion that the policies which are most important for determining the application area out-of-date. These are material considerations that carry significant weight in favour of the proposal.

65. The proposal would provide the VTS and financial contributions towards provision of bus stops and the existing village bus service. However, these would be of benefit to a very small proportion of the future residents of the proposal, and less so to the wider community. As it would largely be in mitigation of the site's rural location, I attribute very little weight to the benefits associated with the VTS. Some of the proposed facilities would be available for use by local community, albeit some on an age-restricted basis. While Freeland does not benefit from a shop, the size, range and offer of the proposed shop is not yet known. I consider the provision of access to the scheme's facilities would be of moderate benefit to the wider Freeland community, which carries moderate weight in its favour.
66. Healthcare contributions secured under the s106 Agreement for enhancing and improving capacity and facilities at Eynsham Medical Centre would also be as mitigation, which is neutral in the overall planning balance. The proposals would accord with LP policies relating to locational sustainability, highway safety, biodiversity net gains, drainage, affordable housing, flood risk and ecology; therefore, these are also neutral factors. The other environmental credentials mooted, such as the delivery of net zero carbon, are not guaranteed or secured and so I attribute them very little weight.
67. The out-of-datedness of the most important policies, however, does not alter the statutory primacy of the development plan nor indicate they carry no weight. The policies that seek to ensure development protect character and local distinctiveness are central to this decision. I attribute substantial weight to the degree to which the development conflicts with LP policies OS2, H2, EH2, OS4 and H9, which insofar as they are pursuing good design and development that respects the intrinsic character, quality of an area, including local landscape and historic environment, hold a considerable degree of conformity with the Framework's policies.
68. Crucially, the Framework seeks to achieve well-designed and beautiful places as part of the overarching social and environmental objectives of the planning system. Notably, paragraph 130 of the Framework establishes that planning decisions should ensure that developments will add to the overall quality of the area; are sympathetic to local character and history including the surrounding built environment and landscape setting.
69. Other than the low-level of less than substantial harm I have identified to the RPG as a designated heritage asset, which would be outweighed by public benefits, there would be no other harm to nearby listed buildings or their settings (see Other Matters). Yet, in respect of NDHAs on the appeal site, I have identified serious harm would be caused by demolishing the ancillary outbuildings, resulting in a total loss of their significance. There would be also considerable harm to the significance of the stables through their conversion. There would also be harm to the ability to appreciate Freeland House and the complex of estate buildings through development within their settings, causing harm to their significance. Paragraph 203 of the Framework requires the effect

on the significance of a NDHA be taken into account and a balance judgement be required having regard to the scale and harm or loss and the significance of the asset. The NDHAs in this case are of local significance, and the harm and loss of them would add emphasis to the detrimental impact of the proposals on the unique character and local distinctiveness of Freeland.

70. The site is not constrained by designations such as being in a conservation area, the AONB, Green Belt or a flood plain. The absence of such constraints does not diminish the particular sensitivities of the site, nor absolve the severe, irreparable, and permanent impact the proposals would have on the character and local distinctiveness of Freeland. While putting development in the right places can help to reduce development pressures on sensitive locations, I consider that the appeal site is not the right place for the proposed development.
71. The Government's objective to significantly boost the supply of homes and to create high quality, well-located development are not mutually exclusive. Indeed, balancing the need for homes without compromising the safeguarding and improving of the environment is fundamental to what the planning and development process hope to achieve. Embedded within the Framework and the achievement of sustainable development are social objectives that, amongst other things, foster well-designed, beautiful places and environmental objectives that protect and enhance our natural, built, and historic environment. Paragraph 134 of the Framework is also clear that development that is not well designed should be refused, especially where, such as in this case, it fails to reflect local design policies and government guidance on design.
72. There is a serious HLS shortfall and demonstrable need for extra care housing in the District. I see no reason to doubt that the proposal would not be deliverable, nor any reason to question the security of its funding moving forward. Even in the face of this, and the suite of benefits that weigh in favour the proposal, and even were I to take the Appellant's full assessment of the scale of that shortfall, it is my judgement that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

### **Other Matters**

73. The appeal site is located proximate to two listed buildings, the Grade II\* listed Church of St Mary (List Entry Number: 1367941) and the Grade II listed Chapel, Wroslyn Road (List Entry Number: 1053018). Mindful of the statutory duty set out in s66(1) of the Planning (Listed Building and Conservation Areas) Act, 1990 (the Act), I have had special regard to the desirability of preserving their settings. The immediate yard confines, historic built backdrop along Wroslyn Road and wider verdant surroundings of these buildings form part of their settings. These settings, along with the historic, physical, and functional relationship with the settlement of Freeland contribute to the significance and special interest of these listed buildings. Nevertheless, given the location and extent of the proposed development, it would still be possible to appreciate the building's special interest. Therefore, the appeal scheme would preserve the settings and special interest, causing no harm to their significance. I note the Council had no concerns in this regard either<sup>38</sup>.

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<sup>38</sup> ID13 paras. 43 and 49



74. Interested parties have raised additional concerns with the proposals that sit outside the main issues. I do not wish to diminish the importance of matters relating to highway safety, sewerage in the surrounding river network, ecology and biodiversity. However, these matters have been subject to assessment by independent professionals, none of whom has raised objection (subject to conditions) and I have no compelling evidence to warrant doubting or deviating from their professional judgement. In any event, as I am dismissing the appeal for other reasons, these other potential harms associated with the proposals will not materialise.
75. The Appellant chose to field witnesses who offer extensive professional experience on individual topic areas. I have taken note of the arguments in respect of the absence of comparative professional qualifications from certain witnesses, and the impartiality of others. Where elements of the evidence were evidently speculative, including in respect of testimonies from residents of other Inspired villages, in error, or unsubstantiated, I either reduced or attributed it no weight. However, I found the crux of the arguments and evidence being put, both by the Council and the Rule 6, to be capable of substantiating their respective standpoints on the principal issues at play. Nothing causes me to doubt the particular influence or any professional competence of any witness that would cause me to disregard their evidence wholesale.

### **Conclusion**

76. I consider that the proposal conflicts with the development plan as a whole, taking in account policies that both oppose and support the proposed development. As required by s38(6) of the Planning and Compulsory Purchase Act 2004, determination of this appeal must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework, including its presumption in favour of sustainable development, is an important material consideration. However, I have judged the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits assessed against the policies in the Framework taken as a whole. In the circumstances in this case, I do not find material considerations indicate that my decision should be taken otherwise than in accordance with the development plan.
77. For the reasons given above, I conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR

## **APPEARANCES**

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Instructed by Solicitor, Forest of Dean DC

*He called:*

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Senior Planning Officer (Appeals), WODC

Murry Burnett

Strategic Housing & Development Officer, WODC

Dave Harrison

Principal Public Transport Planner, OCC

### **FOR FREELAND PARISH COUNCIL AND FREELAND FRIENDS (THE RULE 6):**

Reverend Roger Faulkner

Chair, Freeland Parish Council

Mike Gilbert BA MRTPI

Mike Gilbert Planning

Amy Jackson PhD MCIPR

### **INTERESTED PARTIES:**

Fiona Lehane

Local Resident

Vaughan Lewis

Windrush Against Sewage Pollution (WASP)

Robert Crocker

Wychwood Forest Trust

## **INQUIRY DOCUMENTS**

ID1	Appellant's list of appearances
ID2	Appellant's Opening Submissions
ID3	Draft S106 Agreement
ID4	Council's Opening Submissions
ID5	FPC & FF (Rule 6 Party) Opening Submissions and appearances
ID6	"It's Not in the Local Plan" written copy of poem by Fiona Lehané
ID7	Windrush Against Sewage Pollution (WASP) written copy of oral submissions
ID8	Mr Robert Crocker written copy of oral submissions 'State of Nature'
ID9	Extract from Oxfordshire Wildlife and Landscape Study
ID10	Amended Regulating Plan
ID11	Rule 6 response to Inspector's heritage questions
ID12	Council's revised HLS position statement
ID13	Council's response to Inspector's heritage questions
ID14	Appellant's response to Inspector's heritage questions
ID15	Draft Schedule of suggested conditions V7
ID16	Draft S106 Agreement, 24 November 2022
ID17	Estimated Need for CT Extra Care Housing Tables
ID18	Council's Regulation 122 Statement
ID19	Council's Regulation 122 Statement Appendices
ID20	FPC & FF (Rule 6 Party) Closings
ID21	Closing submissions on behalf of the Council
ID22	Closing submissions on behalf of the Appellant (and appendices)
ID23	Draft HLS SoCG Addendum, 24 November 2022

## **DOCUMENTS SUBMITTED BY AGREEMENT AFTER THE INQUIRY**

PID1	Final schedule of suggested conditions, 2 December 2022
PID2	Scanned copy of completed S106 Agreement, 9 December 2022

EP6



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# Report to Cherwell District Council

by Paul Griffiths BSc(Hons) BArch IHBC  
an Inspector appointed by the Secretary of State  
Date: 6 August 2020

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review – Oxford's Unmet Housing Need**

The Plan was submitted for examination on 5 March 2018

The examination hearings were held on 28 September 2018 and 5, 6, 12 and 13 February 2019

File Ref: PINS/C3105/429/5

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## Abbreviations used in this report

DtC	Duty to Co-operate
GI	Green Infrastructure
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
Local Plan 2015	The Cherwell Local Plan adopted in 2015
MM	Main Modification
The Framework	The National Planning Policy Framework (2012)
OGB	Oxfordshire Growth Board
The Plan	The Cherwell Local Plan 2011 – 2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need
PPG	Planning Practice Guidance
SHMA 2014	Strategic Housing Market Assessment 2014
SHLAA	Strategic Housing Land Availability Assessment
SA	Sustainability Appraisal
SSSI	Site of Special Scientific Interest



## Non-Technical Summary

This report concludes that the Cherwell Local Plan 2011 – 2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need (the Plan) provides an appropriate basis for the District to meet its commitment to dealing with the unmet housing need of the City of Oxford, provided that a number of main modifications (MMs) are made to it. Cherwell District Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of proposed modifications and carried out sustainability appraisal (SA) of them, alongside a series of other assessments, including an addendum Habitats Regulations Assessment (HRA), and a second Addendum to the Green Belt Study. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering the SA and associated assessments and studies, and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- MMs to address the deletion of the Policy PR10 (Woodstock) allocation;
- MMs required to address the resulting shortfall in housing;
- MMs to ensure the allocation policies function effectively;
- MMs to make effective the supporting policies; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Cherwell Local Plan 2011 – 2031 (Part 1) – Oxford's Unmet Housing Need (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2012 (paragraph 182) (the Framework) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised Framework, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 Framework and the versions of the PPG which were extant prior to the publication of the 2018 Framework.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM 1**, **MM 2** etc, and are set out in full in the attached Appendix with my (very minor) changes in ~~strike through~~ for deletions and red for additions.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and alongside that produced a Cherwell Green Belt Study (Second Addendum); a Cherwell Water Cycle Study Addendum; Ecological Advice Cumulative Impacts Addendum; HRA Stage 1 and Stage 2 Addendum; a Landscape Analysis for Policy PR9; a Transport Assessment Addendum; a Site Capacity Sense Check; a Local Plan Viability Assessment Addendum; a Policy PR7b Highways Update; a SA Addendum (including a non-technical summary); a Statement of Consultation Addendum; additional information on the significance of trees; an Equality Impact Assessment; and a DtC Addendum. The MM schedule and its attendant documentation was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the annotated map in Appendix 1

to the Plan, along with various, larger scale, policy-specific Policies Maps inserted in the text.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs and given a MM number. I have included them, in the interests of clarity, in the Schedule of Main Modifications in the Appendix to this report, but I have amplified their wording to reflect the fact that revised versions of the various Policies Maps are not attached to this report, but can be found in the submitted modifications.
7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes published alongside the MMs. I have referred to these in what follows below.

## **Context of the Plan**

8. In the Cherwell Local Plan, adopted in 2015 (Local Plan 2015), the Council undertook to continue working with all other Oxfordshire authorities as part of the DtC to address the need for housing across the Housing Market Area (HMA). The authorities concerned had all understood that the City of Oxford might not be able to accommodate all of its housing requirement for the 2011-2031 period within its own boundaries.
9. The Local Plan 2015 made clear that if joint work revealed that the Council, and other neighbouring authorities, needed to meet additional need for Oxford, then this would trigger a 'Partial Review' of the Local Plan 2015. As set out below, that joint work has revealed just such a requirement. The resulting 'Partial Review' is the Plan under examination here.
10. It is useful to recognise too the challenges faced by the City of Oxford. It is the driver of the County's economy and makes a significant contribution to the national economy. Alongside other constraints, the tightness of the Green Belt boundary around the city leads to intense development pressure because of the demand for market housing, the need for more affordable housing, and the parallel economic priority that must be given to key employment sectors.

## **Public Sector Equality Duty**

11. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination, notably the provision of affordable housing.

## **Assessment of Duty to Co-operate**

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.

13. In March 2014, prior to the publication of the Strategic Housing Market Assessment (SHMA 2014), the Oxfordshire Councils agreed a process, through a Statement of Cooperation, to address the SHMA's conclusions on housing need, anticipating that there would be unmet need arising from Oxford. Prior to that date, the Councils concerned had been working together as the Spatial Planning and Infrastructure Partnership. This became the Oxfordshire Growth Board (OGB) – a joint committee of six Oxfordshire Councils alongside other bodies including Oxford Universities, the Environment Agency, Network Rail, and the Highways Agency.
14. In November 2014, the OGB agreed that there was limited capacity in Oxford to accommodate the homes required and the resulting shortfall would have to be provided for in neighbouring Districts. A joint work programme was agreed through the OGB for considering the level of that unmet housing need, and the manner in which it could be divided between neighbouring authorities.
15. Oxford City's Strategic Housing Land Availability Assessment (SHLAA) set out the potential sources of supply in Oxford. After testing, the OGB agreed, in November 2015, that Oxford's overall need was 28,000 homes and that 13,000 could be provided within the confines of Oxford itself. That left an unmet housing need for Oxford of 15,000 homes.
16. The OGB then went on to consider how that figure of 15,000 should be apportioned. This was informed by, amongst other things, a review of the urban capacity of Oxford, a Green Belt Study to assess the performance of the Oxford Green Belt against Green Belt purposes, and sustainability testing of spatial options. This led to a decision by the OGB that the final unmet need figure was 14,850 homes and of that total, Cherwell District should accommodate 4,400 homes. That figure forms the basis of the Plan before me.
17. I deal with the provenance of the figures below because they are a separate matter. In pure DtC terms, it is abundantly clear from the process set out above that the Council has engaged through the OGB, constructively, actively and on an on-going basis, in the preparation of the Plan. The duty has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

18. The Plan has been prepared in accordance with the Council's Local Development Scheme.
19. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
20. Sustainability Appraisal has been carried out and is adequate.
21. The HRA Stage 1 and Stage 2 Addendum, viewed alongside the original HRA sets out that a full assessment has been undertaken and that while the plan may have some negative impact which requires mitigation, that this mitigation has been secured through the Plan, as modified.

22. The Development Plan, that is this Partial Review viewed alongside the adopted Cherwell Local Plan 2015, includes policies to address the strategic priorities for the development and use of land in the area.
23. The Development Plan, taken as a whole, includes policies designed to ensure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
24. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Assessment of Soundness**

### **Main Issues**

25. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified seven main issues upon which the soundness of this plan depends.
26. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, or policy criterion in the Plan.

### **Issue 1: Have the figures for Oxford's unmet need, and the apportionment for Cherwell been justified?**

27. As outlined above, informed by the SHMA 2014 and the SHLAA, the OGB concluded that Oxford has an unmet need of 14,850 homes between 2011 and 2031, and that of that total, Cherwell should accommodate 4,400 homes in the period to 2031.
28. It is relevant to note too that the OGB decided that of that 14,850 figure, alongside Cherwell's apportionment, Oxford itself should accommodate 550, South Oxfordshire 4,950, the Vale of White Horse 2,220, and West Oxfordshire 2,750. I say this is relevant because Inspectors conducting examinations in West Oxfordshire and the Vale of White Horse in relatively recent times have accepted the figures set out above, concluding that the process by which they were produced was a robust and reasonably transparent one.
29. However, at the hearings I conducted, informed in part by a critical review of the SHMA 2014 and the Oxford City SHMA Update 2018 carried out by Opinion Research Services, there was much criticism of the way Oxford City Council had calculated their overall housing need, and their unmet need, with the suggestion being that if the city concentrated more on providing housing rather than employment sites, then they could reduce the pressures on neighbouring authorities. It is not for me to examine Oxford's calculations but I am able to observe that the Inspectors who examined the Oxford Local Plan 2036, that was adopted on 8 June 2020, accepted Oxford's overall housing figures, the extent of unmet need, and the balance between housing and employment sites the city had struck.

30. In that overall context, I find no fault in the way the OGB have approached the difficult problem of identifying Oxford's unmet housing needs and apportioning them between the different authorities involved.
31. I am aware of the 2018-based household projections that were released by the Office for National Statistics on 29 June 2020. However, as I have outlined above, the 4,400 figure that the Plan seeks to address is derived from the inputs into and the approach adopted in the preparation of the Oxford Local Plan 2036. Those inputs, and the approach, have been found sound and the Oxford Local Plan 2036 has now been adopted. The 2018-based projections do not alter the validity of the approach taken by the OGB, or the fact that plans in Oxford, and other neighbouring Districts, have now been adopted. This represents significant progress in meeting Oxford's housing needs, and the adoption of the Plan before me will ensure that another piece of the jigsaw is put in place.

### *Conclusion*

32. As a result, I conclude that the figure for Oxford's unmet need, and the apportionment for Cherwell, have been justified and form a robust basis for the Plan.

### **Issue 2: Have the vision and spatial strategy of the Plan been positively prepared and are they justified and effective?**

33. It is useful to start by looking at the way the Council considered the options available to meet their commitment to meeting their portion of Oxford's unmet need through the SA process. Nine areas of search were identified as potential locations for the housing required: Option A: Kidlington and the surrounding area; Option B: North and East of Kidlington; Option C: Junction 9 of the M40 motorway; Option D: Arncott; Option E: Bicester and the surrounding area; Option F: RAF Upper Heyford and the surrounding area; Option G: Junction 10 of the M40 motorway; Option H: Banbury and the surrounding area; and Option I: Remainder of District/Rural dispersal.
34. Informed by the evidence base, including the SA, and a consultation process, Options C to I (inclusive) were ruled out on the basis that they are too remote from Oxford to accommodate communities associated with the city; they are too far away from Oxford to be well-connected by public transport or walking or cycling, and therefore likely to result in increased use of the private car; more dispersed options provide less potential for infrastructure investment in terms, for example, of transport and education; and significant additional housing could not be built at Bicester, Banbury and RAF Upper Heyford before 2031 alongside major commitments already made in the adopted Local Plan 2015. On top of that, it was concluded that Options C to I (inclusive) would have a greater detrimental impact on the development strategy for the District set out in the Local Plan 2015.
35. Notwithstanding that they are largely located in the Oxford Green Belt, Options A and B were considered by the Council to be much better solutions to meeting the unmet need. They were identified as such largely because of their proximity to Oxford with public transport links already available and ready potential to maximise its use, alongside cycling and walking, thereby creating

travel patterns that are not reliant on the private car. Moreover, these areas already have a social and economic relationship with the city that can be bolstered. Importantly too, these options would allow affordable homes to be provided to meet Oxford's needs close to the source of that need. Finally, the proximity to Oxford and separation from other centres of population in Cherwell means that Options A and B would be unlikely to significantly undermine the development strategy in the Local Plan 2015.

36. That selection process, underpinned by the SA, which has fed into the vision and spatial strategy of the Plan, is logically based, and robust.
37. The Plan's vision is to meet Oxford's unmet housing need through the creation of balanced and sustainable communities that are well-connected to Oxford. The developments are intended to attain a high standard of contextually-appropriate design that is supported by infrastructure. A range of housing types is to be provided to cater for a range of incomes, reflecting Oxford's diversity. Development must contribute to health and well-being and respond well to the natural environment.
38. That vision is augmented by a series of four Strategic Objectives intended to be read alongside those in the Local Plan 2015. SO16 commits the Council to work with Oxford City, and Oxfordshire County Councils and others, to deliver Cherwell's contribution to meeting Oxford's unmet housing need along with the associated infrastructure by 2031. In SO17 the Council undertakes to provide Cherwell's contribution to meeting Oxford's unmet housing need so that it supports the projected economic growth envisaged in the SHMA 2014 and the local economies of Oxford and Cherwell. SO18 ties the Council to providing well-designed housing for Oxford that provides ready access to homes for those in need of affordable housing, new entrants to the housing market, key workers, and those requiring access to the main employment centres in the city. Finally, SO19 seeks to ensure that the housing is provided in a way that complements the County Council's Local Transport Plan, including the Oxford Transport Strategy, and facilitates improvements to the availability of sustainable transport options for gaining access to Oxford
39. In seeking to address the pressing needs of a neighbouring authority in such a transparent and cooperative way, this vision is obviously positively prepared. On top of that, it results from a robust process and is thereby justified.
40. The vision and strategic objectives are then fed into a spatial strategy. In simple terms, the idea behind the spatial strategy is to locate development along the A44/A4260 corridor on a range of sites around North Oxford on land west and east of the Oxford Road (Policies PR6a and PR6b), with land at Frieze Farm reserved for a replacement golf course, if required (Policy PR6c); near Kidlington, on land south east of the settlement (Policy PR7a) and at Stratfield Farm (Policy PR7b); near Begbroke (Policy PR8); near Yarnton (Policy PR9); and near Woodstock (Policy PR10).
41. Leaving aside site-specific matters, especially around the site proposed adjacent to Woodstock, that I move on to below, the spatial strategy follows closely the cogent vision outlined by the Council. In particular, the proximity of (most of) the sites to Oxford itself, and the A44, takes advantage of existing social and economic relationships between these areas and the city and



maximises the potential to create travel patterns that obviate the need for the use of the private car. Further, (most of) the sites would place affordable housing designed to meet Oxford's needs as close as practicable to the city, along a line of communication (the A44) that would facilitate easily accessible means of travelling into the city by bus or cycling.

42. It is important too that, separated from the centres of development in the Cherwell Local Plan 2015 and Banbury, Bicester and RAF Upper Heyford in particular, these sites are unlikely to have a significant impact on the delivery of housing designed to meet Cherwell's own needs.

### *Conclusion*

43. Taking all these points together, the vision and spatial strategy of the Plan have been positively prepared; they are justified; and likely to be effective. That said, most of the sites identified lie within the Oxford Green Belt and if adopted, the Plan will result in areas of land being removed from the Green Belt. I turn to that issue next.

### **Issue 3: Are the exceptional circumstances necessary to justify the alterations to Green Belt boundaries proposed in the Plan in place so that the Plan is consistent with national policy?**

44. Paragraph 83 of the Framework says that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. Evidently, in preparing a Plan that proposes changes to the boundaries of the Oxford Green Belt, the Council has met the second part of that requirement.
45. In relation to the first part, there a number of factors in play that combined, lead me to the firm conclusion that the exceptional circumstances necessary to justify the alterations proposed to Green Belt boundaries have been demonstrated.
46. Chief amongst these is the obvious and pressing need to provide open-market and affordable homes for Oxford; a need that Oxford cannot meet itself. On top of that, in seeking to accommodate their part of Oxford's unmet need, the Council has undertaken a particularly rigorous approach to exploring various options. That process has produced a vision and a spatial strategy that is very clearly far superior to other options. There is a simple and inescapable logic behind meeting Oxford's open market and affordable needs in locations as close as possible to the city, on the existing A44/A4260 transport corridor, with resulting travel patterns that would minimise the length of journeys into the city, and not be reliant on the private car. On top of that, existing relationships with the city would be nurtured. Finally, this approach is least likely to interfere with Cherwell's own significant housing commitments set out in the Local Plan 2015.
47. It is important to note too the scale of what is proposed. The Oxford Green Belt in the District of Cherwell covers 8,409 Ha. As submitted, and I come on to further removals below, the Plan makes provision in Policy PR3 for the removal of 253 Ha, a reduction of 3%. That is a relatively small reduction that

must be seen in the context of the regional and indeed national benefits that would flow from meeting Oxford's unmet need in such a rational manner.

48. On top of that, as the evidence base, and notably the Green Belt Studies, show that while existing built-up areas of Oxford, Kidlington, Begbroke and Yarnton would be extended into the surrounding countryside, there would be clear, defensible boundaries, both existing ones that could be strengthened further as part of development proposals, and new ones, and whilst the release of some land parcels would result in harm, the overall sense of separation between Kidlington and Oxford in particular, would not be harmfully reduced. Further, the setting and special character of Oxford would not be adversely affected. In that context, the purposes of the Green Belt, as set out in paragraph 80 of the Framework, would not be undermined to any significant degree.

#### *Conclusion*

49. Overall, it is my judgment that the exceptional circumstances necessary to justify the alterations to Green Belt boundaries proposed in the Plan are in place. The Plan is therefore consistent with national policy.

#### **Issue 4: Are the sites proposed for allocation appropriately located in accordance with the Plan's spatial strategy and thereby justified?**

50. The sites proposed for housing in North Oxford (Policies PR6a – Land East of Oxford Road and PR6b – Land West of Oxford Road); Kidlington (Policy PR7a – Land South East of Kidlington and Policy PR7b – Land at Stratfield Farm); Begbroke (Policy PR8 – Land East of the A44); and Yarnton (Policy PR9 – Land West of Yarnton) are relatively close to the boundaries of Oxford itself, adjacent to the A44/A4260, and in the case of the North Oxford sites, very close to Oxford Parkway Railway Station. All would have easy access to modes of travelling into the city that need not involve the private car and would provide opportunities to improve those facilities. Moreover, they would site housing and affordable housing close to where the need is located.
51. As such, this group of sites sit comfortably with the Plan's spatial strategy and their allocation to meet Oxford's unmet housing need has been justified.
52. That leaves the site proposed for housing adjacent to Woodstock (Policy PR10 – Land South East of Woodstock), a settlement that is in the district of West Oxfordshire. Lying outside the Oxford Green Belt, this site lies well beyond Begbroke and Yarnton. It would be identified more as a part of Woodstock than Oxford.
53. Moreover, while it would bound the A44 and benefit from its proximity to London Oxford Airport and the potential Park and Ride service between it and Oxford, and existing bus services, it is too far away from Oxford to make travelling into the city by means other than the private car sufficiently attractive. Walking would be out of the question, and cycling would only be a reasonable proposition for those who are particularly keen.
54. On top of that, the site itself has difficulties in that as a result of recently approved housing that is under construction, the south east boundary of

Woodstock is well-defined. Its further extension in a south-easterly direction would appear incongruous and damage the character and appearance of the area. While not on its own a significant issue, this incongruity would cause some harm to the setting, and thereby the significance of the Blenheim Palace World Heritage Site that lies to the west of the proposed allocation. The challenges of developing the site in an acceptable way are evident in the rather contorted way in which housing on the site would be arranged in relation to green space and the need for screening woodland as shown on the Policy PR10 Policies Map.

55. All these latter points add weight to my fundamental concern about the separation between the proposed allocation and Oxford itself. This, considered alongside the difficulties around gaining access to the city by modes other than the private car, means that the site does not accord with the spatial strategy set out in the Plan. It is not, therefore, justified and Policy PR10 that allocates the site for housing, along with its supporting text must be removed **[MM124 and MM 126]**. The Policy PR10 Policies Map will need to be removed too [advertised by the Council as **MM 125**].
56. There are consequential changes required throughout the Plan **[MM 1, MM 2, MM 8, MM 9, MM 11, MM 22, MM 23, MM 24, MM 25, MM 26, MM 27, MM 28, MM 36, MM 37, MM 40, MM 128, MM 129, and MM 130]**.

#### *Conclusion*

57. The group of proposed allocations closest to Oxford (at North Oxford, Kidlington, Begbroke, and Yarnton) are fully in accord with the Plan's spatial strategy and have therefore been justified. The site proposed for allocation adjacent to Woodstock is not in accord with that spatial strategy, has not been justified, and must therefore be removed from the Plan.
58. That removal has consequences, not least the fact that it leaves the Plan 410 dwellings short of meeting Cherwell's apportionment of Oxford's unmet need. That leads me on to Issue 5.

#### **Issue 5: Have the ramifications of the deletion of the proposed Policy PR10 allocation been dealt with in a manner that is justified and effective?**

59. In setting out to the Council my reasons why the proposed Policy PR10 allocation should be deleted I also made some suggestions as to how the Council might approach the 410 dwelling shortfall that would result. Following on from discussions around residential densities and land take, I made the point that to best accord with the spatial strategy, these 410 dwellings could potentially be spread around the other allocations, with increased densities, and perhaps a western extension of developed area of the Policy PR9 site, with the possibility of housing on the Policy PR6c site (Land at Frieze Farm) reserved for a replacement golf course, if required, but left it to the Council to explore options.
60. To inform that process, the Council carried out further work, notably the Cherwell Green Belt Study (Second Addendum); a Site Capacity Sense Check; a Landscape Analysis for Policy PR9; and a SA Addendum (including a non-technical summary). Having done that, the conclusion drawn was that the

shortfall caused by the deletion of the Policy PR10 allocation could best be accommodated by increasing the amount of housing on five of the remaining six sites, with, in some cases, adjustments to developable areas, site boundaries, and the extent of land to be removed from the Green Belt. Having regard to the additional work the Council carried out, I am satisfied that as a principle, that is the approach that best reflects the spatial strategy.

#### *Policy PR6a*

61. In the form submitted, Policy PR6a – Land East of Oxford Road allocated 48 Ha of land for the construction of 650 dwellings (50% affordable housing) as an urban extension to Oxford at an approximate net density of 40 dwellings per Ha. Also included were a three-form entry primary school (3.2 Ha), a local centre (0.5 Ha), on land to be removed from the Green Belt, alongside sports facilities, play areas, allotments and public open green space as an extension to Cutteslowe Park (11 Ha). The allocation also referred to the creation of a green infrastructure (GI) corridor (8 Ha) connecting Cutteslowe Park with Oxford Parkway Railway Station and the Water Eaton Park and Ride facility and the retention of 3 Ha of the site as agricultural land.
62. At this point it is relevant to deal with the reference to 'approximate net density' in Policy PR6a, and in the other allocation policies. Clearly, much well-informed work has gone into the analysis of what this site, and other sites, can accommodate and the policy, along with others, is crystal clear about the number of dwellings to be provided. In that context, the reference to 'approximate net density' is superfluous. The same point can be made about the other allocations.
63. Further analysis has demonstrated that the density proposed for the residential element of the allocation is reasonable. Having said that, the Education Authority has confirmed that the required primary school need only be two- rather than three-form entry. This reduces the land take for the school from 3.2 Ha to 2.2 Ha. There is no good reason why the 1 Ha gained should not be given over to housing. This increases the housing capacity of the allocation from 650 dwellings to 690 dwellings. Changes to the Plan [**MM 3**, **MM 17**, the change advertised as **MM 45** but amended in the interests of clarity, **MM 46**, and **MM 47**] are required to reflect this increase, and the reasons behind it, and to make the policy, and the Plan, effective.

#### *Policy PR6b*

64. As submitted, Policy PR6b – Land West of Oxford Road proposed an urban extension to the city of Oxford on 32 hectares of land currently occupied by the North Oxford Golf Club with 530 dwellings (50% affordable housing) on 32 Ha of land at an approximate average net density of 25 dwellings per Ha. Land was also reserved within the site to allow for improvements to the existing footbridge over the railway on the western boundary of the site to improve links to the 'Northern Gateway' site which is an allocation in the recently adopted Oxford Local Plan 2036. The intention is to remove the entire site from the Green Belt.
65. Following the main hearings, I made plain that notwithstanding the value placed on the North Oxford Golf Club, the site it occupies is an excellent one for the sort of housing the Plan proposes, given its location so close to Oxford

Parkway, with its Park & Ride, and its proximity to the centre of Oxford. The principle of the allocation is sound, therefore.

66. Moreover, Policy PR6c – Land at Frieze Farm allocates land for a replacement golf course and from what I saw of the existing course, it could, if necessary, provide equivalent or better provision in terms of quantity and quality, on a site very close to the existing facility.
67. The relatively low density of housing proposed reflected the presence of many mature trees on the golf course. Further and closer inspections of the trees have revealed that the low density proposed was unnecessarily cautious and that the density of development could be increased without having to remove any important individual specimens or groups of trees. Moreover, reflective of the position of the site as a 'gateway' to the city, the site could accommodate higher density housing types, not just detached or semi-detached dwellings. All this would allow the overall density to be increased to 30 dwellings per hectare which would mean that the allocation could provide for 670 dwellings, an increase of 140, overall.
68. Changes to the Plan **[MM 4, MM 18, and MM 59]** are required to reflect this uplift, the reasons behind it, and as outlined above, to remove the reference to approximate average net density, to make it function effectively.

#### *Policy PR7a*

69. Policy PR7a – Land South East of Kidlington, as submitted, proposed an extension to Kidlington on 32 Ha on land with 230 dwellings (50% affordable housing) on the northern portion (proposed for removal from the Green Belt) at an approximate average net density of 35 dwellings per Ha, with play areas and allotments, and 0.7 Ha of land reserved for an extension to the existing Kidlington Cemetery. The southern part of the allocation (that would remain within the Green Belt) was to provide around 21 Ha of formal sports facilities.
70. Bearing in mind the way that the settlement of Kidlington approaches the Kidlington roundabout, and the proposed Policy PR7b allocation, that I move on to below, the southern boundary of the area proposed for housing and to be removed from the Green Belt appears arbitrary. Further exploration has shown that extending it southward to follow an historic field boundary would give the site a more logical relationship with development on the opposite side of Bicester Road (a Sainsbury's supermarket complex), and the allocation proposed in Policy PR7b, and allow the allocation to make provision for an additional 200 dwellings, applying the same density metric allowed for the rest of the site. The parallel reduction in formal sports provision is in line with the Council's Playing Pitch Strategy (2018).
71. There would need to be additional land removed from the Green Belt but the boundary so formed would be much more likely to endure, and the sense of separation between Kidlington and Oxford would be largely maintained. As a result, the purposes of the Green Belt would not be harmed to any significant, additional degree. On that basis, bearing in mind the conclusions I have drawn above about the principle of removing land from the Green Belt to meet Oxford's unmet need, I am satisfied that the exceptional circumstances necessary to justify this additional removal are in place.

72. To make it effective, the Plan needs to be updated [**MM 5, MM 19, MM 74 and MM 75**] to reflect that additional housing coming forward as part of the allocation, and to remove the reference to approximate average net density. There is a change needed too [**MM 69**] to paragraph 5.90 of the supporting text to reflect properly the situation in relation to the relationship between the allocation and existing field boundaries. This correction is needed in order to ensure the supporting text accurately and effectively supports the policy itself.
73. There will be consequential changes required to the Policies Map [advertised by the Council as **MM 72** but amended in the interests of clarity] and to clear up some confusion with the policy text that refers to GI [advertised by the Council as **MM 73** but amended in the interests of clarity].

*Policy PR7b*

74. In its submitted form, Policy PR7b – Land at Stratfield Farm allocated 10.5 Ha of land as an extension to Kidlington with 100 dwellings (50% affordable housing) proposed on 4 Ha (an approximate average net density of 25 dwellings per Ha) with associated play areas and allotments (all to be removed from the Green Belt). Also included was the improvement, extension and protection of an existing orchard linked to Stratfield Farmhouse (a Grade II listed building), the creation of a nature conservation area on 6.3 Ha of land, and links to other allocated sites (Policy PR8 across the Oxford Canal and sporting facilities that form part of Policy PR7a) and Oxford Parkway.
75. The allocation has significant constraints, notably capacity at the Kidlington Roundabout, the need to protect as far as possible the farm complex, and its setting, the presence of trees and woodlands, and the relationship with the Stratfield Brake. However, further analysis of capacity at the Kidlington Roundabout, potential layouts, and reducing the size of the nature conservation area by 1 Ha, alongside expansion of the developable area of the site which will ensure that the revised Green Belt Boundary follows a physical feature, in this case an established field boundary, without any significant increase in harm, has shown that 120 dwellings could be accommodated on 5 Ha earmarked for residential development without threatening any of the identified constraints.
76. As with Policy PR7a that I refer to above, there would need to be additional land removed from the Green Belt but this would not result in a significant increase in harm, and the Green Belt boundary so formed would follow a physical feature likely to endure, the sense of separation between Kidlington and Oxford would be maintained, and the relationship between the Policy PR7b allocation, the Policy PR7a allocation, and the Sainsbury's Supermarket between them would be a logical one. As a consequence, the purposes of the Green Belt would not be harmed to any significant, additional degree.
77. On that basis, bearing in mind the conclusions I have drawn above about the principle of removing land from the Green Belt to meet Oxford's unmet need, I am satisfied that the exceptional circumstances necessary to justify this additional removal are in place.
78. Changes are needed to take account of this increase in housing provision and to make Policy PR7b, and thereby the Plan, effective [**MM 6, MM 20, MM83,**

**and MM 84]**. Amendments relating to Stratfield Farmhouse in paragraphs 5.95 and 5.96 of the supporting text are also necessary to properly reflect its aspect and position in relation to the associated orchard **[MM 70]** and to ensure it is one of the parameters for development **[MM 71]**. These changes are required in order to ensure the supporting text accurately and effectively supports the policy itself. There are associated changes required to the Policies Map too [advertised by the Council as **MM 82** but amended in the interests of clarity].

#### *Policy PR8*

79. Policy PR8 – Land East of the A44 as proposed in the Plan proposes a new urban neighbourhood on 190 Ha of land to the north of Begbroke and east of Kidlington. The allocation makes provision for 1,950 dwellings (50% affordable housing) on approximately 66 Ha of land (an approximate average net density of 45 dwellings per Ha), alongside a secondary school on 8.2 Ha of land, a three form entry Primary School on 3.2 Ha of land, a two form entry Primary School on 2.2 Ha, a Local Centre on 1 Ha of land as well as sports facilities and play areas. That area is to be removed from the Green Belt. Also included are a Local Nature Reserve on 29.2 Ha of land based around the Rowel Brook, a nature conservation area on 12.2 Ha of land to the east of the railway line, south of the Oxford Canal and north of Sandy Lane, public open space as informal canalside parkland on 23.4 Ha of land and 12 Ha of land retained in agricultural use.
80. There are to be new public bridleways connecting with existing rights of way and provision for a pedestrian, cycle, and wheelchair bridge over the Oxford Canal and public bridleways to allow connection with the allocation at Stratfield Farm (Policy PR7b) and beyond. Land within the allocation is to be reserved for a future railway station (0.5 Ha) and to allow for the future expansion of the Begbroke Science Park (14.7 Ha).
81. Bearing in mind the relatively high density proposed for the dwellings as part of the allocation, there is no capacity for any increase in housing numbers. That said, as set out, the reference to approximate average net density is superfluous, given that the number of houses to be provided, and details of other requirements are explicitly set out, and needs to be removed **[MM 95]** to make the policy and the Plan effective.

#### *Policy PR9*

82. In the Plan as submitted, Policy PR9 – Land West of Yarnton proposes the development of an extension to Yarnton on 99 Ha of land to include 530 dwellings (50% affordable housing) on 16 Ha (an approximate average net density of 35 dwellings per Ha). On top of the 16 Ha, 1.6 Ha of land is set aside for use by the William Fletcher Primary School to enable expansion and replacement of playing pitches and amenity space. The developable area and land reserved for the primary school is proposed for removal from the Green Belt. Provision for formal sports, play areas and allotments within the developable area (unless shared or part shared with the school) is required along with public access to 74 Ha of land to the west of the residential area and a new Local Nature reserve accessible to the school. There is to be a community woodland in 7.8 Ha of land to the north west of the developable area, to the east of Dolton Lane.



83. Further discussions have shown that the area set aside for the school should be 1.8 Ha. Alongside that, analysis following the hearings has shown that while it would entail further removal of land from the Green Belt, extending the developable area to the west up to the 75m contour, which is approximately the lower end of this topography, would still avoid the greater harm associated with the release of the higher slopes.
84. However, the site does have significant constraints, not least the need to relate properly to the nature of the existing settlement, and it appears that the residential density originally proposed was optimistic. The upshot of an extended developable area, with additional land take from the Green Belt, and a reduced density is that the site can reasonably accommodate 540 dwellings.
85. Changes are required to the policy to address the increase in developable area to 25 Ha, the number of houses to 540, and to delete the reference to approximate average net density [MM 7, MM21, MM 113], and the change relating to the school [MM 114]. Balancing changes need to be made to the area of accessible land (redefined as public open green space) which reduces to 24.8 Ha [MM 115] with the balance of 39.2 Ha being retained in agricultural use [MM 116]. The nature of the access to the countryside that will result needs to be properly explained in paragraph 5.121 of the supporting text [MM 111]. There will need to be corresponding changes to the Policies Map to take account of all that [advertised by the Council as MM 112 but amended in the interests of clarity].
86. There would need to be additional land removed from the Green Belt but as stated above the Green Belt boundary so formed would correspond to the lower end of the topography and a new Green Belt edge could be established. Moreover, it would have no undue impact in landscape terms, and the impact of the change on the purposes of Green Belt would be marginal, in the light of the original deletion proposed. On that basis, bearing in mind the conclusions I have drawn above about the principle of removing land from the Green Belt to meet Oxford's unmet need, I am satisfied that the exceptional circumstances necessary to justify this additional removal are in place.

### *Conclusion*

87. The result of these changes to Policies PR6a, PR6b, PR7a, PR7b, PR8 and PR9, alongside others that I move on to below, is to reinstate the 410 dwellings lost from the overall requirement of 4,400 as a result of the deletion of the Policy PR10 allocation.
88. While I acknowledge that this involves further Green Belt releases, exceptional circumstances have been made out for them. Overall, I consider that the ramifications of the deletion of the Policy PR10 allocation been dealt with in a manner that is justified and effective.

### **Issue 6: Are the remaining elements of the allocation policies, including Policy PR6c, justified, effective and compliant with national policy?**

89. While I acknowledge the need to cover a lot of ground in them, it is fair to say that what remains of the individual allocation Policies PR6a, 6b, 7a, 7b, 8 and 9 after their adjustment to account for the deletion of the PR10 allocation is

lengthy, and broad in its compass. I make no criticism but would observe that the scrutiny through the examination process has resulted in a myriad of changes that as part of the policies themselves, need to be dealt with as MMs.

90. Some of these changes, required to make the policies effective, are common to all of them. Each allocation policy contains a criterion directed towards the production of Development Briefs. In each case, it needs to be made clear that minor variations in the location of specific uses from what is shown on the Policies Maps (as revised) will be permitted, where shown to be justified **[MM 49, MM 60, MM 76, MM 86, MM 99, and MM 117]**.
91. In a similar way, each of the allocation policies outlines the need for a Phase I Habitat Survey. To explain what is required fully, it needs to be made plain that this must include surveys for protected and other notable species, as appropriate **[MM 52, MM 62, MM 77, MM 89, MM 103 and MM 119]**.
92. On top of that, all the allocation policies as drafted contain a criterion that deals with foul drainage and the need for the developer to demonstrate that Thames Water have agreed that it can be accepted into its network. To function effectively, these criteria need to be broadened out to include reference to the Environment Agency as well as Thames Water, and to be more specific about the agreement reached to allow foul drainage to be accepted into the existing network **[MM 54, MM 64, MM 78, MM 90 MM 106 and MM 120]**.
93. None of the allocation policies include a criterion designed to deal with issues around the re-use and improvement of soils. All the sites are green field, or in the case of the Policy PR6b site, cultivated to function as a golf course, and it is evident that there will be a need for soil to be removed. It is an important part of mitigation to ensure that this is re-used in an environmentally effective manner and this needs to be secured in the individual policies to ensure effectiveness **[MM 56, MM 65, MM 80, MM 93, MM 109 and MM 122]**.
94. Each of the allocation policies refers to the need for a Delivery Plan including a start date, and a demonstration to show how the development would be completed by 2031. As drafted, the policies set out the need for a programme showing how a five-year supply of housing (for the site) will be maintained year on year. The inclusion of the term (for the site) introduces a rather inflexible element. The important point is that all sites designed to meet Oxford's unmet need should act in concert to maintain a five-year supply. To be effective, and comply with national policy, the relevant criterion in each allocation policy must be changed to reflect that by the deletion of (for the site) in each case **[MM 57, MM 67, MM 81, MM 94, MM 110, and MM 123]**.
95. Archaeology is the subject of a criterion in each of the allocation policies with reference to the need for desk-based archaeological investigations and subsequent mitigation measures, if found to be necessary. However, to be properly effective, the relevant criterion needs to be more specific and explain that the outcomes of those investigations need to be incorporated or reflected, as appropriate, in any development scheme **[MM 55, MM 63, MM 79, MM 92, MM 108, and MM 121]**.

96. There are then a series of changes required that are individual to the various allocations.

*Policy PR6a*

97. As set out above, Policy PR6a allocates land east of Oxford Road, to the immediate north of the city, and south of the Oxford Parkway complex. In the supporting text that acts as a preamble to the policy itself, paragraph 5.85 refers to the emerging Cherwell Design Guide. The reference to 'emerging' needs to be removed as the document has now been adopted. Moreover, reference to Oxfordshire County Council's Cycling and Walking Design Guides should be included. These changes **[MM 44]** are needed to ensure the context for Policy PR6a is set out effectively.
98. Criterion 7 deals with the GI corridor and, as drafted, requires a pedestrian, wheelchair and all-weather cycle route along the site's eastern boundary as shown. To be consistent, and thereby effective, this needs to be more specific, and must make clear that the route is 'within the area of green space shown on the policies map' **[MM 48]**.
99. Criterion 10 sets out the details of the Development Brief required by criterion 9. Point (b) must be clear that two points of access will be required with primary access/egress from/to the Oxford Road. Point (c) deals with connectivity within the site itself, and with locations further afield but must make plain that access to existing property through the site should be maintained. These changes to criterion 10 **[MM 50, MM 51]** are required to make it effective.
100. The site contains heritage assets including St Frideswide Farmhouse, a Grade II\* listed building, and criterion 15 sets out the need for a Heritage Impacts Assessment. This needs to identify rather than include measures to avoid or minimise conflict with them and further, the criterion needs to make plain that these measures need to be incorporated in any scheme that comes forward for the site. These changes are needed to ensure effectiveness **[MM 53]**.
101. I have referred to archaeology in general terms above but there is a point specific to the site too. As drafted, criterion 28 refers to archaeological features, including the tumuli to the east of the Oxford Road, and the need to make them evident in the landscape design. To be effective, that requirement needs to be strengthened to make the point that the tumuli need to be incorporated into the landscape design as well as made evident **[MM 58]**.

*Policy PR6b*

102. Policy PR6b allocates the site currently occupied by the North Oxford Golf Club, on the opposite side of the Oxford Road from the Policy PR6a site. There are some specific points to deal with here too.
103. Under the requirement for a Development Brief in criterion 8, point (b) talks of 'points of vehicular access and egress from and to existing highways'. To act as an effective pointer for development, this needs to make clear that two points of vehicular access and egress from and to existing highways are envisaged, with the primary access and egress being from and to Oxford Road **[MM 61]**.

104. Criterion 17 requires any planning application that flows from the allocation to be supported by sufficient information to demonstrate that the tests contained in paragraph 74 of the Framework are met, so as to enable the redevelopment of the golf course.
105. I expressed my concerns about this criterion during the hearings and afterwards because it is difficult to see how the allocation could be justified if there remain questions about compliance with paragraph 74. I do understand that the existing golf course is well-appreciated by its users but those that propose its replacement with housing have shown that it is underused, and that there are lots of other facilities where golf can be played nearby. Even if they are wrong on those points, the Plan includes in Policy PR6c that I deal with below, provision for a replacement golf course and, given the requirements of that policy (as proposed to be modified) I see no good reason why it need be inferior in quality or quantity to the existing course.
106. The essential point about paragraph 74 is that to pass the tests therein, the proposal only has to accord with one of the criteria. On that basis, given that criterion 21 of the policy requires a programme for the submission of proposals and the development of a replacement golf course on the Policy PR6c site, if it is needed, before work on the housing on the existing golf course commences, then the requirements of paragraph 74 have been passed already. Criterion 17 serves no purpose, therefore. On that basis, to make the policy effective, the criterion needs to be removed **[MM 66]**.

#### *Policy PR6c*

107. While it is not an allocation that includes housing, it is as well to deal with Policy PR6c at this juncture. In the form submitted, the policy allocates land at Frieze Farm for the potential construction of a golf course, should this be required as a result of the development of the site of the Policy PR6b allocation. It goes on to explain that the application for development of the golf course will need to be supported by a Development Brief prepared jointly, in advance, by representatives of the landowner(s) and the Council, in consultation with Oxfordshire County Council. It is then explained that the intention is that the Development Brief will incorporate design principles that respond to the landscape and Green Belt setting (the site is intended to remain part of the Green Belt) and the historic context of Oxford.
108. As I have explained above, I consider that the extent of the site is such that it could provide a facility that would be similar, or superior, in quality and quantity to the existing course so there is no difficulty in principle here. Nevertheless, the examination showed the policy as drafted to be rather lacking in coverage and detail. There are constraints that will influence any provision of a golf course and associated facilities on the site that need to be addressed. These need to be identified as requirements for the Development Brief referred to above and, as a result, the policy requires significant expansion.
109. The Development Brief will have to include a scheme and outline layout of the golf course and associated infrastructure, and points of vehicular access/egress will need to be identified. Alongside that, connectivity within the site for vehicular, cycle, pedestrian and wheelchair traffic, and their

connections to off-site infrastructure and public transport will need to be set out, as will details of the protection of, and linkage to, existing rights of way. Using some of the language of the policy as submitted, it will need to be made clear that design principles that respond to the landscape, canal-side, and Green Belt setting, and the historic context of Oxford, will be expected. Moreover, the Development Brief will need to address biodiversity gains informed by a Biodiversity Impact Assessment, something I move on to below, and details will be needed of the provision for access by emergency services.

110. Aside from a Development Brief, in line with the other allocations, any application will need to be supported by a Biodiversity Impact Assessment and a Biodiversity Improvement and Management Plan. The latter would need to cover measures for securing net biodiversity gain, and for the protection of biodiversity during the construction process; measures for retaining and securing any notable and/or protected species; a demonstration that designated environmental assets on the site will not be harmed; measures for the protection and enhancement of existing wildlife corridors, hedgerows, and trees; the creation of a GI network with connected wildlife corridors; measures to control any spillage of artificial light, and noise; the provision of bird and bat boxes and for the provision of green walls and roofs; farmland bird compensation; and proposals for long-term wildlife management and maintenance.
111. The policy will also need to address the presence of Frieze Farmhouse, a Grade II listed building, and its environs, as part of the site. This will require a Heritage Impact Assessment which should identify measures to avoid or minimise conflict with designated heritage assets within and adjacent to the site, with these measures then incorporated in any development proposals. There is a need to ensure too that the issue of archaeology is dealt with.
112. A golf course on the site is clearly going to generate trips so there is a need to clarify that any application should include a Transport Assessment and a Travel Plan aimed at maximising access by means other than the private car. The site is well located, close to the northern boundary of Oxford itself, and adjacent to transport corridors, which ought to ensure that is not too onerous a requirement.
113. There will need to be a Flood Risk Assessment, informed by ground investigations and detailed modelling of existing watercourses, with an allowance for climate change. It will also need to be made clear that landforms should not be raised, or new buildings located, in the modelled flood zone.
114. Of course, any application will need to be supported by a detailed landscaping scheme, which should include measures for the appropriate re-use and management of soils. It will also need to be demonstrated that foul drainage can be accepted into the existing network.
115. Finally, the expectation that a single, comprehensive scheme is required for the whole site will need to be made plain in the policy. In parallel to that, there will need to be a Delivery Plan that co-ordinates development with any taking place on the Policy PR6b allocation; the idea being that, if deemed necessary, there will be no period when golfing facilities are unavailable.

116. These additions and alterations to Policy PR6c **[MM 68]** are necessary to ensure it functions in an effective manner.

*Policy PR7b*

117. Policy PR7b allocates land for housing, amongst other things at Stratfield Farm. In the form submitted, criterion 9 refers to the need for a Development Brief for the site, to be prepared in consultation with Oxfordshire County Council and Oxford City Council. To be properly effective, given the nature of the requirements in the policy, and in particular the need for a link across the Oxford Canal, there also needs to be consultation with the Canal and River Trust **[MM 85]**.
118. Criterion 10 sets out the requirements for the Development Brief. Point (b) deals with access and egress and identifies two specific points – the Kidlington Roundabout junction and from Croxford Gardens. This is rather inflexible and to permit other possible solutions using a single access/egress, point (b) needs to include the phrase 'unless otherwise approved'. This addition **[MM87]** is needed to make the policy effective. Linked to that, point (c) refers amongst other things, to an access road from the Kidlington Roundabout to the easternmost parcels of development and the Stratfield Farm building complex only, as shown on the inset Policies Map. Again, to provide flexibility and the potential for alternative solutions, the word 'only' needs to be deleted as does the reference to the inset Policies Map. This change is needed to make the policy effective **[MM 88]**.
119. The need for a Heritage Impact Assessment is set out in criterion 17 with particular reference to Stratfield Farmhouse. This criterion needs to be made more specific in that it should 'identify' rather than 'include' measures to avoid or minimise conflict with identified heritage assets. It also needs to be clarified that heritage assets might well be found adjacent to the site as well as within it. Finally, it needs to be made plain that identified measures should be incorporated or reflected in any development scheme that might come forward. These changes **[MM 91]** are necessary in order to ensure that criterion 17 operates in an effective way.

*Policy PR8*

120. As set out above, Policy PR8 allocates land east of the A44 at Begbroke. Criteria 4 and 5 relate to the Primary Schools and as drafted, the policy sets out that these should be at least three form entry and at least two form entry. It is clear though that no capacity beyond three form entry, and two form entry, will be necessary. On that basis, to ensure the policy is justified, the term 'at least' needs to be removed in each criterion **[MM 96 and MM 97]**.
121. Criterion 17 refers to the need for a Development Brief and lists the need for consultation with the County Council and Oxford City Council. Given the requirements of the policy, and in particular the potential for a railway station/halt, alongside linkages to and over the Oxford Canal, this list needs to include the Network Rail and the Canal and River Trust. These additions are needed to make the policy effective **[MM 98]**.
122. Policy criterion 18 deals with the extent of coverage of the Development Brief. Point (b) refers to access and egress from and to existing highways. The

criterion needs to be clear that two separate 'connecting' points from and to the A44 are needed, to include the use of the existing access road to the Science Park. These changes **[MM 100]** are needed to make the criterion and thereby the policy function effectively.

123. Point (f) of criterion 18 covers the proposed closure/unadoption of Sandy Lane and talks of the need to consult with the County Council. Given that Sandy Lane crosses the railway by way of a level crossing, consultation should also take place with Network Rail. An addition to point (f) is needed **[MM 101]** to make this clear and to make the criterion and the policy effective.

124. Criterion 19 outlines the requirements of the policy in relation to a Biodiversity Impact Assessment. As drafted, the criterion says that there should be investigation of any connectivity, above or below ground, between Rowel Brook and Rushy Meadows Site of Special Scientific Interest (SSSI). Following on from the Rushy Meadows Hydrological and Hydrogeological Desk Study, this requirement for investigation can be made more specific. To reflect the study, the requirement needs to make clear that the Biodiversity Impact Assessment should be informed by a hydrogeological risk assessment to determine whether there would be any material change in ground water levels as a result of the development and any associated impact, particularly on Rushy Meadows SSSI, requiring mitigation. This addition **[MM 102]** is necessary to ensure the criterion and thereby the policy is effective.

125. The need for a Transport Assessment and Travel Plan is covered in criterion 22. Given the proximity to the railway, it needs to be made plain that the Transport Assessment should address the effect of vehicular and non-vehicular traffic resulting from the development on use of the level crossings on Sandy Lane, Yarnton Lane and Roundham. This further clarification **[MM 104]** is needed to make the criterion and the policy effective.

126. Criterion 23 sets out the need for a Flood Risk Assessment (FRA) but the expectation that residential development must be located outside the modelled Flood Zones 2 and 3 envelopes needs to be made explicit. This change **[MM 105]** is required to make the criterion effective.

127. The required Heritage Impact Assessment is the subject of criterion 25. This criterion needs to be made more specific in that it should 'identify' rather than 'include' measures to avoid or minimise conflict with identified heritage assets. Moreover, it needs to be explained that identified measures should be incorporated or reflected in any development scheme that might come forward. These changes **[MM 107]** are necessary in order to ensure that criterion 25 and the policy overall, operate in an effective way.

#### *Policy PR9*

128. As set out above, Policy PR9 allocates land for housing, amongst other things, to the west of Yarnton. Criterion 8 deals with the Development Brief and point (b) refers to vehicular access and egress to and from the A44. This needs expansion to set out the expectation that there will be at least two separate points of access and egress with a connecting road in-between. This change **[MM 118]** is needed to make requirements plain and to ensure the criterion and the policy work in an effective manner.



## *Conclusion*

129. With those MMs, the elements of allocation policies that remain and Policy PR6c will be justified, effective and compliant with national policy.

### **Issue 7: Are the other policies in the Plan, aimed at supporting the allocation policies, and the appendices, justified, effective and consistent with national policy?**

130. The Plan presages the allocation policies discussed above with a series of policies that set the context for what follows.

131. Policy PR1: Achieving Sustainable Development for Oxford's Needs sets out the parameters and general principles of the Plan. The primary aim is to deliver 4,400 homes to help meet Oxford's unmet housing needs by 2031. However, this is a rather narrow definition because the housing needs to come forward alongside supporting facilities. To be absolutely clear, there needs to be a reference in this primary aim to the necessary supporting infrastructure. This addition **[MM 29]** is required to ensure the policy is effective.

132. Following on from that, Policy PR2 deals with housing mix, tenure and size. This covers a range of matters including the provision of 80% of the affordable housing (each allocation envisages it coming forward as 50% of overall house numbers) as affordable rent/social rented dwellings and 20% as other forms of intermediate affordable homes. That is justified by the evidence base but to be properly transparent there needs to be a confirmation in the policy that references to 'affordable housing' mean 'affordable housing as defined by the Framework'. This change **[MM 30]** is necessary to allow the policy to operate effectively. The precise wording of MM 30 says (as defined by the NPPF). I have proceeded on the basis that this means the current (2019) version of that document.

133. In Policy PR3, the Plan deals with the implications of its policies for the Oxford Green Belt. I have dealt above with the issue of 'exceptional circumstances' in relation to the original allocations and their extended forms. Paragraph 5.38 of the supporting text deals with the extent of the removals proposed in order to meet Oxford's unmet housing needs. The extension of some of the allocations through the examination process means that the 253 Ha originally identified for removal needs to be amended to read 275 Ha, alongside a corresponding change to the removal in percentage terms – 3.3% from 3%, and the percentage area of Cherwell that lies within the Green Belt – 13.8% rather than 13.9%, falling from 14.3%. These changes **[MM 31]** are required to ensure transparency and to make the Plan effective. Consequent changes will also be required to the Policies Maps [advertised by the Council as **MM 148** but amended in the interests of clarity].

134. Paragraph 5.39 of the supporting text makes reference under PR3(e) to the potential extension of the Begbroke Science Park. Obviously, this is not a matter for the Plan at issue but to give some context, a reference to Policy Kidlington 1 of the Local Plan 2015 that makes provision for that extension is

needed. This addition **[MM 32]** is necessary to make the Plan accurate and thereby effective.

135. Unsurprisingly, Policy PR3 in the Plan as submitted reflects the allocations as originally promulgated. There have been changes to the areas to be removed from the Green Belt in Policies PR7a (from 10.8 to 21 Ha), PR7b (from 4.3 to 5 Ha) and PR9 (from 17.7 to 27 Ha). I have dealt with the reasoning behind these changes and the question of whether the exceptional circumstances necessary to justify the additional removals are in place above. Policy PR3 needs to be updated **[MM 33, MM 34 and MM 35]** to reflect the revised position post MMs and to be properly effective.
136. GI is dealt with in Policy PR5. Paragraph 5.67 of the supporting text explains that a connected network of GI is an integral part of the vision behind the Plan. It then goes on to list what the provision of GI involves. Point 5 deals with the need to integrate with other planning requirements. Amongst these, sub-point (v) refers to creating high-quality built and natural environments. To give further clarity, this needs to make clear that such environments must be sustainable in the long term. Moreover, the list needs to be expanded to include reference to the construction of sustainable urban drainage systems. These additions **[MM 38]** are required to ensure the explanation in paragraph 5.67 is an effective one.
137. Further, paragraph 5.69 of the supporting text, as drafted, sets out ten reasons why the delivery of GI is so important to the Plan. There is a need to add an eleventh – a reference to the enhancement GI would bring to health and well-being. This addition **[MM 39]** to the text is required in order to put the reasoning behind Policy PR5 on an effective footing.
138. Policy PR5 itself explains the presumption that GI will come forward as part of the strategic allocations with provision made on site except in exceptional circumstances, when financial contributions might be accepted in lieu. The policy then lists nine expectations of applications for development on the allocated sites.
139. The first requires the identification of existing GI and a demonstration of how this will, as far as possible, be protected and incorporated into the layout design and appearance of the proposed development. The 'as far as possible' offers an unreasonable amount of leeway to potential developers. Its removal **[MM 41]** is necessary to ensure the policy protects existing GI effectively.
140. The eighth expectation is for any application to demonstrate where multi-functioning GI can be achieved. This needs to be expanded to take in the ability of GI to address climate change impacts, and for applicants to follow best practice guidance. This addition **[MM 42]** is needed to ensure effectiveness.
141. Expectation 9 addresses the important point that details will be required of how the GI that comes forward will be maintained and managed. It is necessary to make clear that the intention is that GI coming forward will need to be maintained and managed in the long term. This addition **[MM 43]** is required in order that the policy functions in an effective way.

142. Policy PR11 is concerned with the important question of infrastructure delivery. Paragraph 5.143 of the supporting text is part of the preamble to the policy and sets the scene for the way it is intended to operate. There is a reference to the Council's emerging Supplementary Planning Document on Developer Contributions; the descriptor 'emerging' needs to be removed to reflect current circumstances along with the final sentence that refers to an announcement being expected from the Government (about the Community Infrastructure Levy) in the 2017 budget. These changes **[MM 127]** are required in order to ensure the supporting text offers effective support to the policy itself.
143. Policy PR11 itself is concerned with the Council's approach to securing the delivery of infrastructure associated with the housing needed to address Oxford's unmet needs and sets out three ways in which this will be achieved.
144. The first way relates to the way in which the Council will work in partnership with others to address various infrastructure requirements. Of these various requirements, the first relates to the provision of physical, community and GI. However, to work as intended, this should cover not only provision but also maintenance. This change **[MM 131]** is required to ensure the policy functions effectively.
145. The second way refers to the completion and subsequent updating of a Development Contributions Supplementary Planning Document. As this has been completed, that reference needs to be removed **[MM 132]** to ensure effective operation.
146. The third way requires developers to demonstrate through their proposals that infrastructure requirements in a series of areas can be met and with developer contributions in line with adopted requirements. This series of areas needs an addition to cover sport while the reference to adopted requirements needs to refer to the Council's Supplementary Planning Document on Developer Contributions. Alongside another to better articulate what is expected of developers in this regard, these changes **[MM 133]** are needed to make the policy effective.
147. The three ways set out in the policy fail to have regard to the situation where forward funding for infrastructure has been provided by bodies such as the OGB as part of the Oxfordshire Housing and Growth Deal, which needs to be recovered from developers. A new criterion 4 is necessary to secure this **[MM 134]** and make the policy effective.
148. Policy PR12a is concerned with delivery and the maintenance of housing supply. I can see the sense of the Council wanting to separate out their commitment to meeting Oxford's unmet needs from their own commitments in the Local Plan 2015, as set out in the first paragraph of the policy. That would avoid the situation where meeting Oxford's unmet needs could be disregarded because of better than expected performance on the Local Plan 2015 Cherwell commitments, or vice versa. Paragraph 5.165 of the supporting text deals with the trajectory envisaged and sets out three principles. The second refers to the phased delivery of two sites which could be brought forward earlier if required. The passage of time means that phased delivery in this way is no

longer possible and this criterion needs to be removed **[MM 135]** to ensure that the policy itself is supported in an effective way.

149. The third principle, as drafted, refers to the requirement that developers maintain a five-year supply for their own sites. As set out above in dealing with the individual allocations, this requirement is not necessary because it is supply overall that matters. The third principle needs to be amended to explain that what is required is that individual sites operate in concert to maintain a five-year supply. This change **[MM 136]** is necessary to make the policy effective and compliant with national policy.
150. The third paragraph of the policy refers to the phased delivery of the Policy PR7a site, and the Policy PR10 site. As dealt with above, this is now unnecessary, and the third paragraph must be removed **[MM 137]** to ensure effective policy operation.
151. The fifth paragraph of the policy as drafted says that permission will only be granted for any of the allocated sites if it can be demonstrated at application stage that they will deliver a continuous five-year supply on a site-specific basis. This needs to be amended to reflect the fact that, as set out in national policy, it is maintaining a five-year supply overall that matters. This change **[MM 138]** is required to make the policy comply with the national approach, and effective.
152. Policy PR12b is included in order to deal with applications that may be submitted to address Oxford's needs but not on sites allocated in the Plan. In principle, this seems to me a reasonable precaution but the policy in the form submitted has issues that need to be addressed. There are five qualifications that a site that came forward in this way must meet. The first is that the Council must have accepted in a formal way that sites beyond those allocated in the Plan are necessary to ensure a continuous five-year supply and the second requires compliance with Policy PR1. Both are reasonable requirements.
153. The third requires the site that is proposed to have been identified in the Council's Housing and Economic Land Availability Assessment as a potentially developable site. Given the wide compass of that assessment, that is reasonable too but to ensure this requirement is effective the word 'potentially' needs to be removed **[MM 139]**.
154. The fifth qualification sets out the material that will be required to support any application that comes forward. The first of these (a) is a Development Brief. To be effective, this needs to be expanded to include 'place shaping principles for the entire site'. It also needs to be confirmed that the Development Brief needs to be agreed in advance of any application. These changes **[MM 140]** are needed to ensure that this part of the policy is effective.
155. Point (b) refers to a delivery plan to show that the site itself will deliver a five-year supply of housing. As rehearsed above, it is the contribution of the site to supply overall that is important so (b) needs to be amended to reflect that. This amendment **[MM 141]** is needed to make the policy compliant with national policy, and effective.

156. Point (h) covers any Heritage Impact Assessment that might be required. This requirement needs to be amended to reflect modifications made in this regard to the allocation policies that is to require measures to be identified and for them to be included in any subsequent scheme that might come forward. These changes **[MM 142]** are required to make the policy effective.
157. Archaeology is the subject of point (i). This needs to be altered to bring it into line with the corresponding point in the allocation policies – requiring outcomes of any investigation to be incorporated or reflected in any scheme that comes forward. This change **[MM 143]** is required to make the policy effective.
158. There is a significant omission in the policy as submitted in that affordable housing is not mentioned. A new qualification is required to set out the requirement for 50% affordable housing as defined in the Framework (2019) in line with the allocation policies. This addition **[MM 144]** is required to ensure the policy is compliant with the national approach, and effective.
159. Policy PR13 deals with monitoring and securing delivery. It is largely effective in its approach but the last sentence of the third paragraph needs to acknowledge that any cooperative work to identify strategic requirements arising from cumulative growth in the County must take account not only of the Local Transport Plan and the Oxfordshire Infrastructure Strategy but also associated monitoring. This addition **[MM 145]** is necessary to make the policy and thereby the Plan effective.
160. Appendix 3 to the Plan sets out a housing trajectory. This needs to be updated to reflect the deletion of the Policy PR10 site, and the changes to the other allocations. This amendment **[MM 146 with my deletion and addition for the purposes of clarity]**, is needed to ensure the Plan is consistent and therefore effective. A similar update **[MM 147 with my deletion and addition in the interests of clarity]** is needed to Appendix 4 to the Plan which sets out the Infrastructure Schedule, for the same reasons.
161. There are parts of the Plan that relate to the manner in which the Plan was prepared, and its Oxford, and wider context. Changes are required to the text **[MM 10, MM 12, MM 13, MM 14, MM 15, and MM 16]** to ensure these parts of the Plan are up to date and thereby effective.

### *Conclusion*

162. With those MMs, the policies of the Plan aimed at supporting the allocation policies, and the appendices, will be effective.

## Overall Conclusion and Recommendation

163. The Plan has several deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
164. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the DtC has been met and that with the recommended MMs set out in the attached Appendix, the Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Paul Griffiths*

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM 1	2	Contents	<i>Delete 'Woodstock' Heading and page number reference</i>
MM 2	8	xiv	<i>Amend to read:</i>  'The Plan therefore focuses development on a geographic area extending north from Oxford to south Kidlington, <u>and</u> along the A44 corridor to Yarnton and Begbroke., <del>and up to Woodstock in West Oxfordshire.</del>
MM 3	9	Table 1 PR6a	<i>Replace '650' with '<u>690</u>'</i>
MM 4	9	Table 1 PR6b	<i>Replace '530' with '<u>670</u>'</i>
MM 5	9	Table 1 PR7a	<i>Replace '230' with '<u>430</u>'</i>
MM 6	9	Table 1 PR7b	<i>Replace '100' with '<u>120</u>'</i>
MM 7	9	Table 1 PR9	<i>Replace '530' with '<u>540</u>'</i>
MM 8	9	Table 1 PR10	<i>Delete Woodstock row from Table 1.</i>
MM 9	12	1.7	<i>Amend to read:</i>  The Partial Review means change for the area of the district which adjoins north Oxford and that which focuses on the A44 corridor. <del>from Oxford to Woodstock in West Oxfordshire.</del>
MM 10	24	2.2	<i>Amend point 4 to read:</i>  'prepared to be consistent with national policy – to meet the apportioned housing requirements so that they meet core planning principles and demonstrate clear, exceptional circumstances for <del>development within the Oxford Green Belt</del> <u>removing land from the Oxford Green Belt for development.</u> '
MM 11	27	2.10	<i>Amend to read:</i>  <del>Seven</del> <u>Six</u> residential development areas are identified in a geographic area extending north from Oxford (either



Ref	Page	Policy/ Paragraph	Main Modification
			<p>side of the A4165 Oxford Road) and along the A44 corridor <del>and to Woodstock in West Oxfordshire.</del></p> <ol style="list-style-type: none"> <li>1. Land East of Oxford Road, North Oxford (policy PR6a) - Gosford and Water Eaton Parish</li> <li>2. Land West of Oxford Road, North Oxford (policy PR6b) - Gosford and Water Eaton Parish</li> <li>3. Land at South East Kidlington (policy PR7a) - Gosford and Water Eaton Parish</li> <li>4. Land at Stratfield Farm Kidlington (policy PR7b) - Kidlington Parish</li> <li>5. Land East of the A44 at Begbroke/Yarnton (policy PR8) - Yarnton and Begbroke Parishes (small area in Kidlington Parish)</li> <li>6. Land West of the A44 at Yarnton (policy PR9) - Yarnton and Begbroke Parishes</li> <li>7. <del>Land East of Woodstock (policy PR10) - Shipton-on-Cherwell and Thrupp Parish.</del></li> </ol>
MM 12	49	3.57	<p><i>Amend to read:</i></p> <p>'The Oxford Transport Strategy has three components: mass transit, walking and cycling, and managing traffic and travel demand. <u>The Strategy is supported by the Active and Healthy Travel Strategy and Oxfordshire County Council Cycling and Walking Design Guides.</u> Mass transit in Oxford is planned to consist of rail, Rapid Transit (RT) and buses and coaches.'</p>
MM 13	53	3.66	<p><i>Amend the first sentence to read:</i></p> <p>'Woodstock is a focus for growth in West Oxfordshire's <del>new, emerging</del> <u>adopted</u> Local Plan. The <del>draft</del> Plan includes more extensive.....'</p>
MM 14	53	3.66	<p><i>Amend to read:</i></p> <p>'Woodstock is a focus for growth in West Oxfordshire's new, emerging Local Plan. The draft Plan includes more extensive growth at Witney and Chipping Norton, growth at Carterton comparable to that at Woodstock and less significant growth in the Burford-Charlbury Area. Larger strategic development is planned at Eynsham on the A40 to the west of Oxford, the majority of which is intended to address West Oxfordshire's contribution (2750 homes) to Oxford's unmet housing need. <u>Oxfordshire's Local Transport Plan (LTP4): A40 Strategy proposes a new link road in Cherwell between the A40 and the A44 to improve access from West Oxfordshire to the A44 and A34.</u></p>
MM 15	54	3.73	<p><i>Amend to read:</i></p> <p>'A National Infrastructure Commission (NIC) report <del>is expected by the end of</del> <u>on the Cambridge-Milton-Keynes-Oxford Arc was published in November 2017</u> including recommendations to the Government linking east- west transport improvements with wider</p>

Ref	Page	Policy/ Paragraph	Main Modification
			growth and investment opportunities along this corridor'
MM 16	54	3.76	<i>Amend to read:</i>  'Approximately 30,000 homes are being planned in The emerging Vale of Aylesbury Vale Local Plan (Draft Plan, 2016) proposes 33,300 new homes to be built in the district in for the period to 2033. The focus of the growth will be at Aylesbury which has recently been granted Garden Town status.
MM 17	64	Table 4 PR6a	<i>Replace '650' with '690'</i>
MM 18	64	Table 4 PR6b	<i>Replace '530' with '670'</i>
MM 19	64	Table 4 PR7a	<i>Replace '230' with '430'</i>
MM 20	64	Table 4 PR7b	<i>Replace '100' with '120'</i>
MM 21	64	Table 4 PR9	<i>Replace '530' with '540'</i>
MM 22	64	Table 4 PR10	<i>Delete Woodstock row from Table 4.</i>
MM 23	65	5.16	<i>Amend to read:</i>  'Figure 10 illustrates our strategy for accommodating growth for Oxford. It shows the geographic relationship between Cherwell, Oxford and West Oxfordshire and specifically the proximity of north Oxford with Kidlington, Yarnton, <u>and</u> Begbroke <del>and Woodstock</del> along the A44 corridor.'
MM 24	66	5.17	<i>Amend to read:</i>  'All of the sites we have identified <del>other than land to the south-east of Woodstock</del> lie within the Oxford Green Belt. We consider that there are exceptional circumstances for the removal of these sites (either in full or in part) from the Green Belt.'
MM 25	66	5.17	<i>Delete as follows:</i>  ' <del>8. the need to ensure a cautious approach at Woodstock (in terms of the number of new homes) due to the presence of international and national heritage assets while responding to the proximity and connectivity of a growing town to both Oxford and the growth areas on the A44 corridor.'</del>
MM 26	66	5.17	<i>Renumber point 9 as point 8, point 10 as point 9, point 11 as point 10 and point 12 as point 11.</i>
MM 27	67	5.18	<i>Delete as follows:</i>

Ref	Page	Policy/ Paragraph	Main Modification
			<del>'Land to the south-east of Woodstock lies outside but next to the Oxford Green Belt. Land at Frieze Farm is to remain in the Green Belt as we consider that its possible use as a replacement Golf Course would be compatible with the purposes of Green Belts.'</del>
MM 28	69	PR1	<i>Amend to read:</i>  'Cherwell District Council will work with Oxford City Council, <del>West Oxfordshire District Council</del> , Oxfordshire County Council, and the developers of allocated sites to deliver:'
MM 29	69	PR1	<i>Amend point (a) to read:</i>  '4,400 homes to help meet Oxford's unmet housing needs <u>and necessary supporting infrastructure</u> by 2031'
MM 30	73	PR2	<i>Amend point 2 to read:</i>  '...Provision of 80% of the affordable housing ( <u>as defined by the NPPF</u> ) as affordable rent/social rented dwellings and 20% as other forms on intermediate affordable homes'
MM 31	76	5.38	<i>Amend to read:</i>  'The Oxford Green Belt in Cherwell presently comprises some 8409 hectares of land. Policy PR3 sets out the area of land for each strategic development site that we are removing from the Green Belt to accommodate residential and associated land uses to help meet Oxford's unmet housing needs. In total it comprises <del>253</del> <u>275</u> hectares of land – a <del>3</del> <u>3.3</u> % reduction. Consequently, the total area of Cherwell that comprises Green Belt falls from 14.3% to 13. <del>98</del> %.'
MM 32	77	5.39	<i>Amend penultimate sentence to read:</i>  'The potential extension of the Science Park, <u>provided for by Policy Kidlington 1 of the Local Plan</u> , will be considered further in Local Plan Part 2...'
MM 33	77	PR3	<i>Amend the sentence to read:</i>  'Policy PR7a – removal of <del>10.8</del> <u>21</u> hectares of land as shown on inset Policies Map PR7a'
MM 34	77	PR3	<i>Amend sentence to read:</i>  'Policy PR7b – removal of <del>4.3</del> <u>5</u> hectares of land as shown on inset Policies Map PR7b'
MM 35	77	PR3	<i>Amend sentence to read:</i>

Ref	Page	Policy/ Paragraph	Main Modification
			'Policy PR9 – removal of <del>47.7</del> <u>27</u> hectares of land as shown on inset Policies Map PR9'
MM 36	82	5.65	<i>Amend last sentence to read:</i>  'Site specific transport measures are identified in Policies PR6a, PR6b, PR7a, PR7b, PR8, <u>and</u> PR9, <del>and</del> PR10.'
MM 37	82	PR4a	<i>Amend to read:</i>  'The strategic developments provided for under Policies PR6 to PR <del>9</del> <u>10</u> will be expected to provide proportionate financial contributions directly related to the development in order to secure necessary improvements to, and mitigations for, the highway network and to deliver necessary improvements to infrastructure and services for public transport.'
MM 38	85	5.67	<i>Amend sub-point v. to read:</i>  'creating high- quality built and natural environments <u>that can be sustained in the long term,</u> <del>and</del> '  <i>Renumber sub-point vi. as sub-point vii.</i>  <i>Add new sub-point vi. to read:</i>  ' <u>the construction of sustainable urban drainage systems</u> '
MM 39	86	5.69	<i>Add new point 11 to read:</i>  ' <u>enhance health and well-being</u> '
MM 40	86	PR5	<i>Amend first sentence to read:</i>  '...Policies PR6 to <u>PR9</u> <del>PR10</del> ...'
MM 41	86	PR5	<i>Amend point 1 to read:</i>  'Applications will be expected to: (1) Identify existing GI and its connectivity and demonstrate how this will, <del>as far as possible,</del> be protected and incorporated into the layout, design and appearance of the proposed development'
MM 42	86	PR5	<i>Amend point 8 to read:</i>  'Demonstrate where multi- functioning GI can be achieved, <u>including helping to address climate change impacts and taking into account best practice guidance.</u> '
MM 43	86	PR5	<i>Amend point 9 to read:</i>  'Provide details of how GI will be maintained and managed <u>in the long term.</u> '

Ref	Page	Policy/ Paragraph	Main Modification
MM 44	88	5.85	<p><i>Amend 2<sup>nd</sup> sentence to read:</i></p> <p>'...It will be necessary to have regard to adopted Development Plan policies for design and the built environment for both Cherwell and Oxford, to the <del>emerging</del> Cherwell Design Guide Supplementary Planning Document (SPD), <del>and to</del> Oxford City Council's SPD - High Quality Design in Oxford - Respecting Heritage and Achieving Local Distinctiveness, <u>and Oxfordshire County Council's Cycling and Walking Design Guides...</u>'</p>
MM 45	89	Policies Map PR6a	<p><i>Reduce land allocation for primary school use from 3.2 hectares to 2.2 hectares</i></p> <p><i>Allocate 1 hectare to residential use (see <del>attached</del> <u>pages 47 and 48 of the Schedule of Main Modifications November 2019</u>)</i></p>
MM 46	90	PR6a	<p><i>Amend point 1 to read:</i></p> <p>'Construction of <del>690</del> <u>650</u> dwellings (net) on approximately <del>25</del> <u>24</u> hectares of land (the residential area as shown). <del>The dwellings are to be constructed at an approximate average net density of 40 dwellings per hectare</del></p>
MM 47	90	PR6a	<p><i>Amend point 3 to read:</i></p> <p>'The provision of a primary school with <del>at least three</del> <u>two</u> forms of entry on <del>32.2</del> hectares of land in the location shown'</p>
MM 48	90	PR6a	<p><i>Amend point 7 to read:</i></p> <p>'...pedestrian, wheelchair and all-weather cycle route along the site's eastern boundary <u>within the area of green space as shown on the policies map.</u>'</p>
MM 49	91	PR6a	<p><i>Add a second sentence to point 10 (a) to read:</i></p> <p><u>'Minor variations in the location of specific uses will be considered where evidence is available.'</u></p>
MM 50	91	PR6a	<p><i>Amend point 10 (b) to read:</i></p> <p><u>'Two pPoints of vehicular access and egress from and to existing highways, primarily from Oxford Road'</u></p>
MM 51	91	PR6a	<p><i>Amend point 10 (c) to read:</i></p> <p>'An outline scheme for public vehicular, cycle, pedestrian and wheelchair connectivity within the site, to the built environment of Oxford, to Cutteslowe Park, to the allocated site to the west of Oxford Road (policy PR6b) enabling connection to Oxford City Council's allocated 'Northern Gateway' site, to Oxford Parkway and Water Eaton Park and Ride, and to existing or new points of</p>

Ref	Page	Policy/ Paragraph	Main Modification
			connection off-site and to existing or potential public transport services. <u>Required access to existing property via the site should be maintained.'</u>
MM 52	92	PR6a	<p><i>Amend point 13 to read:</i></p> <p>'The application(s) shall be supported by a phase 1 habitat survey including habitat suitability index (HSI) survey for great crested newts, <u>and protected and notable species surveys as appropriate, including for great crested newt presence/absence surveys (dependent on HSI survey), surveys for badgers, breeding birds and reptiles, an internal building assessment for roosting barn owl, a tree survey and an assessment of the watercourse that forms the south-eastern boundary of the site and Hedgerow Regulations Assessment.'</u></p>
MM 53	92	PR6a	<p><i>Amend point 15 to read:</i></p> <p>'The application shall be supported by a Heritage Impact Assessment which will <del>include</del> <u>identify</u> measures to avoid or minimise conflict with the identified heritage assets within the site, particularly the Grade 2* Listed St Frideswide Farmhouse. <u>These measures shall be incorporated or reflected, as appropriate, in any proposed development scheme.'</u></p>
MM 54	92	PR6a	<p><i>Amend point 17 to read:</i></p> <p>'The application should demonstrate that Thames Water <del>has agreed in principle</del> <u>and the Environment Agency have been consulted regarding wastewater treatment capacity and agreement has been reached</u> in principle that foul drainage from the site will be accepted into <u>the drainage its network.'</u></p>
MM 55	93	PR6a	<p><i>Amend point 18 to read:</i></p> <p>'...mitigation measures. <u>The outcomes of the investigation and mitigation measures shall be incorporated or reflected, as appropriate, in any proposed development scheme.'</u></p>
MM 56	93	PR6a	<p><i>Add new point 20 to read:</i></p> <p>'<u>The application shall include a management plan for the appropriate re- use and improvement of soils'</u></p> <p><i>Re-number subsequent points</i></p>
MM 57	93	PR6a	<p><i>Amend the final sentence of point 21 to read:</i></p> <p>'The Delivery Plan shall include a start date for development, demonstration of how the development would be completed by 2031 and a</p>

Ref	Page	Policy/ Paragraph	Main Modification
			programme showing how <u>the site will contribute towards maintaining</u> a five year supply of housing. <del>(for the site) will be maintained year on year.'</del>
MM 58	94	PR6a	<i>Amend point 28 to read:</i>  'The location of archaeological features, including the tumuli to the east of the Oxford Road, should be <u>incorporated and</u> made evident in the landscape design of the site.'
MM 59	96	PR6b	<i>Amend point 1 to read:</i>  'Construction of <u>670</u> <del>530</del> dwellings (net) on 32 hectares of land (the residential area as shown). <del>The dwellings are to be constructed at an approximate average net density of 25 dwellings per hectare.'</del>
MM 60	96	PR6b	<i>Add a second sentence to point 8 (a) to read:</i>  <u>'Minor variations in the location of specific uses will be considered where evidence is available.'</u>
MM 61	96	PR6b	<i>Amend point 8 (b) to read:</i>  ' <u>Two pPoints of vehicular access and egress from and to existing highways, primarily from Oxford Road, and connecting within the site.</u>
MM 62	98	PR6b	<i>Amend point 11 to read:</i>  'The application(s) shall be supported by a phase 1 habitat survey including habitat suitability index (HSI) survey for great crested newts, <u>and protected and notable species surveys as appropriate, including</u> great crested newt presence/absence surveys (dependent on HSI survey), surveys for badgers, breeding birds and reptiles, an internal building assessment for roosting barn owl, a tree survey and an assessment of water bodies.'
MM 63	98	PR6b	<i>Amend point 13 to read:</i>  'The application(s) shall be supported by a desk-based archaeological investigation which may then require predetermination evaluations and appropriate mitigation measures. <u>The outcomes of the investigation and mitigation measures shall be incorporated or reflected, as appropriate, in any proposed development scheme.'</u>
MM 64	98	PR6b	<i>Amend point 15 to read:</i>  'The application should demonstrate that Thames Water <del>has agreed in principle</del> <u>and the Environment Agency have been consulted regarding wastewater treatment capacity and agreement has been reached</u>



Ref	Page	Policy/ Paragraph	Main Modification
			in principle that foul drainage from the site will be accepted into <u>the drainage its network.</u> '
MM 65	98	PR6b	<p><i>Add new point 16 to read:</i></p> <p><u>'The application shall include a management plan for the appropriate re- use and improvement of soils'</u></p> <p><i>Re-number subsequent points</i></p>
MM 66	98	PR6b	<i>Delete point 17 and renumber subsequent points accordingly</i>
MM 67	99	PR6b	<p><i>Amend the final sentence of point 19 to read:</i></p> <p>'The Delivery Plan shall include a start date for development, demonstration of how the development would be completed by 2031 and a programme showing how <u>the site will contribute towards maintaining</u> a five year supply of housing. <del>(for the site) will be maintained year on year.'</del></p>
MM 68	101	PR6c	<p><i>Amend to read:</i></p> <p>'Land at Frieze Farm will be reserved for the potential construction of a golf course should this be required as a result of the development of Land to the West of Oxford Road under Policy PR6b.</p> <p><u>Planning Application Requirements</u></p> <p><u>1. The application will be expected to be supported by, and prepared in accordance with, a Development Brief for the entire site to be jointly prepared and agreed in advance between the appointed representative(s) of the landowner(s) and Cherwell District Council and in consultation with Oxfordshire County Council.</u></p> <p>The Development Brief shall <u>include:</u></p> <p><u>(a) A scheme and outline layout for delivery of the required land uses and associated infrastructure</u></p> <p><u>(b) Points of vehicular access and egress from and to existing highways</u></p> <p><u>(c) An outline scheme for public vehicular, cycle, pedestrian and wheelchair connectivity within the site, to the built environment, and to existing or new points of connection off-site and to existing or potential public transport services.</u></p> <p><u>(d) Protection and connection of existing public rights of way</u></p> <p><u>(e) incorporate d</u> Design principles that respond to the landscape, <u>canal-side</u> and Green Belt setting and the</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>historic context of Oxford</p> <p><u>(f) Outline measures for securing net biodiversity gains informed by a Biodiversity Impact Assessment in accordance with (2) below</u></p> <p><u>(g) An outline scheme for vehicular access by the emergency services</u></p> <p><u>2. The application(s) shall be supported by the Biodiversity Impact Assessment (BIA) based on the DEFRA biodiversity metric (unless the Council has adopted a local, alternative methodology), to be agreed with Cherwell District Council</u></p> <p><u>3. The application(s) shall be supported by a proposed Biodiversity Improvement and Management Plan (BIMP) informed by the findings of the BIA and habitat surveys and to be agreed before development commences. The BIMP shall include:</u></p> <p><u>(a) measures for securing net biodiversity gain within the site and for the protection of wildlife during construction</u></p> <p><u>(b) measures for retaining and conserving protected/notable species (identified within baseline surveys) within the development</u></p> <p><u>(c) demonstration that designated environmental assets will not be harmed, including no detrimental impacts through hydrological, hydro chemical or sedimentation impacts</u></p> <p><u>(d) measures for the protection and enhancement of existing wildlife corridors and the protection of existing hedgerows and trees</u></p> <p><u>(e) the creation of a green infrastructure network with connected wildlife corridors</u></p> <p><u>(f) measures to minimise light spillage and noise levels on habitats especially along wildlife corridors</u></p> <p><u>(g) a scheme for the provision for bird and bat boxes and for the viable provision of designated green walls and roofs</u></p> <p><u>(h) farmland bird compensation</u></p> <p><u>(i) proposals for long-term wildlife management and maintenance</u></p> <p><u>4. Measures for the retention of the Grade II listed Frieze Farmhouse and an appropriate sensitive setting</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>5. <u>The application shall be supported by a Heritage Impact Assessment which will identify measures to avoid or minimise conflict with identified heritage assets within and adjacent to the site, particularly the Grade II Listed Frieze Farmhouse. These measures shall be incorporated or reflected, as appropriate, in any proposed development scheme'</u></p> <p>6. <u>The application(s) shall be supported by a desk-based archaeological investigation which may then require predetermination evaluations and appropriate mitigation measures. The outcomes of the investigation and mitigation measures shall be incorporated or reflected, as appropriate, in any proposed development scheme</u></p> <p>7. <u>The application(s) shall be supported by a Transport Assessment and Travel Plan including measures for maximising sustainable transport connectivity, minimising the impact of motor vehicles on existing communities and actions for updating the Travel Plan during the construction of the development</u></p> <p>8. <u>The application will be supported by a Flood Risk Assessment, informed by a suitable ground investigation and having regard to guidance contained within the Council's Level 1 Strategic Flood Risk Assessment. The Flood Risk Assessment should include detailed modelling of watercourses taking into account allowance for climate change. There should be no ground raising or built development within the modelled flood zone.</u></p> <p>9. <u>The application shall be supported by a landscaping scheme including details of materials for land modelling (to be agreed with the Environment Agency), together with a management plan for the appropriate re-use and improvement of soils</u></p> <p>10. <u>The application should demonstrate that Thames Water has agreed in principle that foul drainage from the site will be accepted into its network.</u></p> <p>11. <u>A single comprehensive, outline scheme shall be approved for the entire site. The scheme shall be supported by draft Heads of Terms for developer contributions that are proposed to be secured by way of legal agreement. The application(s) shall be supported by a Delivery Plan demonstrating how the implementation and phasing of the development shall be secured comprehensively and how the provision of supporting infrastructure will be delivered. The Delivery Plan shall include a start date for development and a programme showing how and when the golf course would be constructed to meet any identified need as a result of the development of Land to the West of Oxford Road</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>(Policy PR6b)</u>
MM 69	103	5.90	<p><i>Amend last sentence to read:</i></p> <p><u>'A clearly defined field boundary partially marks the extent of the area that is identified for development and the remainder of the southern boundary follows a former historic field boundary.'</u></p>
MM 70	104	5.95	<p><i>Delete first two sentences and replace with:</i></p> <p><u>'The farmhouse looks south across land planted as an orchard. To the west of the farmhouse is an area of trees and a traditional orchard which forms an important part of its historic setting.'</u></p>
MM 71	104 to 105	5.96	<p><i>Renumber points 5 to 8 as 6 to 9</i></p> <p><i>Insert new point 5 to read:</i></p> <p><u>'Retention and renovation of the Grade II Listed Stratfield Farmhouse and the protection of its historic setting.'</u></p>
MM 72	106	Policies Map PR7a	<p><i>Increase extent of residential area</i></p> <p><i>Reduce extent of Outdoor Sports Provision</i></p> <p><i>Amend revised Green Belt boundary (see attached pages 49 and 50 of the Schedule of Main Modifications November 2019)</i></p>
MM 73	106	Policies Map PR7a	<p><i>Amend the policies map to include 'new green space/parks' notation over (in addition to) 'Outdoor Sports provision' on the policies map (see attached pages 49 and 50 of the Schedule of Main Modifications November 2019)</i></p>
MM 74	107	PR7a	<p><i>Amend point 1 to read:</i></p> <p><u>'Construction of <del>430</del> 230 dwellings (net) on <del>21</del> 11 hectares of land (the residential area as shown). The dwellings to be constructed at an approximate average net density of <del>35</del> dwellings per hectare.'</u></p>
MM 75	107	PR7a	<p><i>Amend point 4 to read:</i></p> <p><u>'The provision of <del>21.5</del> 11 hectares of land to provide formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt.'</u></p>
MM 76	107	PR7a	<p><i>Add a second sentence to point 9 (a) to read:</i></p> <p><u>'Minor variations in the location of specific uses will be considered where evidence is available.'</u></p>
MM 77	109	PR7a	<p><i>Amend point 12 to read:</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
			'The application(s) shall be supported by a phase 1 habitat survey including habitat suitability index (HSI) survey for great crested newts, <u>and protected and notable species surveys as appropriate, including</u> great crested newt presence/absence surveys (dependent on HSI survey), surveys for badgers, breeding birds and reptiles, an internal building assessment for roosting barn owl, a tree survey and an assessment of water bodies.'
MM 78	109	PR7a	<i>Amend point 14 to read:</i>  'The application should demonstrate that Thames Water, <u>Natural England</u> <del>has agreed in principle and</del> <u>the Environment Agency have been consulted regarding wastewater treatment capacity and agreement has been reached</u> in principle that foul drainage from the site will be accepted into <u>the drainage its network.</u> '
MM 79	109	PR7a	<i>Amend point 16 to read:</i>  'The application(s) shall be supported by a desk-based archaeological investigation which may then require predetermination evaluations and appropriate mitigation measures. <u>The outcomes of the investigation and mitigation measures shall be incorporated or reflected, as appropriate, in any proposed development scheme</u> '
MM 80	109	PR7a	<i>Add new point 17 to read:</i>  ' <u>The application shall include a management plan for the appropriate re- use and improvement of soils</u> '  <i>Re-number subsequent points</i>
MM 81	110	PR7a	<i>Amend the final sentence of point 19 to read:</i>  'The Delivery Plan shall include a start date for development, demonstration of how the development would be completed by 2031 and a programme showing how <u>the site will contribute towards maintaining</u> a five year supply of housing. <del>(for the site) will be maintained year on year.'</del>
MM 82	111	Policies Map PR7b	<i>Increase Residential area Reduce Nature Conservation Area Amend Revised Green Belt boundary Amend Green Space boundary (see <del>attached</del> <u>pages 51 and 52 of the Schedule of Main Modifications November 2019</u>)</i>
MM 83	112	PR7b	<i>Amend point 1 to read:</i>  'Construction of <u>120</u> <del>400</del> homes (net) on <u>5</u> <del>4</del> hectares of land (the residential area). <del>The dwellings to be constructed at an approximate average net density of</del>

Ref	Page	Policy/ Paragraph	Main Modification
			<del>25 dwellings per hectare.'</del>
MM 84	112	PR7b	<p><i>Amend point 7 to read:</i></p> <p>'Creation of a nature conservation area on <del>6.3</del> <u>5.3</u> hectares of land as shown on the inset Policies Map, incorporating the community orchard and with the opportunity to connect to and extend Stratfield Brake District Wildlife Site.'</p>
MM 85	112	PR7b	<p><i>Amend last sentence of point 9 to read:</i></p> <p>'The Development Brief shall be prepared in consultation with Oxfordshire County Council, <del>and</del> Oxford City Council <u>and the Canal and River Trust</u>'</p>
MM 86	112	PR7b	<p><i>Add a second sentence to point 10 (a) to read:</i></p> <p><u>'Minor variations in the location of specific uses will be considered where evidence is available.'</u></p>
MM 87	113	PR7b	<p><i>Amend point 10 (b) to read:</i></p> <p>'Points of vehicular access and egress from and to existing highways with, <u>unless otherwise approved</u>, at least two separate points.'</p>
MM 88	113	PR7b	<p><i>Amend point 10 (c) to read:</i></p> <p>'The scheme shall include an access road from the Kidlington roundabout to the easternmost development parcels and the Stratfield Farm building complex. <del>only, as shown on the inset Policies Map.</del></p>
MM 89	114	PR7b	<p><i>Amend point 13 to read:</i></p> <p>'The application(s) shall be supported by a phase 1 habitat survey including an habitat suitability index (HSI) survey for great crested newts, <u>and protected and notable species surveys as appropriate, including</u> great crested newt presence/absence surveys (dependent on HSI survey), hedgerow and tree survey, surveys for badgers, water vole, otter, invertebrate, dormouse, breeding birds and reptiles, an internal building assessment for roosting barn owl, and an assessment of water bodies.'</p>
MM 90	115	PR7b	<p><i>Amend point 16 to read:</i></p> <p>'The application should demonstrate that Thames Water, <u>Natural England</u> <del>has agreed in principle and</del> <u>the Environment Agency, have been consulted regarding wastewater treatment capacity and agreement has been reached</u> in principle that foul drainage from the site will be accepted into <u>the</u> <del>drainage</del> <u>its</u> network.'</p>

Ref	Page	Policy/ Paragraph	Main Modification
MM 91	115	PR7b	<p><i>Amend point 17 to read:</i></p> <p>'...a Heritage Impact Assessment which will <u>identify</u> <del>include</del> measures to avoid or minimise conflict with identified heritage assets within <u>and adjacent to</u> the site, particularly Stratfield Farmhouse. <u>These measures shall be incorporated or reflected, as appropriate, in any proposed development scheme</u>'</p>
MM 92	115	PR7b	<p><i>Amend point 18 to read:</i></p> <p>'...a desk-based archaeological investigation which may then require predetermination evaluations and appropriate mitigation measures. <u>The outcomes of the investigation and mitigation measures shall be incorporated or reflected, as appropriate, in any proposed development scheme</u>'</p>
MM 93	115	PR7b	<p><i>Add new point 19 to read:</i></p> <p><u>'The application shall include a management plan for the appropriate re- use and improvement of soils'</u></p> <p><i>Re-number subsequent points</i></p>
MM 94	115	PR7b	<p><i>Amend the final sentence of point 21 to read:</i></p> <p>'The Delivery Plan shall include a start date for development, demonstration of how the development would be completed by 2031 and a programme showing how <u>the site will contribute towards maintaining a five year supply of housing.</u> <del>(for the site) will be maintained year on year.'</del></p>
MM 95	121	PR8	<p><i>Amend point 1 to read:</i></p> <p>'Construction of 1,950 dwellings (net) on approximately 66 hectares of land (the residential area as shown). <del>The dwellings are to be constructed at an approximate average net density of 45 dwellings per hectare</del>'</p>
MM 96	121	PR8	<p><i>Amend point 4 to read:</i></p> <p>'The provision of a primary school with <del>at least</del> three forms of entry on 3.2 hectares of land in the location shown'</p>
MM 97	121	PR8	<p><i>Amend point 5 to read:</i></p> <p>'The provision of a primary school with <del>at least</del> two forms of entry on 2.2 hectares of land in the location shown if required in consultation with the Education Authority and unless otherwise agreed with Cherwell District Council.'</p>
MM 98	122	PR8	<p><i>Amend last sentence of point 17 to read:</i></p>



Ref	Page	Policy/ Paragraph	Main Modification
			'The Development Brief shall be prepared in consultation with Oxfordshire County Council, <del>and</del> Oxford City Council, <u>Network Rail and the Canal and River Trust</u> '
MM 99	122	PR8	<i>Add a second sentence to point 18 (a) to read:</i>  ' <u>Minor variations in the location of specific uses will be considered where evidence is available.</u> '
MM 100	122	PR8	<i>Amend point 18 (b) to read:</i>  'Points of vehicular access and egress from and to existing highways with at least two separate, <u>connecting</u> points from and to the A44 <u>and</u> including the use of the existing Science Park access road.'
MM 101	123	PR8	<i>Amend point 18 (f) to read:</i>  'In consultation with Oxfordshire County Council <u>and</u> <u>Network Rail</u> , proposals for the closure/unadoption of Sandy Lane, the closure of Sandy Lane to motor vehicles...'
MM 102	123	PR8	<i>Amend point 19 to read:</i>  'The application(s) shall be supported by the Biodiversity Impact Assessment (BIA) based on the DEFRA biodiversity metric (unless the Council has adopted a local, alternative methodology), prepared in consultation and agreed with Cherwell District Council. The BIA shall <del>include</del> <u>be informed by a hydrogeological risk assessment to determine whether there would be any material change in ground water levels as a result of the development and any associated adverse impact, particularly on Rushy Meadows SSSI, requiring mitigation. It shall also be informed by investigation of any above or below ground hydrological connectivity with the SSSI and between Rowel Brook and Rushy Meadows SSSI</u>
MM 103	124	PR8	<i>Amend point 21 to read:</i>  'The application(s) shall be supported by a phase 1 habitat survey <u>and protected and notable species surveys as appropriate, including</u> <del>and</del> surveys for badgers, nesting birds, amphibians (in particular Great Crested Newts), reptiles and for bats including associated tree assessment, hedgerow regulations assessment.'
MM 104	124	PR8	<i>Amend point 22 to read:</i>  'The application(s) shall be supported by a Transport Assessment and Travel Plan including measures for

Ref	Page	Policy/ Paragraph	Main Modification
			maximising sustainable transport connectivity, minimising the impact of motor vehicles on new residents and existing communities, and actions for updating the Travel Plan during construction of the development. <u>The Transport Assessment shall include consideration of the effect of vehicular and non-vehicular traffic on use of the railway level crossings at Sandy Lane, Yarnton Lane and Roundham.'</u>
MM 105	125	PR8	<i>Amend point 23 to read:</i>  'The application shall be supported by a Flood Risk Assessment informed by a suitable ground investigation, and having regard to guidance contained within the Council's Level 2 Strategic Flood Risk Assessment. A surface water management framework shall be prepared to maintain run off rates to greenfield run off rates and volumes, with use of Sustainable Drainage Systems in accordance with adopted Policy ESD7, taking into account recommendations contained in the Council's Level 1 and Level 2 SFRAs. <u>Residential development must be located outside the modelled Flood Zone 2 and 3 envelope.'</u>
MM 106	125	PR8	<i>Amend point 24 to read:</i>  'The application should demonstrate that Thames Water, <u>Natural England</u> <del>has agreed in principle and</del> <u>the Environment Agency have been consulted regarding wastewater treatment capacity and agreement has been reached</u> in principle that foul drainage from the site will be accepted into <u>the drainage its network.'</u>
MM 107	125	PR8	<i>Amend point 25 to read:</i>  'The application shall be supported by a Heritage Impact Assessment which will <del>include</del> <u>identify</u> measures to avoid or minimise conflict with the identified heritage assets within the site, particularly the Oxford Canal Conservation Area and the listed structures along its length. <u>These measures shall be incorporated or reflected, as appropriate, in any proposed development scheme.'</u>
MM 108	125	PR8	<i>Amend point 26 to read:</i>  '...mitigation measures. <u>The outcomes of the investigation and mitigation measures shall be incorporated or reflected, as appropriate, in any proposed development scheme.'</u>
MM 109	125	PR8	<i>Add new point 28 to read:</i>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>'The application shall include a management plan for the appropriate re- use and improvement of soils'</u></p> <p><i>Re-number subsequent points</i></p>
MM 110	125	PR8	<p><i>Amend the final sentence of point 30 to read:</i></p> <p>'The Delivery Plan shall include a start date for development, demonstration of how the development would be completed by 2031 and a programme showing how <u>the site will contribute towards maintaining</u> a five year supply of housing. <del>(for the site) will be maintained year on year.'</del></p>
MM 111	127	5.121	<p><i>Amend to read:</i></p> <p>'We are also seeking to enhance the beneficial use of the Green Belt within the site by requiring improved <del>informal</del> access to the countryside <del>and significant ecological and biodiversity gains</del> primarily through the establishment of <u>publicly accessible informal parkland between the proposed built development and the retained agricultural land to the west</u>. There will also be opportunities for <u>significant ecological and biodiversity gains</u>. The Council's priority will be the creation of a new Local Nature Reserve at the southern end of the site with good access to the primary school and the existing public rights of way.'</p>
MM 112	129	Policies Map PR9	<p><i>Extend residential area to 25.3 hectares</i></p> <p><i>Delete Public Access Land</i></p> <p><i>Amend Revised Green Belt boundary</i></p> <p><i>Add 24.8 hectares of new green space/parks</i></p> <p><i>Add 39.2 hectares of retained agricultural land (see attached <b>pages 53 and 54 of the Schedule of Main Modifications November 2019</b>)</i></p>
MM 113	130	PR9	<p><i>Amend point 1 to read:</i></p> <p>'Construction of <u>540</u> <del>530</del> dwellings (net) on approximately <u>25</u> <del>46</del> hectares of land (the residential area as shown). <del>The dwellings are to be constructed at an approximate average net density of 35 dwellings per hectare'</del></p>
MM 114	130	PR9	<p><i>Amend point 3 to read:</i></p> <p>'The provision of <u>1.6</u> <del>1.8</del> hectares of land for use by the existing William Fletcher Primary School to enable potential school expansion within the existing school site and the replacement of playing pitches and amenity space.'</p>
MM 115	130	PR9	<p><i>Amend point 5 to read:</i></p> <p>'<del>Public access within the 74 hectares of land</del> <u>The provision of public open green space as informal</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>parkland on 24.8 hectares of land to the west of the residential area and a new Local Nature Reserve accessible to William Fletcher Primary School.'</u>
MM 116	130	PR9	<i>Insert point 7 to read:</i>  <u>'The retention of 39.2 hectares of land in agricultural use in the location shown'</u>
MM 117	130	PR9	<i>Add a second sentence to point 8 (a) to read:</i>  <u>'Minor variations in the location of specific uses will be considered where evidence is available.'</u>
MM 118	130	PR9	<i>Amend point 8 (b) to read:</i>  <u>'At least two separate pPoints of vehicular access and egress to and from the A44 with a connecting road between.'</u>
MM 119	132	PR9	<i>Amend point 11 to read:</i>  'The application(s) shall be supported by a phase 1 habitat survey including habitat suitability index survey for great crested newts, <u>and protected and notable species surveys as appropriate, including great crested newt presence/absence surveys (dependent on HSI survey), for badgers, breeding birds, internal building assessment for roosting barn owl, dormouse, reptile, tree and building assessment for bats, bat activity, hedgerow regulations assessment and assessment of water courses"</u>
MM 120	132	PR9	<i>Amend point 14 to read:</i>  'The application should demonstrate that Thames Water <del>has agreed in principle</del> <u>and the Environment Agency have been consulted regarding wastewater treatment capacity and agreement has been reached</u> in principle that foul drainage from the site will be accepted into <u>the drainage</u> <del>its</del> network.'
MM 121	132	PR9	<i>Amend point 16 to read:</i>  '...mitigation measures. <u>The outcomes of the investigation and mitigation measures shall be incorporated or reflected, as appropriate, in any proposed development scheme.'</u>
MM 122	132	PR9	<i>Add new point 17 to read:</i>  <u>'The application shall include a management plan for the appropriate re- use and improvement of soils'</u>  <i>Re-number subsequent points</i>
MM 123	133	PR9	<i>Amend the final sentence of point 18 to read:</i>

Ref	Page	Policy/ Paragraph	Main Modification
			'The Delivery Plan shall include a start date for development, demonstration of how the development would be completed by 2031 and a programme showing how <u>the site will contribute towards maintaining</u> a five year supply of housing. <del>(for the site) will be maintained year on year.'</del>
MM 124	135 to 137	5.124 to 5.139	<i>Delete paragraphs 5.124 to 5.139.</i>
MM 125	138 to 144	Policies Map PR10	<i>Delete Policies Map and Key</i>
MM 126	139 to 143	PR10	<i>Delete Policy PR10</i>
MM 127	145	5.143	<i>Amend to read:</i>  'The Council's <del>emerging</del> Supplementary Planning Document provides guidance on Developer Contributions associated with new development. The Council has consulted on a draft Charging Schedule for a possible Community Infrastructure Levy, a potential complementary means of acquiring funds for infrastructure. However, it has not yet been determined whether the Council will introduce CIL, particularly as the Government is reviewing how CIL functions, and its relationship with securing developer contributions through 'Section 106' legal obligations and options for reform. <del>An announcement is expected by the Government at the Autumn Budget 2017.</del> '
MM 128	146	5.148	<i>Amend to read:</i>  '...liaison on infrastructure issues will be required with partner authorities including the County Council, <u>and Oxford City Council</u> <del>and West Oxfordshire District Council.</del> '
MM 129	146	5.148	<i>Amend to read:</i>  In delivering the developments identified in this Plan, liaison on infrastructure issues will be required with partner authorities including the County Council <u>and Oxford City Council</u> <del>and West Oxfordshire District Council</del> . for example to ensure a joined-up approach to the provision of additional school places and public open space where there are cross-boundary implementation matters to consider.
MM 130	147	PR11	<i>Amend point 1 to read:</i>  'Working with partners including central Government,

Ref	Page	Policy/ Paragraph	Main Modification
			the Local Enterprise Partnership, Oxford City Council, <del>West Oxfordshire District Council</del> , Oxfordshire County Council and other service providers to:...'
MM 131	147	PR11	<i>Amend point 1 (a) to read:</i>  'provide <u>and maintain</u> physical, community and green infrastructure'
MM 132	148	PR11	<i>Amend point 2 to read:</i>  <del>Completing and k</del> 'Keeping up-to-date a Developer Contributions .....
MM 133	148	PR11	<i>Amend point 3 to read:</i>  ' <del>Ensure that</del> <u>Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social, <u>sport</u>, leisure and community facilities, wastewater treatment and sewerage, and with necessary developer contributions in accordance with adopted requirements <u>including those of the Council's Developer Contributions SPD.</u></u>
MM 134	148	PR11	<i>Add new point 4 to read:</i>  ' <u>All sites are required to contribute to the delivery of Local Plan infrastructure. Where forward funding for infrastructure has been provided, for example from the Oxfordshire Growth Board as part of the Oxfordshire Housing and Growth Deal, all sites are required to contribute to the recovery of these funds as appropriate.</u>
MM 135	150	5.165	<i>Delete point 2.</i>
MM 136	150	5.165	<i>Amend point 3 to read:</i>  '3. we are requiring developers to clearly show that they can <del>maintain</del> <u>contribute towards maintaining</u> a five year supply. <del>for their own sites.</del> '
MM 137	150	PR12a	<i>Delete 3<sup>rd</sup> paragraph:</i>  ' <del>Land South East of Kidlington (Policy PR7a—230 homes) and Land South East of Woodstock (Policy PR10—410 homes) will only be permitted to commence development before 1 April 2026 if the calculation of the five year land supply over the period 2021 to 2026 falls below five years.</del>
MM 138	150	PR12a	<i>Amend fifth paragraph to read:</i>  'Permission will only be granted for any of the allocated sites if it can be demonstrated at application stage that they will <u>contribute in delivering</u> a continuous five year housing land supply

Ref	Page	Policy/ Paragraph	Main Modification
			<del>on a site specific basis</del> (i.e. measured against the <u>local plan housing trajectory allocation for the site</u> ). <u>This will be achieved via the Delivery Plans required for each strategic development site.</u>
MM 139	151	PR12b	<i>Amend point 3 to read:</i>  'the site has been identified in the Council's Housing and Economic Land Availability Assessment as a <del>potentially D</del> developable site'
MM 140	151	PR12b	<i>Amend point 5 (a) to read:</i>  'A comprehensive Development Brief <u>and place shaping principles for the entire site</u> to be agreed <u>in advance</u> by the Council in consultation with Oxfordshire County Council and Oxford City Council
MM 141	151	PR12b	<i>Amend point 5 (b) to read:</i>  'The Delivery Plan shall include a start date for development, demonstration of how the development would be completed by 2031 and a programme showing how <u>the site will contribute towards maintaining a five year supply of housing.</u> <del>(for the site) will be maintained year on year.'</del>
MM 142	152	PR12b	<i>Amend point 5 (h) to read:</i>  'a Heritage Impact Assessment which will <u>identify</u> <del>include</del> measures to avoid or minimise conflict with identified heritage assets within and adjacent to the site. <u>These measures shall be incorporated or reflected, as appropriate, in any proposed development scheme.'</u>
MM 143	152	PR12b	<i>Amend point 5 (i) to read:</i>  'a desk-based archaeological investigation which may then require predetermination evaluations and appropriate mitigation measures. <u>The outcomes of the investigation and mitigation measures shall be incorporated or reflected, as appropriate, in any proposed development scheme'</u>
MM 144	151	PR12b	<i>Add new point 3 to read:</i>  ' <u>50% of the homes are provided as affordable housing as defined by the National Planning Policy Framework.'</u>  <i>Renummer existing points 3 to 5 as 4 to 6.</i>
MM 145	155	PR13	<i>Amend last sentence of 3rd paragraph to read:</i>



Ref	Page	Policy/ Paragraph	Main Modification
			'This will include the implementation of Local Plans and County wide strategies such as the Local Transport Plan and the Oxfordshire Infrastructure Strategy <u>and associated monitoring</u> .
MM 146	162	Appendix 3	Update housing trajectory as indicated on revised trajectory <del>attached</del> (see page 58 of the Schedule of Main Modifications November 2019)
MM 147	163 to 182	Appendix 4	Update infrastructure schedule (see <del>attached</del> <del>updated schedule</del> pages 59-104 of the Schedule of Main Modifications November 2019)
MM 148	-	Whole Plan	Remove policy shading for PR3b, PR3c, PR3d and PR3e (land to be removed from the Green Belt) (note: retain shading for safeguarded land – PR3a) <del>(see attached Proposed Map Changes)</del> (see pages 47 to 57 of the Schedule of Main Modifications November 2019)

EP7

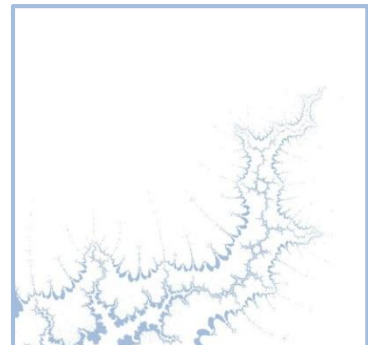
# **Economic Forecasting to Inform the Oxfordshire Strategic Economic Plan and Strategic Housing Market Assessment**

**Final report for Vale of White Horse District  
Council and partners**

**28 February 2014**

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## Authorisation

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Date	Authorised for submission by
28/2/14	Anthony Barker, Director

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## Executive Summary

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- Cambridge Econometrics and SQW were commissioned by Vale of White Horse District Council and partners to prepare a set of economic forecasts for Oxfordshire, to be used in the county's Strategic Housing Market Assessment (SHMA) and the Local Enterprise Partnership's (LEP) Strategic Economic Plan (SEP).
- The forecasts developed for the study, using Cambridge Econometrics' Local Economy Forecasting Model (LEFM) were developed in three stages:
  - **Baseline** projections, assuming that historical trends in relative growth in Oxfordshire compared with the wider South East (or UK) economy (on an industry-by-industry basis) seen over the past 15 years or so continue into the future.
  - **Alternative Population-based** projections, in which the Baseline population projections (ONS 2011-based SNPP) for Oxfordshire are replaced with an alternative set that correct particular anomalies (relating to the student population) in the ONS projections.
  - a final, **Planned Economic Growth** forecast, which reflects policy influences on economic growth such as proposals relating to the Science Vale Enterprise Zone, Oxfordshire City Deal, NW Bicester Eco Town and other planned infrastructure investment.
- The Baseline projections suggest that if historical trends in the relative growth performance of the Oxfordshire economy were to continue, employment in the county would increase by 36,400 (approximately 1,800 jobs per annum, or 0.4-0.5% pa) between 2011 and 2031. This is, on average, considerably slower than seen over 2001-11 (about 2,900 jobs pa, or 0.8% pa).
- The Alternative Population-based projections, which better reflect likely population growth in the county, suggest that employment growth in the county could actually average 0.6% pa over 2011-31, before the impact of above-trend policy impacts are added.
- The Planned Economic Growth forecasts suggest that a further (above trend) 27,750 direct jobs and 10,500 indirect jobs could be created in the county by 2031, due to proposals relating to the Science Vale Enterprise Zone, Oxfordshire City Deal, NW Bicester Eco Town and other planned infrastructure investment. This would mean a total increase in employment of around 88,000 over 2011-31, or 4,400 pa (1% pa). This compares with growth of around 3,000 pa (0.8% pa) seen over 2001-11. Sustained employment growth of 1% pa over a 20 year period would be an achievement, especially in the current economic environment, but is by no means unprecedented.
- When the jobs growth by district, based on the Planned Economic Growth forecasts, is compared with land allocated for development by district (taking into account that not all jobs locate on B Class land), it appears that there is sufficient land allocated in all districts except South Oxfordshire, where there could be a shortfall in relation to the requirement indicated under the Planned Economic Growth forecasts.

# 1 Introduction

---

In September 2013 Cambridge Econometrics and SQW were commissioned by Vale of White Horse District Council and partners (Oxfordshire Local Enterprise Partnership, Oxford City Council, Oxfordshire County Council, Cherwell District Council, South Oxfordshire District Council, West Oxfordshire District Council) to prepare a set of economic forecasts for Oxfordshire, to be used in the county's Strategic Housing Market Assessment (SHMA) and the Local Enterprise Partnership's (LEP) Strategic Economic Plan (SEP).

A Planned Economic Growth forecast was developed for the study, using Cambridge Econometrics' Local Economy Forecasting Model (LEFM), in three stages:

- **Baseline** projections, effectively assuming that historical trends in relative growth in Oxfordshire compared with the wider South East (or UK) economy (on an industry-by-industry basis) seen over the past 15 years or so continue into the future. The projections are consistent with CE's baseline economic forecasts for the nations and regions of the UK. Growth in some sectors (public administration, education, health, residential & social care, and retailing) is also influenced by population growth. The input assumptions for population growth in Oxfordshire in the Baseline projections are the ONS 2011-based interim subnational population projections (SNPP).
- **Alternative Population-based** projections, in which the input population projections for Oxfordshire are replaced with an alternative set that correct particular anomalies (relating to the student population) in the ONS projections.
- a **Planned Economic Growth** forecast which reflects policy influences on economic growth such as proposals relating to the Science Vale Enterprise Zone, Oxfordshire City Deal, NW Bicester Eco Town and other planned infrastructure investment

This report describes the methodology and development of the assumptions and forecasts, provides a description and comparison of the results, and draws out the policy implications for Oxfordshire and its districts.

Chapter 2 describes the methodology and results for the Baseline projections. Chapter 3 provides the same information for the Alternative Population-based projections. Chapter 4 provides a narrative and sets out the assumptions for the direct 'above trend' impact on employment for the Planned Economic Growth forecasts, and the results (including indirect and induced jobs) are described in Chapter 5. Finally, Chapter 6 considers the risks that need to be considered in delivering this scale of jobs growth, and how they should be factored into the overall forecasting work.

## 2 Baseline Projections

### 2.1 Introduction

This chapter presents the Baseline projections developed for each of the local authorities and Oxfordshire as a whole. Section 2.2 discusses the modelling framework and key assumptions underlying the Baseline projections, while the remaining sections describe the projections themselves.

### 2.2 LEFM and the Baseline projections

#### **The Baseline projections were developed in LEFM**

The Baseline employment projections presented in this chapter are developed using Cambridge Econometrics' Local Economy Forecasting Model (LEFM) tailored to the economy of Oxfordshire and its component districts (Cherwell, Oxford, South Oxfordshire, Vale of White Horse, West Oxfordshire).

LEFM is a demand-led model that models the relationships between firms, households, government and the rest of the world in a highly disaggregated framework (eg 45 industries), which enables the impact on the economy (employment and value added) of demand-side factors (such as an increase in demand due to stronger world growth) to be analysed. The disaggregated nature of the model is important because it allows the model to distinguish the very different relationships that exist between particular industries. For example, electronics is distinguished from other, more basic, manufacturing sectors that operate in completely different markets.

#### **Only demand-side impacts are modelled**

In LEFM, the impact on a local economy of faster population growth, say, is shown through the increased demand for goods or services in industries that are particularly dependent on population growth (eg retailing, public administration, health, education, leisure services, construction), which would feed through into higher output and employment (and into household incomes and spending) in those sectors.

The demand-side impact of a faster-growing population will not typically impact on firms in the electronics sector in the local area, say, as demand for goods from this sector will come almost entirely from the rest of the UK or world. The impact of supply-side factors, such as an increasingly-skilled workforce in the area attracting firms in particular sectors, is, as in other similar models, not modelled in LEFM.

#### **Population is an input to LEFM...**

In common with most sub-national economic models, population in LEFM is one of a number of inputs to the model – that is, population in LEFM is taken as given and does not change if economic growth in the local area changes.

#### **...and the Baseline uses the ONS 2011-based interim SNPP**

The population projections used for the Baseline projections are based on the ONS' 2011-based interim Sub-National Population Projections (SNPP) made consistent with the latest mid-year estimates (to 2011). As they are interim projections, the 2011-based SNPP only provide projections to 2021. For 2022 onwards the projected trends in the 2010-based SNPP are assumed to continue and so growth rates from the 2010-based SNPP have been applied.

**The Baseline projections assume the continuation of past relationships**

The Baseline projections are based on the assumption that historical relationships between growth in the local area relative to the South East or UK (depending on which area that industry has the strongest relationship with), on an industry-by-industry basis, continue into the future. Thus, if growth in an industry in the local area outperformed the same industry in the region (or UK) as a whole in the past, then it will be assumed to do so in the forecast period. Similarly, if it underperformed the South East (or UK) in the past then it will be assumed to underperform the region (or UK) in the future.

**The projections are consistent with CE's regional forecast, from May 2013**

The projections are consistent with CE's forecast for the regions and nations of the UK, as developed using the Multi-Sectoral Dynamic Model (MDM-E3) of the UK economy and published in May 2013.

The results for Oxfordshire and its districts are projections rather than forecasts. They represent the results of model-based analysis, but have not been refined in the light of qualitative information, legislative changes or other 'soft' information.

**Adjustments were made to the Baseline projections for education**

After reviewing the initial model-based Baseline projections, and following discussion with Oxfordshire County Council and the local authorities, the pure model-based projections for the education sector in Oxfordshire *have* been adjusted. This is because the education sector in Oxfordshire is thought to have particular characteristics that mean that benchmarking all its growth against the South East or UK is not appropriate going forward.

For example, prospects for growth in the education sector in Oxfordshire (particularly Oxford), is dependent to a large degree on demand for university-based research and demand from students throughout the UK and rest of the world (for university places), rather than demand from the school-age population in the county catchment area. With this in mind, the model-based Baseline projection for employment, which takes account of relative population growth in the county (and cuts in government education budgets at the UK level), was thought to be too low, and so adjustments were made to reflect the expectation that the education sector in Oxfordshire will suffer less of a downturn in employment growth in the short and medium term than the model-based projections would suggest.

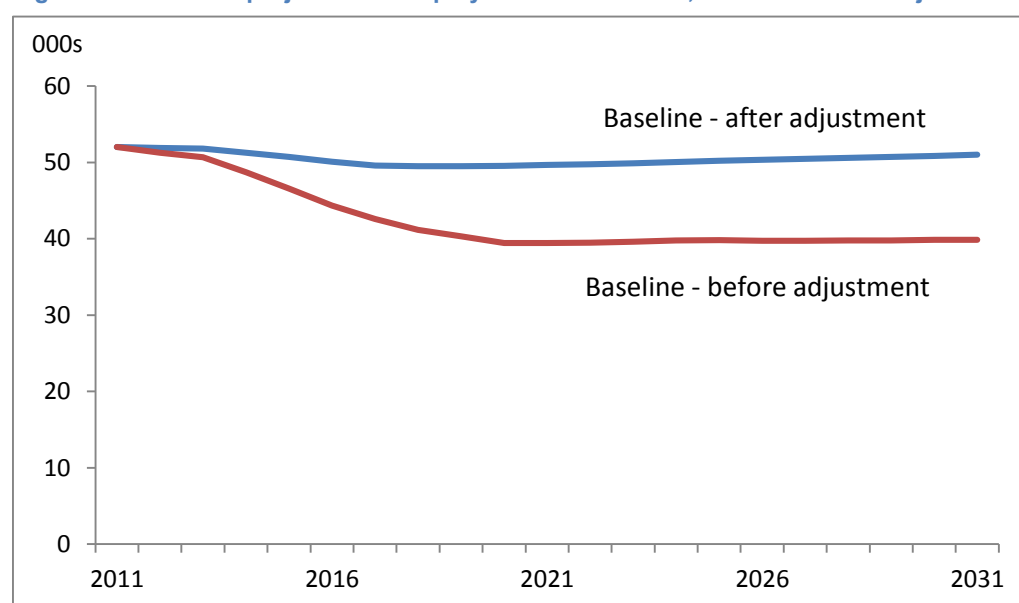
According to the ONS' Business Register and Employment Survey (BRES), almost half of all employment in education in Oxfordshire is in higher education, compared with only around one-fifth in the South East as a whole. The adjustment made is to assume that the half of employment in higher education in Oxfordshire remains constant over the forecast period (rather than falling, in the short term, in line with CE's assumptions for education as a whole). The other half (pre-school, primary, secondary and 'other') is assumed to move in line with CE's general assumptions for education, reflecting government spending cuts, as in the model-based Baseline projection. The adjustment is made to better reflect the particular drivers behind the education sector in Oxfordshire compared with the standard method for developing baseline projections in LEFM for other areas. The adjusted projection should still be seen as a 'business-as-usual' projection (ie what would happen if past relative

trends continued into the future) rather than any sort of policy adjusted forecast (as described in Chapters 4 and 5).

The result of the adjustment is presented in Figure 2.1, which shows that in the adjusted Baseline projection employment in education in Oxfordshire is around 11,000 higher than in the purely model-based (ie unadjusted) Baseline, in 2031.

The adjustments to the Baseline employment projection for education, by district, are shown in Table 2.1. The adjustment to the projection for employment in education in Oxfordshire as a whole was allocated to the districts based on the relative size of the education sector in each district. Thus, the impact of the adjustment is largest (7,800 in 2031) for Oxford city.

**Figure 2.1: Baseline projection of employment in education, before and after adjustment**



**Table 2.1: Impact of adjustments to Baseline projection of employment in education**

	2011 (000s)	2021 (000s)	2031 (000s)
Oxfordshire	0.0	10.2	11.1
Cherwell	0.0	0.9	0.9
Oxford	0.0	7.1	7.8
South Oxfordshire	0.0	0.7	0.8
Vale of White Horse	0.0	0.8	0.9
West Oxfordshire	0.0	0.7	0.7

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

### The projections are neutral to new policy at local level

Except insofar as particular policies were in force during the period over which the historical relationships have been estimated (around 15 years), and insofar as new policies are taken into account in CE's forecasts at a national and regional level (which drive the local area projections), the Baseline projections by local authority are policy neutral. For example, they would not take into account a new policy that favours a particular sector in the local area, or a decision to release land for economic development at a different rate than in the

past. As mentioned above, the UK regional forecasts underlying the Baseline projections were published by Cambridge Econometrics in May 2013. They take into account analysis of government spending plans as published in HM Treasury's Public Expenditure Statistical Analysis in July 2012 and Autumn Statement in December 2012.

**There are no constraints on labour supply**

In the forecasts developed for this study, it is assumed that employment growth is not restricted by labour market constraints, except insofar as such constraints have existed in the recent past (which would be reflected in the historical relationships that are estimated). If, in the forecast period, the labour supply in the local area is not sufficient to satisfy the level of employment projected, then the shortfall is assumed to be made up by increased net in-commuting.

**Employment in LEFM is measured as 'jobs'**

The measure of employment in LEFM and throughout this report is *jobs*, some of which are part time; the metric is not full time equivalent jobs. This means that the actual number of *people* employed in each area can be less than this figure, if, for example, someone has more than one part-time job. Estimates from the Annual Population Survey suggest that less than 4% of workers hold more than one job. The measure includes self-employment, whether on a full-time or part-time basis.

## 2.3 Headline findings for the Baseline projections

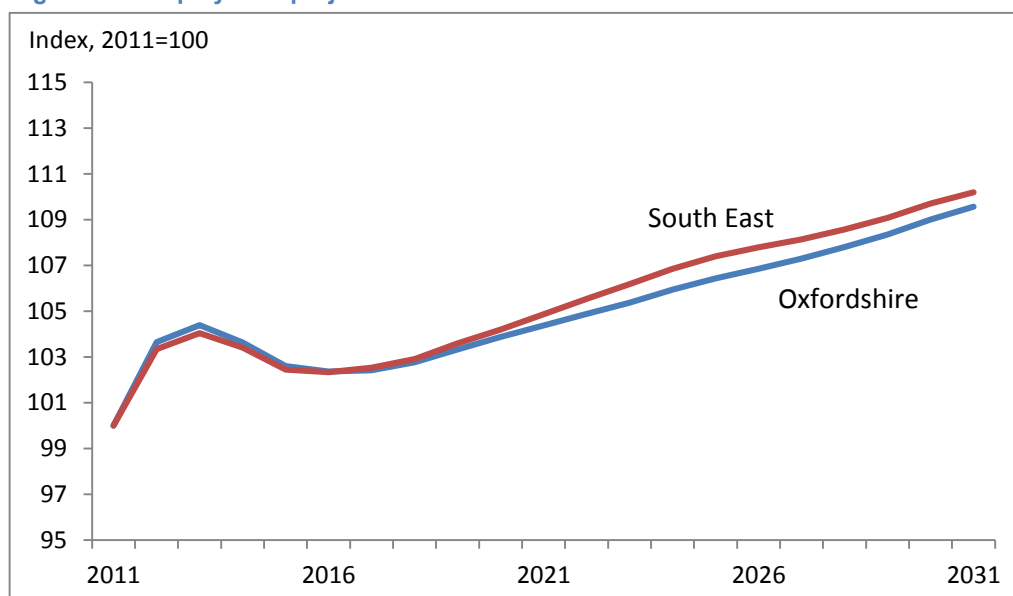
As discussed above, the Baseline projections are model-based projections in which historical relationships between growth in Oxfordshire and growth in the South East or UK, on an industry-by-industry basis, are expected to continue into the future. Rather than being a forecast of what we expect to happen in the future, it is a projection of what the Oxfordshire economy could look like if past trends (in terms of relative growth relationships, rather than trends in growth per se) were to continue into the future, with no change in policy. It should therefore be seen as a starting point, from which to build the further stages in which alternative population projections and changes in policy (be that government policy or changing business investment patterns, say) are taken into account. The further stages are described in subsequent chapters.

**Overall growth in employment in for Oxfordshire**

Figure 2.2 shows the Baseline projection for total employment in Oxfordshire, compared with CE's forecast for the South East. The data are indexed to 2011=100, so that they can be presented and compared in the same chart. The chart shows that employment in Oxfordshire is projected to grow at a slightly slower rate than the South East average in the medium term, and then at about the same rate in the longer term.

Table 2.3 shows levels, changes in levels, and growth rates, for employment in Oxfordshire, the districts and the South East and UK. It shows that over 2011-31 (2011 is the last year for which official ONS employment data were available for Oxfordshire and the districts at the time the forecast was developed) employment in Oxfordshire is projected to increase by 36,400 (approximately 1,800 jobs per annum, or 0.4-0.5% pa). This is, on average, considerably slower than seen over 2001-11 (about 2,900 jobs pa, or 0.8% pa). This result reflects the industry mix in Oxfordshire and CE's UK Regional forecast for prospects in particular sectors (especially education, health and residential & social care).

Figure 2.2: Employment projections in the Baseline



Slightly slower projected growth in employment in Oxfordshire compared to the South East over the whole period means that Oxfordshire's share of South East employment is projected to fall very slightly, from 8.7% in 2011 to 8.6% in 2031.

### Growth projections by sector

Table 2.2 and Figure 2.3 show the Baseline projections for Oxfordshire, by sector. They show that by far the biggest generator of jobs over the forecast period is expected to be financial & business services. The sector is projected to account for almost two thirds of the total increase in employment in Oxfordshire over 2011-31, even though it only accounted for around one fifth of total employment in 2011. By 2031 it is projected to account for just over 24% of employment in the county.

Growth in employment in accommodation & food services is also projected to be quite strong over the forecast period, with growth of 1.5% pa over 2011-21 and 0.9% pa over 2021-31.

Employment in government services is projected to see a slight fall overall (even with the adjustments made to education) between 2011 and 2021, due to the impact of the government's austerity measures on employment in the short and medium term. In the longer term, growth is projected to pick up once again.

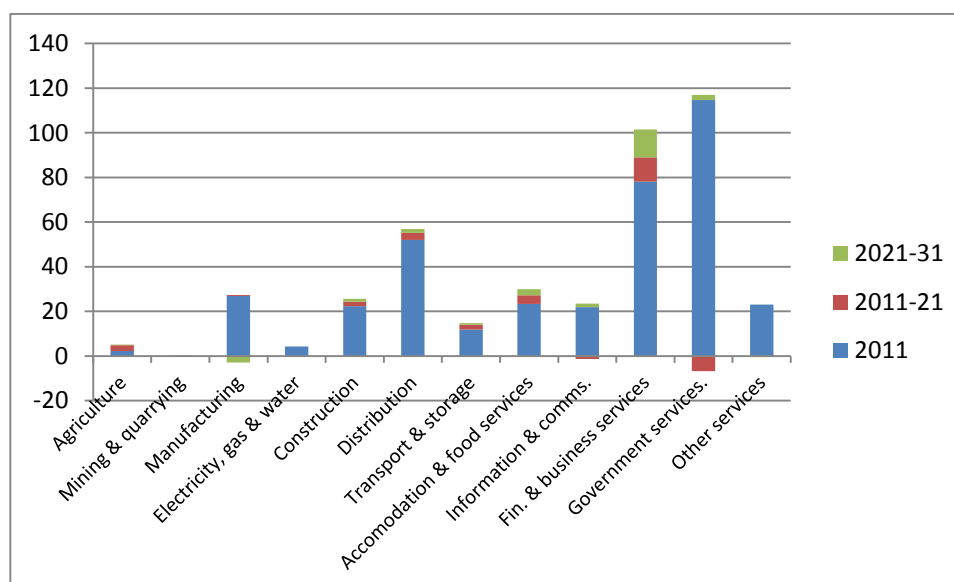
Manufacturing employment is projected to see some growth over 2011-21, but to see a fall over 2021-31.



**Table 2.2: Employment projections by broad sector in the Baseline, Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture etc	2.3	4.8	5.1	2.5	7.7	0.4	0.7
Mining & quarrying	0.2	0.2	0.1	0.0	-1.3	0.0	-3.3
Manufacturing	26.9	27.3	24.4	0.4	0.2	-2.9	-1.1
Electricity, gas & water	4.3	4.1	4.1	-0.1	-0.3	0.0	0.0
Construction	22.2	24.3	25.6	2.1	0.9	1.3	0.5
Distribution	52.0	55.2	56.8	3.2	0.6	1.7	0.3
Transport & storage	11.8	14.0	14.6	2.2	1.8	0.6	0.4
Accommodation & food services	23.4	27.2	29.9	3.9	1.5	2.7	0.9
Information & communications	21.9	20.5	22.1	-1.3	-0.6	1.6	0.8
Financial & business services	78.1	88.9	101.5	10.8	1.3	12.6	1.3
Government services	114.7	107.8	110.2	-6.8	-0.6	2.3	0.2
Other services	23.0	22.9	22.5	-0.1	0.0	-0.5	-0.2
<b>Total</b>	<b>380.6</b>	<b>397.3</b>	<b>417.0</b>	<b>16.7</b>	<b>0.4</b>	<b>19.7</b>	<b>0.5</b>

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

**Figure 2.3: Employment (000s) in 2011 and projected change in jobs 2011-21 and 2021-31 in the Baseline– broad sectors in Oxfordshire**

### Growth projections by district

The Baseline projections for the districts of Oxfordshire are based on the assumption that historical relationships between the relative growth in each district and Oxfordshire as a whole, on an industry-by-industry basis, continue into the future. In a similar way to the projections for Oxfordshire as a whole, therefore, the projections for overall growth in each district will depend on these historical relationships, industry mix, and the projections for growth by industry in Oxfordshire.

The Baseline projections (see Table 2.3) show employment growth picking up in *Cherwell*, following a fall between 2001 and 2011 (-0.4% pa), to grow faster (0.6% pa) than the South East (0.5% pa) as a whole over 2011-21 and at about the same rate (0.5%pa) over 2021-31. In absolute terms, Cherwell is projected to see the greatest increase in job numbers (4,800) among the Oxfordshire districts over 2011-21.

Employment growth in *Oxford*, on the other hand, is projected to slow from the rapid growth of 2% pa seen over 2001-11, to see no overall increase over 2011-21 and then grow slightly more slowly than the South East as a whole, at 0.4% pa, over 2021-31. The rapid growth in employment in Oxford over 2001-11 was driven mainly by very rapid (7.8% pa) growth in employment in education: 16,000 of the 22,000 additional jobs in the city during that period were in education. The Baseline projection (even after the adjustment described in Section 2.2 above) projects an overall decline in employment in education in Oxford in the short and medium term (reflecting the impact of the government's austerity measures on some parts of the sector), and even by 2031 employment in the sector in the city is projected to be slightly below that in 2011.

Despite this, and due to its relative size, Oxford is still projected to see one of the largest absolute increases in jobs (5,000) among the Oxfordshire districts over 2021-31 (see Figure 2.4).

**Table 2.3: Employment projections in the Baseline**

	2001-11		2011	2021	2031	2011-21		2021-31	
	(000s)	(% pa)	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Oxfordshire	29.6	0.8	380.6	397.3	417.0	16.7	0.4	19.7	0.5
Cherwell	-3.6	-0.4	79.4	84.6	89.2	5.2	0.6	4.7	0.5
Oxford	22.0	2.0	123.2	123.2	127.8	0.0	0.0	4.6	0.4
South Oxfordshire	2.5	0.4	65.1	69.4	72.8	4.3	0.6	3.4	0.5
Vale of White Horse	5.7	0.9	67.2	71.7	76.4	4.4	0.6	4.7	0.6
West Oxfordshire	3.0	0.7	45.7	48.4	50.8	2.7	0.6	2.4	0.5
South East	166.6	0.4	4387.2	4601.0	4834.9	213.8	0.5	234.0	0.5
UK	1281.0	0.4	31175.0	33460.5	35075.7	2285.5	0.7	1615.2	0.5
Oxfordshire as % of South East	17.8	0.4*	8.7	8.6	8.6	7.8	0.0*	8.4	0.0*
Notes: * percentage point per annum difference from South East growth.									
Figures are rounded to the nearest 100 jobs.									
Source: Cambridge Econometrics, January 2014.									

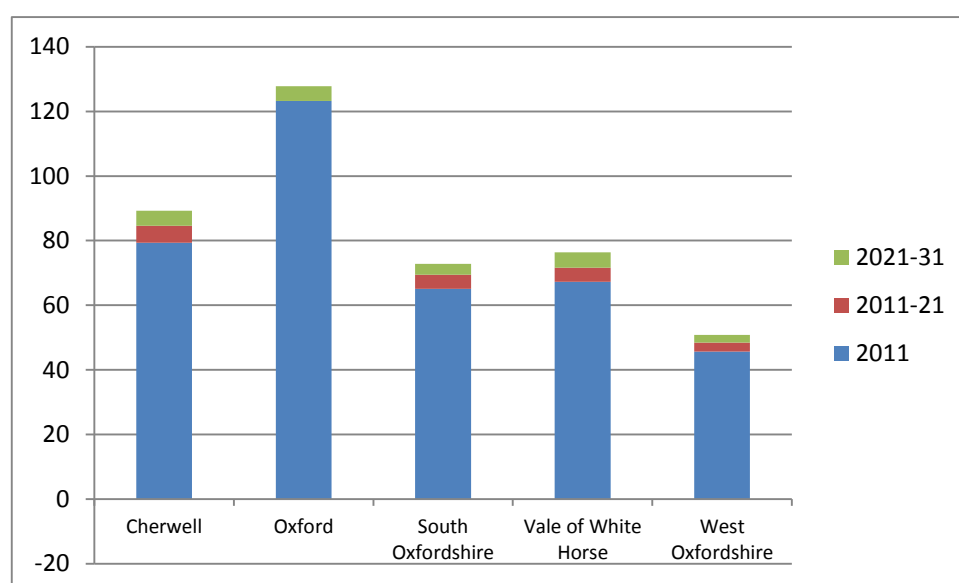
Employment growth in *South Oxfordshire* is projected to accelerate from 0.4% pa seen over 2001-11, to grow faster (0.6% pa) than the South East over 2011-21 and at the same rate as the South East (0.5% pa) over 2021-31.

*Vale of White Horse* is projected to continue to see employment grow faster than the South East as a whole, at 0.6% pa over the whole period 2011-31.

Similarly, *West Oxfordshire*, is projected to see employment growth of 0.6% pa over 2011-21 and 0.5% pa over 2021-31.

Growth in all the districts is projected to be largely driven by the Accommodation & food services and Financial & business services sectors. Financial & business services is projected to grow by 1.9% pa in Cherwell over 2011-31 and Accommodation & food services is projected to grow by 1.8% pa in South Oxfordshire over 2011-31.

**Figure 2.4: Employment (000s) in 2011 and projected change in jobs 2011-21 and 2021-31 in the Baseline– Oxfordshire districts**



## 3 Alternative Population-based Projections

### 3.1 Introduction

The Baseline projections presented in Chapter 2 use as their population assumptions the ONS 2011-based interim Sub-National Population Projections (SNPP) (and 2010-based SNPP from 2022 onwards). These inputs to the Local Economy Forecasting Model (LEFM) have an impact on projected growth in population-related industries such as retailing, public administration, health, education, residential & social care, as well as on other services through household spending.

The 2011-based SNPP have been found to under-report population in Oxfordshire due to under-reporting of the student population. The Steering group for the Strategic Housing Market Assessment (SHMA) therefore commissioned JG Consulting to produce a set of alternative population projections for the county and districts.

This approach incorporates the population projections for Oxfordshire developed as part of the SHMA. These projections were adjusted to take account of more recent data from the Office of National Statistics (ONS). The main adjustments are summarised below but this is explained more fully in the SHMA report.

In the four districts outside Oxford City the alternative population projection used the 2011- and 2010-based Sub-National Population Projections as a base position and made relatively small adjustments to take account of more recent data from ONS about levels of migration (in 2010/11 and 2011/12) and population growth in the 2001-11 period (informed by Census data). This saw population growth being higher in South Oxfordshire and Vale of White Horse and lower in Cherwell and West Oxfordshire when compared with the published ONS projections (i.e. the 2011-based projections rolled forward with reference to the 2010-based figure).

In Oxford, however, it was clear that population growth in the 2011- and 2010-based projections was far too low in comparison with past trends. After closer inspection of the data underpinning the official projections and in consultation with the City Council, it was concluded that this was most probably due to an over-recording of international out-migration. To develop an alternative population projection for Oxford a bespoke approach was therefore taken linking age/sex specific population growth over the 2001-11 decade and using this to prepare a migration matrix. An additional adjustment was made to the fertility rates used in the model to reflect actual number of births compared with the female population of child-bearing ages. Overall, this projection produced outputs which were more closely aligned to observe past trends in respect of both overall population growth and the age structure of the population.

After incorporating the alternative population projections, the forecast for employment in education in Oxford continued to look low compared to historical growth, particularly due to the on-going growth of the University of Oxford and

the importance of private education in the district. Historic data and trends were analysed, and a further adjustment was made so that the increase in employment in education over 2011-31 better reflects trend-based growth in employment in education in Oxford, without double counting the increase in jobs anticipated in the Planned Economic Growth forecast described in Chapter 4.

As with all models of this type, there are no supply-side linkages in the model such that an increased supply of a labour force with particular skills, say, would lead to expansion in a sector that requires those skills.

This chapter presents the results of the Alternative Population-based projections developed using the Local Economy Forecasting Model (LEFM), in which the Baseline population projections were replaced with the alternative population projections from JG Consulting, and in which the additional employment adjustments in education in Oxford were also included.

The alternative population projections are thought by Oxfordshire County Council to give a more likely picture of population growth in the future, and so these projections will effectively become the 'Baseline' on which the Planned Economic Growth forecasts will be constructed.

### 3.2 Headline findings for the Alternative Population-based projections

**The alternative population projections show much faster growth than the Baseline over 2011-31**

Figure 3.1 and Table 3.1 show the alternative population projections and Baseline (based on 2011-based and 2010-based SNPP) population projections for Oxfordshire. They show that the alternative projections have much faster growth over the whole forecast period, to 2031, than the Baseline population projections (SNPP). Population in Oxfordshire is projected to be 45,000 (6%) higher in 2031 under the alternative projections than in the SNPP.

Overall, population in Oxfordshire is projected to increase by 62,000 (9%) over 2011-31 in the Baseline projections and by 107,000 (16%) over the same period in the Alternative Population-based projections. For comparison, in the ten year period over 2001-11, population in Oxfordshire increased by 48,000 (8%).

**Population in Oxford is projected to grow much faster than the Baseline in alternative projections**

Within Oxfordshire, the differences between the two sets of population projections are varied. For Cherwell, the alternative population projections project a slightly lower increase (2,000 less) than the Baseline projections, and in West Oxfordshire project a slightly greater increase (1,100 more). For both South Oxfordshire and Vale of White Horse, the alternative population projections show population in 2031 about 5,000 higher than in the Baseline. The greatest variation in the projections is for Oxford, where the assumptions for the student population differ most from the SNPP Baseline. Total population in Oxford is projected to see only a very small increase (400) over 2011-31 in the Baseline projections, but to increase by almost 37,000 in the alternative population projections.

In terms of population growth, the annual average growth rates (% pa) in the alternative population projections for Oxfordshire as a whole, and for Oxford in particular, match more closely the rates seen over 2001-11.

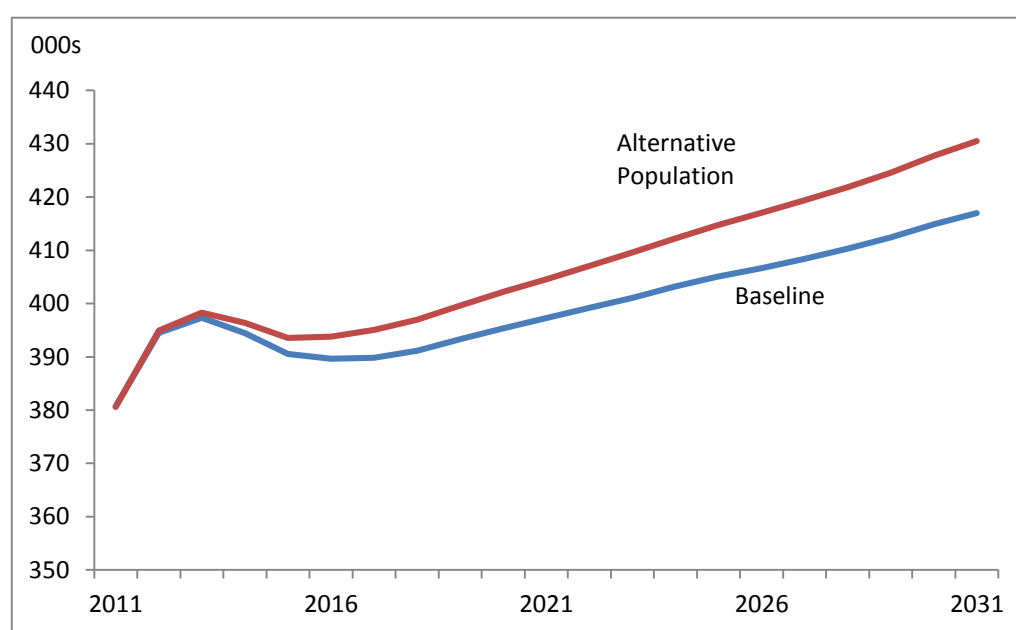
**Table 3.1: Population in the Baseline and Alternative Population-based projections**

	2011 (000s)	2001-11		Baseline			Alternative Population		
		(000s)	(% pa)	2031 (000s)	2011-31		2031 (000s)	2011-31	
					(000s)	(% pa)		(000s)	(% pa)
Oxfordshire	655.0	47.6	0.8	716.8	61.8	0.5	762	107.2	0.8
Cherwell	142.3	10.3	0.8	162.9	20.5	0.7	161	18.3	0.6
Oxford	150.2	14.7	1.0	150.6	0.4	0.0	187	36.8	1.1
South Oxfordshire	135.0	6.7	0.5	146.1	11.1	0.4	151	16.3	0.6
Vale of White Horse	121.9	6.1	0.5	134.5	12.5	0.5	139	17.4	0.7
West Oxfordshire	105.4	9.7	1.0	122.7	17.3	0.8	124	18.4	0.8
South East	8,653.0	629.6	0.8	10,007.0	1,354.0	0.7			
UK	63,233.0	4,119.5	0.7	72,558.2	9,325.2	0.7			

Notes: Figures are rounded to the nearest 100 people.  
Source: Cambridge Econometrics, January 2014.

### Overall growth in employment in Oxfordshire

Figure 3.1 and Table 3.2 show the employment projections in the Alternative Population-based and Baseline projections. The impact on employment of the alternative population projections has a similar profile to the difference between the two sets of population projections, as expected, with the employment impact widening throughout the forecast period. The impact on employment is less than proportionate. We wouldn't expect a 10% increase in population, say, to lead to a 10% increase in employment in the county. By 2031, total population in the alternative projections is 6% (45,500 people) higher than in the Baseline projections, while employment is only 3% (13,500 jobs) higher in the same period.

**Figure 3.1: Employment in the Baseline and Alternative Population-based projections - Oxfordshire**

**Table 3.2: Employment in the Baseline and Alternative Population-based projections**

	2011	2001-11		Baseline			Alternative Population		
	(000s)	(000s)	(% pa)	2031	2011-31		2031	2011-31	
				(000s)	(000s)	(% pa)	(000s)	(000s)	(% pa)
Oxfordshire	380.6	29.6	0.8	417.0	36.4	0.5	430.5	49.9	0.6
Cherwell	79.4	-3.6	-0.4	89.2	9.9	0.6	90.1	10.8	0.6
Oxford	123.2	22.0	2.0	127.8	4.5	0.2	136.6	13.4	0.5
South Oxfordshire	65.1	2.5	0.4	72.8	7.8	0.6	74.2	9.1	0.7
Vale of White Horse	67.2	5.7	0.9	76.4	9.1	0.6	77.9	10.6	0.7
West Oxfordshire	45.7	3.0	0.7	50.8	5.1	0.5	51.7	6.1	0.6
South East	4,387.2	166.6	0.4	4,835.9	447.7	0.5			
UK	31,175.0	1,281.0	0.4	5,075.7	3,900.7	0.6			

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

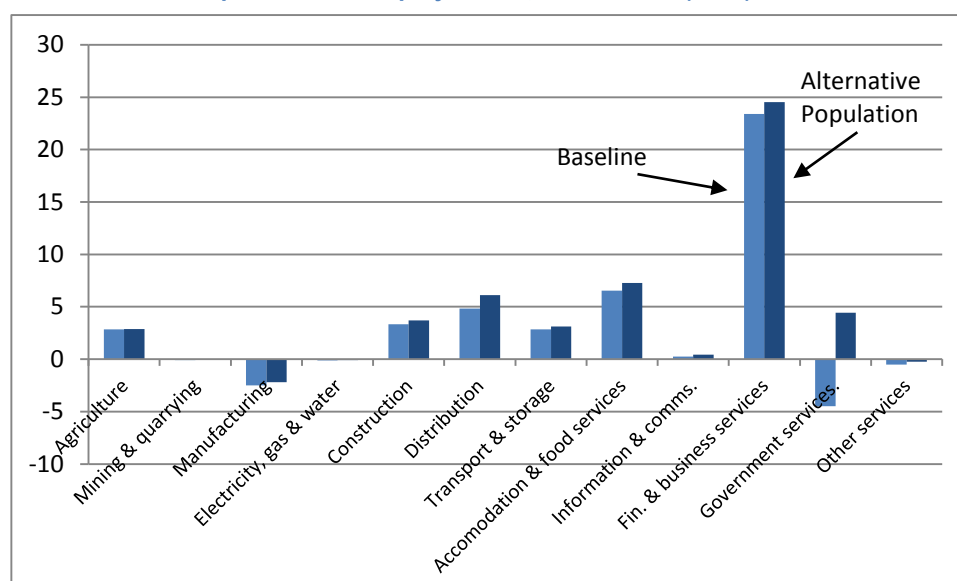
### Growth projections by sector

Table 3.3 and Figure 3.2 compare the employment projections, by sector, for Oxfordshire. They show that the biggest impact on employment is in Government Services (8,900 jobs), as this includes public administration, health, and education, for which growth prospects are closely linked to population growth in LEFM (and for which further adjustments were made to education in Oxford as part of this stage). At a more disaggregated level, the impact is greatest in education and health. There is also an increase of 1,300 jobs compared to the Baseline in Distribution, which includes retailing, due to higher household spending from the higher population. Similarly, higher household spending leads to higher employment (about 800 jobs) in Accommodation and food services, which includes bars, cafes and restaurants. There are also impacts in some other services, such as Financial & business services, as a result of higher demand from the higher population, but also through the knock-on effects from the businesses directly impacted by higher population (eg retailers requiring business services).

Although the increased population is specifically designed to represent higher student numbers, rather than a higher general population, the impacts described above are consistent with this: increased student numbers will create higher employment in education, more demand for health services (even if students remain registered outside Oxfordshire they will still use health services within the county), and increased retail spending and spending at bars and restaurants.



**Figure 3.2: Projected change in employment by sector over 2011-31 in the Baseline and Alternative Population-based projections, Oxfordshire (000s)**



**Table 3.3: Employment by sector in the Baseline and Alternative Population-based projections**

	Baseline			Alternative Population		
	2011 (000s)	2001-11 (000s) (% pa)	2031 (000s)	2011-31 (000s) (% pa)	2031 (000s)	2011-31 (000s) (% pa)
Agriculture etc	2.3	-3.5 -8.9	5.1	2.9 4.2	5.2	2.9 4.2
Mining & quarrying	0.2	-0.6 -12.8	0.1	-0.1 -2.3	0.1	-0.1 -1.7
Manufacturing	26.9	-12.6 -3.8	24.4	-2.5 -0.5	24.7	-2.2 -0.4
Electricity, gas & water	4.3	2.0 6.3	4.1	-0.1 -0.1	4.2	-0.1 -0.1
Construction	22.2	-3.1 -1.3	25.6	3.3 0.7	25.9	3.7 0.8
Distribution	52.0	-3.0 -0.6	56.8	4.8 0.4	58.1	6.1 0.6
Transport & storage	11.8	-0.3 -0.2	14.6	2.9 1.1	14.9	3.1 1.2
Accommodation & food services	23.4	7.9 4.2	29.9	6.5 1.2	30.6	7.3 1.4
Information & communications	21.9	5.2 2.8	22.1	0.3 0.1	22.3	0.4 0.1
Financial & business services	78.1	3.1 0.4	101.5	23.4 1.3	102.6	24.5 1.4
Government services	114.7	32.5 3.4	110.2	-4.5 -0.2	119.1	4.4 0.2
Other services	23.0	1.9 0.9	22.5	-0.5 -0.1	22.8	-0.2 -0.1
Total	380.6	29.6 0.8	417.0	36.4 0.5	430.5	49.9 0.6

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

### Growth projections by district

Table 3.2 shows how the employment projections in the Alternative Population-based projections compare to the Baseline across the local authorities. The pattern of differences in employment projections broadly follows the pattern of differences in population projections. The impacts across the districts within a particular sector are proportional to the relative size of that sector in each of the districts. For example, the impact on employment in education in Oxford is greatest because it accounts for the greatest share of employment in that sector in the county. Thus, districts that do not see a particularly large increase in

population in the alternative population projections compared to the Baseline may still see a relatively large impact on employment. This will happen if they have a relatively large number of businesses in a sector that is impacted by higher overall population (because the districts are assumed to serve a county-wide catchment in the model).

The biggest positive difference (Alternative Population-based versus Baseline) in employment terms is in Oxford, with 8,800 extra jobs projected by 2031 in the Alternative Population-based projections. South Oxfordshire and Vale of White Horse each see employment in 2031 higher by around 1,400-1,500 jobs. Employment in Cherwell also increases slightly, despite its population in the alternative projections being lower than in the Baseline, as a result of businesses in the district being able to benefit from opportunities offered by a larger population in Oxfordshire as a whole.

Table 3.4 shows the impact of the alternative population projections on employment by broad sector in each district. The table shows that in the sectors that are directly impacted by population (Government services) the biggest impact is seen in Oxford. This is expected given where the biggest change to the population projections has been made, and the share of those sectors that are in Oxford, as well as the adjustment made to employment in education. Similarly, the greatest increase in retail jobs (Distribution) is also seen in Oxford. For the other services (eg Financial & business services, and Accommodation and food services) the impacts are more evenly spread across the districts, due to the proportion of employment in those sectors in each district.

**Table 3.4: Impact of Alternative Population-based projections on employment by district and sector – 2031 (000s)**

	Oxfordshire	Cherwell	Oxford	South Oxfordshire	Vale of White Horse	West Oxfordshire
Agriculture etc	0.0	0.0	0.0	0.0	0.0	0.0
Mining & quarrying	0.0	0.0	0.0	0.0	0.0	0.0
Manufacturing	0.3	0.1	0.0	0.0	0.1	0.1
Electricity, gas & water	0.0	0.0	0.0	0.0	0.0	0.0
Construction	0.4	0.1	0.0	0.1	0.1	0.1
Distribution	1.3	0.1	0.7	0.2	0.2	0.1
Transport & storage	0.3	0.1	0.1	0.0	0.1	0.0
Accommodation & food services	0.8	0.1	0.1	0.3	0.1	0.1
Information & communications	0.2	0.0	0.0	0.0	0.0	0.0
Financial & business services	1.1	0.3	0.3	0.2	0.2	0.2
Government services	8.9	0.0	7.5	0.5	0.6	0.3
Other services	0.3	0.1	0.0	0.1	0.1	0.1
Total	13.5	0.9	8.8	1.4	1.5	0.9

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

## 4 Developing the Assumptions for the Planned Economic Growth Forecasts

### 4.1 Introduction

The Brief for this study requests the production of a Planned Economic Growth forecast to reflect policy influences on economic growth such as proposals relating to the Science Vale Enterprise Zone, Oxfordshire City Deal, and planned infrastructure investment. The Brief requests that the assessment of planned economic growth includes a geographical dimension for areas within Oxfordshire, and also potential cross boundary influences.

The Planned Economic Growth forecast avoids double counting. Trend forecasts are based in part on the patterns of growth in Oxfordshire in the past, and they therefore incorporate the influence of policies applied at that time. The point of the Planned Economic Growth forecast is to consider what effects recent changes - such as those mentioned above, and which would not be reflected in the trend forecasts - are likely to have on jobs growth to 2031.

It is also important to focus on net change. Most of the Planned Economic Growth job impacts considered in this section are unlikely to involve displacement within Oxfordshire: for example, an increase in research funding, and related jobs, at Oxford University could possibly result in displacement of research funding from elsewhere in the UK, but not from elsewhere in the county. However, there are examples where local displacement could occur: for example, in considering the effects on jobs of the designation of the Science Vale Enterprise Zone we have used the net additional jobs figure that was included in the EZ submission document rather than the gross additional employment expected within the EZ area. This is because the EZ could potentially attract firms to relocate from surrounding areas, due to the fiscal incentives available.

Therefore, the Planned Economic Growth forecasts only take account of the net change in jobs (ie excluding displacement) resulting from planned economic growth over and above what could be expected on the basis of past trends.

The approach we have taken involved the following process:

- A review of the relevant policy documents and any jobs forecasts they contain<sup>1</sup>

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<sup>1</sup> The principal policy and other documents reviewed include the latest versions of the district council local plans and employment land reviews, the submitted Oxfordshire City Deal submission 2013; the draft NW Bicester Eco Development Economic Strategy 2013; the Oxfordshire Innovation Engine report 2013; Invest Oxfordshire information sheets on various sectors; Oxford Economic Growth Strategy; the Oxford Bioescalator Business Plan 2013; the Science Vale Enterprise Zone Bid document; OBN Biocluster report (2011) and UK Biofinancing Overview (2012); Study into the UK Motorsport and Performance Engineering Cluster (2003); press release from the Department for Business Innovation and Skills, "UK space industry set to rocket with £240 million of investment (2012).

- Interviews with all the local authorities, and a selection of other organisations (eg Oxford Airport)
- A meeting with the client group to calibrate and adjust initial thinking
- Internal team discussions to decide how expectations for above trend growth should be factored into a Planned Economic Growth forecast. This is mainly a question of deciding which sectors to allocate the additional jobs to.

We also drew extensively on our knowledge of the Oxfordshire economy and business community derived from recent consultancy commissions, including the Oxfordshire Innovation Engine, the Bioescalator Business Plan and the NW Bicester eco development economic strategy. The first of these involved in-depth interviews with over 100 businesses and other relevant organisations in Oxfordshire. The other two studies also involved substantial consultations.

It is important to note that the forecasting model has multiplier effects built in. Therefore we have not tried to assess these separately.

The following sections summarise views on potential policy led employment growth which were input into the Planned Economic Growth forecast.

## 4.2 Factors likely to stimulate growth above trend

### Research activities - Oxford

#### University of Oxford

The University employs over 4,000 staff, including post doctorates, in the STEM (science, technology, engineering and mathematics) and medical fields and there are over 3,000 postgraduate students working in these disciplines. Over the last five years, the University has secured more external grant income for STEM and medical research than any other UK university, rising by an average of 9% per year to over £400m in 2011/12<sup>2</sup>. There are particular strengths in biological sciences, medicine, mathematics and statistics, for which it is ranked first in UK. It was also placed in the top five in general engineering, materials science and computer science.

These strengths result in significant growth. For example, the number of post-doctoral students in computer science has doubled during the last five years. The Medical Sciences Division is one of the largest in Europe with 2,500 staff and 800 postgraduate students involved in medical research. Over £1.2 billion has been invested in biomedical academic research in Oxford over the past five years, which has underpinned the area's profile in the commercialisation of bioscience.

The University is undertaking a staged redevelopment of the whole of its Science Area, based on a masterplan which, when fully implemented over the next 5-10 years, will add 33% to existing floorspace. In addition, the former Radcliffe Hospital site is currently being redeveloped to accommodate an additional 122,500 sqm of educational and research floorspace. Recruitment of 1,000 new post doc researchers is planned, which in turn will lead to a requirement for more supporting staff. Additional research space is also likely

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<sup>2</sup>HESA Planning Plus 2013

to be required for the Medical Science Division due to its success in attracting research funding.

The University has also been purchasing individual sites on the Osney Mead industrial estate (Botley Road), which over recent years has been under-utilised. The estate comprises 18.3 hectares, and in the region of 51,600 sqm of principally Class B floorspace. It is likely that the site will be more actively used by the University and will create new jobs, which could include a mix of research and development, office and educational activities.

The significant increase in floorspace for research and teaching provided by these developments will enable a step change in growth over and above past trends. The demonstrated capability of the University to attract increasing research funding means that these opportunities for growth are likely to be realised.

### **Oxford Brookes University**

Oxford Brookes University is one of the strongest new universities in the UK and has distinctive expertise in the life sciences, computer science, engineering and the built environment. It has strong local business linkages, including with the motorsport and auto engineering sectors.

Oxford Brookes is also implementing a masterplan for its main Headington campus, which will lead to a slight reduction in total floorspace but much more efficient usage. This will give scope for some increase in student numbers, resulting in an increase in employment on the site. However, this may be offset by reductions of employment on other sites.

### **Implications for employment forecasts**

Most of the employment growth is likely to occur in the University of Oxford, primarily as a result of the substantial increase in space for research and teaching in the Science area, the former Radcliffe Hospital site, and the Churchill site (which accommodates most of the research activities undertaken by the Medical Sciences Division). Currently there are 4,000 staff and 3,000 post graduate students in the STEM and Medical Sciences areas combined. Assuming that floorspace available for these subjects will increase by 30% (i.e. the same as in the Science Area) as a result of developments already in the pipeline, and that employment increases proportionately, this would result in another 1,200 employees and 1,000 post graduates. However, these figures relate only to the plans already being implemented. The availability of further space at Osney Mead, and the likely continued growth of STEM and medical science research throughout the period to 2031, suggest that new jobs could substantially exceed this figure.

None of the above estimates take account of growth in the arts and social sciences, and in central university and college administration, which we assume will continue but in line with past trends.

We therefore consider that expansion of the University of Oxford to 2031 could result in **2,000 additional jobs** in the education sector, over and above the adjusted trend based forecasts.

### **Research activities – Harwell, Science Vale EZ and Culham**

### **Harwell and Science Vale EZ**

Harwell Oxford hosts two major facilities - the Diamond Light Source synchrotron and the ISIS neutron source - the Science and Technology Facilities Council's (STFC) Rutherford Appleton Laboratory (RAL), which

includes the Central Laser Facility, and other smaller research and innovation infrastructure. This includes the MRC Mammalian Genetics Unit Biological Solid State NMR Protein Laboratory, the Satellite Applications Catapult Centre and the European Space Agency Business Incubation Centre. STFC and the Diamond Light Source together employ nearly 2,000 people. We do not have figures for the other facilities, although the whole Harwell site currently accommodates 4,500 people.

There are strengthening research links with Oxford University, which could have a significant impact on Harwell's international profile and attractiveness. There is also an increasing number of researchers from other UK universities, major corporates and international organisations who spend periods of time at Harwell using the various facilities.

The increasing interest in attracting other R&D based activities to Harwell is demonstrated by the decision by UKAEA to enter into a joint venture with Goodman and the successful bid for Enterprise Zone (EZ) status. Take up of employment space within the EZ is already factored into Local Plans and their provision for housing. However, there is scope for considerable further development at Harwell beyond the EZ, including both intensification of the publicly funded research activities and additional business space. The total area available for development amounts to 99ha, of which 64ha is within the EZ. There is scope, therefore, for employment on site well in excess of that envisaged in the EZ proposals.

The UK Science Vale Enterprise Zone, which includes 64ha at Harwell and 28ha at Milton Park, is expected to accommodate 8,400 jobs, of which 5,040 are net additional (source: bid submitted by Oxfordshire Local Enterprise Partnership to the Department for Communities and Local Government, pp 52-53). If these are distributed proportionately to land, then 5,800 jobs would be at Harwell (net 3,500). At the same density, the whole Harwell site would accommodate nearly 9,000 jobs (5,400 net), in addition to the 4,500 already based there. Table 4.1 summarises the current and prospective employment situation on the Enterprise Zone and the rest of the Harwell site.

**Table 4.1: Jobs potential on the UKSV Enterprise Zone and the rest of Harwell**

	SVUK Enterprise Zone		Rest of Harwell – already developed	Rest of Harwell – to be developed	Total Harwell
	Harwell	Milton Park			
Land (ha)	64	28	n/a	35	n/a
Existing employment			4,500		4,500
Potential (gross) new employment	5,800	2,600		3,200	9,000
Net new employment (allowing for displacement)	3,500	1,600		1,900	5,400
Note: gross to net based on estimates in EZ submission					

**Culham** Culham Science Centre has 2,000 jobs currently, and has capacity to accommodate another 1,000 jobs. The Joint European Torus (JET) facility will be moving to France within the next few years, but employment growth on the site seems assured due to its strong and distinctive science base.

Jobs growth beyond 3,000 is constrained currently by significant traffic issues in the local road network, but if the rail improvements between Oxford and Didcot are implemented as proposed in the City Deal submission (which would include a new station at Culham), this cap could be lifted in the longer term.

### **Implications for employment forecasts**

The UKSV enterprise zone (EZ) status was awarded in 2011 on the basis that the designated areas would be fully developed by 2016. In practice, this was always an ambitious timescale, and the prolonged downturn in economic activity has made it impossible. However, on the Milton Park part of the EZ, MEPC has undertaken some speculative office development (see <http://www.mepc.com/miltonpark/101and102ParkDrive/Home.aspx>) and on the Harwell site, STFC are in the process of changing their JV partner in order to ensure development is brought forward more quickly. Both sites and the strategic location are attractive to the market, and the economy is recovering. Take up of land is therefore likely to accelerate, although the scale of the EZ suggests that it will take 10 years or more for it to be fully developed and occupied.

We assume these jobs will be classified to a mix of R&D (within 'Other Professional Services'), IT services, electronics and pharmaceuticals.

Some growth of employment in the 'big science' research facilities at Harwell (which are not within the designated EZ) is likely, due to increased demand from academic and corporate researchers to use the facilities and the strengthening links with the University of Oxford.

The potential for strengthening of the links between Harwell and the University of Oxford were highlighted in the Oxford Innovation Engine report (paragraphs 7.8), and although there are already informal links (for example, Oxford University researchers are the most numerous users of the Diamond Synchrotron at Harwell), in the past the institutions have not actively promoted the relationship. However, there is recent evidence of increasing activity in this direction: for example, a joint publication entitled "University of Oxford & Harwell Oxford: A partnership for discovery and innovation" (September 2013) described and promoted collaboration opportunities, and included a quote from Dr Tim Bestwick, Executive Director of Business and Innovation at STFC, stating that "Working together there is tremendous opportunity for the University of Oxford and Harwell Oxford to stimulate and support the growth of high technology companies." ([http://www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/researchsupport/documents/impactandke/Harwell&Oxford\\_8pp.pdf](http://www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/researchsupport/documents/impactandke/Harwell&Oxford_8pp.pdf)). In addition, a Google search identified various job advertisements at Harwell that refer to close links with Oxford University. These factors suggest that some above trend growth is also likely in employment in the research facilities at Harwell.



We also assume that by 2031 Culham will accommodate 1,000 additional jobs, part of which is likely to be above trend.

In total therefore, we estimate the increase in jobs above trend could be as follows:

- **5,400 (net) at Harwell and Milton Park**, primarily in the EZ but also on other land at Harwell, including some relatively small scale above trend growth in the research facilities linked in particular to greater University of Oxford involvement there. These jobs should be classified to a mix of Other Professional Services, IT services, electronics and pharmaceuticals
- **500 at Culham**, in a mix of Other Professional Services, IT services, electronics, and pharmaceuticals.

The geographical split would be 500 in South Oxfordshire and 5,400 in Vale of White Horse.

### Space Science and Satellite technologies

As discussed above, expectations regarding the growth of research and related business activity at Harwell are covered by land allocations, both within and beyond the Enterprise Zone. However, the growing importance of Oxfordshire vis-à-vis space science could have particularly significant implications for jobs growth above and beyond existing commitments. The UK Space Agency, the European Space Agency (ESA), the International Space Innovation Centre and the new Satellite Applications Catapult are all based at Harwell.

The Government estimates that space science will grow from a £9bn industry now to one worth £40bn by 2031, generating 100,000 new jobs<sup>3</sup>. Harwell has a unique concentration of nationally significant research and commercialisation facilities in this sector, which will undoubtedly attract firms and jobs to the area. A reasonable assumption is that one tenth of the national growth in space science jobs by 2031 will be based in and around Harwell.

### Implications for employment forecasts

This means that there may be approximately 10,000 new jobs in space science and satellite technologies located in and around Harwell by 2031. A proportion of those jobs (say 4,000) will be located on the existing sites at Harwell and Culham and are therefore included in the figures above. Of the remainder, some (say 2,000) will be located outside Oxfordshire (e.g. at Reading Science Park, since the University of Reading hosts the NERC National Centre for Earth Observation which has links with Harwell). That leaves another **4,000 jobs within the county**, most of which are likely to cluster around Harwell in Vale of White Horse, with the remainder located further north where business space is lower cost and expected to be in plentiful supply, and there are relevant manufacturing and engineering skills (eg around Bicester and Banbury). These jobs will be additional to those already in the local economy since they relate to the commercialisation of new technologies, and therefore there is unlikely to be a displacement effect. They are likely to be classified to a mix of 'Other transport equipment' (which includes manufacture of satellites and related equipment),

<sup>3</sup> "UK space industry set to rocket with £240 million of investment": press release from the Department for Business Innovation and Skills, 9 November 2012

R&D and IT services. We suggest the assumption should be that 2,500 will locate in Vale of White Horse and 1,500 in Cherwell.

### Bioscience sector

The Biocluster Report 2011: Transition, published by OBN, identified 163 bioscience firms across Oxfordshire. This represented an increase of 14% between 2008 and 2010 (i.e. through the financial crisis and recession) with most of the growth in stock resulting from new start-ups and spin-outs (rather than company relocations). The report also notes that between 2008 and 2010, the ten largest Oxfordshire-based fundraisers received some \$313 million – approximately one sixth of the total investment in the UK bioscience over the same period and indicative of the potential within the sector for further growth.

One company, Oxford Nanopore Technologies, accounted for approximately one third of the investment. A case study on the firm which is included in the recently published Oxfordshire Innovation Engine report by SQW<sup>4</sup> states that “at an appropriate time in the company’s development, Oxford Nanopore Technologies is likely to open a manufacturing facility in Oxfordshire which may start by employing 50-100 people.”

The local development of manufacturing may not be an appropriate option for the growth of all bioscience firms (e.g. some will remain focused on R&D and licence their technologies to be manufactured elsewhere, some are purely service organisations), but it is reasonable to assume that other firms in Oxfordshire will follow the growth path sketched out by Oxford Nanopore (the OBN report classifies 24 other bioscience firms in Oxfordshire to the same sub sector as Oxford Nanopore). If one other bioscience firm every two to three years follows this path over the period to 2031, and these facilities continue to grow after initial establishment, then this would create at least 1,500 new jobs over the period, and possibly considerably more. The most likely location for such manufacturing facilities is the north of the county, where property costs are lower and there are strong manufacturing skills in the workforce.

In addition, the Medical Science Division of the University of Oxford has attracted a substantial amount of investment by corporates and charities in Oxford (mainly co-located with the Medical Sciences Division at the Churchill site), and this is likely to continue. The proposed bioescalator alone could create around 500 new jobs, and this facility should accelerate the formation and growth of bioscience firms linked to the research base. Development of the Northern Gateway will provide business space to accommodate larger bioscience and other technology based firms, which will complement existing provision at Oxford Science Park and Oxford Business Park. The Northern gateway alone is able to accommodate up to 7,000 jobs when fully developed and occupied.

### Implications for employment forecasts

Based on the growth potential of the bioscience sector in Oxfordshire, we estimate that **1,000 new jobs (above trend) could be created in Cherwell, and 1,500 new jobs (also above trend) in Oxford**. There will also be new job creation in the south of the county, but we assume this is already accounted for

<sup>4</sup> <http://www.sqw.co.uk/news#david-willetts-launches-sqw-report-the-oxfordshire-innovation-engine-realising-the-growth-potential>

in the above figures for the Harwell, Milton Park and Culham. These jobs are most likely to be categorised to R&D or pharmaceuticals.

### Health sector

The NHS is investing in centres of excellence, of which Oxford is one. Oxford is a leading global centre for cancer research, and Nuffield Orthopaedic does a lot of international work. The scale of research at the University Medical Science Division and the investment it has attracted has already been mentioned. These factors suggest further expansion of health sector employment in Oxford is likely, in contrast to expectations for the NHS in general which are relatively flat due to constraints on government spending. Healthcare is labour intensive, and generates jobs at all skill levels, hence the jobs impact of additional growth is likely to be considerable. It should also be noted that the health sector is already experiencing difficulty recruiting for lower paid positions due to housing costs.

### Implications for employment forecasts

The concentration of NHS investment on centres of excellence, and the attractions of Oxford for the private and charitable health sector, could result in an additional **2,500 jobs in Oxford** to 2031 above trend, which would amount to growth of just over 10% in employment in the sector over this period. The trend growth is largely related to the growth and ageing of the population, whereas the above trend growth is related to an increased focus of research and specialist healthcare on the health facilities in Oxford. Therefore these additional jobs would be most likely be classified to a mix of R&D and healthcare.

### Advanced engineering

Within the advanced engineering sector in Oxfordshire, auto engineering is particularly important. BMW in Oxford has been a major success story, although employment has remained constant at about 4,000 for the last 10 years, despite increased production. However, BMW announced in December 2013 that they will increase employment by 1,000 in their UK manufacturing plants over the next three years, with the majority of that increase at Cowley. We understand that the increase at Cowley is expected to be 700 permanent jobs. BMW are also developing plans to expand onto the former Rover sports ground to create additional manufacturing jobs, and are talking to major suppliers regarding the possibility of consolidating some activities at the Cowley site, although the outcome of these talks is uncertain.

In the motorsport sector, some of the firms within Oxfordshire have major expansion potential. For example:

- Caterham F1, located in West Oxfordshire, has 200 employees at present and is likely to grow to 400 assuming it retains the F1 team. It is also possible that it will move Caterham Cars to Oxfordshire from Kent. The site has plenty of room for employment growth
- Williams already employ 500 people at Grove and are expanding into other business areas, such as energy efficiency, exploiting the technologies and expertise developed through their motorsport activities. They also have substantial space for expansion
- Prodrive employ 360 people at their Banbury HQ, and 500 in total in the UK. They are in the process of moving to a new site in Banbury which

will provide 50% more floorspace and a much more efficient layout, enabling a substantial expansion of employment.

Growth can also be expected in some other areas of advanced engineering. Oxfordshire has long established expertise in instrument engineering, magnet technology and cryogenics, and if the automotive and motorsport sectors grow there will be a corresponding increase in demand in specialist supply chains such as in composites and aerodynamics (expertise which is also in demand in other sectors such as aerospace). Begbroke Science Park (in Cherwell District) is likely to be a focus for R&D activities in advanced engineering, but manufacturing and service activities are likely to be more widely dispersed around the county.

### Implications for employment forecasts

Nationally, employment in the engineering sector is expected to continue to decline. However, Oxfordshire has specialisms which are likely to lead to growth locally. In some areas, the pattern of future growth may be no different from past trends, but the expansion plans of some existing firms in the advanced engineering sector, and the knock-on impact in the supply chain for the motorsport and automotive sectors (including a wide range of firms based in Oxfordshire), suggests that there is likely to be an additional 3,000 jobs in these industries (SICs for engineering services, motor vehicles and electronics) to 2031, including **1,000 in Oxford, 1,000 in Cherwell, 500 in West Oxfordshire, and 500 in Vale of White Horse**, where the major firms are located.

### Environmental technologies and green construction

The NW Bicester Eco Development is expected to support the creation of one job per dwelling. When fully developed it is likely to comprise up to 6,000 dwellings, although the draft Cherwell Local Plan expects at least 1,800 homes and jobs to be delivered in the period to 2031. A significant proportion of the jobs are expected to be in eco construction and environmental goods and services, to exploit the opportunities relating to the Eco Development itself and also the consequent branding of 'Eco Bicester' (which has, for example, stimulated a large energy efficiency retrofit programme for the existing housing stock in Bicester). For example, at least 150 construction jobs are expected to be created to build the development over a 30 year period, many involving training (including apprenticeships) in sustainable construction methods. Currently there are 400 people employed in construction in Bicester, so this would involve a significant increase.

There will also be opportunities to supply specialist products and services to construct the Eco Development (in areas such as ground source heating, solar photovoltaics, water recycling, etc), and an Eco Business Centre (part funded by Government grant, and likely to accommodate around 100 jobs) is expected to stimulate jobs in the sustainable construction and environmental goods and services sectors.

All construction in the county (and elsewhere in the country) will be affected by changes to building regulations which will introduce tougher standards regarding energy efficiency, etc. Hence the market for new methods and materials will grow, but the Eco Development at Bicester is likely to attract particular attention as the first designated ecotown in the country.

## Implications for employment forecasts

There are firms in these sectors in the county already that can supply some of the required goods and services, but the Eco Development is expected to stimulate a step change in jobs growth, particularly in and around Bicester. Cherwell Council's assumptions regarding the speed of development of eco homes and jobs on the development are conservative (largely because of other housing sites in Bicester which are likely to be developed over the same period). The assumed rate is 100 per year, although it could easily be twice that rate, particularly as demand for housing is likely to increase in response to economic growth. It would therefore be reasonable to assume an additional **150 jobs in construction** and **1,000 in environmental goods and services** over the period to 2031. Whilst many of these additional jobs will be in Cherwell, some are likely to be distributed more widely across the county.

### Retail

Despite the general downturn in the High Street retailing sector in recent years as a consequence of both the squeeze on incomes and a shift towards on-line retailing, there is a significant amount of development activity underway and planned in Oxfordshire which suggests that the sector will continue to experience employment growth in future ahead of national trends.

In Oxford, a planning application for redevelopment and expansion of the Westgate Centre has been received. The timescale is for construction to start in 2015 and completion by 2017. John Lewis has committed to the new scheme. The net additional retail is between 54,500 sqm and 81,900 sqm (compared with the current 34,000 sqm). It also includes associated services (Class A2-A5 uses), which range from 6,200 sqm to 27,000 sqm new additional floorspace, and a new cinema (D2) of 5,990 sqm. The redevelopment is expected to create 3,400 net new jobs, although it could also result in some short term displacement. This would result in an increase in retail employment in Oxford of over 40%.

Elsewhere in Oxford, district retail centres have remained buoyant. Templar Square in the south of the city is due to be refurbished: this will not increase floorspace but it will make the existing space more secure.

Elsewhere in the county there are schemes underway or planned at:

- Abingdon - completion of the town centre retail development
- Banbury – various sites around the town centre are identified in the local plan for redevelopment/regeneration for town centre uses including retail
- Bicester - including further expansion of retail and other services in the town centre which is expected to create 1,000 new jobs, as well as proposed expansion of Bicester Village Outlet Centre
- Didcot - phase 2 of the town centre retail development will comprise 26,600 sqm and, together with other schemes proposed in South Oxfordshire totalling 32,800sqm is expected to generate 1,500 new jobs
- Witney - at least two national supermarket chains are seeking to establish in the town.
- Botley – the West Way shopping centre development is expected to create about 700 new jobs, the majority of which will be in retail.

## Implications for employment forecasts

Of these developments, the only three which can be argued to be above trend, at least in part, are the West Way development in Botley, and the major expansions of the Westgate Centre in Oxford and of the Bicester Village Outlet Centre.

The Westgate Centre development will lead to a major, one-off employment increase in the city, but it could be argued that over the period to 2031 a large proportion of this reflects trend growth in response to growing demand – it is simply all concentrated into one major development. However, the scale of the development (which is likely to treble or quadruple the size of the existing centre) suggests that a proportion will be above trend, and act to increase the draw of Oxford to a wider retail catchment population.

The Outlet Centre at Bicester Village is likely to undergo a major expansion, taking over the adjacent site currently occupied by Tesco (in turn, Tesco plans to move to a larger site nearby which should enable the planning permission for Bicester Business Park to be implemented). The outlet centre draws on a national and international market, as evidenced by the regular Bicester Village coach service from London and the highly international composition of the visitor population.

Many of the jobs created by the West Way shopping centre development are expected to be within the trend growth of service provision related to population increase over the next 20 years, and some will also displace jobs from other areas. However, the retail sector, where the majority of employment is to be created, is likely to have some above trend impact on growth in employment.

These three retail developments in Oxfordshire could result in an additional (i.e. above trend) **1,000 jobs in Oxford, 1,000 in Cherwell and 200 in Vale of White Horse** to 2031.

## Warehousing and distribution

Oxfordshire is also benefitting from investment in retail distribution, with demand for large distribution centres in Didcot from the likes of Amazon and Tesco. There are currently planning applications or pre-application discussions underway for around 300,000 sqm of B8 space on several sites linked to Didcot Power Station in Vale of White Horse which, based on the applicants' jobs estimates, would create around 4,500 jobs, compared with the 'uplift' of 1,500 jobs assumed by Vale of White Horse Council in relation to local plan land allocations. The applicant's jobs estimates appear unduly optimistic, perhaps driven by a desire to secure planning permission, but nevertheless, significant jobs growth seems likely.

Expansion of warehousing and distribution in Cherwell is also likely when Graven Hill in Bicester comes forward for development. The draft Local Plan states that at least 2,470 jobs are expected to be created on the site, including a mix of B1, B2 and B8 (warehousing) uses. However, the site is particularly well suited to logistics, more so than most other employment sites in Bicester: it is already a logistics base for the army, and has a direct rail link as well as excellent access to the M40. This scale of growth of logistics jobs in Bicester is well in excess of what would be expected based on recent trends.



## Implications for employment forecasts

Existing development proposals suggest that there is potential for growth of employment in warehousing and distribution in the order of **1,000 jobs in Cherwell, and 1,500 in Vale of White Horse**.

### Major infrastructure investment

The investment in a new station at Water Eaton, the new owners' intentions to expand business air traffic at Oxford Airport, and the University's ambition for further development at Begbroke, all suggest that the area immediately to the north of Oxford is likely to be subject to development pressure in the period to 2031. The draft Cherwell Local Plan makes most provision for employment and housing growth in the district to 2031 at Bicester, but does also refer to a minor Green Belt review to accommodate a small technology park of 6.5ha (23,000 sqm) at Langford Lane adjacent to Oxford Airport. At B1 employment densities<sup>5</sup>, this could accommodate around 2,000 employees.

In addition, at Oxford Airport operations-related development has permitted development rights. The owners have plans for it to expand to provide daily flights to various UK and European destinations as well as an increase in maintenance and other aerospace related activities on the site. There are 800 employees in 20 companies on the airport at present, and further growth of these organisations is expected, but over and above this, employment could increase by another 1,000 in the next 10 years if the plan to introduce scheduled flights is implemented.

The recent and on-going improvements to rail links through Oxfordshire, including the fast service from Banbury and Bicester to London Marylebone, the Oxford to Bicester link, improvements to Oxford station, and further ahead progress with east west rail and on improving capacity between Oxford and Didcot, will all act to stimulate economic activity and demand for housing.

The latter will originate from both local people and commuters. For example, the draft Cherwell local plan proposes 7,000 new homes in Bicester between 2011 and 2031, and a similar scale of jobs growth. The plan notes the high level of commuting both into and out of Bicester and seeks a better balance in future between the scale and type of jobs and housing growth. However, the huge improvements in accessibility that Bicester will experience through completion of the above rail improvements may well, in practice, increase commuting which may in turn fuel demand for more housing than is currently planned. Equally, however, it should also make Bicester more attractive to firms, leading to more jobs growth and enabling more residents to find jobs locally

## Implications for employment forecasts

The infrastructure improvements identified above are likely to affect demand for housing irrespective of employment growth. However, specifically in relation to employment forecasts, it could be argued that most of the investment is needed to support the growth already factored into local plans. The main exception to this could be the potential for both employment and housing to the north of Oxford in Cherwell District linked to Water Eaton station, investment in Oxford Airport, the proposed Oxford Technology Park and the potential for further employment at Begbroke Science Park. **Plans for Oxford airport and the**

<sup>5</sup> HCA/Offpat Employment Densities Guide, 2nd Edition (2010) suggest that typical B1 office densities range between 10 and 12 sq m per employee (full time equivalent).



**nearby technology park could add 2,000 jobs** in the next 10 years, over and above trend. This allows for the fact that some jobs at the technology park will already be included in the sector specific comments above. The additional 1,000 jobs at the airport would be mainly in aerospace but including some in retail and catering. The technology park would be likely to accommodate a mix of R&D, engineering services, electronics and aerospace.

In addition, the longer term, larger scale development opportunities in the area could result in further jobs growth, but this is speculative and could not currently be considered to be part of a 'Planned Economic Growth' forecast.

### 4.3 Factors which could depress growth below trend

#### Public sector spending reductions

The Government's spending plans envisage a continued squeeze on public sector jobs. The forecasts therefore indicate lower growth in public sector employment than would be expected from past trends, except in Oxford where the composition of public sector employment is unusual, with a high proportion of employment in the universities and the health sector, both of which (as explained elsewhere in this section) are likely to grow.

The other area of public sector jobs where declines are expected is in the Defence sector. There is substantial defence related employment in Oxfordshire, but the trend is to replace MOD jobs with private sector jobs in locations such as Brize Norton and Graven Hill (Bicester). Therefore although the sector classification may change, the number of jobs is unlikely to be very different.

#### Publishing

Oxfordshire has some very large employers and a high proportion of jobs in publishing. There is an increasing trend to move some publishing functions offshore, due to pressure to reduce costs combined with fact that market growth is overseas, particularly in Asia. However, interviews with two major Oxfordshire based publishing companies for the Oxford Innovation Engine report suggest that local employment is likely to remain stable, with all of the growth taking place overseas.

#### Implications for employment forecasts

The trends for employment in publishing in Oxfordshire suggest that little overall change is likely to 2031. We suggest that this should remain the assumption in the Planned Economic Growth forecasts.

#### Competition from major surrounding areas

There are various major development proposals in surrounding areas which could affect business growth in Oxfordshire, due to competition for scarce skills. These include:

- In Cherwell, competition for auto engineers from Jaguar Land Rover (JLR) and from the expansion of motorsport related employment in south Northamptonshire, particularly at Silverstone where a major technology and business park development is proposed. Interviews with Oxfordshire firms such as Prodrive in Banbury have identified intense competition for scarce skills, with JLR and F1 teams apparently willing and able to pay

higher salaries. Competition is also likely from a proposed 18ha business park as part of the proposed new settlement at Gaydon/Lighthorne at M40 Junction 12 in Stratford on Avon District.

- In Science Vale, competition from employers in Thames Valley for labour supply generally, and IT and engineering skills in particular. The major employers in the Thames Valley are multinationals with strong strategic reasons for retaining their presence in the area (assuming the role of Heathrow as major hub airport is not threatened) and in many cases an ability to pay high salaries to attract and retain good quality staff. The demographics of South Oxfordshire and Vale of White Horse show an ageing workforce with limited growth in working age population, which suggests that competition for staff will increase significantly as the EZ is developed. Competition will also be provided by the proposed University of Reading Science Park, which will eventually provide around 80,000 sqm of business space, and for which an access road is expected to be completed in 2016.
- In Oxford, competition from Reading and London for the growth of business, financial and professional services. Many such firms have a twin presence in Oxford and Reading, but regard Reading as the main business centre (possibly partly because of the lack of modern office accommodation in central Oxford). Increasingly, high tech firms look to London for funding and specialist professional services, thereby bypassing local service providers.

### Implications for employment forecasts

The above factors are risks which could impact on employment growth in Oxfordshire. However, the strength of the Oxfordshire economy, the potential for commercial exploitation of R&D undertaken in the county by both private and public sectors, and the growth potential of firms in some key sectors, all suggest that competition from surrounding areas will not adversely affect employment growth. The exception may be if infrastructure or labour market constraints in Oxfordshire are significantly worse than in surrounding areas, particularly those to the south and east which offer a strategic location which is at least as good, if not better (i.e. closer to London and Heathrow). Currently there is no indication that this is likely: other areas have similar constraints. Therefore we do not propose any changes to the Planned Economic Growth employment forecasts as a result of competition from surrounding areas.

## 4.4 Conclusions

Table 4.2 indicates that there could be growth of 27,750 net direct jobs (i.e. allowing for displacement but excluding multiplier effects) due to the impact of growth oriented economic policies and known investment plans. Table 4.2 breaks this total down by time period, district and sector. It should be noted that these figures are estimates based on the best available information, which comprises a mixture of primary and secondary data, and professional judgement based on a thorough knowledge of the Oxfordshire economy and key institutions.

Two thirds of the additional growth is expected to be in the period to 2021, largely because this reflects the impact of investments that are currently at

planning or implementation stages. It would be reasonable to assume that other investments will come forward over the following 10 years which may boost expectations for growth in the period 2021-31, but in the main these cannot be anticipated.

The areas where employment growth based on past trends may be underestimated include:

- Oxford, where it seems likely that there will be significant growth of employment in education (university related), bioscience and healthcare (also partly university related), and retail. There is also likely to be an increase in corporate R&D linked to the Universities, the most likely areas including biomedical, engineering and computing. This may be slightly offset by some decline in publishing, though the expectation from firms in this sector is no net growth. We estimate additional growth of 8,100 jobs, all of which would be accommodated within existing employment-generating sites (though most not on B Class land)
- Science Vale, where there is strong potential for both inward investment and growth of existing businesses in the specialist technology areas relating to the area's research and companies base: space science and satellite communications, the physical sciences, and biomedical. There is also scope for significant growth of distribution in this area. We estimate additional growth of around 10,000 jobs is likely to occur in Vale of White Horse, and 600 in South Oxfordshire. Most of these jobs are likely to be located on existing employment sites, particularly within the EZ and on other land at Harwell
- Cherwell, including in particular Bicester and possibly the area around Kidlington and Water Eaton. In Bicester there is the potential for employment growth, based on the availability of relatively cheap accommodation and a growing labour supply, in the bioscience, advanced engineering and warehousing and distribution sectors, and also in environmental technologies and construction relating to the Eco Development. At Oxford Airport and nearby (Oxford Technology Park and Begbroke) there are plans for significant jobs growth. In the wider area north of Oxford, including Water Eaton, there is long term potential for growth of R&D activities, although this is not currently part of approved policy. We therefore estimate additional growth of over 8,000 jobs in Cherwell to 2031, all of which could be accommodated on land identified for development in the draft local plan.
- In West Oxfordshire there is potential for rapid growth of existing firms, particularly in engineering, motorsport and food production. However, it seems very unlikely that growth will exceed local plan allocations for B uses. We estimate additional growth of around 600 jobs, although this could be greatly affected by the investment decisions of a few firms. Employment land allocations can accommodate this scale of additional growth.

Table 4.2: Summary of above trend jobs growth in Oxfordshire to 2031

Type of jobs	Total	2011-21	2021-31	Cherwell	Oxford	South Oxfordshire	Vale of White Horse	West Oxfordshire	Sector
University	2,000	1,000	1,000		2,000				Education
Culham research	500	250	250			500			R&D, IT services, electronics, pharmaceuticals
Enterprise Zone	5,400	5,400					5,400		R&D, IT services, electronics, pharmaceuticals
Satellite technology	4,000	2,000	2,000	1,500			2,500		R&D, IT services, other transport services
Bioscience	2,500	1,250	1,250	1,000	1,500				R&D, pharmaceuticals
Healthcare	2,500	1,250	1,250		2,500				Healthcare, R&D
Advanced engineering	3,000	1,500	1,500	1,000	1,000		500	500	Motor vehicles, electronics, electrical equipment, architectural & engineering services
Construction	150	150		150					Construction
Environment technologies	1,000	500	500	600	100	100	100	100	Other professional services
Retail	2,200	2,100	100	1,000	1,000		200		Retail
Distribution	2,500	1,500	1,000	1,000			1,500		Warehousing & postal
Oxford airport and technology park	2,000	1,000	1,000	2,000					Air transport, R&D, electronics, retail, food & beverage services, architectural & engineering services
Total	27,750	17,900	9,850	8,250	8,100	600	10,200	600	
Source: SQW									

## 5 Planned Economic Growth Forecasts

### 5.1 Introduction

The assumptions described in Chapter 4 represent the *direct* impact on employment (over and above what would be expected in a business-as-usual projection) that we might expect due to new policy and planned investment. As well as the direct impacts, we would also expect there to be: *indirect* impacts through local supply chain activity (for example, increased activity in most sectors is likely to lead to increased purchases of financial or business services, say, some of which will be supplied by local firms), and; *induced* impacts through increases in household spending (eg on retailing), due to increased local employment and household income.

The Local Economy Forecasting Model (LEFM) incorporates: an input-output framework, so that the indirect impacts through supply chain activity can be estimated, and; linkages between wages, household incomes, spending and demand for local services so that induced impacts can be estimated.

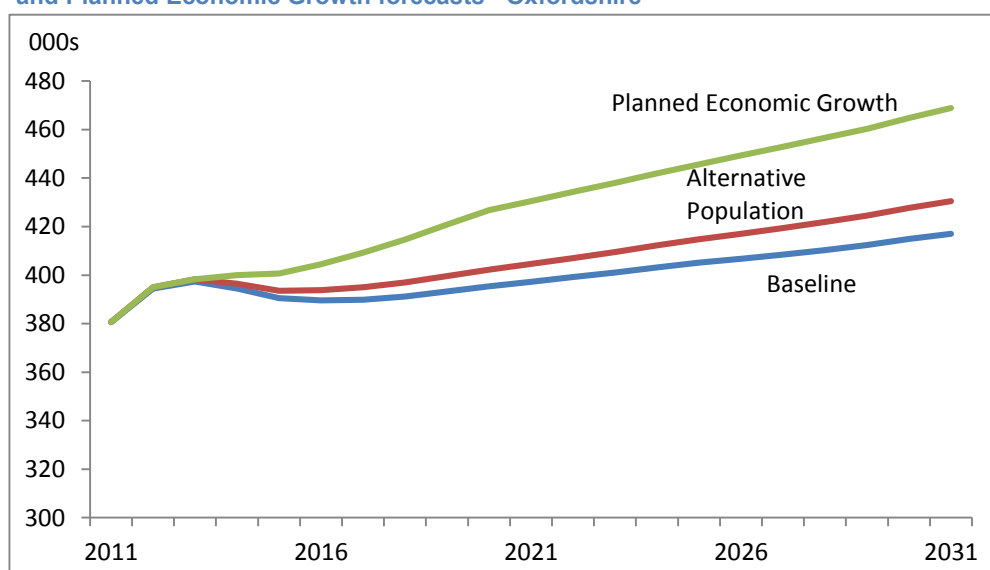
The direct additional employment by sector in Oxfordshire, from Chapter 4, are added to the employment from the Adjusted Population-based projections in LEFM and the model run to create the Planned Economic Growth forecast with direct and indirect impacts. The results are presented below.

### 5.2 Headline findings for the Planned Economic Growth forecasts

#### Overall growth in employment in Oxfordshire

Figure 5.1 shows total employment in Oxfordshire under the Baseline and Alternative Population-based projections and Planned Economic Growth forecast. The chart shows that the Planned Economic Growth forecast is significantly higher than the Alternative Population-based projections, from which it was developed.

**Figure 5.1: Employment in the Baseline and Alternative Population-based projections and Planned Economic Growth forecasts - Oxfordshire**



**Table 5.1: Employment by sector in the Alternative Population-based projections and Planned Economic Growth forecasts in Oxfordshire**

	Alternative Population				Planned Economic Growth			
	2011 (000s)	2031 (000s)	2011-31 (000s)	(% pa)	2011 (000s)	2031 (000s)	2011-31 (000s)	(% pa)
Agriculture etc	2.3	5.2	2.9	4.2	2.3	5.2	2.9	4.2
Mining & quarrying	0.2	0.1	-0.1	-1.7	0.2	0.1	-0.1	-1.7
Manufacturing	26.9	24.7	-2.2	-0.4	26.9	32.8	5.9	1.0
Electricity, gas & water	4.3	4.2	-0.1	-0.1	4.3	4.2	-0.1	-0.1
Construction	22.2	25.9	3.7	0.8	22.2	26.5	4.3	0.9
Distribution	52.0	58.1	6.1	0.6	52.0	61.7	9.7	0.9
Transport & storage	11.8	14.9	3.1	1.2	11.8	19.1	7.3	2.4
Accommodation & food services	23.4	30.6	7.3	1.4	23.4	31.2	7.8	1.5
Information & communications	21.9	22.3	0.4	0.1	21.9	25.2	3.3	0.7
Financial & business services	78.1	102.6	24.5	1.4	78.1	116.1	38.0	2.0
Government services	114.7	119.1	4.4	0.2	114.7	123.5	8.9	0.4
Other services	23.0	22.8	-0.2	-0.1	23.0	23.2	0.2	0.0
<b>Total</b>	<b>380.6</b>	<b>430.5</b>	<b>49.9</b>	<b>0.6</b>	<b>380.6</b>	<b>468.8</b>	<b>88.2</b>	<b>1.0</b>

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics and SQW, January 2014.

Table 5.1 shows that total employment in Oxfordshire in this stage is forecast to increase by around 88,000 over 2011-31, or 4,400 pa (1% pa). This compares with growth of around 3,000 pa (0.8% pa) seen over 2001-11. Sustained employment growth of 1% pa over a 20 year period would be an achievement, especially in the current economic environment, but is by no means unprecedented.

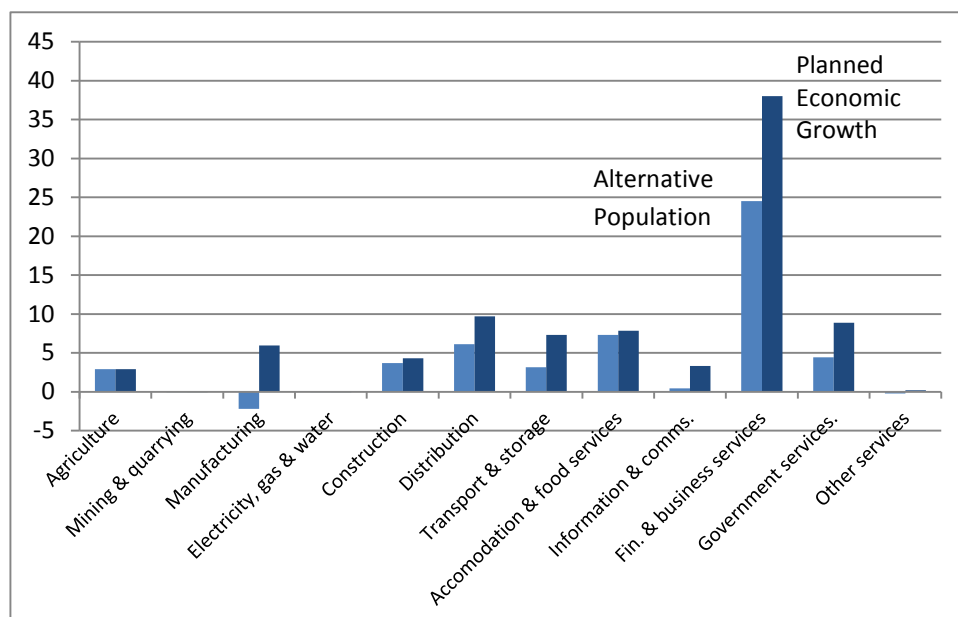
Compared to the Alternative Population-based projections, employment in the county in the Planned Economic Growth forecast increases by an additional 38,000 jobs. This consists of the 27,750 jobs described in Chapter 4, and 10,500 additional indirect and induced jobs (in sectors such as business support services) stimulated by these activities.

### **Growth projections by sector**

Table 5.1 and Figure 5.2 compare employment growth by sector in Oxfordshire in the two stages of the forecast. The sectors with the greatest additional employment in the Planned Economic Growth forecasts are those in which the additional direct jobs described in Chapter 4 were allocated: manufacturing, distribution, transport & storage, information & communications, financial & business services and government services.

The additional indirect (supply chain) and induced (household spending) jobs associated with the direct jobs are mainly in business support services: financial & business services. While many of the direct jobs in the sectors described in Chapter 4 will be in R&D, the majority of the other jobs that are stimulated will be in distribution, transport & storage and government services.

**Figure 5.2: Projected change in employment (000s) 2011-31 in the Alternative Population-based projections and Planned Economic Growth forecast – broad sectors in Oxfordshire**

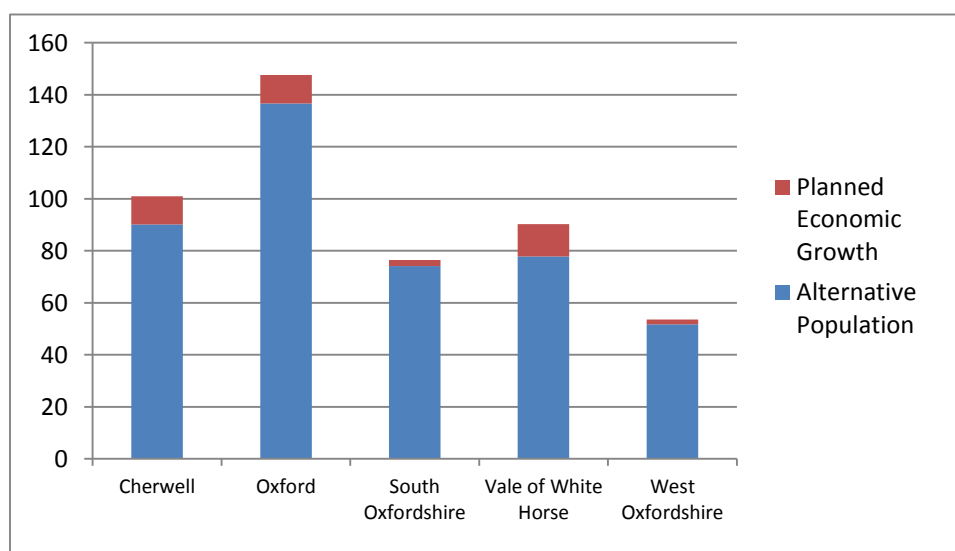


### Growth projections by district

Figure 5.3 shows the distribution of the additional jobs in the Planned Economic Growth forecasts within Oxfordshire.

Vale of White Horse is projected to have the biggest increase in jobs over the increase projected in the Alternative Population-based projections, with 12,400 extra jobs projected by 2031 in the Planned Economic Growth forecast. 10,200 of these additional jobs are jobs directly associated with the development assumptions described in Chapter 4, including 5,400 in the Enterprise Zone in Harwell. In contrast, only 1,800 additional jobs would occur in West Oxfordshire (600 direct, with the rest indirect due to the Planned Economic Growth direct jobs across the county).

**Figure 5.3: Projected change in jobs (000s) 2011-31 in the Alternative Population-based projections and Planned Economic Growth forecasts – Oxfordshire districts**





**Table 5.2: Employment in the Alternative Population-based projections and Planned Economic Growth forecasts**

	Alternative Population				Planned Economic Growth		
	2011 (000s)	2031 (000s)	2011-31 (000s) (% pa)		2031 (000s)	2011-31 (000s) (% pa)	
Oxfordshire	380.6	430.5	49.9	0.6	468.8	88.2	1.0
Cherwell	79.4	90.1	10.8	0.6	100.9	21.6	1.2
Oxford	123.2	136.6	13.4	0.5	147.6	24.3	0.9
South Oxfordshire	65.1	74.2	9.1	0.7	76.5	11.5	0.8
Vale of White Horse	67.2	77.9	10.6	0.7	90.2	23.0	1.5
West Oxfordshire	45.7	51.7	6.1	0.6	53.5	7.9	0.8
South East*	4,387.2	4,834.9	447.7	0.5			
UK*	31,175.0	5,075.7	3,900.7	0.6			

Notes: \* Figures for South East and UK are for CE's baseline forecast.  
Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics and SQW, January 2014.

The Planned Economic Growth forecasts have greater disparity in employment growth across Oxfordshire than is the case in the Alternative Population-based projections. The additional jobs located in the Vale of White Horse results in the district having the strongest employment growth of 1½% pa over 2011-31. In contrast, the growth in South Oxfordshire and West Oxfordshire will be just ¾% pa. Nevertheless growth in all other districts would be almost double the rate projected for them in the Alternative Population-based projections.

Table 5.3 shows the direct and indirect impact of the Planned Economic Growth forecasts over and above the Alternative Population-based projections, by district. The table shows that the indirect jobs impact in a district can be greater than the direct jobs impact in that district (South Oxfordshire and West Oxfordshire). This is because the indirect impacts (mainly Financial & business services) are not necessarily generated in the same district as the direct impacts, and are related to the proportion of the relevant sector in each district.

**Table 5.3: Direct and indirect employment impacts in the Planned Economic Growth forecasts - 2031 (000s)**

	Direct	Indirect	Total
Oxfordshire	27.7	10.5	38.3
Cherwell	8.2	2.6	10.8
Oxford	8.1	2.9	11.0
South Oxfordshire	0.6	1.7	2.3
Vale of White Horse	10.2	2.2	12.4
West Oxfordshire	0.6	1.2	1.8

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics and SQW, January 2014.

## 6 Risk Assessment of the Planned Economic Growth Forecasts

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### 6.1 Introduction

Section 5 on the Planned Economic Growth forecasts concluded that there could be an additional 88,200 jobs in Oxfordshire between 2011 and 2031, compared with 49,900 additional jobs in the adjusted population forecast. This section considers the risks that need to be considered in delivering this scale of jobs growth, and how they should be factored into the overall forecasting work.

The risks considered include market conditions, labour market competition from neighbouring areas, delays in the delivery of strategic infrastructure, access to housing and the capacity of existing employment sites (including those allocated, or proposed to be allocated, in local plans) to accommodate this scale of growth.

### 6.2 Market conditions

Market conditions are clearly crucial to the speed of economic growth and the scale of private investment. The country is currently emerging from a prolonged economic downturn which has depressed business investment and growth since 2008. All the economic indicators currently point to recovery: for example, the Markit/CIPS UK services survey for November 2013 recorded the fastest rate of growth in the UK services sector for the last 16 years, and the PwC Economic Outlook report (also for November 2013) notes that UK manufacturers have benefited from somewhat stronger trends recently in key European export markets, and that the UK construction sector has also picked up from a low base in the past six months.

These indicators of growth are of course short term, whereas the forecasts look ahead to 2031. Over the next 18 years there are bound to be further economic cycles, including periods of growth and downturn. In addition, the government is still committed to further reductions in public spending, and this will directly affect employment in some sectors, and indirectly in others.

As far as possible, the econometric forecasts take account of factors such as the Government's policy to reduce public spending, but they cannot anticipate the timing of economic cycles. If the economic recovery continues, it is quite possible that growth over the next five years will be above that in the forecasts, but over the next 20 years it is reasonable to assume that the 'booms and busts' will even out and that the forecasts are the best indication currently of the scale of growth over the period as a whole.

### 6.3 Labour market competition

Oxfordshire is surrounded by strong economies which are also growing, and the jobs market in London is an increasing draw for residents in the county. This means that employers in Oxfordshire wishing to expand their workforce will be competing for labour with firms across a much wider geography than Oxfordshire. In the south of the county, where growth is expected to be fastest,

competition is also likely to be greatest due to the strength of the Thames Valley and London economies.

However, it is also the case that Oxfordshire has some very strong economic assets and attractions. The Universities and research institutes in the county are outstanding internationally, not just within UK, and the Science Vale Enterprise Zone provides incentives to firms which are not available to firms in nearby areas. Many of the additional jobs that are expected to be stimulated by policy interventions will be in high value activities, and are likely to pay well. This will make them attractive to a labour force which has a choice of where to work.

The Oxfordshire Innovation Engine report noted that “shortages of scientific and technical skills were identified by most respondents to our business survey as a constraint to growth....However, these concerns reflect national, and in some cases global shortages.” (paragraph 3.20). In other words, there are labour market constraints, but no worse than in other areas. And in some respects, Oxfordshire’s situation close to the Thames Valley and London to the south, and the West Midlands conurbation to the north, is regarded as an advantage in labour market terms, because firms based in Oxfordshire can draw on the specialist management and marketing skills available in those areas (paragraph 3.21).

## **6.4 Infrastructure delivery**

Delays in the delivery of key infrastructure may constrain growth. For example, the Oxfordshire Innovation Engine report identifies congestion on the A34 and in and around Oxford, and broadband access in some of Oxfordshire’s rural areas, as significant concerns for firms. There are also local access issues for some employment sites: for example, around the Peartree site in north Oxford, and access to Harwell remains poor.

In addition, there has been very little business space constructed over the last five years, except to order for specific end users. There has been almost no supply of business space on a speculative basis, even in the Science Vale Enterprise Zone. However, the property market is recovering, along with the rest of the economy, and therefore an increase in construction of commercial premises over the next few years is likely. For example, at Harwell STFC are in the process of changing their commercial joint venture partner in order to speed up development in the EZ, at Milton Park some speculative development has started, and market research for the economic strategy for NW Bicester indicates demand for business space there and a willingness to construct as soon as land is made available through the planning system.

Over the next 20 years it is certainly possible that failure to improve some key elements of Oxfordshire’s infrastructure could frustrate firms and persuade them to invest elsewhere – and continued reductions in public expenditure are likely to increase the probability of delays to improving key infrastructure.

However, the jobs growth potential identified in Chapter 4 is, generally, not dependent on specific infrastructure improvements which could be delayed. In addition, there are investments underway or planned by the private sector – for example by the University in the Science Area in Oxford, at Oxford Airport, and the NW Bicester Eco Development – which will stimulate jobs growth.

Furthermore, firms' frustration with low levels of infrastructure investment, identified in the Oxfordshire Innovation Engine report, is not a problem that is unique to Oxfordshire: it is at least as bad in most surrounding areas.

## **6.5 Inter-relationship between employment forecasts and housing requirements**

There is a possibility that the housing requirements linked to a high rate of economic growth may be impossible to satisfy due to practical limitations on housebuilding rates. If housing requirements are not met, the consequence would be rising housing costs which could in turn constrain the ability of firms to recruit, and therefore to grow. This would introduce an element of circularity in the forecasts – economic growth forecasts are used to determine housing requirements, but undeliverable housing requirements impact on economic growth potential and therefore lead to a downward revision of the economic growth forecasts.

We have considered this possibility by comparing the forecast rates of economic growth in the Planned Economic Growth forecasts contained in this paper with those produced by Experian in their High Economic Growth scenario for the SHMA, and with past rates of economic growth in Oxfordshire and also those in some comparator high growth areas in Cambridgeshire and Buckinghamshire. These comparisons are shown in Table 6.1.

The overall conclusion is that the rates of employment growth forecast under the Planned Economic Growth forecast are modest in comparison with past rates of growth in Oxfordshire or in the comparator areas.

The Planned Economic Growth forecast shows growth of 1% per annum 2011-31 for Oxfordshire, and by district forecast annual growth rates range from a high of 1½% (Vale of White Horse) to a low of ¾% (South Oxfordshire and West Oxfordshire). The fact that Vale of White Horse is highest is not surprising given the concentration of employment generating assets in the district – in particular, the research facilities at Harwell and the Enterprise Zone.

The average annual employment growth rate in the Planned Economic Growth forecast is 0.4 percentage points (pp) above the rate for the adjusted population forecast (0.6%), but 0.5 pp below (ie two thirds of) the rate for the Experian high economic forecast.

In comparison, between 1981 and 2000 Table 6.1 shows that employment in Oxfordshire grew by an average annual rate of 1.7% pa. By district, growth rates ranged between 3.5% pa (West Oxfordshire) and 0% pa (Oxford City). For the period 1990 to 2011 (which includes the impact of the recent recession) the average annual growth rate dropped to 0.7% pa for Oxfordshire, and ranged between 1.1% pa (West Oxfordshire) and 0.4% pa (Oxford City) in the districts. For the period 2000-2011 Oxfordshire's employment growth dropped further to 0.4% pa.

Considering comparator areas, employment growth in Cambridgeshire averaged 2.3% pa over the period 1981-2000, and 1.2% pa 1990-2011. The highest average annual employment growth in the comparators was in Milton Keynes, where it averaged 4% pa 1981-2000 and 1.5% pa over 1990-2011.

Table 6.1: Housing completions and employment growth in Oxfordshire and selected other local authorities

Period	Oxfordshire	Cherwell	Oxford	South Oxfordshire	Vale of White Horse	West Oxfordshire	Cambridgeshire	South Cambridgeshire	Huntingdon	Buckinghamshire	Aylesbury Vale	Milton Keynes
Dwellings completed (pa)												
2003/04-2012/13	1811	347	436	242	378	402	1860	705	665	1490	720	1602
Employment growth (% pa)												
Actual 1981-2000	1.7	2.6	0.0	2.7	2.1	3.5	2.3	4.0	3.1	1.4	0.8	4.0
Actual 1990-2011	0.7	0.8	0.4	0.9	0.7	1.1	1.2	2.5	1.2	0.2	-0.3	1.5
Actual 2000-2011	0.4	-0.7	1.4	0.4	0.5	0.1	1.2	2.1	0.2	0.2	0.6	1.1
Forecast 2011-31 Experian High Economic Growth	1.5	1.6	1.7	1.2	1.9	1.2						
Forecast 2011-31 CE Alternative Population	0.6	0.6	0.5	0.7	0.7	0.6						
Forecast 2011-31 CE Planned Economic Growth	1.0	1.2	0.9	0.8	1.5	0.8						
Sources: CLG - dwelling completions. ONS and Cambridge Econometrics (CE) – historical employment growth. CE – forecast employment growth. Experian – forecast employment growth.												

From Table 6.1 it is also possible to make some observations about the relationship between employment growth and dwellings completions and requirements – albeit the two sets of figures are for slightly different periods.

In Oxfordshire, over the ten years 2003/4-2012/13, annual dwelling completions averaged just over 1,800. This was during a period when employment growth rates were averaging around 0.4%. In Cambridgeshire over the same period annual housing completions were very similar, whereas employment growth averaged 1.2% per annum. In Buckinghamshire, both housing completions and employment growth were lower than in Oxfordshire.

Therefore, based on past rates of employment and housing growth there is no evidence that one constrained the other. In some places employment growth was faster despite comparable rates of housing provision, and in Oxfordshire since 1981 there have been periods of faster and slower employment growth than are forecast by the Planned Economic Growth forecasts for the period to 2031.

## 6.6 Capacity of allocated sites

Table 6.2 compares the Planned Economic Growth forecasts by district with the jobs capacity on sites that are allocated or proposed to be allocated for development within the period of the relevant local plans (the end points vary somewhat between plans, but all are close to 2031 and therefore the variation does not invalidate this analysis). The capacity information in Table 6.2 is based on estimates provided by the District Councils, and shown in full in the Appendices.

Table 6.2 also shows the Planned Economic Growth forecasts adjusted to include only those likely to locate on B Class land, to make the figures comparable with the capacity of allocated sites. This involves assumptions about the proportion of jobs in each main sector locating on B Class land, which are shown in Table 6.3.

**Table 6.2: Jobs growth compared with capacities on allocated sites (000s)**

	Planned Economic Growth jobs growth	Jobs likely to be located on B Class land	Capacity of allocated sites
Oxfordshire	88.2	47.0	63.1
Cherwell	21.6	12.7	17.3
Oxford	24.3	11.0	18.5
South Oxfordshire	11.5	5.4	5.0
Vale of White Horse	23.0	13.8	14.3
West Oxfordshire	7.9	4.0	6.5
Source(s): SQW and District Councils.			
Notes: the capacity in South Oxfordshire includes 500 jobs on 6.5ha at Didcot in Vale of White Horse, which has been agreed to be part of South Oxfordshire's employment land allocations.			

**Table 6.3: Assumptions regarding the proportion of jobs in each sector occupying B Class land**

<b>Sector</b>	<b>% of jobs on B Class land</b>	<b>% of total employment growth in Oxfordshire (2011-31)</b>
Agriculture	0	3.3%
Mining & quarrying	0	-0.1%
Manufacturing	100	6.7%
Electricity, gas & water	0	-0.1%
Construction	0	4.9%
Distribution	50	11.0%
Transport & storage	50	8.3%
Accommodation & food services	0	8.9%
Information & comms.	50	3.7%
Fin. & business services	75	43.1%
Government services.	25	10.0%
Other services	75	0.2%

Based on these assumptions, Table 6.2 shows that overall in Oxfordshire there is plenty of capacity on allocated sites to accommodate the forecast jobs growth. There is also sufficient land in all of the districts except South Oxfordshire. However, there is enough additional capacity in the immediately adjacent area of Vale of White Horse to compensate for the small shortfall in South Oxfordshire.

The Planned Economic Growth forecasts show that most employment growth in Oxfordshire over 2011-31 is likely to occur in financial and business services (43%), with another 10% in Government services and 11% in distribution. The assumptions in Table 6.3 about the proportion of jobs in these sectors that occupy B Class land are obviously crucial to the land requirement. For example, if it is assumed that only 50% of jobs in financial and business services will locate on B Class land, rather than 75%, then there is sufficient land in all districts including South Oxfordshire.

The conclusions also depend on the density of jobs on sites. District Councils are best placed to decide what the appropriate jobs densities are on their employment sites, hence we have used their own estimates contained in the appendices.

## **6.7 Conclusions**

The purpose of this Chapter has been to identify key risks that could affect the profiling of jobs growth over time and act as a constraint on their delivery. Key findings include:

- Market conditions are improving, and there is no indication that they will constrain employment growth to 2031. In fact, it is possible that short term market conditions could lead to faster growth than forecast over the next few years.
- Labour market constraints are a problem for many firms, but the main problems are skills which are in short supply nationally, and in some cases



internationally, not competition from surrounding areas. The juxtaposition to areas with a good supply of management and marketing skills, which complement the strong technology skills in Oxfordshire's workforce, is a benefit to firms. The quality of jobs likely to be created in Oxfordshire will help ensure that firms are able to recruit by paying competitive salaries.

- Infrastructure constraints are a concern to firms, but there is no evidence that they will be a constraint to growth in the short term. Longer term, they could deter investment, and this is clearly a risk to sustaining the pace of economic and employment growth in the county to 2031
- The rates of employment growth in Oxfordshire and the five districts generated by the Planned Economic Growth forecasts are not particularly high by historical standards, or in comparison to some other areas. Based on past rates of employment and housing growth there is no evidence that one constrained the other
- Employment land requirements resulting from the forecasts are well within the total allocated across the county, and in all districts except South Oxfordshire. Here the conclusion is sensitive to the assumptions about the proportion of financial and business services that will locate on B Class land.

In order to take account of these risks, a "sensitivity adjustment" could be applied, on the assumption that all or any of them could result in employment growing more slowly than forecast. Given the improving economic conditions currently, and the absence of immediate constraints on growth, any slowdown in employment growth is more likely in the second half of the period to 2031 rather than between now and 2021.

However, firms and people will always adapt to conditions as they evolve, and it is unlikely that Oxfordshire will be particularly disadvantaged – for example, in relation to infrastructure investment or housing growth – compared with its neighbours. Market adjustments may include an increase in commuting between north and south of the county (to address housing shortages or high prices in the south), or increased working from home and more flexible working hours (to address transport congestion).

We would therefore not recommend that the Planned Economic Growth forecasts are reduced to account for the risks discussed in this Chapter, because they do not appear to us to be particularly likely to reduce employment growth below that forecast.

## **7 APPENDICES**

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## Appendix A: The Local Economy Forecasting Model (LEFM)

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LEFM has been developed by CE in collaboration with the Institute for Employment Research at the University of Warwick. It is, to our knowledge, the only software package in Europe tailored to model regional and local economies and designed to conventional commercial software standards. It has been commercially available since the early 1990s (since when it has been continually developed) and is designed to empower organisations to undertake detailed economic analysis in-house. It is used extensively by local agencies, including local authorities, and by CE for more specialised analysis often commissioned by development agencies.

LEFM has been designed to project economic indicators for a local area by explaining the output of local industries through an explicit representation of expenditure flows in the area and their links with the world outside the local area. In this it differs from other methods of local economy modelling which typically link local output or employment (by sector) directly to national or regional output or employment. Such methods include shift-share or econometrically estimated equations. While these methods allow a user to derive projections for local output or employment growth from national or regional projections, they offer little scope for introducing an explanation of local performance relative to these higher levels, and they are typically not suitable for analysing the indirect effects on the local economy arising from the opening of a new enterprise or the closure of an existing one.

LEFM is also distinguished from other approaches by its sectoral detail. It identifies 45 sectors (defined on SIC07), allowing (for example) electronics to be distinguished from electrical equipment, and IT services from other business support services. Detailed disaggregation by sector is usually valuable because different sectors have different prospects (eg technological change is driving much faster growth in electronics and computing than in the other sectors with which they are commonly combined), because they have different employment characteristics, and also because it allows local knowledge about specific firms to be more easily incorporated in the forecast. There is, however, a cost to working in such detail: most variables in the model have to be disaggregated by sector (or a similar classification: see below for more details).

LEFM's structure draws heavily on that of MDM, Cambridge Econometrics' multi-sectoral model of the UK economy and its regions, and it shares the same software.

### LEFM's Main Inputs and Outputs

The main input assumptions used in LEFM are:

- forecasts for the UK and region in which the local economy lies for selected variables, including
  - the components of domestic final expenditure, disaggregated into spending by function as published in the UK National Accounts

- components of personal incomes
  - gross output, value-added and employment by 45 sectors
  - matrices to convert the components of domestic final expenditure into commodity demand for 45 sectors
  - input-output coefficients and projected changes
  - projected changes in occupational structure and gender forecasts for the local economy
  - population by 5-year age band and gender
  - participation rate by gender for a constant level of unemployment (these are then adjusted by the model in response to actual changes in unemployment)
- Outputs for the local economy include:
    - value-added and employment by sector (45)
    - employment by gender and status (full-time, part-time, self-employed)
    - employment by occupation (25 occupations, SOC2010)
    - disposable income and consumer spending
    - population and labour force by age (7 age bands) and gender
    - net commuting
    - implications for qualifications

### LEFM's Main Relationships

#### Accounting structure

Figure A.1 summarises the model's accounting structure, which follows the social accounting matrix approach adopted in MDM. In most cases, the variables shown in the diagram are disaggregated (eg by sector for output and employment).

Each industry's gross output is determined as the difference between commodity demand (the sum of demand coming from the final expenditure components together with intermediate demand coming from production in the local economy) and imports to the local area. Each industry's value-added is assumed to be in the same proportion to its gross output as is the case for the region as a whole.

#### How the main variables are determined

Employment in the local area generates incomes. Assumptions are made for net commuting, which determines the extent to which incomes from local employment accrue to non-residents. Similarly, some incomes in the local area are derived from employment outside the area, or from non-employment sources (eg unemployment benefit). Aggregate household expenditure by residents in the local area is determined by real household disposable incomes (deflated by the national household expenditure deflator) and projections for the household saving ratio (derived from changes in the regional household saving ratio). Household expenditure is then disaggregated into spending by function according to the proportions forecast for the region.

Government final expenditure (disaggregated by type) in the local economy is projected on the basis of changes in the local area's share of the region's population.

Investment by sector is determined by a simple relationship with output. Projections for social investment (eg education, health) and investment in social services (eg roads), which are treated as assumptions at the UK level in MDM, are allocated to the local area according to population changes.

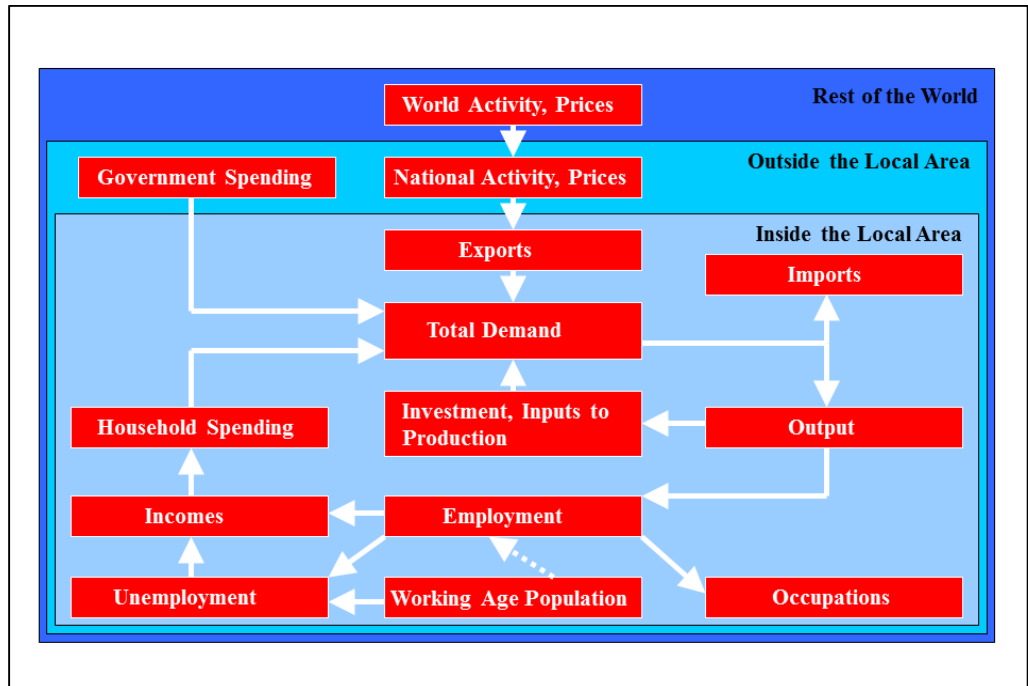
Intermediate expenditure by sector and commodity is determined by applying the national input-output coefficients to local economy gross output by sector.

Exports by sector from the local economy are linked to national gross commodity output in each sector. In effect, local firms are treated as competing in the national pool. Export projections then depend upon UK gross commodity output in each sector, and on assumptions for trends in the local economy's share of this output. In some cases, simple methods have been tried to model these export shares (eg to represent the effects of policies to promote inward investment). Imports by sector to the local economy depend on the demand for commodities in the local economy and on assumptions for import shares.

Employment by sector is determined by gross output and trends in productivity per person employed derived from regional projections (which in turn are derived from econometric estimates). Employment by gender and type is determined by the sectoral composition of employment and local information on the representation of genders and types of employment in each industry. The default projections for trends in this representation are based on historical data for the local area, with the user given the option to change these default values. A similar procedure is followed for employment by occupation.

Projections for the resident workforce are derived from assumptions for the population for working age (by gender) and projected participation rates which vary with the unemployment rate. Unemployment is the difference between the workforce, local employment and 'net commuting'.

Figure A.1: The Structure of LEFM



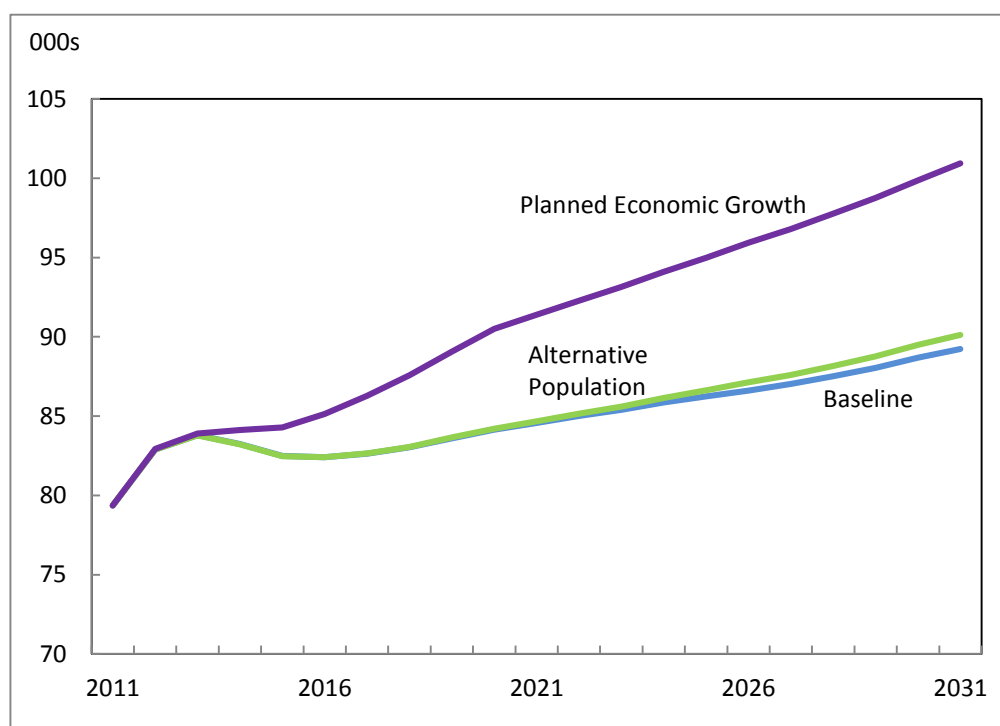
## Appendix B: Summary Results for Cherwell

**Table B.1: Total Employment in each Stage - Cherwell**

	2011 (000s)	2021 (000s)	2031 (000s)	2011-21 (000s) (% pa)		2021-31 (000s) (% pa)	
Baseline	79.4	84.6	89.2	5.2	0.6	4.7	0.5
Alternative Population	79.4	84.7	90.1	5.3	0.6	5.5	0.6
Planned Economic Growth	79.4	91.4	100.9	12.0	1.4	9.6	1.0

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

**Figure B.1: Total Employment in each Stage - Cherwell**

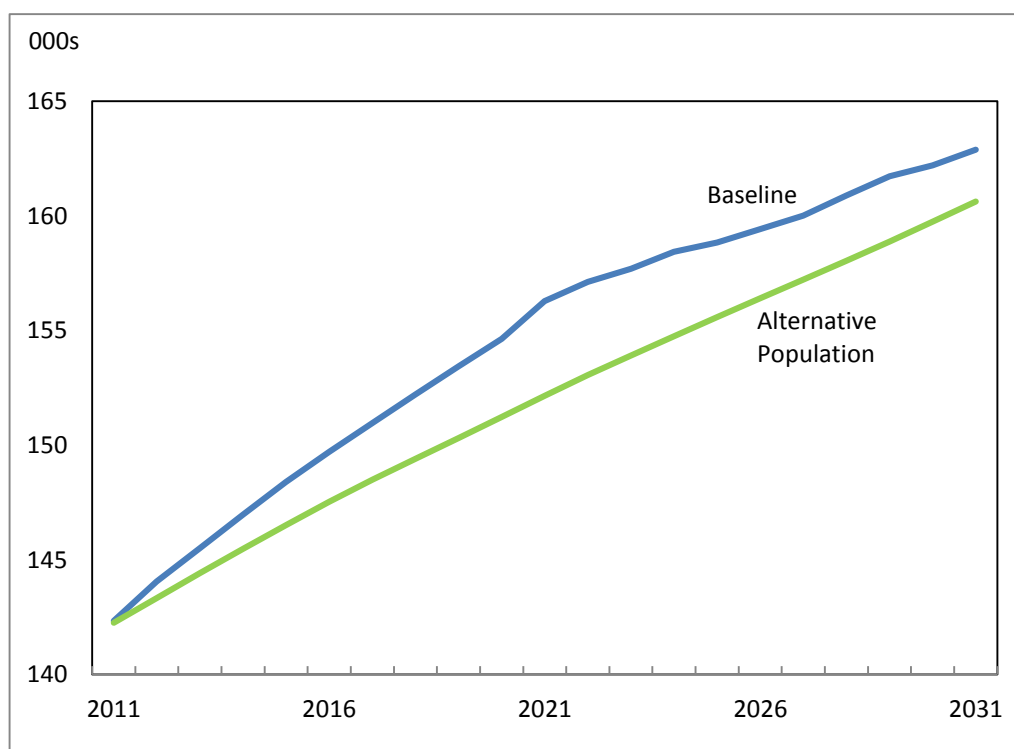




**Table B.2: Total Population in the Baseline and Alternative Population-based projections - Cherwell**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	142.3	156.3	162.9	13.9	0.9	6.6	0.4
Alternative Population	142.3	152.1	160.6	9.9	0.7	8.5	0.5

Notes: Figures are rounded to the nearest 100 people.  
Source: Cambridge Econometrics, January 2014.

**Figure B.2: Total Population in the Baseline and Alternative Population-based projections - Cherwell**

**Table B.3: Employment projections by broad sector in the Baseline projections - Cherwell**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.7	1.9	2.1	1.2	10.3	0.2	1.0
Mining & quarrying	0.1	0.0	0.0	0.0	-1.7	0.0	-4.5
Manufacturing	8.7	9.2	8.5	0.5	0.6	-0.8	-0.9
Electricity, gas & water	0.8	0.8	0.8	0.0	-0.2	0.0	0.0
Construction	5.2	5.7	6.0	0.5	0.9	0.3	0.5
Distribution	16.3	17.5	18.2	1.2	0.7	0.7	0.4
Transport & storage	2.6	3.1	3.3	0.5	1.7	0.2	0.6
Accommodation & food services	4.7	5.3	5.8	0.7	1.3	0.5	0.9
Information & comms.	3.3	3.1	3.3	-0.3	-0.8	0.2	0.6
Fin. & business services	13.8	16.4	19.9	2.7	1.8	3.5	1.9
Government services.	19.3	17.7	17.7	-1.6	-0.9	0.0	0.0
Other services	3.9	3.8	3.6	-0.1	-0.3	-0.1	-0.4
Total	79.4	84.6	89.2	5.2	0.6	4.7	0.5

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table B.4: Employment projections by broad sector in the Alternative Population-based projections - Cherwell**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.7	1.9	2.1	1.2	10.3	0.2	1.0
Mining & quarrying	0.1	0.1	0.0	0.0	-1.1	0.0	-3.3
Manufacturing	8.7	9.3	8.6	0.6	0.6	-0.7	-0.8
Electricity, gas & water	0.8	0.8	0.8	0.0	-0.1	0.0	0.1
Construction	5.2	5.7	6.1	0.5	0.9	0.4	0.6
Distribution	16.3	17.5	18.3	1.2	0.7	0.8	0.4
Transport & storage	2.6	3.1	3.3	0.5	1.7	0.3	0.8
Accommodation & food services	4.7	5.4	6.0	0.7	1.4	0.6	1.0
Information & comms.	3.3	3.1	3.3	-0.3	-0.8	0.2	0.7
Fin. & business services	13.8	16.5	20.2	2.7	1.8	3.7	2.0
Government services.	19.3	17.5	17.7	-1.7	-0.9	0.2	0.1
Other services	3.9	3.8	3.7	-0.1	-0.2	-0.1	-0.3
Total	79.4	84.7	90.1	5.3	0.6	5.5	0.6

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table B.5: Employment projections by broad sector in the Planned Economic Growth forecast - Cherwell**

	2011 (000s)	2021 (000s)	2031 (000s)	2011-21 (000s) (% pa)		2021-31 (000s) (% pa)	
Agriculture	0.7	1.9	2.1	1.2	10.3	0.2	1.0
Mining & quarrying	0.1	0.1	0.0	0.0	-1.1	0.0	-3.3
Manufacturing	8.7	10.5	10.9	1.8	1.9	0.4	0.4
Electricity, gas & water	0.8	0.8	0.8	0.0	-0.1	0.0	0.1
Construction	5.2	6.0	6.4	0.7	1.3	0.4	0.7
Distribution	16.3	18.9	19.8	2.6	1.5	0.9	0.5
Transport & storage	2.6	4.3	5.4	1.7	5.2	1.1	2.4
Accommodation & food services	4.7	5.5	6.2	0.8	1.7	0.6	1.1
Information & comms.	3.3	3.4	3.9	0.1	0.2	0.5	1.4
Fin. & business services	13.8	18.5	23.8	4.7	3.0	5.3	2.6
Government services.	19.3	17.7	17.9	-1.6	-0.9	0.2	0.1
Other services	3.9	3.9	3.8	0.0	-0.1	-0.1	-0.2
Total	79.4	91.4	100.9	12.0	1.4	9.6	1.0

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

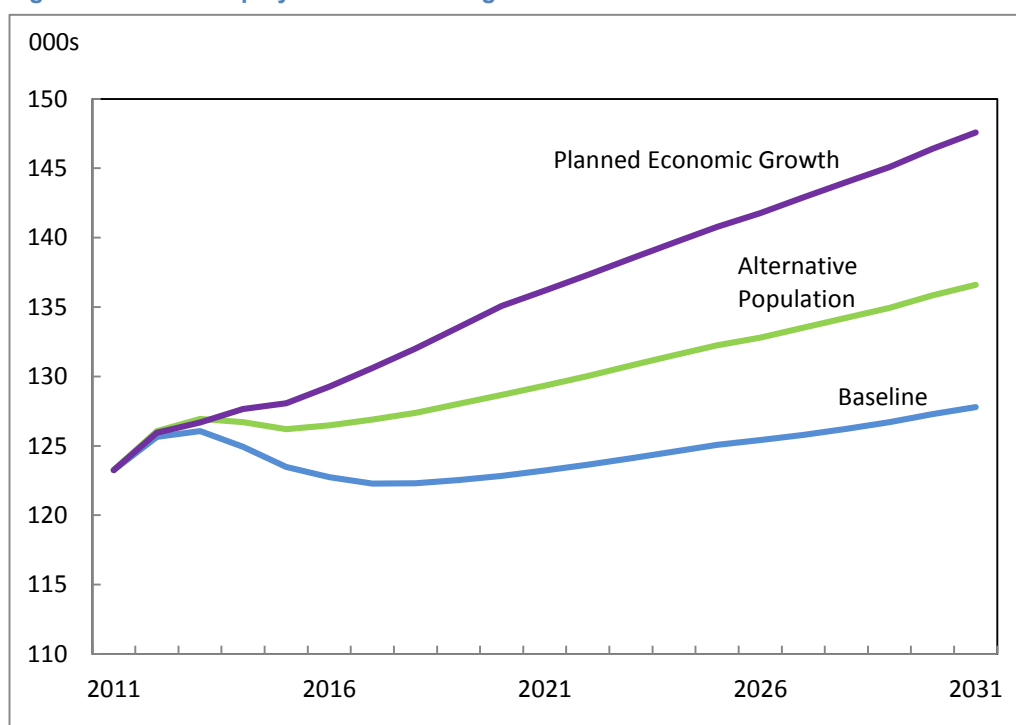
## Appendix C: Summary Results for Oxford

**Table C.1: Total Employment in each Stage - Oxford**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	123.2	123.2	127.8	0.0	0.0	4.6	0.4
Alternative Population	123.2	129.3	136.6	6.1	0.5	7.3	0.5
Planned Economic Growth	123.2	136.2	147.6	12.9	1.0	11.4	0.8

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

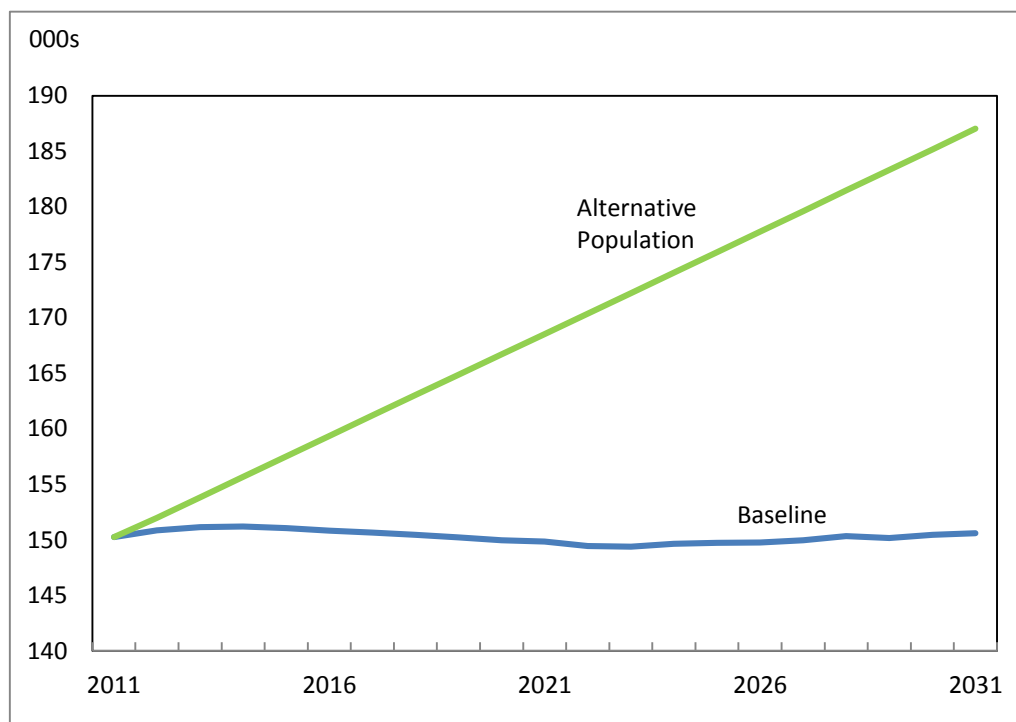
**Figure C.1: Total Employment in each Stage - Oxford**



**Table C.2: Total Population in the Baseline and Alternative Population-based projections - Oxford**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	150.2	149.8	150.6	-0.4	0.0	0.8	0.1
Alternative Population	150.2	168.5	187.0	18.3	1.2	18.5	1.0

Notes: Figures are rounded to the nearest 100 people.  
Source: Cambridge Econometrics, January 2014.

**Figure C.2: Total Population in the Baseline and Alternative Population-based projections - Oxford**

**Table C.3: Employment projections by broad sector in the Baseline projections - Oxford**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.1	0.4	0.5	0.3	11.1	0.0	1.1
Mining & quarrying	0.0	0.0	0.0	0.0	1.2	0.0	-2.5
Manufacturing	4.6	3.6	2.8	-1.0	-2.5	-0.8	-2.6
Electricity, gas & water	1.0	0.9	0.9	-0.1	-1.0	0.0	0.3
Construction	3.9	4.1	4.3	0.3	0.7	0.2	0.4
Distribution	10.8	11.1	11.3	0.3	0.3	0.2	0.2
Transport & storage	4.2	5.1	5.3	0.9	2.0	0.1	0.3
Accommodation & food services	6.9	7.7	8.1	0.8	1.1	0.5	0.6
Information & comms.	8.7	8.2	8.3	-0.5	-0.6	0.1	0.1
Fin. & business services	18.0	20.5	23.4	2.6	1.3	2.9	1.3
Government services.	59.2	55.6	57.0	-3.6	-0.6	1.4	0.3
Other services	5.9	5.9	5.9	0.1	0.1	0.0	-0.1
Total	123.2	123.2	127.8	0.0	0.0	4.6	0.4

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table C.4: Employment projections by broad sector in the Alternative Population-based projections - Oxford**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.1	0.4	0.5	0.3	11.2	0.1	1.2
Mining & quarrying	0.0	0.0	0.0	0.0	1.2	0.0	-2.5
Manufacturing	4.6	3.6	2.8	-1.0	-2.4	-0.8	-2.5
Electricity, gas & water	1.0	0.9	0.9	-0.1	-0.9	0.0	0.3
Construction	3.9	4.2	4.3	0.3	0.7	0.2	0.4
Distribution	10.8	11.4	11.9	0.6	0.5	0.6	0.5
Transport & storage	4.2	5.2	5.4	1.0	2.1	0.2	0.4
Accommodation & food services	6.9	7.7	8.3	0.8	1.1	0.6	0.7
Information & comms.	8.7	8.2	8.3	-0.5	-0.6	0.1	0.1
Fin. & business services	18.0	20.6	23.7	2.6	1.4	3.1	1.4
Government services.	59.2	61.2	64.5	2.0	0.3	3.3	0.5
Other services	5.9	6.0	5.9	0.1	0.1	0.0	0.0
Total	123.2	129.3	136.6	6.1	0.5	7.3	0.5

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table C.5: Employment projections by broad sector in the Planned Economic Growth forecast - Oxford**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.1	0.4	0.5	0.3	11.2	0.1	1.1
Mining & quarrying	0.0	0.0	0.0	0.0	1.2	0.0	-1.2
Manufacturing	4.6	4.6	4.7	0.0	0.0	0.1	0.2
Electricity, gas & water	1.0	0.9	0.9	-0.1	-0.9	0.0	0.4
Construction	3.9	4.2	4.4	0.3	0.8	0.2	0.5
Distribution	10.8	12.6	13.2	1.8	1.5	0.6	0.5
Transport & storage	4.2	5.3	5.6	1.1	2.4	0.3	0.5
Accommodation & food services	6.9	7.8	8.4	0.9	1.3	0.5	0.7
Information & comms.	8.7	8.3	8.5	-0.4	-0.4	0.2	0.2
Fin. & business services	18.0	22.5	27.0	4.5	2.3	4.5	1.8
Government services.	59.2	63.5	68.4	4.3	0.7	4.9	0.8
Other services	5.9	6.0	6.0	0.2	0.3	0.0	0.0
Total	123.2	136.2	147.6	12.9	1.0	11.4	0.8
Notes: Figures are rounded to the nearest 100 jobs.							
Source: Cambridge Econometrics, January 2014.							



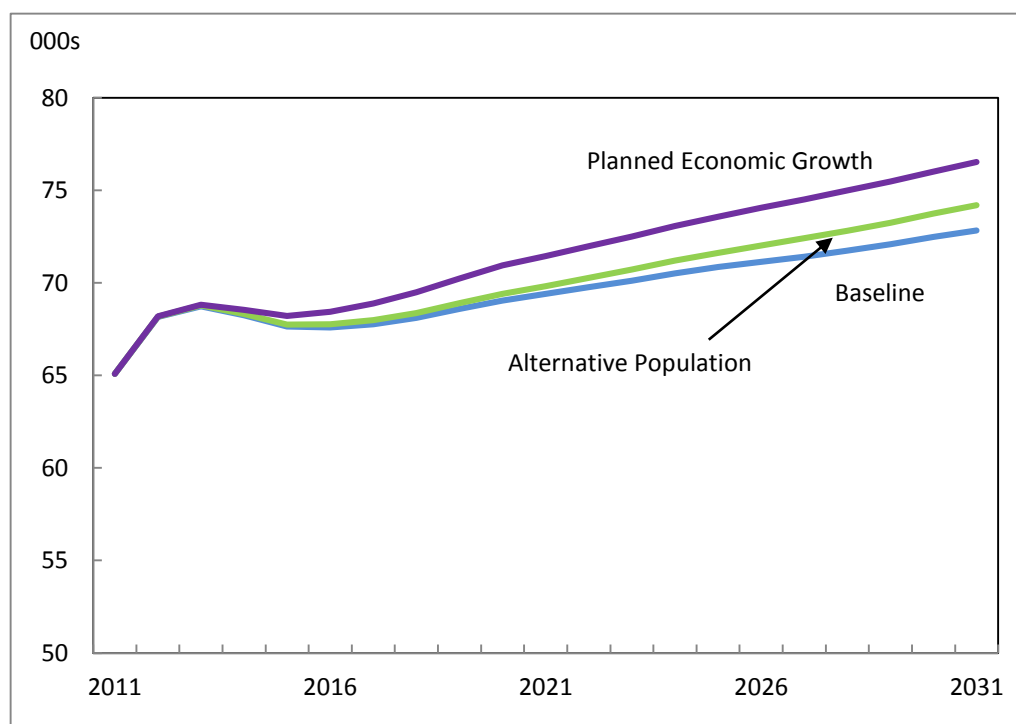
## Appendix D: Summary Results for South Oxfordshire

**Table D.1: Total Employment in each Stage – South Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	65.1	69.4	72.8	4.3	0.6	3.4	0.5
Alternative Population	65.1	69.8	74.2	4.7	0.7	4.4	0.6
Planned Economic Growth	65.1	71.4	76.5	6.4	0.9	5.1	0.7

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

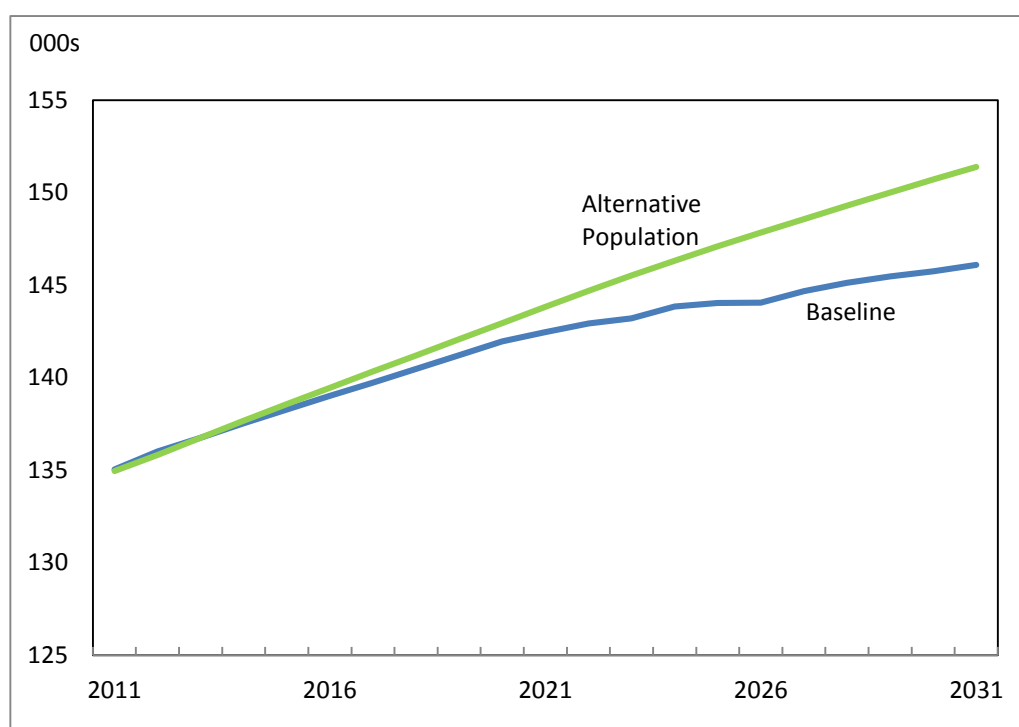
**Figure D.1: Total Employment in each Stage - South Oxfordshire**



**Table D.2: Total Population in the Baseline and Alternative Population-based projections - South Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	135.0	142.5	146.1	7.4	0.5	3.6	0.3
Alternative Population	135.0	143.8	151.4	8.9	0.6	7.5	0.5

Notes: Figures are rounded to the nearest 100 people.  
Source: Cambridge Econometrics, January 2014.

**Figure D.2: Total Population in the Baseline and Alternative Population-based projections - South Oxfordshire**

**Table D.3: Employment projections by broad sector in the Baseline projections - South Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.4	0.5	0.6	0.2	4.3	0.0	0.3
Mining & quarrying	0.0	0.0	0.0	0.0	0.0	0.0	-2.8
Manufacturing	4.0	4.1	3.7	0.1	0.3	-0.4	-1.1
Electricity, gas & water	0.7	0.7	0.7	0.0	0.0	0.0	-0.1
Construction	4.3	4.6	4.9	0.4	0.9	0.2	0.5
Distribution	9.3	9.9	10.2	0.6	0.7	0.3	0.3
Transport & storage	1.7	1.9	1.9	0.2	0.9	0.0	0.2
Accommodation & food services	4.9	6.2	7.0	1.3	2.4	0.8	1.2
Information & comms.	3.0	2.8	3.3	-0.2	-0.5	0.5	1.6
Fin. & business services	20.1	22.4	24.4	2.3	1.1	2.0	0.9
Government services.	12.5	11.9	12.0	-0.6	-0.5	0.1	0.1
Other services	4.4	4.4	4.3	0.0	-0.1	-0.1	-0.2
Total	65.1	69.4	72.8	4.3	0.6	3.4	0.5

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table D.4: Employment projections by broad sector in the Alternative Population-based projections - South Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.4	0.5	0.6	0.2	4.3	0.0	0.4
Mining & quarrying	0.0	0.0	0.0	0.0	0.0	0.0	-2.8
Manufacturing	4.0	4.2	3.8	0.1	0.4	-0.4	-1.0
Electricity, gas & water	0.7	0.7	0.7	0.0	0.1	0.0	-0.1
Construction	4.3	4.7	5.0	0.4	0.9	0.3	0.6
Distribution	9.3	10.0	10.5	0.7	0.7	0.5	0.5
Transport & storage	1.7	1.9	1.9	0.2	1.0	0.0	0.2
Accommodation & food services	4.9	6.3	7.2	1.4	2.5	1.0	1.5
Information & comms.	3.0	2.8	3.3	-0.1	-0.5	0.5	1.6
Fin. & business services	20.1	22.4	24.6	2.3	1.1	2.1	0.9
Government services.	12.5	12.0	12.4	-0.4	-0.3	0.4	0.3
Other services	4.4	4.4	4.3	0.0	0.0	-0.1	-0.1
Total	65.1	69.8	74.2	4.7	0.7	4.4	0.6

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table D.5: Employment projections by broad sector in the Planned Economic Growth forecast - South Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.4	0.5	0.6	0.2	4.3	0.0	0.4
Mining & quarrying	0.0	0.0	0.0	0.0	0.0	0.0	-2.8
Manufacturing	4.0	4.3	4.0	0.3	0.7	-0.3	-0.7
Electricity, gas & water	0.7	0.7	0.7	0.0	0.1	0.0	-0.1
Construction	4.3	4.7	5.0	0.5	1.0	0.3	0.7
Distribution	9.3	10.2	10.7	0.9	0.9	0.5	0.5
Transport & storage	1.7	2.0	2.0	0.2	1.3	0.1	0.3
Accommodation & food services	4.9	6.4	7.4	1.5	2.7	1.0	1.4
Information & comms.	3.0	2.9	3.5	-0.1	-0.2	0.6	1.8
Fin. & business services	20.1	23.2	25.8	3.1	1.5	2.6	1.1
Government services.	12.5	12.1	12.5	-0.3	-0.3	0.4	0.3
Other services	4.4	4.4	4.4	0.1	0.1	0.0	-0.1
Total	65.1	71.4	76.5	6.4	0.9	5.1	0.7
Notes: Figures are rounded to the nearest 100 jobs.							
Source: Cambridge Econometrics, January 2014.							

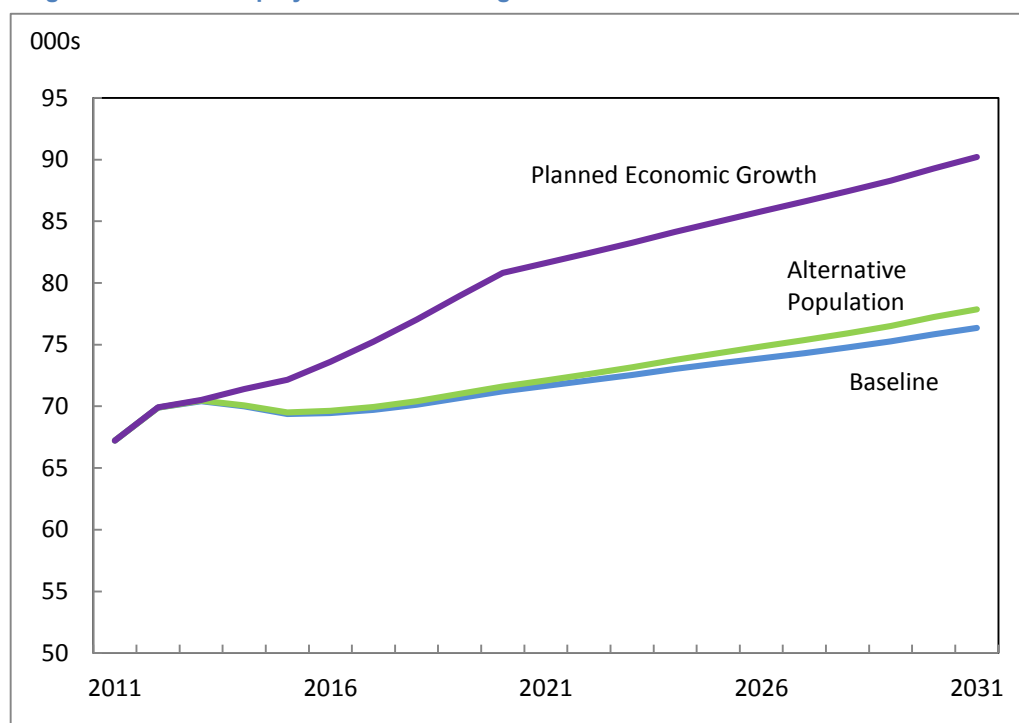
## Appendix E: Summary Results for Vale of White Horse

**Table E.1: Total Employment in each Stage - Vale of White Horse**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	67.2	71.7	76.4	4.4	0.6	4.7	0.6
Alternative Population	67.2	72.1	77.9	4.9	0.7	5.8	0.8
Planned Economic Growth	67.2	81.6	90.2	14.4	2.0	8.6	1.0

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

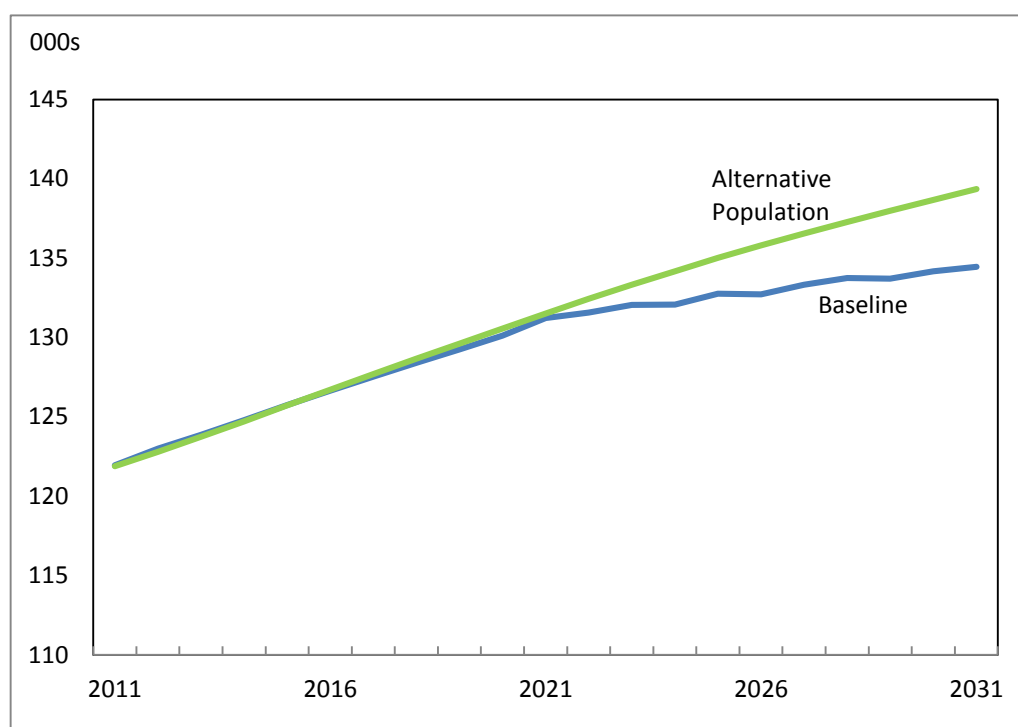
**Figure E.1: Total Employment in each Stage - Vale of White Horse**



**Table E.2: Total Population in the Baseline and Alternative Population-based projections - Vale of White Horse**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	121.9	131.2	134.5	9.3	0.7	3.2	0.2
Alternative Population	121.9	131.5	139.3	9.6	0.8	7.8	0.6

Notes: Figures are rounded to the nearest 100 people.  
Source: Cambridge Econometrics, January 2014.

**Figure E.2: Total Population in the Baseline and Alternative Population-based projections - Vale of White Horse**

**Table E.3: Employment projections by broad sector in the Baseline projections - Vale of White Horse**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.8	1.4	1.5	0.6	5.9	0.1	0.5
Mining & quarrying	0.0	0.0	0.0	0.0	-5.9	0.0	-5.2
Manufacturing	4.4	4.7	4.3	0.3	0.7	-0.4	-0.9
Electricity, gas & water	1.3	1.3	1.3	0.0	-0.1	0.0	-0.1
Construction	5.1	5.6	6.0	0.6	1.1	0.4	0.6
Distribution	8.8	9.4	9.6	0.6	0.6	0.2	0.3
Transport & storage	2.1	2.6	2.7	0.4	1.8	0.2	0.7
Accommodation & food services	3.6	4.2	4.8	0.6	1.6	0.6	1.3
Information & comms.	4.9	4.6	5.1	-0.3	-0.7	0.5	1.1
Fin. & business services	18.0	20.2	22.9	2.2	1.2	2.7	1.3
Government services.	14.0	13.4	13.9	-0.5	-0.4	0.5	0.4
Other services	4.2	4.3	4.2	0.1	0.1	-0.1	-0.2
Total	67.2	71.7	76.4	4.4	0.6	4.7	0.6

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

**Table E.4: Employment projections by broad sector in the Alternative Population-based projections - Vale of White Horse**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.8	1.4	1.5	0.6	5.9	0.1	0.5
Mining & quarrying	0.0	0.0	0.0	0.0	-4.8	0.0	-4.5
Manufacturing	4.4	4.7	4.4	0.4	0.8	-0.4	-0.8
Electricity, gas & water	1.3	1.3	1.3	0.0	-0.1	0.0	0.0
Construction	5.1	5.7	6.1	0.6	1.1	0.4	0.8
Distribution	8.8	9.4	9.8	0.6	0.7	0.4	0.4
Transport & storage	2.1	2.6	2.8	0.4	1.9	0.2	0.8
Accommodation & food services	3.6	4.2	4.9	0.6	1.7	0.7	1.5
Information & comms.	4.9	4.6	5.1	-0.3	-0.7	0.6	1.2
Fin. & business services	18.0	20.2	23.1	2.3	1.2	2.9	1.3
Government services.	14.0	13.6	14.6	-0.4	-0.3	0.9	0.7
Other services	4.2	4.3	4.2	0.1	0.2	0.0	-0.1
Total	67.2	72.1	77.9	4.9	0.7	5.8	0.8

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

**Table E.5: Employment projections by broad sector in the Planned Economic Growth forecast - Vale of White Horse**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.8	1.4	1.5	0.6	6.0	0.1	0.5
Mining & quarrying	0.0	0.0	0.0	0.0	-4.8	0.0	-4.5
Manufacturing	4.4	7.3	7.6	2.9	5.2	0.3	0.4
Electricity, gas & water	1.3	1.3	1.3	0.0	-0.1	0.0	0.0
Construction	5.1	5.7	6.2	0.7	1.3	0.5	0.8
Distribution	8.8	9.7	10.3	0.9	1.0	0.5	0.5
Transport & storage	2.1	3.7	4.5	1.5	5.4	0.9	2.2
Accommodation & food services	3.6	4.3	5.0	0.7	1.8	0.7	1.5
Information & comms.	4.9	6.0	7.0	1.1	2.0	1.0	1.6
Fin. & business services	18.0	24.1	27.8	6.1	3.0	3.7	1.4
Government services.	14.0	13.7	14.7	-0.3	-0.2	0.9	0.7
Other services	4.2	4.3	4.3	0.2	0.4	0.0	-0.1
Total	67.2	81.6	90.2	14.4	2.0	8.6	1.0
Notes: Figures are rounded to the nearest 100 jobs.							
Source: Cambridge Econometrics, January 2014.							



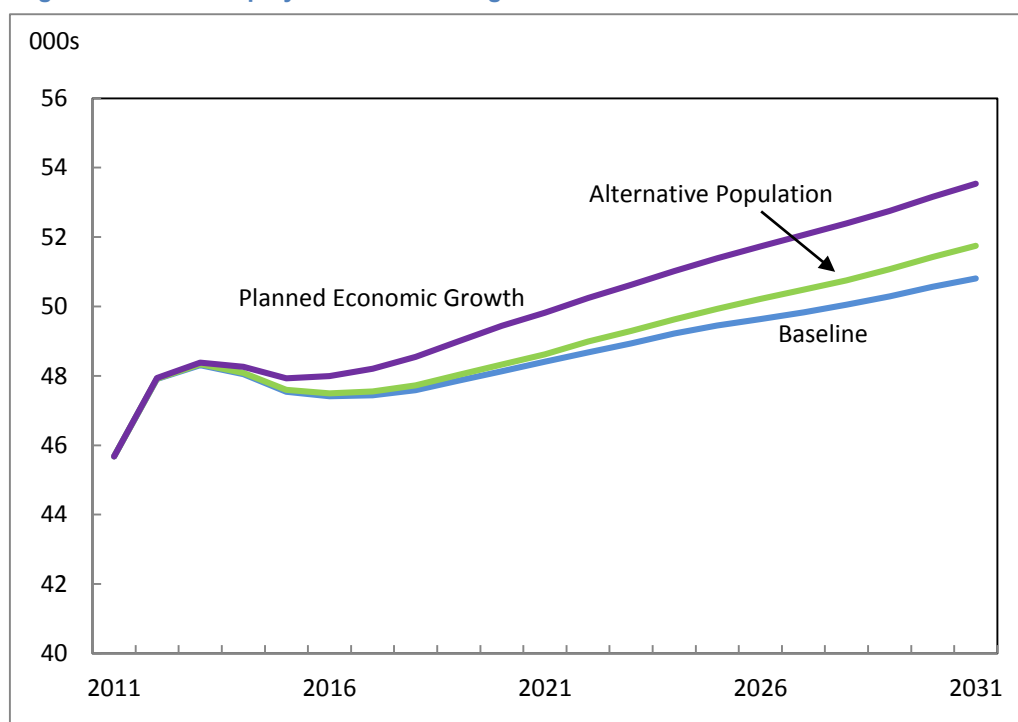
## Appendix F: Summary Results for West Oxfordshire

**Table F.1: Total Employment in each Stage - West Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	45.7	48.4	50.8	2.7	0.6	2.4	0.5
Alternative Population	45.7	48.6	51.7	2.9	0.6	3.1	0.6
Planned Economic Growth	45.7	49.8	53.5	4.1	0.9	3.7	0.7

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

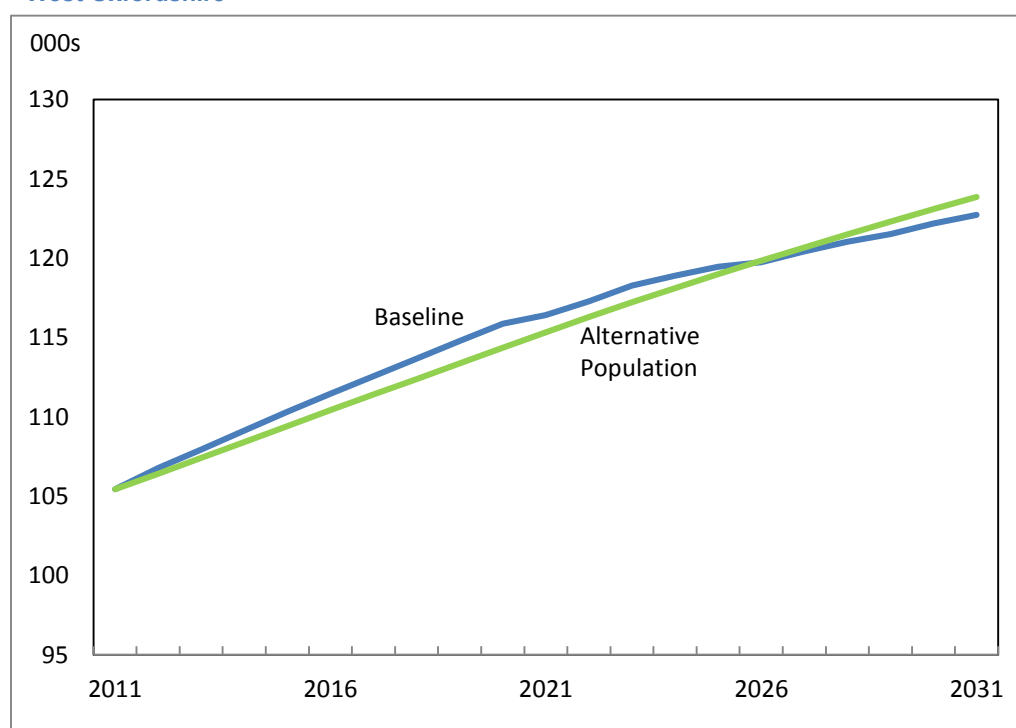
**Figure F.1: Total Employment in each Stage - West Oxfordshire**



**Table F.2: Total Population in the Baseline and Alternative Population-based projections - West Oxfordshire**

	2011 (000s)	2021 (000s)	2031 (000s)	2011-21		2021-31	
				(000s)	(% pa)	(000s)	(% pa)
Baseline	105.4	116.4	122.7	11.0	1.0	6.3	0.5
Alternative Population	105.4	115.3	123.9	9.9	0.9	8.5	0.7

Notes: Figures are rounded to the nearest 100 people.  
Source: Cambridge Econometrics, January 2014.

**Figure F.2: Total Population in the Baseline and Alternative Population-based projections - West Oxfordshire**

**Table F.3: Employment projections by broad sector in the Baseline projections - West Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.3	0.5	0.6	0.2	6.4	0.0	0.6
Mining & quarrying	0.1	0.1	0.1	0.0	0.7	0.0	-2.4
Manufacturing	5.2	5.6	5.1	0.5	0.9	-0.5	-1.0
Electricity, gas & water	0.5	0.5	0.5	0.0	0.1	0.0	-0.3
Construction	3.8	4.2	4.4	0.3	0.8	0.2	0.5
Distribution	6.8	7.2	7.5	0.4	0.6	0.3	0.4
Transport & storage	1.1	1.4	1.5	0.2	2.0	0.1	0.6
Accommodation & food services	3.3	3.8	4.1	0.5	1.4	0.3	0.9
Information & comms.	1.9	1.8	2.2	-0.1	-0.5	0.3	1.6
Fin. & business services	8.3	9.4	10.9	1.1	1.3	1.5	1.4
Government services.	9.8	9.3	9.6	-0.5	-0.5	0.3	0.4
Other services	4.6	4.6	4.5	0.0	-0.1	-0.1	-0.2
Total	45.7	48.4	50.8	2.7	0.6	2.4	0.5

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table F.4: Employment projections by broad sector in the Alternative Population-based projections - West Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.3	0.5	0.6	0.2	6.5	0.0	0.6
Mining & quarrying	0.1	0.1	0.1	0.0	1.1	0.0	-1.9
Manufacturing	5.2	5.6	5.1	0.5	0.9	-0.5	-0.9
Electricity, gas & water	0.5	0.5	0.5	0.0	0.2	0.0	-0.2
Construction	3.8	4.2	4.4	0.4	0.9	0.2	0.6
Distribution	6.8	7.2	7.6	0.4	0.6	0.4	0.5
Transport & storage	1.1	1.4	1.5	0.3	2.1	0.1	0.7
Accommodation & food services	3.3	3.8	4.2	0.5	1.5	0.4	1.0
Information & comms.	1.9	1.8	2.2	-0.1	-0.5	0.3	1.7
Fin. & business services	8.3	9.5	11.1	1.2	1.3	1.6	1.6
Government services.	9.8	9.3	9.9	-0.5	-0.5	0.6	0.6
Other services	4.6	4.6	4.6	0.0	0.0	-0.1	-0.1
Total	45.7	48.6	51.7	2.9	0.6	3.1	0.6

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table F.5: Employment projections by broad sector in the Planned Economic Growth forecast - West Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	0.3	0.5	0.6	0.2	6.5	0.0	0.6
Mining & quarrying	0.1	0.1	0.1	0.0	1.2	0.0	-1.8
Manufacturing	5.2	5.9	5.6	0.8	1.4	-0.3	-0.5
Electricity, gas & water	0.5	0.5	0.5	0.0	0.2	0.0	-0.2
Construction	3.8	4.2	4.5	0.4	1.0	0.3	0.6
Distribution	6.8	7.4	7.8	0.6	0.8	0.4	0.5
Transport & storage	1.1	1.4	1.6	0.3	2.4	0.1	0.8
Accommodation & food services	3.3	3.9	4.3	0.6	1.7	0.4	1.0
Information & comms.	1.9	1.9	2.2	-0.1	-0.3	0.4	1.8
Fin. & business services	8.3	9.9	11.8	1.6	1.8	1.9	1.7
Government services.	9.8	9.4	10.0	-0.4	-0.4	0.6	0.6
Other services	4.6	4.7	4.6	0.1	0.1	0.0	-0.1
Total	45.7	49.8	53.5	4.1	0.9	3.7	0.7
Notes: Figures are rounded to the nearest 100 jobs.							
Source: Cambridge Econometrics, January 2014.							

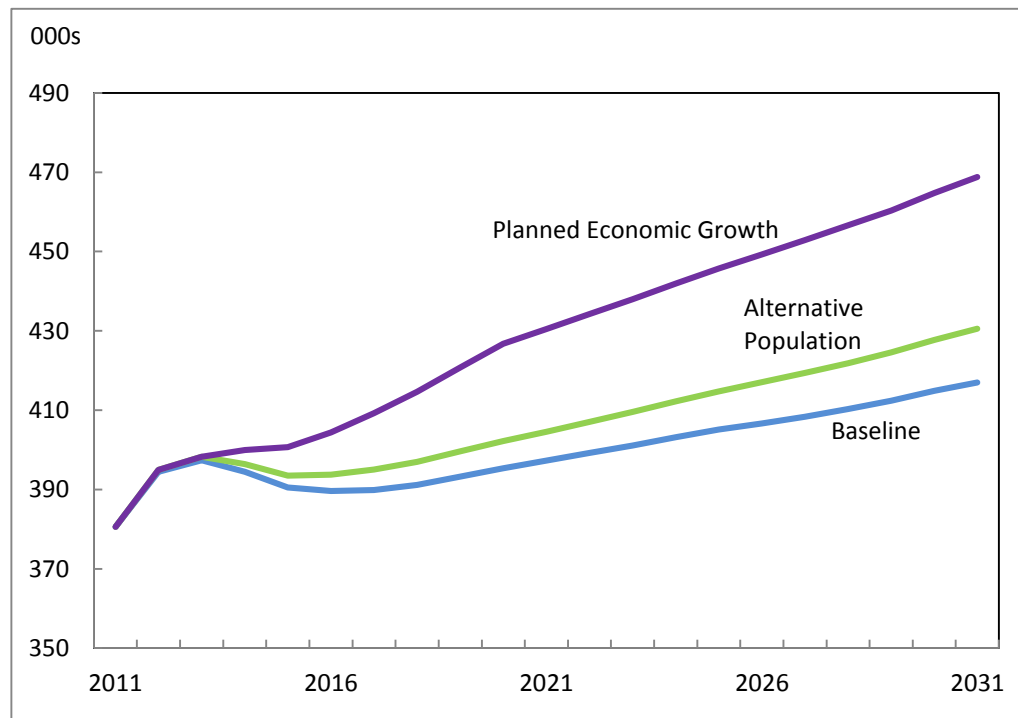
## Appendix G: Summary Results for Oxfordshire

**Table G.1: Total Employment in each Stage - Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	380.6	397.3	417.0	16.7	0.4	19.7	0.5
Alternative Population	380.6	404.6	430.5	24.0	0.6	26.0	0.6
Planned Economic Growth	380.6	430.5	468.8	49.9	1.2	38.3	0.9

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

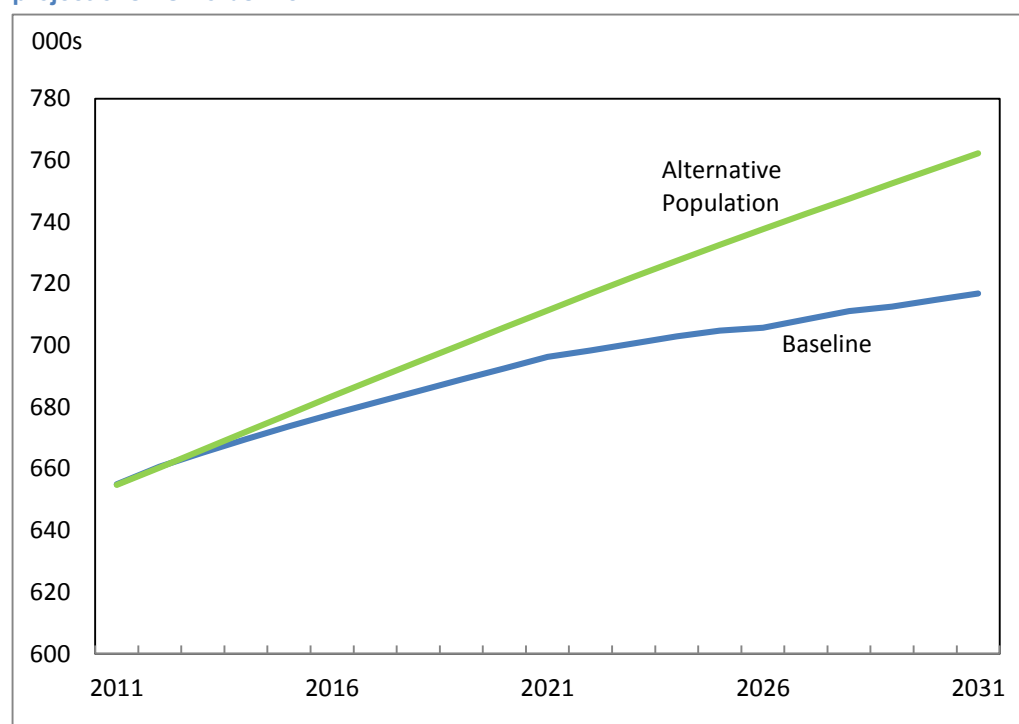
**Figure G.1: Total Employment in each Stage - Oxfordshire**



**Table G.2: Total Population in the Baseline and Alternative Population-based projections - Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	655.0	696.2	716.8	41.2	0.6	20.5	0.3
Alternative Population	654.8	711.4	762.2	56.6	0.8	50.9	0.7

Notes: Figures are rounded to the nearest 100 people.  
Source: Cambridge Econometrics, January 2014.

**Figure G.2: Total Population in the Baseline and Alternative Population-based projections - Oxfordshire**

**Table G.3: Employment projections by broad sector in the Baseline projections - Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	2.3	4.8	5.1	2.5	7.7	0.4	0.7
Mining & quarrying	0.2	0.2	0.1	0.0	-1.3	0.0	-3.3
Manufacturing	26.9	27.3	24.4	0.4	0.2	-2.9	-1.1
Electricity, gas & water	4.3	4.1	4.1	-0.1	-0.3	0.0	0.0
Construction	22.2	24.3	25.6	2.1	0.9	1.3	0.5
Distribution	52.0	55.2	56.8	3.2	0.6	1.7	0.3
Transport & storage	11.8	14.0	14.6	2.2	1.8	0.6	0.4
Accommodation & food services	23.4	27.2	29.9	3.9	1.5	2.7	0.9
Information & comms.	21.9	20.5	22.1	-1.3	-0.6	1.6	0.8
Fin. & business services	78.1	88.9	101.5	10.8	1.3	12.6	1.3
Government services.	114.7	107.8	110.2	-6.8	-0.6	2.3	0.2
Other services	23.0	22.9	22.5	-0.1	0.0	-0.5	-0.2
Total	380.6	397.3	417.0	16.7	0.4	19.7	0.5

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table G.4: Employment projections by broad sector in the Alternative Population-based projections - Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	2.3	4.8	5.2	2.5	7.7	0.4	0.8
Mining & quarrying	0.2	0.2	0.1	0.0	-0.7	0.0	-2.6
Manufacturing	26.9	27.4	24.7	0.5	0.2	-2.7	-1.0
Electricity, gas & water	4.3	4.2	4.2	-0.1	-0.2	0.0	0.0
Construction	22.2	24.4	25.9	2.2	0.9	1.5	0.6
Distribution	52.0	55.5	58.1	3.5	0.7	2.6	0.5
Transport & storage	11.8	14.1	14.9	2.3	1.8	0.8	0.6
Accommodation & food services	23.4	27.4	30.6	4.1	1.6	3.2	1.1
Information & comms.	21.9	20.6	22.3	-1.3	-0.6	1.7	0.8
Fin. & business services	78.1	89.3	102.6	11.1	1.3	13.4	1.4
Government services.	114.7	113.8	119.1	-0.9	-0.1	5.4	0.5
Other services	23.0	23.0	22.8	0.0	0.0	-0.3	-0.1
Total	380.6	404.6	430.5	24.0	0.6	26.0	0.6

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.

**Table G.5: Employment projections by broad sector in the Planned Economic Growth forecast - Oxfordshire**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	2.3	4.8	5.2	2.5	7.7	0.4	0.8
Mining & quarrying	0.2	0.2	0.1	0.0	-0.7	0.0	-2.6
Manufacturing	26.9	32.6	32.8	5.7	2.0	0.2	0.1
Electricity, gas & water	4.3	4.2	4.2	-0.1	-0.2	0.0	0.0
Construction	22.2	24.8	26.5	2.6	1.1	1.7	0.7
Distribution	52.0	58.8	61.7	6.8	1.2	2.9	0.5
Transport & storage	11.8	16.7	19.1	4.9	3.5	2.4	1.4
Accommodation & food services	23.4	27.9	31.2	4.6	1.8	3.3	1.1
Information & comms.	21.9	22.5	25.2	0.7	0.3	2.6	1.1
Fin. & business services	78.1	98.2	116.1	20.1	2.3	18.0	1.7
Government services.	114.7	116.5	123.5	1.8	0.2	7.1	0.6
Other services	23.0	23.4	23.2	0.4	0.2	-0.2	-0.1
Total	380.6	430.5	468.8	49.9	1.2	38.3	0.9

Notes: Figures are rounded to the nearest 100 jobs.

Source: Cambridge Econometrics, January 2014.



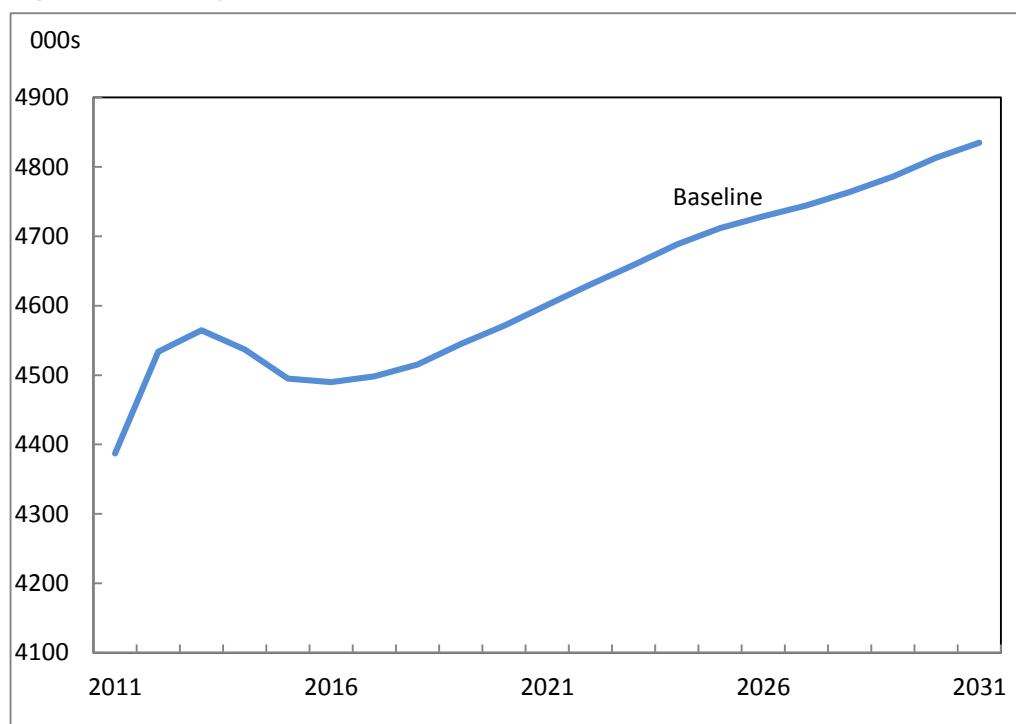
## Appendix H: Summary Results for the South East

Table H.1: Employment Forecast - South East

	2011	2021	2031	2011-21	2021-31
	(000s)	(000s)	(000s)	(000s) (% pa)	(000s) (% pa)
Baseline	4387.2	4601.0	4834.9	213.8 0.5	234.0 0.5

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

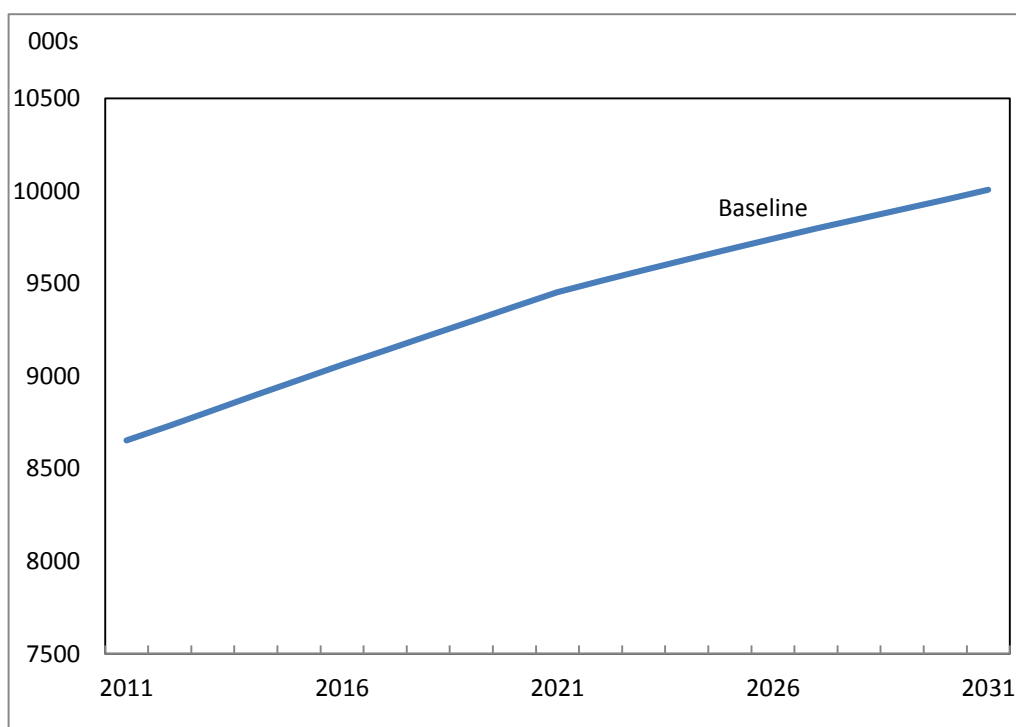
Figure H.1: Employment Forecast - South East



**Table H.2: Population Projection - South East**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Baseline	8653.0	9453.5	10007.0	800.5	0.9	553.5	0.6

Notes: Figures are rounded to the nearest 100 people.  
Source: ONS and Cambridge Econometrics, January 2014.

**Figure H.2: Population Projection - South East**

**Table H.3: Employment Forecast by Broad Sector - South East**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	32.2	52.1	54.8	20.0	4.9	2.7	0.5
Mining & quarrying	4.2	3.9	3.3	-0.3	-0.7	-0.6	-1.7
Manufacturing	282.3	294.2	268.5	11.9	0.4	-25.7	-0.9
Electricity, gas & water	51.8	50.0	50.5	-1.7	-0.3	0.4	0.1
Construction	300.6	352.3	387.0	51.7	1.6	34.7	0.9
Distribution	665.4	714.8	736.1	49.4	0.7	21.3	0.3
Transport & storage	191.1	224.8	238.0	33.6	1.6	13.2	0.6
Accommodation & food services	266.9	312.2	339.2	45.4	1.6	27.0	0.8
Information & comms.	251.6	242.5	272.6	-9.1	-0.4	30.1	1.2
Fin. & business services	911.6	1026.2	1154.1	114.6	1.2	127.9	1.2
Government services.	1148.0	1063.4	1071.2	-84.6	-0.8	7.9	0.1
Other services	281.6	264.5	259.7	-17.1	-0.6	-4.8	-0.2
Total	4387.2	4601.0	4834.9	213.8	0.5	234.0	0.5
Notes: Figures are rounded to the nearest 100 jobs.							
Source: Cambridge Econometrics, January 2014.							

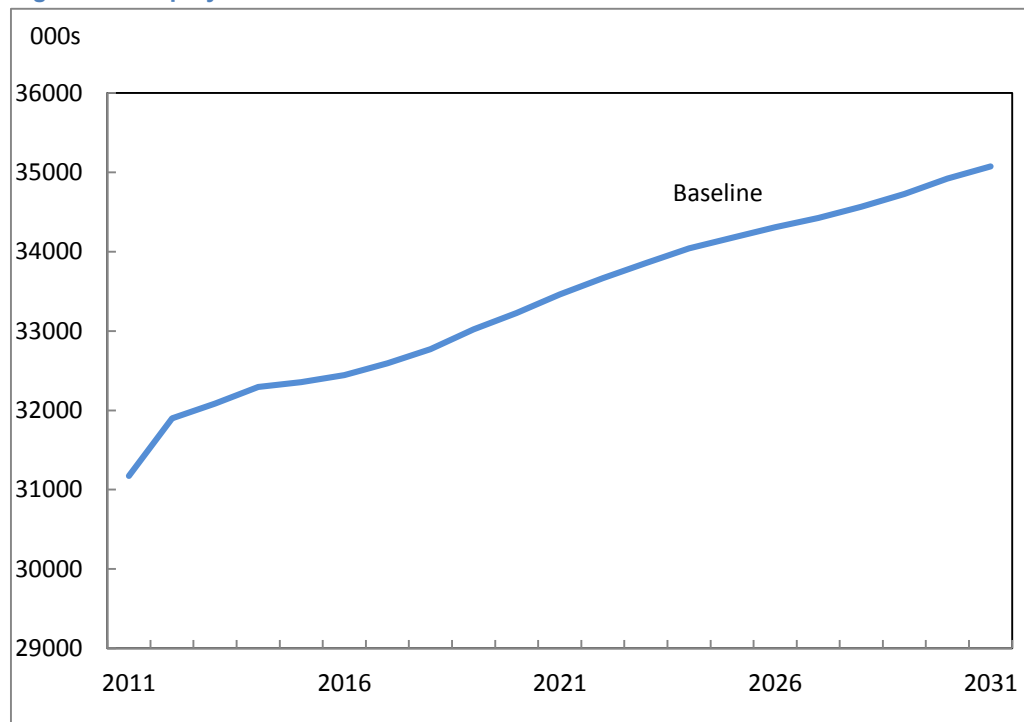
## Appendix I: Summary Results for UK

Table I.1: Employment Forecast - UK

	2011	2021	2031	2011-21	2021-31
	(000s)	(000s)	(000s)	(000s) (% pa)	(000s) (% pa)
Baseline	31175.0	33460.5	35075.7	2285.5 0.7	1615.2 0.5

Notes: Figures are rounded to the nearest 100 jobs.  
Source: Cambridge Econometrics, January 2014.

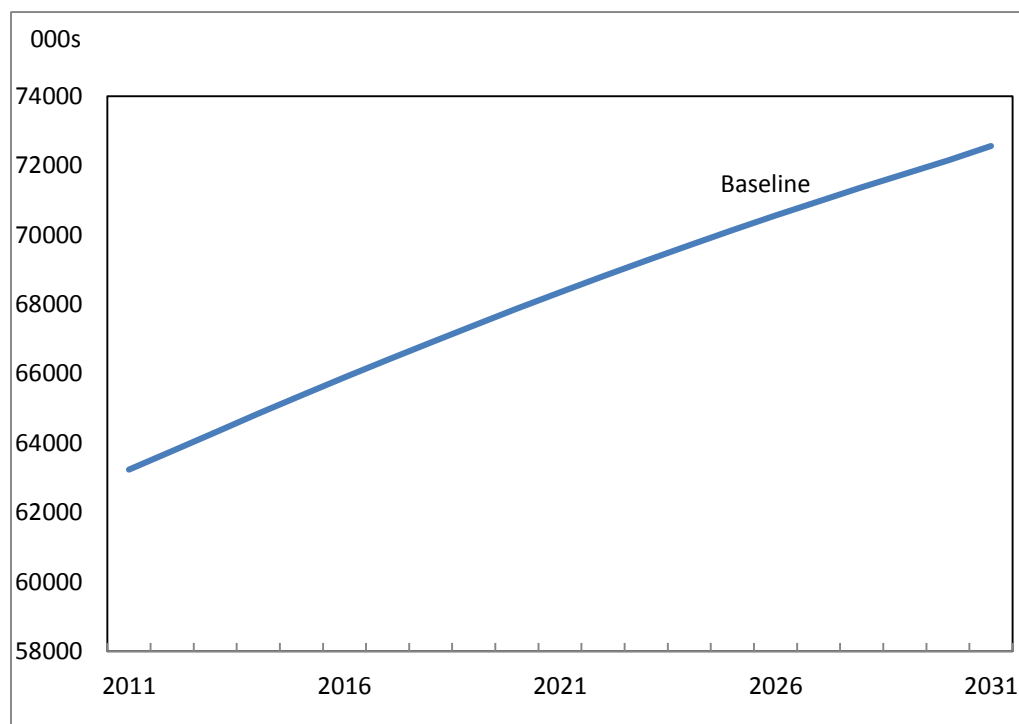
Figure I.1: Employment Forecast - UK



**Table I.2: Population Projection - UK**

	2011	2021	2031	2011-21	2021-31
	(000s)	(000s)	(000s)	(000s) (% pa)	(000s) (% pa)
Baseline	63233.0	68351.6	72558.2	5118.6 0.8	4206.6 0.6

Notes: Figures are rounded to the nearest 100 people.  
Source: ONS and Cambridge Econometrics, January 2014.

**Figure I.2: Population Projection - UK**

**Table I.3: Employment Forecast by Broad Sector- UK**

	2011	2021	2031	2011-21		2021-31	
	(000s)	(000s)	(000s)	(000s)	(% pa)	(000s)	(% pa)
Agriculture	395.9	375.5	360.1	-20.4	-0.5	-15.4	-0.4
Mining & quarrying	59.0	64.5	55.2	5.5	0.9	-9.3	-1.5
Manufacturing	2531.9	2434.9	2173.7	-97.0	-0.4	-261.3	-1.1
Electricity, gas & water	321.0	362.3	385.8	41.3	1.2	23.6	0.6
Construction	2019.6	2490.3	2583.1	470.7	2.1	92.8	0.4
Distribution	4713.8	4994.4	5042.9	280.6	0.6	48.5	0.1
Transport & storage	1462.9	1609.3	1655.9	146.4	1.0	46.6	0.3
Accommodation & food services	1989.9	2306.7	2592.3	316.8	1.5	285.6	1.2
Information & comms.	1213.9	1285.2	1435.1	71.3	0.6	149.9	1.1
Fin. & business services	6307.6	7414.3	8120.6	1106.8	1.6	706.3	0.9
Government services.	8404.7	8301.6	8782.8	-103.1	-0.1	481.2	0.6
Other services	1754.8	1821.3	1888.1	66.5	0.4	66.8	0.4
Total	31175.0	33460.5	35075.7	2285.5	0.7	1615.2	0.5
Notes: Figures are rounded to the nearest 100 jobs.							
Source: Cambridge Econometrics, January 2014.							

## Appendix J: LEFM Industry Definitions

Table J.1: Cambridge Econometrics' Industries (45) Defined in Terms of SIC2007

Industry	SIC2007
1 Agriculture , forestry & fishing	01-03
2 Mining & quarrying	05-09
3 Food, drink & tobacco	10-12
4 Textiles etc	13-15
5 Wood & paper	16-17
6 Printing & recording	18
7 Coke & petroleum	19
8 Chemicals	20
9 Pharmaceuticals	21
10 Non-metallic mineral products	22-23
11 Metals & metal products	24-25
12 Electronics	26
13 Electrical equipment	27
14 Machinery	28
15 Motor vehicles	29
16 Other transport equipment	30
17 Other manufacturing & repair	31-33
18 Electricity & gas	35
19 Water, sewerage & waste	36-39
20 Construction	41-43
21 Motor vehicles trade	45
22 Wholesale trade	46
23 Retail trade	47
24 Land transport	49
25 Water transport	50
26 Air transport	51
27 Warehousing & postal	52-53
28 Accommodation	55
29 Food & beverage services	56
30 Media	58-60
31 IT services	61-63
32 Financial & insurance	64-66
33 Real estate	68
34 Legal & accounting	69
35 Head offices & management consultancies	70
36 Architectural & engineering services	71
37 Other professional services	72-75
38 Business support services	77-82
39 Public Administration & Defence	84
40 Education	85
41 Health	86
42 Residential & social	87-88
43 Arts	90-91
44 Recreational services	92-93
45 Other services	94-96
46 Unallocated	

**Table J.2: Cambridge Econometrics' Broad Sectors (12) Defined in Terms of SIC 2007**

<b>Sector</b>		<b>SIC2007</b>
1	Agriculture etc	01-03
2	Mining & quarrying	05-09
3	Manufacturing	10-33
4	Electricity, gas & water	35-39
5	Construction	41-43
6	Distribution	45-47
7	Transport & storage	49-53
8	Accommodation & food services	55-56
9	Information & communications	58-63
10	Financial & business services	64-82
11	Government services	84-88
12	Other services	90-96



## **Appendix K: Employment sites and job capacities for Oxfordshire Districts**

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Table K.1: Employment sites and jobs in Cherwell

Site Name	Total land for employment (ha)	Total number of jobs in Local Plan period	Jobs by Use Class (%)			Comments
			B1	B2	B8	
Cherwell						
Bicester 1 - North West Bicester	37 (25.5 up to 2031)	1,800 within plan period	60%	20%	20%	Based on draft NW Bicester masterplan which includes approx 35,000sqm of mixed B1/B2/B8 space, plus 20,000 sqm of B1 space. Likely build out and take up of business space more rapid than indicated in local plan - assume 2,500 jobs created on site by 2030, rather than 1,800
Bicester 2 - Graven Hill	26	2,070	10%	20%	70%	Mix of B uses guesstimated, based on indications that site is most favoured in Bicester for large scale B8 uses.
Bicester 4 - Bicester Business Park	17.5	3,850	100%			B1 Offices/business uses. Some of land likely to go for retail (relocation of Tesco to site to enable Bicester Village to expand) and hotel use.
Bicester 5 - Strengthening Bicester Town Centre		1000				Retail with some ancillary offices. Sainsbury expansion - 870 jobs - plus some office jobs.
Bicester 8 - RAF Bicester	17 (Bicester Masterplan)	2,244 (Bicester Masterplan)	50%	50%		Proposals for the site include a museum for RAF Bomber Command, the development of hotel and conference facilities, and a range of workshop, storage and service activities related to classic aircraft and road vehicles. Balance of different uses may in practice be more B8 and less B1.
Bicester 10 - Bicester Gateway	7.5	990	100%			The site is closest to the M40 and the best located in Bicester to attract hightech knowledge intensive B1 uses. However, the amount of office/R&D space proposed for Bicester Gateway (990 jobs), Bicester Business Park (3,850 jobs) and NE Bicester Business Park (1,090 jobs) combined is ambitious compared with the nature of demand for high tech uses in this area,

Site Name	Total land for employment (ha)	Total number of jobs in Local Plan period	Jobs by Use Class (%)			Comments
			B1	B2	B8	
Cherwell						
						which is more oriented towards manufacturing with some office space, rather than exclusively office/R&D space.
Bicester 11 - North East Bicester Business Park	2.7	1,092	100%			B1 Office/Business uses only - see comment above. Of the three sites, this is probably the least attractive due to its greater distance from the M40/A34 and Bicester Town rail station.
Bicester 12 - East Bicester	18	3241 (some beyond plan period)	20%	30%	50%	Mixed B Use classes. The draft Local Plan expects this site to come forward for development towards the end of the plan period, therefore only part of the site is likely to be developed by 2030.
Banbury 1 - Canalside						The draft local plan indicates 15,000sqm of retail/commercial use and some live work uses but no B uses.
Banbury 6 - Land west of M40	6.3 (net remaining area)		15%	35%	50%	Mixed Use site, excellent strategic location with good access, though some remediation work will be necessary as part of the development. Includes over 500 jobs on part of the site already constructed and another 1,000 jobs on the remainder of the site
Banbury 7 - Strengthening Banbury town centre						Retail

Site Name	Total land for employment (ha)	Total number of jobs in Local Plan period	Jobs by Use Class (%)			Comments
			B1	B2	B8	
Cherwell						
Banbury 8 - Land at Bolton Road	2					Identified for a mix of town centre uses in the draft Local Plan - retail, leisure, hotel. No B uses proposed
Banbury 9 - Spiceball	4.5					Identified for a mix of town centre uses in the draft Local Plan - retail, leisure, hotel. No B uses proposed

<http://www.cherwell.gov.uk/index.cfm?articleid=3244>

Includes:

Cherwell Economic Analysis Study 2012

Employment Land Review 2006

Employment Land Review Update 2012

TableK.2: Employment sites and jobs in Oxford

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
Oxford City																		
Oxford Bioescalator	22.73	0.58		5575 sqm (B1)	City Deal Sites and Housing DPD	4460				Science Park	32	139	Brownfield site: within Churchill Hospital campus. Whilst this is redevelopment floorspace figures are additional to include principally B1(b), but some B1(c) and B2	32	5575	174	Science Park	4460

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Magnet Science Oxford	0.25	0.25		2150 sqm (B1)	City Deal West End AAP	1720				General Office	12	143	Brownfield site: occupied by Oxford Innovation. Demolition and redevelopment floorspace additional	12	2150	179	General Office	1720

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Northern Gateway Innovation Area	16	11.5		83600 sqm (B1)	<b>City Deal</b> Core Strategy DPD	66880				Business park	10	6688	Greenfield site: New employment-led development with housing and complimentary uses. No net loss of employment all new floorspace	10	83600	8360	Business park	66880

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Gateway Station at Oxford	5.6	1.2		12000 sqm (B1)	<b>City Deal</b> West End AAP	9600				General Office	12	800	Brownfield site: Redevelopment of existing Station area. New additional floorspace	12	12000	1000	General Office	9600
Oxpens / West End Renaissance	8.34	0.7		9550 sqm (B1)	<b>City Deal</b> West End AAP	7640				General Office	12	637	Brownfield site: redevelopment but no net loss of employment uses, new floorspace	12	9550	796	General Office	7640



Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Blackbird Leys Central Area	5.34	1		4000 sqm (B1)	Sites and Housing DPD (SP5)	3200				Serviced Office	10	320	Brownfield site: Mixed-use development to include start-up units, new floorspace	10	4000	400	Serviced Office	3200
Cowley centre	3.65	0.25		1000 sqm (B1)	Sites and Housing DPD (SP10)	800				General Office	12	67	Brownfield site: retail-led mixed-use development to include employment offices B1a, new floorspace	12	1000	83	General Office	800

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Diamond Place	1.73	0.6		2400 sqm (B1)	Sites and Housing DPD (SP14)	1920				General Office	12	160	Brownfield site: retail-led mixed-use development to include employment offices B1a. New floorspace	12	2400	200	General Office	1920

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Radcliffe Hospital	27.03	2		8000 sqm (B1)	Sites and Housing DPD (SP23)	6400				Light Industrial	47	136	Brownfield site: redevelopment of existing buildings to include principally B1(b), B1(c), and B2. New floorspace	47	8000	170	Light Industrial	6400

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Littlemore Park	5.44	5.44		3000 sqm (B1)	Sites and Housing DPD (SP30)	2400				Business Park	10	240	Brownfield site: allocated for employment B1 use, no loss of employment, new floorspace created	10	3000	300	Business Park	2400
Nuffield Orthopaedic centre	8.37	2.1		8400 sqm (B1)	Sites and Housing DPD (SP38)	6720				Light Industrial	47	143	Brownfield site: redevelopment of existing buildings to include research (B1b). New floorspace	47	8400	179	Light Industrial	6720

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Old Road Campus	4.43	4.43		48000 sqm (B1)	Sites and Housing DPD (SP39)	38400				Science Park	32	1200	Brownfield site: redevelopment of existing buildings to include principally B1(b); new research uses created.	32	48000	1500	Science Park	38400

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Oxford Business Park	33.5	7.94		41650 sqm (B1)	Sites and Housing DPD (SP42)	36920				Business Park	10	3692	Brownfield site: Comprises undeveloped plots for mainly B1a use. New floorspace created	10	46150	4615	Business Park	36920

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Oxford Science Park	23	8.06		32250 sqm (B1)	Sites and Housing DPD (SP43)	25800				Science Park	32	806	Brownfield site: Comprises undeveloped plots for mainly B1 use, new floorspace created	32	32250	1008	Science Park	25800
Oxford Science Park at Minchery Farm	2.35	2.35		9400 sqm (B1)	Sites and Housing DPD (SP44)	7520				Science Park	32	235	Brownfield site: No loss of employment, new floorspace use B1,	32	9400	294	Science Park	7520

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Oxford University Press Sports Ground	3.65	0.65		2600 sqm (B1)	Sites and Housing DPD (SP45)	2080				Serviced Office	10	208	Greenfield site: Residential-led development with some complementary B1 use. New additional floorspace	10	2600	260	Serviced Office	2080



Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Radcliffe Observatory Quarter	4.27	0.5		2000 sqm (B1)	Sites and Housing DPD (SP47)	1600				Science Park	32	50	Brownfield site: Redevelopment for University use but would include some new additional B1(a) & B1(b)	32	2000	63	Science Park	1600
Rovers Sports Ground	9.92	9.92		39700 sqm (B2)	Sites and Housing DPD (SP49)	31760				Industrial	36	882	Greenfield site: Development for extension to BMW (B2). New additional floorspace	36	39700	1103	Industrial	31760

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Travis Perkins	0.72	0.14		2100 sqm (B1)	Sites and Housing DPD (SP56)	1680				General Office	12	140	Brownfield site: Development for new floorspace B1 use. App. 09/02518/OUT	12	2100	175	General Office	1680
Wolvercote Paper Mill	4.95	1.16		4640 sqm (B1)	Sites and Housing DPD (SP62)	3712				Serviced Office	10	371	Brownfield site: Residential-led development with new floorspace employment use B1	10	4640	464	Serviced Office	3712

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
Oxford City																		
Island site	0.77	0.19		750 sqm (B1)	West End AAP	600				General office	12	50	Brownfield site: Redevelopment of existing buildings to include some offices (B1a). New additional floorspace	12	750	63	General office	600

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Worcester St. Car Park	0.54	0.2		800 sqm (B1)	West End AAP	640				General office	12	53	Brownfield site: New development to include some offices (B1a). New additional floorspace	12	800	67	General office	640
St. Aldate's / Queen Street	1	1		4000 sqm (B1)	West End AAP	3200				General office	12	267	Brownfield site: New re-development to include some offices (B1a)	12	4000	333	General office	3200

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Telephone Exchange	0.4	0.4		1600 sqm (B1)	West End AAP	1280				General office	12	107	Brownfield site: New development to include some offices (B1a). New additional floorspace	12	1600	133	General office	1280
Police Station, St. Aldates	0.41	0.41		1640 sqm (B1)	West End AAP	1312					0	0	Brownfield site: New development to include some offices (B1a)	0	1640			1312

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Fire Station, Rewley Rd	0.47	0.15		600 sqm (B1)	West End AAP	480				General office	12	40	Brownfield site: new development to include minor element of offices, new additional employment floorspace	12	600	50	General office	480

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Oxford and Cherwell Valley College	3.14	0.6		2400 sqm (B1)	West End AAP	1920				General office	12	160	Brownfield site: Residential-led development with new employment office use B1; new floorspace	12	2400	200	General office	1920
Warneford Hospital	8.67	3		12000 sqm (B1)	Sites and Housing DPD (SP59)	9600				Science Park	32	300	Brownfield site: redevelopment of existing buildings to include research (B1b)	32	12000	375	Science Park	9600

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Land Clarendon Laboratory	0.29	0.29		5665 sqm (B1)	Outstanding planning permission	4532				Science Park	32	142	Brownfield site: Redevelopment of existing buildings, additional floorspace refers to net amount. 10/03207/FUL	32	5665	177	Science Park	4532



Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments	HCA employment density	Floor-space	Potential Jobs	Type	Floor-space NIA (assume a 20% reduction)
							B1	B2	B8	Other								
<b>Oxford City</b>																		
Land adjacent to Dyson Perrins laboratory	1.03	1.03		12450 sqm (B1)	Outstanding planning permission	9960				Science Park	32	311	Brownfield site: Redevelopment of existing buildings, additional floorspace refers to net amount. 10/03254/FUL	32	12450	389	Science Park	9960
<b>TOTAL</b>	<b>207.99</b>	<b>68.04</b>		<b>363920</b>		<b>294,736</b>						<b>18,487</b>			<b>368420</b>	<b>23,109</b>		<b>294736</b>



Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments					
							B1	B2	B8	Other								
The additional sites below do not include a 'net growth' in floorspace																		
Elsfield Hall, Elsfield Way	0.76	0.38		1040 sqm (B1)	Sites and Housing DPD (SP16)							Brownfield site: redevelopment of existing site but level of employment to be retained						

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments					
							B1	B2	B8	Other								
Oxford City																		

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments					
							B1	B2	B8	Other								
Oxford City																		

Osney Mead					The estate comprises some 18.3 hectares, and in 2006 when the Employment Land Study for Oxford was undertaken it was estimated that there was in the region of 51,600 sqm of principally Class B floorspace on the estate. This includes a mix of general industrial, warehousing and some office units. There is a very real prospect that during the forecasting period the site would be more actively used by the University and will create new jobs, which could include a mix of research and development, office	7740	Assume some redevelopment and a net increase of 15%	General office	12	645	Osney Mead is an older industrial estate that over recent years has been under-utilised. The only significant new development has been for Newsquest who have redeveloped their site for a larger printing / publishing building to produce and prepare their newspapers (Oxford Times and Oxford Mail). The rest of the estate whilst experiencing some new development has in the main been rather run-down and in need of revitalisation and presents a real opportunity for modernisation and an intensification of uses and development on the site. The University have been purchasing individual sites on the estate as they have come on the market and are now a key landowner.						
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					and educational activities.												
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Westgate						54500				A1 High Street Retail	19	2,868	The outline planning application for the redevelopment of the Westgate Shopping Centre has just been submitted. The attachment sets out the expected 'net' increase in new additional floorspace which has increased from the previous permission but as you will see has figures for the minimum and maximum amount of new retail accommodation, ranging from 54,500 sqm to 81,900 sqm. It also sets out figures for associated services which include Class A2-A5 uses, which again ranges from 6,200 sqm to 27,000 sqm new additional floorspace. The cinema will have a new additional floorspace of some 5,990 sqm.						
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Science Area					The Master-plan for the Science Area doesn't appear to include any detailed figures as such however it does suggest that the mix of accommodation / floorspace on site will comprise 40% laboratory floorspace, 40% offices and 20% ancillary / other floorspace. The site area is approximately <b>30</b> acres.	96000				Science Park	32	3,000	In discussions with the Development Management Case Officer for the site his view is that the University does not know entirely what the future floorspace will be other than it would <u>increase considerably</u> over the years ahead as older buildings are replaced with new ones on 4 or 5 levels plus basements, eg recent permissions for Biochemistry, Earth Sciences, New Chemistry, Physics etc. This is evident by the work that has already taken place which has comprised the demolition of existing older buildings usually about 3 floors and their replacement with these new buildings of 4 to 5 levels plus basements.					
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Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments						
							B1	B2	B8	Other									
<b>Oxford City</b>																			
Former Radcliffe Infirmary site					The Masterplan for the infirmary site in 2008 it says that it could accommodate up to <b>122,500</b> sq m of gross external floorspace. As part of the development it does include a small proportion of the site for the Jericho Health	98000				Science park	32	3,063							

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Status of Allocation	Net Floor space (total floorspace less 20%)	Jobs by Use Class (%) if given in ELR or Local Plan				Job conversion rates (employment Densities) based on HCA guidance paper	Potential Jobs on site	Comments						
							B1	B2	B8	Other									
Oxford City																			
					Centre and for student accommodation for Somerville – both constructed. The majority however is clearly intended for educational use.														

Table K.3: Employment sites and jobs in South Oxfordshire

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Jobs by Use Class (%) if given in ELR or Local Plan				Comments	
				B1	B2	B8	Other		
South Oxfordshire (2006-2026/27)									
Culham Science Centre	5.3		1,000					Culham Science Centre has 2,000 jobs currently and could accommodate another 1,000. Beyond that there is access constraints which are extremely difficult to overcome (new Thames crossing required). As JET is moving to France, could free up space and allow for jobs growth to replace existing.	
Employment land at Thame (TBC)	2		3,500						
Employment land at Wallingford (TBC)	2								
Employment land at larger villages (TBC)	4.2								
Southmead Industrial Estate, Didcot (existing site)	2.9							The adopted plan identifies 6.5 ha of the employment land (and 500 jobs) to be accommodated in the EZ in VoWH District which is regarded as part of S Oxon's allocation.	
Hithercroft Industrial Estate (existing site)	3.12								
Howbery Park (existing site)	2.4			100					
Siarey's Timber Yard, Chinnor (existing site)	1.05								
Chinnor Cement Works (existing site)	1						Employment land at Thame could amount to 11ha as two existing firms may move locally but from outside Sth Oxon district in to Thame.		
Watlington Industrial Estate (existing site)	3								
Employment land at Didcot / VoWH	6.5		500					Part of the employment land at Wallingford is under pressure for alternative use as a supermarket.	
	33.47		5,000					The remaining sites relate to completion or redevelopment of existing sites. Howbery Park is Environment Agency, part of the Wallingford research	

									<p>facility, which is expected to be developed for related commercial research</p> <p>Pages 17-21 of the ELR update<sup>1</sup> provide employment densities and plot ratios used in the evidence base.</p> <p>The ELR estimates includes an additional 50% of floorspace to allow for market churn and choice (p.23).</p> <p>In addition to employment on B use land, the adopted plan has identified a need for 32,800 sqm (gross) (of which 26,600sqm will be at Didcot) of retail and leisure floorspace (A1 - A5) between 2007 and 2016. The retail and leisure needs forecast figures beyond 2016 were acknowledged to be less reliable and need to be reviewed. No breakdown is given by B use type as the employment allocations have been increased beyond those recommended in the ELR breakdown. A breakdown is available for the 18.1 ha recommended in the ELR on page 23 of the ELR 2008 update.</p>
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<sup>1</sup> Revisiting South Oxfordshire's Employment Land Projections 2008

<http://www.southoxon.gov.uk/sites/default/files/Employment%20Land%20Review%20Update%202008.pdf>

South Oxfordshire Employment Land Review 2007

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/evidence-studies/employment-land-review>

Table K.4: Employment sites and jobs in Vale of White Horse

Site Name	Total employment site size (ha), net of any existing on site	Net additional jobs in Local Plan/Core Strategy	Jobs/floorspace density	Total employment floorspace (sqm) attributed in Local Plan/Core Strategy (if applicable)	Percentage of land in each Use Class				
					B1	B2	B8	Other	
Vale of White Horse (2012-2029)									
C16 Harwell Campus	85	5400 (8400 gross)	24	200,000		100			EZ will not be completed by 2016 as originally proposed but is very likely to be completed by 2031 - there are no infrastructure constraints to development, the owner developers are committed and have the capacity to complete, and both schemes are likely to be attractive to end users.
C14 Milton Park	28		24			100			
EZ total	113								
C1 Abingdon Business Park at Wyndyke Furlong	0.67	5,940	70	416,000	100				Current supply comprises completions of existing schemes - no reason to suppose these will not be completed within the plan period.
C2 Abingdon Science Park at Barton Lane	0.74				100				
C9f Faringdon – land adj to A420 – “4&20” site	4.2				33	33	34		Future supply comprises three sites: Didcot A is surplus to requirements and is subject to remediation which will take three years, following which it should be available for development. Total site likely to be a mix of housing and employment, with current estimate of 29ha for employment, although conceivably a higher proportion could go for housing. N Power want the site used for B8, VoWH want a mixed use
C8 Cumnor Hill	0.3				100				
C20 Wootton Business Park	1.48				100				

Site Name	Total employment site size (ha), net of any existing on site	Net additional jobs in Local Plan/Core Strategy	Jobs/floorspace density	Total employment floorspace (sqm) attributed in Local Plan/Core Strategy (if applicable)	Percentage of land in each Use Class					
					B1	B2	B8	Other		
Vale of White Horse (2012-2029)										
C10 Grove Technology Park	5.4					50	50		employment scheme. Has existing access and owner which wants reuse to go ahead. Railhead on site could support B8/B2 use. <b>North Grove Monks Farm</b> adjoins Williams and would accommodate an extension. This seems likely as Williams is diversifying into related product areas.	
C9b Faringdon – HCA business centre	0.18				100					
Total current supply	12.97									<b>Retail</b> - new retail development at Abingdon, Botley, Faringdon, etc, all likely to come forward. Net additional floorspace of 22,940 sqm: 1,500 jobs is a bit high by standard floorspace assumptions but not excessive.
C29 Didcot A	29				59	7	34			
C32 North Grove Monks Farm	6				67	17	16			
C33 Faringdon South Park Road	3							33	67	
Total future supply	38									
Total supply	163.97				38	35	14			

Site Name	Total employment site size (ha), net of any existing on site	Net additional jobs in Local Plan/Core Strategy	Jobs/floorspace density	Total employment floorspace (sqm) attributed in Local Plan/Core Strategy (if applicable)	Percentage of land in each Use Class				
					B1	B2	B8	Other	
Vale of White Horse (2012-2029)									
Other - potential uplift	n/a	1,500		n/a					for 59,000sqm of B8. There is evidence of demand from the likes of Amazon and Tesco for large scale B8 at Didcot. Total jobs from these schemes in pipeline could be 4,500. There is also scope for substantial additional development at Harwell - at least 20ha should be available for development in the short term over and above the EZ area, and more long term.
Other - retail schemes	n/a	1,500		n/a					



Table K.5: Employment sites and jobs in West Oxfordshire

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Jobs by Use Class (%) if given in ELR or Local Plan				Comments
					B1	B2	B8	Other	
West Oxfordshire 2011-2029									
West Witney Strategic Development Area (SDA)	10		1,500				No more than 25% B8		West Witney SDA is part of urban extension. Site is well located and has planning permission S106.
West Witney Existing Commitments	10		3,500						West Witney existing commitments are largely undeveloped land within the existing business area. They are in multiple ownerships and depend on willingness of existing owners to sell or develop.
Carterton (West Oxfordshire Business Park and Land at Ventura Park)	5								Carterton - strong interest from potential major end user is likely to lead to development in near future. If housing goes ahead at East Carterton there may be an additional 2ha of employment land made available. The lack of high speed broadband needs to be addressed to make the site more attractive.
Chipping Norton (former Highways Depot, former Parker Knoll Factory site, land north of London Road)	5								Chipping Norton - former industrial sites, owners want to sell for higher value uses. Part likely to go for supermarket, then

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Jobs by Use Class (%) if given in ELR or Local Plan				Comments
					B1	B2	B8	Other	
West Oxfordshire 2011-2029									
									remainder more likely to be developed for B uses.
Other Towns, Villages and Rural Areas (including Lakeside, Standlake)	5								Other towns and villages - there are some strong firms in West Oxon rural areas looking to expand, therefore available sites in villages are likely to be taken up over time.
Other small scale schemes and business extensions (not allocated)	25		1,500						Past monitoring data indicates that about 25% of employment floorspace has come forward on unallocated sites. Assuming this is to continue, this has the potential to generate around 1,500 additional jobs over the Local Plan period.
Total	60		6,500						Assumptions - 1 job per 20sqm of office floorspace (B1a and B1b use classes), 1 job per 30sqm of industrial floorspace (B1c and B2 use classes, also applied where use class not specified) and 1 job per of 40sqm (B8 use class). Average plot density of 0.41 assumed such that 1ha yields 4,100sqm of floorspace.

Site Name	Total site size (ha)	Total land for employment (if a mixed use site) (ha)	Total number of jobs in Local Plan/Core Strategy	Total employment floorspace attributed in Local Plan/Core Strategy (if applicable)	Jobs by Use Class (%) if given in ELR or Local Plan				Comments
					B1	B2	B8	Other	
West Oxfordshire 2011-2029									
Note: the total number of jobs excludes retail, tourism, education and health and RAF Brize Norton which could generate an additional 3,500 jobs i.e. 10,000 in total.									Assumptions are: 500 additional jobs in tourism, which looks reasonable given attractions of cotswolds; retail/town centre growth possible though may be questionable. RAF Brize Norton - privatisation of support services means that RAF jobs are likely to be replaced by private sector jobs over time - little net employment increase in total.





# Housing and Economic Needs Assessment

Cherwell District and Oxford City  
Councils

FINAL REPORT

December 2022



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# 1 Introduction and Purpose

**1.1.1** This study was commissioned by Cherwell District Council and Oxford City Council to prepare a Housing and Economic Needs Assessment (HENA) to inform their individual Local Plans. This follows work originally intended to inform the Oxfordshire Plan, which is no longer being prepared, although the Oxfordshire Growth Needs Assessment (OGNA), was published in 2021.

**1.1.2** This HENA is intended to provide an integrated evidence base to help identify the appropriate level and distributions of housing and employment over the period to 2040. The core objectives of the Study are to:

- Refresh the methodology and the growth scenarios in the original OGNA to update Oxfordshire's housing needs over the 20-year Local Plan period of 2020 to 2040
- To provide a detailed, up to date commentary (including the baseline position) on Oxfordshire's housing and employment market, including demographic and economic dynamics and any other key drivers of housing need and how this may change in the period to 2040.
- To identify a range of credible and robust housing need scenarios for Oxfordshire.
- To establish an informed understanding of affordable and specialist housing needs in Oxfordshire.
- To provide an updated assessment of employment land needs.
- To advise on how Local Plans should respond to the uncertainty associated with long-term planning for strategic housing and employment provision.

## 1.2 Context and nature of the Assessment

**1.2.1** The Oxfordshire Plan was to be a joint statutory spatial plan which covers a 30-year plan period from 2020 to 2050. As the individual Local Plans for Cherwell and Oxford City cover a 20-year plan period, the HENA largely considers this period between 2020 and 2040.

## 1.3 This report

**1.3.1** The principal objectives of this housing and economic needs assessment report (HENA) are to:

- Update housing and economic baselines and provide updated demographic and policy reviews.
- Update, and remodel economic scenarios from the original report, including accounting for new economic baselines and post pandemic working from home patterns.

- Bring together the evidence to draw conclusions on the appropriate housing need in Cherwell and Oxford City.
- Update affordable housing needs including the consideration of the need for different types of affordable housing including First Homes.
- Update employment land needs and draw strategic conclusions on the need for employment land in Cherwell and Oxford City.

**1.3.2** The HENA is a single report providing overall growth need figures for housing and employment. It profiles local housing market, demographic, economic and commercial property market dynamics, all within the strategic policy environment. These factors are then brought together to provide trajectories for future housing and employment land needs, and resultant high-level implications for commuting and affordability.

## 1.4 Report structure

**1.4.1** The remainder of this report is structured as follows into 3 main sections.

### **Part A: and Markets Review**

- Oxfordshire's current strategic policy environment
- Demographic trends and review
- Housing market review
- Commercial market review and assessment of employment land requirements

### **Part B: Reviewing and Refreshing Oxfordshire's Growth Scenarios**

- Reassessing the original Growth scenario specifications
- Updating the scenario specifications for 2022
- Consideration of commuting and homeworking
- Housing market impacts
- Distribution of housing need in the districts
- Conclusions on overall housing need

### **Part C: Affordable and Specialist Housing Need, Mix and Tenure**

- Need for social and affordable housing
- Newly forming households
- Net need for social and affordable housing
- Establishing the need for affordable home ownership
- The cost of affordable home ownership
- Housing mix and household composition
- Targets of different sizes and properties by tenure

- Characteristics of older person households
- Housing for need for older people and people with disabilities
- Build to rent, self-build and custom-build housing

## **Appendices**

Appendix A: CE Economic Projections Methodology

Appendix B: CE 2022 Baseline Projection Update Overview

Appendix C: Understanding Affordability Implications

# **PART A: Policy, Demographics, Housing and Commerical Markets Review**

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## 2 Strategic Policy Review

### 2.1 Introduction

**2.1.1** This chapter addresses some of the strategic policy influences on planning for housing and economic development needs.

**2.1.2** Government has set out national planning policies in the National Planning Policy Framework (NPPF). The latest version of the NPPF was published in July 2021 and is relevant to the preparation of local plans as one of the ‘soundness’ tests, against which the Plan in due course, will be assessed is one of the consistency with policies in the Framework.<sup>1</sup>

**2.1.3** The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development (Para 7) within which there are economic, social and environmental components. It sets out a presumption in favour of sustainable development which, for plan making, means that plans should promote a sustainable pattern of development that seeks to: meet the development needs of their areas; align growth and infrastructure; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects. It outlines that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as needs that cannot be met within neighbouring areas, unless the application of policies that protect areas or assets of particular importance provide a strong reason for restricting the scale, type or distribution of development<sup>2</sup>; or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (Para 11).

**2.1.4** The NPPF is clear that the planning system is intended to be ‘plan-led’ with plans providing the basis for the determination of planning applications. It expects plans to set out strategic policies which articulate the overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing, employment and other forms of commercial development, infrastructure, community facilities and the enhancement of the natural, built and historic environment.

**2.1.5** This HENA report seeks to consider the need for housing and employment development. In developing local plans, the Councils will draw this together with consideration of wider sustainability issues including the need to conserve and enhance the natural, built and historic environment, and ensure that new development is supported by necessary infrastructure.

<sup>1</sup> NPPF Paragraph 35.

<sup>2</sup> Areas or assets of particular importance within this context in Oxfordshire include the Cotswolds Area of Outstanding Natural Beauty, the Chilterns Area of Outstanding Natural Beauty, the North Wessex Downs Area of Outstanding Natural Beauty, SSSI, SACs, local green space, Green Belt, areas at risk of flooding, irreplaceable habitats and designated heritage assets including Oxfordshire’s only World Heritage Site at Blenheim Palace.



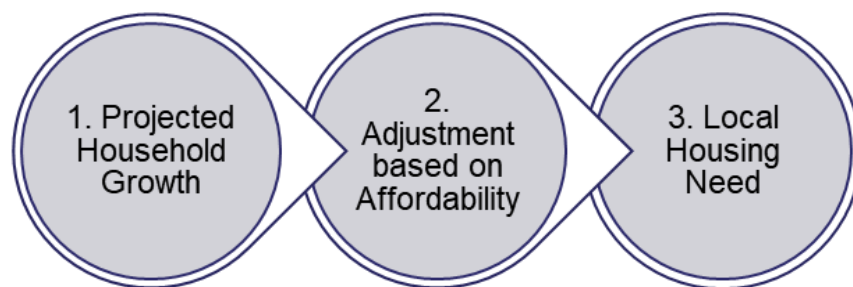
## Assessing Housing Needs

**2.1.6** The 2021 NPPF sets out that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the ‘Standard Method’ in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals (Para 60).

**2.1.7** The ‘Standard Method’ was introduced by Government in 2018 and uses a formulaic approach to calculate a minimum level of housing need. Government’s Planning Practice Guidance sets out that housing need is an unconstrained assessment of the number of homes needed in an area, and is the first step in the process of deciding how many homes to be planned for. It should be assessed separately from assessing land availability, establishing a housing requirement figure (i.e. how many homes to plan for) and preparing policies to address this.<sup>3</sup> In this context, this report considers unconstrained ‘housing need’ – it does not set a housing target, but is an important input to doing so.

**2.1.8** The Standard Method uses Government’s 2014-based Household Projections to calculate the average annual household growth over the next 10 years, then applies a percentage uplift to this based on the extent to which an area’s median house price-to-earnings ratio is above 4 to calculate a minimum annual housing need figure. A cap is applied to the affordability uplift in generating the minimum figure in some circumstances to ensure the figures derived are deliverable. For some cities and larger urban centres, a further uplift is now applied – but this does not affect authorities in Oxfordshire. The methodology is considered in greater detail in *Chapter 7*.

**Figure 2.1: Overview of the Standard Method for calculating local housing need**



**2.1.9** The Standard Method provides what the guidance states should be a minimum starting point for calculating housing need. However, paragraph 60 in the NPPF and the associated Planning Practice Guidance<sup>4</sup> indicate that use of the Standard Method is not mandatory. Exceptional circumstances must be demonstrated to justify a housing need figure *lower* than that identified using the Standard Method, and such figures must be based on realistic assumptions on demographic growth and market

<sup>3</sup> Planning Practice Guidance Para ID: 2a-001-20190220

<sup>4</sup> Planning Practice Guidance Para ID 2a-015-20190220



signals. The Planning Practice Guidance outlines that more recent household projections (such as the 2016- and 2018-based projections) do not provide an appropriate basis for use in the Standard Method.<sup>5</sup>

**2.1.10** In contrast, the guidance notes that where planning authorities can show an alternative approach, identifying a need *higher* than indicated by the Standard Method, this can be considered sound if it adequately reflects current and future demographic trends and market signals.

**2.1.11** Specifically, Planning Practice Guidance in Para 2a-010<sup>6</sup> sets out that there will be circumstances when it is appropriate to consider if housing need is higher than the Standard Method indicates, stating that:

*“The government is committed to ensuring that more homes are built and supports ambitious authorities who want to plan for growth. The Standard Method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the Standard Method indicates.*

*This will need to be assessed prior to, and separate from, considering how much of the overall need can be accommodated (and then translated into a housing requirement figure for the strategic policies in the plan). Circumstances where this may be appropriate include, but are not limited to situations where increases in housing need are likely to exceed past trends because of:*

- *growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals);*
- *strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or*
- *an authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground.*

*There may, occasionally, also be situations where previous levels of housing delivery in an area, or previous assessments of need (such as a recently produced Strategic Housing Market Assessment) are significantly greater than the outcome from the Standard Method. Authorities will need to take this into account when considering whether it is appropriate to plan for a higher level of need than the Standard Method suggests.”*

**2.1.12** Housing provision in the current round of local plans in Oxfordshire is based on evidence showing that Oxfordshire’s economic dynamism and its economic growth performance are particular drivers of housing need. Recent Local Plans in Oxfordshire, including those in Oxford City and South Oxfordshire, which have

<sup>5</sup> Planning Practice Guidance Para ID 2a-015-20190220

<sup>6</sup> Planning Practice Guidance, Para ID: 2a-010-20190220

assessed housing need as being above the Standard Method have been found to be sound at independent examination.

**2.1.13** The inter-relationship between economic growth potential and housing need are recognised in the PPG through reference to changing economic circumstances; whilst equally the NPPF emphasises in Para 82 that plans should set a clear economic vision and strategy which positively and proactively encourages sustainable economic growth. This HENA explores the inter-relationships between housing need and economic performance.

## **2.2 Assessing economic development needs**

**2.2.1** The NPPF is clear that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (Para 80). It is clear that this is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which would include Oxford and other parts of Oxfordshire.

**2.2.2** Planning policies are expected to set out an economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies; which identifies strategic sites for local and inward investment; addresses barriers to investment and is sufficiently flexible to accommodate needs not anticipated in the plan (Para 81).

**2.2.3** Planning Practice Guidance outlines that assessments of employment land needs may need to be undertaken on a cross-boundary basis where functional economic market areas cross administrative boundaries, as the OGNA showed is the case in Oxfordshire. This report however should be considered alongside local employment land reviews which further consider local circumstances and employment land supply.

## **2.3 Oxfordshire Local Industrial Strategy (LIS) and Local Investment Plan (LIP)**

**2.3.1** The Oxfordshire Local Industrial Strategy (LIS) was agreed with Government and published in September 2019, responding to the UK Industrial Strategy. The NPPF states in Para 81 that plan-making should have regard to local industrial strategies in setting out an economic vision and strategy for the area.

**2.3.2** The LIS builds upon the significant business investment over recent years through the Oxfordshire Local Enterprise Partnership. Over £600m worth of government and European funds have been secured through Growth Deals, a City Deal, European Structural Investment Funds and Infrastructure Funds – all part of an overall investment programme in Oxfordshire worth £2.2bn.

**2.3.3** The LIS sets out an ambitious economic strategy up to 2040 with the aim of positioning Oxfordshire as one of the top three innovation ecosystems in the world and as a leading science and technology cluster. The important economic sectors, assets and growth opportunities identified in the strategy are spread across the whole of Oxfordshire with the main towns forming important parts of the economy. These

include motorsport technologies around Banbury, Bicester and Grove; life sciences and creative industries around Milton Park and Didcot; and smart living technologies at the Oxfordshire Cotswolds Garden Village.

**2.3.4** The Oxfordshire LIS presents a long-term framework against which private and public sector investment decisions can be assessed, grouped around the five foundations of productivity:

- Places - Develop Oxfordshire as a living laboratory to help solve the UK's grand challenges
- Business environment - Become a powerhouse for commercialising transformative technologies
- Infrastructure - Enable greater connectivity and accessibility especially across key growth locations
- Ideas - Establish a globally connected innovation economy
- People - Develop a more responsive skill system creating better opportunities for all

**2.3.5** The Oxfordshire LIS will also partly inform future local authority-level industrial strategies to facilitate a supportive business environment, help encourage enterprise and continued economic prosperity.

**2.3.6** Since the publication of the LIS and the 2021 OGNA, the Local Enterprise Partnership has produced a Local Investment Plan that identifies a range of investments in key sectors in Oxfordshire. These investments are quantified in terms of likely employment and GVA impacts. This has been taken into account in this report and provides a useful basis for an investment led growth plan.

## 2.4 Conclusions

**2.4.1** There are important national and sub-regional policy influences which are relevant in considering housing and economic development needs in Oxfordshire.

**2.4.2** National policy sets out that the Standard Method set out in Planning Practice Guidance is the starting point for considering housing needs.

**2.4.3** Wider influences on considering the need for housing and employment land include Oxfordshire's economic dynamics and growth potential and the Local Industrial Strategy that has been agreed with Government.

## 3 Demographic Review

### 3.1 Reviewing Population Trends

**3.1.1** The analysis in this chapter looks at key demographic trend data in Oxfordshire, particularly focussing on past population growth and the components of population change. This is used to consider the appropriateness of previous ONS demographic projections for Oxfordshire, including the 2014-based population and household projections which inform the standard method.

**3.1.2** Initial 2021 Census data was published in June 2022 which provides an update of the current population size and age structure in different areas. However, when developing population projections, ONS uses its mid-year population estimates (MYE) - the latest running to 2020.

#### Population

**3.1.3** Table 3.1 below shows ONS estimates for the population by authority in 2020. The population of Oxfordshire was estimated to be around 697,000 with a fairly even split across different administrative areas.

**Table 3.1** Estimated Population by Local Authority (2020) – Oxfordshire

	Estimated population	% of population
Cherwell	151,846	21.8%
Oxford	151,584	21.8%
South Oxon	143,782	20.6%
VoWH	137,910	19.8%
West Oxon	111,758	16.0%
Oxfordshire	696,880	100.0%

Source: ONS MYE

**3.1.4** The data above can be contrasted with more recent information from the 2021 Census in Table 3.2. The ONS released initial 2021 Census data on the size and structure of the population in June 2022. The Census shows a higher population in the County than previously estimated with the biggest differences being seen in Cherwell and Oxford.

**Table 3.2** Estimated Population by Local Authority (2021) – Oxfordshire

	Estimated population	% of population
Cherwell	161,000	22.2%
Oxford	162,100	22.3%
South Oxon	149,100	20.6%
VoWH	138,900	19.2%
West Oxon	114,200	15.7%
Oxfordshire	725,300	100.0%

Source: 2021 Census

**3.1.5** Table 3.3 shows estimated population change between the 2011 and 2021 Census. Oxfordshire's population is shown to have increased by around 11%, with higher changes seen in Vale of White Horse and to a lesser extent Cherwell. Oxford City saw the lowest population growth, at less than 7%.

**Table 3.3** Change in Population by Local Authority (2011-21)

	2011	2021	Change	% Change
Cherwell	141,900	161,000	19,100	13.5%
Oxford	151,900	162,100	10,200	6.7%
South Oxon	134,300	149,100	14,800	11.0%
VoWH	121,000	138,900	17,900	14.8%
West Oxon	104,800	114,200	9,400	9.0%
Oxfordshire	653,800	725,300	71,500	10.9%

Source: 2011 and 2021 Census

### Estimated Population Size and Structure in 2021

**3.1.6** Table 3.4 shows a comparison between the 2018-based subnational population projections (SNPP), the latest official projections prepared by ONS, and the 2021 Census. Data has been taken from the SNPP as this allows an ONS figure for 2021 to be included – it should be noted that the SNPP figure will be based on ONS estimates of trends up to mid-2018.

**3.1.7** The Census shows stronger population growth and a higher population in 2021 than previous ONS projections across all Oxfordshire authorities, but particularly in Cherwell, Oxford and South Oxfordshire. This illustrates the extent to which ONS' previous estimates/projections have been inaccurate, but this does need to be understood alongside the relative population growth in different areas shown in Table 3.3.

**Table 3.4** Comparing Population estimates and projections for 2021 – Oxfordshire

	SNPP (2021)	Census (2021)	Census difference from SNPP
Cherwell	151,700	161,000	9,300
Oxford	152,900	162,100	9,200
South Oxon	142,500	149,100	6,600
VoWH	138,800	138,900	100
West Oxon	110,700	114,200	3,500
Oxfordshire	696,500	725,300	28,800

Source: ONS

**3.1.8** Table 3.5 shows a comparison between these sources of age structure estimates in 2021. There are notable differences in the population across a range of age groups, particularly those aged between 25-39.

**Table 3.5 Comparing age structure population estimates and projections for 2021 – Oxfordshire**

	SNPP (2021)	Census (2021)	Census difference from SNPP
0-4	37,100	38,000	900
5-9	41,900	41,000	-900
10-14	43,400	43,000	-400
15-19	41,800	45,000	3,200
20-24	48,500	47,900	-600
25-29	44,400	49,400	5,000
30-34	41,900	51,400	9,500
35-39	44,500	49,000	4,500
40-44	43,200	46,400	3,200
45-49	43,300	46,300	3,000
50-54	47,200	49,700	2,500
55-59	47,100	48,300	1,200
60-64	39,600	40,000	400
65-69	33,200	33,600	400
70-74	34,500	34,000	-500
75-79	26,800	25,800	-1,000
80-84	18,600	18,100	-500
85+	19,400	18,300	-1,100
<b>TOTAL</b>	<b>696,500</b>	<b>725,300</b>	<b>28,800</b>

Source: ONS

**3.1.9** It is however ONS 2014-based demographic projections which are used in the standard method and it is therefore also relevant to consider how the Census 2021 data contrasts to the population predicted in the ONS 2014-based SNPP.

**3.1.10** Across Oxfordshire the data shows the Census population at a higher level than was projected in the 2014-SNPP, and for a number of areas (Cherwell, South Oxfordshire and Vale of White Horse) the differences are fairly sizable. In Oxford the Census shows a lower population than was predicted in the 2014-based SNPP, whereas West Oxfordshire is the only location where the difference between the sources is modest (virtually no difference).

**3.1.11** This data does suggest the 2014-SNPP no longer reflects a reasonable view about demographic trends and an alternative projection based on demographic trends could be developed. Arguably, West Oxfordshire is an exception to this, however given the inter-connectedness of the authorities it is considered reasonable for any analysis to be undertaken in a consistent manner.

**Table 3.6 Estimated Population by Local Authority (2021) – 2014-based projections and 2021 Census**

	2014-based SNPP	2021 Census	Difference
Cherwell	151,700	161,000	9,300
Oxford	166,400	162,100	-4,300
South Oxon	142,000	149,100	7,100
VoWH	132,200	138,900	6,700
West Oxon	114,300	114,200	-100
Oxfordshire	706,600	725,300	18,700

Source: ONS

**3.1.12** When looking at households, the two sources show fairly similar estimates for 2021 and arguably this would point to the 2014-SNHP as still having a degree of validity. However, given the large differences in population it is clear the data points to there having been some fundamental changes in household formation rates. In addition, for individual authorities there are some notable differences between figures from the two sources – in particular, the Census puts the number of households in Oxford at nearly 7,000 fewer than had been projected in the 2014-SNHP. Overall, this again suggests that the 2014-SNHP may not be the best source to use when looking at housing need based on demographic trends.

**Table 3.7 Estimated Households by Local Authority (2021) – 2014-based projections and 2021 Census**

	2014-based SNHP	2021 Census	Difference
Cherwell	62,700	65,900	3,200
Oxford	62,100	55,200	-6,900
South Oxon	58,700	61,500	2,800
VoWH	55,200	57,500	2,300
West Oxon	47,900	48,000	100
Oxfordshire	286,500	288,100	1,600

Source: ONS

## 3.2 Students in the 2021 Census

**3.2.1** One age group where the population was smaller than projected is the 20-24 age group which is one in which a high proportion of students would be expected to be found. We have sought to consider the possibility that some students who would normally be recorded as living in those local authorities were excluded from the Census. The timing of the Census was also a relevant factor with data having been collected during the pandemic – Census day (21<sup>st</sup> March 2021) was during a phased exit from lockdown.

**3.2.2** The specific concern is that students who would normally be recorded as resident at their place of study were only recorded at their place of residence at the time (often back at family home) and this has had an impact on the Census estimates.

**3.2.3** It can be seen that the number of people aged 20-24 was lower in the Census than previous ONS estimates (see table 3.6) which could point to some students



having been missed out. It should however also be noted that the 20-24 age group does still show a spike in population (it is the largest 5-year age group), reflecting the inclusion of students.

**3.2.4** Overall, it is difficult to be certain if and the extent to which students may have been missed by the Census from the information available at the current time. For the purposes of analysis in this report, it has therefore been assumed that the Census is as accurate as it reasonably can be – and taken forward as a base position for analysis of current and future demographic trends.

**Table 3.8** Comparing population estimates and projections for 2021 – Oxford

	SNPP (2021)	Census (2021)	Census difference from SNPP
0-4	7,600	7,100	-500
5-9	8,600	7,800	-800
10-14	8,900	8,600	-300
15-19	12,700	15,900	3,200
20-24	26,000	22,000	-4,000
25-29	15,100	15,400	300
30-34	9,000	13,300	4,300
35-39	8,800	11,000	2,200
40-44	8,100	9,600	1,500
45-49	7,100	8,800	1,700
50-54	7,600	8,800	1,200
55-59	7,600	8,200	600
60-64	6,300	6,400	100
65-69	5,200	5,200	0
70-74	5,000	4,900	-100
75-79	3,700	3,600	-100
80-84	2,600	2,600	0
85+	3,000	2,800	-200
TOTAL	152,900	162,100	9,200

Source: ONS

**3.2.5** The evidence indicates that there have been some notable changes in demographic trends for most of the County since the 2014-based projections were released and it is therefore reasonable to look at a revised projection which takes account of recent trends.

### 3.3 Developing a Trend-based Population Projection in Oxfordshire

**3.3.1** This section next moves on to develop trend-based population projections for the five local authorities in Oxfordshire. A key driver of this is due to publication of new (2021) Census data which has essentially reset estimates of population (size and age structure) compared with previous mid-year population estimates (MYE) from ONS.

#### Overview of Methodology

**3.3.2** The start point of the projection was the population age and sex structure in 2021, based on Census data – this was slightly adjusted to take account of the fact that the Census was carried out in March, while demographic data typically looks at mid-year estimates.



**3.3.3** For births (fertility) the analysis drew on birth data up to 2020 and used this to estimate a fertility rate in each local authority. This was projected forward on the basis of projected changes within the most recent (2018-based) SNPP. It was considered important to provide an up-to-date estimate of births as (at a national level and locally) it is evident that fertility rates have been dropping and are currently some way below where they were projected to be in the 2014-SNPP.

**3.3.4** For deaths (mortality) a similar approach was taken (using data on actual deaths up to 2020). As with the birth data it was considered important to look at up-to-date death rates as mortality has generally been higher in the recent past than was projected by the 2014-SNPP (i.e. a greater number of deaths than had been projected). Combining birth and death data provides information on natural change, which was projected to be lower than previously projected.

**3.3.5** For migration two main analyses were undertaken to initially establish a base trend-level of migration. Firstly, the projections looked at how ONS had recorded migration in the past 5-years for which data is available (2015-20). The use of a 5-year period is consistent with projections typically developed by ONS (although in more recent releases they have also looked at different time periods, e.g. 10-year trend). A five-year period is however consistent with the trend period used in the 2014-SNPP.

**3.3.6** The second part of the analysis sought to use the Census data to look at the extent to which migration over the decade to 2021 might have been higher or lower than previously estimated. For example, if the Census showed a population of 50,000 people but previous estimates were only at 49,000, then the modelling assumes that 1,000 net migrants have been missed from population estimates – this would be 100 per annum which is used as an adjustment to the 5-year trend as recorded.

**3.3.7** The two analyses of migration were used to estimate a base (starting point) for migration (taken to be the 2021/22 year). Moving forward the analysis modelled that migration might change as populations change. For example, as the population of an area increases there will be more people who could be out-migrants.

## 3.4 Detailed Modelling Assumptions

### Fertility

**3.4.1** For fertility it is the case that underestimating population will mean that fertility rates in the SNPP are too high (as ONS is essentially assuming a number of births to fewer people). To make an adjustment, the number of births for 2021/22 in the SNPP is used and then an estimate made of how many births the ONS rates would imply if the population age structure for 2021 is replaced as the base against which births are calculated.

**3.4.2** There is however some more recent data about births from the 2020 MYE which can be used to compare recorded births over the 2018-20 period with that projected in the 2018-based SNPP.

**3.4.3** The two adjustments are then multiplied to give a change to base fertility rates. This results in a downward adjustment to fertility rates, reflecting the general trend

(including up to 2020) for birth rates to be falling as well as adjustments made for Census population estimates.

## Mortality

**3.4.4** The same issue arises with mortality, in that deaths recorded by MYE are applied to a different population than is now shown. Generally, for mortality any adjustments are far more minor than for fertility, this is because most deaths occur in older age, and generally the MYE is fairly good at estimating the size of the older person population (in part due to them being less likely to be migrants).

**3.4.5** A similar adjustment to fertility is made to take account of death data to 2020 again by comparing projected deaths in the 2018-based SNPP to actual data for the 2018-20 period. Again, the two adjustments are multiplied to give a change to base mortality rates.

**3.4.6** Overall mortality is adjusted in an upward direction, as death rates have not been improving at the rate previously projected (as well as adjustments made for Census population estimates). So for instance deaths have been higher than was projected in the ONS 2014-based SNPP.

## Migration

**3.4.7** When looking at migration our starting point is to consider how different migration has been over the 2011-21 period than was previously estimated (and projected) by ONS. **Essentially the difference in population growth between the 2011 and 2021 Censuses is likely to be attributable to migration, as generally births and deaths are likely to have been accurately recorded by ONS.**

**3.4.8** Analysis is slightly complicated by MYE data only being available to 2020 but the Census having a clear data point of 2021. The MYE to 2020 has initially been used and the incremental change in the SNPP for 2020-21 added on to get to a 2021 population estimate from the MYE/SNPP data series. This is then compared to the Census data.

**3.4.9** Table 3.7 shows the same figures for all authorities in the County. This clearly shows in all areas that population figures shown by the Census are above previous estimates/projections (albeit to a lesser extent in VoWH). It should also be noted from the table that the two 2011 figures are slightly different: this is due to one being a mid-year figure and the other dated as of the Census (which was March). The main difference is seen in Oxford, which looks to be due to ONS removing some people of student-age between the two dates (presumably as students start to return home). To provide a mid-year figure for 2021 based on the Census an adjustment to relate the March 2021 Census position to mid-2021 position has been made based on adjustments seen in 2011.

**Table 3.9** MYE and Census population estimates – Oxfordshire authorities

		2011	2021	Change
Cherwell	MYE/SNPP	142,252	152,682	10,430
	Census	141,868	161,100	19,232
Oxford	MYE/SNPP	150,245	150,919	674
	Census	151,906	161,800	9,894
South Oxon	MYE/SNPP	134,961	144,431	9,470
	Census	134,257	149,300	15,043
VoWH	MYE/SNPP	121,891	139,489	17,598
	Census	120,988	138,900	17,912
West Oxon	MYE/SNPP	105,442	112,029	6,587
	Census	104,779	114,200	9,421
Oxfordshire	MYE/SNPP	654,791	699,549	44,758
	Census	653,798	725,300	71,502

Source: Derived from ONS data

**3.4.10** It is not known if this difference in population growth (attributed to migration) is due to an under-estimate of in-migration or an over-estimate of out-migration and in reality it is likely to be a combination of the two. For the purposes of modelling it has been assumed that the difference is split equally between these two components.

**3.4.11** The projections developed are modelled on 5 year migration trends. Information about migration estimates is shown in the table below with average figures provided for 2015-20 (latest 5-years), 2013-18 (the 5-year period prior to the last published SNPP) and 2009-14 (the 5-year period relevant to 2014-based projections, as used in the Standard Method. These figures shown are all as published by ONS (i.e. excluding any adjustments to take account of differences between the MYE and Census).

**3.4.12** The analysis shows net migration to be generally increasing, from an average of around 2,000 people per annum in the 5-years to 2014, up to 2,400 for the 2013-18 period and then approaching 2,800 per annum over the last 5-years for which data is available.

**Table 3.10** Past trends in net migration – Oxfordshire

	Oxfordshire
2009/10	2,512
2010/11	2,281
2011/12	616
2012/13	1,438
2013/14	3,318
2014/15	1,455
2015/16	2,057
2016/17	1,802
2017/18	3,529
2018/19	2,235
2019/20	4,135
Average (2009-14)	2,033
Average (2013-18)	2,432
Average (2015-20)	2,752

Source: ONS MYE

**3.4.13** Based on recalibrating population trends to take account of the 2021 Census data, the starting point net migration is estimated to be around 5,400 people per annum across Oxfordshire – this is roughly double the migration recorded by ONS and is due to the Census showing a notably higher population in the County than had previously been estimated.

**Table 3.11 Base estimate of migration – Oxfordshire**

		In-migration	Out-migration	Net migration
Oxfordshire	Average (2015-20)	-	-	2,752
	Adjustment	-	-	2,674
	Base position	-	-	5,426

Source: Derived from ONS data

**3.4.14** It is however not a simple process to just apply this for each year of the projection as migration can vary over time. In- and out-migration need to be considered separately.

### In-migration

**3.4.15** Levels of in-migration will to some extent vary depending on the size of the population from which migrants will be drawn. If, for example, typically 10% of people in Area A move to Area B in any given year then the size of the population in Area A will impact on the actual numbers moving. If in year 1 there are 10,000 people in Area A then 1,000 would be expected to move to Area B, but if in year 2 the population is only 9,000 there would only be 900 movers.

**3.4.16** The age structure will also have an influence on the number of moves as typically older people are less likely to be migrant and so an ageing population might see in-migration reduce over time, although an increasing population generally might be expected to see migration increase.

**3.4.17** For the purposes of the modelling we have considered the relationship between the national population and the projected number of in-migrants. The latest national projection is a 2020-based ONS publication.

**3.4.18** Over time, population growth rates nationally are projected to fall (remaining positive but at a reducing rate) and this is in part (in early years) due to reducing levels of in-migration – although reductions in natural change have the greatest impact over the longer term. It is considered with an increasing population that levels of in-migration will increase over time but at a reducing rate. For the purposes of modelling it has been assumed that future in-migration will broadly track the midpoint between rates remaining in-line with national population change and the rates estimated for the 10-year period to 2020.

### Out-migration

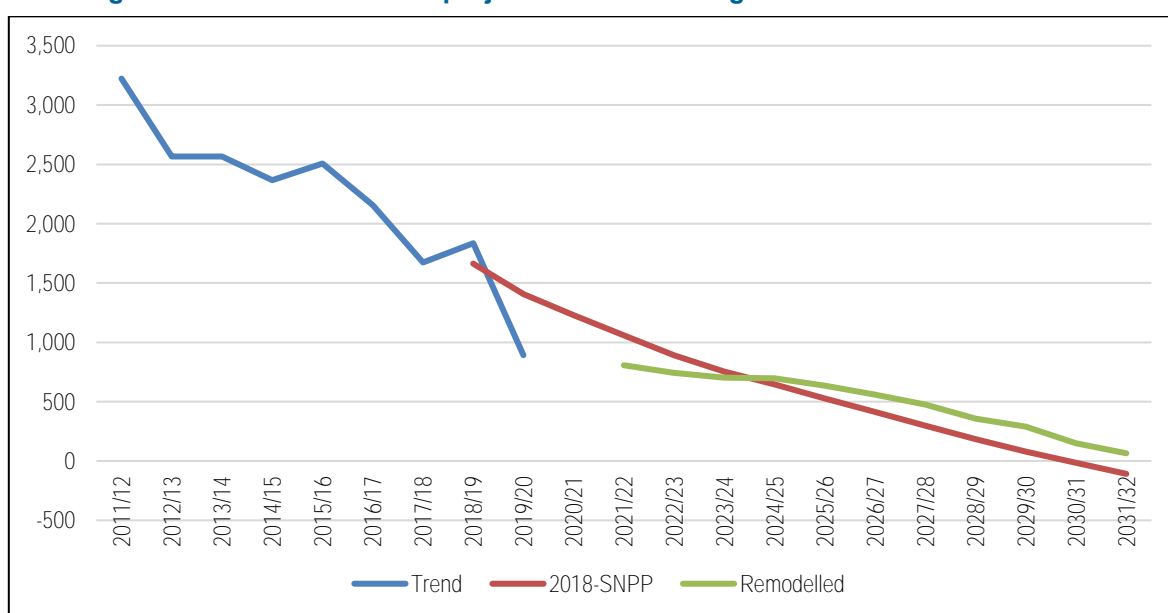
**3.4.19** With a growing population, out-migration would typically be expected to increase over time. However, it is also noted that at a national level, out-migration in the early years of the projection is projected to fall, whilst a changing age structure (increasing older person population) will to some extent moderate any changes, as older people are less likely to be migrant.

**3.4.20** Therefore, a consistent method to that used for in-migration has been applied for out-migration, that is the estimated level of out-migration is set at the midpoint between estimated past levels of out-migration and the level that would be expected if the ratio between population growth and out-migration were maintained.

### 3.5 Projection Outputs

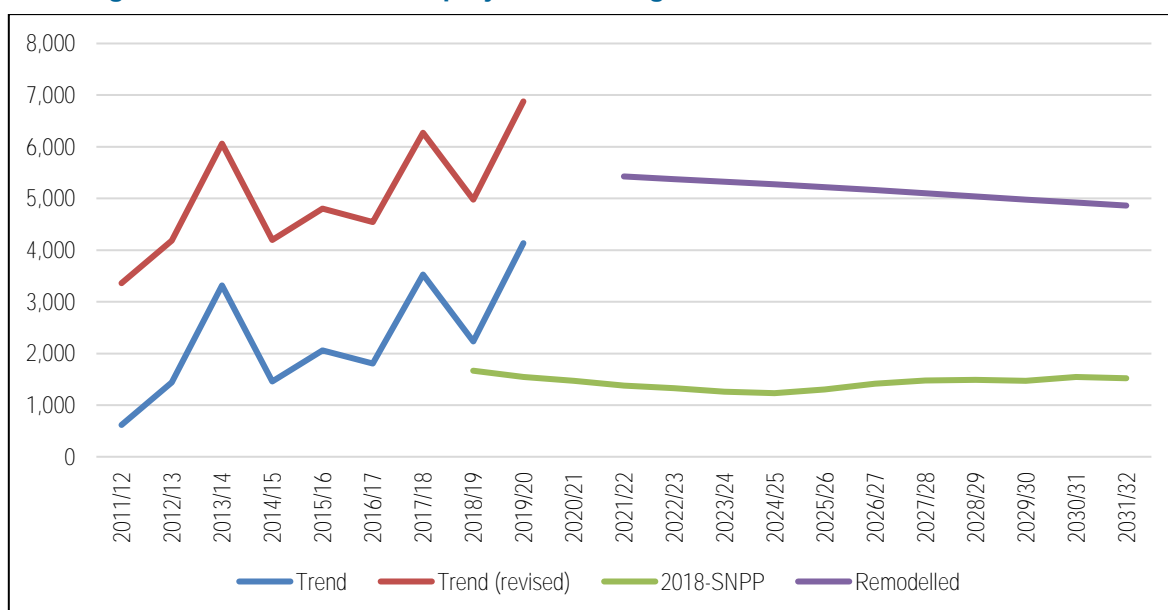
**3.5.1** The above estimates of fertility, mortality and migration (including changes over time) have been modelled to develop a projection for the period to 2032. The charts below (Figure 3.1 to 3.3) show key components of population change and overall population change. The projection is compared with that from the 2018-based SNPP, that being the most recent projection released by ONS.

**Figure 3.1: Past trends and projected natural change – Oxfordshire**

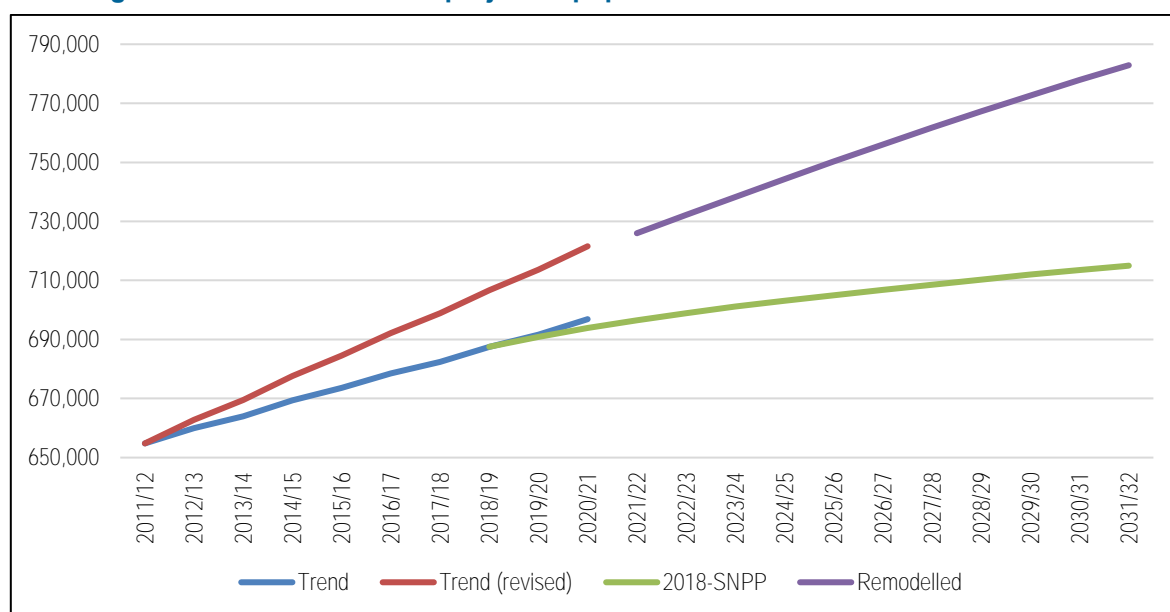


Source: ONS and demographic projections

**Figure 3.2: Past trends and projected net migration – Oxfordshire**



Source: ONS and demographic projections

**Figure 3.3: Past trends and projected population – Oxfordshire**

Source: ONS and demographic projections

The Census evidence indicates that past population in Oxfordshire has been under-estimated. An updated demographic projection has therefore been developed. Relative to the latest ONS projections (2018-based), this updated projection generally assumes higher death and lower birth rates but also higher net migration to Oxfordshire over the previous 5 year period. The analysis below sets out the results of this updated projection.

**3.5.2** Table 3.12 shows estimated population growth across the County split into 3 broad age bands (which can generally be described as a) children, b) working-age and c) pensionable age). This analysis shows population being projected to increase by around 55,600 people – this is a 7.6% increase over the 10-year period. The population aged 65 and over is projected to see the highest proportionate increase, but in actual number terms the population aged 16-64 is also projected to see a notable level of growth. The increases in population can be compared with the change shown by the Census (for 2011-21) of 10.9%.

**Table 3.12 Projected change in population by broad age group (2022-32) – Oxfordshire**

	2022	2032	Change	% change
Under 16	130,584	126,611	-3,972	-3.0%
16-64	468,117	491,462	23,346	5.0%
65+	133,496	169,716	36,221	27.1%
TOTAL	732,196	787,790	55,594	7.6%

Source: Demographic projections

## 3.6 Household Projections

**3.6.1** The final part of the projection is to convert population estimates into households by discounting the communal population (to give a household population) and then applying household representative rates (HRR). The first analysis is

however to estimate the number of households as of 2021. Table 3.13 shows household estimates from the Census and also dwelling counts from DLUHC live tables. Modelling has been undertaken to provide estimated households in 2021 based on looking at the relationship between households and dwellings in 2011 and applying a similar relationship to 2021 dwellings. The number of households is lower than the number of dwellings as some households at any time are vacant to allow for their repair/ renovations and for turnover of properties in a functioning market.

**Table 3.13** Change in the number of households and dwellings (2011-21)

		2011	2021	Change
Oxfordshire	Households	258,800	288,100	29,300
	Dwellings	269,400	305,100	35,700

Source: ONS (Census) and DLUHC (Table 125)

**3.6.2** In projecting forward, data about household representative rates (HRRs) has been drawn from the 2014-based subnational household projections (SNHP). HRRs can be described in their most simple terms as the number of people who are counted as heads of households (or in this case the more widely used Household Reference Person (HRP)). The 2014-based figures are used as these underpin the Standard Method and generally have attracted less criticism in terms of building in a suppression of household formation than more recent projections.

**3.6.3** Recent SNHP (since the 2014-based release) have come under some criticism. This is largely as they are based on data in the 2001-11 Census period and project forward trends in household formation in this period to 2021 – one in which housing affordability deteriorated significantly – with age/sex-specific household formation rates held constant thereafter. In Oxfordshire, this suppression is particularly evident for the 25-34 age group where there was a notable drop in formation rates from 2001 to 2011, and ONS are projecting some continuation of this moving forward to 2021, after which the (lower) rate is held broadly stable. These issues inform why the latest household projections are not used in the standard method; and we agree that the household formation rates in the 2014-based Household Projections are preferable for planning purposes.

**3.6.4** Data about the communal population has also been drawn from the 2014-SNHP. For all areas, the 2014-HRRs have been adjusted to match the estimated number of households shown above with future (projected) years using the same incremental changes as in the base source.

The remodelled demographic projection used in this report therefore adopts consistent assumptions on household formation to the 2014-based Household Projections. The difference arises as the population inputs are different – the population projection developed takes account of more recent migration trends as well as Census data.

**3.6.5** The analysis projects an increase of around 3,300 households per annum over the 2022-32 period, as shown in Table 3.14.

**Table 3.14** Projected change in households – remodelled projection

	Households 2022	Households 2032	Change in households	Per annum
Oxfordshire	296,596	329,339	32,743	3,274

Source: Demographic projections



## 4 Housing Market Review

### Introduction

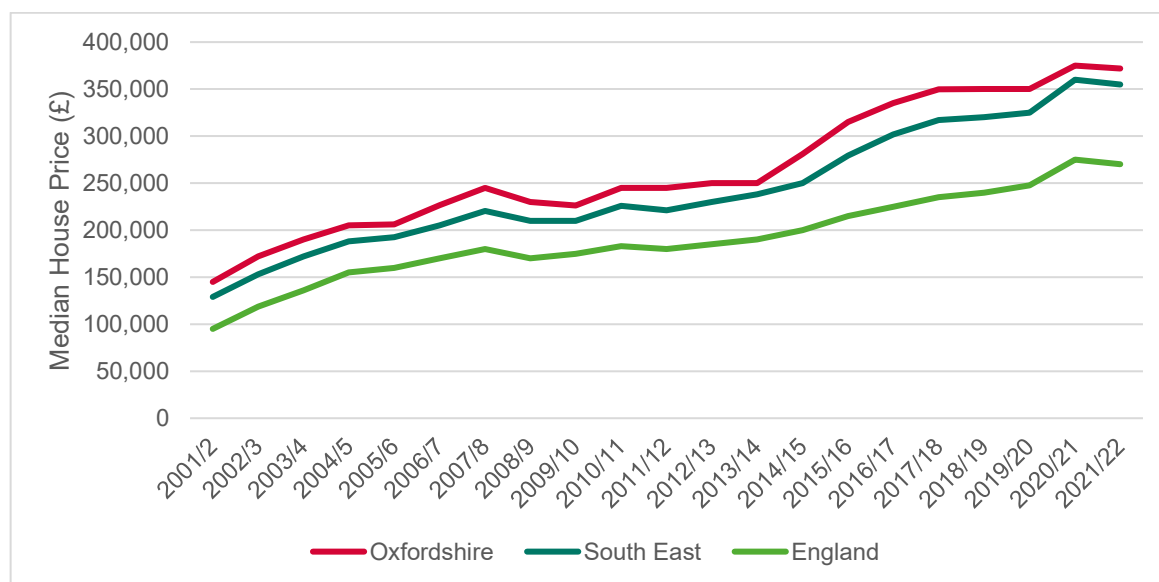
This section provides an analysis of housing market dynamics. It addresses both the sales and private rental markets. It is prepared taking account of the latest data at the time of writing but is prepared at a time of flux in housing market conditions and market uncertainty. It provides an overview of housing costs and affordability issues in Oxfordshire, using the latest data, which feed through to consideration of scenarios for overall housing growth.

### 4.1 Sales Market

**4.1.1** House prices have an important influence on the affordability of market housing to buy. House price changes over time are influenced by inflation and the balance of supply and demand in the market. The ability for house prices to grow is influenced by what households can afford, which in turn is influenced by other factors such as growth in earnings, taxation, interest rates and the availability of mortgage finance.

**4.1.2** The long-term trend in house prices is shown below. House prices have grown significantly, increasing in value by a factor of 2.6, influenced by a sustained under-supply of homes. A stronger supply/demand imbalance is evident in the South East region than is the case nationally and this has been borne out in Oxfordshire as well looking over the 20 year period.

**Figure 4.1: House Price Trends, 2002-22**



Source: Icen analysis of ONS HPSSA Dataset 9

**4.1.3** A major factor in house purchase decisions is access to mortgage finance. Prior to the credit crunch in 2008, ready access to credit facilitated house purchases and generally supported a strong period of housing demand. An increase in interest rates in 2005 had an evident cooling affect on house prices.



**4.1.4** Mortgage availability was then much more restricted between 2008-14 as banks tightened loan-to-value ratios and reviewed lending criteria. As can be seen below, the 2008-14 period was characterised by negative or low house price inflation.

**4.1.5** From 2013/14 access to mortgage finance then began to improve, supported by the Bank of England's Funding for Lending Scheme; whilst since 2013 the market has also been supported by the Government's Help-to-Buy scheme which has both reduced risks to lenders and reduced deposit requirements for many First-time Buyers.

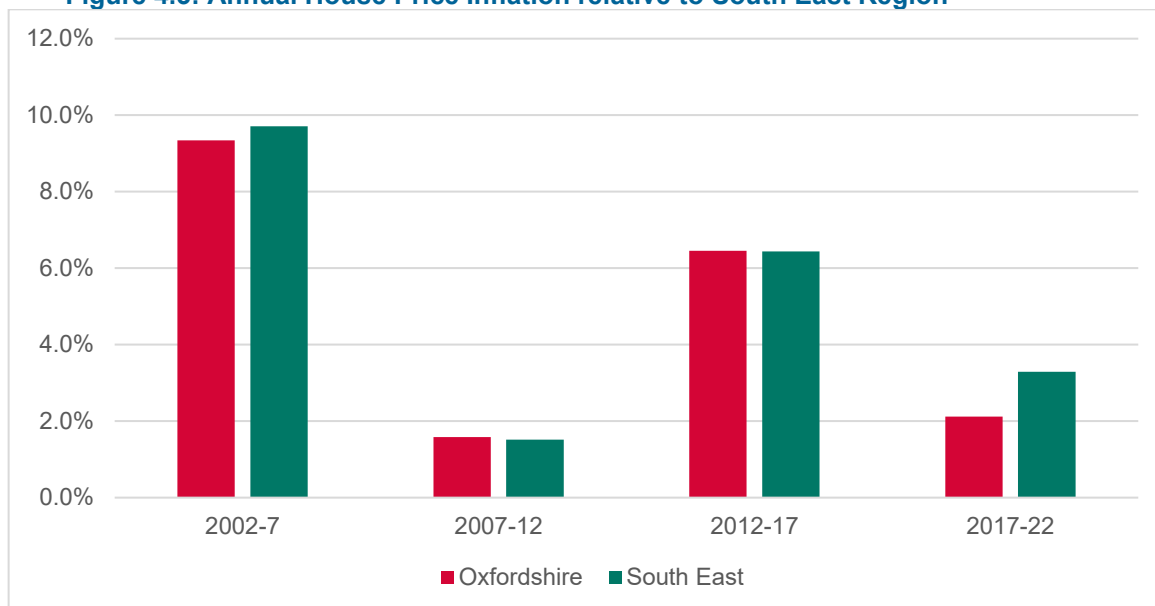
**Figure 4.2: House Price Growth, Oxfordshire and South East**



Source: Icen analysis of HMLR/ONS Median House Prices (ONS Dataset 9)

**4.1.6** The graph above however shows that the more recent trend has been of some divergence in price inflation in Oxfordshire, relative to the wider region. In Oxfordshire, house prices have increased by 2.1% pa over the 5 year period since 2016. This is around a third lower than the price growth trend across the region (3.3%) and below that nationally (3.7%). The recent growth in house prices is also notably more modest than the long-term 20 year trend – indeed recent house price growth in Oxfordshire has been less than half of this longer-term trend. This correlates with stronger housing supply across the County.

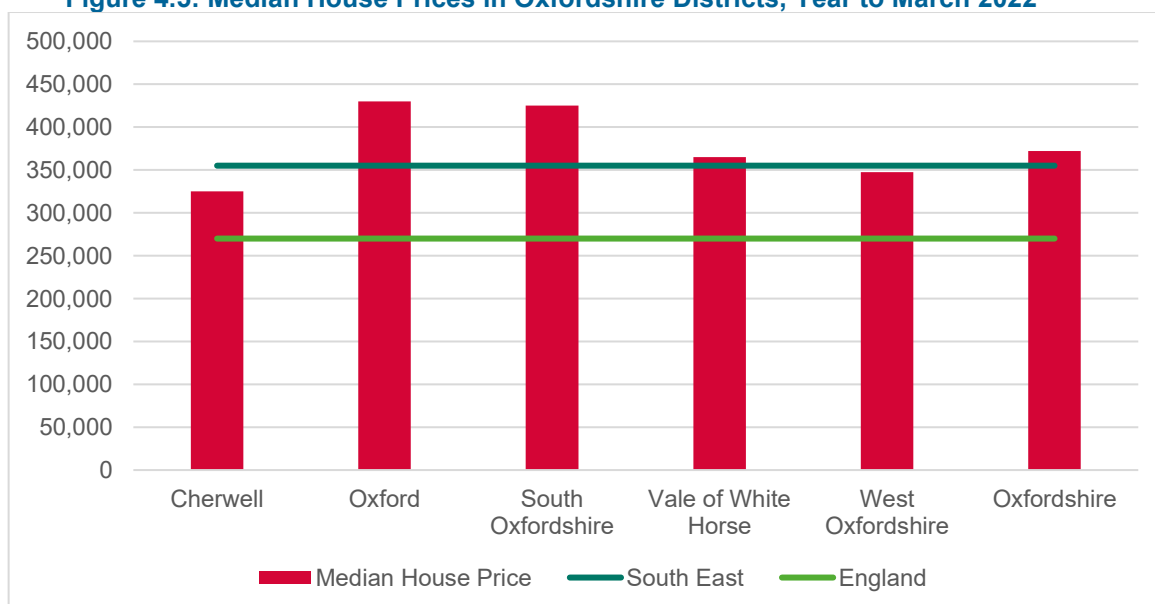
**4.1.7** The 2020-21 period saw stronger house price growth driven by the combined effect of Covid resulting in a spike in demand as households re-evaluated their living circumstances (with buyers particularly seeking greater indoor and external space), combined with the temporary cuts to Stamp Duty (the 'Stamp Duty Holiday') the effect of which was to reduce the transactional costs of moving, which in a high value market such as this can be significant. But once again, house price inflation was weaker in Oxfordshire than across the wider South East.

**Figure 4.3: Annual House Price Inflation relative to South East Region**

Source: Icen analysis of HMLR/ONS Median House Prices (ONS Dataset 9)

The evidence shows a positive correlation between a notable increase in housing delivery over the last 5 years in Oxfordshire relative to many other parts of the region and weaker house price growth, despite the county's relatively strong economic performance.

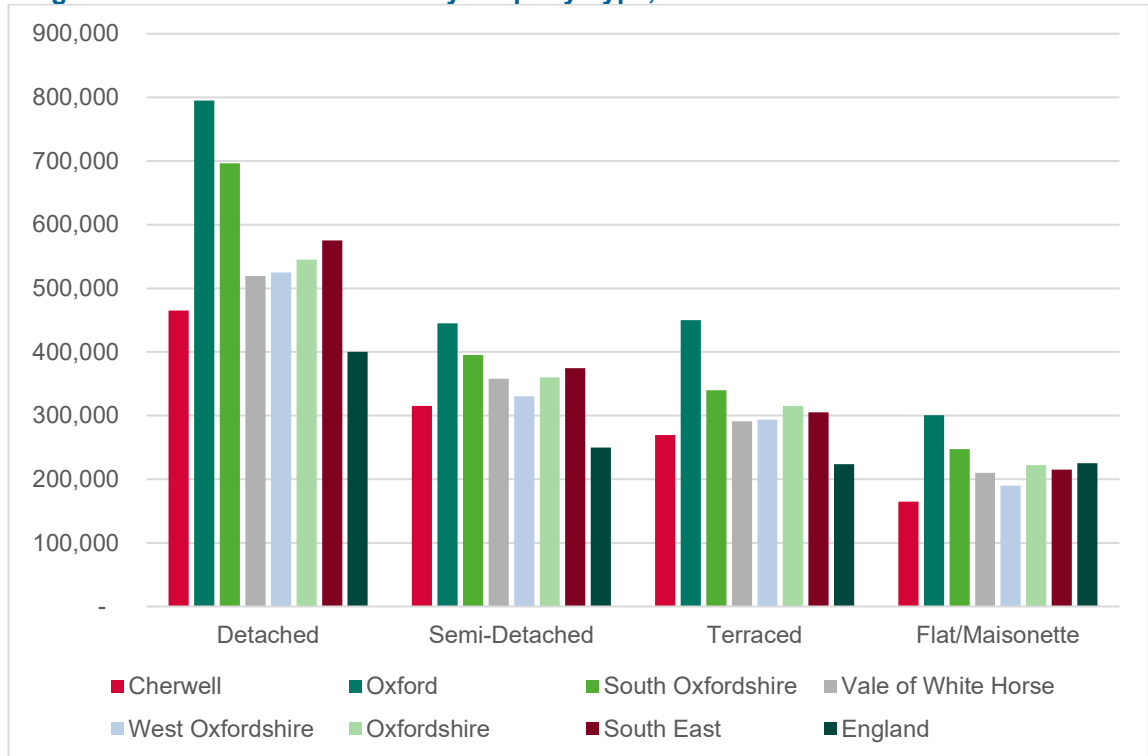
**4.1.8** At a district level, the higher relative house prices are in Oxford and South Oxfordshire; with Cherwell being the only authority in which prices are to any significant degree below the South East average.

**Figure 4.5: Median House Prices in Oxfordshire Districts, Year to March 2022**

Source: Icen analysis of HMLR/ONS Median House Prices (ONS Dataset 9)

**4.1.9** The price premium associated with properties in the City comes out more clearly if relative prices for different products are considered. Relative to the County average, prices in Oxford are 24% higher for semi-detached properties, 35% higher for flats, and 43% and 46% higher for terraced and detached properties. There is an evident and notable price premium across property types. This reflects a combination of the City's economic strength (which influences both demand and earnings) and its more limited supply (particularly for larger homes). Detached prices have seen the strongest price growth through the pandemic.

**Figure 4.6: Median House Price by Property Type, Year to March 2022**



Source: Icenis analysis of HMLR/ONS Median House Prices (ONS Dataset 9)

**4.1.10** Oxford and South Oxfordshire stand out as having seen notably stronger recent house price growth.

**Table 4.1: Annual House Price Growth**

	2 Yr Growth pa	5 Yr Growth pa	10 Year Growth pa
Cherwell	£8,925	£5,000	£11,500
Oxford	£17,500	£10,000	£18,000
South Oxfordshire	£20,000	£11,000	£16,000
Vale of White Horse	£10,000	£5,700	£12,000
West Oxfordshire	£1,250	£5,500	£11,200
Oxfordshire	£11,000	£7,400	£12,700
South East	£15,000	£10,610	£13,400

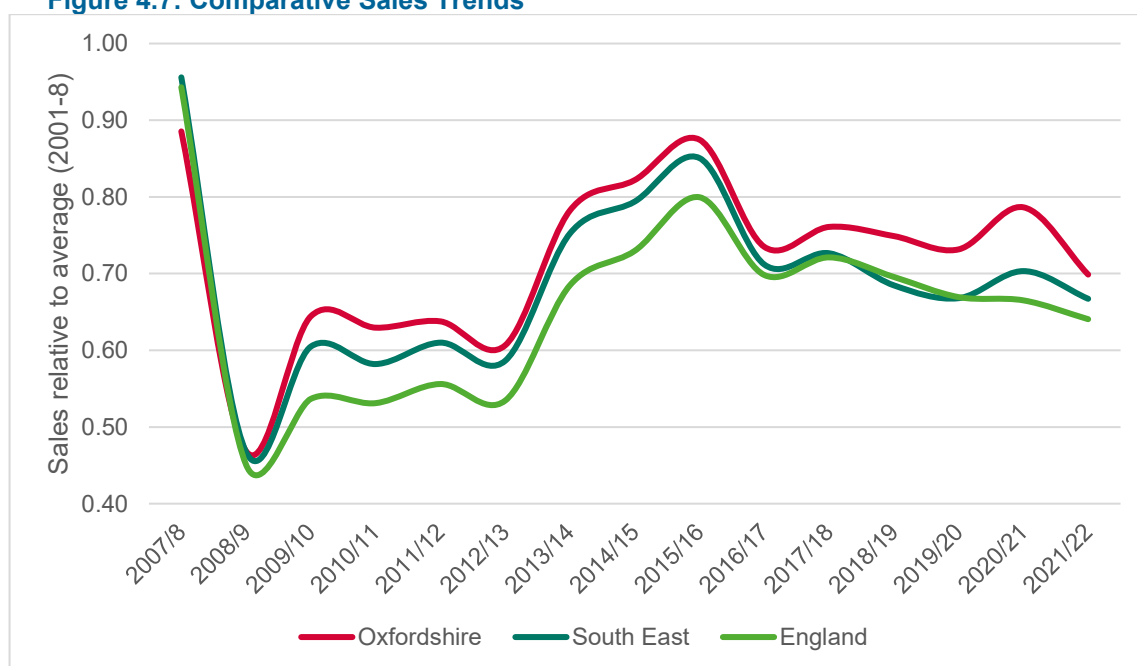
Source: Icenis analysis of HMLR/ONS Median House Prices (ONS Dataset 9)

## 4.2 Sales Trends

**4.2.1** Sales volumes over the past decade have been more modest than those pre-2008 influenced by the low inflation environment (meaning that the value of debt has not been reducing to the same extent in real terms as in previous decades); longer mortgage terms; together with an ageing population who move less frequently with a public policy focus on caring for older people in their own homes (resulting in fewer moves). Added to this, increasing house prices have increased the transactional costs of moving and since 2016 the 3% additional Stamp Duty applicable to investment purchases (together with changes to mortgage interest rate relief) have moderated investment purchases (such as from buy-to-let landlords). These influences have particularly affected higher-value markets such as Oxfordshire.

**4.2.2** Sales volumes benchmarked relative to trend prior to the 2008 recession are shown below. Whilst there are clearly macro-economic influences on the trend year-on-year (shown through the similarity between trends at an Oxfordshire to those at a regional and national scale). The upturn in demand from 2013 resulting from increased mortgage availability (and Help-to-Buy support) is evident; as well as the cooling effect of Brexit-related uncertainty from 2016/17. The Covid induced burst of activity in 2020/21 is also clear, with the evidence showing that there was a greater positive uptick in sales seen in Oxfordshire than across the wider region.

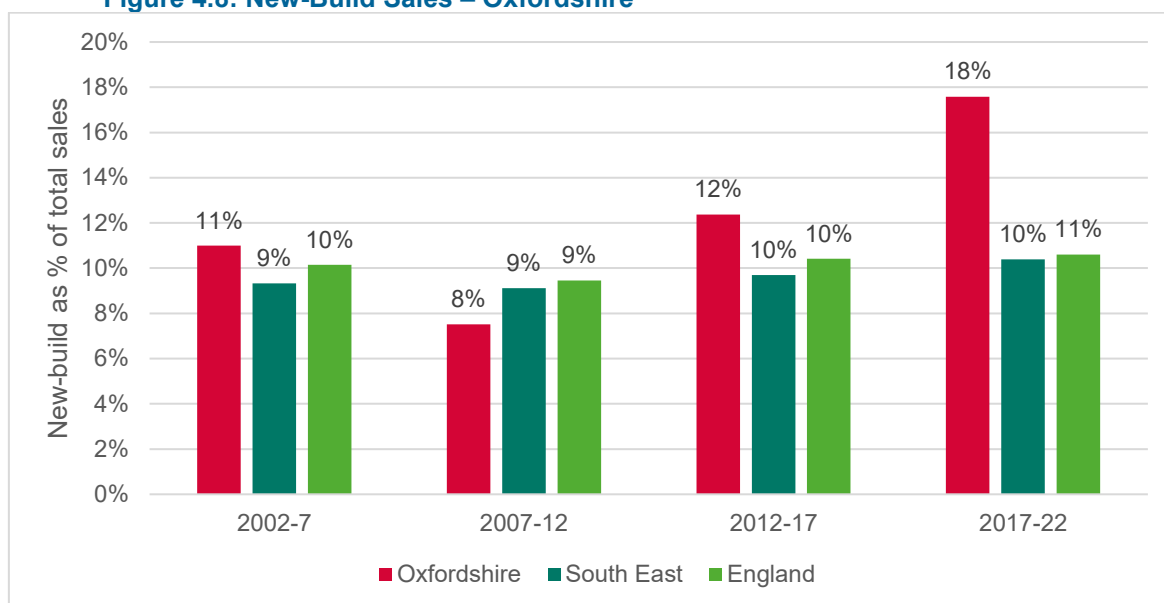
**Figure 4.7: Comparative Sales Trends**



Source: Icen analysis of ONS HPSSA Datasets 7&8

**4.2.3** The evidence indicates that it is the scale of new-build development in Oxfordshire which has particularly supported stronger comparative sales over the period since 2015 relative to wider geographies.

**4.2.4** Typically around 10% of total sales are of new-build properties. The Help-to-Buy scheme has helped this to rise to 11% nationally over the most recent 5 year period (2017-22). Over the pre-2012 decade this held true in Oxfordshire as well; but more recently new-build sales volumes have risen – to 12% of sales in the 2012-17 period and to a notable 18% of sales over the five years to March 2022.

**Figure 4.8: New-Build Sales – Oxfordshire**

Source: Icen analysis of ONS HPSSA Datasets 7&8

**4.2.5** The stronger new-build development thus correlates to stronger overall sales in Oxfordshire in relative terms; and to weaker house price growth relative to the region.

**4.2.6** The District level evidence is relatively consistent outside of Oxford City, with a higher proportion of new-build sales evident in each area in the most recent five year period as local plans supporting higher growth have been put in place. The highest proportion of new-build sales have been in Cherwell and Vale of White Horse. Oxford's lower new-build sales is influenced by its constrained land supply.

**Table 4.2: % New-Build Sales – Oxfordshire Districts**

	2002-7	2007-12	2012-17	2017-22
Cherwell	10%	6%	15%	21%
Oxford	13%	7%	3%	3%
South Oxfordshire	4%	5%	14%	17%
Vale of White Horse	9%	9%	19%	23%
West Oxfordshire	20%	11%	8%	16%
Oxfordshire	11%	8%	12%	18%

Source: Icen analysis of ONS HPSSA Datasets 7&8

### Affordability of Homes to Buy

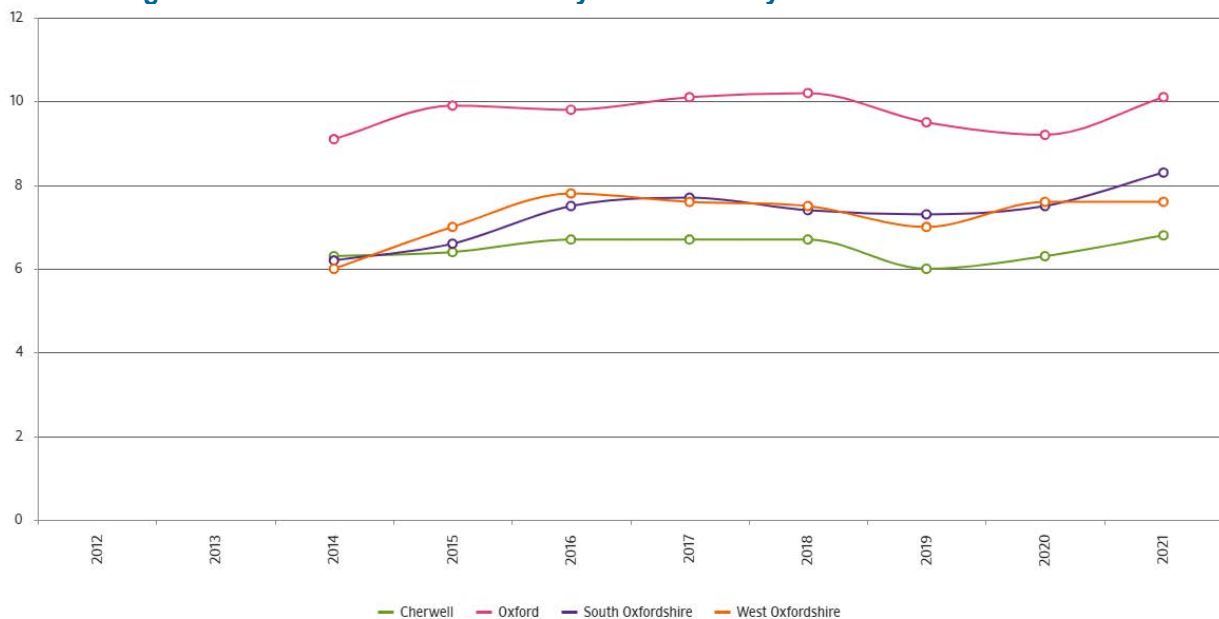
**4.2.7** The standard 'planning measure' of housing affordability is the house price-to-workplace earnings ratio. The latest data, for 2021, points to median house prices of 11x earnings across Oxfordshire with the highest ratio being in Oxford (12.0) and South Oxfordshire (13.1). The ratio in all Oxfordshire authorities is above the South East average. These ratios have a direct bearing on housing need as they influence the 'affordability adjustment' which is applied through the standard method.

**Table 4.3: Median Affordability Ratios (2003-2021)**

	2003	2008	2013	2018	2021	Increase 2003-2021
England	5.93	6.97	6.76	8.04	9.05	+3.12
South East	7.22	8.22	8.26	10.37	11.12	+3.90
<b>Oxfordshire</b>	<b>7.85</b>	<b>9.1</b>	<b>8.61</b>	<b>10.44</b>	<b>11.08</b>	<b>+3.23</b>
<i>Cherwell</i>	7.02	8.54	8.46	9.77	10.28	+3.26
<i>Oxford</i>	8.87	9.7	9.69	11.08	12.05	+3.18
<i>South Oxon</i>	7.86	9.71	10.49	12.37	13.07	+5.21
<i>VoWH</i>	7.55	8.35	7.5	9.87	9.96	+2.41
<i>West Oxon</i>	8.34	9.35	9.36	11.55	11.4	+3.06

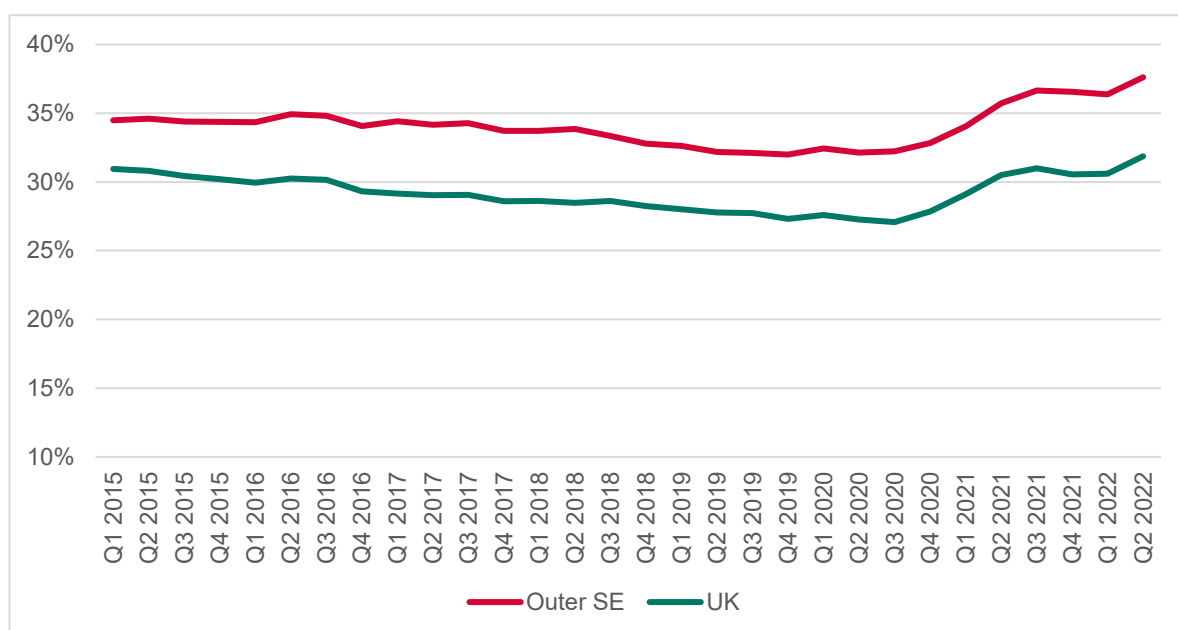
Source: ONS Workplace-based Affordability Ratios, Icen Projects

**4.2.8** Nationwide's House Price Earnings Ratio (HPER) is an alternative measure which takes Nationwide's data on first-time buyer house prices and compares this with earnings for full-time workers. Their most recent report identifies Oxford as having a ratio of 10.1 for 2021, which is the highest affordability ratio in the region; with the ratio having increased from 9.2 the previous year. As the analysis below shows, this is notably above levels in other Oxfordshire authorities; but the broad trends over recent years have been of relative stability on this ratio.

**Figure 4.9: Nationwide First-time Buyer Affordability Ratio**

Source: Nationwide House Price Index

**4.2.9** However, if mortgage payments relative to take-home pay is considered, the pandemic effect on house prices has clearly resulted in affordability for first-time buyers being increasingly stretched.

**Figure 4.10: Mortgage payments for 1<sup>st</sup> Time Buyers as % of Mean Take-Home Pay**

Source: Nationwide, Icen Projects

### 4.3 Market Outlook

**4.3.1** Even before the ‘mini budget’ of September 2022 the residential market appeared to be cooling. Hometrack’s September 2022 publication describes a market which was transitioning to a ‘buyers market’ with recent house price growth and rising interest rates further pressurising affordability for first-time buyers.

**4.3.2** Hometrack’s September report indicated that new-build sales appeared to be holding up but with buyer interest weaker than a year previously and sellers beginning to adjust to a more price-sensitive market. It predicted rising interest rates would impact on buying power and refocusing the market more towards smaller properties and cheaper areas – with Hometrack suggesting a particular impact on higher value markets such as Oxfordshire.

**4.3.3** Stamp Duty changes introduced by Government in September 2022<sup>7</sup> will have some effect, particularly in Oxfordshire and the greater South East more widely where the Stamp Duty costs of moving home are significant. Whilst this will support First-time Buyers, these transactional costs could well be offset by the ongoing higher costs of servicing mortgages driven by growing interest rates. Market expectations are of rising interest rates as the Bank of England seeks to curb inflationary pressures in the wider economy (driven by energy prices). The recent effects of the September 2022 ‘mini budget’ appear to have compounded with recent weeks seeing 2 year fixed rate mortgage rates increase to over 6%. Some short-term impacts on the housing market appear highly likely with higher interest rates expected to moderate price growth.

**4.3.4** Whilst these issues may have a short-term effect on the balance of supply and demand for housing for sale, there remains a long-term structural imbalance between supply and demand in the housing market nationally. It is important that plan-making

<sup>7</sup> Increasing the threshold from which SDLT is payable from £125k to £250k, with a £425k threshold for First-time Buyers; with discounted Stamp Duty costs for First-time Buyers purchasing properties of up to £625,000 in value (up from £500k).

activities take account of these long-term dynamics as they are looking 15-20 years into the future.

## 4.4 Rental Market

**4.4.1** The Private Rental Sector forms an important part of the housing market in Oxfordshire. Median rental costs in Oxfordshire overall, as well as all local authorities, within it are higher than both the South East and England averages. Cherwell sees the lowest median rental costs overall with Oxford City the highest, following the trends seen in the sales market. Prices in Oxford City are exceptionally high with median rents for even one bedroom properties exceeding the overall median monthly rent for the whole South East region.

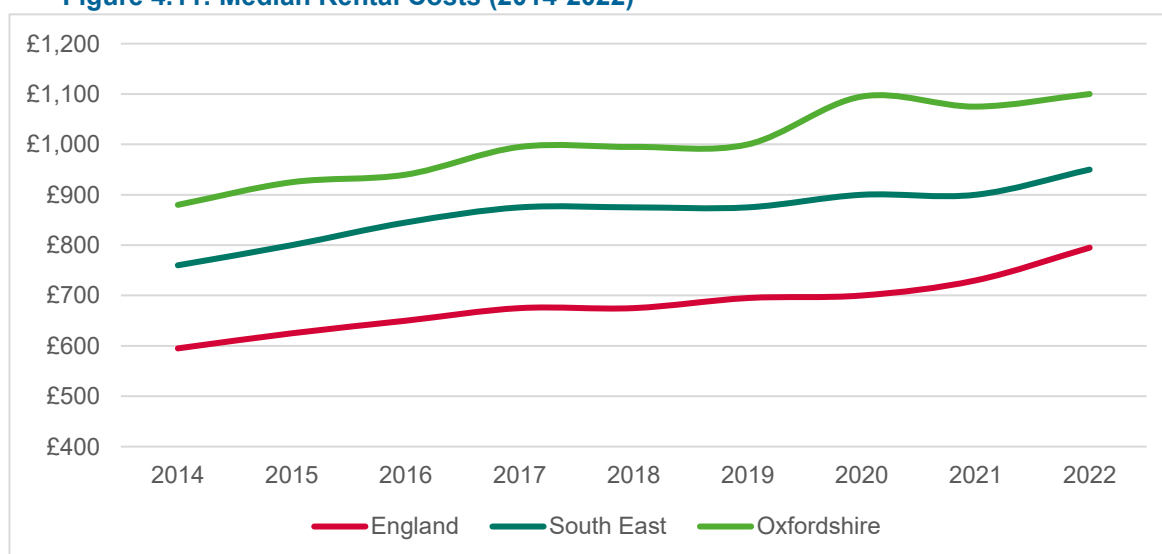
**Table 4.4: Median Rents, Oxfordshire Local Authorities (Year to March 2022)**

	Room	Studio	1-bed	2-beds	3-beds	4-beds+	Overall
Cherwell	£450	£650	£780	£950	£1,200	£1,688	£975
Oxford	£600	£800	£1,050	£1,250	£1,500	£2,288	£1,275
South Oxfordshire	£513	£627	£825	£1,025	£1,350	£2,200	£1,100
Vale of White Horse	£650	£715	£825	£1,025	£1,250	£1,795	£1,025
West Oxfordshire	£430	£625	£775	£940	£1,295	£1,895	£1,000
<b>Oxfordshire</b>	<b>£550</b>	<b>£695</b>	<b>£875</b>	<b>£1,090</b>	<b>£1,325</b>	<b>£2,000</b>	<b>£1,100</b>
<b>South East</b>	<b>£450</b>	<b>£625</b>	<b>£775</b>	<b>£950</b>	<b>£1,200</b>	<b>£1,733</b>	<b>£950</b>

Source: Icen analysis of ONS Private Rental Market Statistics

**4.4.2** Since 2019 median rents have increased by £100 in Oxfordshire (10%). This growth rate is higher than that of the South East in that period (8.6%) albeit it is below the England benchmark (14.4%).

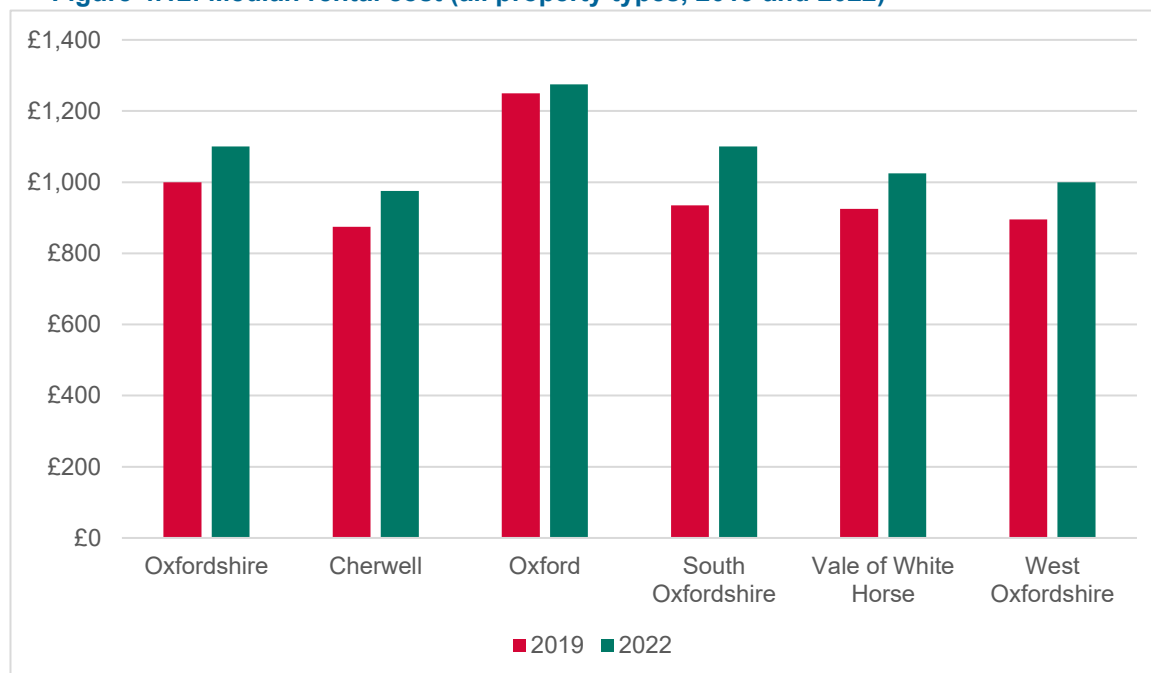
**Figure 4.11: Median Rental Costs (2014-2022)**



Source: ONS, Icen Projects

**4.4.3** Rental costs appear to have grown more strongly in the Districts outside of Oxford City (2%), with the highest growth in South Oxfordshire (17.6%). In Cherwell, rents have increased by 11.4%.

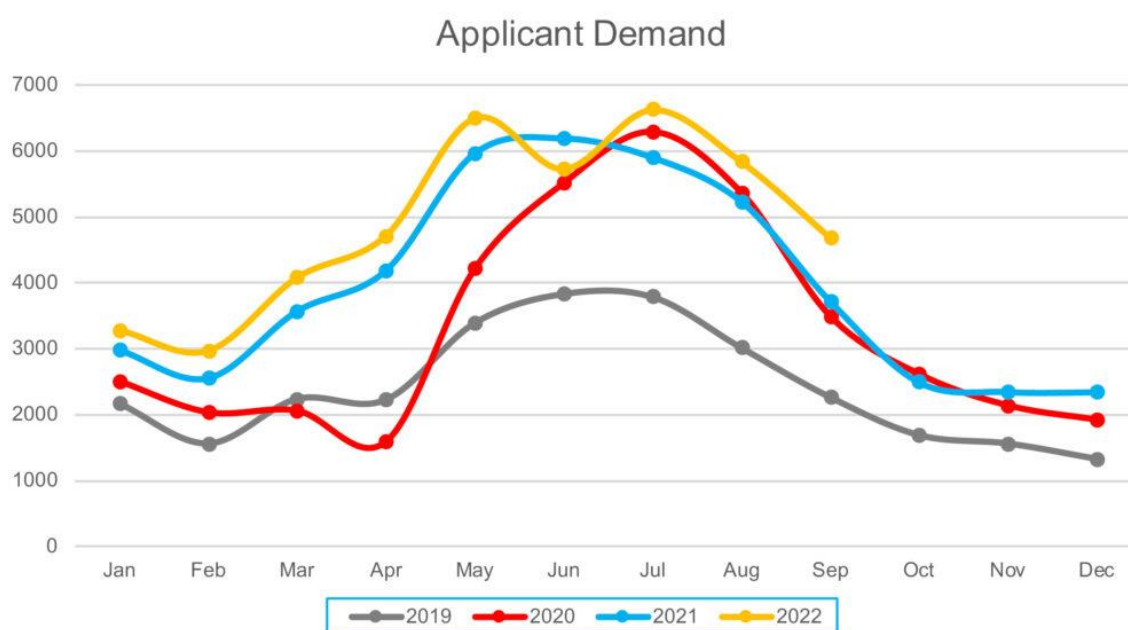


**Figure 4.12: Median rental cost (all property types, 2019 and 2022)**

Source: ONS, Icen Projects

**4.4.4** Finders<sup>8</sup> report a continuing chronic shortage of properties to let across Oxfordshire and across all parts of the lettings market. This is consistent with the position nationally. With multiple interested parties, properties are letting rapidly and demand is such that Finders report properties being listed only for a matter of hours; tenants offering on properties which are unseen or bidding higher rents to secure a home. The chart below indicates the profile of applicant demand over recent years, drawn from Finders' website.

<sup>8</sup> <https://www.finders.co.uk/news/2022/10/a-busy-summer-with-continuing-demand/#more-9162>

**Figure 4.13: Applicant Demand for Rental Properties in Oxfordshire**

Source: Finders

**4.4.5** Increased hybrid working is resulting in higher professional couples now competing with small families for two- and three-bedroom properties. With rising energy costs, tenants are increasingly seeking energy efficient properties and, as with the sales market, the short-term outlook is of growing demand for smaller properties in particular which are more affordable. Hometrack expect that as cost-of-living pressures build in the short-term, renters will be looking to balance the combined impact of rental and running costs as they make home-moving decisions; and Hometrack expect this to support growing appeal for apartments and energy-efficient homes.

**4.4.6** In the short-term interest rates rises could restrict First-time Buyer numbers, with households renting for longer and placing further demand pressure on the rental market; albeit that affordability pressures could moderate the scope for further rental growth.

**4.4.7** Set against this is supply, which is traditionally difficult to quantify, and has been affected by legislative changes affecting the attractiveness of Buy-to-let Investments. With withdrawal of mortgage interest relief from 2016 together with higher Stamp Duty costs for BTL purchases, the buy-to-let sector has become less attractive. The upcoming Rental Reform Bill will improve the standards of homes but will also increase costs further for landlords. These issues are impacting on the supply and influence the trend in rental growth.

**4.4.8** Hometrack expect limited prospect of significantly improved rental supply (probably particularly for smaller landlords) in the short-term, with private landlords continuing to sell off homes. Higher mortgage costs can be expected to compound demand pressures within the PRS. Together the short-term prospects are therefore for further rental growth.

**4.4.9** Market conditions are clearly attractive for institutional investment in the sector through Build-to-Rent development, particularly within Oxford City and the larger

towns where there is a concentration of potential tenants. The dynamics of this market, and that for CoLiving, are considered further in Section 8.

## 4.5 Local Letting Agents View

**4.5.1** In the last 18 months the rental market has changed dramatically. This is principally due to a lack of supply but also increased demand.

**4.5.2** The lack of supply has come from higher house prices resulting in many smaller (single home) landlords seeing it as a good time to sell up. On the rare occasions some properties have come back on the market having failed to sell but overall there has been a reduction in supply.

**4.5.3** A number of agents note that tenants are staying in their homes for longer, thus the turnover of rental properties is slowing. This was due to uncertainty in the jobs market and rising house/rental costs making people less inclined to move.

**4.5.4** Previously the average length of stay would be 18 months but it is now well in excess of two years. One agent noted that only around 10% of tenants now live in a home for less than 18 months.

**4.5.5** Rising house prices have also meant that people are selling their home at what they see as the peak and moving out before they find a new home of their own. As a result, the short term letting market for family housing has boomed.

**4.5.6** All the agents noted that rents have increased significantly. Landlords are seeking the most money they can get for their property. This has resulted in bidding for rental accommodation which was relatively uncommon in the City before now. Examples of how this drives up the market include:

- A home that was advertised as £2,500 pcm is going for £3,000 pcm
- A 1-bed flat that was advertised at £850 pcm is going for £1025 pcm.

**4.5.7** Such is the demand, new properties are regularly seeing 50-60 enquiries the day they are advertised. They are also frequently let on the same day.

**4.5.8** In relation to the built to rent market, the agents agreed that there will always be demand for rental accommodation. Once agent suggested that co-living would work with visiting academics and those on sabbatical at the University. Often these people are working long hours on their research and just want a place to rest their heads.

**4.5.9** Another agent noted that the teaching hospitals also provide a steady stream of professionals looking for rental accommodation. They are contracted for reasonably short terms and as a result may seek short term lets in a professional setting. The hospitals in Oxford do have some accommodation of their own on site.

**4.5.10** Demand for rental accommodation would likely to be from young professionals and recent graduates. Younger people on a higher wages are still looking for apartments or flats and in areas where there is good nightlife.

**4.5.11** One agent noted a distinct lack of smaller studios and one-bedroom flats in the region of £900 pcm. This would also feed into the narrative of an unmet demand for co-living and other build to rent products.

## 5 Office and R&D Market Review

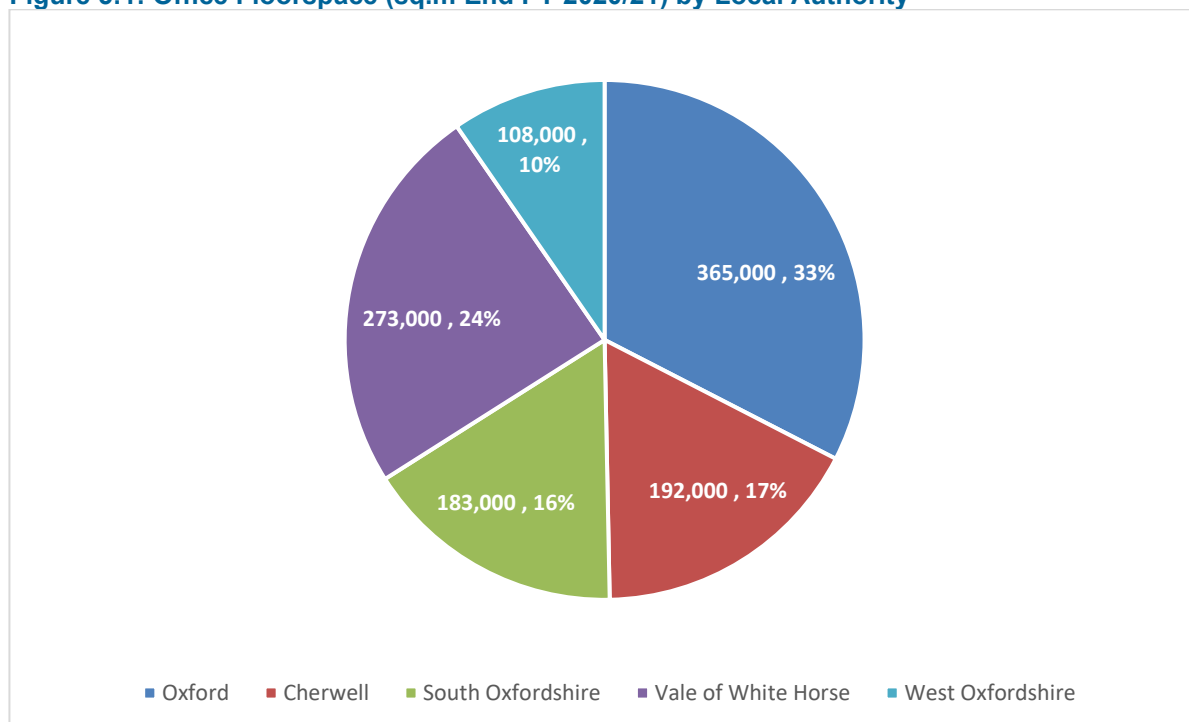
### Introduction

Sections 5 and 6 consider commercial property market dynamics. They address dynamics in the office, lab/R&D, industrial and warehousing sectors based on information at the time of writing in Autumn 2022. They provide an understanding of commercial property market dynamics for office & research and development floorspace (Use Classes E(g)(i) and E(g)(ii), which is set out in Section 5; and for industrial floorspace (Use Classes E(g)(iii), B2 and B8), as set out in Section 6, which then feeds into the consideration of future employment land needs in Section 8 of the report. The understanding of commercial market dynamics also informed the consideration of economic growth scenarios in Section 7. Whilst the analysis focuses on these commercial property sectors as this feeds into the employment land forecasting in Section 8; the economic forecast scenarios considered in Section 7 also consider other types of employment including in education, retail, health and other consumer-related services, beyond those typically associated with the B-class sectors.

### 5.1 Office Stock

**5.1.1** At the end of FY 2020/21, there was 1,121,000 sqm of office floorspace across Oxfordshire accounting for 9% of the South East's stock. The pie chart below breaks this down by local authority area. Oxford accounts for a third of office floorspace in the County and is the largest market. The stock in Cherwell is more modest (17%).

**Figure 5.1: Office Floorspace (sq.m End FY 2020/21) by Local Authority**



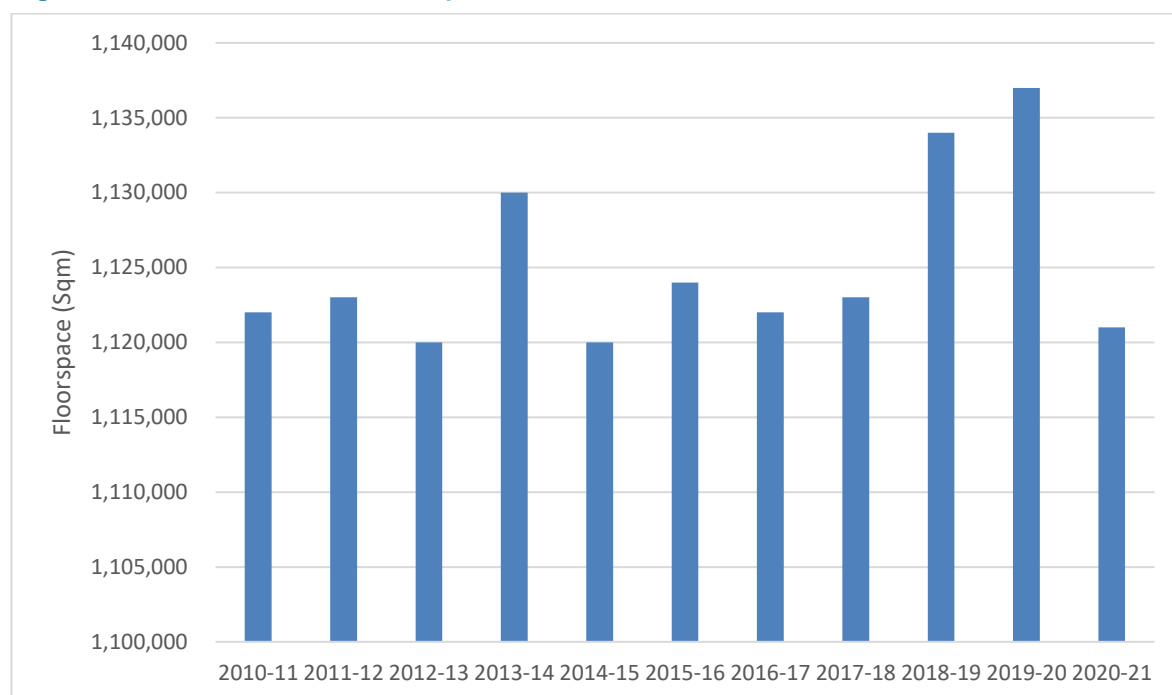
Source: Icen analysis of VOA data

**5.1.2** CoStar suggests that Oxfordshire had 1.4 million sqm of office floorspace at the end of FY 2020/21 which is 25% higher than the VOA data suggests. This difference

is due to a number of reasons including that the definition of office space used by CoStar differs to that used by the VOA (which for instance treats labs as “other” floorspace) and the fact that data is collected in a different manner by each organisation.

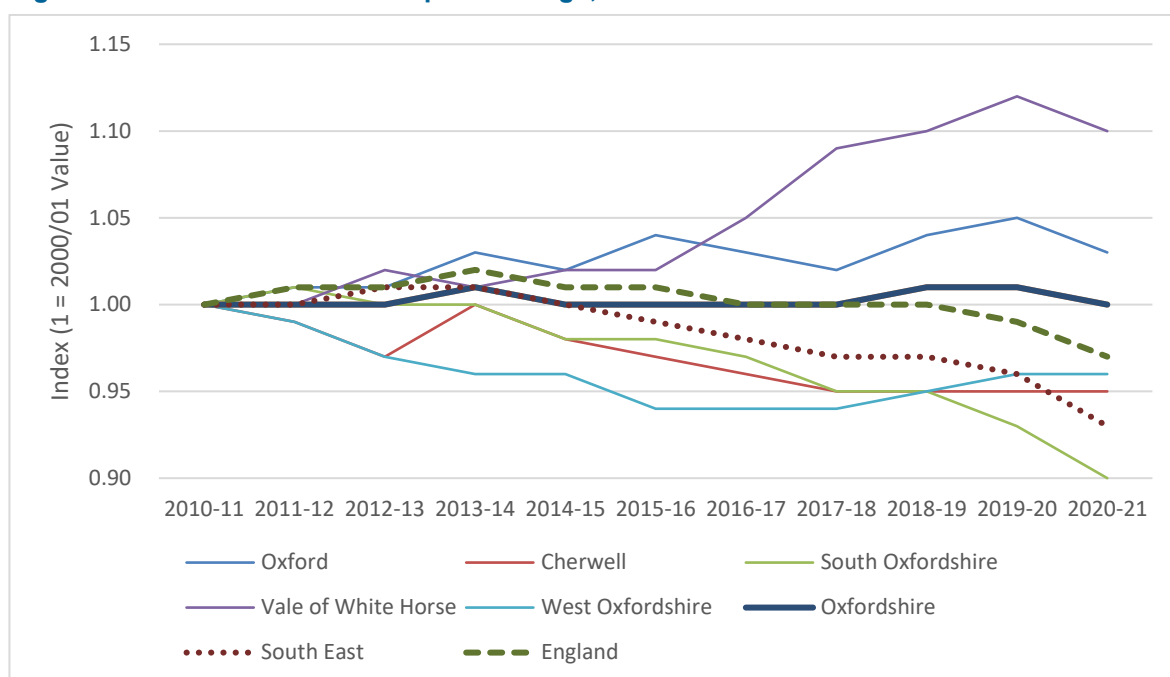
**5.1.3** The VOA dataset indicates that the amount of floorspace remained relatively constant between 2010/11 and 2017/18 before a sharp rise to a peak in 2019/20. In 2020/21 floorspace then dropped back, by c. 1.5%, to 2010/11 – 2017/18 levels.

**Figure 5.2: Trends in Office Floorspace across Oxfordshire**



Source: IcenI analysis of VOA data

**5.1.4** At a district level, office floorspace in Oxford and the Vale of White Horse has grown over the last 10 years; whereas it has fallen in other authorities, similarly to what can be seen across the South East and England as a whole. The trend over the last decade has typically been ‘spaceless growth’ in office-based activities as space is used more intensely (with hot-desking / agile working) and growth in home working.

**Figure 5.3: Indexed Office Floorspace Change, 2011-21**

Source: Icen analysis of VOA data

**5.1.5** The quality of office stock varies spatially. Oxford has the highest percentage of good quality floorspace (3 star and above, based on CoStar ratings) at 85%, followed by the Vale of White Horse (75%). In Cherwell, 60% is good quality.

**Table 5.1: Office Floorspace by CoStar Grade**

	Stock Grade			
	1	2	3	4
<b>Cherwell</b>	2%	39%	59%	1%
<b>Oxford</b>	0%	15%	72%	13%
<b>South Oxfordshire</b>	2%	39%	57%	2%
<b>Vale of White Horse</b>	0%	24%	59%	16%
<b>West Oxfordshire</b>	2%	40%	56%	1%
<b>Oxfordshire</b>	1%	27%	63%	10%

Source: Icen analysis of CoStar data

**5.1.6** The table below shows the split of Oxfordshire's office floorspace by age (built or renovated – the later of the two). Overall, 62% of floorspace was built before the year 2000. The highest percentages of floorspace built since the year 2000 are in Oxford and Vale of White Horse (at 38% and 50% respectively) which reflects the fact that these areas have concentrations of modern science and technology parks.

**Table 5.2: Age of Office Floorspace**

	Pre 1940	1940-1979	1980-1999	2000-2009	2010-2019	2020-2022
<b>Cherwell</b>	21%	21%	27%	22%	7%	2%
<b>Oxford</b>	20%	16%	26%	27%	11%	0%
<b>South Oxfordshire</b>	24%	8%	35%	25%	4%	3%
<b>Vale of White Horse</b>	5%	11%	34%	28%	15%	7%

<b>West Oxfordshire</b>	13%	8%	55%	20%	4%	0%
<b>Oxfordshire</b>	16%	14%	32%	26%	10%	3%

Source: Icenis analysis of CoStar data

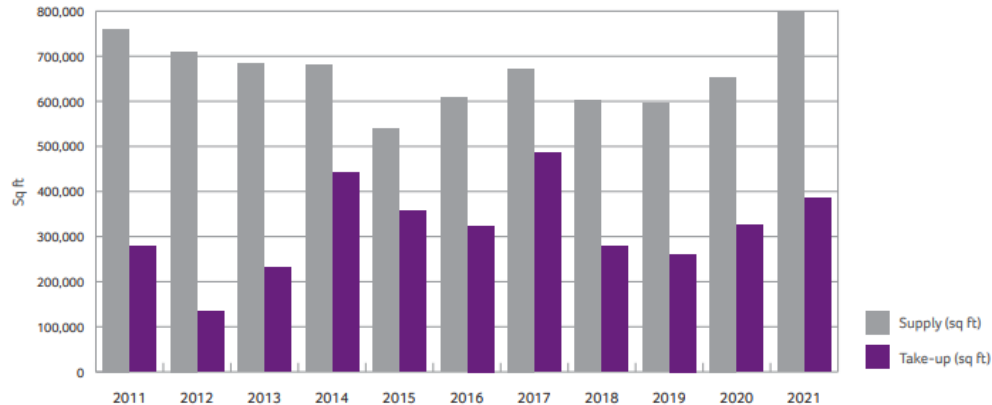
Overall, Oxfordshire's office market is relatively large, with a third of stock concentrated in Oxford. Office stock was growing pre-pandemic but this trend has since been reversed. The quality of office stock in Oxfordshire is decent although this varies between authorities. However, 62% of office floorspace was built before the year 2000.

## 5.2 Office Market

**5.2.1** Whilst many office markets were hit hard by Covid-19 and the changes to working patterns induced by this, Oxfordshire's market has fared better. Indeed, Oxfordshire has been at the forefront of the fight against Covid-19 including in the development of vaccines; and demand from the life sciences sector in particular has significantly influenced sub-regional market dynamics.

**5.2.2** The strength and growth potential of the life sciences sector is supporting significant investment and development interest. VSL report aggregate office/lab take-up of 384,700 sq.ft in 2021 which was approximately 10% above the 5 year average implying that this was around 350,000 sq.ft (32,500 sq.m).

**Figure 5.4: Office Take-Up and Supply – A34 Corridor**



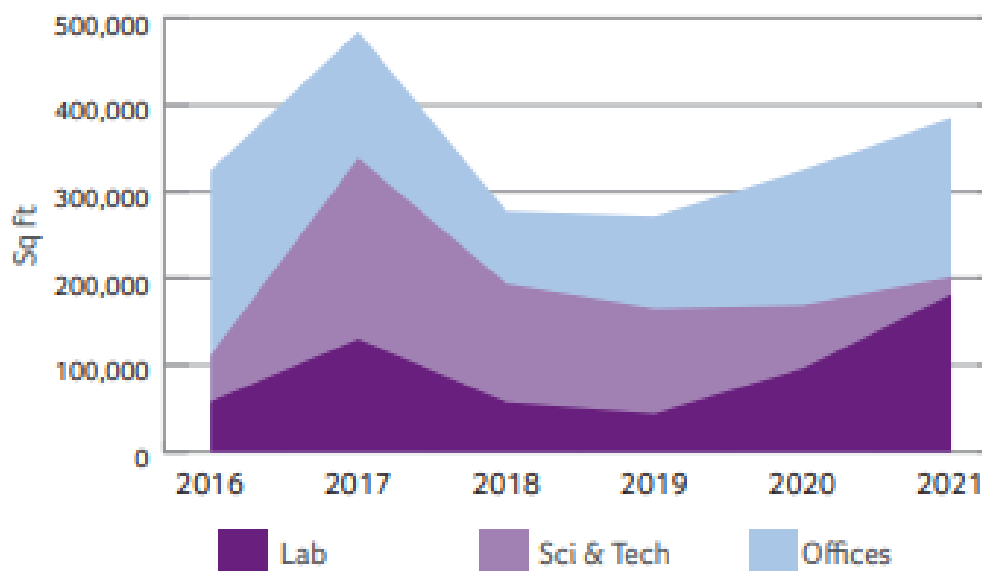
Source: VSL Oxfordshire Commercial Property Market Update 2021

**5.2.3** Take-up in 2021 was particularly focused on Oxford, which in 2021 accounted for 75% of office take-up across the sub-region/A34 market. Over a 5-year period it has been around 50% of the total. Bidwells however report a strong period of leasing activity at Harwell Campus in H1 2022.

**5.2.4** Demand for lab space in Oxfordshire is reported as strong with requirements for incubator space, grow on space and HQ facilities and companies expand. The wider office market has however not been immune to the effects of increasing use of modern telecoms technologies and growth in home and hybrid working. Whilst there remains some uncertainty and the market has not fully 'settled down', the trend is one of occupiers seeking to consolidate (and reduce) their office space on lease events as home working reduces the scale of physical space needs.

**5.2.5** What results is an office market which is increasingly orientated towards lab and other R&D space; and away from traditional offices. This is illustrated most clearly in the chart below, drawn from the VSL 2021 Market Report. Lab lettings have risen notably since 2019 and in 2021 accounted for 50% of all office space take-up based on VSL’s analysis. Figures from commercial agents differ slightly, with Savills reporting that 64% of office take-up in 2021 could be attributed to the bioscience sector (with 10% technology and 10% professional services).

**Figure 5.5: Composition of Office Floorspace Take-Up – A34 Corridor**



Source: VSL Oxfordshire Commercial Property Market Update 2021

**5.2.6** Bidwell’s Arc Databook (Summer 2022) equally provides separate data on offices compared to labs. It indicates five year office take-up of around 250,000 sq.ft (23,200 sq.m) per annum of which c. 100,000 sq.ft is for Grade A space. Lab take-up has averaged 135,000 sq.ft pa (over half of the office total), but with over 200,000 sq.ft taken in 2021 and the evidence for 2022 pointing to a further strong year. Bidwells report demand for lab space having “sharply risen” over the last 18 months.

**5.2.7** Given this somewhat “two speed” market, we have segmented our analysis to consider the lab/R&D market separately from more traditional commercial office space where the data allows. Some commercial information is however presented for office and labs together.

### **Net Absorption and Vacancy Trends**

**5.2.8** CoStar provides data on net absorption and net deliveries. Net absorption is the balance between the amount of space moved into and moved out of (i.e. net absorption = move ins – move outs). It provides an indicator of the strength of demand. Net deliveries are the difference between floorspace delivered (i.e. constructed and brought onto the market) and demolished (or otherwise taken out of use and removed from the market). When net absorption is greater than net delivery this leads to a falling vacancy rate and vice versa.

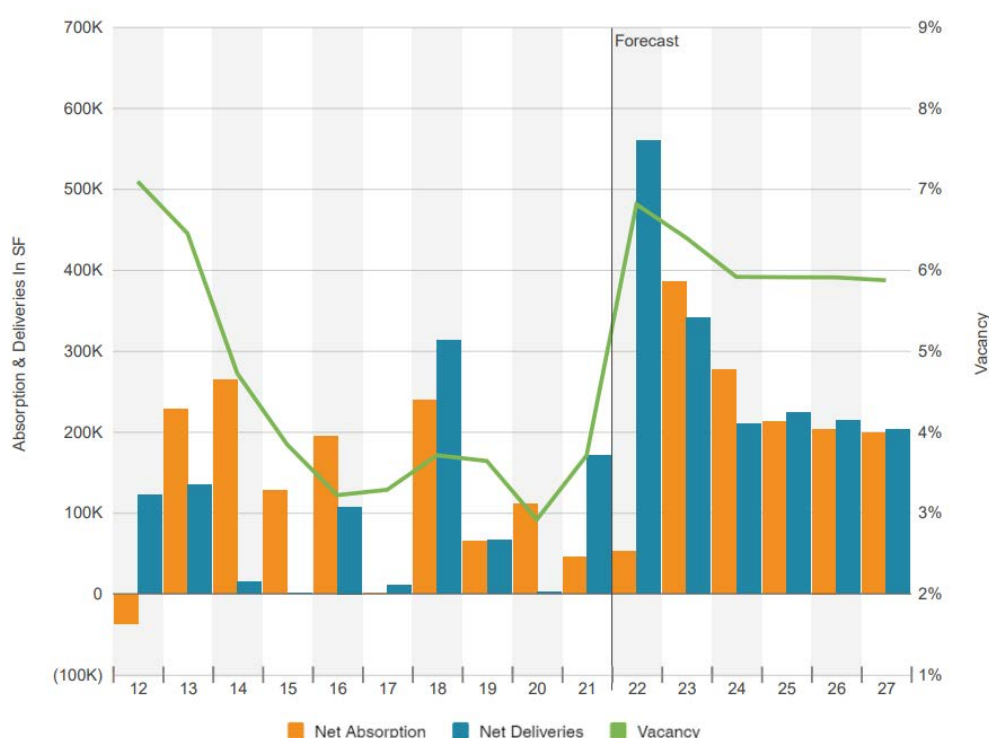
**5.2.9** The figure below shows net absorption, net deliveries and their resulting impact on vacancy rates across Oxfordshire. Vacancy rates fell between 2012 and 2016 due



to strong net absorption and weaker net deliveries. Between 2016 and 2021, the vacancy rate has remained relatively stable at between 3-4%, meaning net absorption and net deliveries were roughly in balance. The relatively low vacancy rate however will have helped to spur further development.

**5.2.10** However more recently the vacancy rate has started to climb, driven in particular by negative net absorption; and CoStar forecast it to rise further to around 7% at year end due to a strong peak in net deliveries of office floorspace. The vacancy rate is then forecast to settle at around 6%.

**Figure 5.6: Net Absorption, Net Deliveries and Vacancy Rates, Oxfordshire**



Source: CoStar

### Vacancy Rates and Availability by Authority Area

**5.2.11** CoStar reports that the current office vacancy rate in Oxfordshire is 4.7%. However it should be noted that whilst Oxford's vacancy rate is 6.2% it should be noted that the City Centre (termed the 'Oxford Central' market by CoStar) has a vacancy rate of 2% and the rest of the area (termed the 'Oxford Fringe by CoStar) has a vacancy rate of 9.3%.

**Table 5.3: Vacancy Rates by Authority Area, Sept 2022**

Authority Area	Vacancy Rate
<b>Cherwell</b>	2.6%
<b>Oxford</b>	6.2%
<b>South Oxfordshire</b>	1.8%
<b>Vale of White Horse</b>	4.4%
<b>West Oxfordshire</b>	8.7%
<b>Overall</b>	4.7%

Source: Icen analysis of CoStar data

**5.2.12** Bidwell's Arc Databook records 733,800 sq.ft of office floorspace available as at Summer 2022. Whilst availability of office space (as separate for labs) increased between 2019 and 2021 to peak at over 10%; the evidence suggests that this has now started to fall and currently stands at 9.9%. The evidence also points to a growth of availability of Grade A space.

**5.2.13** The reported office floorspace availability would equate to around 3 years' supply based on five year take-up trends. However the supply position is one of limited supply of office floorspace in central locations, in particular with the loss of office stock to a growing number of lab repurposing schemes; with agents expecting that this will result in further rental growth in the short-term.

**5.2.14** The availability of office and lab space in the Oxford market grew by 18% in 2021, based on Savills figures, predominantly as Grade B space came onto the market; resulting in availability rising to c. 740,000 sq.ft at the end of the year. This is expected to recede in 2022.

**5.2.15** The table below summarises current levels of availability across Oxfordshire and its constituent authorities recorded on CoStar, taking into account existing floorspace and floorspace which is under construction. The evidence points to:

- Relatively low office floorspace availability in Central Oxford, but offset by the greatest concentration of available space being in the 'Oxford Fringe' business/science park locations;
- Reasonable level of available space in Cherwell and Vale of White Horse, but focused towards units of < 5,000 sq.m.

**5.2.16** Overall, it can be seen that around a third of available floorspace is in the 500 – 2,000 sqm size band. The only available space above 5,000 sqm is in Oxford (Fringe).

**Table 5.4: Availability by Authority Area, Sept 2022<sup>9</sup>**

	0-100 sqm	100 - 500 sqm	500 - 2,000 sqm	2,000 - 5,000 sqm	5,000 - 10,000 sqm	10,000 + sqm	Total
<b>Cherwell</b>	341	4,860	6,456	33,615			45,273
<b>Oxford Central</b>	311	2,082	4,473	3,019			9,885
<b>Oxford Fringe</b>	231	3,990	20,007	5,943	21,133	15,282	66,585
<b>South Oxfordshire</b>	304	2,469	4,092				6,865
<b>Vale of White Horse</b>	396	6,533	14,808	6,214			27,951
<b>West Oxfordshire</b>	451	3,345	5,289				9,085
<b>Oxfordshire</b>	2,034	23,279	55,125	48,791	21,133	15,282	165,644

Source: IcenI analysis of CoStar data

**5.2.17** The only site with over 10,000 sqm of available space is at Plot 16, Robert Robinson Avenue in Oxford Science Park. The building will be 15,300 sqm when completed in 2023 and will provide flexible office/lab space. There is also one property with 5,000 – 10,000 sqm of available space which is currently under construction at Edmund Halley Road on Oxford Science Park in Oxford. The building will be 7,400 sqm when complete in 2023 and will again provide flexible office/lab space.

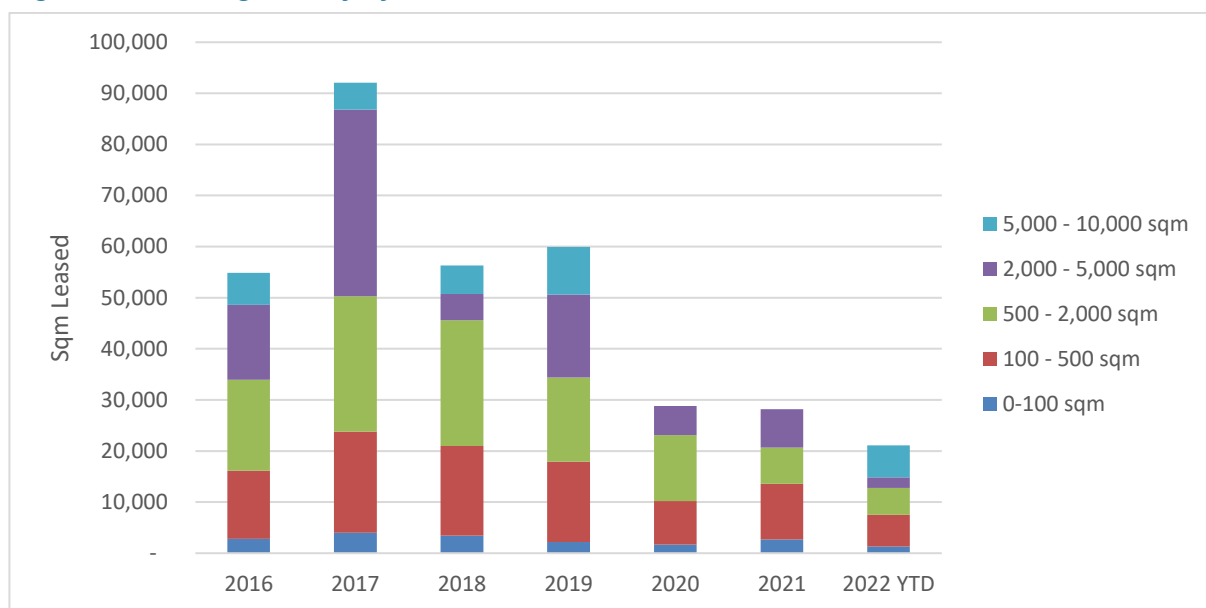
**5.2.18** Bicester has traditionally struggled as an office location and has limited stock; but there is potential for this to grow influenced by its relative affordable housing stock, housing and workforce growth, and its good communications. It has seen some recent investment by tech companies, particularly in the engineering/motorsports sectors.

#### **Demand by Size and Authority Area**

**5.2.19** The amount of leasing activity which has occurred in various size bands has been assessed to provide an indication of office demand by size band. Leasing activity differs from absorption in that it refers to the amount of space which is leased (i.e. signed for rather than physically moved in to). However, it should be kept in mind that leasing activity is constrained by the size of available stock.

**5.2.20** Office leasing activity evidently fell significantly during the pandemic, in particular with no deals of over 5,000 sqm. These large deals have since returned (in 2022). Indeed leasing activity since 2020 has been notably weaker than in the years prior to this.

<sup>9</sup> Including existing stock and stock under construction

**Figure 5.7: Leasing Activity by Size Band and Year, Oxfordshire**

Source: Icen analysis of CoStar data

**5.2.21** The chart below shows the split of leasing activity by size band for each authority area and across Oxfordshire as a whole from 2016 onwards. There has been a relatively even split between the amount of floorspace leased in the middle three size bands with less at the extremes. West Oxfordshire is a prominent outlier in that 79% of floorspace leased was in deals of under 500 sqm.

**Figure 5.8: Leasing Activity by Size Band, 2016-2022 YTD, Oxfordshire**

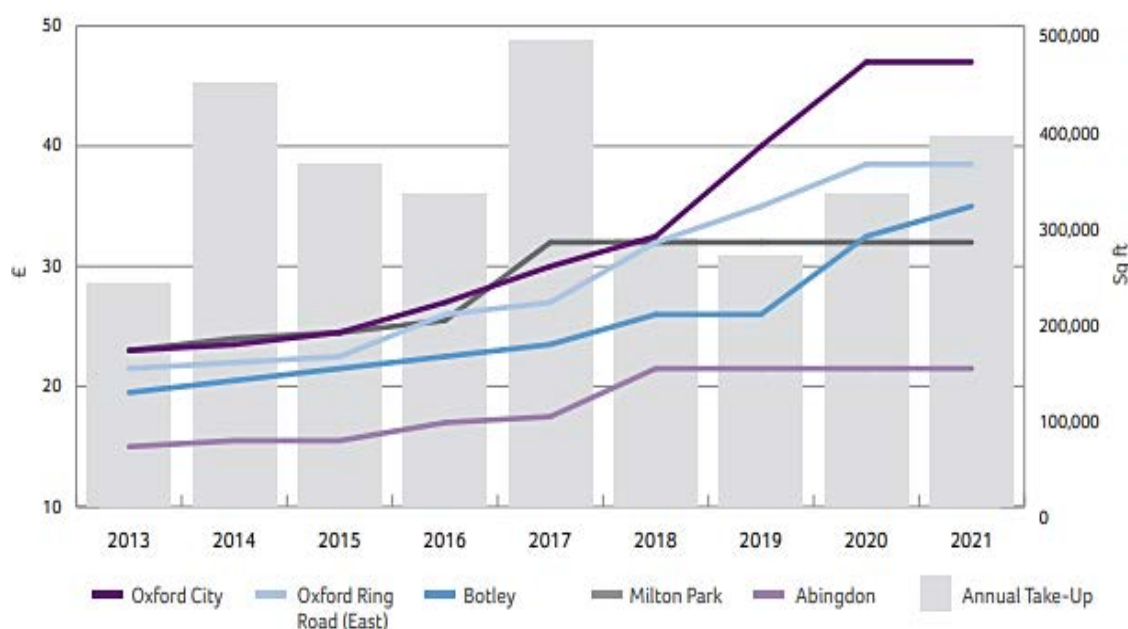
Source: Icen analysis of CoStar data

**5.2.22** The market is however seeing a number of larger corporate occupiers downsize, including Oxfam, British Gas, and a number of solicitors and accountancy firms, influenced by the shift towards more flexible working patterns. The mainstream market is therefore seeing a “flight to quality.” VSL’s 2021 Market Report identifies 4 major professional service occupiers that reduced their floorspace by 40-60% in 2021. This has driven a significant increase in the supply of office floorspace on the market, which increases 24% in 2021 to 796,000 sq.ft (VSL data).

### Rental Trends

**5.2.23** VSL’s Market Report identified headline office rents in 2021 in Oxford City Centre of c. £47 psf; as against £38 psf on the Ring Road and £35 psf at Botley. Rents at Milton Park have been more steady at around £32 psf. Rents have been supported by a number of factors, including a low level of available supply in the City Centre; and the loss of stock to lab conversions.

**Figure 5.9: Offices Rental Trend – Key Oxfordshire Markets**



Source: VSL Oxfordshire Commercial Property Market Update 2021

**5.2.24** Headline office rents for Grade A stock are reported now at between £50-55 per sq.ft for space in Oxford City Centre, and £30-40 psf for office space in more fringe/ periphery, based on our engagement with CBRE and wider market publications. Fitted lab space (< 10,000 sq.ft) is now achieving higher rents in the mid £60s. Market commentators expect office rental values to grow, with Bidwells Oxfordshire Market Databook (Summer 2022) expecting headline office rents to rise to £59.50 psf by 2026. However the wider economic backdrop is weakening at the time of writing.

Office market fundamentals in Oxfordshire remain stronger than in many locations, influenced by its focus towards life sciences and technology-focused businesses. There is a limited supply in Central Oxford; whilst around the ring road there is

greater availability with a pipeline of schemes coming forwards which will support market growth.

The core market is focused on Oxford and includes the City Centre and Science/Technology Parks, and then stretching south to Harwell Campus and Milton Park in Didcot down the A34. In the short/medium-term, demand is considered likely to remain focused in these areas.

### 5.3 Labs Market

**5.3.1** There is a strong market for laboratories, which includes both dry and wet labs, in Oxfordshire. This section should be considered a sub-set of the wider office market analysis. Underpinning the strength of the sub-region's commercial property market are:

- The close inter-relationship between the Universities and industry. Oxford University is ranked 1<sup>st</sup> of universities in the UK but also globally. It has a global brand but also significant **research depth**.
- This generates significant volumes of **spin-out companies** through successful commercialisation of academic innovation. Of spin outs from UK universities over the 1998-2008 decade analysed by GovGrant, the University of Oxford accounted for 16% ranking it No1 and generating a total value of £6.4 billion. Key spin outs include Oxford Nanopore Technologies (valued at £2.4 bln), NighthstaRx (£665m), Oxford Immunotec, Perspectum, Vaccitech, and Semmler. There is a particular focus on the life sciences sector.<sup>10</sup>
- Supporting this **entrepreneurial ecosystem** is Oxford Science Enterprises (OSE) which since its foundation in 2015 has invested £0.5 billion and provided access to start-up space and business support, focused on three high-growth sectors – life sciences, health tech and dept tech.
- A strong **investment market** with commercial investment volumes reaching £805 million in 2021, as reported by Savills, which included investment by Singaporean investor GIC at Oxford Science Park; and Brookfield Asset Management's acquisition of Arlington which included the Oxford Business Park.
- Inward investments which result from businesses' desire to co-locate with the world-class academic institutions.

**5.3.2** In the lifesciences sector, OxBox, Oxford Biomedica's new 84,000 sq.ft facility opened in January 2021. Other recent completions include the Bellhouse Building at Oxford Science Park (30,000 sq.ft) and the Zeus Building at Harwell. The delivery of the Vaccines Manufacturing & Innovation Centre at Harwell has evolved and is now being built out by Catalent as a working factory capable of making a range of vaccines and therapeutics.<sup>11</sup> Oxford University also established the Ineos Oxford Institute of Antimicrobial Research (IOI) in January 2021 focusing on antimicrobial resistance. This will be based in the new 25,000 sqm Life and Mind Building (which is

<sup>10</sup> <https://www.govgrant.co.uk/university-spinout-report/>

<sup>11</sup> <https://biologics.catalent.com/oxford/>

under construction) once completed in 2023. Another notable deal was the Ellison Institute for Transformative Medicine's acquisition of Plot 18 at Oxford Science Park, announced in July 2022, connecting to the adjacent Littlemore House site which it acquired in 2021.

**5.3.3** At Oxford Business Park, Brookfield is refurbishing second-hand space to attract science occupiers and looking at hybrid office/industrial development. It is also planning to bring forward 10 acres of consented land to deliver c. 750,000 sqft of office and lab space. Kadans has purchased the 75,000 sq.ft Quadrant scheme at Abingdon Science Park with the intention of enhancing the laboratory offer.

**5.3.4** Strong recent demand has led to a position where lab space is in short supply at the start of 2022. VSL report unsatisfied demand for between 400,000 – 600,000 sq.ft. Savills estimate requirements for “a couple of million square feet from companies looking to get into the Oxford market.”<sup>12</sup> Savills describe the situation as follows:

*“What is clear, as seen in other markets across the UK, is the availability of Grade A office and laboratory space, which is severely limited in Oxford in the city centre and key ring road locations. The development pipeline for this year and 2023 is very low. The strength of the science sector, driven by the global reputation of the academic institutions, as well as the city's contribution to the global pandemic, has ensured the city is a top target location for companies, of all sizes, working within the many areas of human health.”<sup>13</sup>*

**5.3.5** Bidwells' more recent Summer 2022 Databook identifies requirements for c. 860,000 sq.ft for labs space from 24 companies. Their analysis of take-up trends points to a 5 year average of c. 135,000 sq.ft (12,500 sq.m) annually, but indicates that this has been growing since the pandemic.

<sup>12</sup> Savills Spotlight: Oxford Offices and Laboratories, March 2022

<sup>13</sup> Savills Spotlight: Oxford Offices and Laboratories, March 2022



**Figure 5.10: Laboratory Demand – Oxfordshire, June 2022**

Source: Bidwells Offices and Labs Databook (Summer 2022)

**5.3.6** The impacts of the energy crisis, inflationary pressures and weakening economic outlook have inevitably had some market impact. Bidwells report that venture capital funding is slowing, albeit reporting “Q2 2022 funding still exceeded every quarterly funding level recorded in 2020. Whilst both late stage (down 38% year on year) and early stage funding (down 18% year on year) tightened, seed finance bucked the trend, growing by 9% over the comparable Q2 2021 figure. Office and lab demand in Oxford remains driven in large part by high growth VC funded companies.” Whilst there is thus some evidence of funding slowing; trends in spin-out companies appear to be accelerating and some companies have been growing very rapidly.

**5.3.7** Headline rents track office rents. Much of the lab space in the Oxford market is outside the City Centre, but laboratory-enabled buildings command a premium rent akin to that in the City Centre. Over time, Savills expect rents for lab space to exceed those in Oxford City Centre. Lab-enabled buildings at Milton Park have reached a rent of £35 psf.

**5.3.8** For fully-fitted labs, rental cost are around £65 psf currently; and Bidwells forecast that these can be expected to rise significantly over the next few years to reach £72.50 in 2027.



## 5.4 Key Development Sites

### 5.4.1 Key development sites for the office/lab market include:

- **Oxford Business Park** – located on the south-eastern side of the City in Cowley, the business park is home to a range of high-tech businesses. There are two large office/lab spaces of over 1,500 sq.m each (available short-term) and four plots available for development<sup>14</sup> providing collectively 10.5 acres (4.3 ha).
- **Oxford Science Park** – an existing established science park, with a particular concentration of lifescience and technology companies, there is potential for over 300,000 sq.ft of further development space. There are 6 identified plots of land currently available for development with potential to provide 44,300 sq.m.
- **Oxford North** – hybrid planning permission was granted for a mixed use scheme on this site in 2021<sup>15</sup> including provision for up to 87,300 sq.m of E(g) space. The first phase of development is expected to deliver 15,793 sq.m (170,000 sq.ft) of laboratory and office space in three buildings including flexible office space, and two office/dry lab buildings of 55,000 sq.ft each.<sup>16</sup>
- **Begbrooke Science Park** – An established science park which provides an environment that helps innovative science & technology businesses through the difficult early stages of growth by providing a range of flexible property offers. The park is home to a mix of start-ups, spinouts, growing technology companies, R&D groups from larger international businesses (around 30 overall), and University research groups (around 20). The science park offers a countryside setting with sustainable transport links and easy access, together with a mix of listed buildings alongside modern labs and office space. Oxford University Development Ltd recently received permission for a further 12,500 sqm of new lab and office space, doubling the existing offer. One of the two new buildings will be used by University research groups with the other leased to innovative private companies. In the longer term the University hopes to transform the wider area around the Science Park into a world-leading innovation district, including housing, schools, communal facilities, green spaces and sustainable transport links.
- **Abingdon Science Park** – Located in the heart of the ‘Science Vale’, Abingdon Science Park contains approximately 75,000 sqft of office and laboratory space anchored by Oxford University and also including a world-leading cancer gene therapy company and data science firms. Kadans Science Partner, the owners of the park, have secured planning permission for a new, purpose-built laboratory and office building at the park (around 20,000 sqft). The scheme also brings forward communal and café space to the park.
- **Harwell Campus** - Harwell is a leading UK science and innovation campus. There are plans in place to deliver in excess of 1.5m sqft of cutting-edge labs, office and

<sup>14</sup> Plot 1 (3.35 acres); Plot 2 (1.39 acres); Plot 3 (2.79 acres); and Plot 4 (3.01 acres), as at Sept 2022

<sup>15</sup> It is being brought forward through a JV between Thomas White Oxford, Cadillac Fairview and developer Stanhope on land close to the junction of the A40 and A34

<sup>16</sup> <https://www.oxfordnorth.com/offices/>

advanced manufacturing space alongside 3.5m sqft of new hotel, conference centre, homes and amenities by 2027.

- **Milton Park, Didcot** – The UK's largest single ownership business community with business, science and technology space for 250 companies and over 9,000 people. By 2040 the park aims to create flexible laboratory space to accommodate 10,000 new jobs along with new amenities and a 24/7 sustainable transport hub.
- **Oxford Technology Park** – A permitted 400,000 sqft technology park office, R&D and 'high-technology' business space to let, starting from 5,000 sqft and going up to 49,000 sqft. The site contains a mix of unit sizes and offers high levels of flexibility to occupiers. The park will also have an on-site hotel and restaurant. The lab-enabled 'Building One' of 34,000 sqft is now complete and will be occupied by TNAC, one of the world's leading suppliers of high-quality reagents for infectious diseases.

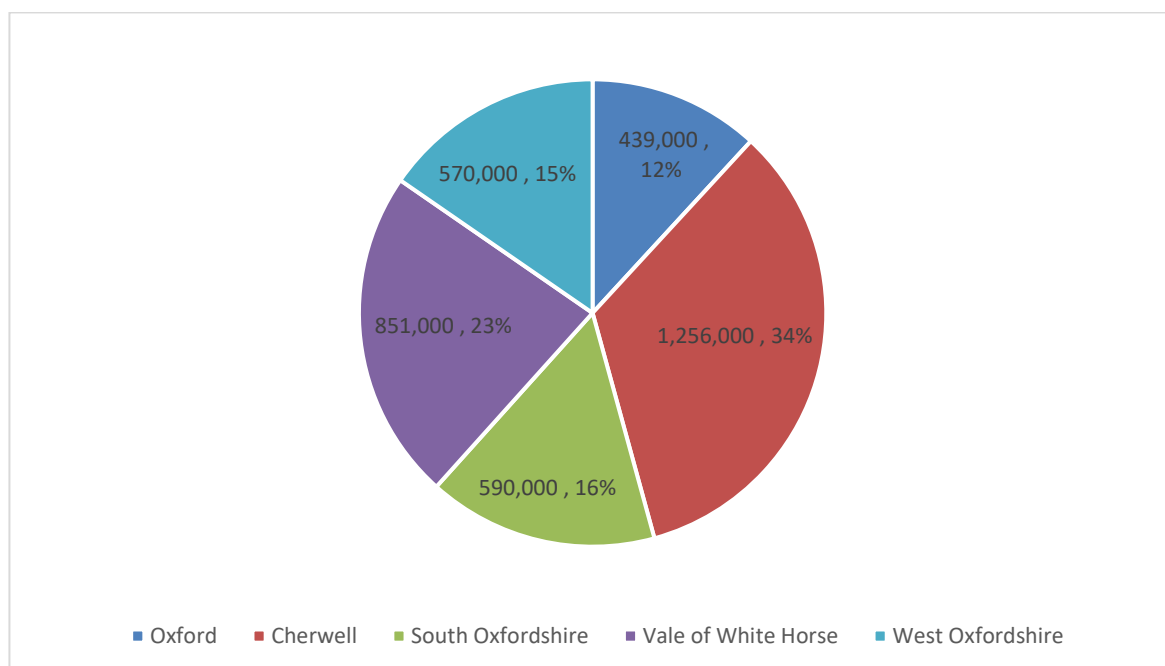
## 6 Industrial Market Review

### 6.1 Industrial Stock

**6.1.1** The VOA<sup>17</sup> provides information on the amount of industrial floorspace by administrative area. In Oxfordshire at the end of FY 2020/21, there was 3,706,000 sqm of industrial floorspace in total accounting for 10% of the South East's stock. Figure 6.1 breaks this down by local authority area.

**6.1.2** Cherwell has the largest share of Oxfordshire's industrial market but each authority has a significant proportion of stock.

**Figure 6.1 Industrial Floorspace (End FY 2020/21) by Local Authority**

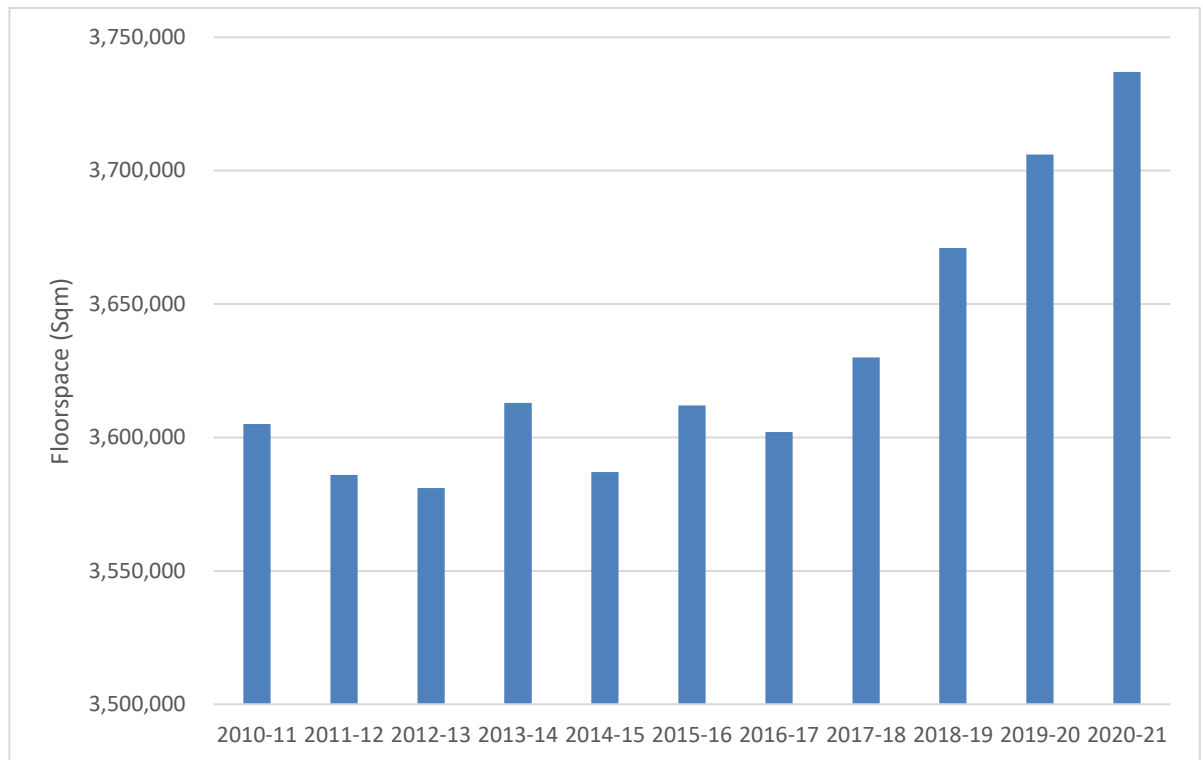


Source: Icen analysis of VOA data

**6.1.3** Co-star suggests that Oxfordshire had around 4,039,770 sqm of industrial floorspace at the end of FY 2020/21 which is 9% higher than the VOA data suggests. This difference is due to a number of reasons including that the definition of office space used by CoStar differs to that used by the VOA and the fact that data is collected in a different manner by each organisation.

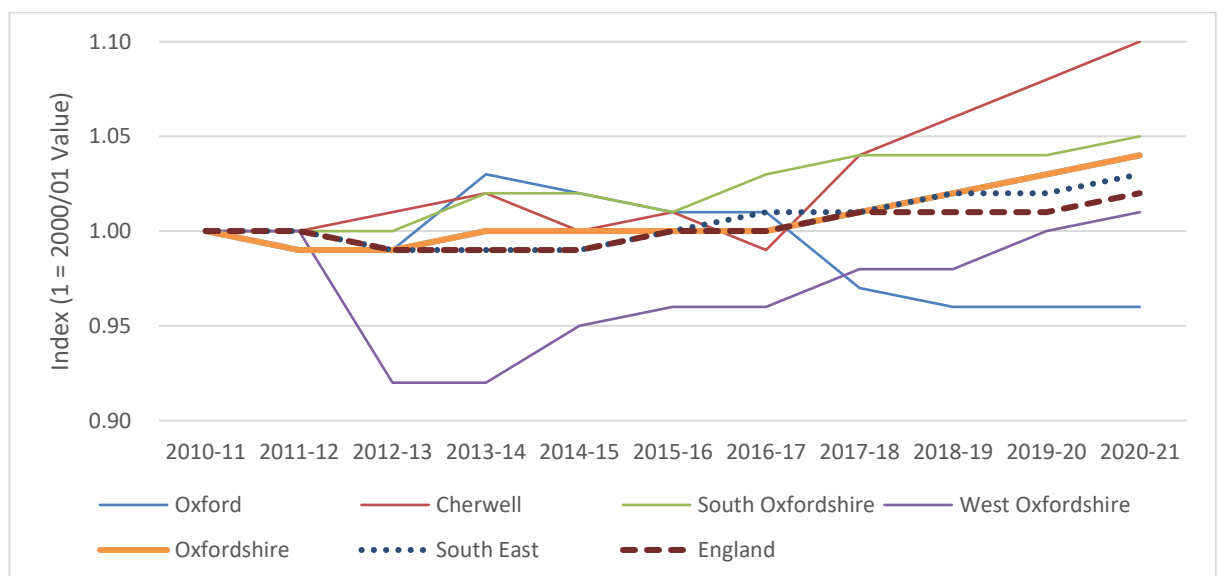
**6.1.4** Figure 6.2 shows the amount of industrial floorspace in Oxfordshire between 2010/11 and 2020/21. It can be seen that the amount of floorspace remained relatively constant between 2010/11 and 2016/17 before a sharp rise to a peak in the latest year for which data is available 2020/21. This has been driven by industrial development in Cherwell.

<sup>17</sup> VOA: Non-domestic rating: stock of properties including business floorspace, 2021

**Figure 6.2 Industrial Floorspace (2000/01 – 2020/21)**

Source: Icen analysis of VOA data

**6.1.5** Figure 6.3 shows how the amount of industrial floorspace has changed in each local authority and Oxfordshire as a whole relative to the region and England. It can be seen that Cherwell and South Oxfordshire's industrial markets grew at a faster rate than the South East and England. West Oxfordshire's industrial market has seen little overall change despite a decline between 2010/11 and 2012/13. The only authority to lose industrial space was Oxford.

**Figure 6.3 Indexed Office Floorspace Change (2010/11 – 2020/21)**

Source: Icen analysis of VOA data

**6.1.6** Table 6.1 shows the split of Oxfordshire's industrial floorspace by quality (in terms of CoStar star rating). It can be seen that over a third of floorspace is 3-star rated, with 23% 1-2 star and just 10% 4-5 star. Cherwell and the Vale of White Horse have the highest percentages of 4-5 star floorspace whilst Oxford, South Oxfordshire and West Oxfordshire have very little of this high quality floorspace. However, Oxford has a very low percentage of 1-2 star floorspace.

**Table 6.1 Industrial Floorspace by CoStar Grade, 2022**

	Stock Grade				
	1	2	3	4	5
<b>Cherwell</b>	1%	26%	57%	15%	2%
<b>Oxford</b>	1%	7%	90%	1%	0%
<b>South Oxfordshire</b>	1%	28%	67%	3%	0%
<b>Vale of White Horse</b>	1%	18%	69%	13%	0%
<b>West Oxfordshire</b>	2%	34%	61%	3%	0%
<b>Grand Total</b>	1%	22%	67%	9%	1%

Source: Icen analysis of CoStar data

**6.1.7** Table 6.2 shows the split of Oxfordshire's industrial floorspace by age (built or renovated – the later of the two). It can be seen that 57% of Oxfordshire's industrial floorspace was built before the year 2000.

**6.1.8** Cherwell and the Vale of White Horse have the highest percentages of the most modern floorspace (built/renovated from 2010 onwards). Whilst Oxford has very little floorspace built/renovated from 2010 onwards, nearly half of its floorspace has been built from 2000 onwards. South Oxfordshire and, to a lesser extent, West Oxfordshire have the highest percentages of stock built pre-2000.

**Table 6.2 Age of Industrial Floorspace**

	Pre 1940	1940-1979	1980-1999	2000-2009	2010-2019	2020-2022
<b>Cherwell</b>	2%	21%	30%	15%	25%	7%
<b>Oxford</b>	1%	23%	29%	45%	3%	0%
<b>South Oxfordshire</b>	2%	24%	47%	14%	8%	5%
<b>Vale of White Horse</b>	1%	16%	32%	19%	22%	9%
<b>West Oxfordshire</b>	1%	22%	42%	16%	12%	7%
<b>Grand Total</b>	2%	21%	34%	21%	17%	6%

Source: Icen analysis of CoStar data

**6.1.9** Table 6.3 below at the scale and spatial distribution of strategic B8 units (units over 9,000 sq.m in size). It can be seen that the majority of strategic B8 units are in Cherwell with the District accounting for 55% of the total. However, the figures for Cherwell are more modest than those for instance in West Northamptonshire reflecting the stronger market for space on the M1 relative to the M40.

**Table 6.3 Profile of Strategic B8 Floorspace by Area**

	sq.m	% Total
<b>Cherwell</b>	481,226	55%
<b>Oxford</b>	73,313	8%
<b>South Oxfordshire</b>	81,123	9%
<b>Vale of White Horse</b>	198,100	23%
<b>West Oxfordshire</b>	45,122	5%
<b>Oxfordshire</b>	878,883	100%

Source: Icen analysis of CoStar data

**6.1.10** The table below looks at the age of strategic B8 floorspace across Oxfordshire. It shows that the majority of floorspace was built from 2000 onwards. This points to a relatively low level of ‘replacement demand’ arising and could moderate future development needs.

**Table 6.4 Age of Strategic B8 Floorspace**

	Units	Floorspace sq.m	% Floorspace
<b>Pre 1980</b>	5	60,993	7%
<b>1980-89</b>	11	157,141	18%
<b>1990-99</b>	8	149,735	17%
<b>2000-09</b>	7	155,656	18%
<b>2010-19</b>	12	206,627	24%
<b>2020+</b>	6	148,731	17%
<b>Total</b>	49	878,883	100%

Source: Icen analysis of CoStar data

**6.1.11** Demand for large-scale warehousing and logistics space has increased notably over recent years, driven in particular by the growth in e-commerce, increased stock holding requirements and the need for modern warehousing space with sufficient power capacity (to support automation and increasing moving forwards electric vehicles) and appropriate sustainability credentials. We have also seen growth in demand for last mile logistics, including cross-docking facilities at the edge of urban areas where consignments are reloaded from HGVs to LGVs for final mile delivery.

**6.1.12** For warehouse development, the employment land forecasts in this report are based on historical completions trends.

Overall, Oxfordshire’s industrial market is significantly sized and has seen some growth over the last 10 years, driven by growth in Cherwell and South Oxfordshire. In general, Oxfordshire’s industrial floorspace is of a middling quality and around 67% of the area’s industrial floorspace was built before the year 2000.

Oxfordshire has relatively modern strategic B8 stock which is predominantly located in Cherwell.

## 6.2 Industrial Market

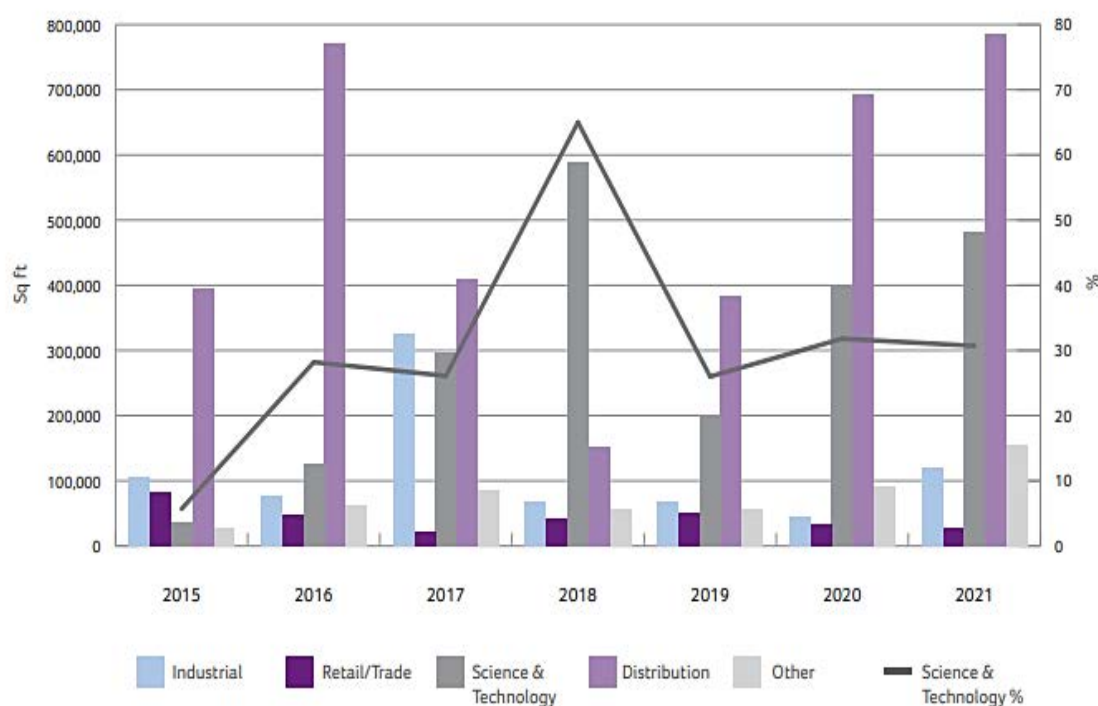
**6.2.1** The last couple of years has witnessed record take-up of industrial property, with VSL recording record take-up of 1,573,083 sq.ft in 2021 – a 24% uplift on the level in 2020 which itself surpassed previous records. As a result the level of available supply has been diminishing and is approaching all-time lows.

**6.2.2** In the Oxfordshire market, key drivers of demand include logistics/distribution, which VSL report accounted for 50% of take-up in 2021; as well as science and technology (31%). The latter accounted for 482,200 sq.ft of space in 2021.

VSL's analysis of take-up by sector is shown in Figures 6.4 and 6.5. This shows that:

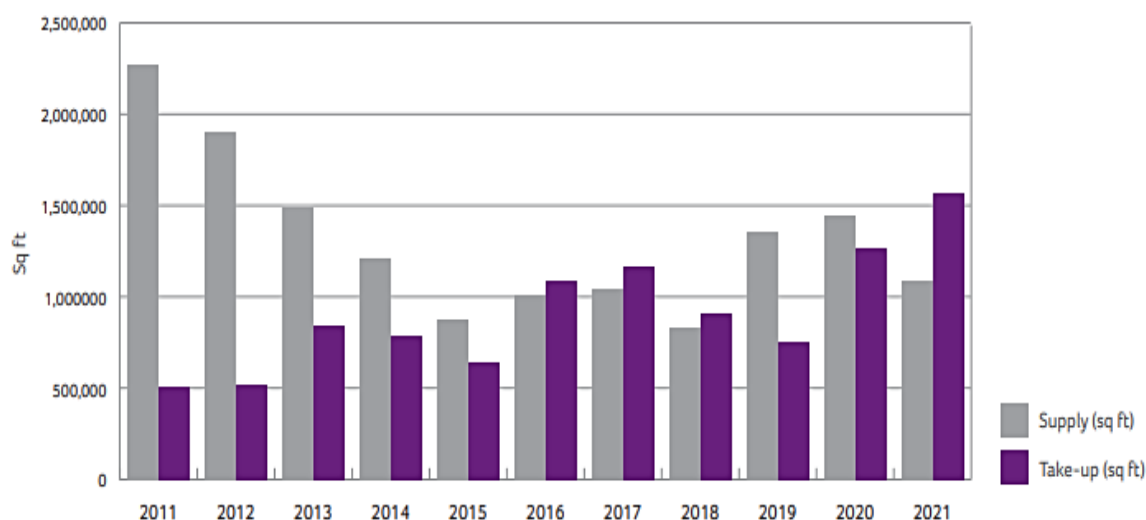
- For Oxfordshire's industrial market, logistics/distribution and science and technology are key drivers of overall demand for industrial space;
- There is a notable upward trend in the take-up in both of these areas in recent years, with the growth of e-retailing and increased stock-holding requirements driving demand for warehouse space and investment and growth in life sciences underpinning science & technology. Demand from more traditional industrial/manufacturing businesses is more modest.

**Figure 6.4 Industrial Take-up by Sector – Oxfordshire**



Source: VSL Oxfordshire Commercial Property Market Update 2021

**6.2.3** The aggregate take-up across sectors shows a notable upturn in 2020 and 2021 in particular. Speculatively development schemes have been brought forward at Banbury, Bicester, Witney and Didcot.

**Figure 6.5 Industrial Take-up and Supply – Oxfordshire****A34 Corridor Industrial Supply & Take-Up**

Source: VSL Oxfordshire Commercial Property Market Update 2021

**6.2.4** VSL report that the pace of take-up of new-build space has led to a shortage of good quality available space which will continue through 2022. They report 1.1m sq.ft of available industrial space, which is less than 1 years' supply based on recent take-up. This could support further rental growth (depending on wider economic circumstances).

**6.2.5** In terms of the supply of land, CBRE suggest that opportunities are drying up which is exacerbated by the relative strength of the life sciences market and crucially power supply constraints. They note that the most suitable land supply is likely to be around Didcot and Bicester around the M40.

### **Net Absorption and Vacancy Trends**

**6.2.6** CoStar provides data on net absorption and net deliveries. Net absorption is the balance between the amount of space moved into and moved out of (i.e. net absorption = move ins – move outs). It provides an indicator of the strength of demand. Net deliveries are the difference between floorspace delivered (i.e. constructed and brought onto the market) and demolished (or otherwise taken out of use and removed from the market). When net absorption is greater than net delivery this leads to a falling vacancy rate and vice versa.

**6.2.7** Figure 6.6 below shows net absorption, net deliveries and their resulting impact on vacancy rates across Oxfordshire. It can be seen that vacancy rates fell from around 11% in 2012 to around 2% in 2018, driven by strong net absorption which was not matched by deliveries (particularly in 2013, 2014 and 2018). By the end of 2019, the vacancy rate grew to around 5% due to a year without net absorption and record levels of delivery.

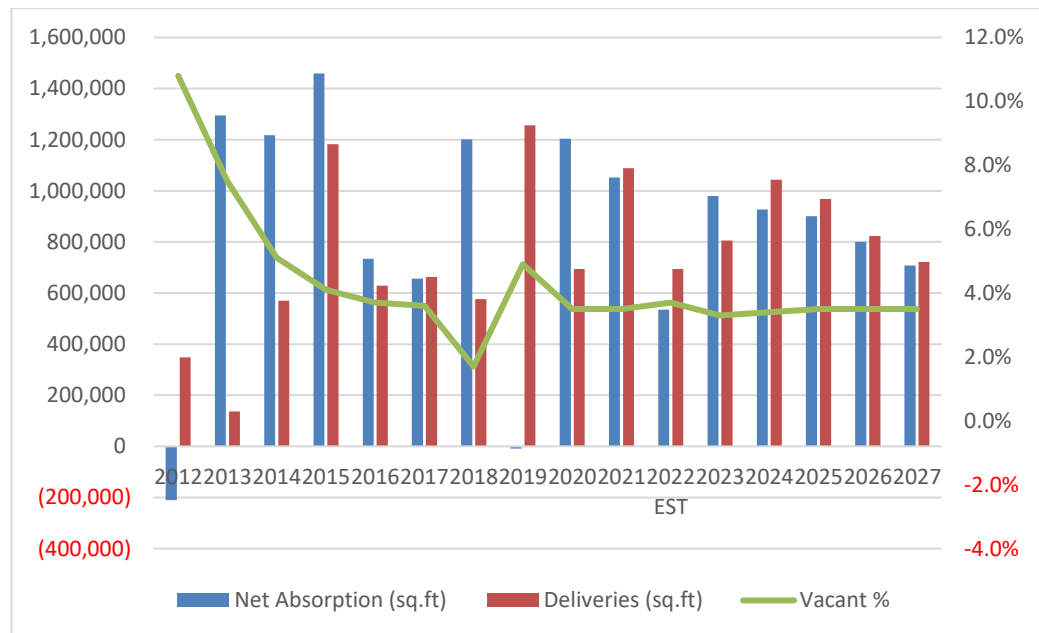
**6.2.8** 2020 saw strong net absorption (matching national trends of high demand, particularly from the logistics sector) with less but still decent levels of delivery. This caused a slight decline in the vacancy rate. 2021 saw similarly strong levels of net absorption and deliveries.



**6.2.9** 2022 is forecast to see a slightly increased vacancy rate driven by strong deliveries and lower net absorption. This is mainly driven by strong levels of delivery in Q2. The current vacancy rate is 4.1% which is forecast to increase slightly to 4.2% by the end of the year. This is a low vacancy rate which suggests a strong demand for industrial space relative to supply and a constrained market.

**6.2.10** From here, the vacancy rate is forecast to fall slightly to 3.4% due to strong forecast net absorption in 2023, before settling at 3.5% up to 2026. This suggests that the demand could continue to outweigh supply in the medium term meaning the market will remain constrained.

**Figure 6.6 Net Absorption, Net Deliveries and Vacancy Rates, Oxfordshire**



Source: CoStar

### Vacancy and Availability by Authority Area

**6.2.11** Table 6.5 below sets out vacancy rates by local authority. It can be seen that Cherwell and Oxford have the lowest vacancy rates suggesting there is particularly strong demand relative to supply in these areas. On the other hand, the Vale of White Horse and West Oxfordshire have higher vacancy rates suggesting there is less imperative to improve supply at present in these areas.

**Table 6.5 Vacancy Rate by Authority Area**

Authority Area	Vacancy Rate
Cherwell	2.9%
Oxford	2.2%
South Oxfordshire	3.9%
Vale of White Horse	6.3%
West Oxfordshire	7.3%
Overall	4.1%

Source: CoStar

**6.2.12** Table 6.6 summarises current levels of availability across Oxfordshire and its constituent authorities recorded on CoStar, taking into account existing floorspace and floorspace which is under construction. The evidence points to:

- Oxford having the most available industrial space, the vast majority of which is between 500 and 2,000 sqm in size.
- The Vale of White Horse and West Oxfordshire has the least available floorspace.

It can be seen that over half of available floorspace is in the 500 – 2,000 sqm size band.

**Table 6.6 Availability by Authority Area, October 2022<sup>18</sup>**

	0-100 sqm	100 - 500 sqm	500 - 2,000 sqm	2,000 - 5,000 sqm	5,000 - 10,000 sqm	10,000+ sqm	Grand Total
Cherwell	99	13,766	47,851	10,495		31,903	104,113
Oxford	73	5,816	121,709			11,148	138,747
South Oxon	921	13,815	21,612	16,071	7,831		60,250
Vale of White Horse	700	7,560	32,002	4,693		32,137	77,093
West Oxon	2,856	11,302	20,951	37,686	6,875	11,619	91,288
Grand Total	4,650	52,259	244,124	68,945	14,706	86,807	471,491

Source: Icen analysis of CoStar data

**6.2.13** Cherwell and the Vale of White Horse have the most 10,000 sqm plus floorspace available. This includes 20,000 sqm of existing space at Frontier Park.

<sup>18</sup> Including existing stock, stock which is in 'final planning' and will start construction in the next 12 months and stock under construction.

### Demand by Size and Authority

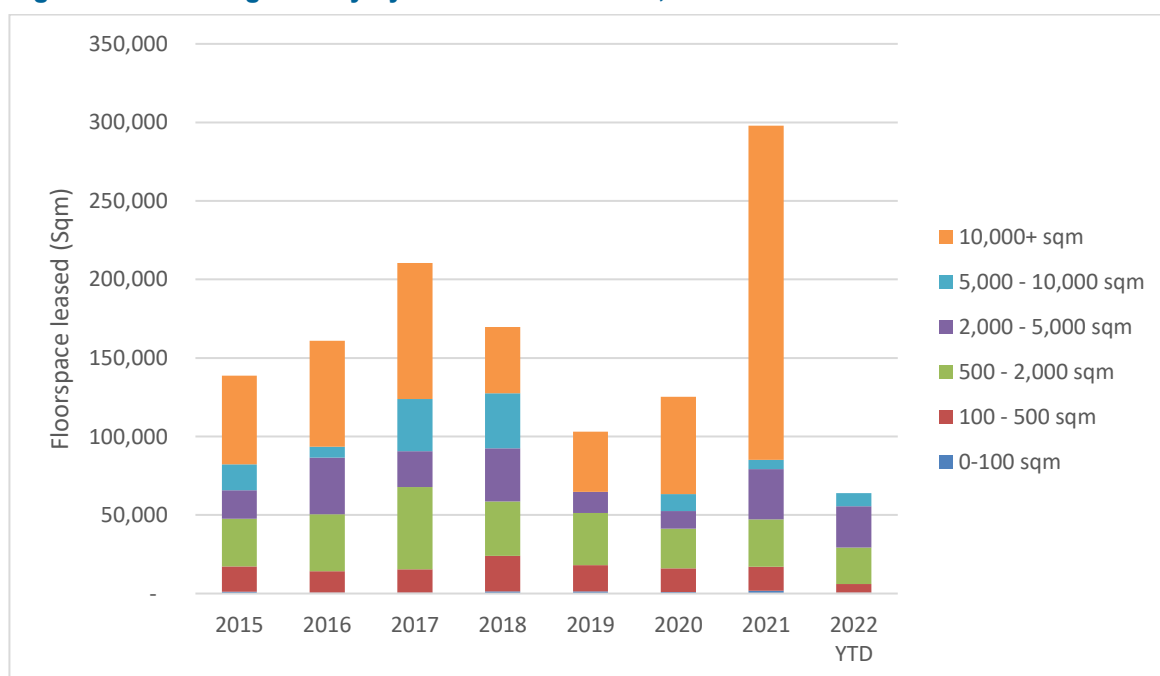
**6.2.14** The amount of leasing activity which has occurred in various size bands has been assessed to provide an indication of industrial demand by size band. Leasing activity differs from absorption in that it refers to the amount of space which is leased (i.e. signed for rather than physically moved in to). However, it should be kept in mind that leasing activity is constrained by the size of available stock.

**6.2.15** As can be seen in the figure below, industrial leasing activity across Oxfordshire spiked in 2021 in line with nationwide demand for industrial (particularly logistics) floorspace during the pandemic. This was particularly driven by leasing of 'big box' space (over 10,000 sqm in size), most of which was by large-scale logistics operators (including 65,000 and 28,000 sqm leases by DHL at Axis J10 in Bicester, a 41,873 sqm lease by Asda at Sutton Courtenay Road in Abingdon, and 19,000 sqm by Amazon at Southam Road in Banbury).

**6.2.16** DTRE suggest that the M40 corridor has historically been second favourite to the M1 in terms of big box space. However there is potential for the M40's role to develop over time. DTRE believe that historically lower take-up around the M40 may be because there are a limited number of sites which can come forward quickly, as well as less speculative development.

**6.2.17** The graph at Figure 6.7 below also shows a consistent take-up of smaller space. This is backed up by DTRE who suggest that there is a strong market from smaller occupiers and for trade counter space in Oxfordshire. CBRE also noted a strong demand from trade counter operators.

**Figure 6.7 Leasing Activity by Size Band and Year, Oxfordshire**



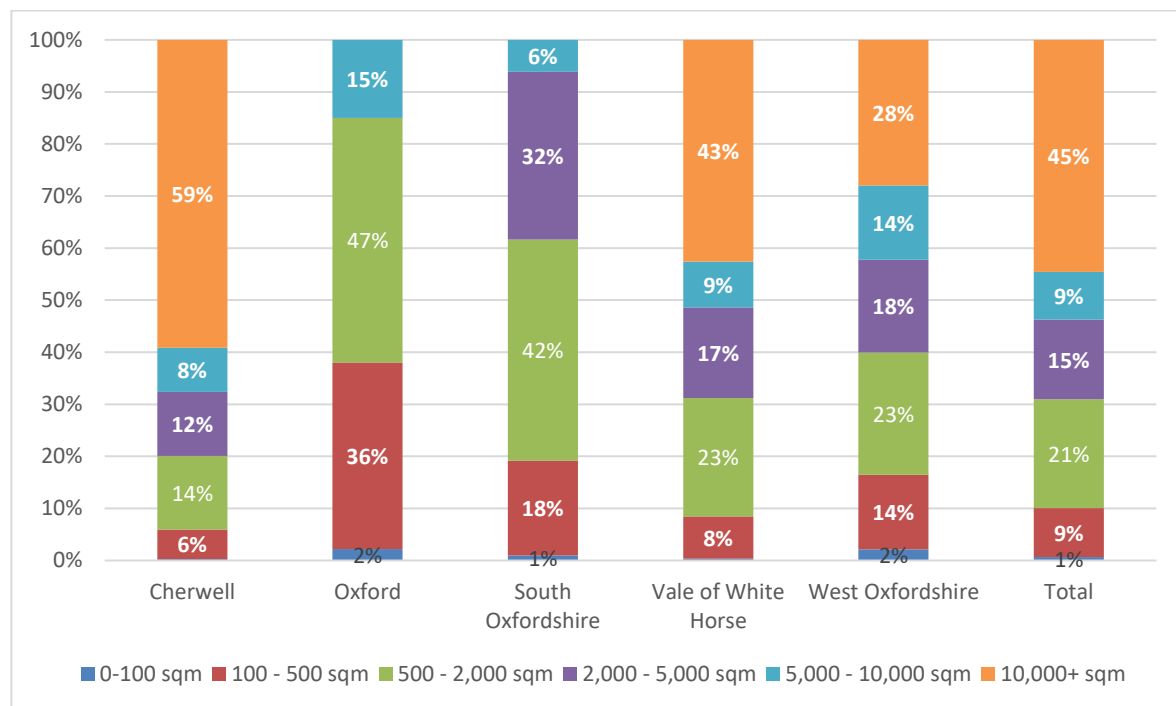
Source: Icen analysis of CoStar data

**6.2.18** Figure 6.8 below shows the split of leasing activity by size band for each authority area and across Oxfordshire as a whole from 2015 onwards. It can be seen that 45% of leasing activity across Oxfordshire is for space over 10,000 sqm (again

most of which is for strategic logistics). There is a relatively even split of floorspace leased in deals of less than 10,000 sqm.

**6.2.19** It can be seen that when compared to Oxfordshire as a whole, Cherwell has a larger proportion of leasing of greater than 10,000 sqm. This is backed up by DTRE who suggest that the logistics market is currently focussed on Bicester and Banbury. On the other hand Oxford and South Oxfordshire have no leasing of greater than 10,000 sqm which are characterised by a prominence of small to mid-sized leases.

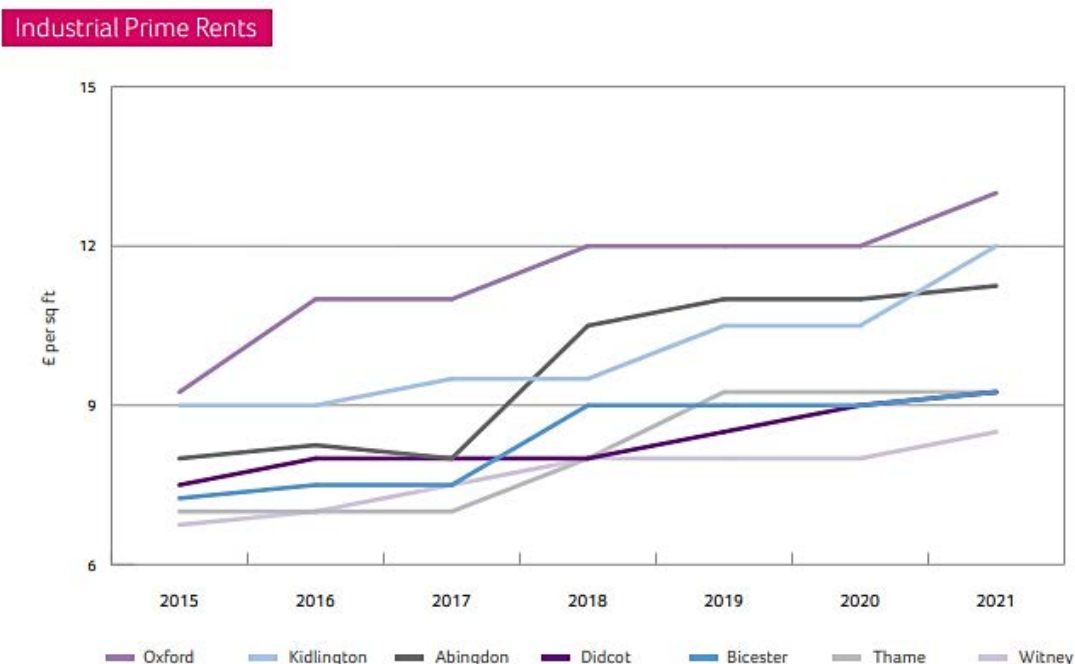
**Figure 6.8 Leasing Activity by Size Band, 2016-2022 YTD, Oxfordshire**



Source: Icen analysis of CoStar data

### Rental Trends

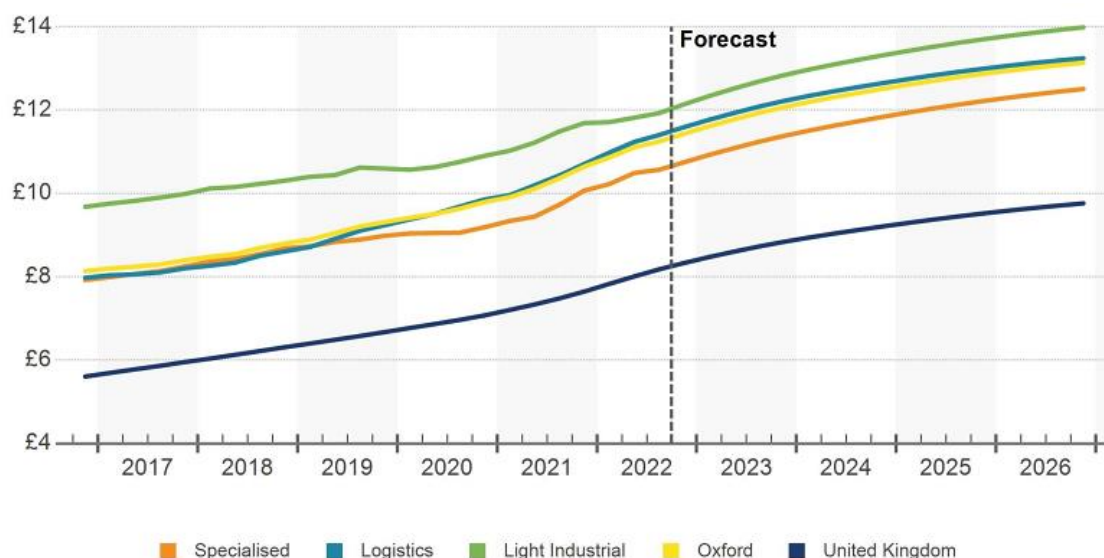
**6.2.20** The strength of demand has however seen rental growth across all markets, with particularly strong growth in prime rents for industrial space in Oxford and Kidlington over the period since 2017. Prime rents in Oxford are highest, at £13 psf. Overall the rental evidence points to stronger demand for space in locations along the A34 and M40 Corridors; with lower rents away from this such as at Witney.

**Figure 6.9 Prime Industrial Rents – Oxfordshire**

Source: VSL Oxfordshire Commercial Property Market Update 2021

**6.2.21** Building cost inflation plus the shortage of supply have combined to drive growth in industrial rents; and with diminishing supply there are evidently prospects of further rental growth.

**6.2.22** CoStar suggests that average industrial rents are £11.25 psf across Oxfordshire. Light industrial rents come in higher at around £12 psf whilst specialised industrial rents are less than £11. Logistics rents sit very slightly above the overall average and, since mid-2019, have been growing faster than other types of industrial space. Despite logistics rents sitting around the overall average, big box rents are the highest at £12.15 psf.

**Figure 6.10 Average Industrial Rents, Oxfordshire (psf)**

Source: CoStar

Oxfordshire's industrial market has seen high demand and diminishing floorspace and land supply in recent years. This demand is driven by the logistics and the science and tech sectors.

These conditions have driven strong rental growth, particularly in the logistics sector. Rental price evidence points to stronger demand along the A34 and M40 corridors.

Vacancy rates are already low and are forecast to decline in the medium term suggesting high demand and low levels of supply will continue. Floorspace supply is most constrained in Cherwell, Oxford and South Oxfordshire.

### 6.3 Mid-tech Space

**6.3.1** A key trend has been growing demand for what we would term 'mid tech space' for science/technology-focused occupiers, which is suitable and can accommodate R&D, office, lab, clean room and light engineering/production space. This type of space has been brought forward in the Zeus Building at Harwell Campus; with VSL reporting a wider programme of development of space at Bicester, Kidlington, Harwell and Milton Park during 2022.

**6.3.2** CBRE suggest that this type of space may be pushed out to the margins due to land prices for core life sciences space. DTRE believe that expected levels of demand for mid tech space have not yet materialised but that they are likely to do so soon with a big shift towards this type of space.

### 6.4 Key Development Sites

**6.4.1** Key development sites for industrial space include:

- Signia Park, Didcot – part of the former 'Power Station B' site. 120 acre site which was formally the coal yard for Didcot 'A' Power Station. A first phase development was of a 242,066 sq.ft warehouse unit which was pre-let to publishing company Hachette UK. The remaining 100 acre park is ready for construction with development potential for around 1.5 million sq.ft for B2/B8 use. It is being brought forward by Graftongate with the masterplan showing principally big box units of greater than 150,000 sq.ft. There is currently a 94,000 sqft data centre under construction in the south west of the site which is due for completion in 2022.
- Frontier Park, Banbury – located alongside the M40 at Banbury, two units are under construction on a speculative basis, available Q2 2022, these being FP217 (217,461 sq.ft) an FP130 (13,400 sq.ft), with a further plot available which can accommodate 165,000 sq.ft.<sup>19</sup>
- Axis J9, Bicester – a development by Albion Land, the development provides a total of 500,000 sqft of new commercial buildings all of which is now built (the last unit was delivered in 2021). The space ranges from 7,000 to 160,000 sqft units.
- Catalyst Bicester – located just off the A41, close to the Graven Hill development, this scheme is being brought forward by Albion Land. A phase 1 development of 4 buildings has been completed; with Building 4 available (21,520 sq.ft). Phase 2 (5

<sup>19</sup> <http://frontierpark.com/banbury/>

buildings) providing 121,734 sq.ft of floorspace un units of between 18,000 – 30,000 sq.ft is due to be completed by Autumn 2023. A third phase of development is then expected to follow.<sup>20</sup>

- Tungsten Park, Whitney – In Witney, Tungsten Park has proved popular. Improvements to the A40 will support demand for industrial space.

There have been a number of recent planning applications for further industrial/logistics schemes, particularly focused at M40 Junctions.

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<sup>20</sup> Catalystbicester.com



# **PART B: Reviewing and Refreshing Oxfordshire's Growth Scenarios**

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## 7 Reviewing and Updating the Oxfordshire Growth Scenarios

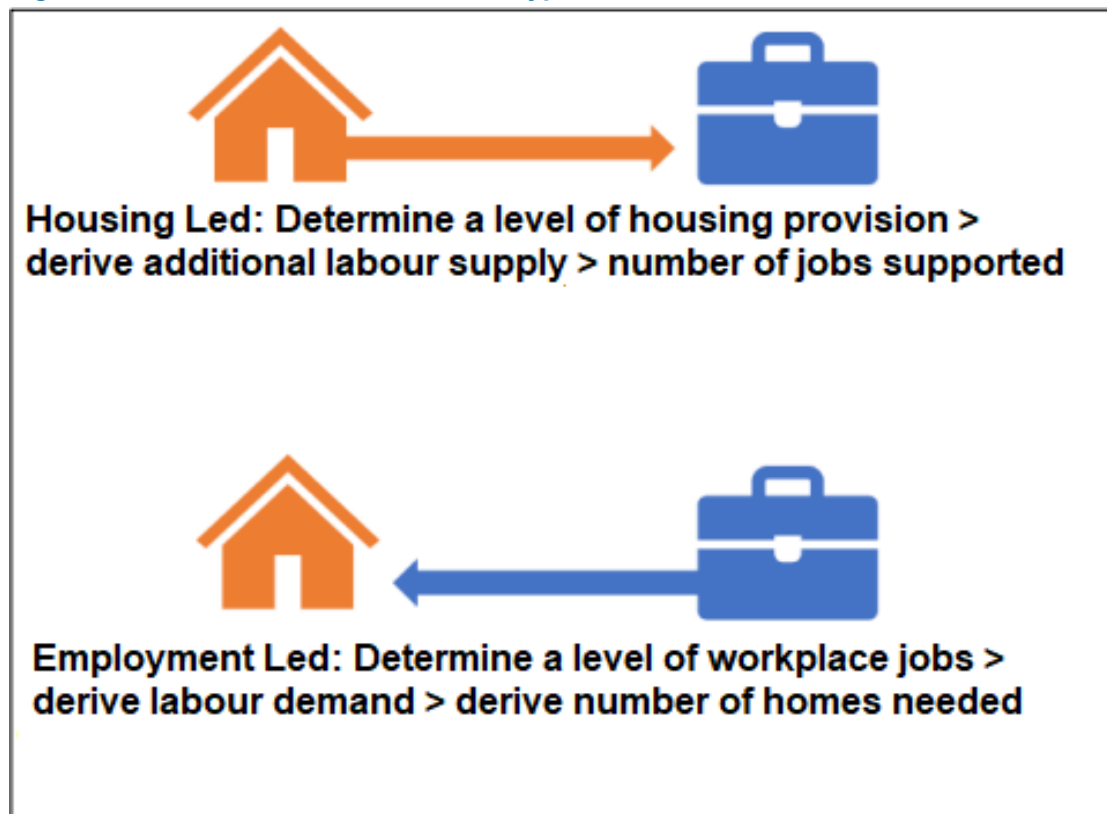
### 7.1 Summary of the 2021 OGNA Scenarios

**7.1.1** For the 2021 OGNA, four growth scenarios were devised, two based on demographic projections with upward adjustments for affordability (in line with the standard method set out in Planning Practice Guidance) and two based on scenarios for employment growth. The objective of the scenarios was to determine the level of housing and job provision that each one could support, in order to assess which of the scenarios would best meet Oxfordshire's growth needs. The approach was based on the evidence within the report showing that Oxfordshire's economic dynamism was a key driver of housing need.

**7.1.2** For the demographic-led scenarios, a fixed level of housing provision is identified by taking demographic growth and applying adjustments to support improved housing affordability (using the framework of the standard method). A series of calculations follow to identify what that level of housing provision could look like in terms of labour market effects, commuting and sustainability effects, as well as potential housing market effects.

**7.1.3** The employment-led scenarios start out with an assessment of future employment growth. These scenarios then consider what a particular level of employment provision would demand in terms of housing, based on certain labour supply assumptions. The scenario outputs can then similarly be analysed for housing market, commuting and sustainability effects. The two scenario types are represented by the graphic at Figure 7.1. Each stage of the scenarios is set out in Table 7.1.

**Figure 7:1 Visualisation of two scenario types**



**Table 7.1: Summary of Scenario Stages**

	Housing-led Scenarios	Employment-led Scenarios
Set Level of Housing or Employment	Start from housing provision based on demographic growth, uplifted using housing affordability ratio	Take a fixed level of <i>workplace</i> employment
Ratio	Derive population	Derive number of workers
Ratio	Derive number of resident workers	Set target level of commuting
Output	Determine deficit/surplus of workers relative to employment demand	Determine number of workers to be housed locally
Output	Derive labour demand	Derive dwelling demand
Output	Derive commuting results, assess sustainability effects	Derive commuting results, assess sustainability effects
Output	Derive labour / housing demand: assess housing market effects	Derive labour / housing demand: assess housing market effects

**7.1.4** The rationale for this approach was to assess housing need from different perspectives, capturing influences from demographic trends, market signals and the affordability position as well as economic performance. These provide two different contexts with which to assess and draw conclusions on housing need, the first being that of population dynamics and market signals; and the second being that of labour market dynamic, each equally valid as a starting point for assessing housing need.

**7.1.5** While NPPF guidance suggests that the standard method is used as a starting point for determining housing need, the same guidance recognises that economic factors can be taken into consideration when assessing need, and strong economic performance and a buoyant labour market were assessed as a key driver of Oxfordshire's housing market in the 2021 OGNA report.<sup>21</sup>

**7.1.6** In particular, that report identified how employment growth had been running ahead of housing delivery in Oxfordshire resulting in a growing surplus of workforce workers over resident workers and growth in net commuting into Oxfordshire and deteriorating housing affordability resulting from the associated supply/demand imbalance. It pointed to strong demand for housing as workers sought to live locally to their employment. As such, it was considered relevant and appropriate, in an Oxfordshire-specific context, to continue the approach of assessing need from both economic and demographic standpoints.

**7.1.7** A summary of the housing need figures generated in the 2021 OGNA scenarios are shown in table 7.2.

**Table 7.2: 2021 OGNA Scenarios - Housing need results**

	Change in households, 2020-50	Change in households p.a., 2020-50	Local housing need (dwellings) p.a., 2020-50
Standard Method (adjusted) economic trajectory	98,592	3,286	<b>3,386</b>

<sup>21</sup> Section 11.5, Oxfordshire Growth Needs Assessment – Phase 1 Report,

Business as usual economic trajectory	119,807	3,994	<b>4,113</b>
Transformational economic trajectory	148,329	4,944	<b>5,093</b>

Source: ONS, Justin Gardner Consulting, Icen Projects, 2021 OGNA Phase 1 Report.

## 7.2 Reviewing the 2021 OGNA Scenarios

**7.2.1** Careful consideration was given to how the scenarios would be updated for 2022. Three key questions were asked to achieve this:

- Is the general approach, assessing housing need in the context of both demographic- and economic-driven estimates, still appropriate?
- Are the specifications of each scenario still appropriate, particularly in the context of feedback and representations received in relation to the 2021 OGNA report?
- What updates can be made to the scenarios?

**7.2.2** Firstly, it was considered that the original method of using demographic/ standard method-led and employment led scenarios remained a valid and appropriate approach. Population change remains the basis of the standard method calculation that should be used to establish the baseline level of area's housing need (with Planning Practice Guidance indicating that the standard method calculation, using 2014-based Household Projections, should be used to provide a minimum starting point in determining the number of homes needed in an area) . As described previously, the same guidance also outlines that an area's economic characteristics be accounted for in determining housing need. Additionally, the 2021 OGNA report noted the role of Oxfordshire's buoyant economy as a key driver of housing demand.

**7.2.3** For these reasons, and also for reasons of consistency of approach, it was considered appropriate to carry over the approach to this report and that this would continue to be in line with planning guidance.

**7.2.4** Secondly, the specifications of the scenarios from the 2021 OGNA were considered in detail. Finally, careful consideration was given to how the scenario specifications could be updated and amended with reference to new data and inputs and feedback received on the original report. The scenarios have thus been refreshed and reviewed taking account of the latest data and economic circumstances within this report.

The specification of each 2021 OGNA scenario is considered in detail below.

### Standard Method Scenario and Standard Method Adjusted Scenario

**7.2.5** The first scenario was based upon the housing number produced by the Government's standard method formula for assessing a minimum baseline for housing need. This uses population and household projections produced by the Office for National Statistics (ONS) / Government as the basis for establishing a trajectory of housing growth, which is subsequently adjusted to reflect issues of local affordability. In particular, the method uses 2014-based household projections, in accordance with the NPPF guidance.

**7.2.6** As of late 2022, the standard method remains the basis for determining the minimum level of housing need in a local planning authority area. For the 2021

OGNA, the method produced an annual need figure for Oxfordshire of 3,383 dwellings per annum (uncapped). At the district level, this translated into a need for 756 dwelling per annum in Cherwell and 762 dpa in Oxford City.<sup>22</sup>

**7.2.7** In the 2021 OGNA report, the Standard Method ‘adjusted’ scenario produced a near identical annual need figure of 3,386 dwellings. The adjusted baseline was created as a result of the uncertainty surrounding the ongoing use of 2014 household projections in the standard method itself, and of concerns regarding the robustness of the ONS demographic projections in the county, particularly for Oxford City.

**7.2.8** The adjustments made in the scenario included the use of 2018-based population projections, as well as an adjustment to reflect population data gathered from GP patient registers. The patient register data and evidence of housing completions indicated that the ONS mid-year population estimates had been underestimating Oxfordshire’s population. This has since been confirmed through by data from the 2021 Census (as per the analysis in Section 3).

**7.2.9** Nevertheless, with these revisions to the demographic estimates, the final outturn need figure was little different to the un-adjusted standard method (3386 dpa vs 3383 dpa).

**7.2.10** The Standard Method Adjusted (SMA) scenario estimated that this level of housing provision would support approximately 57,400 additional jobs between 2020 and 2040, based on the provision of 67,720 homes over the same period. This equates to 2,870 jobs supported per year.

### Business as Usual Scenario

**7.2.11** This scenario was the first of the two employment led scenarios. It calculated the number of dwellings that would be needed to support a given level of employment growth.

**7.2.12** The level of employment growth selected is the central assumption that underlies this scenario. For this scenario, that level of job growth was modelled by Cambridge Econometrics using the baseline growth rate that informed the 2014 Strategic Housing Market Assessment, combined with Oxfordshire’s 2008-2018 employment growth trend, which was then extrapolated forward to 2050. This scenario saw the creation of approximately 77,825 jobs by 2040 or 3,891 jobs per annum. To support this, an annual housing need of 4,113 homes was estimated.

### Transformational Scenario

**7.2.13** The final employment led scenario was based upon the Local Industrial Strategy (LIS) produced by the Local Enterprise Partnership. The scenario’s employment estimate was derived from the ‘go for growth’ scenario in the LIS that targeted a doubling of the county’s GVA, from £23bn to £46bn by 2040. The scenario produced an additional jobs figure of approximately 108,200 between 2020 and 2040 or 5,410 jobs per annum. To support this, the scenario estimated a housing need of 5,093 homes per year.

<sup>22</sup> Figures from Oxfordshire Growth Needs Assessment 2021, Phase 1 Report, Table 7.2.2, p92

## Summary 2021 Scenario Results

**7.2.14** Table 7.3 summarises the housing and employment outputs of the 2021 OGNA scenarios. Note that for the standard method (adjusted) scenario, the starting point is a demographic projection which an affordability uplift then applied which is then used to derive the number of jobs that level of housing would support. Conversely, for the employment led scenarios, these begin with an estimate of job creation, from which the associated housing need is then quantified making assumptions on economic participation and commuting.

**Table 7.3: 2021 OGNA Scenarios – Summary Housing and Jobs results**

2020-2040	Housing need (annual)	Jobs supported	Jobs created	Housing need (annual)	Population Change (increase)
Standard Method (adjusted)	3,386	51,770	-	-	159,819
Business as usual economic	-	-	77,825	4,113	194,134
Transformational economic	-	-	108,227	5,093	240,390

## 7.3 Updating the Scenarios for the 2022 HENA

### 2014-Based Standard Method Scenario

**7.3.1** As is mentioned, the standard method remains the appropriate starting point as per the NPPF / Planning Practice Guidance for establishing a base level of housing need for individual local authorities. As such this scenario remains an important baseline for establishing the growth needs and implications of delivering what the guidance identifies as the minimum level of housing provision.

**7.3.2** The standard method takes data from the 2014-based Household Projections for individual districts which is used to calculate the average annual household growth. A percentage uplift is then applied based on the latest median house price-to-income ratio for the area.

**7.3.3** The only update necessary for this report is therefore to ensure that the latest data is used within the calculation, using projected household growth over the 2022-32 period (using the current year as the starting point as per the PPG) and taking account of the most recent housing affordability ratios (which at the time of writing are for 2021). The results are set out in Table 7.4.

**7.3.4** At an Oxfordshire level this shows a need for 3,482 dpa (uncapped) or 3,388 dpa when Oxford City's figure is capped. At an Oxfordshire level the aggregate affordability adjustment derived is of a 44% uplift to the household projections in calculating the uncapped need.

**Table 7.4: Standard Method Housing Need Calculations**

	Cherwell	Oxford	South Oxon	VoWH	West Oxon	Oxfordshire
Households 2022	63,256	62,530	59,088	55,650	48,274	288,798
Households 2032	68,582	68,225	63,179	60,466	52,256	312,708
Change in households	5,326	5,695	4,091	4,816	3,982	23,910

Per annum change	533	570	409	482	398	2391
Affordability ratio (2021)	10.28	12.05	13.07	9.96	11.4	-
Uplift to household growth	39%	50%	57%	37%	46%	44%
Uncapped need (per annum)	742	856	641	661	582	3,482
Cap figure	1907	762	1260	1439	924	
Capped need (per annum)	742	762	641	661	582	3388

Source: *Iceni Analysis of Standard Method Housing Need Calculations*

## 2022 Census Adjusted Scenario

**7.3.5** In the 2021 OGNA report, the rationale for the adjustment to the standard method was both to recognise any uncertainties surrounding the ongoing use of 2014 household projections, and in particular to recognise and respond to evidence pointing to stronger population growth particularly for Oxford. This was assessed in detail in the 2021 OGNA Report<sup>23</sup>.

**7.3.6** Since that report, the completion of the 2021 Census and the release of the population results from it in June 2022, has clarified some of the issues surrounding Oxfordshire's population estimates. Indeed, as the analysis in Section 3 has shown, the Census has shown the County's population to be 18,700 higher than projected in the ONS 2014-based population projections which feed into the standard method, with weaker population growth in Oxford and stronger population growth in other parts of the County (with the exception of West Oxfordshire).

**7.3.7** The release of new census data provides the opportunity to create a new, Census based scenario that makes a more robust assessment of recent population trends and also population projections. A full analysis of the new census results is set out in section 3, including an outline of the approach to developing revised projections.

**7.3.8** The Census adjusted scenario calculates housing need by taking the revised projection of household growth of 3,274 households per annum over the 2022-32 period, as calculated in Section 3. It then applies a consistent 44% uplift to this based on affordability characteristics in Oxfordshire. This generates a need for 4,721 dpa. The outturn figures are shown in Table 7.5.

**Table 7.5: Census Adjusted Scenario Housing Need (dpa)**

	Oxfordshire
Households 2022	296,596
Households 2032	329,339
Change in households	32,743
Per annum change	3,274
Uplift to household growth	44%
Housing need (per annum)	4,721

Source: *Iceni Project, JGC Consulting*

**7.3.9** Whereas the 2021 OGNA's demographic analysis pointed to a similar scale of housing need as shown in the standard method (3386 vs 3383 dpa), the updated projection developed herein, informed by the 2021 Census data, points to stronger

<sup>23</sup> Section 3.8: *Developing an Adjusted Baseline*, p36, Oxfordshire Growth Needs Assessment Phase 1 Report, 2021



trend-based population growth. When a consistent affordability uplift is applied the housing need is higher (4,721 dpa vs 3,482 dpa uncapped).

## 2022 CE Baseline Trend Scenario

**7.3.10** For the 2021 OGNA, a medium-term growth trend for Oxfordshire was used, in combination with Cambridge Econometrics forecasts used in the 2014 Strategic Housing Market Assessment. This was used to reflect the area's clear outperformance in the decade from 2008.

**7.3.11** In feedback to the original report, questions were raised about the likelihood of this level of outperformance being sustained. In response, it can be said that as a general rule, the factors that lead to strong economic performance in a local economy such as access to high skill labour markets, and high rates of innovation and investment, once established, tend to remain and support ongoing growth, which is reflected in the economic modelling in the CE projections.

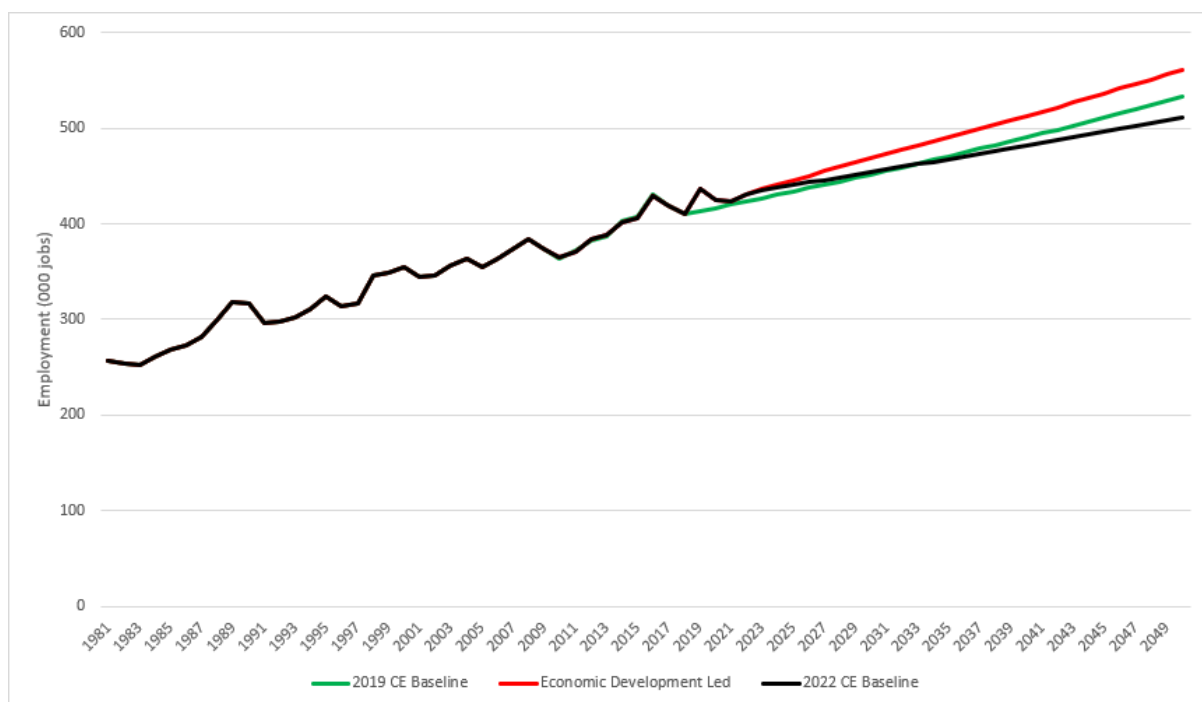
**7.3.12** Nevertheless, the macro-economic and geo-political events that have taken place since the last report demonstrate the cyclical nature of economic growth and can now be said to represent the completion of another economic cycle. Economic cycles are generally represented by the time between one period of economic contraction and another, characterised by a period of growth in between. The last cycle can be identified by the Global Financial Crisis to the current downturn resulting from the Covid-19 pandemic and subsequent energy and inflation crisis associated with the war in Ukraine.

**7.3.13** Given the level of uncertainty associated with the current downturn and the unpredictability of the recovery, it is considered most appropriate to use the 2022 update of Cambridge Econometrics' (CE) projection of economic growth for Oxfordshire. The new projection, while accounting for the County's strong past performance, also reflects negative GDP shock of the Covid-19 pandemic and subsequent recovery, plus the economic uncertainties surrounding 'Brexit'. A fuller explanation of the latest CE baseline projections is provided at Appendix A and B.

**7.3.14** Overall, the baseline projection reflects a slowing of national GDP growth and therefore of the GVA and employment outturn for Oxfordshire relative to the previous baseline. This is appropriate given the change in economic outlook since the OGNA was prepared. This is discussed in more detail in section 7.7. Details of how the CE baseline projections are constructed, and how they are subsequently updated, are provided in the appendices.

**7.3.15** The graph at Figure 7.2 shows the outturn for employment growth under the current and previous baselines, as well as that for Economic Development Led scenario (which is described further below). This shows that compared to the 2019 BAU scenario baseline, there are approximately 10,000 fewer jobs created by 2040 under the 2022 updated CE baseline scenario.

**Figure 7.2: Cambridge Econometrics Baseline Projection 2019 vs 2022 vs Economic Development Led Scenario**



An overview of the methodology for CE's projections, plus a summary of the 2022 update, is included in Appendix A and B.

### Economic Development Led Scenario

**7.3.16** The OGNA transformational economic growth scenario generated feedback that questioned the value of using an 'aspirational' scenario, reflecting the economic development aspirations of the Local Enterprise Partnership in its Local Industrial Strategy (LIS). However the NPPF in Para 82 does set out that in setting out an economic vision, planning policies should have regard to Local Industrial Strategies and other local policies for economic development and regeneration.

**7.3.17** The intention of this scenario is therefore to show what an aspirational, growth focussed strategy might look like in terms of the development needs it would generate.

**7.3.18** While accepting that this will be the scenario with the highest development need in terms of housing and labour demand, it is still felt to be a valid exercise to assess the needs of a growth focussed development strategy. On this basis, the updated scenario will be referred to as the Economic Development Led scenario.

**7.3.19** It is also recognised however, that any economic development plans or projects that may inform this scenario, should be realistic and achievable and not so aspirational as to be unlikely or unrealistic. This appears to have been recognised in the more recent Local Investment Plan (LIP) that followed the LIS in late 2020. Rather than the previous aim to double GVA by 2040 (by £23bn), the LIP now cites a more modest goal to add £1.2bn to Oxfordshire's annual GVA by 2030. Were this to be achieved, GVA would increase by around £12bn by 2040, not accounting for any



additional output also achieved in the 2020s. In effect therefore, the LIP halves the GVA growth target originally outlined in the LIS.

**7.3.20** This £1.2bn increase is based upon only the more concrete economic development and investment plans in the area that have either already begun or are close to coming forward. To this end, the £1.2bn increase in GVA by 2030 has been modelled within Cambridge Econometrics projections to produce corresponding growth and employment outputs to form the basis of this scenario.

**7.3.21** Overall, the objective of this scenario is to estimate and understand the development needs associated with a realistic expectation of Oxfordshire's economic development goals and projects. These are both important to Oxfordshire and of national significance and value. The Local Investment Plan demonstrates how the area's investment plans and projects have had, and are likely to continue to have, national and international support and investment.

**7.3.22** However, it remains possible that macro-economic events and public funding constraints may slow projects down or lead to some not progressing. Equally there are potential downside risks to economic growth associated with the global geo-political and macro-economic circumstances in 2022. These are considered in more detail later in this section (7.7.21).

**7.3.23** It is important to recognise that in the longer-term Oxfordshire remains one of the most important investment locations in the country and that there can be expected to be continued demand for investment and projects to locate there. In summary, this scenario is designed to represent an example of a scenario showing the housing and employment impacts of a realistic, growth led scenario. It is based on the economic impacts of a realistic set of known development plans. The scenario is meant to demonstrate the impacts in terms of housing and economic needs – it is not meant to judge whether the specific projects and investments will or will not come forward. Rather it is an assessment of growth needs should economic development plans and projects in Oxfordshire's knowledge and technical sectors come forward to the level indicated by the scenario.

## 7.4 The Ratio Assumptions Used in the Scenarios

**7.4.1** In order to run each of the scenarios they must make a number of assumptions in order to arrive at the outputs seen in the results. The employment-led scenarios take an estimated level of employment as a starting point. This is converted to workers and then resident workers using ratio assumptions for numbers of jobs per worker, for economic activity rates and finally for imported labour.

**7.4.2** For these scenarios, the amount of imported labour must be set in order to deduce how much of the FEMA workforce is to be housed locally. Areas with active and dynamic labour markets such as Oxfordshire rely on imported labour to some degree. The level of commuting is subsequently determined by the level of imported labour, adjusted to reflect previous housing under-delivery and post Covid-19 homeworking estimates. The basis and rationale for the commuting assumptions is set out later in this section.

**7.4.3** Once the number of workers to be housed is determined, the old age dependency ratio (the ratio of working age to retirement age people) is then applied to

determine the population that needs to be housed and the corresponding number of homes needed.

**7.4.4** These same assumptions are used to determine the labour supply position resulting from the number of homes provided under the standard method/ demographic-led scenarios.

**7.4.5** As a general rule, the assumptions made in the scenarios take levels and averages observed in current and recent data sets. The precise figures used in the scenario assumptions are set out in Table 7.6 and are described in more detail below.

**Table 7.6: Overview of Ratio Assumptions used in Scenarios**

	Ratio Used	Basis
1. Residents per Dwelling	2.36	Average ratio of population to household 2020-2040, from 2018 SNPP
2. Dependency Ratio	0.63	Current ratio of working age population in Oxon
3. Economic Activity Ratio	0.77	Current ratio of working-age to working people in Oxon
4. Job to worker ratio	0.955	Number of workers per job
5. Home based working	20% Remote 30% Hybrid 50% Workplace	CE Analysis
6. Commuting (Employment Led scenarios)	9,000 in commuters	Return to 2011 Levels

### Residents per Dwelling

**7.4.6** In the demographic/standard method-led scenarios, the initial assessment of housing need is first converted to a population figure, based on an assumption of household population. This figure is the result of dividing the total population according to the 2021 Census by the number of dwellings estimated by the standard method in 2040. This produces the same ratio of 2.36 resident per dwelling in Oxfordshire for both present day estimates (2022) and 2040 estimates. The ONS 2018 population projections produce a similar ratio, albeit on a mildly declining trend from 2.4 persons per household in 2022, to 2.35 in 2040.

**7.4.7** As the scenarios are based on the standard method however, using 2014 projections and the 2021 Census, it is considered most appropriate to use the ratio derived from these projections.

**7.4.8** Similarly, for the employment led projections, once the number of jobs and resident workers is established, the number of dwellings required to house those workers is derived from the same ratio.

### Dependency Ratio

**7.4.9** The dependency ratio is crucial to derive the level of labour supply in the total population. Traditionally this is represented by population estimates of the 16-64 age cohort. For the demographic/standard method-led scenarios, the larger the local

labour supply, the less demand for imported labour there is and the greater the level of sustainability that can be achieved. For the employment led scenarios, the larger local labour supply, the fewer homes are needed to house additional workers. As such, changes to these ratios can have a significant impact on the scenario outputs, so it is important that an appropriate ratio is used.

**7.4.10** This has been given careful consideration, particularly in respect to true labour supply trends and characteristics. Traditional estimates of labour supply, using the 16-64 cohort, is one area that was felt to merit further consideration. The assumption that labour supply stops after 64 in particular is of course not correct. Experimental statistics by the ONS, using PAYE analysis, estimates that around 1.3 million over 65s were in employment in the UK in 2020, and close to 1.5 million in 2022.<sup>24</sup> On a purely proportionate basis of the percentage of the population, this would add around 17,000 working people to the Oxfordshire population by 2040. However, these are classified as experimental statistics by ONS, and furthermore, it would not be appropriate statistically to assume the same proportion of older workers nationally applied to Oxfordshire.

**7.4.11** What can be done instead, is to use the 16-66 population as a more accurate measure of labour supply. This reflects the state pension age, which was equalised in late 2020 for men and women, at 66.<sup>25</sup>

**7.4.12** The result is that the working age population rate in Oxfordshire increases by one percentage point from 62.3% to 63.3%. The effect of a single percentage point reduction is to lower the housing requirement in the employment led scenarios, by between 300 and 400 dwellings per annum, and to reduce surplus labour demand by around 5,000 workers for the demographic-led scenarios.

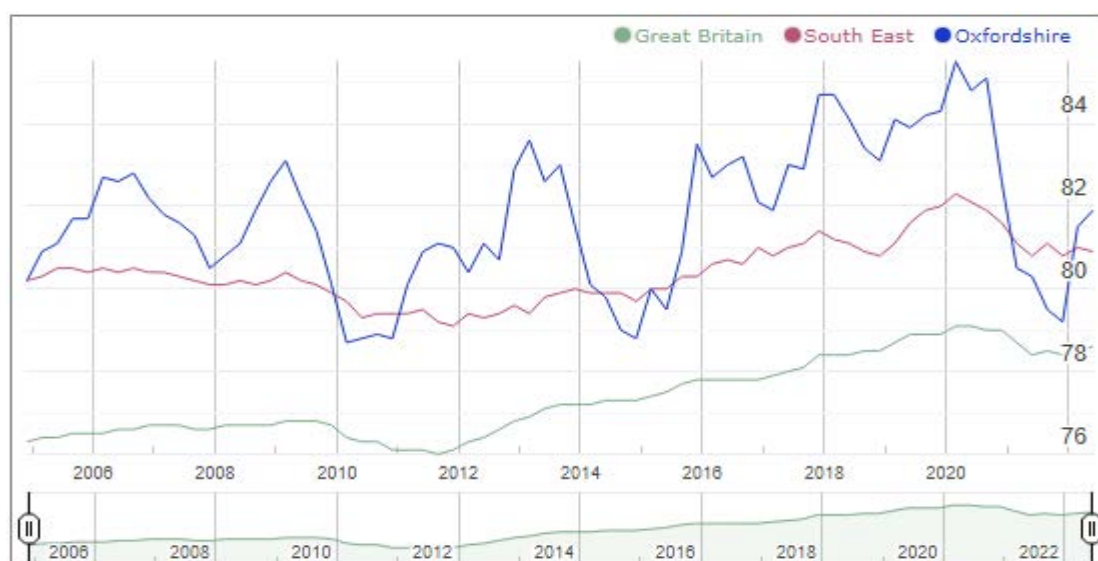
### Economic Activity Ratios

**7.4.13** In the scenario steps, the economic activity rate follows from the working age population rate and derives the number of working people from the population of working-age people.

**7.4.14** Current economic activity rates have been at historic highs, with unemployment at record lows, resulting in especially tight labour markets. Oxfordshire has been no exception to this, as is seen in Figure 7.3. This demonstrates the county's strong labour market and labour market demand.

<sup>24</sup> [People aged 65 years and over in employment, UK - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/people-in-work/employment-and-unemployment/articles/peopleaged65yearsandoverinemploymentuk/2022-03-17)

<sup>25</sup> It is noted that the state pension age is set to rise from 66 to 67 by 2028 and from 67 to 68 by 2046. [State Pension age timetables \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91111/state-pension-age-timetables.pdf)

**Figure 7.3: ONS Economic Activity Rates: Annual Population Survey**

Source: Time Series Economic Activity Rates, ONS Nomis Local Authority Profile

**7.4.15** As is seen in Figure 7.3 however, local labour market activity rates are volatile such that selecting a single point in time figure cannot be a robust basis to use in the scenarios given the level of variation from data point to data point. The local Oxfordshire figure has variously fallen below and above the average regional rate which is less volatile.

**7.4.16** Overall, it was considered more appropriate and statistically reliable to use an average of the regional economic activity rate for the scenarios, over the full period since the Annual Population Survey has been in use. This gives a long-term average that aligns more closely with the 20-year time frame of the plan period and minimises variation.

**7.4.17** The number of working residents can then be compared to estimates of workplace employment to determine the surplus or deficit of working residents necessary to meet local labour demand. This surplus or deficit represents a proxy for likely net commuting flows.

### Job to Worker Ratio

**7.4.18** This ratio is necessary to convert employment (number of jobs) to number of workers. It accounts for people who may have more than one job, reflecting the fact that the number of jobs estimated does not equal the number of required for those jobs. The ratio used of 0.955 is the same as that of the 2021 OGNA, taken from the Annual Population Survey.

### Commuting and Home-based Working

**7.4.19** Commuting trends reflect the balance of labour demand and labour supply, which are defined through job creation and housing supply. As such, this is a crucial aspect of determining current and future housing and employment needs. The 2021 OGNA report observed that,

*“Oxfordshire currently has a net commuting inflow of 20,500 people... This reflects the strength and attractiveness of Oxfordshire’s labour market and its high employment density.”*

*“... this number has rapidly increased over recent years as people reporting to work in the county continues to exceed the number of employed residents. With more people commuting into the county, and commuting a further distance, this has had implications for journey times, congestion and emissions in Oxfordshire.*

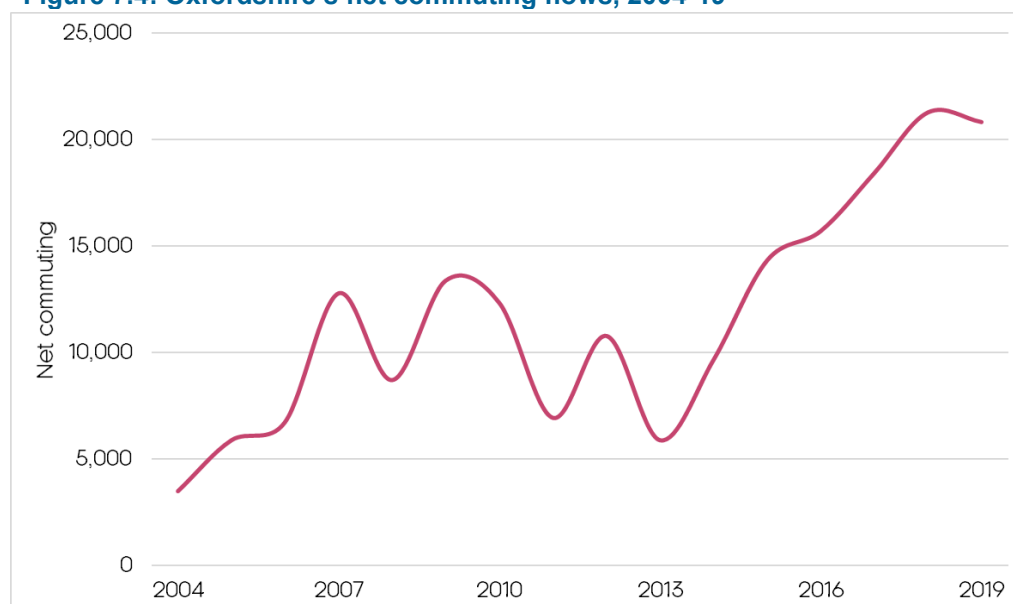
*Between 2011 and 2018, the number of people working in Oxfordshire is estimated to have increased by 36,100, whilst the number of employed residents increased by only 25,200. With some 82.8% of working age residents in active employment (the highest employment rate in the country), Oxfordshire’s already tight labour market has been reliant on workers residing outside the county to sustain its economic growth.*

*Resultantly, net commuting has more than doubled over this timeframe, from 9,000 to 20,500 daily inward commuters.”*

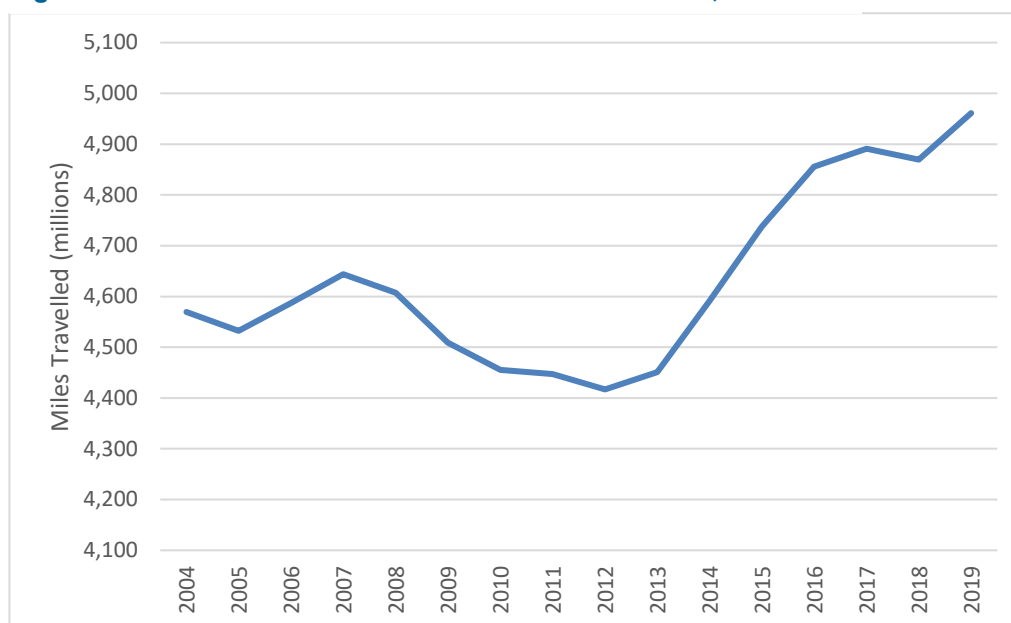
**7.4.20** The report showed that commuting levels began to substantially increase above the ten-year trend from 2004, as shown in Figure 7.4. This mirrored the observed trend of workplace employment growth (labour demand) accelerating ahead of resident population growth (labour supply), creating an imbalance reflected in market pressures and commuting trends. In effect the growth in commuting seen has been a symptom of an imbalance between housing demand and supply.

**7.4.21** Analysis of vehicle miles travelled further verifies these observations, demonstrating the commuting impact of the labour market imbalance observed in the period from 2013.

**Figure 7.4: Oxfordshire’s net commuting flows, 2004-19**



Source: ONS, Cambridge Econometrics.

**Figure 7.5: Miles Travelled in Oxfordshire – All Vehicles, 2004-19**

Source: DfT Road Traffic Statistics, Cambridge Econometrics.

**7.4.22** The 2021 OGNA report argued that a return to 2011 commuting levels, which equated to a ratio of 1.03 workforce workers per resident worker, was both achievable and less imbalanced relative to the position that was shown to have developed subsequently. A certain amount of commuting into the county is to be expected, particularly in areas of high labour demand, and needs to be factored into the employment-led scenarios to derive a housing need figure. Maintaining the 2011 ratio creates a labour supply deficit across the FEMA of around 14,000 workers by 2040 and an estimated commuting flow of 9,000 workers once homeworking is accounted for (see next section for home working calculations).

**7.4.23** It is felt relevant and appropriate to retain this modelling assumption for the employment led scenarios. This then shows the level of housing demand that would be necessary to achieve the labour supply and commuting balance implied by the 2011 position. This position also aligns with the lowest level of miles travelled in the published DfT traffic data from 2004 (Figure 7.5).

**7.4.24** The NPPF outlines in Paragraph 61 that it is important that calculations of housing need take into account market signals. The commuting imbalance described and which has arisen since 2011 is, the evidence shows, a function of an imbalance between supply and demand. It is appropriate therefore to take this into account in assessing housing need.

**7.4.25** The demographic-led scenarios produce two different levels of labour supply deficit (Table 7.8) and demonstrate the commuting effects of both a larger labour supply deficit, (35,000 - Standard Method Scenario) and a smaller labour supply deficit (7,300 - Census Adjusted Scenario).

## Home-based Working

**7.4.26** It is also important to recognise the role of home-based working, particularly its prevalence following the Covid-19 pandemic. As such, considerations of home-based working have been incorporated into the commuting calculations of the updated scenarios. This accounts for the fact that not all working residents will commute to work every day.

**7.4.27** An analysis of literature and recent research reveals a large amount of studies into the post pandemic working-from-home trends. Due to the variety of outputs generated by these studies and given how recent and untested they are, it is not possible to be definitive or conclusive about future homeworking trends.

**7.4.28** Instead, we have used a plausible scenario for homeworking patterns for Oxfordshire that accounts for a proportion of the workforce working from home. This is based on ONS survey data collected for the year ending December 2020<sup>26</sup>. This found that on average, 30% of Oxfordshire residents worked from home in the week leading up to being surveyed. However, this average masks a highly variable picture in the districts, with 24% and 28% in Cherwell and Oxford respectively working from home, compared to 41% in Vale of White Horse.

**7.4.29** Given the weighting of the county's total jobs towards Cherwell and Oxford, and that the survey was carried out in 2020 when various Covid-19 lockdowns were implemented, the home working assumption in the scenarios is reduced to 20% of the workforce from the 30% average for Oxfordshire.

**7.4.30** The ONS survey further revealed that just over 50% of Oxfordshire residents either worked from home at some point or worked from home entirely. These results were used to inform the assumption that overall, 50% of workers are either fully remote or hybrid workers, while 50% are fully workplace based.

**7.4.31** Overall, this produces the assumption that 20% of workers are fully remote, 30% are hybrid with a mix of home and workplace working (set to 2 days of homeworking a week), and 50% are fully workplace based. It should be emphasised that this assumption serves only to represent a likely scenario of homeworking patterns in Oxfordshire..

**7.4.32** The result is that the commuting estimate – derived from the 1.03 worker ratio – is reduced to account for the reduction in expected daily demand for workspace. The effect of this is to reduce the commuting estimate to 9,000 from the total worker deficit of around 14,000.

## Assumption Sensitivities

**7.4.33** It is important to understand that the assumptions are necessary and have to be fixed at a given level in order for any scenario to produce its output numbers. The nature of scenario planning will always be that it is possible to change the scenario outputs by changing the assumptions.

<sup>26</sup> [Homeworking in the UK labour market - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/homeworkingintheuklabourmarket):

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/homeworkingintheuklabourmarket>



**7.4.34** While it is not possible to say with certainty that the assumptions will represent reality, it is important to use known and realistic assumptions that represent recent reality and trends. This is the process that has been used for this HENA report.

**7.4.35** It is also a useful exercise however, to consider the implications of changes to the assumptions that could occur, even if they are not expected. Recent events such as the Covid 19 pandemic and the conflict in Ukraine show that unexpected events are all too common and may alter expected trends and outcomes. A summary of the effects of changes in the ration assumptions is provided in Table 7.7.

**Table 7.7: Summary of assumption variations and associated effects**

	Ratio	Possible variation	Effects of change
1. Residents per Dwelling	2.36	Faster declining trend over period. Unlikely.	Lower ratio will add to housing need
2. Dependency Ratio	0.63	Faster ageing of population reduces labour supply. Unlikely as balanced by later retirement age.  More older people in work, influenced by changes to state pension age	Reducing labour supply increases housing need in the scenarios.  Increases labour supply with associated reductions in housing need
3. Economic Activity Ratio	0.77	Activity rate highly variable at local level, generally high in areas of high employment/GVA.	Increasing activity rate increases labour supply, lowering housing need in the scenarios. Lower rate, has the reverse effect.
4. Job to worker ratio	0.955	Has remained broadly consistent over years, significant change not expected.	More people doing multiple jobs would reduce housing need in the scenarios.
5. Home based working	20/30/50 Ratios for remote, hybrid, workplace	Current scenario assumptions <i>reduce</i> housing need by reducing commuting effect due to remote working.	If pre-covid workplace trends were to return, the effect in the scenarios would be to increase housing need.
6. Commuting* (Employment Led scenarios)	9,000 in-commuters	Current figure for Employment Scenarios based on 2011 commuting levels and below current levels but above SM adjusted scenario.	Housing need figures for the Employment Scenarios can be reduced by accepting higher levels of imported labour.

*\*Commuters defined as difference between labour demand (Oxon workforce) and labour supply (working residents), adjusted for home working assumptions.*



## Housing Market Effects

**7.4.36** In the 2021 OGNA report, an analysis labour demand and housing supply identified a relationship between job to dwelling ratios and house prices<sup>27</sup>. This showed that as the number of jobs increased at a faster rate than the level of house building, the ratio increased in line with house prices, while a fall in the ratio coincided with an easing of house price inflation. This is explored in research by Cambridge Econometrics of housing market effects of employment and economic growth, which is set out in appendix C.

**7.4.37** This is similar in theory to the house price adjustment mechanism applied to the standard method, where the ratio of earnings to house prices is used to indicate a level of additional housing demand when the ratio is above regional or national averages.

**7.4.38** The housing market effect for the scenarios in this HENA consider the ratio of jobs to dwellings and shows the percentage change in the ratio between 2020 and 2040, based on the housing need indicated by each scenario. A change in the ratio represents a shift in the housing supply and demand balance.

## 7.5 The 2022 HENA Scenario Results

**7.5.1** In this section, the results produced by each of the scenarios are analysed. The results are summarised in Tables 7.8 and 7.9 below, showing the demographic-led and employment-led scenarios respectively.

**7.5.2** The scenario outputs show that the economic development led scenario supports the most employment and results in the greatest level of housing need. The standard method scenario, with the lowest level of housing provision, results in the largest labour supply deficit and commuting demand. The Census adjusted standard method scenario, and the 2022 CE baseline scenario, fall between the two with roughly similar outputs. These results are assessed in detail below.

### Standard Method Scenario Results

**7.5.3** This scenario demonstrates the likely impacts of providing the minimum level of housing as required by the NPPF and Planning Practice Guidance. When set against the CE baseline of labour demand, the scenario produces a substantial labour supply deficit (around 35,000) that must be met by imported labour, generating an estimated commuting inflow of around 22,500 workers per day. The housing market effect of this scenario shows a 4 percent improvement in the housing demand and supply ratio, the smallest housing supply improvement of the four scenarios.

### 2021 Census Adjusted Scenario Results

**7.5.4** The Census adjusted scenario produces a level of housing need using the adjusted population and household projections derived from the 2021 Census, as

<sup>27</sup> 2019 Oxfordshire Growth Need Assessment, Phase 1 Report, Chapter 13, Section 13.5

outlined in Chapter 3. It also incorporates the affordability uplift from the standard method formula.

**7.5.5** As in the first scenario, the outputs then assess the likely labour market, commuting and housing market impacts that arise from this level of provision, in this case 4,721 dwellings per annum.

**7.5.6** This scenario produces a much smaller labour supply deficit at around a fifth of that produced by the standard method scenario. This indicates a likely in-commuting effect of around 4,800 workers.

**7.5.7** The housing market effect sees a 10% improvement in the supply and demand ratio against 4% for the standard method scenario.

**Table 7.8: Summary Housing Led Scenario Results**

	Standard Method	2021 Census Adjusted
Housing Need (dpa)	<b>3,388</b>	<b>4,721</b>
Population 2040	875,522	932,148
Resident Workers 2040 (Labour Supply)	425,411	452,926
Workforce 2040 (Labour Demand)	460,268	460,268
Labour Supply Deficit	34,857	7,342
Commuting Demand (accounting for home working)	22,657	4,773
Housing Market Effect (Inc in supply /demand ratio)	4.1%	9.9%

### 2022 CE Baseline Scenario Results

**7.5.8** The scenario shows that the level of labour demand (i.e. employment growth) generated by the CE baseline employment scenario, which when accompanied with the commuting adjustments identified, produces a housing need of 4,406 dwellings per annum. This also has the same housing market effect as the adjusted standard method scenario, showing a 8.6% improvement in the housing supply and demand ratio.

### Economic Development Led Scenario

**7.5.9** The final employment led scenario generates the highest need for housing at 5,830 dwellings per annum, based on the level of GVA and employment growth

targeted by the LEP Investment Plan, and based on the same commuting assumptions used for the CE baseline scenario.

**7.5.10** This scenario improves the housing supply and demand ratio by 10%, so delivering the largest housing market supply impact.

**Table 7.9: Summary Employment Led Scenario Results**

	2022 CE Baseline	Economic Development Led
Workforce 2040 (Labour Demand)	460,268	489,655
Population 2040	918,763	979,244
Resident Workers 2040 (Labour Supply)	446,422	475,809
Housing Need (per annum)	<b>4,406</b>	<b>5,830</b>
Labour Supply Deficit	13,846	13,846
Commuting Target (with home working)	9,000	9,000
Housing Market Effect	8.6%	10.1%

## 7.6 Distribution of Housing Need by District

**7.6.1** The 2021 OGNA report concluded that the county of Oxfordshire represented a reasonable approximation of the Functional Economic Market Area (FEMA) and Housing Market Area (HMA). The scenarios used in the HENA are similarly based on the HMA/FEMA for the reason that labour and housing markets function over this market area which extends beyond the boundaries of individual districts.

**7.6.2** While the standard method provides housing need figures at district level, these are aggregated to the FEMA level in order to run the scenarios which produce more robust and consistent outputs at the FEMA/County level. In constrained urban districts like Oxford, the calculation of need using sub-national population projections that inform the standard method, can be distorted by historic suppression of household formation and impacts which constrained housing supply has on migration patterns. This effect is negated when assessing the whole FEMA as this covers the functional area where households will have formed beyond spatially constrained areas.

**7.6.3** As the scenario outputs are mostly informed by HMA/FEMA level data, the statistically robust approach is to apply district distributions once FEMA level housing need has been calculated for each of the scenarios.

**7.6.4** Due to the local area effects described above regarding suppressed population growth and household formation in Oxford, it is not considered appropriate to use the standard method as a basis for distributing housing across the FEMA, particularly given Oxford's role as the county's economic node, which sees acute affordability issues.

**7.6.5** Distribution using the standard method continues existing patterns of development, rather than trying to assign the need to where it is being generated. For reference, the results of distributing need on this basis are shown in Table 7.10.

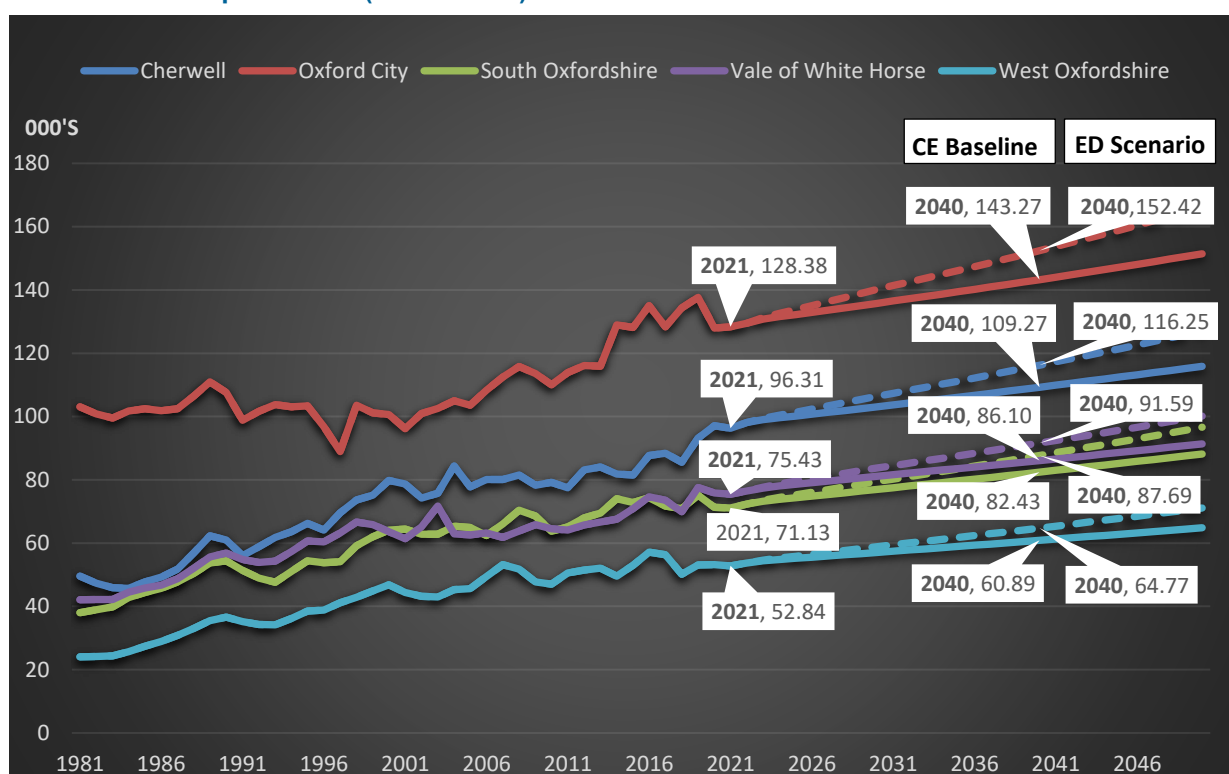
**Table 7.10: Distribution of District Housing Need by 2014 based Standard Method**

		Housing Need Scenario			
2014 Based Standard Method Distribution		Standard Method	Census Adjusted	CE Baseline	Econ. Dev't Led
<b>Oxfordshire / FEMA</b>	<b>100%</b>	<b>3388</b>	<b>4721</b>	<b>4406</b>	<b>5830</b>
<b>Cherwell</b>	21.9%	742	1034	965	1277
<b>Oxford City</b>	22.5%	762	1062	991	1311
<b>South Oxfordshire</b>	18.9%	641	893	834	1103
<b>Vale of White Horse</b>	19.5%	661	921	860	1137
<b>West Oxfordshire</b>	17.2%	582	811	757	1001

**7.6.6** An alternative distribution method is to reflect the distribution of employment (jobs) in different areas. That is to say, the proportions of the total employment in each district are mirrored by the distribution of housing in each district. This option is proposed on the basis that employment creation can be expected to influence the geography of housing demand (even with the effects of working from home), while it is desirable from a sustainability point of view to locate housing and employment close together where possible. The employment projections indicate the level of job growth that can be expected to occur over the plan period in each district and as such it is appropriate to match housing need with job creation.

**7.6.7** Over the plan period, the projections show a greater concentration of jobs being allocated to Oxford and Cherwell and a lower concentration to South Oxfordshire, Vale of White Horse and West Oxfordshire. Figure 7.6 shows how the employment distribution in each district currently looks and is projected to look using the forward projections from CE's baseline forecasts (and the Economic Development based projection).

**Figure 7.6: Employment Projections by District – CE Baseline and Economic Development Led (dashed line). Data Labels in '000s**



Source: CE 2022 Baseline Projections including ED Scenario GVA Uplift

**7.6.8** It should also be noted that employment distribution is projected to change over time, unlike for the standard method distribution which remains constant over time. Therefore it is appropriate to consider whether to apply either the *current* distribution or the *projected* distribution at the end of the period in 2040. The full housing distribution outcomes in each district for the current and projected employment-based distributions are shown in Table 7.11 and 7.12 respectively.

**7.6.9** The employment distributions show how employment demand is highest in Oxford and is projected to increase. They also show how Cherwell, from having similar employment demand to South Oxfordshire and Vale of White Horse at the turn of the millennium, now supports a significantly higher proportion of jobs than the remaining districts. West Oxfordshire generates the least employment demand and its growth projections remain low over the plan period.

**Table 7.11: Distribution of District Housing Need by Distribution of Employment in 2021**

CE Baseline Trend Employment Based Distribution Current (2021) Distribution		SM	CA	CE-B	ED
Oxfordshire	100%	3388	4721	4406	5830
Cherwell	21.5%	728	1015	949	1253
Oxford City	26.7%	905	1261	1176	1557
South Oxfordshire	19.5%	661	921	857	1137
Vale of White Horse	18.5%	627	873	817	1079
West Oxfordshire	13.8%	468	651	607	805

**Table 7.12: Distribution of District Housing Need by Distribution of Employment in 2040**

CE Baseline Trend Employment Based Distribution Projected (2040) Distribution		SM	CA	CE-B	ED
Oxfordshire	100%	3388	4721	4406	5830
Cherwell	22.9%	776	1081	1009	1335
Oxford City	30%	1016	1416	1322	1749
South Oxfordshire	18%	610	850	793	1049
Vale of White Horse	16.2%	549	765	714	944
West Oxfordshire	12.8%	434	604	564	746

### Selecting a Distribution Methodology

**7.6.10** The employment-based distributions place the most homes where the most jobs are and the least homes where the least jobs are – they are thus demand-led. The results of the current (2021) distributions in Table 7.11 and the standard method distributions (Table 7.10) are similar and suggest that the affordability uplift in the standard method represents a reasonable proxy for a proportionate economic uplift representative of high economic pressures. While the affordability uplift represents economic pressures through housing costs and affordability, the employment distributions do this through job numbers. As is noted, both approaches produce similar distribution rates of housing need when comparing the current employment distribution, albeit with a slightly higher allocation in Oxford and slightly lower in West Oxfordshire. This reflects the respective high and low job densities of those districts.

**7.6.11** For the *projected* employment distribution (by 2040), the trend of increasing employment shares continues to the end of the plan period, increasing the employment distribution in Oxford and Cherwell, and marginally decreasing the distribution in the remaining districts.

**7.6.12** While the standard method and *current* employment-based distribution are similar, **the assumption of a static distribution through the plan period does not reflect the dynamic nature of the labour market and geography of expected employment growth.** Specifically, it does not account for the baseline forecast that Oxford and Cherwell are set to further develop as the drivers of the wider FEMA economy. The two districts are projected to represent well over half of the FEMA's employment by 2040.

**7.6.13** As such, **the employment led distributions represent the more appropriate approach of those considered for distributing the FEMA's housing need**, given that the geography of employment growth will influence that of housing need, the link to balancing the provision of homes and jobs, and the associated sustainability benefits. Furthermore, given the need for Local Plans to plan for the period to 2040, it makes sense, when using an employment-based distribution of housing, to select the distribution based on where the jobs are expected to be at the end of the plan period rather than the beginning. This recognises the role which the geography of future job creation will have on that for housing need.

**7.6.14** Therefore, it is recommended that the 2040 employment-based distributions are used to allocate homes across the districts.

### **Capacity Constraints in Oxford City**

**7.6.15** While all the scenarios and distribution approaches recognise and account for the economic role of Oxford, it is accepted that the physical and spatial constraints in Oxford mean that it may not be possible to deliver the high levels of both housing and commercial floorspace growth that the need calculations indicate are needed across the plan period to 2040.

**7.6.16** The reducing trend in the rate of population growth in Oxford, as shown in the most recent ONS population projections and in the 2021 Census, suggests that such constraints are already starting to show and are constraining the ability of people to move to the City and form households. Nevertheless, the scenario outputs and distributions present the opportunity to quantify any unmet need should capacity levels suggest that identified needs cannot be met.



## 7.7 Conclusions on Housing Need Scenarios

**7.7.1** National Planning Practice Guidance states that there will be circumstances where it is appropriate to consider if housing need is higher than indicated by the standard method calculation. The HENA's aim has been to carry out an objective assessment of housing and employment needs; this has been done using projections of population and employment growth alongside a realistic set of economic and demographic assumptions that derive the level of need arising from the projections.

**7.7.2** This is similar in approach to the standard method calculation that uses a projection of population growth and assumptions of household formation and population rates to derive a housing need figure. The HENA scenarios simply extend this process to additionally consider the labour demand/supply, commuting and housing market effects, as well as up-to-date demographic data from the 2021 Census. National Planning Practice Guidance makes clear that the standard method:

*“provides a minimum starting point in determining the number of homes needed in an area.”*

**7.7.3** As the standard method represents a minimum level of need, the scenarios in the HENA are designed to test the impacts of providing the minimum level of need, as well as three additional scenarios that consider the impacts of higher levels of housing provision. It can then be assessed which of these scenarios represents the most appropriate levels of housing and employment need for Oxfordshire, from which a final need figure can be derived, recognising that the PPG accepts that there will be circumstances where actual housing need is higher than the standard method indicates. This section considers each of the scenarios in this context.

### The 2014 Standard Method Scenario

**7.7.4** It is clear that delivering the minimum level of housing need, as defined by the 2014 standard method, provides a correspondingly low level of local labour to support Oxfordshire's economy, when compared to the labour market growth projected in the CE 2022 based employment baseline projection.

**7.7.5** The reason for this mismatch between population and employment in the standard method is likely to be related to underestimates of population growth since 2011, revealed by the 2021 Census; that the standard method does not capture demographic data post 2014 (which show that population growth has been stronger than in the 2014-based projections); and the method does not take account of economic factors which are key drivers of housing need in an Oxfordshire-specific context. The rapid growth of the workplace labour market has created the population / jobs imbalance identified in the 2021 OGNA report and reflected in the growth of imported labour as described in section 7.4.

**7.7.6** In delivering the minimum level of housing need, this scenario fails to address the labour supply issue, generating a deficit of around 35,000 people that must be met by imported labour. This results as the standard method will not provide sufficient housing to match the level of job creation expected to 2040. This has negative implications for sustainability, generating an estimated commuting inflow to the county of around 23,000 people per working day, incorporating allowances for new and ongoing home working patterns. This scenario also produces the most limited effect in terms of re-balancing housing supply and demand, which was identified to have become unbalanced in favour of demand in the 2021 OGNA report.



**7.7.7** Given Oxfordshire's economic dynamism and the substantial labour supply deficit which arises in this scenario, it seems unrealistic to assume that this scenario is likely to see affordability improve, as the Government aspires to.

**7.7.8** The evidence thus suggests that housing need will be higher than the 2014 Standard Method Scenario, particularly for Cherwell and Oxford City.

### The 2021 Census Adjusted Scenario

**7.7.9** This scenario sets the level of housing 40% higher than the 2014-based standard method, reflecting recent population trends revealed by the 2021 Census (with an equivalent affordability adjustment then applied). While this means the scenario reflects updated and more robust demographic projection and data as set out in section 3, it should be noted that this scenario also accounts for and reflects greater economic growth in a number of ways.

**7.7.10** This is firstly because the updated population data, by showing the greater level of population growth from the Census than was indicated by the 2018 population projections, is reflecting higher levels of economic growth that were a driver in the increased population growth. Secondly, the scenario incorporates the affordability uplift from the standard method calculation. Therefore, the scenario accounts for economic factors and market signals as represented in the affordability uplift.

**7.7.11** The resulting increase in housing supply proposed by this scenario leads to a much smaller labour supply deficit of around one fifth that of the standard method scenario (7,300 workers), translating to estimated daily in-commuting of around 4,800 journeys. This also means that housing provision is rebalanced by 10% in favour of supply versus demand, compared to 4% for the standard method scenario, relieving some pressure on the local housing market.

### The CE Baseline Trend Scenario

**7.7.12** The baseline trend scenario shows what the level of housing need will be to support the level of workforce implied by the 2022 CE baseline projection. In order to determine this, an assumption must be made about the proportion of workplace workers that should be housed locally, within the FEMA. As is described in section 7.4, in a regional and buoyant labour market such as Oxfordshire's, labour supply will always be supplemented with workers imported from beyond the FEMA.

**7.7.13** An appropriate level of labour supply deficit, derived from 2011 commuting levels, is considered in section 7.4. The adjustment made to commuting recognises that a key driver of increased in-commuting over the period since 2011 has been an imbalance between housing supply and demand in Oxfordshire, with the job creation exceeding the pace of housing delivery. The modelling approach thus responds to market signals. The modelling in this scenario results in a labour supply deficit of around 13,800 workers to be supplied from outside the FEMA, and a housing need figure of 4,406 dwellings per annum to support the remaining labour demand created in the CE baseline.

**7.7.14** If employment demand was to exceed the CE baseline, the labour supply deficit would increase, alongside housing demand in response. The baseline trend scenario increases the housing supply and demand ratio by 8.6%. The housing need

generated by a higher rate of employment demand is represented by the Economic Development led scenario.

### The Economic Development Led Scenario

**7.7.15** The Economic Development scenario demonstrates the potential change in housing need should the economy outperform the growth rate currently predicted by the CE 2022 Baseline, against which the other scenarios are based to derive labour demand.

**7.7.16** The Economic Development scenario proposes a workforce that is around 6.3% or 30,000 jobs larger than the CE baseline trend by 2040. This is based on the Local Enterprise Partnership Investment Plan target to add £1.2bn to Oxfordshire's GVA by 2030. This requires 5,830 homes per year based on maintaining the in-commuting rate as described above at 9,000 people. The scenario produces a similar housing supply rebalancing figure as the Adjusted Standard Method scenario at around 10%.

**7.7.17** However it remains possible that macro-economic events and public funding constraints may slow projects down or lead to some not progressing; and equally there are potential downside risks to economic growth which are explored further as part of the section on assessing the scenarios below.

### Assessing the Scenarios

**7.7.18** Overall, the evidence points to the overall scale of housing need being above the minimum level of housing need – based on the Standard Method 2014 Scenario - given the reliance which that scenario creates on imported labour, even accounting for weaker economic growth and for ongoing patterns of homeworking that have emerged as a result of the Covid-19 pandemic.

**7.7.19** The standard method does not capture demographic data post 2014 which show that population growth has been stronger than in the 2014-based projections. It will not provide sufficient housing to match the level of job creation expected to 2040. In these terms, the evidence indicates that it underestimates the actual scale of housing need in Oxfordshire.

**7.7.20** Planning on the basis of the 2014 standard method scenario would therefore have implications for sustainability, including congestion, emissions and net zero aspirations, as well as for Oxfordshire's economy by continuing to rely heavily on imported labour. This presents a risk that it becomes too difficult to attract large amounts of labour from outside of Oxfordshire, in turn constraining economic development, business growth and discouraging business from locating there – which would be inconsistent with national planning policy. The scenario also establishes no headroom for stronger economic performance or any degree of return to pre-pandemic patterns of home working. These would add further labour market pressures, with potential for additional wage and house price inflation. Again this is inconsistent with national policy. These are relevant considerations to take into account as part of Sustainability Appraisal of different growth options.

**7.7.21** As of the end of 2022, global geo-political events, following on from the economic disruption of the Covid-19 pandemic, are indicating a prolonged period of

economic weakness. This is reflected in recent Bank of England forecasts<sup>28</sup> that predict a UK recession throughout 2023 and into early 2024. While history shows that recovery from economic downturns is often strong, as was the case in the period after the 2008 Financial Crisis, it is difficult to speculate about the path of recovery in the UK and global economy over the next 20 years.

**7.7.22** It is recommended therefore, on balance, to use the scenarios that derive labour demand from the CE 2022 Baseline, therefore discounting the Economic Development led scenario that is adjusted down to the LIP from the LIS, because there is still over-optimism in that scenario.

### 2021 Census Adjusted and CE Baseline Trend

**7.7.23** This leaves the two middle scenarios of 2021 Census Adjusted and CE Baseline Trend. These are the recommended scenarios. These two assessments of need show the difference between providing around an additional 300 homes per year, set out in full in Table 7.1, which is to reduce the level of imported labour and commuting required when using the higher dwellings figure. The lower number results in a smaller population by around 14,000 people, resulting in about 6,500 fewer resident workers in the local labour supply.

**Table 7.1: Summary of outputs for recommended scenarios**

	2021 Census Adjusted Standard Method	CE Baseline Trend
Housing need per annum	4,721	4,406
Total Dwellings 2040	394,978	389,306
Total Population 2040	932,148	918,763
Working Residents 2040	452,926	446,422
Workplace Workers 2040	460,268	460,268
Inward daily commuting	4,773	9,000
Improvement in Housing Supply (relative to demand)	9.9%	8.6%

**7.7.24** The role of the scenarios in the HENA is to help determine the appropriate level of housing need and employment need for Oxfordshire. The standard method is shown not to reflect up-to-date demographic data and to underestimate need. An alternative approach is justified. Alternative scenarios for assessing need have been explored. This assessment has concluded that the 2021 Census Adjusted and CE Baseline Trend scenarios are justified assessments of need. Whichever approach is used to derive a housing figure, the data in relation to each scenario also helps show how that level of housing will address labour supply needs, housing market pressures and affect commuting patterns – factors that are within the scope of a housing and economic needs assessment.

<sup>28</sup> Bank of England Monetary Policy Report, November 2022: [Monetary Policy Report - November 2022 | Bank of England](#)



# **PART C: Future Employment Land Needs, Affordable and Specialist Housing Need and Mix**



## 8 Future employment land needs

### 8.1 Introduction

**8.1.1** In this section we move on to consider future needs for employment land and floorspace to 2040. It addresses the need for office, land/R&D, industrial and warehouse/distribution uses.

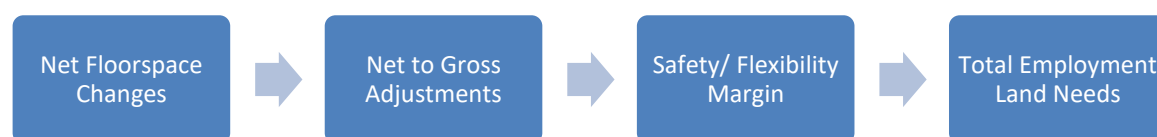
**8.1.2** Planning Practice Guidance outlines a number of different forecasting techniques for considering future employment land needs. Different approaches have their advantages and disadvantages. Econometric forecasts take account of differences in expected economic performance moving forward relative to the past. However, a detailed model is required to relate net forecasts to use classes and estimate gross floorspace and land requirements. For office-based sectors consideration needs to be given to the impacts of trends in home working.

**8.1.3** Our approach works through a number of core stages:

- Firstly, considering net floorspace changes, drawing on a range of different models – the econometric forecasts (for labour demand); trends in net changes in employment floorspace; trends in net absorption (i.e. in occupied floorspace); and net completions/deliveries.
- Secondly considering net to gross relationships – considering what adjustments should be applied to take account for losses, and issues around replacement demand;
- Thirdly identifying what safety margin or flexibility is necessary to provide a choice of sites, recognising that business' floorspace needs are not homogenous and to provide some flexibility for delivery slippage/ non-delivery of sites.

These core stages are shown below.

**Figure 8.1: Overview of Forecasting Approach**



**8.1.4** For industrial sectors however the relationship between floorspace needs and employment trends may be weak – influenced by productivity improvements – meaning that a decline in employment does not necessarily mean a reduction in space requirements. In contrast, past take-up is based on actual delivery of employment development; but there is a need to consider whether future market dynamics may differ from the past. Past take-up trends, particularly for individual local authorities, are also potentially influenced by past land supply and/or policies.

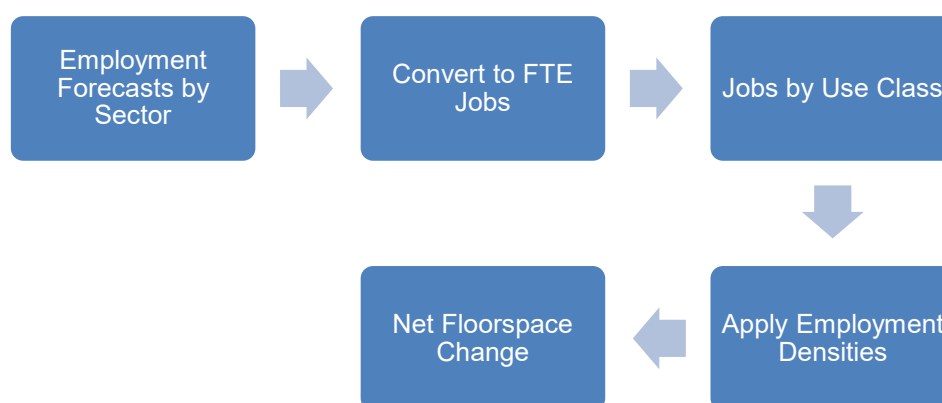
**8.1.5** Ultimately therefore an appropriate approach is therefore to utilise a range of different forecasting techniques alongside local intelligence and an understanding of the merits of different approaches in drawing conclusions. This approach of

triangulating different approaches and testing findings, which IcenI adopts, is consistent with the PPG.

## 8.2 Labour Demand Model

**8.2.1** IcenI has a standard model which considers how sectors relate to use classes which is used to estimate the proportion of employment in different broad use classes – offices (Eg(i) and E(g)(ii)), industrial (E(g)(iii) and B2) and warehousing (B8). We attribute changes in jobs to use classes first, using BRES data for Oxfordshire to estimate the sector-specific relationship between net changes in total employment and that for Full-Time Equivalent (FTE) jobs. Employment density assumptions are then applied to generate net floorspace change.

**Figure 8.2: Overview of Labour Demand Modelling**



### Employment Growth Scenarios

**8.2.2** The labour demand modelling considers two scenarios for employment growth:

- Trend-based Scenario:** this scenario is based on Cambridge Econometrics' latest 2022 baseline economic projections, (referred to as the Baseline Scenario);
- Economic Development Led Scenario:** this scenario is based on adjustments to the economic and sectoral outlook taking account of the LEP Investment Plan as outline in section 7 (referred to as the ED Scenario).

IcenI has sought to model the implications of these scenarios for future employment floorspace and land provision.

**8.2.3** IcenI has calculated estimated Full-time Equivalent (FTE) jobs considering the profile of full-time and part-time roles by sector using BRES data. From this, changes in FTE jobs have been modelled. We then use a standard model to relate use classes to sectors. The results for the two growth scenarios in FTE jobs by Use Class are shown in Table 8.1 and 8.2.

**Table 8.1: FTE Jobs Growth – Baseline Scenario, 2021-40**

2021-40	Office	R&D	Industry	Warehousing
Cherwell	2115	1381	-739	842
Oxford City	1762	2732	-1354	308
South Oxfordshire	1629	2630	-435	326
Vale of White Horse	3146	1397	-609	624

<b>West Oxfordshire</b>	1295	742	-661	393
<b>Oxfordshire</b>	9947	8882	-3798	2493

**Table 8.2: FTE Jobs Growth - ED Scenario, 2021-40**

<b>2021-40</b>	<b>Office</b>	<b>R&amp;D</b>	<b>Industry</b>	<b>Warehousing</b>
<b>Cherwell</b>	3194	1904	-122	1353
<b>Oxford City</b>	2891	4426	-1137	553
<b>South Oxfordshire</b>	2508	3301	-220	589
<b>Vale of White Horse</b>	4227	2154	-389	990
<b>West Oxfordshire</b>	1859	1023	-347	628
<b>Oxfordshire</b>	14680	12809	-2216	4113

**8.2.4** The next stage in the modelling is then to apply employment densities to estimate the net change in floorspace. The employment density assumptions used are set out. These relate to the Gross External Area (GEA):

- Office – 12.5 sq.m per FTE job
- R&D – 28 sq.m per FTE job
- Industrial – 44 sq.m per FTE job
- Warehousing/ Distribution – 70 sq.m per FTE job

**8.2.5** The employment density assumptions used in the core modelling have been applied to all of the Oxfordshire authorities. These are informed by the HCA Employment Densities Guide (3<sup>rd</sup> Edition) and the more science-based nature of Oxfordshire's economy. As part of preparing the HENA Report, Icenl has however engaged with the consultants working with both Oxford City and Cherwell District Councils on more local studies to consider further employment densities. The table below shows the variance in employment density assumptions used in different studies.

#### **Employment Density Assumptions**

	<b>HENA</b>	<b>Oxford Interim ENA</b>	<b>Cherwell ENA</b>
Office	<b>12.5</b>	12.5	12-13
R&D	<b>28</b>	46	60
Industrial	<b>44</b>	38-54	36-47
Warehousing	<b>70</b>	65	80

**8.2.6** The employment density applied for R&D space of 28 sq.m per FTE job is used for R&D space. This is based on consideration of planning applications for research / science park locations in both Oxford and Cambridge; and is equivalent to a wet lab floorspace figure (with densities for dry labs more similar to offices). Planning application data more specific to Oxford is limited, but a recent assessment submitted by Savills for a lab development at Plots 23-26 Oxford Science Park assumes 29 sq.m NIA per FTE job for lab space (and 9.1 sq.m NIA for offices).<sup>29</sup>

<sup>29</sup> Application 22/02168/FUL

The employment densities adopted are relatively similar with those in local evidence for Oxford and Cherwell albeit that a blended rate is used for industrial herein<sup>30</sup>; with the analysis separating out the office and R&D sectors taking account of the particular strength of the latter. There is some uncertainty regarding labs densities, with the evidence drawn on here assuming that most R&D floorspace is of labs and taking account of specific application evidence in Oxford and similar markets which points to higher employment densities than in other studies. However sensitivity analysis is included based on higher densities for both Oxford and Cherwell reflecting local evidence studies. Further consideration of appropriate densities may be warranted in drawing conclusions on employment land provision in individual local plans.

**8.2.7** Applying the core employment densities to the changes in FTE jobs envisaged results in a net need for employment floorspace is shown in Tables 8.3 and 8.4.

**Table 8.3: Net Floorspace Needs (sq.m) – Labour Demand Baseline Scenario**

2021-40	Office	R&D	Industry	Warehousing
<b>Cherwell</b>	26,440	38,670	-32,500	58,920
<b>Oxford City</b>	22,020	76,510	-59,570	21,570
<b>South Oxfordshire</b>	20,360	73,640	-19,160	22,820
<b>Vale of White Horse</b>	39,330	39,110	-26,810	43,660
<b>West Oxfordshire</b>	16,180	20,770	-29,080	27,540
<b>Oxfordshire</b>	124,330	248,700	-167,110	174,510

**Table 8.4: Net Floorspace Needs (sq.m) – Labour Demand ED Scenario**

2021-40	Office	R&D	Industry	Warehousing
<b>Cherwell</b>	39,920	53,320	-5,350	94,730
<b>Oxford City</b>	36,140	123,930	-50,040	38,710
<b>South Oxfordshire</b>	31,350	92,430	-9,690	41,250
<b>Vale of White Horse</b>	52,830	60,330	-17,130	69,270
<b>West Oxfordshire</b>	23,240	28,640	-15,280	43,940
<b>Oxfordshire</b>	183,500	358,640	-97,500	287,900

**8.2.8** A sensitivity analysis on the employment densities for R&D space is included below. This uses a density of 43 sq.m per FTE jobs in Oxford and a figure of 60 sq.m per job for Cherwell taking account of the local employment land evidence. For Cherwell the higher density reflects R&D within the motorsports sector (including

<sup>30</sup> Rather than separate figures for light industrial and general industry as it is in practice very difficult to disaggregate these to separate sectors



testing and prototyping) which the local evidence considers requires densities more akin to B8 development.

**Table 8.5: R&D Sensitivity Analysis (sq.m) – Baseline Scenario**

2021-40	Core Assumptions	Sensitivity Analysis	Midpoint
Cherwell	38,670	82,860	60,765
Oxford City	76,510	117,500	97,000

**Table 8.6: R&D Sensitivity Analysis (sq.m) – ED Scenario**

2021-40	Core Assumptions	Sensitivity Analysis	Midpoint
Cherwell	53,320	114,250	83,785
Oxford City	123,930	190,320	157,125

### 8.3 VOA Net Floorspace Trends

**8.3.1** The second modelling approach has been to take net changes in commercial floorspace from the Valuation Office Agency (VOA) data and model future trends. This works simply by considering net changes in floorspace over the most recent 5 year period (2016-21) and 10 year period (2011-21) and projecting these forward over the 19 year period to 2040.

**Table 8.7: Net Office Floorspace Needs (sq.m) – VOA Trend Projection**

	Historical Annual Net Change		Projection, 2021-40	
	5 Yr	10 Yr	5 Yr	10 Yr
Cherwell	-1,000	-1,100	-19,000	-20,900
Oxford	-1,000	900	-19,000	17,100
South Oxfordshire	-3,000	-2,000	-57,000	-38,000
Vale of White Horse	3,800	2,500	72,200	47,500
West Oxfordshire	600	-400	11,400	-7,600
Oxfordshire	-600	-100	-11,400	-1,900

**Table 8.8: Net Industrial Floorspace Needs (sq.m) – VOA Trend Projection**

	Historical Annual Net Change		Projection, 2021-40	
	5 Yr	10 Yr	5 Yr	10 Yr
Cherwell	20,600	11,200	391,400	212,800
Oxford	-5,000	-2,000	-95,000	-38,000
South Oxfordshire	4,000	2,800	76,000	53,200
Vale of White Horse	-400	700	-7,600	13,300
West Oxfordshire	5,800	500	110,200	9,500
Oxfordshire	25,000	13,200	475,000	250,800

### 8.4 Trends in Net Absorption

**8.4.1** A third measure of stock changes which can be considered is net absorption. Here, Icenis has taken trends in net absorption of office and industrial/ logistics space from CoStar and has projected this forwards to 2040. We have done so at an Oxfordshire level, recognising local supply-side influences on district figures.

**8.4.2** The net absorption projections for office space point to a need for between 168,000 – 214,000 sq.m of office floorspace as shown in Table 8.9.

**Table 8.9: Projection of Office Net Absorption, Oxfordshire**

Sq.m	Average Net Annual Net Absorption	Projection, 2021-40
<b>5 Years</b>	8,850	168,090
<b>10 Years</b>	11,250	213,720

**8.4.3** For industrial and logistics floorspace, a need is generated for almost 1.3 million sq.m of space based on net absorption trends projecting forwards the 10 year trend; and almost 1.6 million sq.m of space using the 10 year trend.

**Table 8.10: Projection of Industrial and Logistics Net Absorption, Oxfordshire**

Sq.m	Average Net Annual Net Absorption	Projection, 2021-40
<b>5 Years</b>	67,660	1,285,560
<b>10 Years</b>	83,660	1,589,510

Specific figures for individual local authorities are shown in tables later in this section.

## 8.5 Completions Data

**8.5.1** Next we consider evidence of past development trends. We have good quality monitoring data provided by the commissioning authorities – Cherwell and Oxford City.

### Completions Trends in Cherwell

**8.5.2** Table 8.11 shows projections of net completions of employment space by use in Cherwell. It shows projections based on 5 year trend data (2017-22), 10 year trends (2012-22) and 15 years (2007-22).

**Table 8.11: Projections of Net Employment Floorspace Completions, Cherwell (2021-40)**

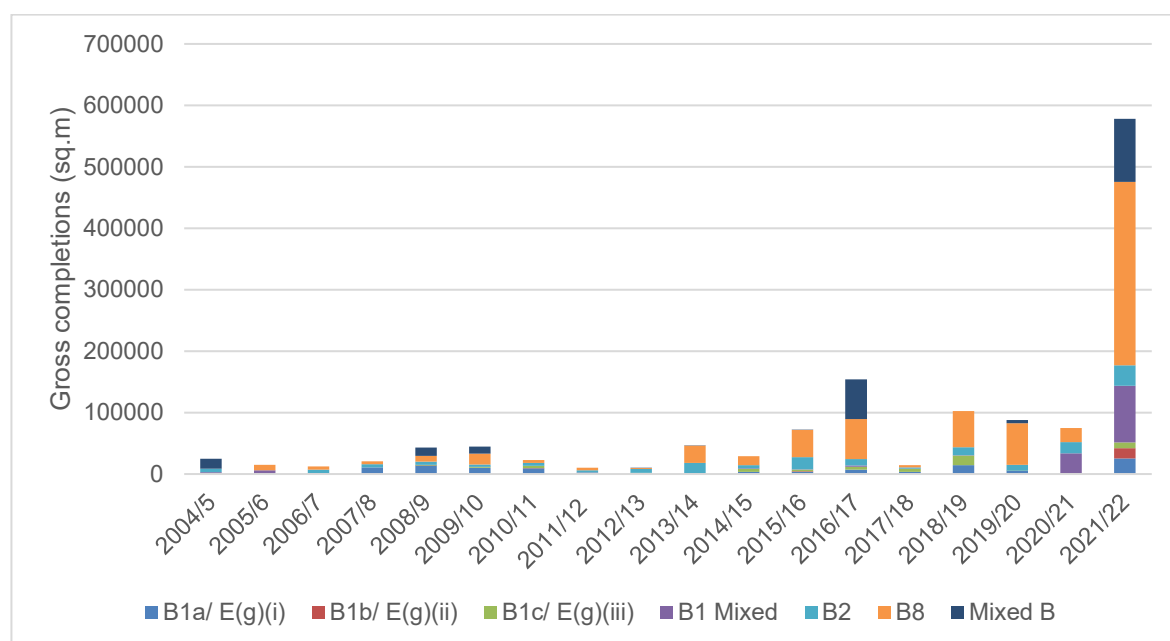
Sq.m	5 Yr Trend	10 Yr Trend	15 Yr Trend
<b>B1a/ E(g)(i)</b>	95,910	58,070	75,870
<b>B1b/ E(g)(ii)</b>	63,660	35,150	24,000
<b>B1c/ E(g)(iii)</b>	69,210	47,220	37,590
<b>B1 Mixed</b>	475,160	233,650	155,780
<b>B2</b>	275,640	179,540	94,050
<b>B8</b>	1,628,700	1,022,780	696,880
<b>Mixed B</b>	405,950	326,710	233,290
<b>Total</b>	3,014,220	1,903,120	1,317,470

**8.5.3** As the chart in Figure 8.3 shows, the data is particularly influenced by very strong floorspace completions in 2021/22. This is driven in particular by recent B8 development.

**8.5.4** Gross floorspace completions across uses are around 17% higher than the net figures (for the 10 yr trend scenario). This figure also holds true for industrial space. The net figures account for losses, but also redevelopment / intensification of existing employment sites. However the differential for office floorspace is significant, with gross new-build completions over the 10 year period more than double (210%) of the

net figure; as new-build development has taken place but older stock has been lost through redevelopment/conversion (most likely particularly to residential use).

**Figure 8.3: Gross Floorspace Completions – Cherwell**



Source: CBC Monitoring Data

### Completions Trends in Oxford City

**8.5.5** Projections of net completions of commercial space in Oxford are shown below. The 10 year trend shows a fairly static position for office floorspace; with the most positive need shown (regardless of the projection period) for E(g)(ii) R&D floorspace influenced by the lab market. The net position in all scenarios for industrial and warehousing development is negative.

**Table 8.12: Projections of Net Employment Floorspace Completions, Oxford (2021-40)**

Sq.m	5 Yr Trend	10 Yr Trend	15 Yr Trend
B1a/ E(g)(i)	-38,100	510	8,280
B1b/ E(g)(ii)	69,940	85,360	95,360
B1c/ E(g)(iii)	-45,500	-30,350	-18,670
B1 Mixed	31,530	7,540	5,000
B2	-9,040	-64,560	-97,140
B8	-91,170	-127,080	-115,730
Mixed B	-3,040	-1,960	-16,860
<b>Total</b>	<b>-85,390</b>	<b>-130,550</b>	<b>-139,760</b>

**8.5.6** Gross completions for R&D floorspace are consistent to the net position; reflecting a position where there have not been losses in this use class.

**8.5.7** Gross levels of industrial development historically in the City have been very modest, influenced by high land values and a lack of supply. Across industrial use classes, 10 year gross completions have been averaged c. 2,100 sq.m per annum. In comparison the net position is evidently negative.

Industrial completions trends in Oxford are influenced by the City's constrained land supply and net trends thus are likely to underplay the actual need. In particular for an urban area of its size, there is likely to be some need from manufacturing businesses for more modern floorspace; and a case for provision of space for last mile logistics.

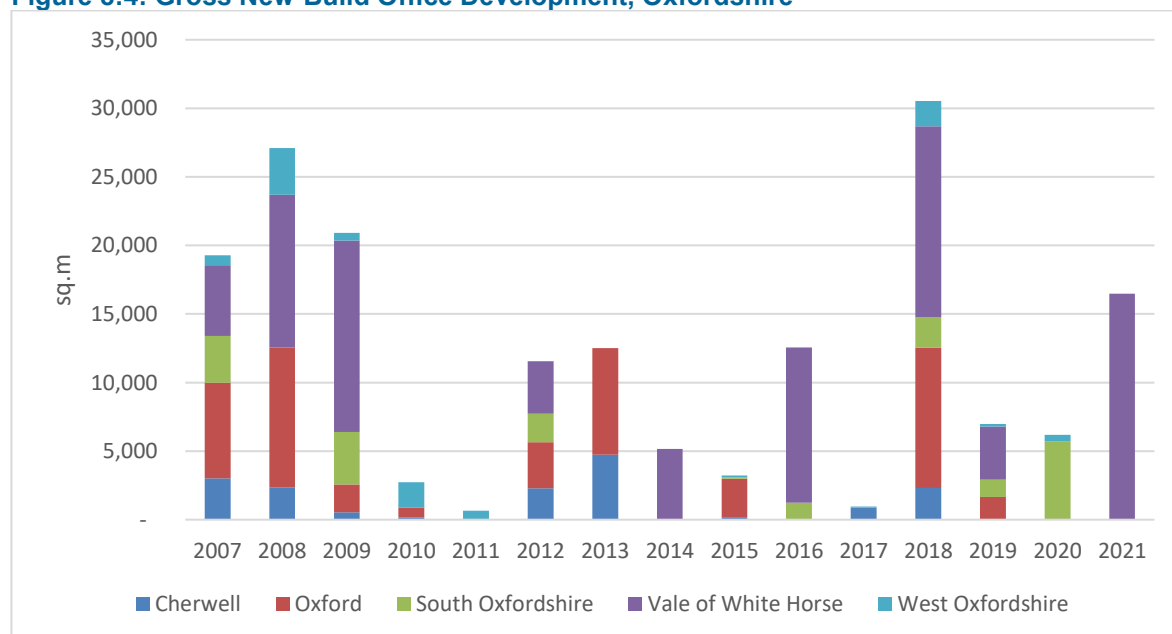
**8.5.8** For offices, the 10 year net completions trend points to a position which is essentially flat (equating to a broadly static office stock overall in the City). However underlying this is a trend of development of new space, together with losses/conversion of older stock. Thus relative to the trends above, the 5 and 10 year gross trend would lead to development of between 53,200 – 64,500 sq.m respectively over the 2021-40 period. This does not necessarily however completely require new land.

### Development Trends in Other Oxfordshire Authorities

**8.5.9** Iceni does not have access to robust completions data for other Oxfordshire authorities. This principally reflects issues with the quality of monitoring data. To address these issues, we have instead sought to use CoStar data on 'deliveries' of new-build development; and 'net deliveries' which describe the difference between

**8.5.10** The chart at Figure 8.4 shows development trends based on gross deliveries data from CoStar at an Oxfordshire-wide level. It shows that beyond Oxford, the main other office market is Vale of White Horse; with more limited levels of development in South Oxfordshire and West Oxfordshire.

**Figure 8.4: Gross New-Build Office Development, Oxfordshire**



Source: Iceni analysis of CoStar data

Specific data for individual authorities has been analysed and is set out in the tables in the next section.

## 8.6 Bringing the Different Modelling Approaches Together

**8.6.1** Below we have sought to bring the figures generated by the different modelling approaches together. We look first at the results at an Oxfordshire level, and then for different authorities. Table 8.13 brings the different scenario modelling together.

**Table 8.13: Net Floorspace Needs, Oxfordshire 2021-40**

	Office	R&D	Industry	Warehousing
Labour Demand Baseline Scenario	124,330	248,700	-167,110	174,510
Labour Demand ED Scenario	183,500	358,640	-97,500	287,900
VOA Net Floorspace Trends - 5Yr	-11,400		475,000	
VOA Net Floorspace Trends - 10Yr	-1,900		250,800	
Net Absorption - 5Yr	185,800		-2,650	1,124,710
Net Absorption - 10Yr	211,570		201,510	927,970
Net Deliveries - 5Yr Trend	198,460		29,600	1,132,290
Net Deliveries -10Yr Trend	166,110		84,520	750,780

**8.6.2** Conclusions at an Oxfordshire wide level are helpful in ensuring consistency of approach. But it is appropriate to bring these together with more detailed local evidence/studies in informing planning assumptions for individual local plans; as such studies can refine judgements based on more detailed interrogation of local market dynamics and the quality/nature/level of supply in different areas and issues related to the quality of supply. For instance, assessment of the quality of sites may inform the iteration of assumptions on losses; whilst local evidence of appropriate employment densities may also be relevant.

**8.6.3** For office space (E(g)(i)) in Oxfordshire:

- The labour demand model shows a level of need of between 124,300 – 183,500 (depending on the scenario selected). This builds in home-working on a sector-by-sector basis at 2020 levels. Past net absorption and delivery trends have been stronger, with the top end of the range sitting close to the 5 yr net absorption trend.
- However the pandemic has led to a notable shift in working patterns which can be expected to result in lower floorspace needs relative to the historical trend. There has been space coming onto the market in the short-term as companies downsize and this can be expected to moderate levels of new floorspace development (particularly short/medium-term); and indeed the labour demand model does not in itself make adjustments for these factors (in terms of the demand for and occupancy of existing stock).
- However the shift in employment patterns in office-based sectors can be expected to result in lower levels of net floorspace growth relative to historical trends, if the R&D sector is set aside. According to latest information from Savills, reporting on Remit Consulting data, national office occupancy at June 2022 is around 30% compared to around 70% pre pandemic, a substantial fall (although this data source is not considered fully representative). The British Council for Office (BCO) suggest that rates could settle at 60% in the longer term - although

again this could be potentially optimistic. Post covid there has certainly been a period – which continues based on market engagement – of a restructuring of corporate property portfolios and there are many examples of downsizing (with businesses reducing their office footprint on lease events) and this is evident in the Oxfordshire market.

However whilst office occupancy might fall, office utilisation may change to reflect the need for more meeting and break out space. The BCO suggest this could lead to a rise between 40% and 25%. Icen agree that for some businesses this is likely to be the case, particularly those at the higher end of the market, but that across the market as a whole this could be ambitious including when taking into account co-working space. This increase in densities will not exceed the reduction made by the reduced occupancy, as otherwise this would lead to overall higher requirements for offices which seems counter intuitive.

- **On this basis we consider that the labour demand model should be the starting point for offices**, but this may be optimistic. Future needs could be 30-40% below this but it is perhaps too early to be definitive, and it will be important to monitoring trends over time.

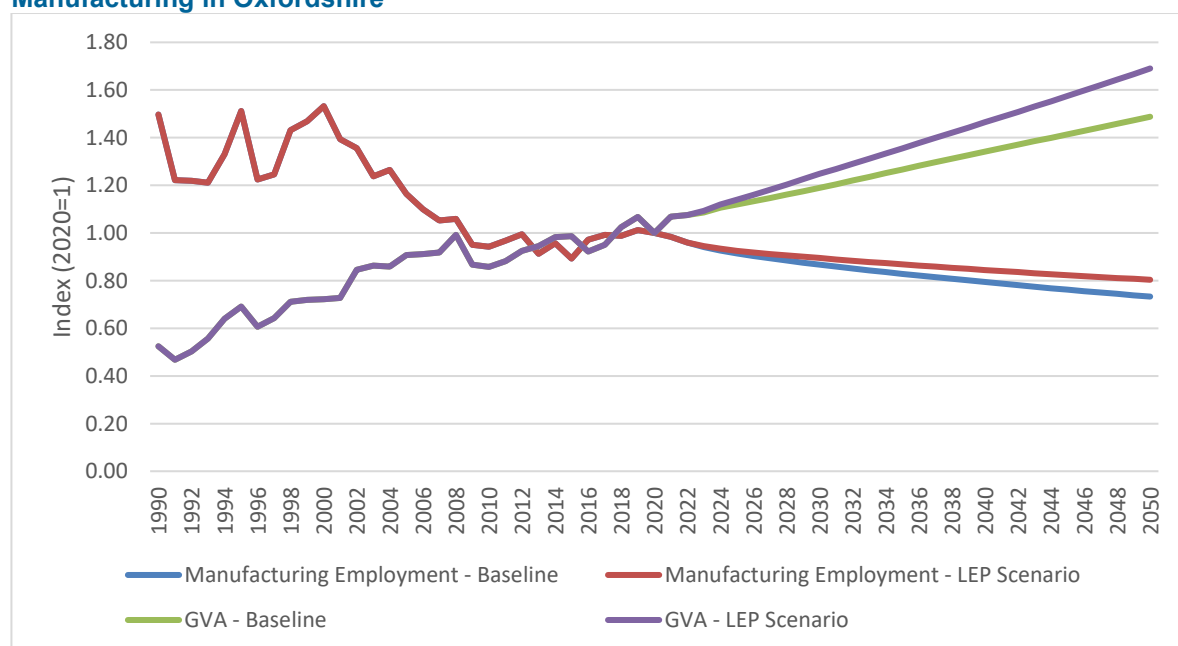
**8.6.4** In contrast the R&D sector (E(g)(ii)) is particularly strong in Oxfordshire and exhibits potential for strong growth. **Iceni recommend that the labour demand scenario should therefore be used in planning for future R&D space; with the trend-scenario treated as a minimum level of provision; but consideration given to providing sufficient supply potential to enable the higher LEP Scenario to be achieved so as not to constrain growth.** In terms of employment densities, we would advise that the ‘midpoint’ scenario should be used as a core modelling assumption but further consideration should be given to appropriate densities through local evidence.

**8.6.5** For industrial floorspace (E(g)(iii) and B2), Iceni has concerns about using the labour demand model, not least as trends in job numbers are projected to be downwards, the wider evidence points to growth in floorspace and positive net absorption (save for the most recent 5 yr trend). This is reinforced by consideration of what the LEFM model shows for GVA relative to employment, as shown below.

**8.6.6** Manufacturing GVA has grown over the last decade, as has floorspace; even through employment numbers have been reasonably stable. The long-term trend is of falling employment, but increasing GVA (linked to increased automation as well as wider productivity improvements); and the forecasts point to growth in GVA.

**8.6.7** Iceni’s view is that for industrial floorspace, **it would be appropriate to plan for positive provision in line with the 10-year trends in net absorption.**

**Figure 8.5: Comparing Past Trends and Forecast Employment and GVA Growth in Manufacturing in Oxfordshire**



Source: Iceni analysis of CE forecasts data

**8.6.8** For warehousing and distribution, labour demand modelling is typically a weak predictor of future floorspace needs as a significant component of demand arises from ‘replacement demand’ linked to the reprovion of older warehousing units (which typically have a 30-40 year lifespan). Similarly automation within the sector has a significant bearing on the relationship between floorspace and jobs, making accurate modelling from jobs forecasts problematic.

**8.6.9** Iceni consider that greater weight should therefore be given to trends in net absorption. Market conditions in the very recent past have been buoyed by the shift

towards e-retailing and the effects of Brexit (on increasing stock holding requirements) and market conditions over the period since 2020 have been exceptionally strong. The shift in retailing from bricks and mortar to warehouses has accelerated with prospects of further growth. There is some emerging evidence of the market beginning to soften. **For the warehousing and logistics sector, we therefore consider that a 10 year trend in net absorption should be taken.** This points to a need for around 1 million sq.m of floorspace to 2040 across Oxfordshire.

The resultant net employment floorspace needs are shown in the Table 8.14.

**Table 8.14: Net Employment Floorspace Needs (sq.m), 2021-40**

Sq.m	Office	R&D	Industry	Warehousing
<b>Cherwell - Low</b>	26,440	60,770	65,380	549,640
<b>Cherwell - High</b>	39,920	83,790	65,380	549,640
<b>Oxford - Low</b>	22,020	97,000	21,320	44,030
<b>Oxford - High</b>	36,140	157,130	21,320	49,460
<b>South - Low</b>	20,360	73,640	44,910	93,740
<b>South - High</b>	31,350	92,430	44,910	93,740
<b>Vale – Low</b>	39,330	39,110	39,780	149,590
<b>Vale – High</b>	52,830	60,330	39,780	149,590
<b>West – Low</b>	16,180	20,770	30,120	90,970
<b>West - High</b>	23,240	28,640	30,120	90,970
<b>Oxfordshire – Low</b>	124,330	291,290	201,510	927,970
<b>Oxfordshire - High</b>	183,480	422,310	201,510	933,400

## 8.7 Net to Gross Adjustments

**8.7.1** Net floorspace changes (as modelled above) can be expected to underestimate the overall volume of new development, as they take account of losses of employment floorspace. Evidently some redevelopment will take place on existing employment sites. However there can be losses of employment floorspace and land to other uses.

**8.7.2** There are generally different approaches which can be used to considering losses, including:

- Analysis of past trend data and inclusion of assumptions on expected replacement provision;
- Appraisal of sites and consideration of what employment land might expect to be lost and what re-provision is appropriate to address this.

**8.7.3** Iceni has not undertaken an assessment of existing supply, and the quality of this; and therefore is not in a position to draw firm conclusions on replacement provision. However we do have monitoring data on past losses and have therefore analysed this.

**8.7.4** To provide a basis for drawing quantitative conclusions on overall needs in this report, we have projected forwards past losses and assumed a 50% replacement



rate. Individual authorities may wish to consider this further based on more detailed consideration of the quality of existing supply.<sup>31</sup>

**8.7.5** For Cherwell and Oxford City we have had access to robust monitoring data on losses. This has therefore formed the basis for the calculations for these districts using data on losses over the last 10 years as shown in Table 8.15 and 8.16.

**Table 8.15: Indicative Allowance for Replacement of Losses in Cherwell and Oxford, 2021-40**

sqm	Office	R&D	Industrial	Warehouse
<b>Cherwell</b>	32011	0	61900	66226
<b>Oxford</b>	39873	124	14797	10057

**8.7.6** In the absence of robust data it has not been possible to robustly estimate losses for other areas. We have therefore sought to indicatively consider potential losses (at 50% of the historic rate over the last 10 years) using CoStar data on demolitions. This is shown below, but should be reviewed as appropriate through local studies in these areas.

**Table 8.16: Indicative Allowance for Replacement of Losses in Other Areas, 2021-40**

	Office	Industrial
<b>South Oxfordshire</b>	15,920	36,305
<b>Vale of White Horse</b>	3,235	3,148
<b>West Oxfordshire</b>	794	1353

**8.7.7** Replacement demand provision is a particular issue for the larger warehousing and distribution space. The average useful economic life of a warehouse building is typically around 30 years; however the capital value of stock built since 2000 means that over the plan period being considered there is little prospect of redevelopment of these units which would therefore more likely be refurbished.

**8.7.8** Across Oxfordshire, there is c. 370,000 sq.m floorspace in larger warehousing units which is pre-2000. This suggests that the potential that replacement of older warehousing units could generate additional demand for new floorspace. However it is feasible that this could occur, at least in part, through the in situ redevelopment of existing warehousing units particularly where these are at locations which relate well to the strategic road network, have good public transport accessibility and sufficient power capacity. These are issues which would be appropriately be considered further through either a specific warehousing study or individual local employment land reviews.

## 8.8 Margin to Provide Choice and Flexibility of Supply

**8.8.1** The final stage of the modelling has been to include a margin to ensure a flexible supply of employment land is maintained. This takes into account:

- The potential error margin associated with the forecasting process, and variance between different forecasting methodologies;

<sup>31</sup> The Oxford ELNA does not make assumptions on losses at this point but identifies this as an area where further work is required. The Cherwell EDNA assumes 100% replacement of losses based on historic trends from 2007-21

- The need to facilitate movement within the property market including the replacement of older outdated commercial space. The evidence points to tight market conditions, particularly for industrial provision, and case for providing some flexibility to allow vacancy levels to rise to market norms;
- The need for flexibility in the supply of land to allow for delays in individual sites coming forwards.

**8.8.2** It is normally reasonable to make provision for a 5-year margin based on gross development trends over a 20 year plan period. However, as land supply is particularly constrained within Oxford City and given the scale of recent industrial and warehouse development in Cherwell, we would concur with a more limited 2-year margin, as shown in Table 8.17. Individual local studies may want to consider the appropriate margin further, having regard to the nature of different local markets and indicators such as vacancy rates and availability for different employment uses.

**Table 8.17: Margin for Choice/ Flexibility**

	Offices	Labs	Industrial	Warehouse
<b>Oxford</b>	6790	8980	3830	360
<b>Cherwell</b>	12850	3700	61500	155990
<b>South Oxfordshire</b>	2510		300	4170
<b>Vale of White Horse</b>	10920		630	14170
<b>West Oxfordshire</b>	550		560	13500

## 8.9 Overall Employment Land Needs

**8.9.1** Drawing together the evidence of the net need, replacement allowance and margin, we have set out the overall employment floorspace and land needs generated in the tables below.

**8.9.2** To calculate a land need, we have assumed a plot ratio of 0.4 for industrial and warehouse development. For offices and labs/R&D in Oxford we have assumed 60% in business parks with a density of 1, and 40% in town centre locations with a plot ratio of 1.5. This generates a blended plot ratio of 1.2. In other areas (i.e. beyond Oxford City), we have assumed a plot ratio of 0.4 reflecting the balance towards business park development. The results are shown in Table 8.18.

**Table 8.18: Total Floorspace Needs, 2021-40**

	Office	R&D	Industry	Warehousing	Total
<b>Cherwell - Low</b>	65,240	69,750	131,110	616,230	882,330
<b>Cherwell - High</b>	78,720	92,770	131,110	616,230	918,830
<b>Oxford - Low</b>	74,750	100,820	97,610	210,080	483,260
<b>Oxford - High</b>	88,870	160,950	97,610	215,510	562,940
<b>South - Low</b>	38,790	73,640	81,510	97,910	291,850
<b>South - High</b>	49,780	92,430	81,510	97,910	321,630
<b>Vale – Low</b>	53,480	39,110	43,560	163,760	299,910
<b>Vale – High</b>	58,570	60,330	43,230	153,760	315,890
<b>West – Low</b>	17,530	20,770	32,040	104,470	174,810

<b>West – High</b>	24,590	28,640	32,040	104,470	189,740
<b>Oxfordshire - Low</b>	249,780	304,090	385,830	119,2450	213,2150
<b>Oxfordshire - High</b>	300,520	435,120	385,500	118,7880	230,9020

**Table 8.19: Total Employment Land Needs, 2021-40**

	<b>Office</b>	<b>R&amp;D</b>	<b>Industry</b>	<b>Ware-housing</b>	<b>Total</b>
<b>Cherwell - Low</b>	16.3	17.4	32.8	154.1	220.6
<b>Cherwell - High</b>	19.7	23.2	32.8	154.1	229.7
<b>Oxford - Low</b>	6.2	8.4	24.4	52.5	91.6
<b>Oxford - High</b>	7.4	13.4	24.4	53.9	99.1
<b>South - Low</b>	9.7	18.4	20.4	24.5	73.0
<b>South - High</b>	12.4	23.1	20.4	24.5	80.4
<b>Vale - Low</b>	13.4	9.8	10.9	40.9	75.0
<b>Vale - High</b>	14.6	15.1	10.8	38.4	79.0
<b>West - Low</b>	4.4	5.2	8.0	26.1	43.7
<b>West - High</b>	6.1	7.2	8.0	26.1	47.4
<b>Oxfordshire - Low</b>	50.0	59.2	96.5	298.1	503.8
<b>Oxfordshire - High</b>	60.3	82.0	96.4	297.0	535.6

**8.9.3** The figures set out relate to needs over the 2021-40 period. To calculate what levels of allocations are required, individual authorities can consider their pipeline employment land commitments against this to identify what further or additional provision is required.

## 9 Affordable Housing Need

### Introduction

**9.1.1** This section provides an assessment of the need for affordable housing in Oxfordshire and the five constituent local authorities. It follows the methodology set out in Planning Practice Guidance and is structured to consider the need for social/affordable rented housing; and secondly for affordable home ownership products.

**9.1.2** The affordable needs assessment is based on housing costs at the point in time of the assessment. House prices used are based on those for the year to March 2022. Entry level housing costs at the time of the assessment are as follows:

**Table 9.1: Lower Quartile Housing Costs, Year to March 2022**

	1-bedroom	2-bedrooms	3-bedrooms	4-bedrooms	All dwellings
Cherwell	£141,000	£218,000	£295,000	£418,000	£250,000
Oxford	£215,000	£279,000	£391,000	£489,000	£335,000
South Oxon	£172,000	£239,000	£382,000	£549,000	£320,000
VoWH	£154,000	£211,000	£321,000	£458,000	£275,000
West Oxon	£166,000	£221,000	£323,000	£438,000	£269,500

Source: Land Registry and Internet Price Search

Rental costs for the same time period are as follows:

**Table 9.2: Lower Quartile Market Rents, year to March 2022**

	Cherwell	Oxford	South Oxon	VoWH	West Oxon	Oxfordshire
Room only	£412	£510	£500	£575	£430	£475
Studio	£600	£725	£597	£660	£595	£625
1-bedroom	£700	£918	£765	£765	£725	£775
2-bedrooms	£850	£1,125	£950	£925	£875	£950
3-bedrooms	£1,050	£1,350	£1,150	£1,100	£1,125	£1,150
4-bedrooms	£1,450	£1,900	£1,650	£1,500	£1,500	£1,600
All properties	£825	£1,050	£895	£850	£850	£900

Source: ONS

**9.1.3** The affordable needs assessment compares housing costs to incomes. Median household incomes have been estimated as follows.

**Table 9.3: Estimated Median Household Income, mid 2022**

	Median income	As a % of County average
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Cherwell	£44,200	95%
Oxford	£44,000	95%
South Oxon	£50,200	108%
VoWH	£47,100	102%
West Oxon	£46,500	100%
Oxfordshire	£46,300	-

Source: ONS Household Finances Survey

## 9.2 Need for Social/Affordable Rented Housing

**9.2.1** The sections below work through the various stages of analysis to estimate the need for social/affordable housing in each local authority. Final figures are provided as an annual need (including an allowance to deal with current need). As per 2a-024 of the PPG, this figure can then be compared with likely delivery of affordable housing.

### Current Need

**9.2.2** In line with PPG paragraph 2a-020, the current need for affordable housing has been based on considering the likely number of households with one or more housing problems. The table below sets out the categories in the PPG and the sources of data being used to establish numbers. The PPG also includes a category where households cannot afford to own despite it being their aspiration – this category is considered separately in this report (under the title of the need for affordable home ownership).

**Table 9.4:** Main sources for assessing the current need for affordable housing

	Source	Notes
Homeless households (those in temporary accommodation)	MHCLG Statutory Homelessness data	Household in temporary accommodation at end of quarter.
Households in overcrowded housing	Census table LC4108EW	Analysis undertaken by tenure and updated by reference to national changes (from the English Housing Survey (EHS))
Concealed households	Census table LC1110EW	Number of concealed families
Existing affordable housing tenants in need	Modelled data linking to past survey analysis	Excludes overcrowded households – tenure estimates updated by reference to the EHS
Households from other tenures in need	Modelled data linking to past survey analysis	

Source: PPG [2a-020]

**9.2.3** It should be noted that there may be some overlap between categories (such as overcrowding and concealed households, whereby the overcrowding would be remedied if the concealed household moved). The data available does not enable analysis to be undertaken to study the impact of this and so it is possible that the figures presented include a small element of double counting (although this is likely to

be small). Additionally, some of the concealed households may be older people who have moved back in with their families and might not be considered as in need.

**9.2.4** Table 9.5 shows the initial estimate of the number of households within each local authority with a current housing need. These figures are before any ‘affordability test’ has been applied to assess the ability of households to meet their own housing needs; and has been termed ‘the number of households in unsuitable housing’. Overall, the analysis estimates that there are currently some 19,900 households living in unsuitable housing (or without housing).

**Table 9.5: Estimated Number of Households Living in Unsuitable Housing – Oxfordshire**

	Homeless/ concealed households	Households in overcrowded housing	Existing affordable housing tenants in need	Households from other tenures in need	Total
Cherwell	682	1,896	156	1,429	4,163
Oxford	965	3,856	268	1,878	6,967
South Oxon	535	1,436	140	1,238	3,349
VoWH	473	1,088	149	1,137	2,848
West Oxon	436	964	122	1,044	2,566
Oxfordshire	3,091	9,241	835	6,726	19,892

Source: MHCLG Live Tables, Census 2011 and Data Modelling

**9.2.5** The data modelling next estimates housing unsuitability by tenure. From the overall number in unsuitable housing, households living in affordable housing are excluded (as these households would release a dwelling on moving and so no net need for affordable housing will arise). The analysis also excludes 90% of owner-occupiers under the assumption (which is supported by analysis of survey data) that the vast majority will be able to afford housing once savings and equity are taken into account.

**9.2.6** A final adjustment is to slightly reduce the unsuitability figures in the private rented sector to take account of student-only households – such households could technically be overcrowded/living in unsuitable housing but would be unlikely to be allocated affordable housing (student needs are essentially assumed to be transient). Once these households are removed from the analysis, the remainder are taken forward for affordability testing.

**9.2.7** Table 9.6 shows it is estimated that there are around 11,400 households living in unsuitable housing (excluding current social tenants and the majority of owner-occupiers) in Oxfordshire.

**Table 9.6: Unsuitable Housing by Tenure and Number to Take Forward into Affordability Modelling (Oxfordshire)**

	In Unsuitable Housing	Number to Take Forward for Affordability Testing
Owner-occupied	4,578	458
Affordable housing	3,996	0
Private rented	8,227	7,833
No housing (homeless/concealed)	3,091	3,091
Total	19,892	11,382

Source: MHCLG Live Tables, Census 2011 and Data Modelling

**9.2.8** Having established this figure, it needs to be considered that a number of these households might be able to afford market housing without the need for subsidy. To consider this, the income data has been used, with the distribution adjusted to reflect a lower average income amongst households living in unsuitable housing which has been done drawing on data from the English Housing Survey.

**9.2.9** Just over half of households with a current need are estimated to be likely to have insufficient income to afford market housing and so **the estimate of the total current need is around 6,300 households across the County** – much of the need estimated to be arising in the City. Table 9.7 shows how this is estimated to vary by local authority.

**Table 9.7: Estimated Current Affordable Housing Need (for social/affordable rented housing)**

	In unsuitable housing (taken forward for affordability test)	% Unable to Afford Market Housing (without subsidy)	Revised Gross Need (including Affordability)
Cherwell	2,467	51.8%	1,277
Oxford	4,081	62.5%	2,552
South Oxon	1,814	50.3%	913
VoWH	1,542	51.2%	790
West Oxon	1,478	51.4%	760
Oxfordshire	11,382	55.3%	6,292

Source: CLG Live Tables, Census 2011 and Data Modelling

**9.2.10** The estimated figures shown above represents the number of households with a need currently. For the purposes of analysis, it is assumed that the local authorities would seek to meet this need over a period of time. To be consistent with the main period studied in the demographic projections (a ten-year period from 2022 to 2032) the need is annualised by dividing by 10 (to give an annual need for 629 dwellings across all areas). This does not mean that some households would be expected to wait 10-years for housing as the need is likely to be dynamic, with households leaving the current need as they are housed but with other households developing a need over time.

### 9.3 Newly Forming Households

**9.3.1** The number of newly forming households has been estimated through demographic modelling with an affordability test also being applied. This has been undertaken by considering the changes in households in specific 5-year age bands relative to numbers in the age band below, 5 years previously, to provide an estimate of gross household formation.

**9.3.2** In assessing the ability of newly forming households to afford market housing, data has been drawn from previous surveys undertaken nationally by JGC. This establishes that the average income of newly forming households is around 84% of the figure for all households. The analysis has therefore adjusted the overall household income data to reflect the lower average income for newly forming households. The adjustments have been made by changing the distribution of income by bands such that average income level is 84% of the all household average. In doing this it is possible to calculate the proportion of households unable to afford market housing. For the purposes of the need for social/affordable rented housing this will relate to households unable to afford to buy OR rent in the market.

**9.3.3** The assessment suggests overall that around two-fifths of newly forming households will be unable to afford market housing (to rent privately) and this equates a total of 2,700 newly forming households will have a need per annum on average across the County – Table 9.8 provides a breakdown by local authority.

**Table 9.8: Estimated Need for Social/Affordable Rented Housing from Newly Forming Households (per annum) – Oxfordshire**

	Number of new households	% unable to afford	Annual newly forming households unable to afford to rent
Cherwell	1,523	43.3%	659
Oxford	1,000	56.7%	567
South Oxon	1,265	41.1%	520
VoWH	1,365	41.5%	567
West Oxon	863	42.3%	365
Oxfordshire	6,016	44.5%	2,678

Source: Projection Modelling/Affordability Analysis

### Existing Households Falling into Affordable Housing Need

**9.3.4** The second element of newly arising need is existing households falling into need. To assess this, information about past lettings in social/affordable rented has been used. The assessment looked at households who have been housed in general needs housing over the past three years – this group will represent the flow of households onto the Housing Register over this period. From this, newly forming households (e.g. those currently living with family) have been discounted as well as households who have transferred from another social/affordable rented property. An affordability test has also been applied. Following the analysis through suggests a need arising from 616 existing households each year across the County, with



approaching a third of these households being in Oxford. Table 9.9 below breaks this down by local authority.

**Table 9.9: Estimated Need for Social/Affordable Rented Housing from Existing Households Falling into Need (per annum) – Oxfordshire**

	Total Additional Need	% of Total
Cherwell	161	26.1%
Oxford	188	30.5%
South Oxon	88	14.3%
VoWH	110	17.8%
West Oxon	69	11.2%
Oxfordshire	616	100.0%

Source: Derived from a range of sources

### Supply of Social/Affordable Rented Housing Through Relets

**9.3.5** The future supply of affordable housing through relets is the flow of affordable housing arising from the existing stock that is available to meet future need. This focusses on the annual supply of social/affordable rent relets. The Practice Guidance suggests that the estimate of likely future relets from the social rented stock should be based on past trend data which can be taken as a prediction for the future. Information from CoRe has been used to establish past patterns of social housing turnover. The figures are for general needs lettings but exclude lettings of new properties and also exclude an estimate of the number of transfers from other social rented homes. These exclusions are made to ensure that the figures presented reflect relets from the existing stock.

**9.3.6** On the basis of past trend data it has been estimated that 1,157 units of social/affordable rented housing are likely to become available each year moving forward for occupation by households in need. The full breakdown is shown in Table 9.10.

**Table 9.10: Analysis of Past Social/Affordable Rented Housing Supply, 2018/19 – 2020/21 (average per annum) – Oxfordshire**

	Total Lettings	% as Non-New Build	Lettings in Existing Stock	% Non-Transfers	Lettings to New Tenants
Cherwell	631	64.4%	407	70.7%	288
Oxford	509	92.7%	472	57.3%	270
South Oxon	524	62.2%	326	61.0%	199
VoWH	699	64.7%	452	57.3%	259
West Oxon	374	61.2%	229	61.9%	142
Oxfordshire	2,736	68.9%	1,885	61.4%	1,157

Source: CoRe/LAHS

**9.3.7** The PPG model also includes the bringing back of vacant homes into use and the pipeline of affordable housing as part of the supply calculation. These have however not been included within the modelling in this report. Firstly, there is no evidence of any substantial stock of vacant homes (over and above a level that might be expected to allow movement in the stock). Secondly, with the pipeline supply, it is

not considered appropriate to include this as to net off new housing would be to fail to show the full extent of the need, although in monitoring it will be important to net off these dwellings as they are completed.

### Net Need for Social/Affordable rented Housing

**9.3.8** Table 9.11 shows the overall calculation of affordable housing need. The analysis shows that **there is a need for around 2,800 social or affordable rented homes per annum** across the area – an affordable need is seen in all local authorities. The net need is calculated as follows:

$$\text{Net Need} = \text{Current Need (allowance for)} + \text{Need from Newly-Forming Households} + \text{Existing Households falling into Need} - \text{Supply of Affordable Housing}$$

**Table 9.11: Estimated Need for Social/Affordable Rented Housing by local authority (per annum)**

	Current need	Newly forming households	Existing households falling into need	Total Gross Need	Relet Supply	Net Need
Cherwell	128	659	161	948	288	660
Oxford	255	567	188	1,010	270	740
South Oxon	91	520	88	700	199	501
VoWH	79	567	110	756	259	497
West Oxon	76	365	69	510	142	368
Oxfordshire	629	2,678	616	3,924	1,157	2,767

Source: Range of sources

## 9.4 Split Between Social and Affordable Rented Housing

**9.4.1** Typically, there are two main types of rented affordable accommodation (social and affordable rented) with the analysis below initially considering what a reasonable split might be between these two tenures.

**9.4.2** An analysis has been undertaken to compare the income distribution of households with the cost of different products. Data about average social and affordable rents has been taken from the Regulator of Social Housing (RSH) and this is compared with lower quartile and median market rents (from ONS data). This analysis, as set out in Tables 9.12 to 9.16, shows that social rents are lower than affordable rents; the analysis also shows that affordable rents are less than both lower quartile and median market rents – the data is fairly consistent across areas.

**Table 9.12: Comparison of rent levels for different products – Cherwell (2020/21)**

	Social rent	Affordable rent (AR)	Lower quartile (LQ) market rent	Median market rent	AR as % of LQ	AR as % of median
1-bedroom	£386	£549	£700	£780	78%	70%
2-bedrooms	£444	£681	£850	£950	80%	72%
3-bedrooms	£483	£768	£1,050	£1,200	73%	64%
4-bedrooms	£553	£984	£1,450	£1,688	68%	58%
All	£460	£703	£825	£975	85%	72%

Source: RSH and ONS

**Table 9.13: Comparison of rent levels for different products – Oxford (2020/21)**

	Social rent	Affordable rent (AR)	Lower quartile (LQ) market rent	Median market rent	AR as % of LQ	AR as % of median
1-bedroom	£418	£666	£918	£1,050	73%	63%
2-bedrooms	£500	£765	£1,125	£1,250	68%	61%
3-bedrooms	£556	£871	£1,350	£1,500	64%	58%
4-bedrooms	£613	£1,297	£1,900	£2,288	68%	57%
All	£498	£763	£1,050	£1,275	73%	60%

Source: RSH and ONS

**Table 9.14: Comparison of rent levels for different products – South Oxfordshire (2020/21)**

	Social rent	Affordable rent (AR)	Lower quartile (LQ) market rent	Median market rent	AR as % of LQ	AR as % of median
1-bedroom	£406	£617	£765	£825	81%	75%
2-bedrooms	£472	£750	£950	£1,025	79%	73%
3-bedrooms	£532	£923	£1,150	£1,350	80%	68%
4-bedrooms	£605	£1,133	£1,650	£2,200	69%	52%
All	£488	£787	£895	£1,100	88%	72%

Source: RSH and ONS

**Table 9.15: Comparison of rent levels for different products – Vale of White Horse (2020/21)**

	Social rent	Affordable rent (AR)	Lower quartile (LQ) market rent	Median market rent	AR as % of LQ	AR as % of median
1-bedroom	£396	£577	£765	£825	75%	70%
2-bedrooms	£450	£728	£925	£1,025	79%	71%
3-bedrooms	£516	£851	£1,100	£1,250	77%	68%
4-bedrooms	£578	£993	£1,500	£1,795	66%	55%
All	£470	£748	£850	£1,025	88%	73%

Source: RSH and ONS

**Table 9.16: Comparison of rent levels for different products – West Oxfordshire (2020/21)**

	Social rent	Affordable rent (AR)	Lower quartile (LQ) market rent	Median market rent	AR as % of LQ	AR as % of median
1-bedroom	£408	£586	£725	£775	81%	76%
2-bedrooms	£474	£731	£875	£940	84%	78%
3-bedrooms	£515	£846	£1,125	£1,295	75%	65%
4-bedrooms	£568	£1,066	£1,500	£1,895	71%	56%
All	£482	£748	£850	£1,000	88%	75%

Source: RSH and ONS

**9.4.3** For the affordability test, a standardised average rent for each product has been used (based on the proportion of stock in each size category). Table 9.17 below suggests that around 30% of households who cannot afford to rent privately could afford an affordable rent, with a further 37% being able to afford a social rent (but not an affordable one). A total of 33% of households would need some degree of benefit support to be able to afford their housing (regardless of the tenure).

**Table 9.17: Estimated need for affordable rented housing (% of households able to afford)**

	Afford affordable rent	Afford social rent	Need benefit support	All unable to afford market
Cherwell	30%	36%	34%	100%
Oxford	35%	32%	33%	100%
South Oxon	26%	41%	32%	100%
VoWH	28%	39%	33%	100%
West Oxon	26%	39%	36%	100%
Oxfordshire	30%	37%	33%	100%

Source: Affordability analysis

**9.4.4** The finding that only 30% of households can afford an affordable rent does not automatically lead to a policy conclusion on the split between the two types of housing. For example, many households who will need to access rented

accommodation will be benefit dependent and as such could technically afford an affordable rent – hence a higher proportion of affordable rented housing might be appropriate – indeed the analysis does identify a substantial proportion of households as being likely to need benefit support. On the flip side, providing more social rents might enable households to return to work more easily, as a lower income would potentially be needed to afford the lower social (rather than affordable) rent.

**9.4.5** There will be a series of other considerations both at a strategic level and for specific schemes. For example, there may be funding streams that are only available for a particular type of housing, and this may exist independently to any local assessment of need. Additionally, there will be the consideration of the balance between the cost of housing and the amount that can be viably provided, for example, it is likely that affordable rented housing is more viable, and therefore a greater number of units could be provided. Finally, in considering a split between social and affordable rented housing it needs to be considered that having different tenures on the same site (at least at initial occupation) may be difficult – e.g. if tenants are paying different rent for essentially the same size/type of property and services.

**9.4.6** On this basis, **it is not recommended that the Councils have a rigid policy for the split between social and affordable rented housing**, although the analysis is clear that both tenures of homes are likely to be required in all areas. On the basis of the analysis it would be sensible to provide at least a third of rented affordable housing at social rent levels, whilst 30-35% could be delivered at affordable rents. The appropriate proportion for the remainder of the rented affordable homes could be determined by local priorities – there is a case for higher provision of social rented properties, but this needs to be balanced against viability considerations.

## 9.5 Establishing a Need for Affordable Home Ownership

**9.5.1** The Planning Practice Guidance confirms a widening definition of those to be considered as in affordable need; now including ‘households which can afford to rent in the private rental market, but cannot afford to buy despite a preference for owning their own home’. However, at the time of writing, there is no guidance about how the number of such households should be measured.

**9.5.2** The methodology used in this report therefore draws on the current methodology, and includes an assessment of current needs, and projected need (newly forming and existing households). The key difference is that in looking at affordability an estimate of the number of households in the ‘gap’ between buying and renting is used. There is also the issue of establishing an estimate of the supply of affordable home ownership homes – this is considered separately below.

**9.5.3** The analysis has been developed in the context of First Homes with the Government proposing that 25% of all affordable housing secured through developer contributions should be within this tenure. A definition of First Homes (from the relevant PPG (70-001)) can be found later in this document.

### Gross Need for Affordable Home Ownership

**9.5.4** The first part of the analysis seeks to understand what the gap between renting

and buying actually means in the County – in particular establishing the typical incomes that might be required. The information about incomes required to both buy and rent in different locations has already been provided earlier in this section and so the discussion below is a broad example.

**9.5.5** Using the income distributions developed (as set out earlier in this section) along with data about price and rents, it has been estimated that of all households living in the private rented sector, around 31% already have sufficient income to buy a lower quartile home, with 26% falling in the rent/buy 'gap'. The final 43% are estimated to have an income below which they cannot afford to rent privately (i.e. would need to spend more than the calculated threshold of their income on housing costs) although in reality it should be noted that many households will spend a higher proportion of their income on housing.

**9.5.6** These figures have been based on an assumption that incomes in the private rented sector are around 88% of the equivalent figure for all households (a proportion derived from the English Housing Survey) and are used as it is clear that affordable home ownership products are likely to be targeted at households living in or who might be expected to access this sector (e.g. newly forming households).

**9.5.7** Table 9.18 shows an estimate of the proportion of households living in the private rented sector who are able to afford different housing products by local authority. This shows a higher proportion of households in the rent/buy gap in South Oxfordshire. Lower figures can be seen in Cherwell and Oxford.

**Table 9.18: Estimated proportion of households living in Private Rented Sector able to buy and/or rent market housing – Oxfordshire**

	Can afford to buy OR rent	Can afford to rent but not buy	Cannot afford to buy OR rent
Cherwell	36%	23%	41%
Oxford	22%	23%	54%
South Oxon	30%	32%	39%
VoWH	34%	26%	39%
West Oxon	35%	25%	40%
Oxfordshire	31%	26%	43%

*Source: Derived from Housing Market Cost Analysis and Affordability Testing*

**9.5.8** The finding that a significant proportion of households in the private rented sector are likely to have an income that would allow them to buy a home is also noteworthy and suggests that for many households, barriers to accessing owner-occupation are less about income/the cost of housing and more about other factors (which could for example include the lack of a deposit or difficulties obtaining a mortgage (for example due to a poor credit rating or insecure employment)). However, some households will choose to privately rent, for example as it is a more flexible option that may be more suitable for a particular household's life stage (e.g. if moving locations with employment).

**9.5.9** To study current need, an estimate of the number of household living in the Private Rented Sector (PRS) has been established, with the same (rent/buy gap)

affordability test (as described above) then applied. The start point is the number of households living in private rented accommodation; as of the 2011 Census there were some 45,200 households living in the sector across the County. Data from the English Housing Survey (EHS) suggests that since 2011, the number of households in the PRS has risen by about 19% - if the same proportion is relevant to Oxfordshire then the number of households in the sector would now be around 53,700.

**9.5.10** Additional data from the EHS suggests that 60% of all PRS households expect to become an owner at some point (32,200 households if applied to Oxfordshire) and of these some 40% (12,900 households) would expect this to happen in the next 2-years. These figures are taken as the number of households potentially with a current need for affordable home ownership before any affordability testing.

**9.5.11** On the basis of income it is estimated that around 26% of the Private Rented Sector sit in the gap between renting and buying (varying depending on location). Applying this proportion to the above figures would suggest a current need for around 3,300 affordable home ownership units (328 per annum if annualised over a 10-year period).

**9.5.12** In projecting forward, the analysis can consider newly forming households and also the remaining existing households who expect to become owners further into the future. Applying the same affordability test (albeit on a very slightly different income assumption for newly forming households) suggests an annual need from these two groups of around 2,058 dwellings (1,567 from newly forming households and 491 from existing households in the private rented sector).

**9.5.13** Bringing together the above analysis suggests that there is a need for around 2,386 affordable home ownership homes (priced for households able to afford to rent but not buy) per annum across the County. This is before any assessment of the potential supply of housing is considered. These results are shown in Table 9.19.

**Table 9.19: Estimated Gross Need for Affordable Home Ownership by local authority (per annum) – Oxfordshire**

	Current need	Newly forming households	Existing households falling into need	Total Gross Need
Cherwell	61	355	91	507
Oxford	105	230	157	492
South Oxon	65	400	98	563
VoWH	51	363	76	489
West Oxon	46	220	69	336
Oxfordshire	328	1,567	491	2,386

Source: Range of sources

### Potential Supply of Housing to Meet the Affordable Home Ownership Need and Net Need

**9.5.14** As with the need for social/affordable rented housing, it is also necessary to consider if there is any supply of affordable home ownership products from the existing stock of housing. One source is likely to be resales of low cost home



ownership products with data from the Regulator of Social Housing showing a total stock in 2021 of 4,626 homes. If these homes were to turnover at the same rate seen for the social housing stock then they would be expected to generate around 126 resales each year. These properties would be available for these households and can be included as the potential supply.

**9.5.15** In addition, it should be noted that the analysis looks at households unable to afford a lower quartile property price. By definition, a quarter of all homes sold will be priced at or below a lower quartile level. According to the Land Registry, in Oxfordshire there were a total of 9,120 resales (i.e. excluding newly-built homes) in the last year (year to March 2022) and therefore around 2,280 would be priced below the lower quartile. This is 2,280 homes that would potentially be affordable to the target group for affordable home ownership products and is a potential supply that is similar to the level of need calculated.

**9.5.16** It is then possible to provide a best estimate of the supply of lower quartile homes that are bought by the target group of households (assumed to be first-time buyers). Whilst dated, a report by Bramley and Wilcox in 2010 (Evaluating requirements for market and affordable housing) noted that around 40% of first-time buyers with a mortgage buy at or below the lower quartile<sup>32</sup>. Other recent data suggests that first time buyers account for around half of home purchase loans<sup>33</sup> with a total of around 65% of all homes being bought with a loan (35% as cash buyers<sup>34</sup>).

**9.5.17** Bringing this together would point to 32.5% of homes being bought by first-time buyers and around 13% of all homes being a lower quartile home bought by a first-time buyer ( $32.5\% \times 40\%$ ) – this would point to around half of all lower quartile sales as being to first-time buyers (as half of 25% is 12.5%). Therefore, for the purposes of estimating a 'need' half of all lower quartile sales are included in the supply.

**9.5.18** We can therefore now provide three supply estimates which can be considered in the context of the estimated need. These are:

- Only count the supply from affordable home ownership resales (126 per annum);
- Include the supply from affordable home ownership and half of resales of lower quartile homes (1,266 per annum (1,140+126)); and
- Include the supply from affordable home ownership and all resales of lower quartile homes (2,406 per annum (2,280+126)).

**9.5.19** Table 9.20 shows the estimated net need from applying these three supply scenarios. Only including the resales of AHO shows a need for 2,260 dwellings per annum and this reduces to a need for 1,120 per annum if 50% of lower quartile sales are included. If all lower quartile sales are included in the supply, then there is a small

<sup>32</sup> [https://thinkhouse.org.uk/site/assets/files/1614/2010\\_20nhpau\\_202.pdf](https://thinkhouse.org.uk/site/assets/files/1614/2010_20nhpau_202.pdf)

<sup>33</sup> <https://www.mortgagesolutions.co.uk/news/2022/01/24/first-time-buyer-numbers-rose-to-nearly-410000-in-2021/#:~:text=First%2Dtime%20buyers%20accounted%20for,39%20per%20cent%20in%202009>

<sup>34</sup> <https://www.ft.com/content/e0ad2830-094f-4e61-acaa-d77457e2edbb>



surplus of affordable home ownership shown. Overall, the analysis shows it is difficult to conclude what the need for affordable home ownership is (and indeed if there is one).

**Table 9.20: Estimated Need for Affordable Home Ownership (per annum)**

	AHO resales only	AHO resales plus 50% of LQ sales	AHO resales plus 100% of LQ sales
Total gross need	2,386	2,386	2,386
LCHO supply	126	1,266	2,406
Net need	2,260	1,120	-20

Source: Range of sources

**9.5.20** Focussing on the middle of the three scenarios above (50% of lower quartile sales) the table below shows a need for affordable home ownership in all. It should be noted that the areas where the need for AHO is highest (notably Oxford) also show a high need for rented affordable housing.

**Table 9.21: Estimated Need for Affordable Home Ownership by sub-area (per annum)**

	Total Gross Need	Supply	Net need
Cherwell	507	314	193
Oxford	492	175	317
South Oxon	563	294	269
VoWH	489	263	226
West Oxon	336	220	115
Oxfordshire	2,386	1,266	1,120

Source: Derived from a range of sources

## 9.6 Implications of the Analysis

**9.6.1** Given the analysis above, it would be reasonable to conclude that there is a need to provide housing under the definition of ‘affordable home ownership’ – although this conclusion is based on only considering supply from resales of low cost home ownership and some resales of existing homes in the market. If supply estimates are expanded to include all market housing for sale below a lower quartile price then the need for AHO is less clear-cut.

**9.6.2** Regardless, it does seem that there are many households in Oxfordshire who are being excluded from the owner-occupied sector. This can be seen by analysis of tenure change (Table 9.22), which saw the number of households living in private rented accommodation increasing by 48% from 2001 to 2011 (with the likelihood that there have been further increases since). Over the same period, the number of owners with a mortgage dropped by 11%. That said, some households will choose to privately rent, for example as it is a more flexible option that may be more suitable for a particular household’s life stage (e.g. if moving locations with employment).

**Table 9.22: Change in number of owner-occupiers with a mortgage and number of households in the private rented sector (2001-11)**

	Owners with a mortgage				Private rented			
	2001	2011	Change	% change	2001	2011	Change	% change
Cherwell	25,376	21,791	-3,585	-14.1%	5,432	9,206	3,774	69.5%
Oxford	14,036	12,596	-1,440	-10.3%	10,784	15,634	4,850	45.0%
South Oxon	22,683	19,348	-3,335	-14.7%	5,199	7,211	2,012	38.7%
VoWH	19,045	17,046	-1,999	-10.5%	4,817	6,733	1,916	39.8%
West Oxon	15,874	15,226	-648	-4.1%	4,246	6,423	2,177	51.3%
Oxfordshire	97,014	86,007	-11,007	-11.3%	30,478	45,207	14,729	48.3%

Source: Census (2001 and 2011)

**9.6.3** On this basis, and as previously noted, it seems likely in Oxfordshire that access to owner-occupation is being restricted by access to capital (e.g. for deposits, stamp duty, legal costs) as well as potentially some mortgage restrictions (e.g. where employment is temporary) rather than just being due to the cost of housing to buy (although this will also be a factor).

**9.6.4** The NPPF indicates that 10% of all new housing (on larger sites) should be for affordable home ownership (in other words, if 20% of homes were to be affordable, then half would be affordable home ownership) unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. It is now the case that policy compliant planning applications would be expected to deliver a minimum of 25% affordable housing as First Homes (as a proportion of the total affordable housing), with Councils being able to specify the requirement for any remaining affordable housing (subject to at least 10% of all housing being for AHO). If for instance the AHO need of 193 per annum is compared to the 2021 Census adjusted figure for Cherwell of 1081 dpa, provision of 10% of homes on eligible sites for affordable home ownership would be justified as sufficient need is identified in line with NPPF Para 65.

**9.6.5** Whilst there are clearly many households in the gap between renting and buying, they in some cases will be able to afford homes below lower quartile housing costs. That said, it is important to recognise that some households will have insufficient savings to be able to afford to buy a home on the open market (particularly in terms of the ability to afford a deposit) and low-cost home ownership homes – and shared ownership homes in particular – will therefore continue to play a role in supporting some households in this respect.

**9.6.6** The evidence points to a clear and acute need for rented affordable housing for lower income households, and it is important that a supply of rented affordable housing is maintained to meet the needs of this group including those to which the authorities have a statutory housing duty. Such housing is notably cheaper than that available in the open market and can be accessed by many more households (some of whom may be supported by benefit payments). It is important in providing homes for those who have few other options.

**9.6.7** There will also be a role for AHO on any 100% affordable housing schemes that may come forward (as well as through Section 106). Including a mix of both rented

and intermediate homes to buy would make such schemes more viable, as well as enabling a range of tenures and therefore potential client groups to access housing.

**9.6.8** In addition, it should also be noted that the finding of a ‘need’ for affordable home ownership does not have any impact on the overall need for housing. It seems clear that this group of households is simply a case of seeking to move households from one tenure to another (in this case principally from private renting to owner-occupation); there is therefore no net change in the total number of households, or the number of homes required.

## **9.7 How Much Should Affordable Home Ownership Cost?**

**9.7.1** The analysis and discussion above suggest that there are a number of households likely to fall under the PPG definition of needing affordable home ownership (including First Homes) – i.e. in the gap between renting and buying – but that the potential supply of low-cost housing to buy makes it difficult to fully quantify this need. However, given the NPPF, the Councils are likely to need to consider some additional homes on larger sites as some form of affordable home ownership (AHO).

**9.7.2** The analysis below focusses on the cost of discounted market sale (which would include First Homes) to make them genuinely affordable before moving on to consider shared ownership (in this case suggestions are made about the equity shares likely to be affordable and whether these shares are likely to be offered). It is considered that First Homes and shared ownership are likely to be the main affordable home ownership tenures moving forward although it is accepted that some delivery may be of other products. This section also provides some comments about Rent to Buy housing.

**9.7.3** The reason for the analysis to follow is that it will be important for the Councils to ensure that any affordable home ownership is sold at a price that is genuinely affordable for the intended target group – for example there is no point in discounting a new market home by 30% if the price still remains above that for which a reasonable home can already be bought in the open market.

### **Discounted Market Sales Housing (focussing on First Homes)**

**9.7.4** In May 2021, MHCLG published a new Planning Practice Guidance (PPG) regarding First Homes. The key parts of this guidance are set out below:

*First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of ‘affordable housing’ for planning purposes. Specifically, First Homes are discounted market sale units which:*

- a) must be discounted by a minimum of 30% against the market value;*
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);*
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,*

*d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).*

*First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.*

**9.7.5** In terms of eligibility criteria, a purchaser should be a first-time buyer with a combined annual household income not exceeding £80,000 (or £90,000 in Greater London) and a mortgage needs to fund a minimum of 50% of the discounted purchase price. Local authorities can set their own eligibility criteria, which could for example involve lower income caps, a local connection test, or criteria based on employment status. Regarding discounts, a First Home must be sold at least 30% below the open market value. However, local authorities do have the discretion to require a higher minimum discount of either 40% or 50% (if they can demonstrate a need for this).

**9.7.6** As noted above, the problem with having a percentage discount is that it is possible in some locations or types of property that such a discount still means that the discounted housing is more expensive than that typically available in the open market. This is often the case as new build housing itself attracts a premium. The preferred approach in this report is to set out a series of purchase costs for different sizes of accommodation which ensure these products are affordable for the intended group. These purchase costs are based on current lower quartile rental prices and also consideration of the income required to access the private rented sector and then estimating what property price this level of income might support (assuming a 10% deposit and a 4.5 times mortgage multiple). Below is an example of a calculation based on a 2-bedroom home in Cherwell:

- Previous analysis has shown that the lower quartile rent for a 2-bedroom home in Cherwell is £850 per month;
- On the basis of a household spending no more than 30% of their income on housing, a household would need an income of around £2,833 per month to afford ( $£850/0.30$ ) or £34,000 per annum; and
- With an income of £34,000, it is estimated that a household could afford to buy a home for around £170,000. This is based on assuming a 10% deposit (mortgage for 90% of value) and a four and a half times mortgage multiple – calculated as  $£34,000 \times 4.5/0.9$ .

**9.7.7** Therefore, £170,000 is a suggested purchase price to make First Homes/discounted home ownership affordable for households in the rent/buy gap in Cherwell. This figure is essentially the equivalent price that is affordable to a household who can just afford to rent privately. In reality, there will be a range of incomes in the rent/buy gap and so some households could afford a higher price; however, setting all homes at a higher price would mean that some households will still be unable to afford.

**9.7.8** On this basis, it is considered reasonable to look at the cost of First Homes as a range, from the equivalent private rent figure up to a midpoint of the cost of open market purchase and the relevant private rented figure (for a 2-bedroom home the lower quartile price is this is £218,000, giving a midpoint of £194,000). The use of a midpoint would mean that only around half of households in the rent/buy gap could afford, and therefore any housing provided at such a cost would need to also be supplemented by an equivalent number at a lower cost (which might include other tenures such as shared ownership).

**9.7.9** Tables 9.23 to 9.27 therefore set out a suggested purchase price for affordable home ownership/First Homes in each area. The tables also show an estimated OMV and the level of discount likely to be required to achieve affordability. The OMV is based on taking the estimated lower quartile price by size and adding 15% (which is the typically newbuild premium seen nationally). It should be noted that the discounts are based on the OMV as estimated, in reality the OMV might be different for specific schemes and therefore the percentage discount would not be applicable. For example, if the OMV for a 2-bedroom home in Cherwell were to be £300,000 (rather than the modelled £251,000), the discount would be in the range of 35% and 43%.

**9.7.10** On the basis of the specific assumptions used, the analysis points to a discount of around 30% for 2-bedroom homes and a figure of around 40% for larger (3+-bedroom) properties on the OMV to make homes genuinely affordable. **Given that a single discount figure is likely to be needed for plan making purposes it is suggested that a 30% discount is reasonable in Cherwell, with the expectation that most First Homes will be 2-bedroom.**

**9.7.11** Property values indicate it will not be viable to provide significant levels of larger properties as First Homes. In Oxford, given that First Home sales values are capped at £250,000, a 40% discount will be necessary to achieve sales values of under £250,000 in many instances and this is therefore an appropriate policy basis.

**9.7.12** In doing so we recognise the more acute need for other forms of affordable housing, in particular for rented provision. Setting a discount for First Homes at a higher level would potentially impact negatively on viability and therefore reduce delivery of other forms of affordable homes which meet more acute needs. Given there is a cap of £250,000 on the purchase price, it seems unlikely that 3+-bedroom homes could be provided as First Homes in some locations (notably Oxford).

**9.7.13** Oxford City Council has set out its policies for First Homes in its First Homes Policy Statement (TAN16, March 2022).

**Table 9.23: Affordable home ownership prices – data for year to March 2022 – Cherwell**

	Affordable Price	Estimated newbuild OMV	Discount required
1-bedroom	£140,000-£140,500	£162,200	13%-14%
2-bedrooms	£170,000-£194,000	£250,700	23%-32%
3-bedrooms	£210,000-£252,500	£339,300	26%-38%
4+-bedrooms	£290,000-£354,000	£480,700	26%-40%

Source: Derived from a range of sources

**Table 9.24: Affordable home ownership prices – data for year to March 2022 – Oxford**

	Affordable Price	Estimated newbuild OMV	Discount required
1-bedroom	£183,600-£199,300	£247,300	19%-26%
2-bedrooms	£225,000-£252,000	£320,900	21%-30%
3-bedrooms	£270,000-£330,500	£449,700	26%-40%
4+-bedrooms	£380,000-£434,500	£562,400	23%-32%

Source: Derived from a range of sources

**Table 9.25: Affordable home ownership prices – data for year to March 2022 – South Oxfordshire**

	Affordable Price	Estimated newbuild OMV	Discount required
1-bedroom	£153,000-£162,500	£197,800	18%-23%
2-bedrooms	£190,000-£214,500	£274,900	22%-31%
3-bedrooms	£230,000-£306,000	£439,300	30%-48%
4+-bedrooms	£330,000-£439,500	£631,400	30%-48%

Source: Derived from a range of sources

**Table 9.26: Affordable home ownership prices – data for year to March 2022 – Vale of White Horse**

	Affordable Price	Estimated newbuild OMV	Discount required
1-bedroom	£153,000-£153,500	£177,100	13%-14%
2-bedrooms	£185,000-£198,000	£242,700	18%-24%
3-bedrooms	£220,000-£270,500	£369,200	27%-40%
4+-bedrooms	£300,000-£379,000	£526,700	28%-43%

Source: Derived from a range of sources

**Table 9.27: Affordable home ownership prices – data for year to March 2022 – West Oxfordshire**

	Affordable Price	Estimated newbuild OMV	Discount required
1-bedroom	£145,000-£155,500	£190,900	19%-24%
2-bedrooms	£175,000-£198,000	£254,200	22%-31%
3-bedrooms	£225,000-£274,000	£371,500	26%-39%
4+-bedrooms	£300,000-£369,000	£503,700	27%-40%

Source: Derived from a range of sources

## Shared Ownership

**9.7.14** Whilst the Government has a clear focus on First Homes, they also see a continued role for Shared Ownership, launching a ‘New Model for Shared Ownership’ in early 2021 (following a 2020 consultation) – this includes a number of proposals, with the main one for the purposes of this assessment being the reduction of the minimum initial share from 25% to 10%. A key advantage of shared ownership over other tenures is that a lower deposit is likely to be required than for full or discounted purchase. Additionally, the rental part of the cost will be subsidised by a Registered Provider and therefore keeps monthly outgoings down.

**9.7.15** For the purposes of the analysis in this report it is considered that for shared ownership to be affordable, total outgoings should not exceed that needed to rent



privately.

**9.7.16** Because shared ownership is based on buying part of a property, it is the case that the sale will need to be at open market value. Where there is a large gap between the typical incomes required to buy or rent, it may be the case that lower equity shares are needed for homes to be affordable (at the level of renting privately). The analysis below therefore seeks to estimate the typical equity share that might be affordable for different sizes of property with any share lower than 10% likely to be unavailable. The key assumptions used in the analysis are:

- OMV at LQ price plus 15% (reflecting likelihood that newbuild homes will have a premium attached and that they may well be priced above a LQ level) – it should be noted that this is an assumption for modelling purposes and consideration will need to be given to the OMV of any specific product;
- 10% deposit on the equity share;
- Rent at 2.75% pa on unsold equity;
- Repayment mortgage over 25-years at 4%;
- Service charge of £100 per month for flatted development (assumed to be 1- and 2-bedroom homes); and
- It is also assumed that shared ownership would be priced for households sitting towards the bottom end of the rent/buy gap and so the calculations assume that total outgoings should be no higher than the equivalent private rent (lower quartile) cost for that size of property;

**9.7.17** Tables 9.28 to 9.32 show that to make shared ownership affordable, equity shares in the region of 30% could work for most sizes of home in most locations, however, much lower shares are likely to be needed to make homes affordable for some dwelling sizes/locations (notably 3+-bedroom homes in South Oxfordshire). Overall, it is suggested that equity shares of around 30% should be considered but that it will be important to make sure the actual cost to the household is genuinely affordable in a local context.

**9.7.18** It should also be noted that the analysis below is predicated on a particular set of assumptions (notably about likely OMV). In reality costs do vary across the area and will vary from site to site. Therefore, this analysis should be seen as indicative with specific schemes being tested individually to determine if the product being offered is genuinely (or reasonably) affordable.

**Table 9.28: Estimated Affordable Equity Share by Size – Cherwell**

	1-bedroom	2-bedrooms	3-bedrooms	4-bedrooms
OMV	£162,200	£250,700	£339,300	£480,700
Share	57%	28%	33%	29%
Equity Bought	£92,700	£71,200	£110,600	£141,600
Mortgage Needed	£83,500	£64,100	£99,500	£127,400
Monthly Cost of Mortgage	£441	£338	£526	£673
Retained Equity	£69,400	£179,500	£228,700	£339,100
Monthly Rent on Retained Equity	£159	£411	£524	£777
Service Charge per month	£100	£100	£0	£0
Total Cost per month	£700	£850	£1,050	£1,450

Source: Data based on Housing Market Cost Analysis

**Table 9.29: Estimated Affordable Equity Share by Size – Oxford**

	1-bedroom	2-bedrooms	3-bedrooms	4-bedrooms
OMV	£247,300	£320,900	£449,700	£562,400
Share	41%	37%	29%	44%
Equity Bought	£102,100	£117,800	£129,900	£248,600
Mortgage Needed	£91,900	£106,000	£117,000	£223,700
Monthly Cost of Mortgage	£485	£560	£618	£1,181
Retained Equity	£145,100	£203,100	£319,700	£313,800
Monthly Rent on Retained Equity	£333	£465	£733	£719
Service Charge per month	£100	£100	£0	£0
Total Cost per month	£918	£1,125	£1,350	£1,900

Source: Data based on Housing Market Cost Analysis

**Table 9.30: Estimated Affordable Equity Share by Size – South Oxfordshire**

	1-bedroom	2-bedrooms	3-bedrooms	4-bedrooms
OMV	£197,800	£274,900	£439,300	£631,400
Share	44%	33%	13%	13%
Equity Bought	£86,200	£89,600	£58,400	£82,700
Mortgage Needed	£77,600	£80,600	£52,600	£74,400
Monthly Cost of Mortgage	£410	£426	£278	£393
Retained Equity	£111,600	£185,200	£380,900	£548,600
Monthly Rent on Retained Equity	£256	£425	£873	£1,257
Service Charge per month	£100	£100	£0	£0
Total Cost per month	£765	£950	£1,150	£1,650

Source: Data based on Housing Market Cost Analysis



**Table 9.31: Estimated Affordable Equity Share by Size – Vale of White Horse**

	1-bedroom	2-bedrooms	3-bedrooms	4-bedrooms
OMV	£177,100	£242,700	£369,200	£526,700
Share	59%	45%	28%	23%
Equity Bought	£105,200	£109,200	£103,400	£119,000
Mortgage Needed	£94,700	£98,300	£93,000	£107,100
Monthly Cost of Mortgage	£500	£519	£491	£566
Retained Equity	£71,900	£133,500	£265,800	£407,700
Monthly Rent on Retained Equity	£165	£306	£609	£934
Service Charge per month	£100	£100	£0	£0
Total Cost per month	£765	£925	£1,100	£1,500

Source: Data based on Housing Market Cost Analysis

**Table 9.32: Estimated Affordable Equity Share by Size – West Oxfordshire**

	1-bedroom	2-bedrooms	3-bedrooms	4-bedrooms
OMV	£190,900	£254,200	£371,500	£503,700
Share	40%	31%	30%	28%
Equity Bought	£76,400	£78,300	£111,400	£140,500
Mortgage Needed	£68,700	£70,500	£100,300	£126,500
Monthly Cost of Mortgage	£363	£372	£530	£668
Retained Equity	£114,500	£175,900	£260,000	£363,200
Monthly Rent on Retained Equity	£262	£403	£596	£832
Service Charge per month	£100	£100	£0	£0
Total Cost per month	£725	£875	£1,125	£1,500

Source: Data based on Housing Market Cost Analysis

**9.7.19** In policy terms, whilst the analysis has provided an indication of the equity shares possibly required by size, the key figure is actually the total cost per month (and how this compares with the costs to access private rented housing). For example, whilst the tables suggest a 28% equity share for 2-bedroom home in Cherwell, this is based on a specific set of assumptions. Were a scheme to come forward with a 28% share, but a total cost in excess of £850 per month, then it would be clear that a lower share is likely to be required to make the home genuinely affordable. Hence the actual share can only be calculated on a scheme-by-scheme basis. Any policy position should seek to ensure that outgoings are no more than can reasonably be achieved in the private rented sector, rather than seeking a specific equity share.

### Rent to Buy

**9.7.20** A further affordable option is Rent to Buy; this is a government scheme designed to ease the transition from renting to buying the same home. Initially (typically five years) the newly built home will be provided at the equivalent of an affordable rent (approximately 20% below the market rate). The expectation is that the discount provided in that first five years is saved in order to put towards a deposit on the purchase of the same property. Rent to Buy can be advantageous for some households as it allows for a smaller 'step' to be taken on to the home ownership ladder.

**9.7.21** At the end of the five-year period, depending on the scheme, the property is either sold as a shared ownership product or to be purchased outright as a full market property. If the occupant is not able to do either of these then the property is vacated.

**9.7.22** In order to access this tenure it effectively requires the same income threshold for the initial phase as a market rental property although the cost of accommodation will be that of affordable rent. The lower than market rent will allow the household to save for a deposit for the eventual shared ownership or market property. In considering the affordability of rent-to-buy schemes there is a direct read across to the income required to access affordable home ownership (including shared ownership), it should therefore be treated as part of the affordable home ownership products suggested by the NPPF.

## 9.8 Relationship with Overall Housing Need

**9.8.1** The PPG encourages local authorities to consider increasing planned housing numbers where this can help to meet the identified affordable need. Specifically, the wording of the PPG [2a-024] states:

*‘The total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the strategic plan may need to be considered where it could help deliver the required number of affordable homes’*

**9.8.2** However, the relationship between affordable housing need and overall housing need is complex. This was recognised in the Planning Advisory Service (PAS) Technical Advice Note of July 2015. PAS conclude that there is no arithmetical way of combining the OAN (calculated through demographic projections) and the affordable need. There are a number of reasons why the two cannot be ‘arithmetically’ linked.

**9.8.3** Firstly, the modelling contains a category in the projection of ‘*existing households falling into need*’; these households already have accommodation and hence if they were to move to alternative accommodation, they would release a dwelling for use by another household – there is no net need to provide additional homes. Secondly the modelling considers ‘*newly forming households*’ – but these households are a direct output from the demographic modelling and are therefore already included in the overall housing need figures.

**9.8.4** This just leaves the ‘*current need*’; however, much of this group will be similar to the existing households already described (in that they are already living in accommodation) although it is possible that a number will be households without housing (concealed and homeless households) – these households are not included in the demographic modelling and so are arguably an additional need, although uplifts for market signals/affordability (as included in the Government’s Standard Method and the adjusted standard method calculations) would be expected to deal with such households.

**9.8.5** Put simply, the scale of affordable housing need show is, to a significant degree, an issue of a **tenure imbalance** – in particular of households living in the Private Rented Sector who might otherwise have lived in social housing (had there been sufficient stock) or been able to move into the owner occupied sector (if they had sufficient earnings but particularly savings). In it in this context that the PPG section on the *Housing needs of different groups* outlines in [67-001]:

***How do the housing need of particular groups relate to overall housing need calculated using the standard method?***

*The standard method for assessing local housing need identifies an overall minimum average annual housing need figure but does not break this down into the housing need of individual groups. This guidance sets out advice on how plan-making authorities should identify and plan for the housing needs of particular groups of people.*

*This need may well exceed, or be proportionally high in relation to, the overall housing need figure calculated using the standard method. **This is because the needs of particular groups will often be calculated having consideration to the whole population of an area as a baseline as opposed to the projected new households which form the baseline for the standard method.** How can needs of different groups be planned for?*

*Strategic policy-making authorities will need to consider the extent to which the identified needs of specific groups can be addressed in the area, taking into account:*

- *the overall level of need identified using the standard method (and whether the evidence suggests that a higher level of need ought to be considered);*
- *the extent to which the overall housing need can be translated into a housing requirement figure for the plan period; and*
- ***the anticipated deliverability of different forms of provision, having regard to viability.***

*Authorities must also consider the implications of their duties under the Equality Act 2010, including the Public Sector Equality Duty.*

*Plan-making authorities should assess the need for housing of different groups and reflect this in planning policies.*

*When producing policies to address the need of specific groups, **plan-making authorities will need to consider how the needs of individual groups can be addressed having regard to deliverability.***

***The household projections that form the baseline of the standard method are inclusive of all households including travellers as defined in [Planning policy for traveller sites](#). (our emphasis)***

**9.8.6** This clearly implies that whilst the affordable need may be proportionally high relative to overall housing need assessed based on demographic modelling and/or using the standard method, a high affordable housing need does not mean that there are additional households to be accommodated overall. It can be an issue of tenure imbalance. This is as the scale of affordable need is influenced by current stock (which is in turn influenced by historical delivery and funding to support affordable housing delivery and losses, such as through Right-to-Buy sales). This means that in theory affordable housing need could be met by buying up existing housing stock.

**9.8.7** Policies for affordable housing provision in these terms can be set having regard to viability evidence; and the ability to meet the affordable housing need can be tempered by issues of deliverability. Nonetheless the affordable housing evidence is an element of the overall housing evidence which can inform judgements on what level of housing provision to plan for – and an authority may choose to set its housing target above that generated by the standard method (or indeed figures generated by other scenarios in this report) in order to boost the delivery of affordable housing.

**9.8.8** The analysis estimates an annual need for 2,767 rented affordable homes across Oxfordshire, which is notionally 82% of a Local Housing Need of 3,388 dwellings per annum (as calculated using the Standard Method 2014 Scenario) or 59% of the need for 4,721 dwellings per annum as calculated using the 2021 Census Adjusted Scenario.<sup>35</sup> Table 9.33 sets out how this rented need equates to the adjusted housing need figures. The evidence suggests it is unlikely that the affordable housing need would be fully met not least as viability is unlikely to support over 50% affordable housing provision.

**Table 9.33: Comparing Affordable Delivery and Need**

	Oxford-shire	Cherwell	Oxford	South Oxon	VoWH	West Oxon
Social/ affordable rented need (pa)	2767	660	740	501	497	368
Overall Need (2021 Census Adjusted Scenario)(dpa)	4721	1081	1416	850	765	604
% Census Adjusted Need	59%	61%	52%	59%	65%	61%
AH Policy		30-35%	50%	40-50%	35%	35-50%
AH Delivery @ 30%	1416	324	425	255	230	181
AH Delivery @ 35%	1652	378	496	298	268	211
AH Delivery @ 40%	1888	432	566	340	306	242
AH Delivery @ 45%	2124	486	637	383	344	272
AH Delivery @ 50%	2361	541	708	425	383	302

<sup>35</sup> 2767 / 4721 = 59%

**9.8.9** However it is possible to investigate this in some more detail by re-running the model and excluding those already living in accommodation. This is shown in the table below which identifies that **meeting these (minimum) needs would lead to an affordable need for 1,775 homes per annum across the County** – notionally 52% of the Standard Method, 40% of the CE Baseline Scenario or 38% of the 2021 Census Adjusted Scenario. This figure is theoretical and should not be seen to be minimising the need (which is clearly acute).

**9.8.10** The analysis is arguably even more complex than this – it can be observed that the main group of households in need are newly forming households. These households are already included within demographic projections and so the demonstrating of a need for this group again should not be seen as over and above any need derived through the normal process of looking at need. Indeed, only the 254 per annum (current need) is in addition to demographic projections and this scale of uplift will already have been included in all the core scenarios taking account of uplifts for affordability and/or economic growth.

**Table 9.34: Estimated Need for Social/Affordable Rented Housing by local authority (per annum) – excluding existing households**

	Current need	Newly forming households	Existing households falling into need	Total Gross Need	Relet Supply	Net Need
Cherwell	55	659	0	714	288	426
Oxford	86	567	0	653	270	383
South Oxon	42	520	0	562	199	364
VoWH	37	567	0	604	259	345
West Oxon	34	365	0	399	142	258
Oxfordshire	254	2,678	0	2,932	1,157	1,775

Source: Range of sources

**9.8.11** However if this model is taken forwards, it can be usefully used to consider the inter-relationship to the other evidence on housing needs. It does show what minimum affordable need is generated from looking at additional households specifically.

**Table 9.35: Comparing Affordable Delivery and Minimum Need – CE Baseline Scenario**

	Oxford-shire	Cherwell	Oxford	South Oxon	VoWH	West Oxon
Social/Affordable Rented Need	1775	426	383	364	345	258
Overall Need (CE Baseline Scenario)	4406	1009	1322	793	714	564
% Census Adjusted Figure	40%	42%	29%	46%	48%	46%
Current AH Policy		30-35%	50%	40-50%	35%	35-50%
AH Delivery @ 30%	1322	303	397	238	214	169
AH Delivery @ 35%	1542	353	463	278	250	197
AH Delivery @ 40%	1762	404	529	317	286	226
AH Delivery @ 45%	1983	454	595	357	321	254
AH Delivery @ 50%	2203	505	661	397	357	282

**Table 9.36: Comparing Affordable Delivery and Minimum Need – 2021 Census Adjusted Scenario**

	Oxford-shire	Cherwell	Oxford	South Oxon	VoWH	West Oxon
AHN from Additional Households	1775	426	383	364	345	258
Overall Need (2021 Census Adjusted Scenario)	4721	1081	1416	850	765	604
% Census Adjusted Figure	38%	39%	27%	43%	45%	43%
Current AH Policy		30-35%	50%	40-50%	35%	35-50%
AH Delivery @ 30%	1416	324	425	255	230	181
AH Delivery @ 35%	1652	378	496	298	268	211
AH Delivery @ 40%	1888	432	566	340	306	242
AH Delivery @ 45%	2124	486	637	383	344	272
AH Delivery @ 50%	2361	541	708	425	383	302

**9.8.12** At 40% affordable delivery when using the 2021 Census Adjusted Scenario figures, the minimum affordable need would be met in all Oxfordshire authorities except the City. There is a much greater prospect of these needs being met. With a policy of 50% affordable housing provision, notionally 2,350 dpa would be needed to meet this minimum provision (or 3,938 dpa overall at 40% provision). Delivery above these levels would make in-roads into addressing the tenure imbalance.

**9.8.13** The analysis is indicative and is set out with the intention of informing the setting of housing targets within local plans, alongside other components of this HENA report. In setting policies for affordable housing, in terms of the percentage requirement to be met through eligible development schemes, viability evidence will be a key driver.

**9.8.14** Delivery of affordable housing through planning obligations is an important, but not the only means, of delivery affordable housing; and the Councils should also work with housing providers to secure funding to support enhanced affordable housing



delivery on some sites and through use of its own land assets.

**9.8.15** There are however other issues which are important in considering the affordable need in context. It should be noted that the need estimate is on a per annum basis and should not be multiplied by the plan period to get a total need. Essentially, the estimates are for the number of households who would be expected to have a need in any given year (i.e. needing to spend more than 30% of income on housing).

**9.8.16** In reality, some (possibly many) households would see their circumstances change over time such that they would ‘fall out of need’ and this is not accounted for in the analysis. One example would be a newly forming household with an income level that means they spend more than 30% of income on housing, as the household’s income rises they would potentially pass the affordability test and therefore not have an affordable need. Additionally, there is the likelihood when looking over the longer-term that a newly-forming household will become an existing household in need and would be counted twice if trying to multiply the figures out for a whole plan period.

**9.8.17** It is also relevant to recognise the role played by the Private Rented Sector (PRS) in providing housing for households who require financial support in meeting their housing needs should be recognised. Whilst the Private Rented Sector (PRS) does not fall within the types of affordable housing set out in the NPPF (other than affordable private rent which is a specific tenure separate from the main ‘full market’ PRS), it has evidently been playing a role in meeting the needs of households who require financial support in meeting their housing need. Government recognises this, and indeed legislated through the 2011 Localism Act to allow Councils to discharge their “homelessness duty” through providing an offer of a suitable property in the PRS.

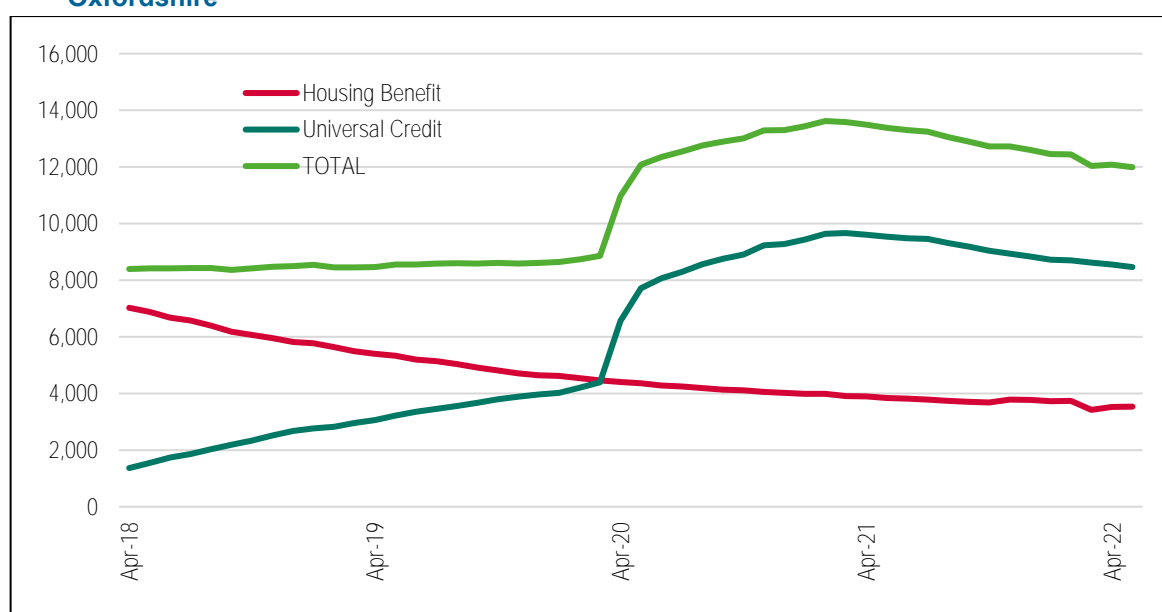
**9.8.18** Data from the Department of Work and Pensions (DWP) has been used to look at the number of Housing Benefit supported private rented homes. As of May 2022, it is estimated that there were around 12,000 benefit claimants in the private rented sector in Oxfordshire. From this, it is clear that the PRS contributes to the wider delivery of ‘affordable homes’ with the support of benefit claims, and further complicates any attempts to find a relationship between affordable need and overall housing need.

**9.8.19** Table 9.36 shows the number of households in each authority claiming Housing Benefit or Universal Credit where there is a housing entitlement (in the PRS). The figure below the table shows the trend in the number of claimants for the whole County. This shows there has been a notable increase since March 2020, which is likely to be related to the Covid-19 pandemic. However, even the more historical data shows a substantial number of households claiming benefit support for their housing in the private sector (typically around 8,000-9,000 households).

**Table 9.37: Number of Housing Benefit claimants in the private rented sector – local authorities (May 2022)**

	Housing Benefit	Universal Credit (with housing allowance)	TOTAL
Cherwell	732	2,447	3,179
Oxford	1,270	2,430	3,700
South Oxon	598	1,237	1,835
VoWH	438	1,262	1,700
West Oxon	497	1,094	1,591
Oxfordshire	3,530	8,465	11,995

Source: Department of Work and Pensions

**Figure 9.38: Number of Housing Benefit claimants in the private rented sector – Oxfordshire**

Source: Department of Work and Pensions

**9.8.20** It is difficult to be precise about the annual level of new supply being provided by the private rented sector (supported by Housing Benefit) but data from the English Housing Survey for the past 5-years (2016-21) suggests around 7% of all private renting tenants are new to the sector in any given year. Assuming a similar proportion as being benefit claimants would imply around 840 benefit supported lettings across the County each year. A further 17% of private tenants move within the sector each year, which would imply around 2,040 benefit supported lettings (although it is likely that many of these households were claimants prior to moving home).



## 10 Housing Mix: Sizes and Types of Homes Needed

### Introduction

This section considers the appropriate mix of housing needed, with a particular focus on the sizes of homes required in different tenure groups for new development. The analysis focuses on the two commissioning authorities – Cherwell and Oxford City.

### 10.1 Household Composition

**10.1.1** There were 75,900 families as of the 2011 Census, accounting for 29% of households. This proportion is similar to the regional and national average. This analysis has drawn on 2011 Census data which is now somewhat out-of-date. However, it would be expected that general patterns between areas will remain broadly the same (i.e. areas with greater proportions of family households in 2011, will still be expected to have greater proportions now). New (2021) Census data should start to filter through later in 2022, which will allow for this analysis to be updated.

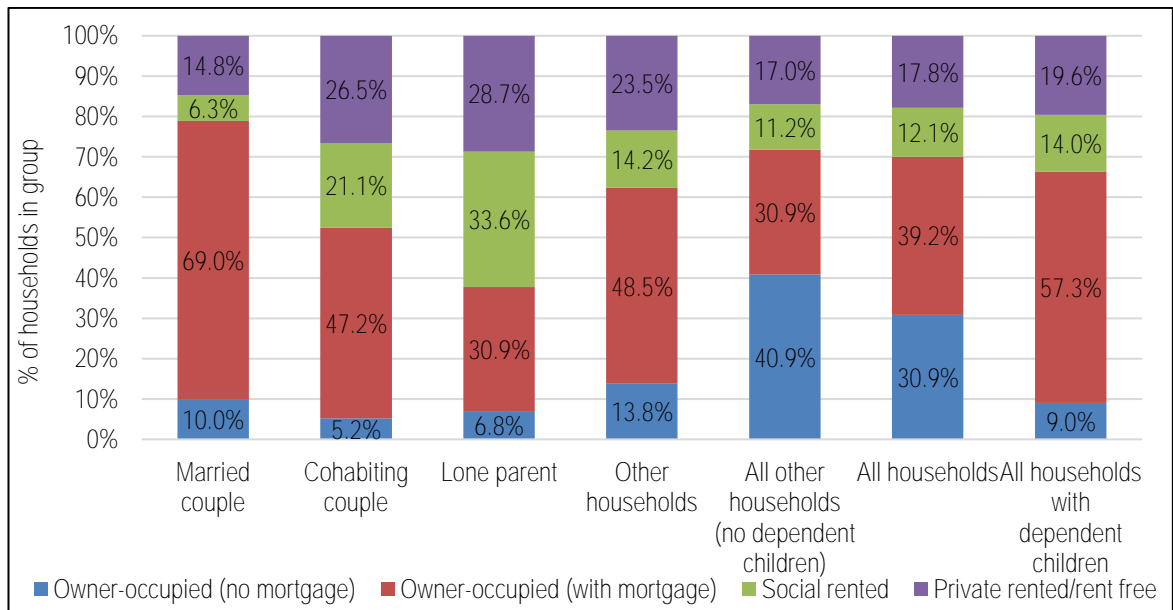
**10.1.2** Table 10.1 shows relatively few family households in Oxford (27%) and a higher proportion in Cherwell; Oxford does however see a higher proportion of lone parent households than other locations.

**Table 10.1** Households with dependent children (2011) – local authorities

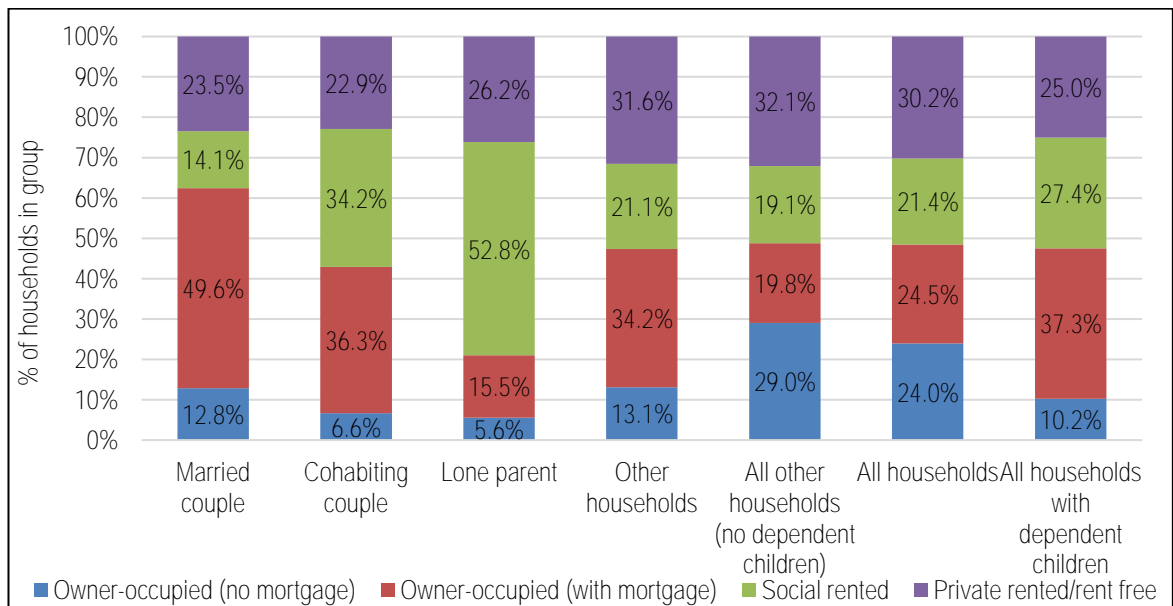
	Married couple	Cohabiting couple	Lone parent	Other household (with dependents)	All other households (no dependent children)	Total	Total with dependent children
Cherwell	18.9%	4.2%	5.9%	2.4%	68.6%	100.0%	31.4%
Oxford	13.6%	3.1%	7.1%	3.1%	73.2%	100.0%	26.8%
Oxfordshire	18.1%	3.6%	5.5%	2.2%	70.7%	100.0%	29.3%
South East	17.1%	3.9%	6.1%	2.3%	70.6%	100.0%	29.4%
England	15.3%	4.0%	7.1%	2.6%	70.9%	100.0%	29.1%

Source: Census (2011)

**10.1.3** The figures below show the current tenure of households with dependent children in Cherwell and Oxford. For both areas there are some considerable differences by household type with lone parents having a very high proportion living in the social rented sector and also in private rented accommodation. In Cherwell, only 38% of lone parent households are owner-occupiers (21% in Oxford) compared with 79% (Cherwell) and 62% (Oxford) of married couples with children.

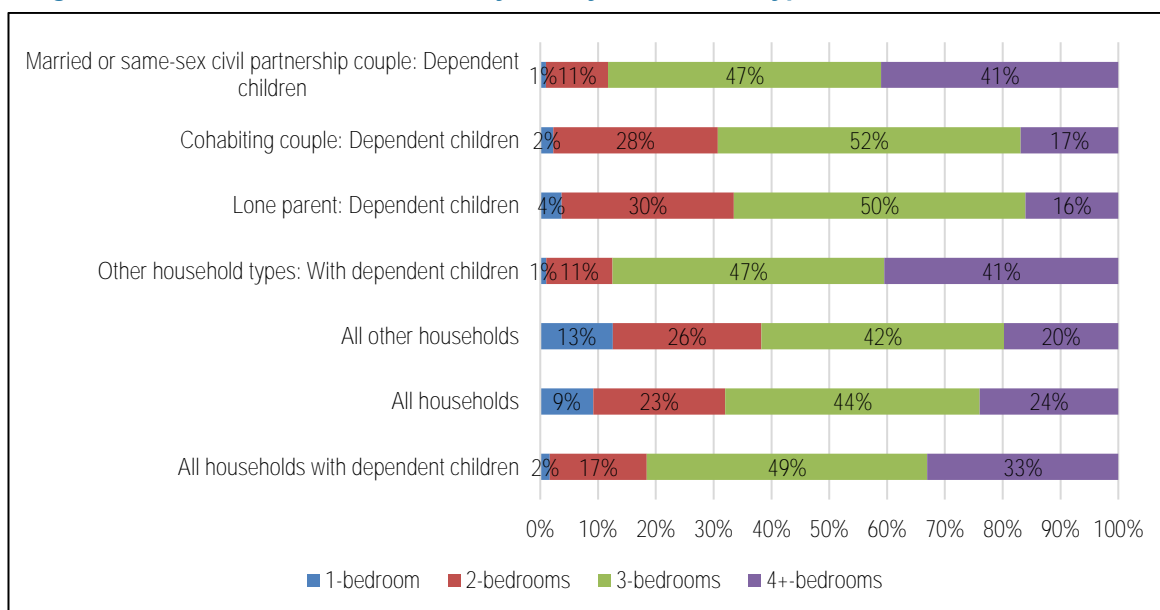
**Figure 10.1a: Tenure of households with dependent children (2011) – Cherwell**

Source: Census (2011)

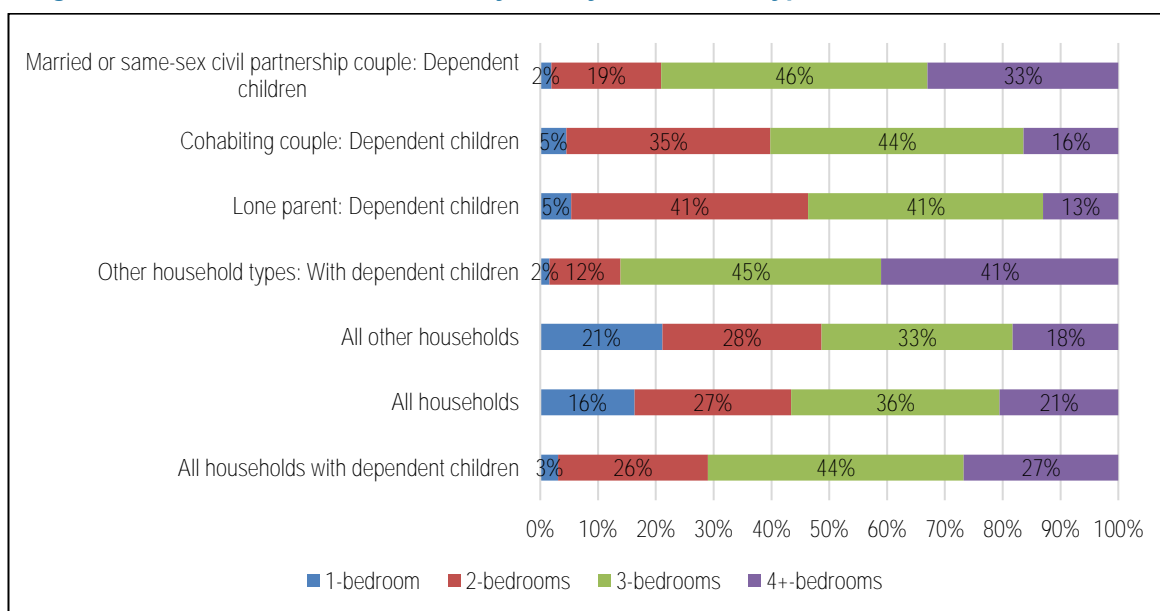
**Figure 10.1b: Tenure of households with dependent children (2011) – Oxford**

Source: Census (2011)

**10.1.4** Figure 10.2 shows the number of bedrooms for family households at the point of the 2011 Census. The analysis shows the differences between married, cohabiting and lone parent families. Across the study area, the tendency is for family households to occupy 3-bedroom housing with varying degrees of 2- and 4+-bedroom properties depending on the household composition. The data also, unsurprisingly, highlights the small level of 1-bed stock occupied by families across the board. As a result, we could expect continued demand for 3+-bedroom homes from family households.

**Figure 10.2a: Number of Bedrooms by Family Household Type, 2011 – Cherwell**

Source: Census (2011)

**Figure 10.2a: Number of Bedrooms by Family Household Type, 2011 – Oxford**

Source: Census (2011)

## 10.2 The Mix of Housing

**10.2.1** A model has been developed that starts with the current profile of housing in terms of size (bedrooms) and tenure. Information is available about the age of households and the typical sizes of homes they occupy. By using projections for demographic growth linked to core scenarios it is possible to see which age groups are expected to change in number, and by how much. On the assumption that occupancy patterns for each age group (within each tenure) remain the same, it is therefore possible to assess the profile of housing needed over the assessment period (taken for the purposes of analysis to be the 2022-40 period).

**10.2.2** An important starting point is to understand the current balance of housing in the area – Table 10.2 profiles the sizes of homes in different tenure groups across

areas. The data shows a generally similar profile of housing in each tenure group when compared with the regional and national position; one difference is a higher proportion of 4+-bedrooms homes in the private rented sector in Oxford (which will in part be linked to the student population). Observations about the current mix feed into conclusions about future mix later in this section.

**Table 10.2 Number of Bedrooms by Tenure, 2011 – range of areas**

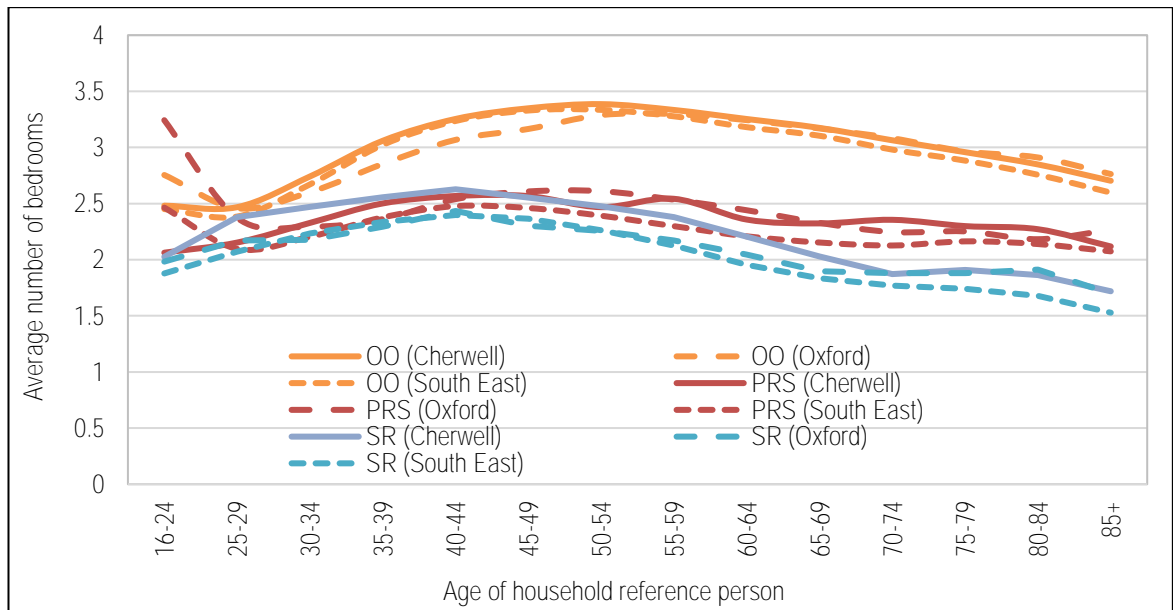
		Cherwell	Oxford	Oxford-shire	South East	England
Owner-occupied	1-bedroom	4%	5%	4%	5%	4%
	2-bedrooms	18%	21%	19%	22%	23%
	3-bedrooms	47%	47%	44%	44%	48%
	4+-bedrooms	31%	27%	33%	30%	25%
	Total	100%	100%	100%	100%	100%
Social rented	1-bedroom	24%	31%	26%	32%	31%
	2-bedrooms	30%	33%	34%	33%	34%
	3-bedrooms	42%	31%	35%	31%	31%
	4+-bedrooms	4%	6%	5%	4%	4%
	Total	100%	100%	100%	100%	100%
Private rented	1-bedroom	20%	24%	19%	24%	23%
	2-bedrooms	37%	32%	35%	37%	39%
	3-bedrooms	32%	23%	30%	27%	28%
	4+-bedrooms	11%	21%	16%	12%	10%
	Total	100%	100%	100%	100%	100%

Source: Census (2011)

**10.2.3** The method to consider future housing mix looks at the ages of the Household Reference Persons and how these are projected to change over time. However size of housing which households occupy relates more to their wealth and age than the number of people they contain – particularly for owner occupied homes. Equally issues of supply can also impact occupancy patterns, for example it may be that a supply of additional smaller bungalows (say 2-bedrooms) would encourage older people to downsize but in the absence of such accommodation these households remain living in their larger accommodation. The issue of choice is less relevant in the affordable sector (particularly since the introduction of the social sector size criteria) where households are allocated properties which reflect the size of the household, although there will still be some level of under-occupation.

**10.2.4** The approach used is to interrogate information derived in the projections about the number of household reference persons (HRPs) in each age group and apply this to the profile of housing within these groups. The data for this analysis has been formed from a commissioned table by ONS (Table CT0621 which provides relevant data for all local authorities in England and Wales from the 2011 Census).

**10.2.5** Figure 10.3 shows an estimate of how the average number of bedrooms varies by different ages of HRP and broad tenure group for Cherwell, Oxford and the South East. In the owner-occupied sector the average size of accommodation rises over time to typically reach a peak around the age of 45-50; a similar pattern (but with smaller dwelling sizes and an earlier peak) is seen in both the social and private rented sector. After peaking, the average dwelling size decreases – as typically some households downsize as they get older.

**Figure 10.3 Average Bedrooms by Age and Tenure in Cherwell, Oxford and the South East**

Source: Census (2011)

**10.2.6** However, replicating the existing occupancy patterns at a local level would however result in the conclusions being skewed by the existing housing profile. On this basis the modelling applies regional occupancy assumptions for the South East region. Assumptions are applied to the projected changes in Household Reference Person by age.

The analysis has been used to derive outputs for three broad categories. These are:

- **Market Housing** – which is taken to follow the occupancy profiles in the owner-occupied sector;
- **Affordable Home Ownership** – which is taken to follow the occupancy profile in the private rented sector (this is seen as reasonable as the Government's desired growth in home ownership looks to be largely driven by a wish to see households move out of private renting); and
- **Rented Affordable Housing** – which is taken to follow the occupancy profile in the social rented sector. The affordable sector in the analysis to follow would include social and affordable rented housing.

**10.2.7** The analysis for rented affordable housing can also draw on data from the local authority Housing Register with regards to the profile of need. The data has been taken from the Local Authority Housing Statistics ("LAHS") and shows a pattern of need which is focussed on 1- and 2-bedroom homes but also showing approaching a fifth of households as requiring 3+- bedroom homes.

**Table 10.3 Breakdown of Housing Register by Current Bedroom Need, 2021**

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Cherwell	46%	31%	16%	7%
Oxford	51%	28%	16%	6%
Oxfordshire	55%	27%	13%	5%

Source: Local Authority Housing Statistics, 2021

**10.2.8** The modelling includes adjustments for under- and over-occupation to move some of those who would have been picked up in the modelling as under-occupying into smaller accommodation. Where there is under-occupation by 2 or more bedrooms, the adjustment takes 25% of this group and assigns to a '+1' occupancy rating and a further 12.5% (i.e. an eighth) to a '0' rating. For households with one spare bedroom, 12.5% are assigned to a '0' rating (with the others remaining as '+1'). These do need to be recognised as assumptions but can be seen to be reasonable as they do retain some degree of under-occupation (which is likely) but does also seek to model a better match between household needs and the size of their home. For overcrowded households a move in the other direction is made, in this case households are moved up as many bedrooms as is needed to resolve the problems.

### Model Results

**10.2.9** The tables below show the modelling outputs for Cherwell and Oxford and for each of the two scenarios (CE Baseline and 2021 Census Adjusted). It shows the greatest need for 2- and 3-bed properties in both areas and that the choice of scenario makes very little difference to the outcomes..

**Table 10.4** Adjusted Modelled Mix of Housing by Size and Tenure – Cherwell (CE Baseline)

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	10%	36%	37%	17%
Affordable home ownership	25%	42%	25%	8%
Affordable housing (rented)	34%	34%	27%	5%

Source: Housing Market Model (with adjustments)

**Table 10.5** Adjusted Modelled Mix of Housing by Size and Tenure – Cherwell (2021 Census Adjusted)

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	10%	36%	37%	17%
Affordable home ownership	25%	42%	25%	8%
Affordable housing (rented)	34%	35%	27%	5%

Source: Housing Market Model (with adjustments)

**Table 10.6** Adjusted Modelled Mix of Housing by Size and Tenure – Oxford (CE Baseline)

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	11%	36%	37%	16%
Affordable home ownership	26%	39%	22%	14%
Affordable housing (rented)	32%	37%	25%	6%

Source: Housing Market Model (with adjustments)

**Table 10.7** Adjusted Modelled Mix of Housing by Size and Tenure – Oxford (2021 Census Adjusted)

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	11%	36%	37%	16%
Affordable home ownership	26%	39%	22%	13%
Affordable housing (rented)	32%	37%	25%	6%

Source: Housing Market Model (with adjustments)

## 10.3 Indicative Targets for Different Sizes of Properties by Tenure

**10.3.1** In drawing conclusions on the need for different sizes of homes it is important to take account of a range of factors, including the modelled outputs and an

understanding of the stock profile in different locations. The analysis (for rented affordable housing) also draws on the Housing Register data as well as taking a broader view of issues such as the flexibility of homes to accommodate changes to households (e.g. the lack of flexibility offered by a 1-bedroom home for a couple looking to start a family).

### Social/Affordable Rented Housing

**10.3.2** Bringing together the above, a number of factors are recognised, including that it is unlikely that all affordable housing needs will be met and that it is possible that households with a need for larger homes will have greater priority (as they are more likely to contain children). However there is also a possible need for 1-bedroom social housing arising due to homelessness (as well as a need other forms of accommodation e.g. foyer or supported housing). In taking any recommendations forward, the Councils will therefore need to consider any specific issues in their local area.

**10.3.3** As noted, the conclusions also consider the Housing Register, but recognises that this will be based on a strict determination of need using the bedroom standard; there will be some households able to afford a slightly larger home or who can claim benefits for a larger home than they strictly need (i.e. are not caught by the spare room subsidy ('bedroom tax') – this will include older person households). The conclusions also take account of the current profile of housing in this sector (which for example shows a varying proportion of 1-bedroom homes in the current stock across areas).

**10.3.4** It is suggested that the following mix of social/affordable rented housing (which is close to the modelled outputs) would be appropriate. The stronger need for 4+ bed properties in Cherwell reflects particularly long average waiting times for these sizes of homes reflecting the existing stock and turnover of this.

**Table 10.8** Suggested Mix of Social/Affordable Rented Housing by area

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Cherwell	35-40%	25-30%	20-25%	10-15%
Oxford	35-40%	30-35%	20-25%	5-10%

*Source: Conclusions drawn on a variety of sources*

### Affordable Home Ownership

**10.3.5** In the affordable home ownership and market sectors a profile of housing that closely matches the outputs of the modelling is suggested (with some adjustments to take account of student households in Oxford). It is considered that the provision of affordable home ownership should be more explicitly focused on delivering smaller family housing for younger households. Based on this analysis, it is suggested that the following mix of affordable home ownership would be appropriate, and it can be noted that there really is very little difference in the recommendations across areas.

**10.3.6** The profile of housing needed in this sector is generally for slightly larger homes than for the social/affordable rented sector – this will in part reflect the fact that some degree of under-occupation would be allowed in such homes. For 1-bedroom units, it needs to be recognised that the figures are driven by the modelling linked to demographic change; again, each Council may need to consider if the figures are appropriate on a local context. For example, in some areas Registered Providers find



difficulties selling 1-bedroom affordable home ownership homes and therefore the 1-bedroom elements of AHO might be better provided as 2-bedroom accommodation. Again it should be noted that the mix suggested for different locations shows relatively little variation.

**Table 10.9** Suggested Mix of Affordable Home Ownership Housing by area

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Cherwell	20-25%	40-45%	25-30%	5-10%
Oxford	20-25%	40-45%	20-25%	10-15%

Source: Conclusions drawn on a variety of sources

## Market Housing

**10.3.7** Finally, in the market sector, a balance of dwellings is suggested that takes account of both the demand for homes and the changing demographic profile (as well as observations about the current mix when compared with other locations and also the potential to slightly reduce levels of under-occupancy). This sees a slightly larger recommended profile compared with other tenure groups – again there is little variation across areas.

**Table 10.10** Suggested Mix of Market Housing by area

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Cherwell	5-10%	35-40%	35-40%	15-20%
Oxford	5-10%	35-40%	35-40%	15-20%

Source: Conclusions drawn on a variety of sources

**10.3.8** The suggested figures on housing mix are derived at an Oxfordshire and local authority level. The suggested figures can be used as a monitoring tool to ensure that future delivery is not unbalanced when compared with the likely requirements as driven by demographic change in the area. The recommendations can also be used as a set of guidelines to consider the appropriate mix on larger development sites, and the Councils could expect justification for a housing mix on such sites which significantly differs from that modelled herein. Site location and area character are also however relevant considerations the appropriate mix of market housing on individual development sites.

## 10.4 Built Form

**10.4.1** A final issue is a discussion of the need/demand for different built-forms of homes. In particular this discussion focusses on bungalows and the need for flats vs. houses.

### Bungalows

**10.4.2** The sources used for analysis in this report make it difficult to quantify a need/demand for bungalows in the County and constituent authorities as Census data (which is used to look at occupancy profiles) does not separately identify this type of accommodation. Data from the Valuation Office Agency (VOA) does however provide estimates of the number of bungalows (by bedrooms) although no tenure split is available.



**10.4.3** The tables below show a notable proportion of homes in Cherwell are bungalows (9% of all flats and houses) but with a very low proportion in Oxford (just 1%). In Cherwell approaching half (46%) of bungalows have 2-bedrooms (and most of the rest have 3-bedrooms); a similar proportion (also 9%) of homes across England are bungalows. Across the whole of Oxfordshire, some 8.4% of all homes are bungalows.

**Table 10.11** Number of dwellings by property type and number of bedrooms (March 2020) – Cherwell

	Number of bedrooms					All
	1	2	3	4+	Not Known	
Bungalow	880	2,860	2,020	460	10	6,230
Flat/Maisonette	4,350	3,600	170	40	20	8,170
Terraced house	1,050	6,100	8,930	1,360	30	17,470
Semi-detached house	250	3,090	12,140	2,510	50	18,030
Detached house	50	590	5,490	10,170	140	16,440
All flats/houses	6,580	16,240	28,750	14,540	250	66,340
Annexe	-	-	-	-	-	230
Other	-	-	-	-	-	290
Unknown	-	-	-	-	-	290
All properties	-	-	-	-	-	67,150

Source: Valuation Office Agency

**Table 10.12** Number of dwellings by property type and number of bedrooms (March 2020) – Oxford

	Number of bedrooms					All
	1	2	3	4+	Not Known	
Bungalow	350	310	170	40	0	870
Flat/Maisonette	10,240	9,210	1,200	1,360	-	22,000
Terraced house	300	5,250	11,250	2,820	-	19,630
Semi-detached house	90	1,510	10,870	2,250	0	14,720
Detached house	40	240	1,500	2,370	10	4,160
All flats/houses	11,020	16,520	24,990	8,840	10	61,380
Annexe	-	-	-	-	-	100
Other	-	-	-	-	-	100
Unknown	-	-	-	-	-	160
All properties	-	-	-	-	-	61,740

Source: Valuation Office Agency

**10.4.4** In general, discussions with local estate agents find that there is a demand for bungalows and in addition, analysis of survey data (in other locations) points to a high demand for bungalows (from people aged 65 and over in particular). Bungalows are often the first choice for older people seeking suitable accommodation in later life and there is generally a high demand for such accommodation when it becomes available (this is different from specialist accommodation for older people which would have some degree of care or support).

**10.4.5** As a new build option, bungalows are often not supported by either house builders or planners (due to potential plot sizes and their generally low densities). There may, however, be instances where bungalows are the most suitable house type for a particular site; for example, to overcome objections about dwellings overlooking existing dwellings or preserving sight lines. There is also the possibility of a wider need/demand for retirement accommodation. Retirement apartments can prove very popular if they are well located in terms of access to facilities and services, and environmentally attractive (e.g. have a good view). However, some potential purchasers may find high service charges unacceptable or unaffordable and new build units may not retain their value on re-sale.

**10.4.6** Overall, the Councils should consider the potential role of bungalows as part of the future mix of housing. Such housing may be particularly attractive to older owner-occupiers (many of whom are equity-rich) which may assist in encouraging households to downsize. However, the downside to providing bungalows is that they are often relatively land intensive which is likely to constrain delivery in Oxford in particular.

**10.4.7** Bungalows are likely to see a particular need and demand in the market sector and also for rented affordable housing (for older people as discussed in the next section of the report). Bungalows are likely to particularly focus on 2-bedroom homes, including in the affordable sector where such housing may encourage households to move from larger 'family-sized' accommodation (with 3+-bedrooms). Where delivered, bungalows should be delivered as wheelchair-accessible (Part M(4)(3)(b)).

### Flats vs. Houses

**10.4.8** Although there are some 1-bedroom houses and 3-bedroom flats, it is considered that the key discussion on built-form will be for 2-bedroom accommodation, where it might be expected that there would be a combination of both flats and houses. At a national level, 81% of all 1-bedroom homes are flats, 35% of 2-bedroom homes and just 4% of homes with 3-bedrooms.

**10.4.9** The table below shows (for 2-bedroom accommodation) the proportion of homes by tenure that are classified as a flat, maisonette or apartment in Oxfordshire and England. This shows a total of 31% of all bedroom homes as flats and would potentially point to the majority of 2-bedroom homes in the future also being houses. The analysis does however show a higher proportion of flats in the social and private rented sectors. It is considered that greater emphasis should be given to mix by dwelling size than type recognising the potential for built-form to vary in different locations.

**10.4.10** This analysis is based on considering the current built-form in different tenures. Any decisions about the types of dwelling to be provided will need to take account of factors such as households type of those likely to occupy dwellings (where for example households with children will be more suited to a house than a flat). However, site characteristics may also play a role in deciding the most suitable built-form (e.g. city/town centre developments may be more suited to flats).

**Table 10.13** Proportion of 2-bedroom homes that are a flat, maisonette or apartment (by tenure)

	Owner-occupied	Social rented	Private rented	All (2-bedroom)
Cherwell	12%	23%	33%	20%
Oxford	37%	63%	63%	54%
Oxfordshire	19%	40%	43%	31%
England	21%	48%	50%	35%

Source: 2011 Census

**10.4.11** As noted, this analysis would suggest that most 2-bedroom homes should be built as houses (or bungalows) rather than flats. However, any decisions will still have to take account of site characteristics. Local evidence however also needs to be considered, and for instance 2+ bed rented affordable properties are particularly suitable for families who seek houses rather than flats.

## 10.5 Housing Needs of Older People and Those with Disabilities

**10.5.1** This section studies the characteristics and housing needs of the

**10.5.2** son population and the population with some form of disability. The two groups are taken together as there is a clear link between age and disability. It responds to Planning Practice Guidance on *Housing for Older and Disabled People* published by Government in June 2019. It includes an assessment of the need for specialist accommodation for older people and the potential requirements for housing to be built to M4(2) and M4(3) housing technical standards (accessibility and wheelchair standards).

### Understanding the Implications of Demographic Change

**10.5.3** The population of older persons is increasing, and this will potentially drive a need for housing which is capable of meeting the needs of older persons. The table below provides baseline population data about older persons. The population data has been taken from the 2021 Census and shows Oxfordshire has a similar age structure to other areas with 18% of the population being aged 65 and over.

**Table 10.14** Older Persons Population, 2021

	Oxfordshire	Southeast	England
Under 65	82.1%	80.6%	81.6%
65-74	9.3%	10.2%	9.8%
75-84	6.1%	6.5%	6.1%
85+	2.5%	2.7%	2.4%
Total	100.0%	100.0%	100.0%
Total 65+	17.9%	19.4%	18.4%
Total 75+	8.6%	9.3%	8.6%

Source: 2011 Census

**10.5.4** The table below shows the same information for the two commissioning authorities, this shows some notable variation in the proportion of people aged 65 and over, with a figure of 12% in Oxford, and almost 18% in Cherwell.

**Table 10.15 Older Persons Population, 2021 – local authorities**

	Cherwell	Oxford	South Oxon	VoWH	West Oxon	Oxfordshire
Under 65	82.5%	88.2%	79.5%	80.2%	78.4%	82.1%
65-74	9.4%	6.2%	10.4%	10.3%	11.1%	9.3%
75-84	5.7%	3.8%	7.3%	6.7%	7.4%	6.1%
85+	2.4%	1.7%	2.8%	2.8%	3.2%	2.5%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total 65+	17.5%	11.8%	20.5%	19.8%	21.6%	17.9%
Total 75+	8.1%	5.6%	10.1%	9.5%	10.5%	8.6%

Source: 2011 Census

**Projected Future Change in the Population of Older People**

**10.5.5** Population projections can next be used to provide an indication of how the number of older persons might change in the future with the tables below showing that Oxfordshire is projected to see a notable increase in the older person population. Using the trend-based projection developed the increase in the population aged 65 and over is around 27% - the population aged Under 65 is in contrast projected to increase by just 3.2%. In total population terms, the projections show an increase in the population aged 65 and over of 36,200 people. This is against a backdrop of an overall increase of 55,600 – population growth of people aged 65 and over therefore accounts for 65% of the total projected population change.

**10.5.6** In Cherwell the CE Baseline Forecast shows a 52.1% growth in the population aged over 65 while the population aged over 75 is expected to increase by 72.3%. In 2021 adjusted forecasts the equivalent figures are 53.2% and 73.5%

**Table 10.16 Projected Change in Population of Older Persons, 2022 to 2040 – Cherwell (CE Baseline)**

	2022	2040	Change in population	% change
Under 65	134,435	148,474	14,039	10.4%
65-74	15,592	21,000	5,409	34.7%
75-84	9,604	15,853	6,250	65.1%
85+	3,827	7,291	3,464	90.5%
Total	163,457	192,618	29,161	17.8%
Total 65+	29,022	44,144	15,122	52.1%
Total 75+	13,431	23,144	9,713	72.3%

Source: Demographic Projections

**Table 10.17 Projected Change in Population of Older Persons, 2022 to 2040 – Cherwell (2021 Census Adjusted)**

	2022	2040	Change in population	% change
Under 65	134,435	151,353	16,918	12.6%
65-74	15,592	21,165	5,574	35.7%
75-84	9,604	15,951	6,348	66.1%
85+	3,827	7,346	3,519	92.0%
Total	163,457	195,815	32,359	19.8%
Total 65+	29,022	44,463	15,441	53.2%
Total 75+	13,431	23,297	9,867	73.5%

Source: Demographic Projections

**10.5.7** In Oxford City the CE Baseline Forecast shows a 48.6% growth in the population aged over 65 while the population aged over 75 is expected to increase by 57.2%. In 2021 adjusted forecasts the equivalent figures are 49.3% and 57.9%

**Table 10.18 Projected Change in Population of Older Persons, 2022 to 2040 – Oxford (CE Baseline)**

	2022	2040	Change in population	% change
Under 65	140,778	178,297	37,519	26.7%
65-74	10,213	14,389	4,177	40.9%
75-84	6,338	9,737	3,399	53.6%
85+	2,748	4,549	1,802	65.6%
Total	160,076	206,972	46,896	29.3%
Total 65+	19,298	28,675	9,377	48.6%
Total 75+	9,085	14,286	5,201	57.2%

Source: Demographic Projections

**Table 10.19 Projected Change in Population of Older Persons, 2022 to 2040 – Oxford (2021 Census Adjusted)**

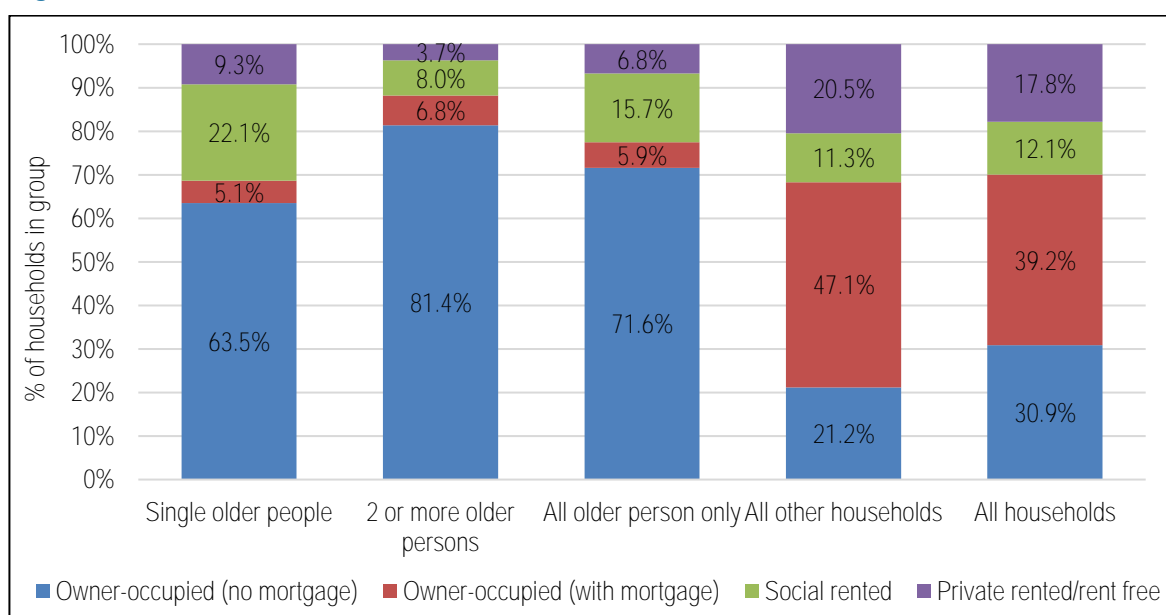
	2022	2040	Change in population	% change
Under 65	140,778	182,307	41,528	29.5%
65-74	10,213	14,463	4,250	41.6%
75-84	6,338	9,773	3,436	54.2%
85+	2,748	4,570	1,822	66.3%
Total	160,076	211,113	51,036	31.9%
Total 65+	19,298	28,806	9,508	49.3%
Total 75+	9,085	14,343	5,258	57.9%

Source: Demographic Projections

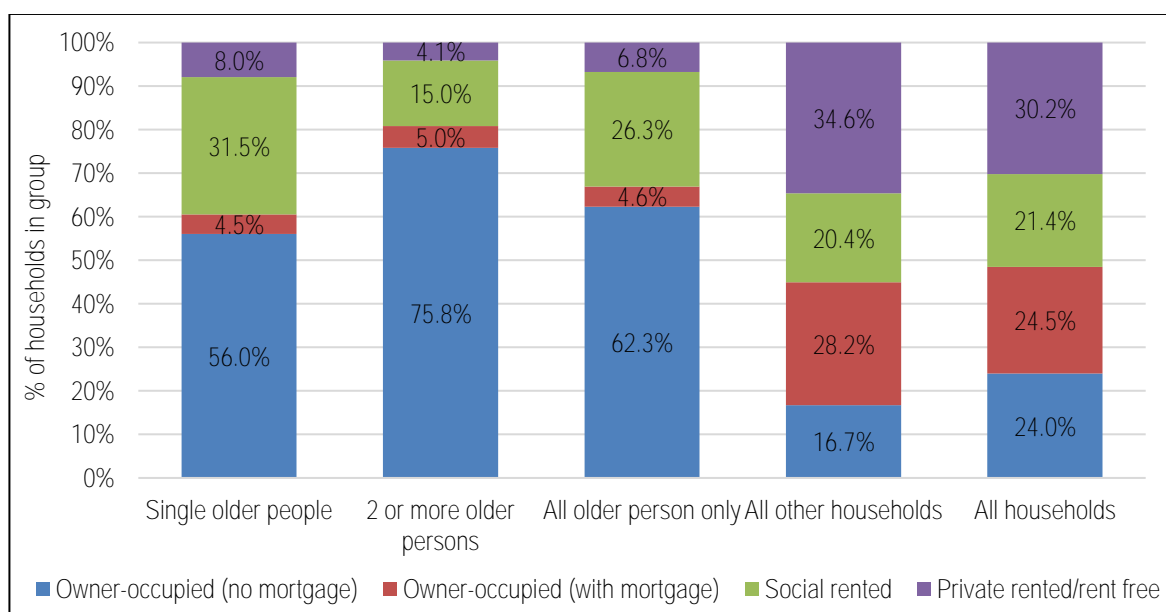
## 10.6 Characteristics of Older Person Households

**10.6.1** The figures below show the tenure of older person households. The data has been split between single older person households and those with two or more older people (which will largely be couples). The data shows that the majority of older persons households are owner occupiers (77% of older person households in Cherwell and 67% in Oxford), and indeed most are owner occupiers with no mortgage and thus may have significant equity which can be put towards the purchase of a new home. Some 16% (Cherwell) to 26% (Oxford) of older persons households across the study area live in the social rented sector; the proportion of older person households living in the private rented sector is relatively low (about 7% in both areas).

**10.6.2** There are also notable differences for different types of older person households with single older people having a much lower level of owner-occupation than larger older person households – this group also has a much higher proportion living in the social rented sector.

**Figure 10.4: Tenure of Older Persons Households in Cherwell, 2011**

Source: 2011 Census

**Figure 10.4: Tenure of Older Persons Households in Oxford, 2011**

Source: 2011 Census

## 10.7 Prevalence of Disabilities

**10.7.1** Table 10.20 below shows the proportion of people with a long-term health problem or disability (LTHPD) drawn from 2011 Census data, and the proportion of households where at least one person has a LTHPD. The data suggests that some 27% of households in Oxfordshire contain someone with a LTHPD. This figure is lower than seen regionally and nationally. The figures for the population with a LTHPD also typically show the same trends when compared with other locations – some 14% of the population having a LTHPD.

**10.7.2** The analysis also shows some differences between different parts of the study area, with Oxford seeing the lowest proportion of population and households with a

LTHPD – this is likely to be linked to then younger age structure in the City. Both areas show levels of disability below both the regional and national average

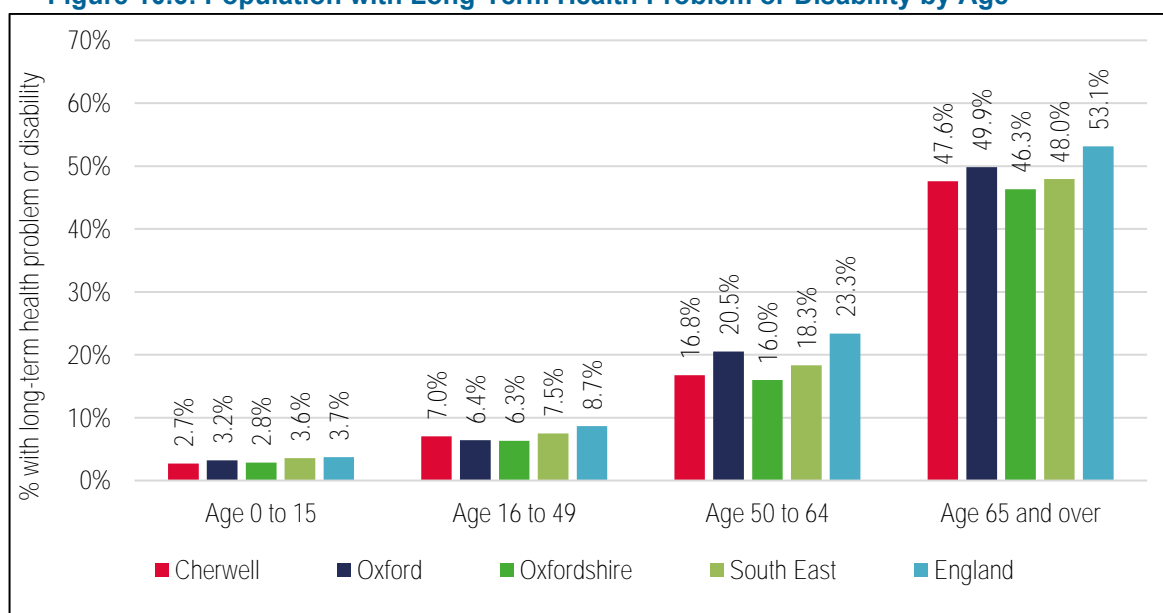
**Table 10.20** Households and People with a Long-Term Health Problem or Disability, 2011

	Households Containing Someone with a Health Problem		Population with a Health Problem	
	No.	%	No.	%
Cherwell	15,670	27.6%	20,072	14.1%
Oxford	14,504	26.2%	18,851	12.4%
Oxfordshire	69,824	27.0%	89,756	13.7%
South East	1,048,887	29.5%	1,356,204	15.7%
England	7,217,905	32.7%	9,352,586	17.6%

Source: 2011 Census

**10.7.3** As noted, it is likely that the age profile will impact upon the numbers of people with a LTHPD, as older people tend to be more likely to have a LTHPD. The figure below shows the age bands of people with a LTHPD. It is clear from this analysis that those people in the oldest age bands are more likely to have a LTHPD. The analysis also typically shows lower levels of LTHPD in each age band in Oxfordshire when compared with the regional and national position.

**Figure 10.6: Population with Long-Term Health Problem or Disability by Age**



Source: 2011 Census

## 10.8 Health Related Population Projections

**10.8.1** The incidence of a range of health conditions is an important component in understanding the potential need for care or support for a growing older population. The analysis undertaken covers both younger and older age groups and draws on prevalence rates from the PANSI (Projecting Adult Needs and Service Information) and POPPI (Projecting Older People Population Information) websites. Adjustments have been made to take account of the age specific health/disabilities previously shown.

**10.8.2** Of particular note are the large increases in the number of older people with dementia (increasing by up to 73% in Cherwell and 58% in Oxford from 2022 to 2040



and mobility problems (up 53%-64% over the same period). Changes for younger age groups are smaller, reflecting the fact that projections are expecting older age groups to see the greatest proportional increases in population. When related back to the total projected change to the population, the increase of people aged 65+ with a mobility problem represents around 10% of total projected population growth in Cherwell (and about 4% in Oxford).

**10.8.3** It should be noted that there will be an overlap between categories (i.e. some people will have both dementia and mobility problems). Hence the numbers for each of the illnesses/disabilities should not be added together to arrive at a total.

**Table 10.21** Projected Changes to Population with a Range of Disabilities – Cherwell (CE Baseline)

Disability	Age Range	2022	2040	Change	% Change
Dementia	65+	1,785	3,073	1,288	72.2%
Mobility problems	65+	4,725	7,699	2,974	62.9%
Autistic Spectrum Disorders	18-64	778	886	107	13.8%
	65+	245	374	129	52.4%
Learning Disabilities	15-64	2,006	2,250	244	12.1%
	65+	542	819	277	51.0%
Challenging behaviour	15-64	37	41	5	12.2%
Impaired mobility	16-64	4,320	4,810	490	11.3%

Source: POPPI/PANSI and Demographic Projections

**Table 10.22** Projected Changes to Population with a Range of Disabilities – Cherwell (2021 Census Adjusted)

Disability	Age Range	2022	2040	Change	% Change
Dementia	65+	1,785	3,095	1,311	73.4%
Mobility problems	65+	4,725	7,753	3,029	64.1%
Autistic Spectrum Disorders	18-64	778	902	124	15.9%
	65+	245	377	131	53.5%
Learning Disabilities	15-64	2,006	2,292	286	14.2%
	65+	542	825	283	52.1%
Challenging behaviour	15-64	37	42	5	14.3%
Impaired mobility	16-64	4,320	4,880	560	13.0%

Source: POPPI/PANSI and Demographic Projections

**Table 10.23** Projected Changes to Population with a Range of Disabilities – Oxford (CE Baseline)

Disability	Age Range	2022	2040	Change	% Change
Dementia	65+	1,279	2,008	729	57.0%
Mobility problems	65+	3,357	5,133	1,776	52.9%
Autistic Spectrum Disorders	18-64	880	1,184	304	34.6%
	65+	167	251	84	50.1%
Learning Disabilities	15-64	2,339	3,010	671	28.7%
	65+	376	558	181	48.2%
Challenging behaviour	15-64	42	54	12	28.7%
Impaired mobility	16-64	3,670	4,326	655	17.8%

Source: POPPI/PANSI and Demographic Projections



**Table 10.24** Projected Changes to Population with a Range of Disabilities – Oxford (2021 Census Adjusted)

Disability	Age Range	2022	2040	Change	% Change
Dementia	65+	1,279	2,017	738	57.7%
Mobility problems	65+	3,357	5,155	1,798	53.6%
Autistic Spectrum Disorders	18-64	880	1,210	330	37.5%
	65+	167	252	85	50.8%
Learning Disabilities	15-64	2,339	3,075	736	31.5%
	65+	376	560	184	48.9%
Challenging behaviour	15-64	42	55	13	31.5%
Impaired mobility	16-64	3,670	4,406	735	20.0%

Source: POPPI/PANSI and Demographic Projections

**10.8.4** Invariably, there will be a combination of those with disabilities and long-term health problems that continue to live at home with family, those who chose to live independently with the possibility of incorporating adaptations into their homes and those who choose to move into supported housing.

**10.8.5** The projected change shown in the number of people with disabilities provides clear evidence justifying delivering ‘accessible and adaptable’ homes as defined in Part M4(2) of Building Regulations, subject to viability and site suitability. Councils should ensure that the viability of doing so is also tested as part of drawing together its evidence base although the cost of meeting this standard is unlikely to have any significant impact on viability and would potentially provide a greater number of homes that will allow households to remain in the same property for longer.

## 10.9 Need for Specialist Accommodation for Older Persons

**10.9.1** The Planning Policy Guidance (PPG) provides guidance specifically on Housing for older and disabled people<sup>36</sup>. The Guidance answers the question as to why it is important to plan for the housing needs of older persons stating:

***“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.”*** (Reference ID: 63-001-20190626)

**10.9.2** The Planning Practice Guidance (PPG)<sup>37</sup> defines the different types of specialist housing (as set out in the box below) but is clear that there is a significant variability in the types of specialist types of housing available. The Government states in the PPG that the need to provide housing for older people is critical.

<sup>36</sup> <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

<sup>37</sup> <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

### Definitions of Different Types of Older Persons' Accommodation

**Age-restricted general market housing:** This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens, but does not include support or care services.

**Retirement living or sheltered housing (housing with support):** This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager.

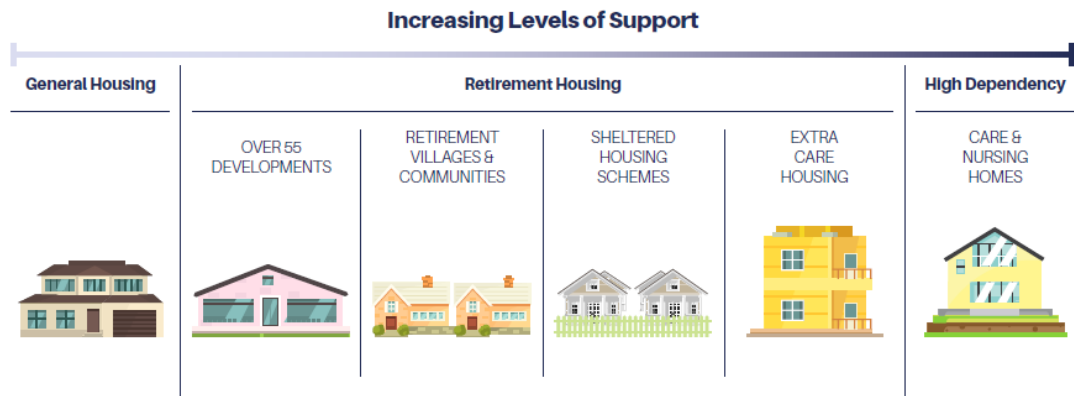
**Enhanced sheltered housing:** Sheltered housing with additional services to enable older people to retain their independence in their own home possible. Typically, there may be 24/7 (non-registered) staffing cover, at least one daily meal will be provided and there will be additional shared facilities. Also called assisted living and very sheltered housing.

**Extra care housing or housing-with-care (housing with care):** This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24-hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.

**Residential care homes and nursing homes (care bedspaces):** These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes.

Source: Planning Practice Guidance [63-010]

**10.9.3** As set out in the box above and illustrated in the figure below there are different models of specialist accommodation for older people and the most common form of differentiation between these models relates to the level and frequency of care and support provided to residents. These were also included within the PPG.

**Figure 10.8: Housing Options for Older People**

**10.9.4** For the purposes of this assessment we have considered the need for affordable and leasehold homes in the following categories:

- Housing with Support – as comprising retirement and sheltered housing;
- Housing with Care – as comprising housing where care is available;
- Residential and nursing bedspaces.

**10.9.5** As a general housing product this section of the report does not examine the need for age-restricted accommodation. It will effectively be up to the market to decide the level of this type of housing that should be delivered.

**The modelling of the older persons specialist accommodation needs focuses on the two commissioning authorities.**

### Current Supply

**10.9.6** We have drawn on data from the Elderly Accommodation Counsel (EAC) to examine the existing supply of specialist accommodation for older people in the Study Area. As shown in the table below the majority of supply comes in the form of housing with support. There is also a strong supply of care bedspaces which are principally nursing care. Provision of housing with care housing is less well developed but there is increasing market interest in this sector.

**Table 10.25** Current Supply

Type	Tenure	Cherwell	Oxford
Housing With Support	Affordable	1,296	920
	Market	712	357
<b>Housing With Support Total</b>		<b>2,008</b>	<b>1,277</b>
Housing with Care	Affordable	234	190
	Market	71	0
<b>Housing with Care Total</b>		<b>305</b>	<b>190</b>
Residential Care		219	261
Nursing Care		943	606
<b>Care Bedspaces</b>		<b>1,162</b>	<b>867</b>

Source: Elderly Accommodation Counsel, 2022

## Modelling Approach and Assumptions

**10.9.7** There are a number of ‘models’ for considering older persons’ needs, but they all essentially work in the same way by applying a ‘prevalence rate’ to projected demographic growth. The model results are particularly sensitive to the prevalence rates applied. Prevalence rates are typically reported as the number of units/bedspaces required per 1,000 head of population aged 75 based on the proportion of people in this age group who could be expected to live in different forms of specialist housing. Whilst the population aged 75 and over is used in the modelling, the estimates of need would include people of all ages.

**10.9.8** Whilst there are no definitive rates, the PPG [63-004] notes that ‘the future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered housing, extra care) may need to be assessed and can be obtained from a number of online tool kits provided by the sector, for example SHOP@ for Older People Analysis Tool)’. The PPG does not specifically mention any other tools and therefore seems to be indicating that SHOP@ would be a good starting point for analysis. However, since the PPG was published the Housing Learning and Information Network (Housing LIN) has removed the Shop@ online toolkit although the base rates used for analysis are known. Prevalence rates identified in existing studies include:

**Table 10.26** Range of suggested baseline prevalence rates from a number of tools and publications

Type/Rate	SHOP@ (2008) <sup>38</sup>	Housing in Later Life (2012) <sup>39</sup>	2016 Housing LIN Review
Retirement living or sheltered housing (housing with support)	125	180	100
Extra care housing or Enhance Sheltered (housing with care)	45	65	30-40 (‘proactive
Residential care homes	65	(no figure apart from 6 for dementia)	40
Nursing homes (care bedspaces), including dementia	45		45

Source: Range of sources as identified

**10.9.9** In interpreting the different potential prevalence rates it is clear that:

- The prevalence rates used should be considered and assessed taking account of an authority’s strategy for delivering specialist housing for older people. The degree for instance which Oxfordshire County Council want to require extra care

<sup>38</sup> Based on the More Choice Greater Voice publication of 2008

([https://www.housinglin.org.uk/assets/Resources/Housing/Support\\_materials/Reports/MCGVdocument.pdf](https://www.housinglin.org.uk/assets/Resources/Housing/Support_materials/Reports/MCGVdocument.pdf)). It should be noted that although these rates are from 2008, they are the same rates as were being used in the online toolkit when it was taken offline in 2019.

<sup>39</sup>

[https://www.housinglin.org.uk/assets/Resources/Housing/Support\\_materials/Toolkit/Housing\\_in\\_Later\\_Life\\_Toolkit.pdf](https://www.housinglin.org.uk/assets/Resources/Housing/Support_materials/Toolkit/Housing_in_Later_Life_Toolkit.pdf)

housing as an alternative to residential care provision would influence the relative balance of need between these two housing types;

- The Housing LIN model has been influenced by existing levels of provision and their view on what future level of provision might be reasonable taking account of how the market is developing, funding availability etc. There is a degree to which the model and assumptions within it may not fully capture the recent growth in private sector interest and in the extra care sector in particular.

**10.9.10** Icenis has sought to consider these issues and the appropriate modelling assumptions for assessing future needs. Nationally, there has been a clear focus on strengthening a community-led approach and reducing reliance on residential and nursing care – in particular, focussing where possible on providing households with care in their own home. Equally, Oxfordshire County Council have stressed their desire to provide additional extra care to ease the burden on residential care.

**10.9.11** The County Council are currently developing their policy, however their interim position, based on our discussion with them, is that they would like to see a shift away from residential care towards Extra Care. This will provide cost savings to the County Council but more importantly it will provide services users with a more appropriate form of housing.

**10.9.12** For Extra Care it is considered that the prevalence rates shown in the Shop@ are an appropriate starting point i.e. 45 units per 1,000 persons aged over 65. This has regards to market growth in this sector in recent years, county policy and a number of planning judgements since the above studies were prepared.

**10.9.13** More appropriate accommodation, in terms of both facilities and level of care, means that people will be able to live in their accommodation longer. Increased extra care provision will reduce needs for residential care which is often necessitated by those in general housing no longer being able to live independently. We have therefore modelled a change in prevalence rates of residential care from a default target of 40 per 1,000 to 20 per 1,000 aged over 75 and shifted this need to Extra Care which goes from 45 per 1,000 to 65 per 1,000 aged over 75.

**10.9.14** As a further adjustment, where current rates of residential care provision is over 20 per 1,000 aged over 75 we have added this surplus to the Extra-Care need. However, where this is below 20 per 1,000 we have reduced this from the Extra-Care need.

**10.9.15** In addition, due to the increasing population there may still be a need for additional residential care despite the reduced prevalence as well as, in some cases, a need for better quality provision (such as provision of care homes with en-suite facilities and of a size which are commercially viable).

**10.9.16** For housing with support an appropriate starting point is 135 units per 1,000 persons aged over 75. This is an average of the three sources. For Nursing Care the only rate published is 45 per 1,000 aged over 75. This is therefore applied.

**10.9.17** The modelling is complicated by evidence that the existing provision for housing with support and residential/nursing care bedspaces is above the target rates. Future provision is however influenced by demographic growth.

**10.9.18** In order for the market for extra-care (and other typologies) to take hold we have sought to gradually increase the prevalence rates from the current position to the desired position (the ‘target prevalence rate’) over the next 18 years. The approach in these terms allows for the strategy for prioritising extra care housing rather than other forms to be delivered – but this strategy is delivered over time.

**Table 10.27** Current and Target Prevalence Rates (2022)

Prevalence	Tenure	Cherwell Current	Cherwell Target	Oxford Current	Oxford Target
Housing With Support	Affordable	96	31	101	45
	Market	53	104	39	90
<b>Housing With Support Total</b>		150	135	141	135
Housing with Care	Affordable	17	14	21	25
	Market	5	47	0	49
<b>Housing with Care Total</b>		23	61	21	74
Residential Care		16	20	29	20
Nursing Care		70	45	67	45
<b>Care Bedspaces</b>		87	65	95	65

Source: Icen Analysis based on EAC data

**10.9.19** In relation to the split between tenures for housing with support and housing with care, the recommended future supply is split as per the current levels of owner occupation in older age groups in each area.

### Specialist Housing Needs

**10.9.20** Applying these target prevalence rates to the population projections results in the following gross need over the period to 2040. As shown there is expected to be a growth in demand for all types of housing in all local authorities.

**Table 10.28** Gross Need for Specialist Housing for Older People (2022-2040) – CE Baseline

	Tenure	Cherwell		Oxford	
		2022	2040	2022	2040
Housing With Support	Affordable	1,296	719	920	648
	Market	712	2,405	357	1,281
<b>Housing With Support Total</b>		<b>2,008</b>	<b>3,124</b>	<b>1,277</b>	<b>1,929</b>
Housing with Care	Affordable	234	327	190	354
	Market	71	1,092	0	700
<b>Housing with Care Total</b>		<b>305</b>	<b>1,419</b>	<b>190</b>	<b>1,053</b>
Residential Care		219	463	261	286
Nursing Care		943	1,041	606	643
<b>Care Bedspaces</b>		<b>1,162</b>	<b>1,504</b>	<b>867</b>	<b>929</b>

Source: Icen Analysis

**Table 10.29** Gross Need for Specialist Housing for Older People (2022-2040) – 2021 Census Adjusted)

		Cherwell		Oxford	
	Tenure	2022	2040	2022	2040
Housing With Support	Affordable	1,296	724	920	650
	Market	712	2,421	357	1,286
<b>Housing With Support Total</b>		<b>2,008</b>	<b>3,145</b>	<b>1,277</b>	<b>1,936</b>
Housing with Care	Affordable	234	329	190	355
	Market	71	1,099	0	702
<b>Housing with Care Total</b>		<b>305</b>	<b>1,428</b>	<b>190</b>	<b>1,057</b>
Residential Care		219	466	261	287
Nursing Care		943	1,048	606	645
<b>Care Bedspaces</b>		<b>1,162</b>	<b>1,514</b>	<b>867</b>	<b>932</b>

Source: Icen Analysis

**10.9.21** Once existing supply is taken into account, there broadly remains a significant future need in all areas. However, whilst there is a significant future need for most types of accommodation, there is an over-supply of affordable housing with support in Oxford and Cherwell. Each council should take a view as to whether future loss of this types of accommodation should be allowed or whether existing provision rates should be maintained. Issues related to the quality of existing provision may influence this.

**Table 10.30** Net Need for Specialist Housing For Older People (2022-2040) – CE Baseline

	Tenure	Cherwell	Oxford
Housing With Support	Affordable	-577	-272
	Market	1,693	924
<b>Housing With Support Total</b>		<b>1,116</b>	<b>652</b>
Housing with Care	Affordable	93	164
	Market	1,021	700
<b>Housing with Care Total</b>		<b>1,114</b>	<b>863</b>
Residential Care		244	25
Nursing Care		98	37
<b>Care Bedspaces</b>		<b>342</b>	<b>62</b>

Source: Icen Analysis based on EAC data

**Table 10.31** Net Need for Specialist Housing For Older People (2022-2040) – 2021 Census Adjusted

	Tenure	Cherwell	Oxford
Housing With Support	Affordable	-572	-270
	Market	1,709	929
<b>Housing With Support Total</b>		<b>1,137</b>	<b>659</b>
Housing with Care	Affordable	95	165
	Market	1,028	702
<b>Housing with Care Total</b>		<b>1,123</b>	<b>867</b>
Residential Care		247	26
Nursing Care		105	39
<b>Care Bedspaces</b>		<b>352</b>	<b>65</b>

Source: Icen Analysis based on EAC data



**10.9.22** In Cherwell, there is a broad balance of need across housing with support housing with care and a lesser need for care bedspaces. However, any delivery should be focused on market accommodation. This is particularly the case for housing with support. In Oxford there is less of a demand for care bedspaces but a broadly even demand for housing with care and housing with support. Again the focus on this should be market accommodation.

The above figures do not take account of pipeline supply (as this will change over time).

## 10.10 Qualitative Need

**10.10.1** The provision of a choice of attractive housing options to older households is a component of achieving good housing mix. The availability of such attractive housing options for the growing older population may enable some older households to downsize from homes which no longer meet their housing needs or are expensive to run. The opportunity for older households to 'rightsize' can help improve their quality of life.

**10.10.2** As well as planning for a numerical increase in specialist accommodation, the Councils should also support a qualitative increase. They should work with the Care Quality Commission to better understand the requirements for modern specialist housing and ensure these are implemented in new schemes. They may well be the need for replacement or remodelling of some older stock (e.g. bedsit properties) or reconfiguration of the market. The residential/nursing care market is for instance moving towards larger schemes which offer economies of scale and quality premises (for instance with en-suite facilities).

## 10.11 Wheelchair User Housing

**10.11.1** Information about the need for housing for wheelchair users is difficult to obtain, particularly at a local level and estimates of need produced in this report draw on data from the English Housing Survey (EHS) which provides a range of relevant data, but often for different time periods. The EHS data used includes the age structure profile of wheelchair users, information about work needed to homes to make them 'visitable' for wheelchair users and data about wheelchair users by tenure.

**10.11.2** The analysis below sets out estimates of the number of wheelchair users in each local authority; this has been based on estimating prevalence rates from the 2011-12 EHS (Annex Table 6.11) combined with Census data. At the time, the EHS showed there were 184,000 households with a wheelchair user and the oldest person in the household was aged under 60; the 2011 Census showed around 40.6 million people aged under 60 and therefore a base prevalence rate of 0.005 has been calculated for this group – essentially for every 1,000 people aged under 60 there are around 5 wheelchair user households. The table below shows data for a full range of age groups; it should be noted that whilst the prevalence rates mix households and population they will provide a reasonable estimate of the number of wheelchair user households.



**Table 10.32** Baseline prevalence rates by age used to estimate wheelchair user households – England

	Number of wheelchair user households	Household population	Prevalence (per 1,000 population)
<b>under 60 years</b>	184,000	40,562,000	5
<b>60 - 74 years</b>	205,000	7,668,000	27
<b>75 - 84 years</b>	191,000	2,832,000	68
<b>85 years or over</b>	146,000	997,000	146

Source: Derived from EHS (2011-12) and 2011 Census

**10.11.3** The analysis also considers the relative health of the population of Cherwell and Oxford. For this, data has been taken from the 2011 Census for the household population with ‘day to day activities limited a lot’ by their disability. The tables below show this information by age in the study area and England, and also shows the adjustment made to reflect differences in health between the areas. Due to the age bands used in the Census, there has been some degree of adjustment for the under 60 and 60-74 age groups. The data shows lower levels of disability for all age groups in the two authorities, pointing to a slightly lower than average proportion of wheelchair user households.

**Table 10.33** Proportion of people with day to day activities limited a lot (by age) – 2011 – Cherwell

	% of age group with day to day activities limited a lot		Cherwell as % of England	Prevalence rate (per 1,000 population)
	Cherwell	England		
<b>under 60 years</b>	2.7%	4.2%	66.2%	3
<b>60-74 years</b>	9.3%	13.9%	67.1%	18
<b>75-84 years</b>	25.7%	29.1%	88.5%	60
<b>85 years or over</b>	52.2%	52.3%	99.7%	146

Source: 2011 Census

**Table 10.34** Proportion of people with day to day activities limited a lot (by age) – 2011 – Oxford

	% of age group with day to day activities limited a lot		Oxford as % of England	Prevalence rate (per 1,000 population)
	Oxford	England		
<b>under 60 years</b>	2.9%	4.2%	70.6%	3
<b>60-74 years</b>	11.6%	13.9%	82.9%	22
<b>75-84 years</b>	25.5%	29.1%	87.7%	59
<b>85 years or over</b>	50.3%	52.3%	96.1%	140

Source: 2011 Census

**10.11.4** The local prevalence rate data can be brought together with information about the population age structure and how this is likely to change moving forward. For Cherwell, the data estimates a total of 1,851 wheelchair user households in 2022, and that this will rise to 2,815-2,840 by 2040. In Oxford 1,443 wheelchair user households increases to around 2,100 over the same period.

**Table 10.35** Estimated number of wheelchair user households (2022-40) – Cherwell – CE Baseline

	Prevalence rate (per 1,000 population)	Household population 2022	Household population 2040	Wheelchair user households (2022)	Wheelchair user households (2040)
under 60 years	3	123,026	135,771	369	408
60 - 74 years	18	24,702	31,404	443	563
75 - 84 years	60	9,345	15,412	559	921
85 years or over	146	3,296	6,328	481	923
<b>Total</b>		<b>160,369</b>	<b>188,916</b>	<b>1,851</b>	<b>2,815</b>

Source: Derived from a range of sources

**Table 10.36** Estimated number of wheelchair user households (2022-40) – Cherwell – 2021 Census Adjusted

	Prevalence rate (per 1,000 population)	Household population 2022	Household population 2040	Wheelchair user households (2022)	Wheelchair user households (2040)
under 60 years	3	123,026	138,551	369	416
60 - 74 years	18	24,702	31,668	443	568
75 - 84 years	60	9,345	15,508	559	927
85 years or over	146	3,296	6,376	481	930
<b>Total</b>		<b>160,369</b>	<b>192,103</b>	<b>1,851</b>	<b>2,840</b>

Source: Derived from a range of sources

**Table 10.37** Estimated number of wheelchair user households (2022-40) – Oxford – CE Baseline

	Prevalence rate (per 1,000 population)	Household population 2022	Household population 2040	Wheelchair user households (2022)	Wheelchair user households (2040)
under 60 years	3	116,921	153,156	375	491
60 - 74 years	22	16,511	21,969	366	487
75 - 84 years	59	6,136	9,357	363	554
85 years or over	140	2,411	3,999	339	562
<b>Total</b>		<b>141,980</b>	<b>188,481</b>	<b>1,443</b>	<b>2,093</b>

Source: Derived from a range of sources

**Table 10.38** Estimated number of wheelchair user households (2022-40) – Oxford – 2021 Census Adjusted

	Prevalence rate (per 1,000 population)	Household population 2022	Household population 2040	Wheelchair user households (2022)	Wheelchair user households (2040)
under 60 years	3	116,921	157,113	375	503
60 - 74 years	22	16,511	22,096	366	490
75 - 84 years	59	6,136	9,392	363	556
85 years or over	140	2,411	4,018	339	564
<b>Total</b>		<b>141,980</b>	<b>192,618</b>	<b>1,443</b>	<b>2,113</b>

Source: Derived from a range of sources

**10.11.5** The finding of an estimated current number of wheelchair user households does not indicate how many homes might be needed for this group – some households will be living in a home that is suitable for wheelchair use, whilst others may need improvements to accommodation, or a move to an alternative home. Data from the EHS (2014-15) shows that of the 814,000 wheelchair user households, some 200,000 live in a home that would either be problematic or not feasible to make fully ‘visitable’ – this is around 25% of wheelchair user households. Applying this to the current number of wheelchair user households and adding the additional number projected forward suggests a need for around 80 additional wheelchair user homes per annum in Cherwell and 60 for Oxford – this equates to about 8% of all housing need in Cherwell and 4% in Oxford (as set out in the table below).

**Table 10.39** Estimated need for wheelchair user homes, 2022-40 (figures per annum)

	Current need	Projected need	Total current and future need	Housing need	% of Housing Need
Cherwell – CE base	25	54	79	1,009	7.8%
Cherwell – Census adj.	25	55	80	1,081	7.4%
Oxford – CE base	20	36	56	1,322	4.2%
Oxford – Census adj.	20	37	57	1,416	4.0%

Source: Derived from a range of sources

**10.11.6** Furthermore, information in the EHS (for 2017/18) also provides national data about wheelchair users by tenure. This showed that, at that time, around 7.1% of social tenants were wheelchair users, compared with 2.7% of market households (owner-occupiers and private renters). Applying these national figures to the demographic change and need (as shown above) it is possible to estimate the potential need by tenure, as shown in the table below. This shows a need for around 3-6% of market homes to be M4(3) along with 8-16% of affordable.

**Table 10.40** Estimated need for wheelchair user homes by tenure, 2022-32

	Market	Affordable
Cherwell – CE base	6%	16%
Cherwell – Census adj.	6%	15%
Oxford – CE base	3%	9%
Oxford – Census adj.	3%	8%

Source: Derived from demographic projections and EHS prevalence rates

**10.11.7** To meet the identified need, the Councils could seek a proportion (maybe up to 10%) of all new market homes to be M4(3) compliant and potentially around a fifth in the affordable sector. These figures reflect that not all sites would be able to deliver homes of this type. In the market sector these homes would be M4(3)A (adaptable) and M4(3)B (accessible) for affordable housing.

**10.11.8** As with M4(2) homes it may not be possible for some schemes to be built to these higher standards due to built-form, topography, flooding etc. Furthermore, provision of this type of property may in some cases challenge the viability of delivery given the reasonably high build out costs (see table below).

**10.11.9** It is worth noting that the Government is currently consulting on changes to the way the needs of people with disabilities and wheelchair users are planned for as a result of concerns that in the drive to achieve housing numbers, the delivery of housing that suits the needs of the households (in particular those with disabilities) is being compromised on viability grounds<sup>40</sup>.

**10.11.10** One of the policy options tabled in this document is to remove M4(1) altogether, so that all new homes will have to at least have the accessible and adaptable features of an M4(2) home. M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced. This is consistent with the evidence presented in this report, although the trade-off identified in the consultation paper between viability and the need to deliver sufficient numbers of market homes to meet general housing needs is unavoidable.

**10.11.11** The viability challenge is particularly relevant for M4(3)(B) standards. These make properties accessible from the moment they are built and involve high additional costs that could in some cases challenge the feasibility of delivering all or any of a policy target.

**Table 10.41** Access Cost Summary

	1-Bed Apartment	2-Bed Apartment	2-Bed Terrace	3-Bed Semi-Detached	4-Bed Semi-Detached
M4(2)	£940	£907	£523	£521	£520
M4(3)(A) – Adaptable	£7,607	£7,891	£9,754	£10,307	£10,568
M4(3)(B) – Accessible	£7,764	£8,048	£22,238	£22,791	£23,052

Source: EC Harris, 2014

<sup>40</sup> Raising accessibility standards for new homes, a consultation paper, page 10

**10.11.12** However, local authorities only have the right to request M4(3)(B) accessible compliance from homes for which they have nomination rights. They can, however, request M4(3)(A) adaptable compliance from the wider (market) housing stock.

**10.11.13** A further option for the Councils would be to consider seeking a higher contribution, where it is viable to do so, from those homes to which they have nomination rights. This would address any under delivery from other schemes (including schemes due to their size e.g. less than 10 units or 1,000 square metres) but also recognise the fact that there is a higher prevalence for wheelchair use within social rent tenures. This should be considered when setting policy.

## 10.12 Specific housing market segments

### Self- and Custom-Build

**10.12.1** This section considers the need for serviced plots to provide for self-build and custom housebuilding as well as an appropriate policy response.

**10.12.2** The Government has a clear agenda for supporting and promoting the self-build and custom building sector. The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (“the 2015 Act”) provides a legal definition of ‘self-build and custom housebuilding’ which is where individuals or associations of individuals (or persons working with or for individuals or associations of individuals) build houses to be occupied as homes for those individuals.

**10.12.3** The Housing and Planning Act 2016 (“the 2016 Act”), which received Royal Assent on 12<sup>th</sup> May 2016, formally introduced the ‘Right to Build’. It required local planning authorities to set up a register of people wanting to undertake a custom or self-build project in their area. Under the ‘duty to grant planning permissions etc.’, the 2016 Act has placed a legal duty on the relevant authority to grant enough planning permissions to meet the demand for self-build housing as identified through its register in each base period. The Self-Build and Custom Housebuilding Regulations 2016 subsequently came into force on 31<sup>st</sup> October 2016, amending the 2015 Act and implementing Chapter 2 of the 2016 Act.

#### *Self and Custom Build Register*

**10.12.4** As of 1st April 2016, and in line with the 2015 Act and the Right to Build, relevant authorities in England are required to have established and publicised a self-build and custom housebuilding register which records those seeking to acquire serviced plots of land in the authority’s area in order to build their own self-build and custom houses.

**10.12.5** There has now been five full base periods up to 30th October 2020 as well as the initial half year base period. As the table below shows, the need shown is equivalent to an annual average of around 524 self-build plots per year in Cherwell and 22 in Oxford City.

**Table 10.42** Serviced Plot Demand by Base Period

Base Period:	1*	2	3	4	5	6	Average
Cherwell	2757	75	12	19	19	26	524
Oxford City	23	20	11	20	24	25	22

Source: Right to Build Registers Monitoring \*half year for initial base period. Average based on 5.5 years

**10.12.6** The numbers on the Cherwell register are the highest in the Country and more than double that of the next highest (Bristol at 230 per annum), This is due to the Graven Hill site in Bicester which is the largest self-build scheme in the UK and the second largest in Europe, providing up to 2,100 homes (of which 1,900 will be self-build). It is likely however that this scheme is not meeting the demand of the district but a much wider catchment. Due to the size of the development it currently enables people from outside the district to purchase plots for self-build properties, thus helping to meet demand from elsewhere.

**10.12.7** Cherwell introduced a local connection test in 2017 which may go some way to explain the subsequent fall off in individuals registering from the first base period to

subsequent base periods. At the same time the Council also introduced a financial viability test.

**10.12.8** It is worth highlighting that a survey<sup>41</sup> undertaken by YouGov on behalf of the National Custom and Self-Build Association (“NaCSBA”) in October 2020 found that awareness of the Right to Build legislation is low with 83% of people unaware that the local authority self-build registers exist. As a result, the number of individuals on a local authority’s self-build register may underestimate demand. However this is unlikely to be the case in Cherwell as the custom of and self-build market is very well known aided by publicity through programmes such as Grand Designs as well as a Graven Hill marketing suite in the development.

### Broader Demand Evidence

**10.12.9** In order to supplement the data from the Council’s own register, we have looked to secondary sources as recommended by the PPG, which for this report is data from NaCSBA - the national association for the custom and self-build housing sector.

**10.12.10** First, it is worth highlighting that the recent October 2020 survey undertaken by YouGov on behalf of NaCSBA found that 1 in 3 people (32%) are interested in building their own home at some point in the future, including 12% who said they were very interested. Notably, almost half (48%) of those aged between 18 and 24 were interested in building their own home, compared to just 18% of those aged 55 and over. This is notable as, traditionally, self-build has been seen as the reserve of older members of society aged 55 and over, with equity in their property

**10.12.11** Second, we can draw on NaCSBA data to better understand the level of demand for serviced plots. The association has recently published analysis with supporting maps and commentary titled “Mapping the Right to Build” in 2019. This includes an output on the demand for serviced plots as a proportion of total population relative to all other local authorities across England. This shows a demand in Cherwell equivalent to 413 per 100,000 head of population and 59 per 100,000 in Oxford.

### *Supporting the Self-Build and Custom Housebuilding*

**10.12.12** The Self-Build and Custom Housebuilding PPG sets out how authorities can increase the number of planning permissions which are suitable for self-build and custom housebuilding and support the sector. The PPG<sup>42</sup> is clear that authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward and can focus on playing a key role in facilitating relationships to bring land forward. There are a number of measures which can be used to do this, including but not limited to:

<sup>41</sup> A survey of 2,017 adults with fieldwork undertaken online between 9<sup>th</sup> – 11<sup>th</sup> October 2020. The figures are weighted and are representative of all GB adults aged 18+

<sup>42</sup> Paragraph: 025 Reference ID: 57-025-20210508



- supporting Neighbourhood Planning groups where they choose to include self-build and custom build housing policies in their plans;
- working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom build housing;
- when engaging with developers and landowners who own sites that are suitable for housing, encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested; and
- working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need.

**10.12.13** Iceni would note that an increasing number of local planning authorities have adopted specific self-build and custom housebuilding policies in respective Local Plans to encourage delivery, promote and boost housing supply.

**10.12.14** Cherwell are a vanguard local authority when it comes to custom and self build housing. They have specifically allocated at Policy Bicester 2 of the Cherwell Local Plan 2011-2031 the Graven Hill site in Bicester for development of this type. As stated, this is meeting the wider demand rather than just that for Cherwell residents. Although, in order to widen the supply beyond Bicester, the Council may wish to seek a similar policy to Oxford (see below) on large sites not in Bicester.

**10.12.15** In Oxford, Policy H7 of the Local Plan supports self-build housing and requires sites of 50 or more units to provide 5% of the site area to be made available for self-build plots. These will be part of the 50% of market housing to be delivered on such sites unless conditioned to be otherwise. If such units remain unsold after 12 months then they will be built and brought forward in the normal way.

### *Build to Rent*

This section considers Private Rented Sector dynamics and considers the potential for Build-to-Rent development.

### **The Size of the Sector**

**10.12.16** In Oxfordshire the Private Rental Sector grew from around 10% of all households in 2001 to 15.2% in 2011. In order to bring this up to date, Iceni has drawn on data published by ONS which provides a view on how the tenure profile may have evolved since the 2011 Census. It should be caveated that the confidence value varies greatly by authority and the data is therefore only intended to provide a broad view on the potential tenure profile. Clearly as the Census 2021 data begins to emerge, we will have a clearer understanding of the true picture.

**10.12.17** ONS data suggests that the PRS sector peaked in 2016. In Cherwell this was at 18%, but has since fallen to 17.5%. Oxford also peaked at 29.8% in 2016 and has since fallen to 29%. This aligns with the national picture with the latest English

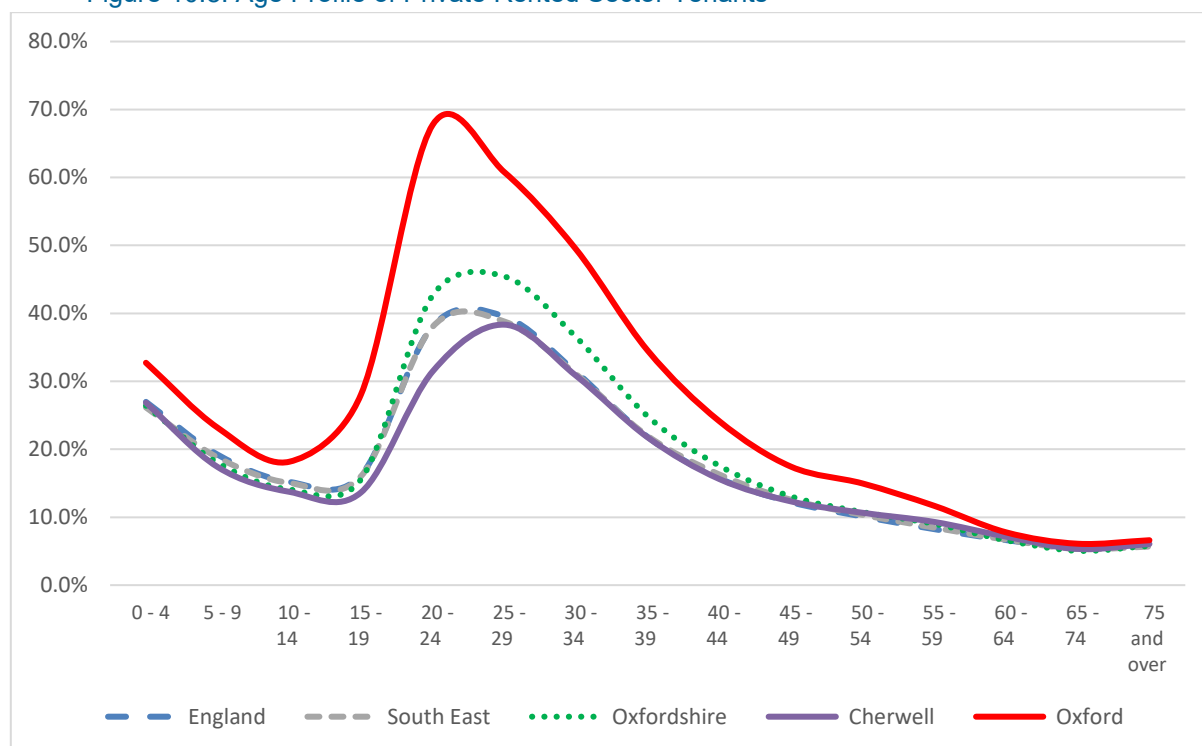


Housing Survey<sup>43</sup> stating that the proportion of households in the Private Rented Sector decreased over the period 2015/16 to 2020/21.

### The Profile of Renters

**10.12.18** The age of those renting at the point of the 2011 Census was skewed towards those aged 20 to 39 in line with the regional and national average. There is a comparatively higher percentage of all age groups privately renting in Oxford and lower percentage in younger age groups in Cherwell.

Figure 10.8: Age Profile of Private Rented Sector Tenants



Source: 2011 Census

**10.12.19** The 2011 Census indicated that the largest household group in the Sector was single person households aged under 65 accounting for around a quarter (23%-26%) of all households which is typical of the private rented sector profile. There is also a high percentage of couples with Dependent Children that are privately renting. In Oxford there was also a relatively high percentage of Couples with no Children and All Student Households.

**10.12.20** The Census showed that over 50% of private renters are high skilled, professional households in the top three major occupation groups. Although this is somewhat skewed by Oxford (63%) while Cherwell have more modest percentages (43% and 51% respectively)

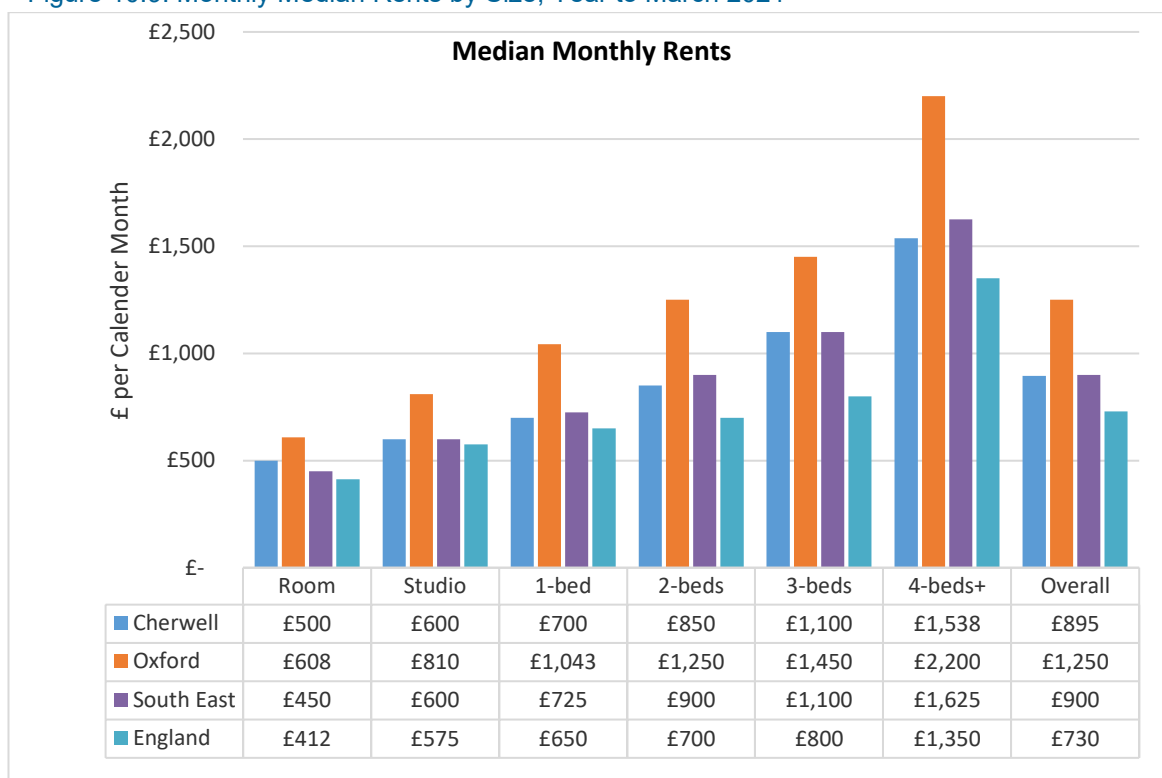
### Rental Market Statistics

**10.12.21** The median rent in Oxford is £1250 per calendar month and the lower quartile rent is £1050 pcm. Even the lower quartile price in Oxford is above the median rents in Cherwell. If we drill into median rents by property size we see that for

<sup>43</sup> English Housing Survey 2020/21

all sizes of homes rents in Oxfordshire are above the other two local authorities as well as England and the South East. This is particularly the case for larger homes.

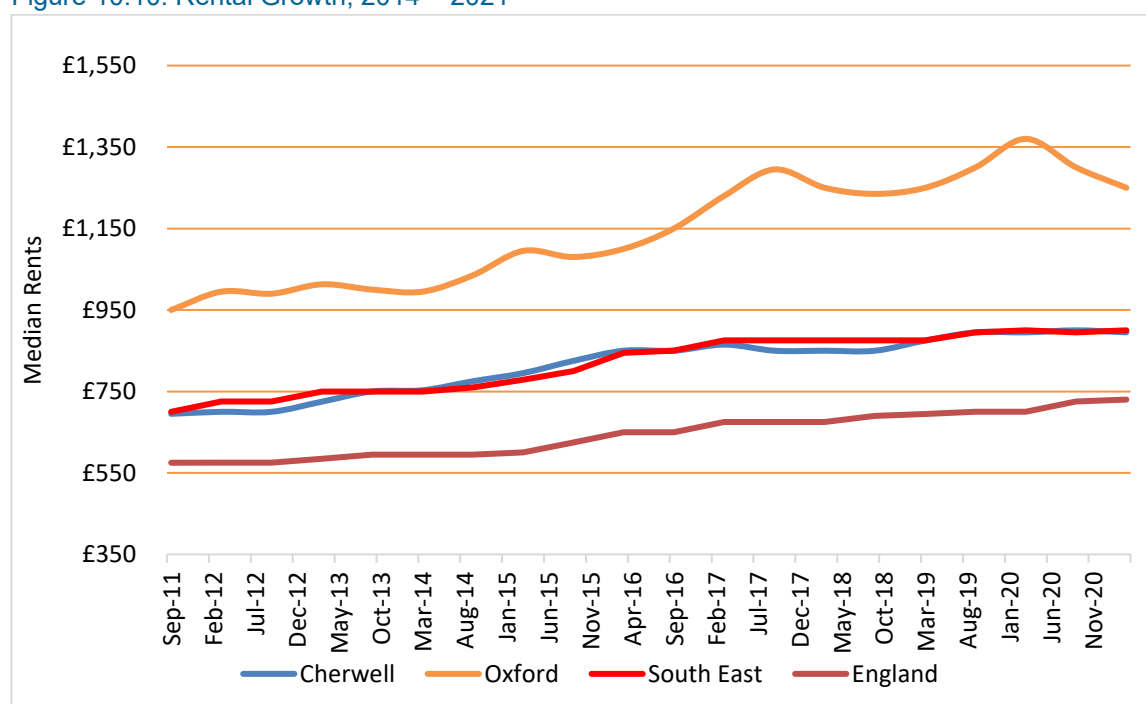
Figure 10.9: Monthly Median Rents by Size, Year to March 2021



Source: VOA, 2022

**10.12.22** The evidence indicates that median rents have increased over the last seven years in all areas but particularly in Oxford.

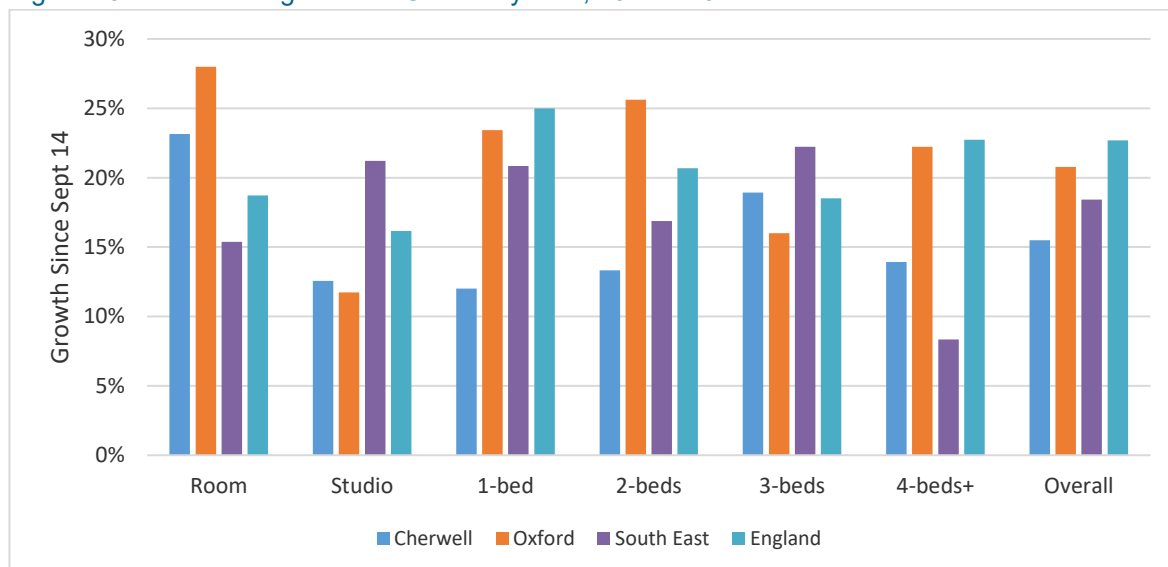
Figure 10.10: Rental Growth, 2014 – 2021



Source: Icen analysis of ONS Private Rental Market Statistics. Note no data provided for rooms.

**10.12.23** Oxford has seen a considerably strong comparable growth in 2-bedroom homes and room only rates and to a lesser degree 1-bedroom units. However, for studios and 3-bedroom units the increase was stronger in Cherwell. This is indicative of the role each area plays with greater demand for smaller units (in part driven by students) in the City and the demand for family sized units in the shire authorities.

Figure 10.11: Percentage Rental Growth by Size, 2014 – 2021



Source: Icen analysis of ONS Private Rental Market Statistics. Note no data provided for rooms.

**10.12.24** If we then set the relevant<sup>44</sup> LHA rates against lower quartile private rental values (i.e. the lowest 25% or “entry-level rents”) for each local authority, it is clear that LHA continues to be below market rents for all sizes in the area. This is particularly the case for Oxford. The table below shows the difference between the LHA cap and entry-level rents.

Table 10.43 LQ Rents set against LHA Rates

	1 BED	2 BEDS	3 BEDS	4 BEDS
<b>Cherwell LQ Rent</b>	<b>£650</b>	<b>£795</b>	<b>£950</b>	<b>£1,300</b>
Cherwell Valley BRMA	£646	£771	£897	£1,291
Difference	£4	£24	£53	£9
<b>Oxford LQ Rent</b>	<b>£925</b>	<b>£1,100</b>	<b>£1,300</b>	<b>£1,800</b>
Oxford BRMA	£773	£910	£1,096	£1,577
Difference	£152	£190	£204	£223

Source: VOA data and DWP Data, 2022

**10.12.25** The changing nature of welfare benefits payments, particularly housing benefits and the introduction and shift to Universal Credit have direct implications for lower earning and economically inactive households. The operation of the welfare benefit cap has been in place now for a number of years, restricting the total amount of benefit - including housing benefits - which in turn serves to restrict housing choice and opportunity for those family households affected as is evident from our analysis. The maximum amount of welfare and housing benefit is capped currently at £384.62

<sup>44</sup> Some local authorities cut across Broad Rental Market Areas, Oxford is entirely within the Oxford BRMA, Cherwell is split between Oxford and Cherwell Valley, West Oxfordshire is split across Oxford, Cherwell Valley and Cheltenham

per week or £1,666.67 per month outside of London for families with children and couples.

**10.12.26** It is the case that for many living in the PRS, barriers to households becoming homeowners are less likely to relate to income and/or the cost of housing and more about other factors such as saving for a deposit or difficulties obtaining a mortgage. However, it should also be noted that some households will choose to rent privately as this can be a more flexible option. In the context of the private rented sector's growth over the last 20 years and a national housing shortage, successive Governments have looked to the private rented sector to play a greater role in providing more new build housing and have sought to encourage "Build to Rent" development.

**10.12.27** According to the British Property Federation there are no build to rent schemes existing or in the pipeline in Oxfordshire. However, the market is still embryonic and has thus far focussed on urban areas with a large student body or a high percentage of younger working age adults.

**10.12.28** Market dynamics point to strong demand for PRS properties. However since 2016 there have been legislative and taxation changes which have made the sector less attractive for landlords, including changes to Stamp Duty and the ending of mortgage interest relief. The demographic profile of Oxford in particular makes an attractive potential location for Build-to-Rent development. Cherwell also has a sizeable PRS which is likely to be focused on the main towns. There is potential for the sector to grow in Bicester and Banbury over the plan-period particularly as the market matures and the suburban build-to-rent sub-sector develops. Both authorities should therefore seek to put in place local plan policies to guide development.

**10.12.29** A Local Plan policy would effectively set out parameters regarding how schemes would be considered, and how affordable housing policies would be applied. In considering the dwelling mix proposed in relation to a Build-to-Rent scheme; we would expect the focus to be on 1, 2 and some 3-bed properties given the occupancy profile associated with Build to Rent accommodation. However, given that this is still a relatively embryonic sector, the Councils need not be overly prescriptive.

**10.12.30** The Framework's definition of Build-to-Rent development sets out that schemes will usually offer tenancy agreements of three or more years and will typically be professionally managed stock in single ownership and management control. It would be appropriate for the Council to adopt a consistent definition.

**10.12.31** The Councils will need to consider affordable housing policies specifically for the Build-to-Rent sector. The viability of Build to Rent development will however differ from that of a typical mixed tenure development: returns from the Build to Rent development are phased over time whereas for a typical mixed tenure scheme, capital receipts are generated as the units are completed.

**10.12.32** In general terms, it is expected that a proportion of Build to Rent units will be delivered as 'Affordable Private Rent' housing. The PPG<sup>45</sup> states that:

*"The National Planning Policy Framework states that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent, a class of affordable housing specifically designed for build to rent."*

<sup>45</sup> ID: 60-002-20180913

*Affordable private rent and private market rent units within a development should be managed collectively by a single build to rent landlord.*

*20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. If local authorities wish to set a different proportion, they should justify this using the evidence emerging from their local housing need assessment, and set the policy out in their local plan. Similarly, the guidance on viability permits developers, in exception, the opportunity to make a case seeking to differ from this benchmark.*

*National affordable housing policy also requires a minimum rent discount of 20% for affordable private rent homes relative to local market rents. The discount should be calculated when a discounted home is rented out, or when the tenancy is renewed. The rent on the discounted homes should increase on the same basis as rent increases for longer-term (market) tenancies within the development”*

**10.12.33** The Councils should have regard to the PPG on Build-to-Rent development with the starting point for affordable housing therefore being that 20% of units would be Affordable Private Rented units at a discount of 20% to local market rents.

# Appendices

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## Appendix A: CE Economic Projections Methodology

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### Methodology and data sources

Cambridge Econometrics (CE) have maintained and developed a highly disaggregated database of employment and GVA data by sector (12 broad sectors or more detailed 45 sectors<sup>46</sup>) from 1981 for all unitary authorities and local authority districts in Great Britain.

CE's projections are baseline economic projections based on historical growth in the local area relative to the region or UK (depending on which area it has the strongest relationship with), on a sector-by-sector basis. They assume that those relationships continue into the future. Thus, if a sector in the local area outperformed the sector in the region (or UK) as a whole in the past, then it will be assumed to do so in the future. Similarly, if it underperformed the region (or UK) in the past then it will be assumed to underperform the region (or UK) in the future.

They further assume that economic growth in the local area is not constrained by supply-side factors, such as population and the supply of labour. Therefore, no explicit assumptions for population, activity rates and unemployment rates are made in the projections. They assume that there will be enough labour (either locally or through commuting) with the right skills to fill the jobs. If, in reality, the labour supply is not there to meet projected growth in employment, growth could be slower.

The measure of employment is workplace-based jobs, which include full-time, part-time and self-employed. The data on employees in employment by sector, which distinguish full-time and part-time as well as gender for the local area, are taken from the Business Register and Employment Survey (BRES) and the earlier Annual Business Inquiry (ABI). Estimates of self-employment are taken from the Annual Population Survey (APS) from 2004 onwards. For earlier years estimates are generated under the assumption that the ratios of self-employed to employees at local level, by sector and gender, are the same as those at the corresponding regional level. The figures are made consistent with more recently-published estimates of jobs at a regional level (quarterly workforce jobs, June figures) published by ONS, which include people in the armed forces but do not include people on government training schemes.

The GVA data are consistent with sector data (balanced approach) at the local authority level from the ONS' Regional Accounts.

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<sup>46</sup> See Tables C1 and C2 for the definitions of CE's detailed and broad sectors in terms of the 2007 Standard Industrial Classification.

**Table C.1: Definitions of CE's 45 detailed sectors in terms of the 2007 Standard Industrial Classification (SIC2007)**

Sector	SIC2007
Agriculture, forestry & fishing	01-03
Mining & quarrying	05-09
Food, drink & tobacco	10-12
Textiles etc	13-15
Wood & paper	16-17
Printing & recording	18
Coke & petroleum	19
Chemicals	20
Pharmaceuticals	21
Non-metallic mineral products	22-23
Metals & metal products	24-25
Electronics	26
Electrical equipment	27
Machinery	28
Motor vehicles	29
Other transport equipment	30
Other manufacturing & repair	31-33
Electricity & gas	35
Water, sewerage & waste	36-39
Construction	41-43
Motor vehicles trade	45
Wholesale trade	46
Retail trade	47
Land transport	49
Water transport	50
Air transport	51
Warehousing & postal	52-53
Accommodation	55
Food & beverage services	56
Media	58-60
IT services	61-63
Financial & insurance	64-66
Real estate	68
Legal & accounting	69
Head offices & management consultancies	70
Architectural & engineering services	71
Other professional services	72-75
Business support services	77-82
Public administration & defence	84
Education	85
Health	86
Residential & social	87-88
Arts	90-91
Recreational services	92-93
Other services	94-96



**Table C.2: Definitions of CE's broad sectors in terms of CE's 45 detailed sectors and SIC2007**

Broad sector	CE45	SIC2007
Agriculture, forestry & fishing	1	01-03
Mining & quarrying	2	05-09
Manufacturing	3-17	10-33
Electricity, gas & water	18-19	35-39
Construction	20	41-43
Distribution	21-23	45-47
Transport & storage	24-27	49-53
Accommodation & food services	28-29	55-56
Information & communications	30-31	58-63
Financial & business services	32-38	64-82
Government services	39-42	84-88
Other services	43-45	90-96

## Appendix B: CE 2022 Baseline Projection Update Overview

March 2022

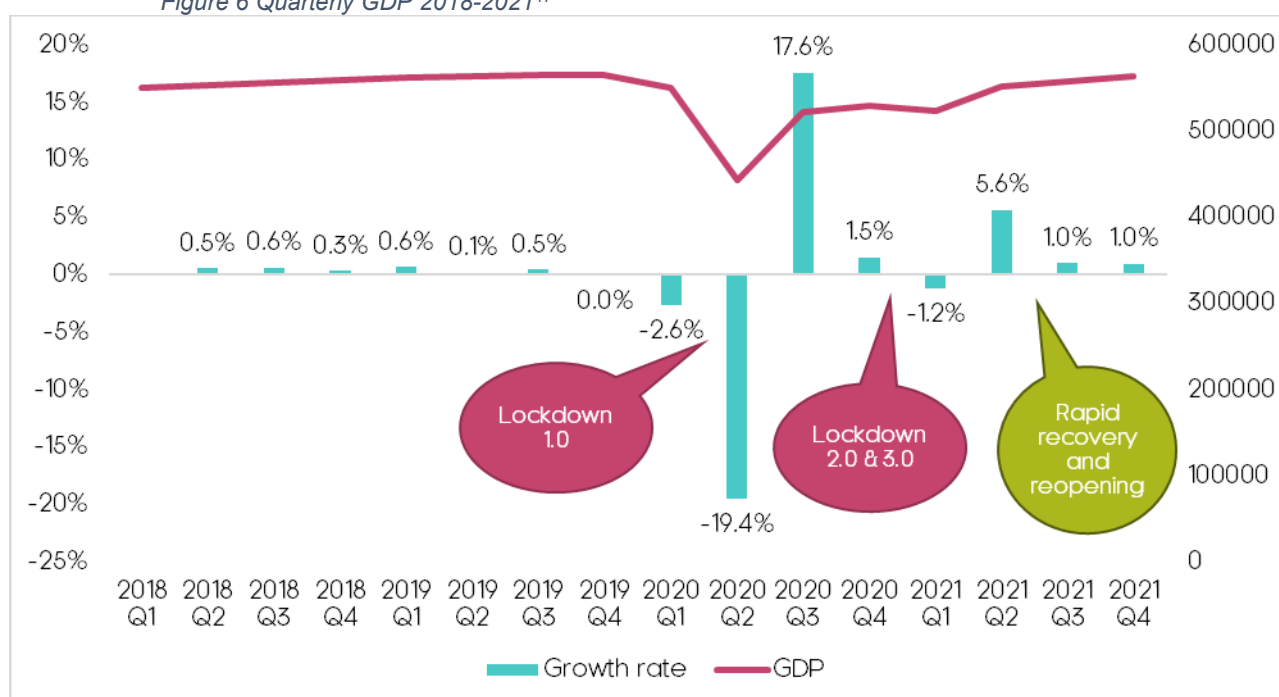
### Assumptions regarding COVID-19

#### Overview

A sharp recession was experienced in the first half of 2020 (and the first quarter of 2021) as the UK government introduced public health measures and social distancing to contain the outbreak of COVID-19. Economic recovery has generally been robust as restrictions were wound down (i.e. in 2020H2 and 2021Q2), however the recovery has been uneven (across groups/regions/expenditure categories) and there is evidence of scarring in some economic variables. These developments are reflected in the quarterly GDP profile in

Figure 6.

Figure 6 Quarterly GDP 2018-2021<sup>47</sup>



In the near term, it is assumed that UK policy will transition towards “living with COVID” in which restrictions are no longer placed on activities of households and businesses. There are therefore no further COVID-related restrictions assumed in the forecast period.

The export outlook for UK has deteriorated since the previous forecast owing to supply chain issues (e.g. shortage of UK HGV staff, border disruptions, fuel shortages etc) and owing to impacts associated with UK exit of EU (see following section). These issues are expected to persist in the medium term, weighing down the recovery of exports over 2022-24 (note also, that unlike most other expenditure categories, published data

<sup>47</sup><https://www.ons.gov.uk/economy/grossdomesticproductgdp/bulletins/gdpmonthlyestimateuk/december2020>

indicate that exports continued to contract in 2021, despite the partial reopening of the global economy).

Despite the reversal of restrictions, persistent economic scarring and a muted economic recovery is expected. This comes as a result of business closures, weak capital accumulation and lasting productivity impacts of the pandemic. Moreover, UK trade prospects remain very weak due to slow global economic growth and Brexit trade disruptions (see EU exit section below).

Given this, the central assumption of this forecast is a 2.4% increase in GDP in 2022 (the final 'recovery' year in which above-trend growth rates are observed) and a 1.3% increase in GDP in 2023.

### • **Key forecast components**

The post-pandemic economic trajectory (i.e. short-term economic prospects) will depend on the responses of households, businesses and government.

**Households** – Both upside and downside uncertainties are present and the future outlook of households is expected to be heterogenous. High levels of household saving have been recorded during the pandemic, which has helped fuel economic recovery. Household choices regarding these savings could influence the future outlook. It is assumed in this forecast that due to the distribution of savings (skewed to high-income households with lower propensity to consume) and due to the dampening effects of rising inflation, the outlook for consumption is relatively muted in comparison to 2021 growth rates. Another key consideration is productivity and pay growth. Pay growth is expected to be sluggish, in line with scarred productivity. Household spending is assumed to recover partially in the short term, but experience permanent impacts from the pandemic.

**Businesses** – Cash-flow issues are expected to weigh down on business investment in the near/medium term, in light of rising input costs and weakened position as a result of economic shocks of COVID-19.

The medium-term prospects for the UK economy is dependent on developments in the global economic outlook. On the one hand, improvements in the global vaccine rollout have been observed since the previous forecast. However, new COVID variants and developments in Ukraine (war, sanctions and uncertainty) could dampen the global outlook.

### • **Long-term COVID-19 assumptions**

Due to a lack of conclusive evidence, the previous version of the forecast did not assume any specific long-term impacts of the COVID-19 pandemic. Since then, we have evaluated further evidence on:

- The [impact of COVID on UK population and its distribution](#). In the previous forecast we had introduced a temporary adjustment to UK population and its distribution due to international and internal migration. [Additional evidence](#) suggests that this impact on migration will likely have a lasting effect on UK population. Therefore, we assume that during the pandemic around 350,000 people have permanently left the UK. We also assume that as a result of flexible working policies and lifestyle changes, 180,000 people have permanently relocated from London to other UK areas. Furthermore, some additional population scarring effects of the COVID-19 pandemic are also reflected in this update of the forecast, as the population projections have been updated to align with the 2020-based ONS population projections.
- We have also reviewed the evidence on the long-term impact of the COVID-19 pandemic on productivity and the capacity of the economy, not only as a result of health scarring directly due to COVID-19, but also as a result of the

response policies. There is limited evidence on how severe and lasting the health scarring could be, and therefore, we are not introducing any related assumptions in this forecast.

- School closures and remote education will likely lead to long-term impacts on human capital and productivity. In order to account for this, we are introducing an assumption based on the evidence from a [McKinsey study](#), which found that lost education of the current student cohort could lower their lifetime earnings by approximately 3%. We apply this assumption as an exogenous shock to employee earnings in the model. Weighted by population and average earnings in different age groups, our assumption is that employee earnings will be 0.5% lower by 2040, when approximately 16% of the total workforce will have been at school during the pandemic. This is only a first-order direct impact, which could have further impacts throughout the economy calculated by the model. This impact is additional to the short and medium-term impacts of the pandemic already captured as part of our assumptions, or as part of dynamic modelling.

## How the EU exit assumptions were developed

### Overview

Our previous version of the forecast utilised assumptions on the future impact of Brexit that were aligned with the EU–UK Trade and Cooperation Agreement signed in December 2020. In broad terms, the agreement was assessed to be similar to a standard FTA with very few special provisions. Therefore, we adopted the following political assumptions for our forecast:

The agreed Free Trade Agreement with the EU avoids reversal to WTO terms, but results in some barriers to trade which will gradually phase in from 2022-30;

The points-based migration system introduced restrictions on inward migration from the EU;

The uncertainty about the possibility of no-deal Brexit was lifted in 2021. However, some uncertainty remains over the speed of regulatory divergence.

Some uncertainty remains over the possibility of changes to the agreement in the future that could affect the barriers to trade, such as the equivalence rules in the financial sector.

The UK will [continue to seek other trade agreements](#), which will reduce barriers to trade with non-EU countries in the future.

Since the previous forecast version, we have assessed the relevant developments relating to [new trade agreements](#). An FTA with Australia was signed in December 2021 (currently pending ratification), and similar deals with New Zealand and Singapore are at closing stages. The government suggests that the UK could join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) by the end of 2022, although CE assesses that the impact of such a deal could be limited, as the UK is already enjoying similar trade terms with most of the CPTPP members as a result of the ‘rolled-over’ agreements it had as an EU member. In addition, a consultation with the Gulf Co-operation Council (GCC) has been launched in October 2021, although the negotiations have not begun yet.

Overall, these developments are aligned with CE’s assumptions used in the previous 2021 version of the forecast, which aside from the negative effect of Brexit on exports to the EU, also assumed a small increase in UK exports to selected nations as a result of the likely trade deals with New Zealand, Australia, Canada, and a future trade deal with the US (for which the negotiations are still at an early stage). We also reviewed the new evidence on the [short-run impact of Brexit on UK-EU trade](#), which

tends to affirm our views. Therefore, Brexit trade assumptions remain identical to these supporting previous year's forecast.

In this version, we updated our migration projections to align with the newly-released 2020-based ONS migration projections. In comparison to the 2018-based projections, these suggest higher net migration to the UK in the next 20 years (by approximately 10,000 people annually, against the 2018-based projections). However, our assumption on the specific impact of Brexit on net migration from the EU remains unchanged from last year, as outlined below.

These political assumptions were converted into *economic* and *modelling* assumptions to explore the macroeconomic implications. The modelling assumptions provide inputs for our [MDM-E3](#) model, the central economic model used in the forecast. For the forecast, we focussed primarily on the macroeconomic effects of Brexit on **exports**, **migration** and **investment**.

### **Export assumptions**

We assume that UK trade with the EU will decline by 30.6% in the long term, with the impact on services trade being roughly twice as high as for manufacturing. We assume that a larger share of the total long-run impact happened immediately in 2021 (following the end of the transition period on 31 December 2020) for goods exports, compared to services exports. This reflects the relatively greater significance of non-tariff barriers at the border for goods trade (such as customs declarations), compared to services trade.

In addition, we have incorporated into the assumptions the potential effect of the future trade deals with non-EU countries, such as the US, Australia, Canada and New Zealand. We take a moderate view that is aligned with the potential impact of the UK-US free trade agreement [modelled by the Department for International Trade](#). We assume that UK exports to the US, Australia, Canada and New Zealand will increase by 4.3% in the long run (relative to a counterfactual in which UK remains in EU). The implicit assumption on trade with the remaining parts of the world is that the UK will form trade arrangements similar to those it achieved through EU membership.

The resulting combined effect of these assumptions is a decline in UK exports to the world by 13.2% in the long run, which is similar in magnitude to the impact assumed in the previous version of the forecast.

We used the relationships in MDM-E3 to develop a forecast for imports; no additional economic or modelling assumptions were developed as inputs to the model with respect to imports.

### **Migration assumptions**

Our assumption in this version of the forecast remains the same as in the previous version. It is assumed that the long run net migration to the UK will decline as a result of the new UK immigration policy. The starting point in developing the migration assumptions are the ONS population projections, which include migration assumptions. These migration assumptions have been updated in this version and are now based on the latest 2020-based ONS principal population projections<sup>48</sup>, which we subsequently adjusted using our estimate of the effect of Brexit on *total* net migration to the UK.

<sup>48</sup> [ONS National population projections: 2020-based interim](#)

The adjustment remains the same as in the previous version of the forecast, and is aligned to the recommendation made by the Migration Advisory Committee in 2018<sup>49</sup>, and the likely effect of the points-based system currently in place. Our assumption is that net annual migration will decline to 160,000 in the long run. Effectively, this reduces net immigration of the working-age population by 40,000 annually, a change primarily driven by a decline in net migration from the EU. This assumption is comparable with other estimates in the literature on the impact of Brexit.

The estimated decline in annual net migration is distributed across UK sectors according to the proportion of EU nationals in the sector's workforce. Data on workforce by nationality are obtained from the Annual Population Survey<sup>50</sup>.

### **Investment assumptions**

The investment assumptions remain unchanged from the previous version. Post-referendum uncertainty about the future of the UK-EU relationship depressed investment. While the new agreement clarifies the current relationship, our expectation is that reductions in UK-EU trade will outweigh any gains made through other trade agreements (as above). Combined with continued uncertainty about the speed of any future regulatory divergence, we continue to assume that UK investment post-Brexit will be lower than it might otherwise have been.

We assumed that the overall impact of the new agreement on investment in the UK will lead to a 5% decline in investment in the long-run (relative to a counterfactual in which UK remains in EU). This magnitude is similar to the realised impact of the post-referendum uncertainty. As post-referendum uncertainty lifted in 2021, in the short run the net combined impact of lifting of the uncertainty and the withdrawal agreement will be positive (viewed in isolation of the assumed impact of COVID-19), before the full negative impact of the withdrawal agreement is realised in the long run.

These long-run investment impacts have been distributed across broad sectors. We characterised these impacts according to several simplifying categories:

there would be no change in investment levels;  
 investment would adjust (up or down depending on the sector) based on changes to public spending;  
 investment would slow down:

- some businesses moving a proportion of their activity out of the UK – this would result in a decrease in investment, proportional to the lower level of activity in the UK;
- diminished growth prospects of a particular sector within the UK – this could further dampen investment intentions in the UK, as multi-national organisations in those sectors may choose to divert a disproportionate amount of their investment to countries with better growth prospects.

In the last case, expectations of diminished growth prospects may stem from factors such as lack of Single Market access, or skill shortages that have been further exacerbated by migration restrictions. Growth may also dampen in sectors that rely heavily on cooperation with other member states or funding from the EU. The mechanisms through which expectations of sectoral growth may diminish were not

<sup>49</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/741926/Final\\_EEA\\_report.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741926/Final_EEA_report.PDF)

<sup>50</sup> [ONS Number of UK nationals, EU nationals, and non-EU nationals in employment by industry and region, April 2018 to March 2019](#)

explicitly accounted for when developing the economic and modelling assumptions. A judgement was taken on which of these are most applicable at a sectoral level.

### ***Detailed explanations of the assumptions in the forecast***

The summary table below presents a qualitative overview of the specific long-term economic assumptions of the impacts of Brexit by broad sector:

**Table 20: UK forecast assumptions**

Sector	Export assumptions	Employment assumptions	Investment assumptions
Agriculture	Mild negative impact on EU demand	Moderate employment constraints	Mild negative impact on investment
Mining & quarrying	No specific impact modelled	Moderate employment constraints	Moderate to pronounced negative impact on investment
Low and medium-low tech manufacturing	Mild negative impact on EU demand	Strong employment constraints	Moderate to pronounced negative impact on investment
High and medium-high tech manufacturing	Mild to moderate negative impact on EU demand	Strong employment constraints	Moderate to pronounced negative impact on investment
Construction	Mild negative impact on EU demand	Moderate employment constraints	Moderate to pronounced negative impact on investment
Utilities	Mild negative impact on EU demand	Moderate employment constraints	No specific impact modelled
Transport, distribution, retailing, accommodation, catering, and administrative and support services	Moderate to pronounced negative impact on EU demand	Moderate employment constraints	Moderate to pronounced negative impact on investment
IT, financial and insurance, real estate, professional, and scientific and technical services	Pronounced negative impact on EU demand	Mild employment constraints	Moderate to pronounced negative impact on investment
Public administration and defence, education, health and social work, and other services (arts and other services)	Mild negative impact on EU demand	Mild employment constraints	Mild negative impact on investment

Source: Cambridge Econometrics.



## Mapping to broad sectors

The broad sector outlined above map to 86 MDM sectors according to the following classifications:

<b>Broad sectors</b>	<b>MDM sectors</b>	
Agriculture	1 Crop & animal product.	3 Fishing
	2 Forestry & logging	
Mining & quarrying	4 Coal	7 Other mining
	5 Oil extraction	8 Mining support service
	6 Gas extraction	
Low and medium-low tech manufacturing	9 Food products	18 Coke & petroleum
	10 Beverages	21 Rubber & plastic
	11 Tobacco	22 Other non-metallic
	12 Textiles	23 Basic metals
	13 Wearing apparel	24 Metal products
	14 Leather, etc.	30 Furniture
	15 Wood, etc.	31 Other manufacturing
	16 Paper, etc.	32 Repair & installation
	17 Printing & recording	
High and medium-high tech manufacturing	19 Chemicals, etc.	27 Machinery, etc.
	20 Pharmaceuticals	28 Motor vehicles, etc.
	25 Computers, etc.	29 Other trans. Equip
	26 Electrical equipment	
Utilities	33 Electricity	36 Sewerage
	34 Gas, heat & cooling	37 Waste disposal
	35 Water	38 Waste management
Construction	39 Construction	41 Specialised construction
	40 Civil engineering	
Transport, distribution, retailing, accommodation, catering, and administrative and support services	42 Motor vehicles trade	52 Publishing
	43 Wholesale trade	53 Film & music
	44 Retail trade	54 Broadcasting
	45 Land transport	55 Telecommunications
	46 Water transport	69 Rental & leasing



	47 Air transport	70 Employment activities
	48 Warehousing, etc.	71 Travel agencies, etc.
	49 Postal & courier	72 Security, etc.
	50 Accommodation	73 Services to buildings
	51 Food & beverage	74 Office admin.
IT, financial and insurance, real estate, professional, and scientific and technical services	56 Computer programming	63 Head offices, etc.
	57 Information services	64 Architect. & related
	58 Financial services	65 Scientific research
	59 Insurance & pensions	66 Advertising, etc.
	60 Aux. financial serv	67 Other professional
	61 Real estate	68 Veterinary
	62 Legal & accounting	
Public administration and defence, education, health and social work, and other services	75 Public admin. & def	81 Libraries, etc.
	76 Education	82 Gambling
	77 Health	83 Sport & recreation
	78 Residential care	84 Membership organ.
	79 Social work	85 Repair of goods
	80 Arts & entertainment	86 Other personal

Source: Cambridge Econometrics.



## Appendix C: Understanding Affordability Implications

*NOTE: This appendix outlines a piece of research by Cambridge Econometrics relating to housing affordability. It explores the relationship between housing demand and supply and affordability and is relevant to this HENA and to considerations for determining levels of housing supply.*

*The HENA uses a simple housing supply and demand indicator to assess the impact of the scenarios on housing supply relative to housing demand as defined by the employment projections. This appendix explores this relationship between housing and employment and verifies the use of employment as a viable proxy for housing demand.*

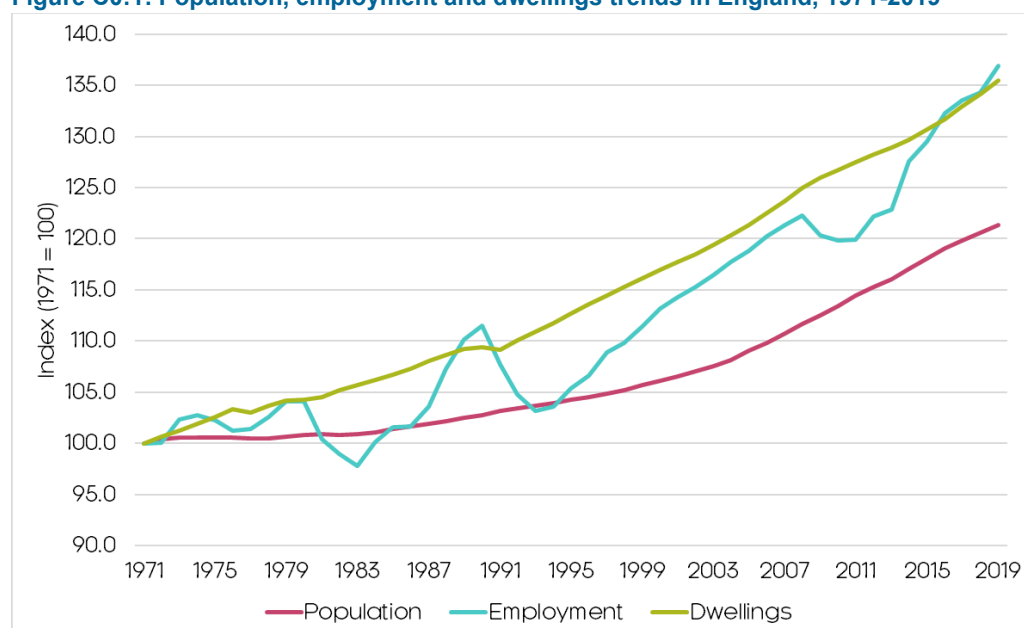
As part of the approach to understanding the implications for housing affordability in Oxfordshire from the economic trajectories and spatial scenarios, CE has undertaken a detailed, nationwide analysis of local house price and affordability dynamics to inform and build a robust methodology and accompanying model. This is summarised below.

Ultimately, by refining and applying this approach for Oxfordshire, CE will be able to clearly assess and test the potential affordability implications of the three economic and fifteen housing (three trajectories, each with an additional five contrasting spatial scenarios) projections.

### Understanding the national affordability context

Before proceeding with the local analysis, it is beneficial to explore the national context around house prices and affordability, highlighting some its perceived determinants and drivers whilst considering the associated policy challenges and opportunities. This is increasingly important given the policy context around housing, with the UK's housing

**Figure C0:1: Population, employment and dwellings trends in England, 1971-2019**



market having been referred to as “*broken*” in recent years facilitated by a “*housing crisis*” which has stymied housing delivery in many local markets.<sup>51</sup>

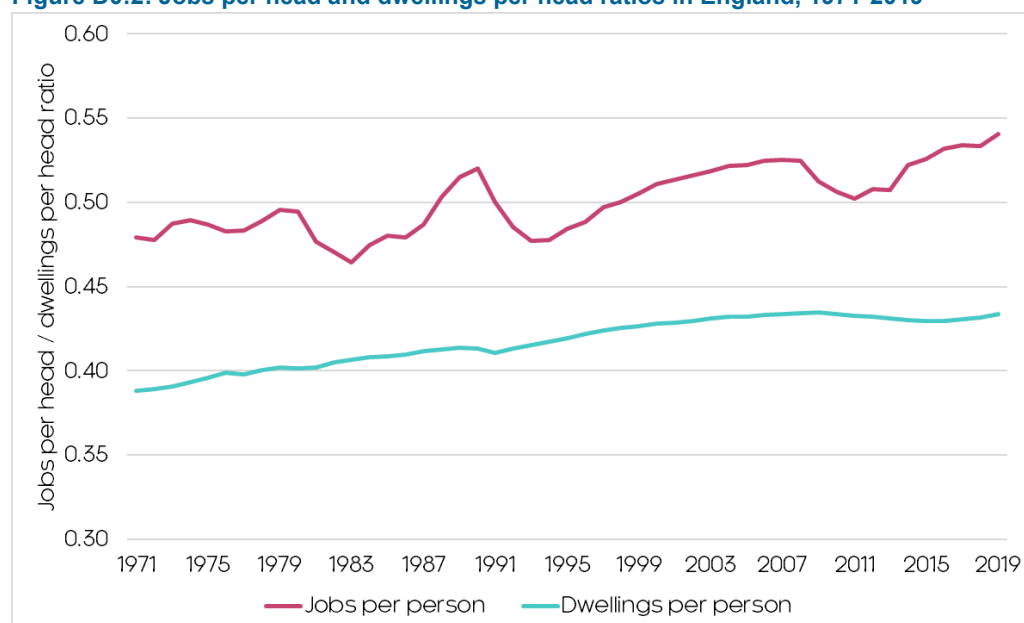
**Table C1: Population, employment and dwellings trends in England, 1971-2019**

	At 1971	At 2019	Change, 1971-2019	% change, 1971-2019
Population	46,412,100	56,309,300	9,897,200	21.3%
Employment	22,237,400	30,438,700	8,201,300	36.9%
Dwellings	18,018,000	24,412,100	6,394,100	35.5%

Source: ONS, MHCLG, Cambridge Econometrics.

Figure C0:1 and Table C1 highlight the long run trends around three key housing market inputs: the total population, total employment (or ‘jobs’) and total stock of dwellings (or ‘housing’). Since 1971, housing delivery<sup>52</sup> in England has actually grown consistently faster than its population since 1971, whilst employment – which understandably is much more sensitive to the economic cycle – has also outpaced population growth and has grown marginally faster than housing delivery.

**Figure D0:2: Jobs per head and dwellings per head ratios in England, 1971-2019**



**Table C2: Jobs per head and dwellings per head ratios in England, 1971-2019**

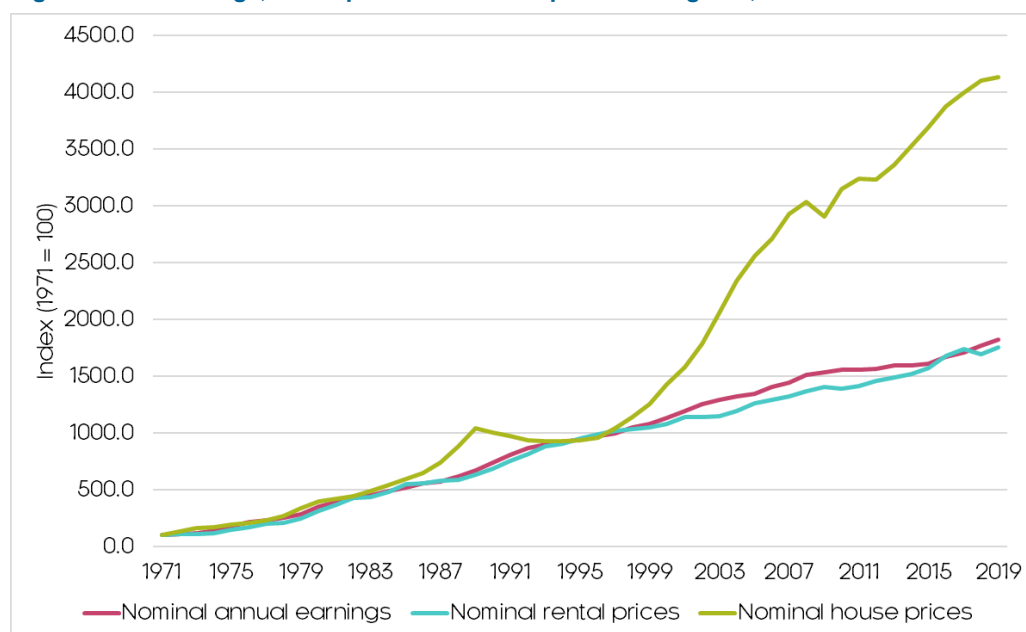
	At 1971	At 2019	Change, 1971-2019	% change, 1971-2019
Jobs per head	0.48	0.54	0.06	12.8%
Dwellings per head	0.39	0.43	0.05	11.7%

Source: ONS, MHCLG, Cambridge Econometrics.

The result of this is that there are now both more homes and more jobs per person in England than ever before, as Figure D0:2 and Table C2 show. Again, whilst employment has trended upwards it has followed a more volatile path in line with the economic cycle. Dwellings per person has trended upwards much more smoothly, though with somewhat limited change since 2000 alongside a notable slowdown after the 2008 financial crisis.

<sup>51</sup> See for instance the Government's housing white paper '[Fixing our broken housing market](#)' (2017)

<sup>52</sup> Note this particular definition refers to net additional dwellings, rather than the narrower housebuilding definition; unlike the former, the latter only considers gross dwelling additions and excludes demolitions, change of use, extensions/additions etc.

**Figure C0:3: Earnings, rental prices and house prices in England, 1971-2019****Table C3: Earnings, rental prices and house prices in England, 1971-2019**

	At 1971	At 2019	Change, 1971-2019	% change, 1971-2019
Nominal average (annual) earnings	£1,700	£30,200	£28,500	1717.5%
Nominal average (annual) rental prices	£50	£860	£810	1651.0%
Nominal average house prices	£7,400	£304,500	£297,100	4026.7%

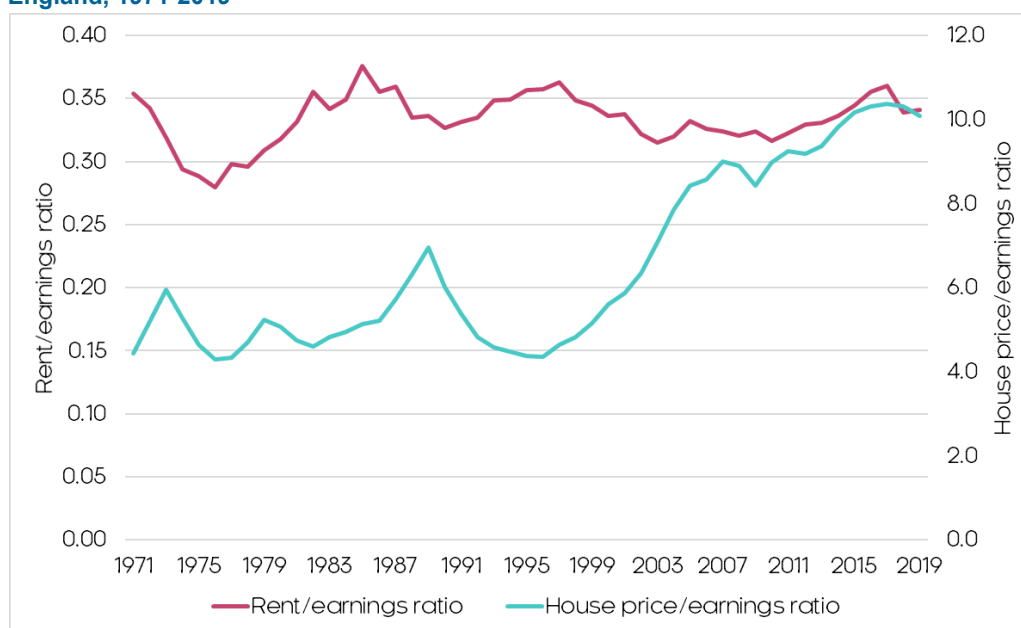
Source: ONS, Cambridge Econometrics.

Figure C0:3 and Table C3 consider the long run trends around the two alternative costs of housing – the cost of buying a home (house prices) and the cost of renting a home (rental prices)<sup>53</sup> – alongside average annual earnings. Since 1971, (nominal) house price growth has significantly outstripped (nominal) growth in rental prices. After being reasonably well aligned up to the late 1990's, the two have decoupled drastically; since 1971, the average house price has increased a substantial 40x over, more than twice the increase of the average rental price.

Wage growth and rental price growth (in nominal terms) meanwhile have been highly correlated, both increasing 17x over since 1971. The only notable decoupling of this relationship was a period during the late 1990's-2000's, where growth in wages actually eclipsed that of rental prices up until the 2008-09 recession, where it has since returned to trend. Understanding rental prices is important within housing affordability analysis, as economic theory suggests that they represent the 'true cost' of housing for consumers - and are therefore the most sensitive to changes in demand and supply.<sup>54</sup>

<sup>53</sup> Note that these particular measures of house and rental prices are not hedonically priced, in that they do not account for changes in housing quality or composition over the time series

<sup>54</sup> For a summary overview of this theory and relationship see [Wren-Lewis \(2018\)](#). For more detailed explanations and additional references, see [UK Centre for Collaborative Housing Evidence \(2018\) p.p. 14-18](#) and [Oxford Economics p.p. 16-18 \(2016\)](#)

**Figure C0:4: Rental affordability (left axis) and house price affordability (right axis) in England, 1971-2019****Table C4 Rental price affordability and house price affordability in England, 1971-2019**

	At 1971	At 2019	Change, 1971-2019	% change, 1971-2019
Rent/earnings ratio; 'rental affordability' <sup>55</sup>	0.35	0.34	-0.01	-3.7%
Price/earnings ratio; 'house price affordability' <sup>56</sup>	4.44	10.08	5.64	127.1%

Source: ONS, Cambridge Econometrics

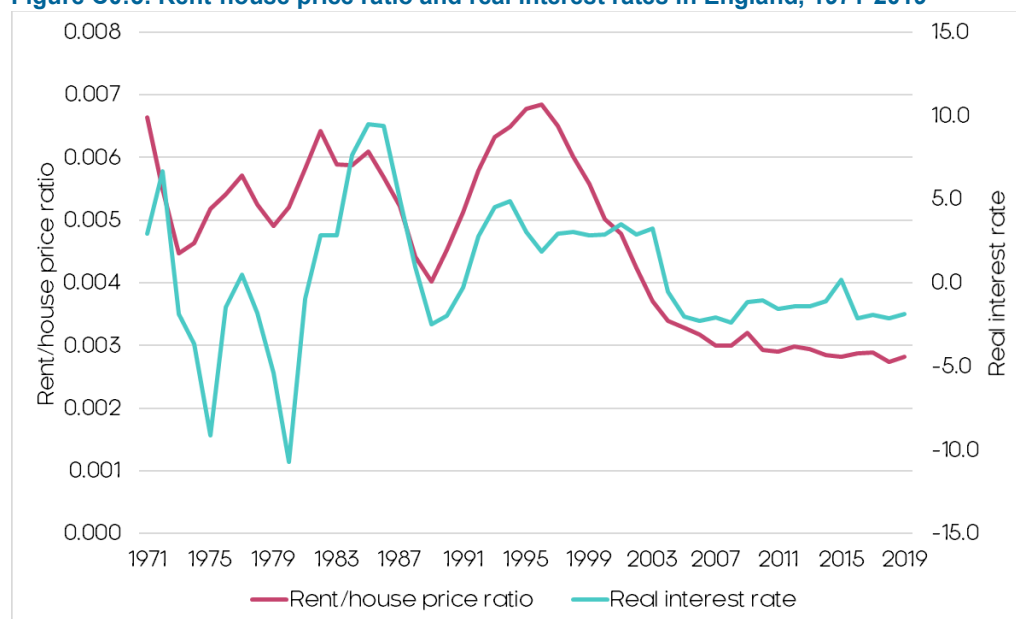
Bringing these three variables together, Figure C0:4 and Table C4 present the relative affordability ratios (price relative to earnings) for house and rental prices. Since 1971, rental affordability has stayed relatively constant at around a third of annual earnings, with few significant deviations, though it had been trending upwards for the decade after the financial crisis. Housing affordability meanwhile was relatively stable from the 1970's to 1990's at around 4x annual earnings before accelerating sharply in the 2000's to an unprecedented 10x annual earnings.

Clearly the relative growth in house prices over the past 20 years has presented a significant challenge to aspiring homeowners, and is widely considered as a candidate example of the UK's 'broken' housing market. However, when both the ratio of dwellings per person and rental affordability has stayed so consistent over this timeframe, it is hard to justify calling this a housing 'crisis' – at least at the aggregate, national level.

So what is driving the divergence in house prices and rental costs, especially considering the latter is supposed to represent the 'true cost' of housing?

<sup>55</sup> In line with ONS guidance, rental affordability has been calculated as; annualized average rental price / annualized average workplace earnings. Average here refers to the mean. The median is typically preferred, but data is unavailable over the timeframe required.

<sup>56</sup> In line with ONS guidance, house price affordability has been calculated as; average house sale price / annualized average workplace earnings. Average here refers to the mean. The median is typically preferred, but data is unavailable over the timeframe required.

**Figure C0:5: Rent-house price ratio and real interest rates in England, 1971-2019****Table C5: Rent-house price ratio and real interest rates in England, 1971-2019**

	At 1971	At 2019	Change, 1971-2019	% change, 1971-2019
Rent/house price ratio	0.01	0.00	0.00	-57.6%
Real interest rate	2.96	-1.86	-4.82	-162.7%

Source: ONS, Bank of England, Cambridge Econometrics

As highlighted in Figure C0:5 and Table C5, one candidate explanation<sup>57</sup> is that the persistent decline in interest rates (in both nominal and real terms) during the 1990's and early 2000's, and sharply accelerated following the 2008-09 recession, has contributed and since maintained inflated house prices whilst subduing rental prices. In theory, this can happen for a variety of reasons; in a low interest rate environment:

- Landlords have to charge less to cover their mortgage costs, **reducing rental prices**
- It is easier and more affordable for potential house buyers to get a mortgage, hence the demand for renting decreases, **reducing rental prices and increasing house prices**
- Housing becomes a better and more attractive investment option, for both consumers and investors (both domestic and international), **increasing house prices**

Of course, this has implications for price/affordability-focussed housebuilding strategies; with house prices increasingly sensitive to and determined by a centralised monetary system, even the most substantial and well targeted strategies may not deliver the desired change in prices/increase in affordability. However, this also means that the correct and effective targeting of independent, locally-specific factors becomes ever more important for local policymakers – which are considered in the next chapter.

## Building the local evidence

Having considered the national context and established some of the key drivers and determinants of house prices and affordability, it is important to consider how these correspond at the subnational level, and what role local effects play in determining local prices and affordability. Notably, at this level much greater variability and functionality can

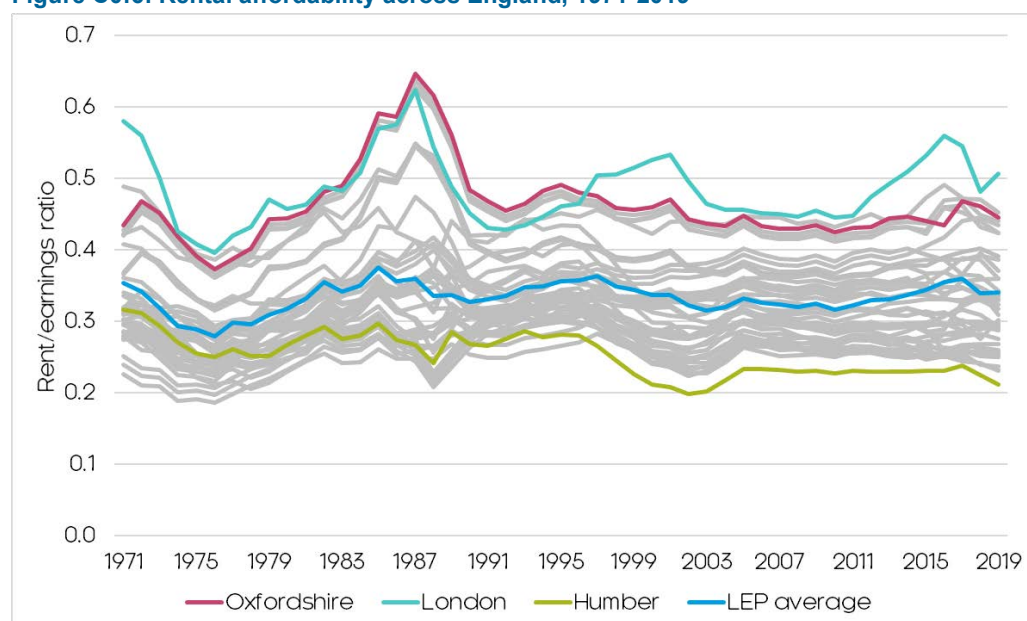
<sup>57</sup> For instance, as observed by the [OECD \(2011\)](#) and [Oxford Economics \(2016\)](#)

be seen in some of the aforementioned variables, reflecting independent, locally-specific characteristics and factors driving and determining local markets.

Though housing market data is available for regional markets (e.g. the South East NUTS1 Region), which are relatively functional and widely reported in subnational analysis, these geographies often fail to capture the unique and localised markets – and thus affordability challenges - within them; for instance, though both within the North West region, Manchester's housing market and affordability challenge is markedly different from Cumbria's.

Therefore, the following analysis considers the evidence at the Local Enterprise Partnership (LEP) level<sup>58</sup>, which comprises 38 intra-regional areas broadly analogous to functional economic areas (which often overlay with functional housing market areas). Though more detailed geographies are available (e.g. Unitary and Local Authority areas), these often map poorly to functional housing market areas, and decrease data quality and availability.

**Figure C0:6: Rental affordability across England, 1971-2019**



Source: ONS, Cambridge Econometrics

To begin with, Figure C0:6 considers the rental affordability ratios of the 38 LEP areas. Unsurprisingly, London is a relative outlier, with the highest rental affordability ratio (least affordable for renting) in the country; the average London worker can expect to spend at least half their gross earnings on rent. This is underscored by the Humber, which has the lowest rental affordability ratio (most affordable for renting) in the country; the average Humber worker could expect to spend only a fifth of their earnings on rent.

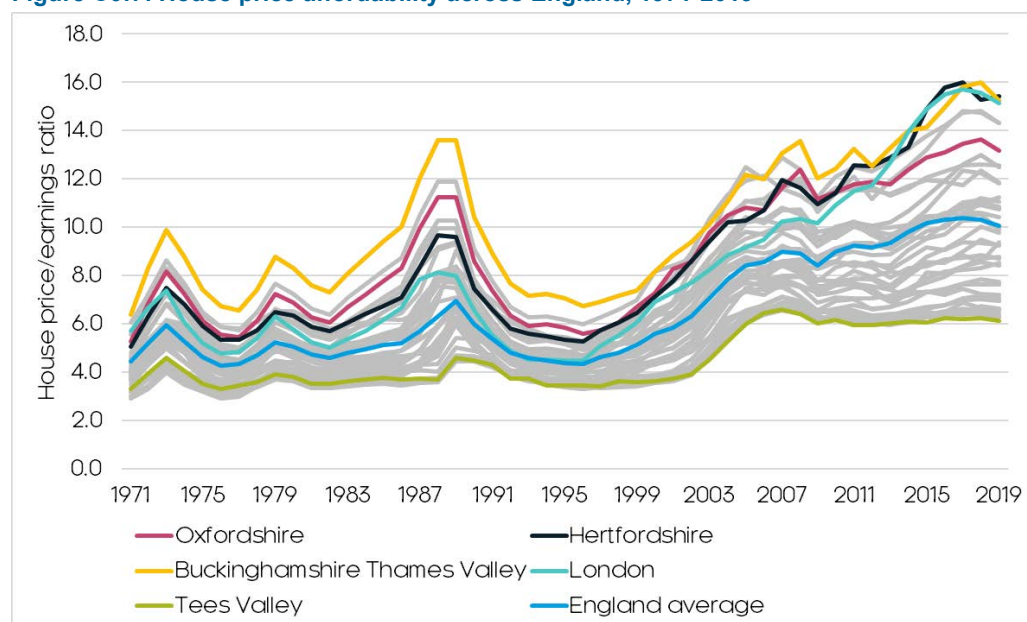
However, what is most notable from the data is that for most if not all LEP areas, current rental affordability ratios are not unusually high or trending notably upwards when compared across the whole period – even London for instance had lower rental affordability in the early 1970s and mid-1980s than what it does today. Again, when considering rental costs are supposed to represent the ‘true cost’ of housing for consumers, it is hard to justify the current prescription of a “housing crisis”, even in less affordable parts of the country such as London and the South East.

<sup>58</sup> Defined here as excluding overlap areas



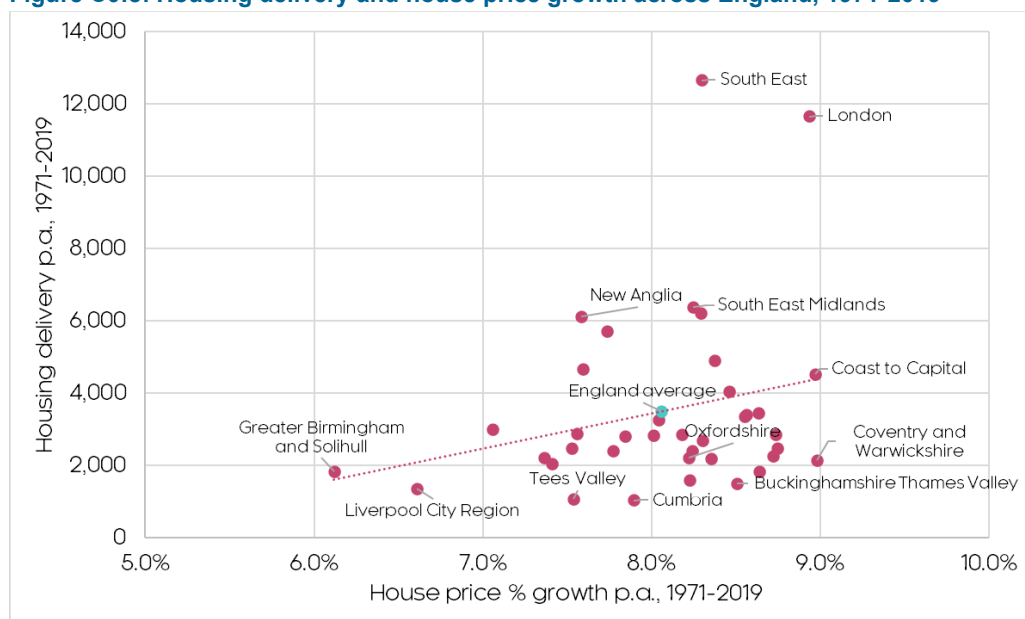
Figure C0:7 replicates this analysis but for housing affordability. Here we see much greater regional variance and dispersion in affordability ratios; the average worker in London, Hertfordshire, and Buckinghamshire for instance can expect to spend 15x their annual earnings on purchasing a home. For the average worker in the Tees Valley, this more than halves to 6x times annual earnings. As with rental affordability though, what is of particular interest is the movement in these ratios over time.

**Figure C0:7: House price affordability across England, 1971-2019**



Source: ONS, Cambridge Econometrics

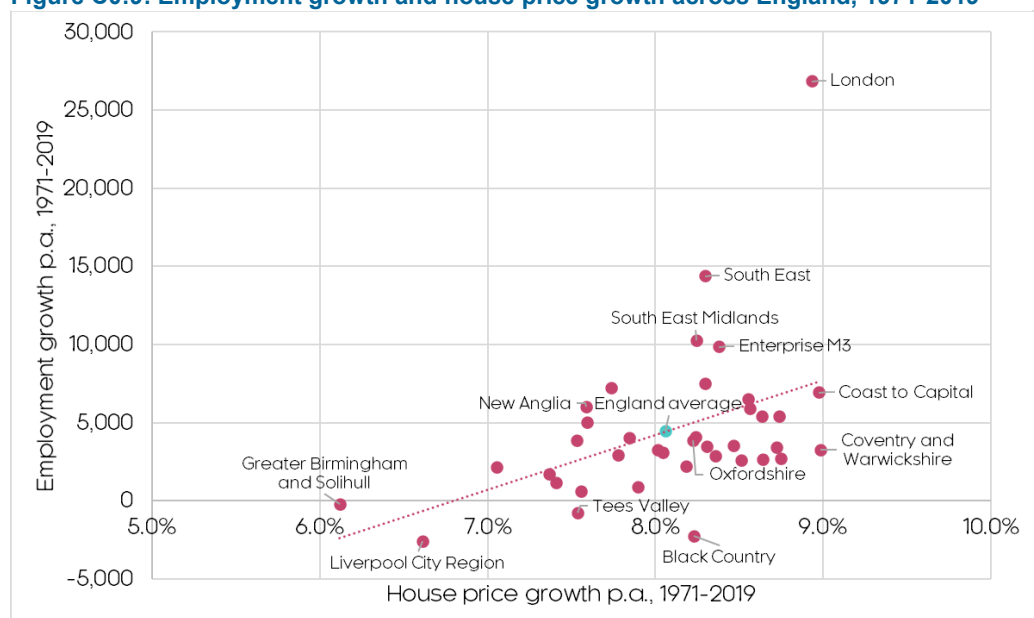
Whereas a number of 'Home County' LEP areas have had persistently high housing affordability ratios, London was only mid-ranking until the early 2000's. Many areas saw their fastest increase in housing affordability ratios (i.e. a decrease in affordability) over the late 1990's to early 2000's, but since the 2008-09 financial crisis, affordability ratios have stayed stubbornly high for almost all areas (even those weaker performing economically), which is in contrast to previous recession and recoveries e.g. early 1990's recession, early 1980's recession and mid-1970's recession.

**Figure C0:8: Housing delivery and house price growth across England, 1971-2019**

Source: ONS, MHCLG, Cambridge Econometrics

One frequently proposed solution to counteract or at least subdue rapid local house price growth and decreasing affordability is to increase local housing delivery. However, as Figure C0:8 shows, it should be emphasised that there is actually a positive correlation between housing delivery and house price growth: the LEP areas that have built the most houses are also amongst those to have experienced the fastest growth in house prices.

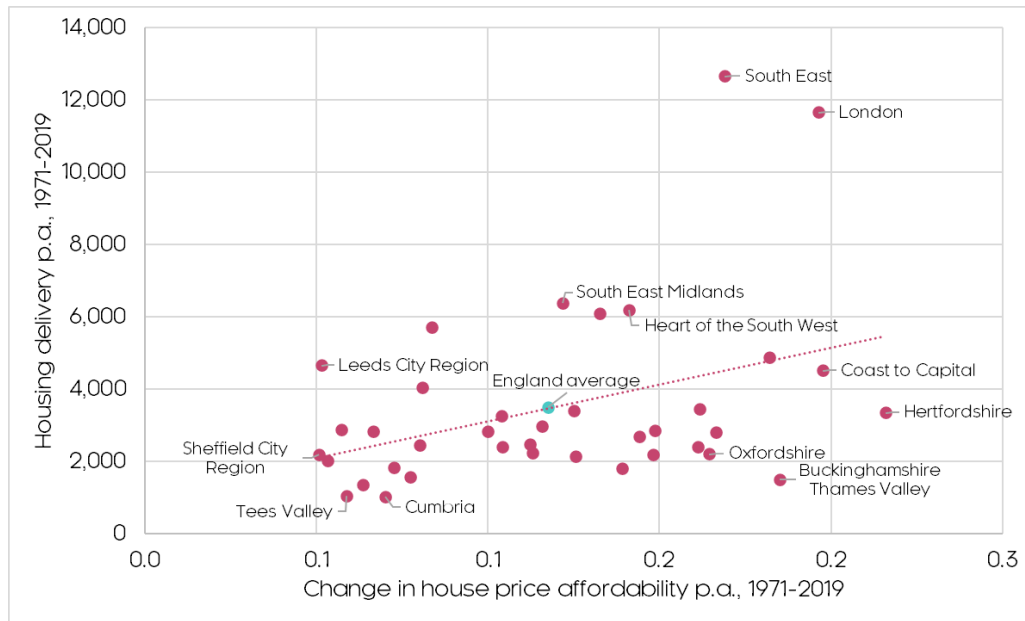
Of course, this doesn't mean that building more homes will increase the rate of house price growth and further decrease affordability - high house prices likely attract and incentivise further housing growth, though the relationship is probably bi-directional. But this doesn't help the argument that increased local housing delivery it is an effective method of reversing or even slowing it – as with many things, it is much more complicated than that.

**Figure C9: Housing delivery and employment growth across England, 1971-2019****Figure C0:9: Employment growth and house price growth across England, 1971-2019**

Source: ONS, MHCLG, Cambridge Econometrics

One of the reasons for this is because housing delivery tends to correlate with employment growth (as shown in Figure ), and employment growth correlates strongly with house price growth (as shown in Figure C0:9). Broadly speaking, more housing means more people, leading to a growth in both labour supply and demand for local services. Both of these are then likely to stimulate additional employment growth.

For instance, when looking at the relationship between employment growth and house price growth (Figure C0:9) it is likely that additional employment growth drives additional demand for housing in the area, putting upward pressure on house prices. Thus the downward pressure created by additional supply coming onto market, is likely to be partly, or maybe even wholly, cancelled out by this upward pressure.

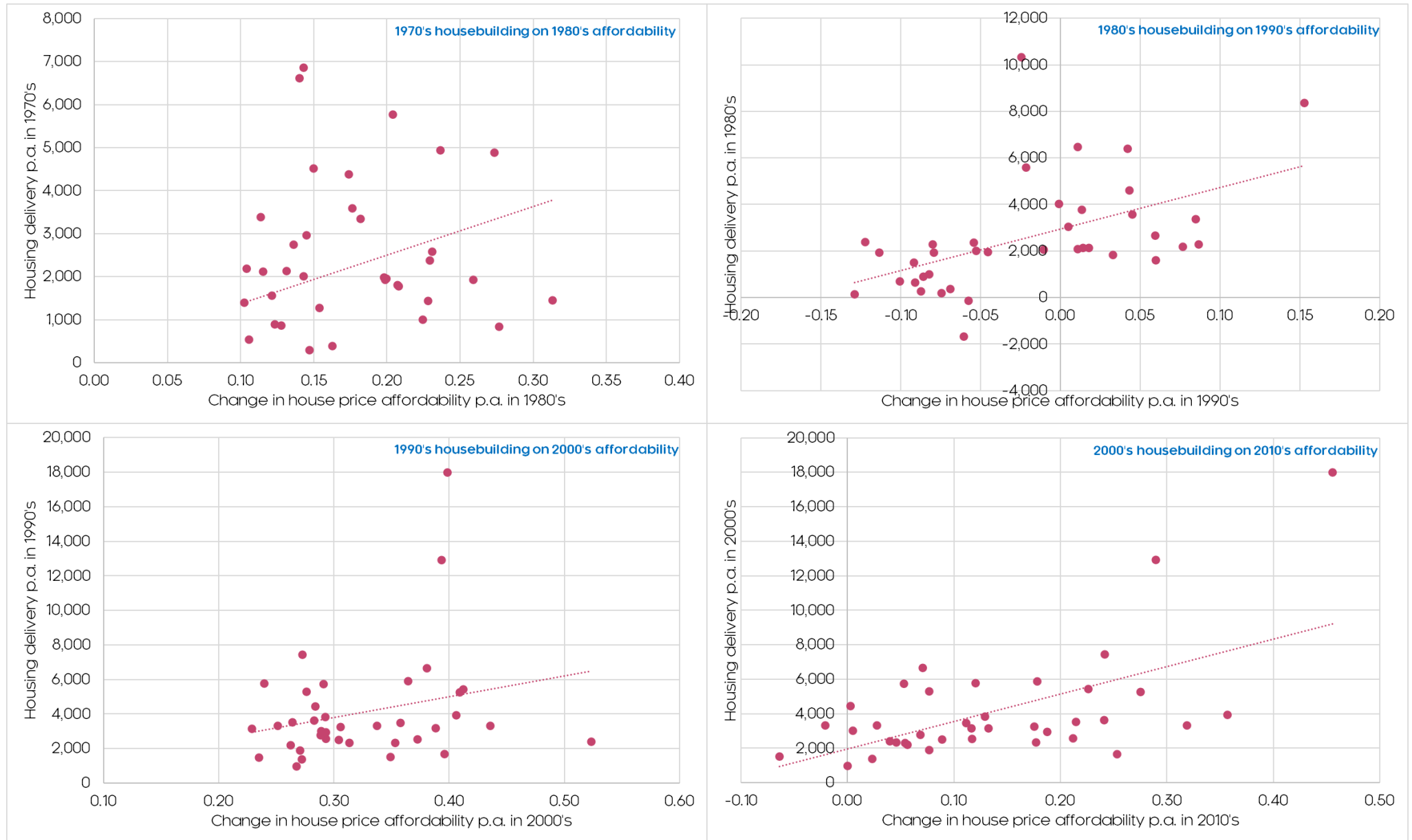
**Figure C0:10: Housing delivery and changes in house price affordability across England, 1971-2019**

Source: ONS, MHCLG, Cambridge Econometrics

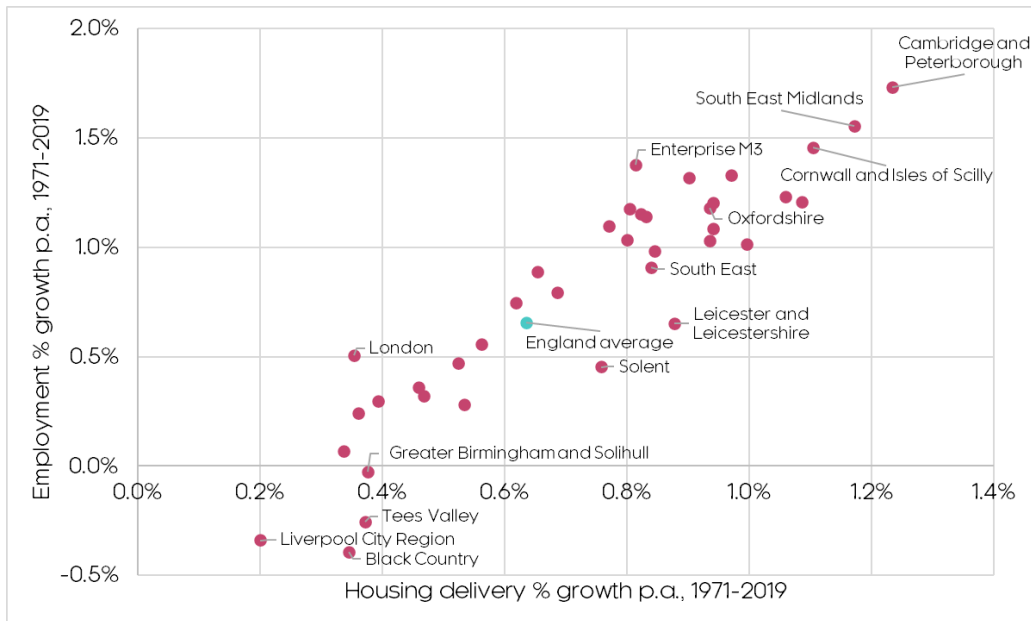
As Figure C0:10 shows, the same positive correlation that is seen between an areas housing delivery and house price growth is also seen between an areas housing delivery and its change in affordability (ratios); LEP areas that have built more homes have typically seen a greater increase in affordability ratios (decrease in affordability). Again, this shows us that within local areas, housebuilding alone will not be sufficient to tackle affordability pressures.

Of course, housebuilding at time  $t$  is not an immediate input into house prices at time  $t$  – there is often a lagged effect. To try and better understand potential causality of this relationship, Figure C0:11 (presented over the following page) considers the lagged relationship between housing delivery and affordability changes a decade later – do the LEP areas that build the most houses see affordability ratios deteriorate (i.e. the area becomes more affordable) the following decade?

Across the time series, we continue to see a clear and positive relationship between higher housing delivery in an area and an increase in housing affordability ratios (a decrease in affordability). Generally, this relationship has also become more significant over time, though this has not been a continuous process, with the relationship weakening slightly in the 1990's and 2000's – a time where many areas saw rapid increases in their affordability ratios, as housing and financial markets became increasingly liberalised.

**Figure C0:11: The lagged relationship between housing delivery and changes in house price affordability across England, 1970's-2010's**

Source: ONS, MHCLG, Cambridge Econometrics

**Figure C0:12: Employment growth and housing delivery growth across England, 1971-2019**

Source: ONS, MHCLG, Cambridge Econometrics

As we have seen previously, there is a strong correlation between housing growth and employment growth. So what areas have grown the fastest since 1971, and how might this have impacted on affordability? As Figure C0:12 shows, Cambridge and Peterborough and neighbouring South East Midlands have emerged as the two fastest growing areas. Notably, Southern or rural LEP areas have seen faster growth than Northern or urban LEP areas, whilst London has grown comparatively slowly over this time period.

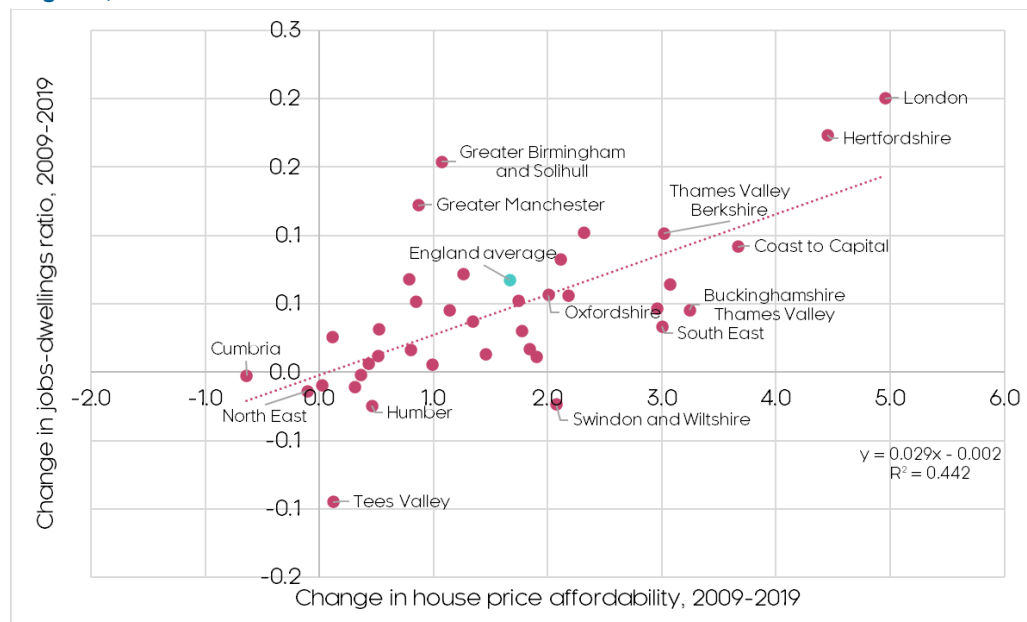
**Figure C0:13: Employment growth and housing delivery growth across England, 2009-2019**

Source: ONS, MHCLG, Cambridge Econometrics

Most of these trends still hold even when looking at just look at the last decade, as shown in Figure C0:13. Now Cambridge and Peterborough and the South East Midlands are joined by Oxfordshire as the fastest growing LEP areas in England. Southern and rural LEP areas are still typically growing faster than Northern and urban LEP areas. Growth in London has also accelerated, particularly in employment. Some Midland and Northern LEP areas have also seen robust employment growth, but slower housing growth.

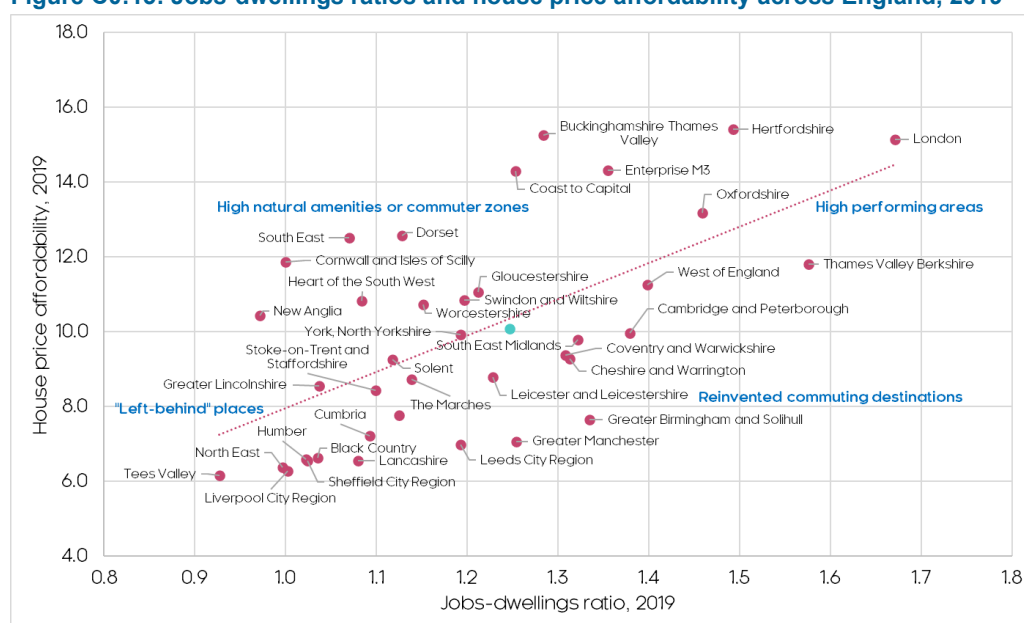
However, this scatter plot is notably less tightly bound over the shorter time period, raising the question of whether differences in the ratio of housing delivery to job creation affect affordability?

**Figure C0:14: Changes to jobs-dwellings ratios and house price affordability across England, 2009-2019**



Source: ONS, MHCLG, Cambridge Econometrics

Indeed, as shown in Figure C0:14, LEP areas that have created jobs faster than they have built houses over the past decade have on average seen an increase their affordability ratio (that is, a decrease in affordability). Therefore, when considering the role of local effects in determining prices, it is the interaction between employment growth and housing delivery that can contribute to determining the affordability of an area. Therefore, even given the trends identified at the national level, local economic context still matters for affordability.

**Figure C0:15: Jobs-dwellings ratios and house price affordability across England, 2019**

Source: ONS, MHCLG, Cambridge Econometrics

Reflecting the strength of this relationship, areas with similar characteristics and fundamentals also largely cluster together – as shown in Figure C0:15 - enabling thematic groupings to be identified:

- **‘Left-behind’ places:** areas experiencing long-term economic underperformance (low-growth, high unemployment, low skills), driving down prices (relative to wages) and jobs densities. Dwelling totals can appear inflated due to a higher proportion of vacant dwellings. Examples include Tees Valley, Liverpool City Region, and Humber.
- **High natural amenities or commuter zones:** typically rural and/or coastal areas with relatively low jobs densities but higher than expected prices. The latter is driven by higher local amenity values in these areas (often proxied by high tourism activity) and/or commuting proximity to major urban centres. Examples include Dorset, South East, and New Anglia.
- **Reinvented commuting destinations:** a diverse grouping of areas, historically stable or underperforming, now reinvented as leading regional economic centres with high rates of in-commuting. This results in higher jobs densities but comparatively lower – but often increasing – prices (relative to wages). Examples include Greater Manchester, Greater Birmingham and Solihull, and South East Midlands.
- **High performing areas:** areas with highly successfully and competitive economies, typically regional commuting centres, resulting in very high jobs densities. This drives substantial demand for dwellings, which alongside typically high local amenity values, results in higher prices (relative to wages). Largely found in the South, examples include London, Oxfordshire, and Hertfordshire.

Such categorisations can be beneficial for understanding local housing markets, and resultantly the effective shaping of local housing strategies.



EP9

**Braintree District Monitoring Report 2018**  
**Addendum to the Monitoring Report:**

**Subject:**

**Five Year Housing Supply 2018-2023**



**11 April 2019**

**From:** [Carpenter, Kathy](#)  
**To:** [Laura Dudley-Smith](#)  
**Subject:** RE: Request for information forecast development Land south of The Limes Gosfield  
**Date:** 04 December 2018 10:02:00

---

Many thanks for your help, I think I can take it from here.  
Best wishes,  
Kathy

---

**From:** Laura Dudley-Smith  
**Sent:** 03 December 2018 17:35  
**To:** Carpenter, Kathy <kathy.carpenter@braintree.gov.uk>  
**Cc:** James Firth  
**Subject:** RE: Request for information forecast development Land south of The Limes Gosfield

Dear Kathryn,

The land at Gosfield is no longer owned by Marden Homes Ltd. We are now acting on the site on behalf of it's new owner, Chelsteen Homes. The contact there is Bill Poulton.

A revised planning application has been submitted to BDC for consideration. There are no significant issues that have been identified however that should present delay to delivery should the revised application be determined favourably.

Please let me know if you would like us to complete a revised form in this regard.

Laura

Laura Dudley-Smith  
Strutt & Parker

---

**From:** Carpenter, Kathy [<mailto:kathy.carpenter@braintree.gov.uk>]  
**Sent:** 30 November 2018 17:38  
**To:** Laura Dudley-Smith  
**Subject:** Request for information forecast development Land south of The Limes Gosfield  
**Importance:** High

Dear Laura,  
Please see the attached file. Braintree District Council needs to check information the anticipated timing of completions on the above site, as part of work on checking the deliverable housing land supply in the District. Our records show that you were the contact for the development; could you please advise on the site or provide contact details for someone who can confirm?  
Kind regards,

Kathryn Carpenter  
**Senior Planning Officer**

**Please return forms by Friday 7th December 2018**



## Review of Housing Sites Identified in the 5 Year Supply 2018-2023

The National Planning Policy Framework (July 2018) requires local planning authorities to identify and update annually a supply of specific deliverable sites to be measured against their housing requirements (paragraph 73). As part of this process, local planning authorities are required to engage with developers and others who have an impact on delivery (see paragraph 74).

As you represent one or more of these sites, we would appreciate you taking the time to fill out the below form. Please complete a separate form for each site.

This form can be returned electronically to [planningpolicy@braintree.gov.uk](mailto:planningpolicy@braintree.gov.uk) or in hard copy if necessary to: Planning Policy, Braintree District Council, Causeway House, Bocking End, Braintree, CM7 9HB.

This form has three parts: Part A – Developer/Company/promoter Details, Part B - Site details and Part C – Site Progress

### **PART A** Developer/Promoter Details

Contact Name:	Steve Read
Position:	Divisional Development & Planning Manager
Organisation:	Bellway Homes Ltd
E-mail Address:	
Telephone Number:	

### **PART B** Site Details (please use separate form for each site)

Site Address/Location:	Site 38 Land east of Sudbury Road Halstead
Planning application reference(s):	BTE/17/0705

Is the site:

Owned by Developer ☒

Site Actively being marketed ☐

Sale to developer under negotiation ☐

Site not actively being marketed ☐

### **PART C** Site Progress

Will Housing completions begin on site before April 2023?	Yes
Planning Status at 31 March 2018:	Outline planning permission
Update on Planning Status:	Full application submitted for 218 homes BTE/18/01749, agent jennifer.carroll@struttandparker.com




# Site Progress cont.. HALSTEAD

Full/reserved matters status: approved, applied for, when planned to be submitted	Submitted <i>FULL APPLICATION SUBMITTED</i>
Details of Discharge of conditions status: submitted	Submitted November 2018; Building Regs Initial Notice (NHBC) submitted
Information on Constraints: Actions needed before completions can be achieved	<i>PLANNING APPROVAL AND COMMENCEMENT OF BUILD.</i>
Access/transport:	<i>ACCESS POINTS AGREED AT OUTLINE APPROVAL</i>
Ground conditions/ contamination:	<i>FARM LAND NO CONTAMINATION EXPECTED.</i>
Drainage (SUDS, flood prevention etc):	<i>APPLICATION WITH FULL PLANNING SUBMISSION</i>
Land ownership:	<i>BELLWAY HOMES.</i>
Other constraints (describe), including market:	<i>N/A.</i>

Total/estimated total site capacity	205 <i>OUTLINE</i>
Dwellings built as at 31 March 2018	0
Outstanding capacity as at 31 March 2018	205
Forecast completions Year 1: April 2018/March 2019	<i>0</i>
Forecast completions Year 2: April 2019/March 2020	<i>20</i>
Forecast completions Year 3: April 2020/March 2021	<i>70</i>
Forecast completions Year 4: April 2021/March 2022	<i>70</i>
Forecast completions Year 5: April 2022/March 2023	<i>58</i>

*218 FULL APPLICATION*

Other developer/site promoter/landowner comments	
(Internal use)	Outline permission for 205 also included site for a care home; whereas this is omitted from the full application for 218 - i.e. supply may exceed the 205 indicated as at March 2018

**Return by Friday 7<sup>th</sup> December 2018 to:**

[PlanningPolicy@braintree.gov.uk](mailto:PlanningPolicy@braintree.gov.uk)

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**From:** [Wilde, Mathew](#)  
**To:** [Carpenter, Kathy](#)  
**Subject:** FW: 18/60196/PREAPP Land north East of Inworth Road  
**Date:** 05 February 2019 14:23:41  
**Attachments:** [image001.gif](#)

---

FYI

Kind Regards,

**Mathew Wilde**

**Senior Planner – Development Management**

Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB

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**From:** Catherine Williams **Sent:** 05 February 2019 2:21 PM  
**To:** Wilde, Mathew <[Mathew.Wilde@braintree.gov.uk](mailto:Mathew.Wilde@braintree.gov.uk)>  
**Subject:** RE: 18/60196/PREAPP Land north East of Inworth Road

Mathew,

In terms of start on site:

- Infrastructure to commence late summer 2019
- With an anticipated build rate of 50 per year we would expect to have 150 completions by April 2023.

Regards,

**Catherine Williams BA(Hons) MA MRTPI**  
**Associate Director**  
**Planning**

Savills, 33 Margaret Street, London, W1G 0JD  
Tel

Email

Website : [www.savills.co.uk](http://www.savills.co.uk)



Before printing, think about the environment

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**From:** Wilde, Mathew [<mailto:Mathew.Wilde@braintree.gov.uk>]  
**Sent:** 28 January 2019 9:59 AM  
**To:** Catherine Williams  
**Subject:** 18/60196/PREAPP Land north East of Inworth Road

Hi Catherine,

Thank you for our meeting on Friday. I have asked Lee to go through the boundary treatment plan with me this week so I will provide comments on this shortly.

In terms of the coloured block plan, please may I have an electronic copy of this?



I have also been asked if I could get some confirmation in writing from you in respect to timescales for the REM submission? And when roughly will works commence?

Could you also please give an indication if possible please?:

- If the site will start to produce completions before April 2023
- View of expected development rates - how many of the 165 are expected to be completed by April 2023?

Many thanks in advance for your help.

Kind Regards,

**Mathew Wilde**

**Senior Planner – Development Management**

Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB

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**Please return forms by Friday 7th December 2018**

# Review of Housing Sites Identified in the 5 Year Supply 2018-2023

The National Planning Policy Framework (July 2018) requires local planning authorities to identify and update annually a supply of specific deliverable sites to be measured against their housing requirements (paragraph 73). As part of this process, local planning authorities are required to engage with developers and others who have an impact on delivery (see paragraph 74).

As you represent one or more of these sites, we would appreciate you taking the time to fill out the below form. Please complete a separate form for each site.

This form can be returned electronically to **planningpolicy@braintree.gov.uk** or in hard copy if necessary to: Planning Policy, Braintree District Council, Causeway House, Bocking End, Braintree, CM7 9HB.

This form has three parts: Part A – Developer/Company/promoter Details, Part B - Site details and Part C – Site Progress

## **PART A** Developer/Promoter Details

<b>Contact Name:</b>	Matthew Wood, agent Phase 2 Planning and Development
<b>Position:</b>	Principal Planner
<b>Organisation:</b>	CALA Homes (North Home Counties) Ltd
<b>E-mail Address:</b>	
<b>Telephone Number:</b>	

## **PART B** Site Details (please use separate form for each site)

<b>Site Address/Location:</b>	Station Field, Land W of Kelvedon Station Station Rd (Monks Farm) Kelvedon
<b>Planning application reference(s):</b>	Site 041 BTE/17/0418

Is the site:

<b>Owned by Developer</b>	<input checked="" type="checkbox"/>	<b>Site Actively being marketed</b>	<input type="checkbox"/>
<b>Sale to developer under negotiation</b>	<input type="checkbox"/>	<b>Site not actively being marketed</b>	<input type="checkbox"/>

## **PART C** Site Progress

<b>Will Housing completions begin on site before April 2023?</b>	Yes, subject to RM approval
<b>Planning Status at 31 March 2018:</b>	Outline permission
<b>Update on Planning Status:</b>	RM to be submitted early 2019



# Site Progress cont..

<b>Full/reserved matters status: approved, applied for, when planned to be submitted</b>	RM to be submitted early 2019
<b>Details of Discharge of conditions status: submitted</b>	Condition submissions to be made early 2019
<b>Information on Constraints: Actions needed before completions can be achieved</b>	
<b>Access/transport:</b>	Access approved at outline stage.
<b>Ground conditions/ contamination:</b>	Agricultural land.
<b>Drainage (SUDS, flood prevention etc):</b>	SUDS system to be included within Reserved Matters application.
<b>Land ownership:</b>	CALA Group
<b>Other constraints (describe), including market:</b>	

<b>Total/estimated total site capacity</b>	250
<b>Dwellings built as at 31 March 2018</b>	0
<b>Outstanding capacity as at 31 March 2018</b>	250
<b>Forecast completions Year 1: April 2018/March 2019</b>	0
<b>Forecast completions Year 2: April 2019/March 2020</b>	50
<b>Forecast completions Year 3: April 2020/March 2021</b>	50
<b>Forecast completions Year 4: April 2021/March 2022</b>	50
<b>Forecast completions Year 5: April 2022/March 2023</b>	50

<b>Other developer/site promoter/landowner comments</b>	
<b>(Internal use)</b>	As condition of the outline permission dated October 2017, reserved matters application for first phase must be submitted by October 2019 (i.e. within 2 years)

**Return by Friday 7<sup>th</sup> December 2018 to:**

[PlanningPolicy@braintree.gov.uk](mailto:PlanningPolicy@braintree.gov.uk)

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**From:** [Heather Organ](#)  
**To:** [Carpenter, Kathy](#)  
**Subject:** RE: Development site at land at Ashen Road Ridgewell  
**Date:** 13 March 2019 15:13:14  
**Attachments:** [~WRD000.jpg](#)  
[image001.png](#)

---

Dear Kathryn,

We intend to be in a position to submit an application for planning shortly - in late March or early April 2019. Assuming we are successful I would anticipate completion of the whole site in the first quarter of 2021 based on our clients current aspirations.

I am unable to provide the name of the developer at this time but I trust the above information answers your main queries.

Kind Regards,  
Heather.

Heather Organ BSc Architecture

Heather



---

**From:** Carpenter, Kathy <kathy.carpenter@braintree.gov.uk>  
**Sent:** 13 March 2019 11:51  
**To:** Heather Organ <[REDACTED]>  
**Subject:** Development site at land at Ashen Road Ridgewell  
**Importance:** High

Dear Heather Organ,

We spoke on the telephone recently, when I was enquiring about whether this above site is coming forward for development in the next few years, as you acted as agent for a Mr J Williams in a 2018 pre application, following the sale of the site by the landowner to a developer. The site currently has the benefit of an extant outline permission and is shown as a draft allocation in the emerging Draft Braintree District Local Plan. You kindly provided me with a verbal response, confirming that the site is now owned by a developer, and that a detailed planning application is being drawn up for submission (in 2019?) following on from the pre-application consideration.

Could I please ask if you could provide this confirmation in writing for us – by e-mail response would be fine? If possible, as well as confirming whether the site is expected to start to produce completions by April 2023, any information would be helpful if available on expected estimated timescales for submission of the planning application, start on site, and expected number of dwellings by year –  
April 2019/March 2020 (I assume that will be 0)

April 2020/March 2021  
April 2021/March 2022, and  
April 2022/March 2023.

If you are able to confirm the name of the developer that would also be helpful.

Kind regards,

Kathryn Carpenter

**Senior Planning Officer**

Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB

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Please return forms by Friday 7th December 2018

**Braintree**  
District Council

## Review of Housing Sites Identified in the 5 Year Supply 2018-2023

The National Planning Policy Framework (July 2018) requires local planning authorities to identify and update annually a supply of specific deliverable sites to be measured against their housing requirements (paragraph 73). As part of this process, local planning authorities are required to engage with developers and others who have an impact on delivery (see paragraph 74).

As you represent one or more of these sites, we would appreciate you taking the time to fill out the below form. Please complete a separate form for each site.

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This form has three parts: Part A – Developer/Company/promoter Details, Part B - Site details and Part C – Site Progress

### PART A Developer/Promoter Details

Contact Name:	Stuart Williamson agent Amec Foster Wheeler
Position:	
Organisation:	The Hunt Property Trust
E-mail Address:	
Telephone Number:	

### PART B Site Details (please use separate form for each site)

Site Address/Location:	Land rear of Halstead Road Earls Colne
Planning application reference(s):	BTE/15/1580

Is the site:

Owned by Developer ☐

Site Actively  
being marketed ☐

Sale to developer  
under negotiation ☒

Site not actively  
being marketed ☐

### PART C Site Progress

Will Housing completions begin on site before April 2023?	YES
Planning Status at 31 March 2018:	Outline permission
Update on Planning Status:	

## Site Progress cont..

Full/reserved matters status: approved, applied for, when planned to be submitted	JULY 2019
Details of Discharge of conditions status: submitted	NONE TO DATE
Information on Constraints: Actions needed before completions can be achieved	NONE BEYOND USUAL
Access/transport:	(Access Reserved ie approved)
Ground conditions/ contamination:	Further investigations per outline
Drainage (SUDS, flood prevention etc):	" " "
Land ownership:	-
Other constraints (describe), including market:	-

Total/estimated total site capacity	80
Dwellings built as at 31 March 2018	0
Outstanding capacity as at 31 March 2018	80
Forecast completions Year 1: April 2018/March 2019	
Forecast completions Year 2: April 2019/March 2020	25
Forecast completions Year 3: April 2020/March 2021	55
Forecast completions Year 4: April 2021/March 2022	
Forecast completions Year 5: April 2022/March 2023	

Other developer/site promoter/landowner comments	
(Internal use)	

**Return by Friday 7<sup>th</sup> December 2018 to:**

[PlanningPolicy@braintree.gov.uk](mailto:PlanningPolicy@braintree.gov.uk)

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**From:** [Conan Farningham](#)  
**To:** [Carpenter, Kathy](#)  
**Cc:** [Havers, Timothy](#); [Banks, Natalie](#); [Alice Patchett](#)  
**Subject:** Silver End/Conrad Rd  
**Date:** 01 March 2019 11:00:51  
**Attachments:** [image001.png](#)  
[image002.jpg](#)

---

Morning,

I would advise the following for Conrad Road, Witham (Southfields):

- We have submitted the application and awaiting for further timescales etc
- Yes, this scheme along with Silver End are key to delivering our Homes England Programme and overall targets
- Completions are assumed as follows but these will likely change following appointment of a contractor and also the decision date:

April 2019/March 2020: 0  
April 2020/March 2021: 21  
April 2021/March 2022: 67  
April 2022/March 2023: 36  
April 2023/March 2024: 26

Please be advised that we are currently programming the S106 units to be delivered April 21/22 hence the spike in completions.

Regards,

Conan

**Conan Farningham**  
**Head of Land and Planning**

Sanctuary Group

Office: 02088261598

Email:



---

**From:** Carpenter, Kathy [mailto:kathy.carpenter@braintree.gov.uk]  
**Sent:** 28 February 2019 15:44  
**To:** Conan Farningham  
**Subject:** RE: Silver End  
**Importance:** High

Dear Conan – thank you very much for your prompt response. Could I please ask, are you able to provide me with the equivalent information in respect of Conrad Road Witham, which I believe you know as Southfields?

Kind regards,  
Kathy Carpenter

Kathryn Carpenter  
**Senior Planning Officer**  
Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB  
☎ 01376 552525 Ext. 2564 | [www.braintree.gov.uk](http://www.braintree.gov.uk) | ✉ [kathy.carpenter@braintree.gov.uk](mailto:kathy.carpenter@braintree.gov.uk)

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**Please return forms by Friday 7th December 2018**



# Review of Housing Sites Identified in the 5 Year Supply 2018-2023

The National Planning Policy Framework (July 2018) requires local planning authorities to identify and update annually a supply of specific deliverable sites to be measured against their housing requirements (paragraph 73). As part of this process, local planning authorities are required to engage with developers and others who have an impact on delivery (see paragraph 74).

As you represent one or more of these sites, we would appreciate you taking the time to fill out the below form. Please complete a separate form for each site.

This form can be returned electronically to **planningpolicy@braintree.gov.uk** or in hard copy if necessary to: Planning Policy, Braintree District Council, Causeway House, Bocking End, Braintree, CM7 9HB.

This form has three parts: Part A – Developer/Company/promoter Details, Part B - Site details and Part C – Site Progress

## PART A Developer/Promoter Details

<b>Contact Name:</b>	Stephen M Clark
<b>Position:</b>	Chief Executive
<b>Organisation:</b>	Churchmanor Estates plc
<b>E-mail Address:</b>	
<b>Telephone Number:</b>	

## PART B Site Details (please use separate form for each site)

<b>Site Address/Location:</b>	Site 050 Land south of Maltings Lane Witham
<b>Planning application reference(s):</b>	BTE/12/1071

Is the site:

Owned by Developer	<input type="checkbox"/>	Site Actively being marketed	<input type="checkbox"/>
Sale to developer under negotiation	<input type="checkbox"/>	Site not actively being marketed	<input checked="" type="checkbox"/>

## PART C Site Progress

<b>Will Housing completions begin on site before April 2023?</b>	Yes
<b>Planning Status at 31 March 2018:</b>	Outline planning permission
<b>Update on Planning Status:</b>	See below

# Site Progress cont..

<b>Full/reserved matters status:</b> approved, applied for, when planned to be submitted	
<b>Details of Discharge of conditions status:</b> submitted	
<b>Information on Constraints: Actions needed before completions can be achieved</b>	
<b>Access/transport:</b>	
<b>Ground conditions/ contamination:</b>	
<b>Drainage (SUDS, flood prevention etc):</b>	
<b>Land ownership:</b>	
<b>Other constraints (describe), including market:</b>	Need a mini Masterplan to deal with housing/neighbourhood shops and public open space

<b>Total/estimated total site capacity</b>	268
<b>Dwellings built as at 31 March 2018</b>	205
<b>Outstanding capacity as at 31 March 2018</b>	63
<b>Forecast completions Year 1: April 2018/March 2019</b>	
<b>Forecast completions Year 2: April 2019/March 2020</b>	
<b>Forecast completions Year 3: April 2020/March 2021</b>	
<b>Forecast completions Year 4: April 2021/March 2022</b>	
<b>Forecast completions Year 5: April 2022/March 2023</b>	

<b>Other developer/site promoter/landowner comments</b>	Current discussions with LPA case officer Neil Jones to combine this application with the provision of Neighbourhood Shops
<b>(Internal use)</b>	Discussions with LPA taking place on proposed mixed use development on remaining, final phase of largely completed strategic site (Land south of Maltings Lane)

**Return by Friday 7<sup>th</sup> December 2018 to:**

[PlanningPolicy@braintree.gov.uk](mailto:PlanningPolicy@braintree.gov.uk)

If you have any other questions about the consultation please contact the Planning Policy Team by email  
[PlanningPolicy@braintree.gov.uk](mailto:PlanningPolicy@braintree.gov.uk) or by phone on 01376 552525 and ask for Planning Policy.

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**Please return forms by Friday 7th December 2018**



## Review of Housing Sites Identified in the 5 Year Supply 2018-2023

The National Planning Policy Framework (July 2018) requires local planning authorities to identify and update annually a supply of specific deliverable sites to be measured against their housing requirements (paragraph 73). As part of this process, local planning authorities are required to engage with developers and others who have an impact on delivery (see paragraph 74).

As you represent one or more of these sites, we would appreciate you taking the time to fill out the below form. Please complete a separate form for each site.

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This form has three parts: Part A – Developer/Company/promoter Details, Part B - Site details and Part C – Site Progress

### **PART A** Developer/Promoter Details

<b>Contact Name:</b>	Kevin Coleman, agent Phase 2 Planning & Development Ltd
<b>Position:</b>	Mersea Homes Ltd And Hills Residential Ltd
<b>Organisation:</b>	
<b>E-mail Address:</b>	
<b>Telephone Number:</b>	

### **PART B** Site Details (please use separate form for each site)

<b>Site Address/Location:</b>	Site 52 Land West of Panfield Lane Braintree
<b>Planning application reference(s):</b>	BTE/15/1319

Is the site:

<b>Owned by Developer</b>	<input type="checkbox"/>	<b>Site Actively being marketed</b>	<input type="checkbox"/>
<b>Sale to developer under negotiation</b>	<input checked="" type="checkbox"/>	<b>Site not actively being marketed</b>	<input type="checkbox"/>

### **PART C** Site Progress

<b>Will Housing completions begin on site before April 2023?</b>	Yes
<b>Planning Status at 31 March 2018:</b>	Without permission; adopted Local Plan Allocation, hybrid application for: 411 homes outline; plus 189 homes full
<b>Update on Planning Status:</b>	Planning application planned to be put before Planning Committee Spring 2019

# Site Progress cont..

<b>Full/reserved matters status:</b> approved, applied for, when planned to be submitted	Hybrid application submitted
<b>Details of Discharge of conditions status:</b> submitted	
<b>Information on Constraints: Actions needed before completions can be achieved</b>	
<b>Access/transport:</b>	
<b>Ground conditions/ contamination:</b>	
<b>Drainage (SUDS, flood prevention etc):</b>	
<b>Land ownership:</b>	
<b>Other constraints (describe), including market:</b>	

<b>Total/estimated total site capacity</b>	600
<b>Dwellings built as at 31 March 2018</b>	0
<b>Outstanding capacity as at 31 March 2018</b>	600
<b>Forecast completions Year 1: April 2018/March 2019</b>	0
<b>Forecast completions Year 2: April 2019/March 2020</b>	0
<b>Forecast completions Year 3: April 2020/March 2021</b>	25
<b>Forecast completions Year 4: April 2021/March 2022</b>	100
<b>Forecast completions Year 5: April 2022/March 2023</b>	100

<b>Other developer/site promoter/landowner comments</b>	Assumed programme is for infrastructure start on site before the end of 2019, residential development starting in 2020 on the hybrid/detailed element, with 25 completions second half of 2020, followed by approx. 100 per annum thereafter. Assuming of course that we actually get planning permission 1st half of 2019.
<b>(Internal use)</b>	

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[PlanningPolicy@braintree.gov.uk](mailto:PlanningPolicy@braintree.gov.uk)

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EP10

**Smith, Nicola**

---

**From:** Dawn Brodie [REDACTED]  
**Sent:** 16 April 2021 16:38  
**To:** Bowerman, Emma  
**Subject:** RE: P21/S0112/PEJ and P17/S3952/O - Hale Road, Benson

Sorry Emma,

I was trying to speak to the client.

Yes please use the latest delivery information we provided you with. In terms of pre-app we don't really have an issue advising that you are aware that we are progressing the reserved matters application despite the outline having not quite been issued yet.

In terms of the time limit extension, I am hopeful that the final matters will be tidied up and agreed well in advance of this date however, to allow for some slippage I am happy to agree this date on behalf of my client. Of course, the sooner we can get this issued the better from our point of view!

Many thanks and have a good weekend.

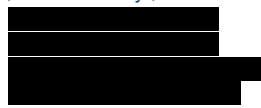
Dawn

**Dawn Brodie**  
**Associate Director**  
**Planning**

Savills, Wytham Court, 11 West Way, Oxford OX2 0QL



Tel [REDACTED]



Before printing, think about the environment

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**From:** Bowerman, Emma [mailto:Emma.Bowerman@southandvale.gov.uk]  
**Sent:** 16 April 2021 16:26  
**To:** Dawn Brodie <[REDACTED]>  
**Subject:** FW: P21/S0112/PEJ and P17/S3952/O - Hale Road, Benson

**EXTERNAL EMAIL: Be cautious when opening attachments or clicking links**

Hi Dawn

I have worked through the info we have and I can see that you already responded to us on delivery (attached). So sorry to have asked again. I will suggest we increase delivery rates to 30 in 2024/25 and 30 2025/26 as per your email on 8 March 2021.

I would be grateful for a response to the other two matters.

With kind regards

Emma

Emma Bowerman  
Principal Major Applications Officer  
Planning  
South Oxfordshire and Vale of White Horse District Councils  
Direct dial: 07717 150603  
Email: [emma.bowerman@southandvale.gov.uk](mailto:emma.bowerman@southandvale.gov.uk)  
Visit us at: [www.southoxon.gov.uk](http://www.southoxon.gov.uk) and [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

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---

**From:** Bowerman, Emma  
**Sent:** 16 April 2021 11:31  
**To:** Dawn Brodie [REDACTED]  
**Subject:** RE: P21/S0112/PEJ and P17/S3952/O - Hale Road, Benson

Many thanks Dawn – I will get this over to my manager for final sign off so if there is anything to resolve, we can do this before the S106 is complete.

I also had a quick query in terms of the delivery of this site, as we have an appeal coming up where our five year land supply is being challenged and this is one of the sites where the Appellant is questioning delivery – extract below from their proof (attached):

- a) **Site: 1929 Benson NDP: Site BEN 2 (52 dwellings).**
- 5.2 This Site was allocated in Benson NDP and the outline application has remained undetermined since 2017 (P17/S3952/O)
- 5.3 The Council's trajectory is based on developer's delivery intentions.  
*Appellants Commentary*
- 5.4 No Planning Permission has been granted. The target date for decision 20th April 2018 and there is no activity recorded on the application since 2018.
- 5.5 Reduce supply by 52 dwellings.

The council's housing land supply statement has this site down as delivering 26 homes in 2023/24 and 26 homes in 2024/25 and it states that this trajectory is based on the developers delivery intentions. Can you please confirm that this still accords with your expected delivery rates?

Also, I thought it might be prudent for us to agree a new target decision date for P17/S3952/O, to reflect the timeframes that we are working towards to complete the S106 and grant outline planning permission. Can you please agree to extend the target decision date for P17/S3952/O to 1 June 2021?

And finally, would it be acceptable to you / your client for the council to refer to the fact that we have engaged in pre-application discussions for the subsequent Reserved Matters application? We would not need to attach our pre-application response, which at the moment is retained as confidential, but will be publicly available when a Reserved Matters application is submitted. It would simply involve referring to the dates of your pre-application request.

I would be grateful if you could get back to me on these three matters as soon as possible due to the tight timeframes involved in the appeal.

Kind regards



**Smith, Nicola**

---

**From:** [REDACTED]  
**Sent:** 12 March 2021 11:52  
**To:** Mircheva, Yoanna  
**Cc:** Sandith, Richard  
**Subject:** FW: Site delivery information

Morning Yoanna

Please see below a completed housing trajectory for Newnham Manor (highlighted in yellow).

Kind regards

Arron Twamley BA (Hons) Dip TP MRTPI  
Director ATP Ltd

Paddock Barn, Buckland, Oxfordshire, SN7 8PY



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**From:** Mircheva, Yoanna <[Yoanna.Mircheva@southandvale.gov.uk](mailto:Yoanna.Mircheva@southandvale.gov.uk)>  
**Sent:** 01 March 2021 15:29  
**To:** [REDACTED]  
**Cc:** Sandith, Richard <[richard.sandith@southandvale.gov.uk](mailto:richard.sandith@southandvale.gov.uk)>  
**Subject:** Site delivery information

Dear Arron

South Oxfordshire District Council is updating its housing trajectory for sites. As part of this process we are updating the projected delivery rate of permitted and allocated sites. To assist the Council with this process, can you please provide the projected delivery rate for the site:

- Land to the south of Newnham Manor, Crowmarsh Gifford Planning reference P16/S3852/FUL.

Can you please provide the projected construction delivery rate by financial year (1st April to 31st March):

Year	2021/22	2022/23	2023/24	2024/25	2025/26		
No. of dwellings completed	0	30	40	30	x		

The projected delivery rate should be as realistic as possible, taking account of time to secure planning permission and site preparation, therefore can you also provide details on the following, if applicable:

- estimated timeframes for progressing the site through any further full or reserved matters applications;

We anticipate the planning application will be taken back to planning committee late spring and the completion of the S106 shortly thereafter. Although a hybrid planning application the housing will benefit from full planning consent.

- estimated timeframes for progressing discharge of conditions;

We would ensure the planning conditions are submitted for determination by SODC within the Summer 2021

- estimated timeframes for progressing the signing of S106;

Completion by early Summer 2021

- site preparation or whether the site is under construction, and if so the number of completions;

n/a

- whether there is a developer(s) on board;

The applicant is the developer.

- is the site being marketed; and/or

n/a

- any site constraints that could impact the delivery of the site.

None.

- If applicable, how many self-build or custom build plots will be provided on the site.

None.

- If applicable, how many gypsy and traveller pitches will be provided on the site.

None.

We understand that circumstances are difficult at the moment, but it would be greatly appreciated if you could provide at least an estimated delivery rate **by end of play 12 March** please.

If you are not the correct contact, please either forward this email on to the correct person with me cc'd or please pass on their contact details.

If you have any queries, please do not hesitate to contact me.

Best wishes,

**Yoanna Mircheva**  
**Enquires Officer/ Assistant Planning Officer**  
Planning Policy  
South Oxfordshire and Vale of White Horse District Councils

Email: [yoanna.mircheva@southandvale.gov.uk](mailto:yoanna.mircheva@southandvale.gov.uk)

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Please be aware that some of our staff may be redeployed to other roles where necessary to assist and deal with the Coronavirus outbreak.

Thank you for your understanding.



**Smith, Nicola**

---

**From:** Grant Williams [REDACTED]  
**Sent:** 15 April 2021 15:12  
**To:** Moule, Phil  
**Cc:** Jason Cross; Moss, Lisa; Scotting, Cathie  
**Subject:** RE: 17S19 - Land north east of Didcot - P15/S2902/O

Hi Phil,

Keeping well thanks.

Based on current information and assumed run rate, the following applies.  
This will be updated on a regular basis in line with occupations which we submit.

- **Completions to date: 45**
- **Completions by End of 2021: 95**
- **Completions by End of 2022: 173**
- **Completions by End of 2023: 251**
- **Completions by End of 2024: 330**
- **Completions by End of 2025: 408**

Kind Regards,

Grant Williams  
Engineer

t. [REDACTED]



The Spirella Building, Bridge Road, Letchworth Garden City, SG6 4ET

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---

**From:** Moule, Phil <Phil.Moule@southandvale.gov.uk>  
**Sent:** 15 April 2021 14:04  
**To:** Grant Williams [REDACTED]  
**Cc:** Jason Cross [REDACTED]; Moss, Lisa <lisa.moss@southandvale.gov.uk>; Scotting, Cathie <Cathie.Scotting@southandvale.gov.uk>  
**Subject:** FW: 17S19 - Land north east of Didcot - P15/S2902/O  
**Importance:** High

Hi Grant,

Hope you are well.

In addition to the number of completions to date, please could you provide the projected completions over the next 5 years. The most recent information we have for (Croudace) Didcot NE is shown below, but I do not think this can be correct as (i) you have completions already and (ii) you will have projected completions between now and 2024/2025.

Land Suppl	Site Name	Settlement (parish)	Major or	Detailed permission in	Outlin plan
1009	Land to the North East of Didcot	Didcot	Major	No	P15

If you could provide your projected completions that would be greatly appreciated. It is needed for a report, so if you could advise by Monday that would be great.

Many thanks in advance,

Phil

Phil Moule MRTPI  
**Principal Major Applications Officer**  
**South Oxfordshire District Council and Vale of White District Council**  
Tel: 01235 422600  
Email: [phil.moule@southandvale.gov.uk](mailto:phil.moule@southandvale.gov.uk)  
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---

**From:** Grant Williams <[REDACTED]>  
**Sent:** 24 March 2021 16:55  
**To:** Moss, Lisa <[lisa.moss@southandvale.gov.uk](mailto:lisa.moss@southandvale.gov.uk)>  
**Cc:** Jason Cross <[REDACTED]>; Ken Armstrong <[REDACTED]>  
**Subject:** RE: 17S19 - Land north east of Didcot - P15/S2902/O

Hi Lisa,

Just wanted to confirm with our Sales Director.

**Smith, Nicola**

---

**From:** Emily Ford <[REDACTED]>  
**Sent:** 09 March 2021 09:03  
**To:** Mircheva, Yoanna  
**Cc:** Ben Stephenson; Sam Gammon  
**Subject:** RE: Site delivery information

**Categories:** Green Category

Dear Yoanna

Further to your email below, I am pleased to provide the following information in respect of projected delivery on the Homes England land at Didcot Gateway South.

Year	2021/22	2022/23	2023/24	2024/25	2025/26	TOTAL
No. of dwellings completed			38	53	53	144

The above is based on an outline planning application being submitted in Spring 2021, with consent secured in October 2021. Homes England are anticipating tendering for delivery partners in 2021 with a developer to be appointed in May/June 2022. Reserved matters applications are anticipated during 2022, with consent secured by early 2023. On that basis, construction is anticipated to start in Spring 2023.

I trust this assists. Please do not hesitate to contact me if any further information would be of use.

Kind regards,

**Emily Ford**

Senior Planner



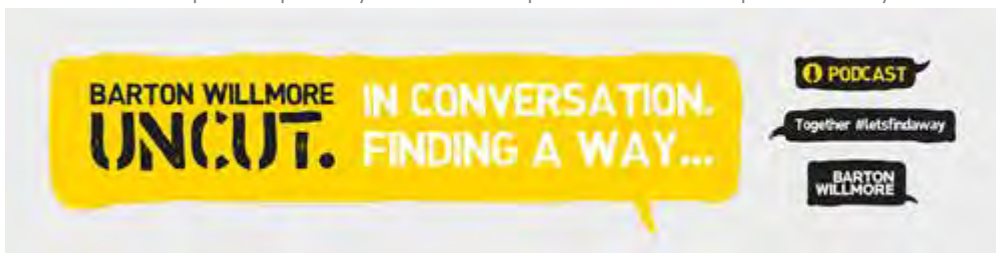
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The Blade, Abbey Square, Reading, Berkshire, RG1 3BE

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WILLMORE**

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**From:** Mircheva, Yoanna <Yoanna.Mircheva@southandvale.gov.uk>  
**Sent:** 08 March 2021 15:05  
**To:** Emily Ford <[REDACTED]>  
**Subject:** FW: Site delivery information  
**Importance:** High

Dear Emily,

**Smith, Nicola**

---

**From:** Colin Campbell [REDACTED]  
**Sent:** 12 March 2021 10:45  
**To:** Mircheva, Yoanna  
**Subject:** RE: Site delivery information

Yoanna

Please see below

Regards

Colin

**Colin Campbell**  
**Head of Planning**



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The Power House Gunpowder Mill Powdermill Lane Waltham  
Abbey Essex EN9 1BN

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**From:** Mircheva, Yoanna <Yoanna.Mircheva@southandvale.gov.uk>  
**Sent:** 08 March 2021 13:40  
**To:** Colin Campbell [REDACTED]  
**Subject:** FW: Site delivery information  
**Importance:** High

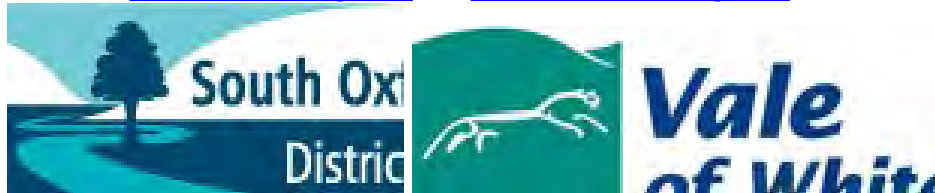
Dear Colin,

Please see my previous email. If you are not the correct contact, please either forward this email on to the correct person with me cc'd or please pass on their contact details.

Best wishes,

**Yoanna Mircheva**  
**Enquires Officer/ Assistant Planning Officer**  
Planning Policy  
South Oxfordshire and Vale of White Horse District Councils

Email: [yoanna.mircheva@southandvale.gov.uk](mailto:yoanna.mircheva@southandvale.gov.uk)  
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Thank you for your understanding.

---

**From:** Mircheva, Yoanna  
**Sent:** 01 March 2021 15:34  
**To:** Colin Campbell <[REDACTED]>  
**Cc:** Sandith, Richard <[Richard.Sandith@southandvale.gov.uk](mailto:Richard.Sandith@southandvale.gov.uk)>  
**Subject:** Site delivery information

Dear Colin

South Oxfordshire District Council is updating its housing trajectory for sites. As part of this process we are updating the projected delivery rate of permitted and allocated sites. To assist the Council with this process, can you please provide the projected delivery rate for the site:

- Land West of Marley Lane, Chalgrove. Planning reference P17/S0094/O.

Can you please provide the projected construction delivery rate by financial year (1st April to 31st March):

Year	2021/22	2022/23	2023/24	2024/25	2025/26		
No. of dwellings completed		70	70	60			

The projected delivery rate should be as realistic as possible, taking account of time to secure planning permission and site preparation, therefore can you also provide details on the following, if applicable:

- estimated timeframes for progressing the site through any further full or reserved matters applications; **RM's approved March 2021**
- estimated timeframes for progressing discharge of conditions; **pre-comm conditions discharged April**
- estimated timeframes for progressing the signing of S106; **n/a**
- site preparation or whether the site is under construction, and if so the number of completions; **n/a**
- whether there is a developer(s) on board; **agreement in place to sell to Ridgpoint Homes who have RM's submitted**
- is the site being marketed; and/or **see above**
- any site constraints that could impact the delivery of the site. **no**
- If applicable, how many self-build or custom build plots will be provided on the site. **none**
- If applicable, how many gypsy and traveller pitches will be provided on the site. **none**

We understand that circumstances are difficult at the moment, but it would be greatly appreciated if you could provide at least an estimated delivery rate **by end of play 12 March** please.

If you are not the correct contact, please either forward this email on to the correct person with me cc'd or please pass on their contact details.

If you have any queries, please do not hesitate to contact me.

Best wishes,

**Yoanna Mircheva**  
**Enquires Officer/ Assistant Planning Officer**  
 Planning Policy  
 South Oxfordshire and Vale of White Horse District Councils

Email: [yoanna.mircheva@southandvale.gov.uk](mailto:yoanna.mircheva@southandvale.gov.uk)  
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**COVID Working**

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Please be aware that some of our staff may be redeployed to other roles where necessary to assist and deal with the Coronavirus outbreak.

Thank you for your understanding.

## Scotting, Cathie

---

**From:** Eastwood, Stephanie (Avison Young - UK)  
**Sent:** 12 March 2021 12:58  
**To:** Mircheva, Yoanna  
**Cc:** Gardner, Robert (Avison Young - UK); Ward, Louisa (Avison Young - UK)  
**Subject:** FW: Site delivery information - OBU Wheatley Campus

Hi Yoanna

I hope you are well.

Further to your email below we have reviewed the housing delivery trajectory for the Wheatley Campus site following the outcome of the appeal in April last year based on what we consider to be reasonable assumptions from the information currently available, noting that my client will be disposing of the site to a developer to construct and deliver the scheme.

Please see below our updated housing trajectory:

2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029
-	-	76	92	92	92	92	56

CBRE has been appointed by the University to market and dispose of the site. It expects formal marketing to commence in late spring and for the sale of the site to be completed by the end of the summer this year. However, there is already significant interest in the site from multiple house builders.

We would assume that a lead in of c. 16 months be allowed for the approval of reserved matters and discharge of pre-commencement conditions in relation to the first phase of development by the housebuilder before a start on site in around December 2022. Following site preparation, it is anticipated that the first dwelling could then be complete and occupied by around June 2023.

The trajectory is based on the assumption that development will commence in two phases on the areas of the site where there are no significant existing University buildings that would need to be demolished whilst the University continues to occupy certain buildings within the centre of the site in the short-term. The University would vacate the small number of buildings that it continues to occupy in the main body of the campus and demolition works would take place whilst the initial phases of development are under construction and subsequent phases of development would follow.


At this stage, it is anticipated that there would be two sales outlets on site. It is expected that these would each deliver approx. 2.5 market sales per month (i.e. 60 dwellings per annum across the two outlets). As affordable housing would be pepper-potted through the site and be built out contiguously with the private sale dwellings. We assume that an additional approx. 32 affordable dwellings per annum would be delivered based on the proportion of affordable housing secured as part of the consent (34.5%). This would give a total annual delivery rate of c. 92 dwellings (in a full year) as set out above.

Hopefully this is of assistance and is all clear, however, please let us know if you have any queries.

Many thanks,

Steph

**Stephanie Eastwood**  
Associate Director

  
3 Brindleyplace, Birmingham, B1 2JB



**From:** Mircheva, Yoanna <[Yoanna.Mircheva@southandvale.gov.uk](mailto:Yoanna.Mircheva@southandvale.gov.uk)>**Sent:** 01 March 2021 17:00**To:** Eastwood, Stephanie (Avison Young - UK) [REDACTED]; Gardner, Robert (Avison Young - UK) [REDACTED]**Cc:** Sandith, Richard <[richard.sandith@southandvale.gov.uk](mailto:richard.sandith@southandvale.gov.uk)>**Subject:** Site delivery information**External Sender**

Dear Stephanie and Robert,

South Oxfordshire District Council is updating its housing trajectory for sites. As part of this process we are updating the projected delivery rate of permitted and allocated sites. To assist the Council with this process, can you please provide the projected delivery rate for the site:

- Land at Wheatley campus, Oxford Brookes University.

Can you please provide the projected construction delivery rate by financial year (1st April to 31st March):

Year	2021/22	2022/23	2023/24	2024/25	2025/26		
No. of dwellings completed							

The projected delivery rate should be as realistic as possible, taking account of time to secure planning permission and site preparation, therefore can you also provide details on the following, if applicable:

- estimated timeframes for progressing the site through any further full or reserved matters applications;
- estimated timeframes for progressing discharge of conditions;
- estimated timeframes for progressing the signing of S106;
- site preparation or whether the site is under construction, and if so the number of completions;
- whether there is a developer(s) on board;
- is the site being marketed; and/or
- any site constraints that could impact the delivery of the site.
- If applicable, how many self-build or custom build plots will be provided on the site.
- If applicable, how many gypsy and traveller pitches will be provided on the site.

We understand that circumstances are difficult at the moment, but it would be greatly appreciated if you could provide at least an estimated delivery rate **by end of play 12 March** please.

If you are not the correct contact, please either forward this email on to the correct person with me cc'd or please pass on their contact details.

If you have any queries, please do not hesitate to contact me.

Best wishes,

**Yoanna Mircheva**  
**Enquires Officer/ Assistant Planning Officer**  
Planning Policy

South Oxfordshire and Vale of White Horse District Councils

Email: [yoanna.mircheva@southandvale.gov.uk](mailto:yoanna.mircheva@southandvale.gov.uk)

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## Smith, Nicola

---

**From:** Smith, Nicola  
**Sent:** 19 April 2021 13:00  
**To:** Smith, Nicola  
**Subject:** FW: URGENT Lower Shiplake - Reserved matters pursuant to P18/S3210/O

**From:** Taylor-Drake, Charlotte (Avison Young - UK) [REDACTED] >  
**Sent:** 16 April 2021 12:17  
**To:** Smith, Tracy <[tracy.smith@southandvale.gov.uk](mailto:tracy.smith@southandvale.gov.uk)>  
**Cc:** Stockall, Peter (Avison Young - UK) [REDACTED] >  
**Subject:** RE: URGENT Lower Shiplake - Reserved matters pursuant to P18/S3210/O

Hi Tracy

I do not have a specific phasing plan but, yes, it is proposed to construct, complete and occupy the development within the next 5 years.

Kind regards

Charlotte

**Charlotte Taylor-Drake**

Associate Director, Planning Development and Regeneration

[REDACTED]

---

[REDACTED] Smith, Tracy <[tracy.smith@southandvale.gov.uk](mailto:tracy.smith@southandvale.gov.uk)>  
**Sent:** 16 April 2021 11:24  
**To:** Taylor-Drake, Charlotte (Avison Young - UK) [REDACTED] >  
**Cc:** Stockall, Peter (Avison Young - UK) [REDACTED]  
**Subject:** Re: URGENT Lower Shiplake - Reserved matters pursuant to P18/S3210/O

External Sender

Many thanks Charlotte, do they have phasing plan for build out.  
Would it be constructed and completed within the next 5 years?  
Many thanks.  
T

Tracy Smith  
**Principal Planning Appeals Officer**  
**South Oxfordshire and Vale of White Horse District Councils**  
Mobile: 07717 271927  
Email: [tracy.smith@southandvale.gov.uk](mailto:tracy.smith@southandvale.gov.uk)

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**PLEASE NOTE I AM IN A PUBLIC INQUIRY WC 26 APRIL AND WILL BE UNLIKELY TO RESPOND TO EMAILS NOT RELATED TO THAT INQUIRY.**

**I AM THEN ON LEAVE AND WILL RETURN TO THE OFFICE ON TUESDAY 18 MAY**

---

**From:** Taylor-Drake, Charlotte (Avison Young - UK) [REDACTED] >  
**Sent:** 16 April 2021 11:16  
**To:** Smith, Tracy <[tracy.smith@southandvale.gov.uk](mailto:tracy.smith@southandvale.gov.uk)>  
**Cc:** Stockall, Peter (Avison Young - UK) <[REDACTED]>  
**Subject:** RE: URGENT Lower Shiplake - Reserved matters pursuant to P18/S3210/O

Hi Tracy

I can confirm that the site has been bought from RV with the intention to build it out and deliver the scheme in line with the outline planning permission. The operator will be ARCO accredited as an operator of a retirement villages with 24/7 care and facilities. The intention is to submit reserved matters/discharge planning conditions with a view to commence development in Q1 2022.

I hope that helps but please let me know if you have any queries.

Kind regards

Charlotte

**Charlotte Taylor-Drake**  
Associate Director, Planning Development and Regeneration

---

**From:** Smith, Tracy <[tracy.smith@southandvale.gov.uk](mailto:tracy.smith@southandvale.gov.uk)>  
**Sent:** 16 April 2021 10:23  
**To:** Taylor-Drake, Charlotte (Avison Young - UK) [REDACTED]  
**Cc:** Stockall, Peter (Avison Young - UK) [REDACTED]  
**Subject:** Re: URGENT Lower Shiplake - Reserved matters pursuant to P18/S3210/O

External Sender

**2244 Land to the east of Reading Road Lower Shiplake RG9 4BG Shiplake  
P18/S3210/O (65 dwellings)**

5.58 Site has outline planning permission (P18/S3210/O) granted on appeal.

5.59 The Council's trajectory based on officer's assessment of lead-in times and build out rate analysis.

*Appellants Commentary*

5.60 The Council's assessment relies solely on average lead in times and build out rates.

5.61 There has been no activity in terms of discharging conditions or RM.

5.62 This is not clear evidence of delivery.

5.63 Remove 65 dwellings.

Many thanks Charlotte.

T

Tracy Smith

**Principal Planning Appeals Officer**

**South Oxfordshire and Vale of White Horse District Councils**

Mobile: 07717 271927

Email: [tracy.smith@southandvale.gov.uk](mailto:tracy.smith@southandvale.gov.uk)

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**I AM THEN ON LEAVE AND WILL RETURN TO THE OFFICE ON TUESDAY 18 MAY**

**Smith, Nicola**

---

**From:** Alex Dalton <[REDACTED]>  
**Sent:** 12 March 2021 15:40  
**To:** Mircheva, Yoanna  
**Cc:** [REDACTED]  
**Subject:** Re: FW: Site delivery information (Site B)

Dear Yoanna,

Apologies for the delay in coming back to you. I have filled in the table in your email, and responded to your questions in red.

Please let me know if you need any more information.

Kind regards,

Alex

Alexander Dalton MPlan LRTPI  
Project Planner  
for and on behalf of:

Howard Sharp and Partners LLP  
79 Great Peter Street  
Westminster  
London  
SW1P 2EZ  
[REDACTED]

On 08/03/2021 15:55 Mircheva, Yoanna <yoanna.mircheva@southandvale.gov.uk> wrote:

Dear Tom and Alex,

Please see my previous email. If you are not the correct contact, please either forward this email on to the correct person with me cc'd or please pass on their contact details.

Best wishes,

**Yoanna Mircheva**

**Enquires Officer/ Assistant Planning Officer**  
Planning Policy  
South Oxfordshire and Vale of White Horse District Councils

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Thank you for your understanding.

---

**From:** Mircheva, Yoanna

**Sent:** 01 March 2021 17:05

**To:** [REDACTED]

**Cc:** Sandith, Richard <[Richard.Sandith@southandvale.gov.uk](mailto:Richard.Sandith@southandvale.gov.uk)>

**Subject:** Site delivery information

Dear Tom and Alex,

South Oxfordshire District Council is updating its housing trajectory for sites. As part of this process we are updating the projected delivery rate of permitted and allocated sites. To assist the Council with this process, can you please provide the projected delivery rate for the site:

- Watlington NDP: Site B- Land Off Cuxham Road and Willow Close.

Can you please provide the projected construction delivery rate by financial year (1st April to 31st March):

Year	2021/22	2022/23	2023/24	2024/25	2025/26		
No. of dwellings completed		10	30	20	10		

The projected delivery rate should be as realistic as possible, taking account of time to secure planning permission and site preparation, therefore can you also provide details on the following, if applicable:

- estimated timeframes for progressing the site through any further full or reserved matters applications;

RM submission likely this year

- estimated timeframes for progressing discharge of conditions;

Pre-commencement conditions anticipated to be discharged by 2022/23

- estimated timeframes for progressing the signing of S106;

S106 expected to finalise early this year

- site preparation or whether the site is under construction, and if so the number of completions;

Construction has not yet commenced

- whether there is a developer(s) on board;

Terms agreed with interested housebuilder

- is the site being marketed; and/or

- any site constraints that could impact the delivery of the site.

No significant constraints. In terms of timescale, the route of the edge road needs to be finalised to inform the RM submission

- If applicable, how many self-build or custom build plots will be provided on the site.

0

- If applicable, how many gypsy and traveller pitches will be provided on the site.

0

We understand that circumstances are difficult at the moment, but it would be greatly appreciated if you could provide at least an estimated delivery rate **by end of play 12 March** please.



If you are not the correct contact, please either forward this email on to the correct person with me cc'd or please pass on their contact details.

If you have any queries, please do not hesitate to contact me.

Best wishes,

**Yoanna Mircheva**

**Enquires Officer/ Assistant Planning Officer**  
Planning Policy  
South Oxfordshire and Vale of White Horse District Councils

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Thank you for your understanding.

**Smith, Nicola**

---

**From:** Alex Dalton [REDACTED]  
**Sent:** 12 March 2021 15:42  
**To:** Mircheva, Yoanna  
**Cc:** [REDACTED]  
**Subject:** Re: FW: Site delivery information

Dear Yoanna,

I have filled in the table in your email below. Please also see my comments in red.

My mobile is best if you have any queries.

Kind regards,

Alex

Alexander Dalton MPlan LRTPI  
Project Planner  
for and on behalf of:

Howard Sharp and Partners LLP  
79 Great Peter Street  
Westminster  
London  
SW1P 2EZ

On 08/03/2021 15:54 Mircheva, Yoanna <yoanna.mircheva@southandvale.gov.uk> wrote:

Dear Tom and Alex,

Please see my previous email. If you are not the correct contact, please either forward this email on to the correct person with me cc'd or please pass on their contact details.

Best wishes,

**Yoanna Mircheva**

**Enquires Officer/ Assistant Planning Officer**  
Planning Policy  
South Oxfordshire and Vale of White Horse District Councils

Email: [yoanna.mircheva@southandvale.gov.uk](mailto:yoanna.mircheva@southandvale.gov.uk)

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Thank you for your understanding.

---

**From:** Mircheva, Yoanna

**Sent:** 01 March 2021 17:06

**To:** [REDACTED]

**Cc:** Sandith, Richard <[Richard.Sandith@southandvale.gov.uk](mailto:Richard.Sandith@southandvale.gov.uk)>

**Subject:** Site delivery information

Dear Tom and Alex,

South Oxfordshire District Council is updating its housing trajectory for sites. As part of this process we are updating the projected delivery rate of permitted and allocated sites. To assist the Council with this process, can you please provide the projected delivery rate for the site:

- Watlington NDP: Site C- Land off Pyrton Lane.

Can you please provide the projected construction delivery rate by financial year (1st April to 31st March):

Year	2021/22	2022/23	2023/24	2024/25	2025/26		
No. of dwellings completed			25	25	10		

The projected delivery rate should be as realistic as possible, taking account of time to secure planning permission and site preparation, therefore can you also provide details on the following, if applicable:

- estimated timeframes for progressing the site through any further full or reserved matters applications;

RM submission likely this year

- estimated timeframes for progressing discharge of conditions;

Pre-commencement conditions anticipated to be discharged by 2022/23

- estimated timeframes for progressing the signing of S106;

S106 expected to finalise early this year

- site preparation or whether the site is under construction, and if so the number of completions;

Construction has not yet commenced

- whether there is a developer(s) on board;

Terms agreed with interested housebuilder

- is the site being marketed; and/or

- any site constraints that could impact the delivery of the site.

No significant constraints. In terms of timescale, the route of the edge road needs to be finalised to inform the RM submission

- If applicable, how many self-build or custom build plots will be provided on the site.

0

- If applicable, how many gypsy and traveller pitches will be provided on the site.

0

We understand that circumstances are difficult at the moment, but it would be greatly appreciated if you could provide at least an estimated delivery rate **by end of play 12 March** please.

If you are not the correct contact, please either forward this email on to the correct person with me cc'd or please pass on their contact details.

If you have any queries, please do not hesitate to contact me.

Best wishes,

Yoanna Mircheva

**Enquires Officer/ Assistant Planning Officer**  
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Thank you for your understanding.

## Smith, Nicola

---

**From:** Nick McEntyre <[REDACTED]>  
**Sent:** 19 April 2021 14:29  
**To:** Emma Runesson; Smith, Nicola  
**Subject:** Re: Land at Marley lane, Chalgrove

Nicola,

This is confirmed.

Please let me know if you require anything further.

Kind Regards

**Nick McEntyre**  
Managing Director

### RIDGEPOINT HOMES LTD

Terriers House | 201 Amersham Road | High Wycombe | Buckinghamshire | HP13 5AJ

M: [REDACTED]  
[REDACTED]

[www.ridgepointhomes.co.uk](http://www.ridgepointhomes.co.uk)



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---

**From:** Smith, Nicola <Nicola.Smith@Southandvale.gov.uk>  
**Sent:** Monday, April 19, 2021 11:52:58 AM  
**To:** Nick McEntyre [REDACTED]  
**Subject:** Land at Marley lane, Chalgrove

Dear both,

I hope you are well,

As I have mentioned previously, I am involved in a Public Inquiry which starts next week, the appellants have questioned our five year land supply and yours is one of the sites where the Appellant is questioning delivery – extract below from their proof :

#### **I) 1639 Land West of Marley Lane, Chalgrove (P17/S0094/O) 10/04/2018 (200 dwellings)**

6.2 Site has outline planning permission.

6.3 The Council's trajectory is based on developer delivery intentions; RM approval Q3 2020 and start on site Q4 2020.

#### *Appellants Commentary*

6.4 While there has been activity in discharging conditions it is noted that a further OL application was submitted by Hill Property Investments on the 18 December 2020 on the grounds that:

*Given the ongoing uncertainty regarding COVID, the applicants consider it prudent to submit this application in case for any reason the extant application should expire on 1st May 2021.*

6.5 The reserved matters are still outstanding the landowner has expressed doubts regarding the implementation of the consent in a timely manner. Furthermore, the lead in time and build out rate is more optimistic than the councils evidence base (CD:K32 appendix C page 57).

Utilising this evidence would suggest that there will be at least a year between RM approval and first completions so first completion will be 2022/3 build out rate of 52 dpa as per Interim Report would deliver 156 dwellings not 200 and this would mean a reduction of 44 dwellings.

6.6 Reduce supply by 44 dwellings.

The council's housing land supply statement has this site down as delivering 20 homes in 2021/22, 90 in 2022/23 and 90 in 2023/24 and it states that this trajectory is based on the developers delivery intentions. I would be extremely grateful if could please confirm as soon as possible that this accords with your expected delivery rates? I am currently preparing a rebuttal statement so I would be grateful for a response as soon as possible.

Kind Regards

Nicola

Nicola Smith

Principal Major Applications Officer

Planning Service

Vale of White Horse District Council and South Oxfordshire District Council

T: 01235 422600

E: [Nicola.smith@southandvale.gov.uk](mailto:Nicola.smith@southandvale.gov.uk)

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Due to the Coronavirus outbreak our offices continue to be closed, therefore we are all working remotely. Due to the current circumstances our responses will take longer. Your patience is appreciated.

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EP11



# **Appendix 3**

## **Information from Developers/Landowners relating to Expected Delivery of Housing from Disputed Large Sites within the District**

## Chris Wood

**From:** Thomas Corbin <[REDACTED]>  
**Sent:** 12 September 2022 17:28  
**To:** Chris Hargraves  
**Cc:** Paul Comerford  
**Subject:** RE: Letter to Prior and Partners re Salt Cross Garden Village  
**Attachments:** Salt Cross Garden Village (September 2022 housing trajectory).doc

Hi Chris,

Sorry slightly behind Friday's deadline but please see attached updated housing trajectory for the Salt Cross Garden Village. You will note this is behind the 150 homes previously assumed in the Council's 5yhls paper but consistent with the latest AAP phasing and reinforced by the fact that the Applicant and Landowners are committed to delivering homes on this site as soon as the submitted OPA is determined. We have included some key assumptions in the attached regarding targeting milestones. In all honesty, we believe this could be expedited through the renewed focus on the OPA's determination and on-going Section 106 negotiations but have updated to attached to represent current likelihoods.

The estimate for resolution to grant (RTG) in the Salt Cross phasing report (EV36, March 2022) aimed for an August 2022 RTG (extract below) resulting in completions in the second half of 2026. Despite currently assuming a delayed RTG (which is now targeted for the end of this year) is achieved, we would hope we could retain a mid-2023 section 106 agreement through collaborative working over the next few months.

Kind regards,

Tom

**Table 1: Assumed lead-in period to first completions**

Item	Description	Potential timing
1.	WODC resolution to grant outline planning permission.	June - August 2022
2.	Completion of section 106 agreement(s).	June - August 2023
3.	Grant of outline planning permission.	June - August 2023
4.	Discharge pre-commencement conditions.	October - December 2023
5.	Initial infrastructure works; i.e. to open up the site (see Note 1).	January - June 2024
6.	Pre-planning and marketing of first sub-phase.	January - June 2024
7.	Conditional contract with first housebuilder.	June - December 2024
8.	Phase 1a - pre-application design and consultation work.	January - March 2025
9.	Submission of first sub-phase reserved matters application ("RMA").	May - July 2025
10.	Determination of first sub-phase RMA.	August - October 2025
11.	Discharge pre-commencement conditions.	October - December 2025
12.	Mobilization.	January - March 2026
13.	Commencement on site.	April - June 2026
14.	First completions.	Second half of 2026

**Notes:**

1. The overall timeline may need to be extended to allow more time for design work on and subsequent approval of enabling infrastructure RMAs; e.g. the first sections of the spine road.

**Thomas Corbin**  
Associate

t:  
m:



w: [priorandpartners.com](http://priorandpartners.com)

a: 70 Cowcross Street, London, EC1M 6EJ



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---

**From:** Chris Hargraves <Chris.Hargraves@westoxon.gov.uk>  
**Sent:** 31 August 2022 13:03  
**To:** Paul Comerford [REDACTED]  
**Cc:** Thomas Corbin [REDACTED]  
**Subject:** Letter to Prior and Partners re Salt Cross Garden Village

Dear Paul

I hope you are well. Please find attached a letter in relation to Salt Cross Garden Village in the context of anticipated housing land supply.

Whilst I appreciate that the information being sought is to a large extent dependent on the passage of the site through the planning process, I am hopeful that you will be able to give us a realistic picture of anticipated delivery timescales from your perspective.

I look forward to hearing from you at your earliest convenience. Do let me know if you need any further information or clarification.

Kind regards

Chris Hargraves  
Planning Policy Manager  
West Oxfordshire District Council

Chris Hargraves  
Planning Policy Manager - West Oxfordshire District Council



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**Planning and Strategic Housing**

Reply to : Chris Hargraves  
Tel : 01993 861686  
Email : [chris.hargraves@westoxon.gov.uk](mailto:chris.hargraves@westoxon.gov.uk)

**Elmfield**

New Yatt Road,  
WITNEY,  
Oxfordshire,  
OX28 1PB,  
Tel: 01993 861000  
[www.westoxon.gov.uk](http://www.westoxon.gov.uk)



Your Ref :  
Our Ref :  
Date : 31 August 2022

Dear Paul

**West Oxfordshire District Council Housing Land Supply Position Update (2022 – 2027) - Information required in relation to Salt Cross Garden Village**

I am writing to inform you that the District Council is in the process of updating its Housing Land Supply (HLS) Position Statement for the period 1<sup>st</sup> April 2022 – 31<sup>st</sup> March 2027.

The update will take account of housing completions from 1<sup>st</sup> April 2011 – 31<sup>st</sup> March 2022 and extant planning permissions and other commitments as of 1<sup>st</sup> April 2022.

As you will be aware, where sites have outline planning permission only or are allocated in a development plan, to be considered deliverable, the Council must have clear evidence that housing completions will begin on site within five years.

As such, I would be grateful if you could complete the pro-forma overleaf, taking into account the current stage which Salt Cross Garden Village has reached in the planning process and the anticipated build trajectory.

As you will see, the pro-forma extends beyond the 5-year period 2022 – 2027 reflecting the fact that for a number of sites, completions are likely to extend beyond 2027.

If you are able to complete the trajectory for the entire build out of your site that would be helpful, not least because this information will also help to inform our forthcoming Local Plan review.

If you are able to provide any additional information in support of your anticipated trajectory (including assumed timings around grant of outline planning permission, Section 106 discussions, reserved matters, discharge of conditions etc.) that would be helpful.

I look forward to hearing from you at your earliest convenience. I appreciate it is holiday season and that you may be unable to respond immediately but if you could provide the requested information no later than Friday 9 September or sooner if possible, I would be grateful.

Thank you in advance for your assistance with this important matter. If you wish to discuss or require any further information or clarification, please let me know as soon as possible.  
Yours sincerely



**Chris Hargraves**  
**Planning Policy Manager**



### Anticipated development trajectory – Salt Cross Garden Village

	<sup>1st</sup> April 2022 – 31 <sup>st</sup> March 2023	<sup>1st</sup> April 2023 – 31 <sup>st</sup> March 2024	<sup>1st</sup> April 2024 – 31 <sup>st</sup> March 2025	<sup>1st</sup> April 2025 – 31 <sup>st</sup> March 2026	<sup>1st</sup> April 2026 – 31 <sup>st</sup> March 2027	<sup>1st</sup> April 2027 – 31 <sup>st</sup> March 2028	<sup>1st</sup> April 2028 – 31 <sup>st</sup> March 2029	<sup>1st</sup> April 2029 – 31 <sup>st</sup> March 2030	<sup>1st</sup> April 2030 – 31 <sup>st</sup> March 2031	<sup>1st</sup> April 2031 – 31 <sup>st</sup> March 2032	<sup>1st</sup> April 2032 – 31 <sup>st</sup> March 2033	<sup>1st</sup> April 2033 – 31 <sup>st</sup> March 2034	<sup>1st</sup> April 2034 – 31 <sup>st</sup> March 2035	<sup>1st</sup> April 2035 – 31 <sup>st</sup> March 2036	<sup>1st</sup> April 2036 – 31 <sup>st</sup> March 2037
Number of anticipated housing completions (per annum)					50	70	135	160	180	195	195	210	210	210	195
Cumulative completions for reference					50	120	255	415	595	790	985	1,195	1,405	1,645	1,810

### Additional notes (please set out here any further information in support of the above assumptions)

- Grosvenor's outline planning application (20/01734/OUT) was submitted in July 2020. Although the Salt Cross AAP is yet to be formally adopted, we believe the Inspector finding the AAP sound subject to main modifications provides weight to the AAP as a material consideration in the determination of the OPA a strong indicator of the deliverability of the OPA. Grosvenor remain committed to the delivery of the Garden Village and eagerly await the positive determination of the submitted planning application.
- The above housing trajectory is based on the below estimated milestones and the trajectory within the Salt Cross Phasing report (March 2022):
  - December 2022 - Salt Cross AAP adopted
  - December 2022 / January 2023 - Resolution to grant
  - August 2023 – Section 106 signed
  - 2024/25: Early phase RMA(s) produced, submitted and approved
  - 2025/26: Construction starts on site
  - Late 2026: First completions

## Chris Wood

---

**From:** Ashley Maltman [REDACTED]  
**Sent:** 11 September 2022 23:28  
**To:** Chris Hargraves  
**Cc:** Roger File; Nigel McGurk  
**Subject:** FW: Letter to Blenheim re Land at Hill Rise and Land North of Banbury Road  
**Attachments:** Letter to Blenheim re Land at Hill Rise and Land North of Banbury Road (003).doc

Hi Chris,

Thanks for your e-mail in relation to our proposals at Hill Rise and Banbury Road, for completeness I have also sought to provide delivery rates on our sites at Eynsham and Park View, Woodstock.

### Hill Rise and Banbury Road

See attached completed trajectory for both sites. As you know these are 2 allocated sites and two planning applications are with WODC planning officers for consideration, both originally submitted January 2021. We sent back to officers last week what we hope are final responses that address any concerns they previously had. We are hoping that they will both go to and receive approval at the October Uplands Committee meeting, however, we are yet to hear confirmation of this from Officers.

Hill Rise is a hybrid application, and our current plan is to be on site Q2 2023 - 1<sup>st</sup> completion Q1 2024 - if a consent is granted at the October planning committee and any s106 concluded rapidly, any reserved matters application will follow for the remainder of the site to allow continuity of delivery on site.

Banbury Road is an outline application, and we would immediately follow with preparing a Reserved Matters application but would not expect to be on site for 12-18 months following grant of outline permission to allow for reserved matters approval and discharge of conditions

Both planning applications have been with officers for a considerable amount of time and hopefully we are in a position where positive recommendations will be forthcoming in October/November 2022. We have invested considerable time and money into these applications and if consents are not forthcoming, for reasons discussed with my colleagues, we will need to review our position and no realistic timeline can be predicted. In such a scenario, we must consider proceeding to appeal as our view is that the determination timescales for both planning applications - which are ambitious proposals for exemplar schemes on 2 allocated sites - have taken far too long.

### Eynsham

See below our proposed trajectory, however, in similar vein to Hill Rise and Banbury Road, this is dependent upon the timely determination of the planning application (full planning application) which is to be submitted in Q4 2022:

- 2022-2023
- 2023-2024
- 2024-2025 - 18 dwellings
- 2025-2026 - 35 dwellings
- 2026-2027 – 17 dwellings

### Park View, Woodstock

See below our completions expected over the corresponding period.

- 2022-2023 – 70 dwellings
- 2023-2024 - 70 dwellings
- 2024-2025 – 53 dwellings

- 2025-2026 – 42 dwellings

You will also note we now have an interest in North Witney site allocation; however, the consortium's position and trajectory will be conveyed through Tim Burden at Turleys for this site.

If you have any further questions, please don't hesitate to contact me.

Kind regards

Ash

**Ashley Maltman**  
Head of Planning



**T:** 01865 373903 | **M:** 07850640593

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---

**From:** Chris Hargraves <[Chris.Hargraves@westoxon.gov.uk](mailto:Chris.Hargraves@westoxon.gov.uk)>

**Sent:** 31 August 2022 13:23

**To:** Roger File <[REDACTED]>

**Subject:** Letter to Blenheim re Land at Hill Rise and Land North of Banbury Road

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Roger

I hope you are well. Please find attached a letter in relation to land at Hill Rise and land north of Banbury Road, Woodstock in the context of anticipated housing land supply.

Whilst I appreciate that the information being sought is to a large extent dependent on the passage of the sites through the planning process, I am hopeful that you will be able to give us a realistic picture of anticipated delivery timescales from your perspective.

I look forward to hearing from you at your earliest convenience. Do let me know if you need any further information or clarification.

Kind regards

Chris Hargraves  
Planning Policy Manager  
West Oxfordshire District Council  
Chris Hargraves  
Planning Policy Manager - West Oxfordshire District Council





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**Planning and Strategic Housing**

Reply to : Chris Hargraves  
Tel : 01993 861686  
Email : [chris.hargraves@westoxon.gov.uk](mailto:chris.hargraves@westoxon.gov.uk)

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Your Ref :  
Our Ref :  
Date : 31 August 2022

Dear Roger

**West Oxfordshire District Council Housing Land Supply Position Update (2022 – 2027) - Information required in relation to land at Hill Rise and land north of Banbury Road, Woodstock**

I am writing to inform you that the District Council is in the process of updating its Housing Land Supply (HLS) Position Statement for the period 1<sup>st</sup> April 2022 – 31<sup>st</sup> March 2027.

The update will take account of housing completions from 1<sup>st</sup> April 2011 – 31<sup>st</sup> March 2022 and extant planning permissions and other commitments as of 1<sup>st</sup> April 2022.

As you will be aware, where sites have outline planning permission only or are allocated in a development plan, to be considered deliverable, the Council must have clear evidence that housing completions will begin on site within five years.

As such, I would be grateful if you could complete the pro-forma overleaf, taking into account the current stage which the sites at Hill Rise and to the north of Banbury Road have reached in the planning process and their anticipated build trajectory.

As you will see, the pro-forma extends beyond the 5-year period 2022 – 2027 reflecting the fact that for a number of sites, completions are likely to extend beyond 2027.

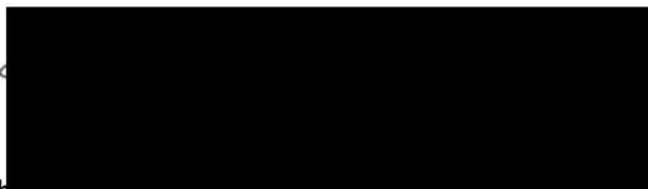
If you are able to complete the trajectory for the entire build out of your sites that would be helpful, not least because this information will also help to inform our forthcoming Local Plan review.

If you are able to provide any additional information in support of your anticipated trajectory (including assumed timings around grant of outline planning permission, Section 106 discussions, reserved matters, discharge of conditions etc.) that would be helpful.

I look forward to hearing from you at your earliest convenience. I appreciate it is holiday season and that you may be unable to respond immediately but if you could provide the requested information no later than Friday 9 September or sooner if possible, I would be grateful.

Thank you in advance for your assistance with this important matter. If you wish to discuss or require any further information or clarification, please let me know as soon as possible.

Yours sincerely



**Chris Hargreaves**  
**Planning Policy Manager**

Anticipated development trajectory – Land at Hill Rise, Woodstock

	<sup>1</sup> April 2022 – 31 <sup>st</sup> March 2023	<sup>1</sup> April 2023 – 31 <sup>st</sup> March 2024	<sup>1</sup> April 2024 – 31 <sup>st</sup> March 2025	<sup>1</sup> April 2025 – 31 <sup>st</sup> March 2026	<sup>1</sup> April 2026 – 31 <sup>st</sup> March 2027	<sup>1</sup> April 2027 – 31 <sup>st</sup> March 2028	<sup>1</sup> April 2028 – 31 <sup>st</sup> March 2029	<sup>1</sup> April 2029 – 31 <sup>st</sup> March 2030	<sup>1</sup> April 2030 – 31 <sup>st</sup> March 2031	<sup>1</sup> April 2031 – 31 <sup>st</sup> March 2032	<sup>1</sup> April 2032 – 31 <sup>st</sup> March 2033	<sup>1</sup> April 2033 – 31 <sup>st</sup> March 2034	<sup>1</sup> April 2034 – 31 <sup>st</sup> March 2035	<sup>1</sup> April 2035 – 31 <sup>st</sup> March 2036	<sup>1</sup> April 2036 – 31 <sup>st</sup> March 2037
Number of anticipated housing completions (per annum)		12	48	48	48	24									

Additional notes (please set out here any further information in support of the above assumptions)

Anticipated development trajectory – Land north of Banbury Road, Woodstock

	1 <sup>st</sup> April 2022 – 31 <sup>st</sup> March 2023	1 <sup>st</sup> April 2023 – 31 <sup>st</sup> March 2024	1 <sup>st</sup> April 2024 – 31 <sup>st</sup> March 2025	1 <sup>st</sup> April 2025 – 31 <sup>st</sup> March 2026	1 <sup>st</sup> April 2026 – 31 <sup>st</sup> March 2027	1 <sup>st</sup> April 2027 – 31 <sup>st</sup> March 2028	1 <sup>st</sup> April 2028 – 31 <sup>st</sup> March 2029	1 <sup>st</sup> April 2029 – 31 <sup>st</sup> March 2030	1 <sup>st</sup> April 2030 – 31 <sup>st</sup> March 2031	1 <sup>st</sup> April 2031 – 31 <sup>st</sup> March 2032	1 <sup>st</sup> April 2032 – 31 <sup>st</sup> March 2033	1 <sup>st</sup> April 2033 – 31 <sup>st</sup> March 2034	1 <sup>st</sup> April 2034 – 31 <sup>st</sup> March 2035	1 <sup>st</sup> April 2035 – 31 <sup>st</sup> March 2036	1 <sup>st</sup> April 2036 – 31 <sup>st</sup> March 2037
Number of anticipated housing completions (per annum)			24	48	48	48	48	19							

Additional notes (please set out here any further information in support of the above assumptions)

**Planning and Strategic Housing**

Reply to : Chris Hargraves  
Tel : 01993 861686  
Email : [chris.hargraves@westoxon.gov.uk](mailto:chris.hargraves@westoxon.gov.uk)

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OX28 1PB,  
Tel: 01993 861000  
[www.westoxon.gov.uk](http://www.westoxon.gov.uk)



Your Ref :  
Our Ref :  
Date : 31 August 2022

Dear Tim

**West Oxfordshire District Council Housing Land Supply Position Update (2022 – 2027) - Information required in relation to the North Witney Strategic Development Area (SDA)**

I am writing to inform you that the District Council is in the process of updating its Housing Land Supply (HLS) Position Statement for the period 1<sup>st</sup> April 2022 – 31<sup>st</sup> March 2027.

The update will take account of housing completions from 1<sup>st</sup> April 2011 – 31<sup>st</sup> March 2022 and extant planning permissions and other commitments as of 1<sup>st</sup> April 2022.

As you will be aware, where sites have outline planning permission only or are allocated in a development plan, to be considered deliverable, the Council must have clear evidence that housing completions will begin on site within five years.

As such, I would be grateful if you could complete the pro-forma overleaf, taking into account the current stage which the North Witney SDA has reached in the planning process and the anticipated build trajectory.

As you will see, the pro-forma extends beyond the 5-year period 2022 – 2027 reflecting the fact that for a number of sites, completions are likely to extend beyond 2027.

If you are able to complete the trajectory for the entire build out of your site that would be helpful, not least because this information will also help to inform our forthcoming Local Plan review.

If you are able to provide any additional information in support of your anticipated trajectory (including assumed timings around grant of outline planning permission, Section 106 discussions, reserved matters, discharge of conditions etc.) that would be helpful.

I look forward to hearing from you at your earliest convenience. I appreciate it is holiday season and that you may be unable to respond immediately but if you could provide the requested information no later than Friday 9 September or sooner if possible, I would be grateful.

Thank you in advance for your assistance with this important matter. If you wish to discuss or require any further information or clarification, please let me know as soon as possible.

Yours sincerely

A black rectangular box redacting the signature of Chris Hargraves.

**Chris Hargraves**  
**Planning Policy Manager**



Anticipated development trajectory – North Witney SDA

	<sup>1</sup> April 2022 – 31 <sup>st</sup> March 2023	<sup>1</sup> April 2023 – 31 <sup>st</sup> March 2024	<sup>1</sup> April 2024 – 31 <sup>st</sup> March 2025	<sup>1</sup> April 2025 – 31 <sup>st</sup> March 2026	<sup>1</sup> April 2026 – 31 <sup>st</sup> March 2027	<sup>1</sup> April 2027 – 31 <sup>st</sup> March 2028	<sup>1</sup> April 2028 – 31 <sup>st</sup> March 2029	<sup>1</sup> April 2029 – 31 <sup>st</sup> March 2030	<sup>1</sup> April 2030 – 31 <sup>st</sup> March 2031	<sup>1</sup> April 2031 – 31 <sup>st</sup> March 2032	<sup>1</sup> April 2032 – 31 <sup>st</sup> March 2033	<sup>1</sup> April 2033 – 31 <sup>st</sup> March 2034	<sup>1</sup> April 2034 – 31 <sup>st</sup> March 2035	<sup>1</sup> April 2035 – 31 <sup>st</sup> March 2036	<sup>1</sup> April 2036 – 31 <sup>st</sup> March 2037
Number of anticipated housing completions (per annum)		25	75	100	150	200	200	200	200	175	75				

Additional notes (please set out here any further information in support of the above assumptions)



## Chris Wood

---

**From:** Andrew Winstone <[REDACTED]>  
**Sent:** 16 September 2022 12:26  
**To:** Chris Hargraves  
**Cc:** Abby Fettes  
**Subject:** RE: Letter to Bloor Homes re land east of Monahan Way, Carterton  
**Attachments:** Letter to Bloor Homes re land east of Monahan Way, Carterton.doc; Letter to Bloor Homes re land east of Monahan Way, Carterton.pdf

Dear Chris,  
Thank you for your e-mail, and apologies for the delay in providing the requested information. Please see attached in Word and pdf formats.  
Kind regards,  
**Andrew Winstone**  
Planning Manager

### Bloor Homes Western

Western House, Furrowfield Park, Tewkesbury, Gloucestershire, GL20 8UR

Tel: [REDACTED]  
Email: [REDACTED]



---

**From:** Chris Hargraves <Chris.Hargraves@westoxon.gov.uk>  
**Sent:** 31 August 2022 13:11  
**To:** Andrew Winstone <[REDACTED]>  
**Subject:** Letter to Bloor Homes re land east of Monahan Way, Carterton

Dear Andrew

I hope you are well. Abby Fettes kindly provided your contact details and I attach a letter in relation to land east of Monahan Way, Carterton in the context of anticipated housing land supply.

Essentially we would be grateful for an update on your expected timescales for taking the site through to completion. I am aware from Abby that you are looking for some additional numbers on the site so please feel free to reflect that possibility when providing your response.

I look forward to hearing from you at your earliest convenience. Do let me know if you need any further information or clarification.

Kind regards

Chris Hargraves

Planning Policy Manager

West Oxfordshire District Council

Chris Hargraves

Planning Policy Manager - West Oxfordshire District Council



---

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## Planning and Strategic Housing

Reply to : Chris Hargraves  
Tel : 01993 861686  
Email : [chris.hargraves@westoxon.gov.uk](mailto:chris.hargraves@westoxon.gov.uk)

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Tel: 01993 861000  
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Your Ref :  
Our Ref :  
Date : 31 August 2022

Dear Andrew

### **West Oxfordshire District Council Housing Land Supply Position Update (2022 – 2027) - Information required in relation to land east of Monahan Way, Carterton**

I am writing to inform you that the District Council is in the process of updating its Housing Land Supply (HLS) Position Statement for the period 1<sup>st</sup> April 2022 – 31<sup>st</sup> March 2027.

The update will take account of housing completions from 1<sup>st</sup> April 2011 – 31<sup>st</sup> March 2022 and extant planning permissions and other commitments as of 1<sup>st</sup> April 2022.

As such, I would be grateful if you could complete the pro-forma overleaf, taking into account the current stage which your site has reached in the planning process and the anticipated build trajectory.

As you will see, the pro-forma extends beyond the 5-year period 2022 – 2027 reflecting the fact that for a number of sites, completions are likely to extend beyond 2027.

If you are able to complete the trajectory for the entire build out of your site that would be helpful, not least because this information will also help to inform our forthcoming Local Plan review.

If you are able to provide any additional information in support of your anticipated trajectory (including assumed timings around grant of outline planning permission, Section 106 discussions, reserved matters, discharge of conditions etc.) that would be helpful.

I look forward to hearing from you at your earliest convenience. I appreciate it is holiday season and that you may be unable to respond immediately but if you could provide the requested information no later than Friday 9 September or sooner if possible, I would be grateful.

Thank you in advance for your assistance with this important matter. If you wish to discuss or require any further information or clarification, please let me know as soon as possible.

Yours sincerely


**Chris Hargraves**  
**Planning Policy Manager**

### Anticipated development trajectory – Land East of Monahan Way, Carterton

	1 <sup>st</sup> April 2022 – 31 <sup>st</sup> March 2023	1 <sup>st</sup> April 2023 – 31 <sup>st</sup> March 2024	1 <sup>st</sup> April 2024 – 31 <sup>st</sup> March 2025	1 <sup>st</sup> April 2025 – 31 <sup>st</sup> March 2026	1 <sup>st</sup> April 2026 – 31 <sup>st</sup> March 2027	1 <sup>st</sup> April 2027 – 31 <sup>st</sup> March 2028	1 <sup>st</sup> April 2028 – 31 <sup>st</sup> March 2029	1 <sup>st</sup> April 2029 – 31 <sup>st</sup> March 2030	1 <sup>st</sup> April 2030 – 31 <sup>st</sup> March 2031	1 <sup>st</sup> April 2031 – 31 <sup>st</sup> March 2032	1 <sup>st</sup> April 2032 – 31 <sup>st</sup> March 2033	1 <sup>st</sup> April 2033 – 31 <sup>st</sup> March 2034	1 <sup>st</sup> April 2034 – 31 <sup>st</sup> March 2035	1 <sup>st</sup> April 2035 – 31 <sup>st</sup> March 2036	1 <sup>st</sup> April 2036 – 31 <sup>st</sup> March 2037
Number of anticipated housing completions (per annum)	119	103	103	103	103	0	0	0	0	0	0	0	0	0	0

### Bloor Commentary:

Our current delivery rate to date has been approximately 100 dwellings per annum.

Our forecast completions for 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 total 119 dwellings.

The current outline planning permission for the site is for 700 dwellings. Bloor will shortly be submitting a planning application for a further 100 dwellings approximately.

Whilst inevitably there will be some uncertainty as to economic and market conditions going forwards, currently, and assuming we obtain planning permission for the additional 100 dwellings, it is reasonable to forecast the delivery of a further 100 (approx.) dwellings per annum over the four years from 1<sup>st</sup> April 2023, with site completion by mid-2027.

Chris Wood

---

**From:** Wooden, Jonathan Mr (DIO Estates-AOT DH) <Jonathan.Wooden426@mod.gov.uk>  
**Sent:** 07 September 2022 19:40  
**To:** Chris Hargraves  
**Subject:** RE: Letter to MOD re REEMA North

Chris,

In response to your email and letter, our anticipated programme for the development of Service Families Accommodation and private housing on the REEMA North site generates the numbers set out in the table below, although as you recognise these numbers are subject to planning (and other issues):

Anticipated development trajectory – REEMA North, Carterton

	1 <sup>st</sup> April 2022 – 31 <sup>st</sup> March 2023	1 <sup>st</sup> April 2023 – 31 <sup>st</sup> March 2024	1 <sup>st</sup> April 2024 – 31 <sup>st</sup> March 2025	1 <sup>st</sup> April 2025 – 31 <sup>st</sup> March 2026	1 <sup>st</sup> April 2026 – 31 <sup>st</sup> March 2027	1 <sup>st</sup> April 2027 – 31 <sup>st</sup> March 2028	1 <sup>st</sup> April 2028 – 31 <sup>st</sup> March 2029	1 <sup>st</sup> April 2029 – 31 <sup>st</sup> March 2030	1 <sup>st</sup> April 2030 – 31 <sup>st</sup> March 2031	1 <sup>st</sup> April 2031 – 31 <sup>st</sup> March 2032	1 <sup>st</sup> April 2032 – 31 <sup>st</sup> March 2033
Number of anticipated housing completions (per annum)				100	175						

I hope that helps,

**Jon Wooden** BSc MBA MCMI MAPM MRICS

Deputy Head Estates (Accommodation Optimisation), Defence Infrastructure Organisation

Army Headquarters | IDL 412 | 2nd Floor | Ramillies Building | Marlborough Lines | Monxton Road | Andover | Hants | SP11 8HJ

Mobile: 07769 648837 | MOD telephone: 94391 3437 | Telephone: 01264 383437 | Email: Role Mailbox: [DIOEstates-AODH@mod.gov.uk](mailto:DIOEstates-AODH@mod.gov.uk) | Personal Mailbox: [Jonathan.Wooden426@mod.gov.uk](mailto:Jonathan.Wooden426@mod.gov.uk)

---

**From:** Chris Hargraves <Chris.Hargraves@westoxon.gov.uk>  
**Sent:** 31 August 2022 12:24  
**To:** Wooden, Jonathan Mr (DIO Estates-AOT DH) <Jonathan.Wooden426@mod.gov.uk>  
**Subject:** Letter to MOD re REEMA North

Dear Jonathan

I hope you are well. Please find attached a letter in relation to the REEMA North site at Carterton in the context of anticipated housing land supply.

Whilst I appreciate that the information being sought is to a large extent dependent on the passage of the site through the planning process, I am hopeful that you will be able to give us a realistic picture of anticipated delivery timescales from your perspective.

I look forward to hearing from you at your earliest convenience. Do let me know if you need any further information or clarification.

Kind regards

Chris Hargraves  
Planning Policy Manager  
West Oxfordshire District Council

Chris Hargraves  
Planning Policy Manager - West Oxfordshire District Council

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## Chris Wood

---

**From:** Annette Simpkins <[REDACTED]>  
**Sent:** 02 September 2022 12:33  
**To:** Chris Hargraves  
**Subject:** Re: Land at Myrtle Farm, Long Hanborough

Dear Mr Hargraves

Thank you for your email. We have considered the options and would like to retain the land as an allocated housing site, please, as we may want to bring it forward for development sometime in the future.

Many thanks.

Yours sincerely,

Annette Simpkins

Sent from my iPad

On 1 Sep 2022, at 17:56, Chris Hargraves <Chris.Hargraves@westoxon.gov.uk> wrote:

Dear Ms Simpkins

Many thanks for your email. It is very helpful to understand your position. We are about to review our local plan and I wonder if we should look at 'de-allocating' the site if you have no interest in bringing it forward for development.

Perhaps you could let me know if this is something you would like us to further consider or whether you would like to retain it as an allocated housing site to provide some more flexibility in the longer term should your position change?

Kind regards

Chris

---

**From:** Annette Simpkins <[REDACTED]>  
**Sent:** 31 August 2022 16:54  
**To:** Chris Hargraves <Chris.Hargraves@westoxon.gov.uk>  
**Subject:** Re: Land at Myrtle Farm, Long Hanborough

Dear Mr Hargraves

Thank you for your email. Our position hasn't changed since last September. We will not be considering the land for development before 2027.

To be honest, Long Hanborough has had 3 developments to absorb in very quick succession, together with the small development currently under construction on the old Oliver's Garage site - another 24 homes. Our local infrastructure is at breaking point and we strongly feel that, in all fairness, we cannot be responsible for further development in the village.

We hope you understand our position.

Yours sincerely

Annette Simpkins

Sent from my iPad



On 31 Aug 2022, at 13:16, Chris Hargraves  
<[Chris.Hargraves@westoxon.gov.uk](mailto:Chris.Hargraves@westoxon.gov.uk)> wrote:

Dear Ms Simpkins

I write by way of follow up to my previous email of September last year. I appreciate that you said you would get in touch with us should your position change, but as we are about to update our housing land supply position statement, I thought it would be sensible just to quickly contact you to see if there was any movement regarding the potential release of this site for development.

Our new position statement will cover the 5-year period 2022 – 2027 and will essentially set out how many new homes we anticipate being delivered for particular sites over that timescale.

As such, if you could just provide a further brief update that would be very helpful.

Kind regards

Chris Hargraves

Planning Policy Manager

---

**From:** Annette Simpkins <[REDACTED]>  
**Sent:** 24 September 2021 08:01  
**To:** Chris Hargraves <[Chris.Hargraves@westoxon.gov.uk](mailto:Chris.Hargraves@westoxon.gov.uk)>  
**Subject:** Re: Land at Myrtle Farm, Long Hanborough

Dear Mr Hargraves

Thank you for your email. The field in question is currently being farmed by a neighbouring farmer, and we intend that this will continue for the foreseeable future.

Thank you for your interest - we will contact you if our position changes.

Yours sincerely

Annette Simpkins

Sent from my iPad

On 23 Sep 2021, at 14:04, Chris Hargraves  
<[Chris.Hargraves@westoxon.gov.uk](mailto:Chris.Hargraves@westoxon.gov.uk)> wrote:

Dear Ms Simpkins

I hope this email finds you well. You will recall from previous correspondence (below) that my colleague Deborah Wyatt contacted you last year regarding land at Myrtle Farm and whether there was any interest in bringing the site forward for development.

As it has been some time since this last exchange, I thought I would seek a further update from you to see if the position remains the same.

As part of its commitment to tackling the climate emergency, the District Council is looking for flagship schemes to demonstrate best practice in terms of building fabric efficiency and the use of renewable energy and I thought this site could be a potential candidate.

We are also about to embark on a review of our local plan and as part of that process will need to consider those sites which are already allocated for development and whether they are realistically likely to come forward or not.

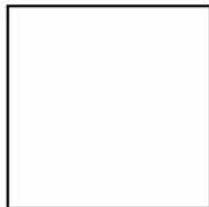
As such, if you do have time to give me a very brief update on your thoughts regarding the site, it would be very much appreciated.

Many thanks in anticipation.

Kind regards

Chris Hargraves  
Planning Policy Manager  
West Oxfordshire District Council

Chris Hargraves  
Planning Policy Manager - West Oxfordshire District Council



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-----Original Message-----

From: Annette Simpkins

[REDACTED]

Sent: 23 June 2020 15:43

To: Deborah Wyatt

Subject: Land at Myrtle Farm, Long Hanborough

Thank you for your letter of 18th June regarding the development of land at Myrtle Farm, Long Hanborough.

My brother and I have also had numerous requests from private developers to sell the land, but we have decided, for the foreseeable future, to leave it as an agricultural field.

As you will know, our village has had to absorb three large housing estates along with smaller developments, and the amenities in the village are already heavily overburdened. (We have a brand new larger doctors' surgery being built but with no guarantee of additional doctors.) We cannot, in good conscience, add to this state of affairs.

If we have a change of mind in the future, and land is still required for housing, we will get back in touch with you.

Yours sincerely

Annette Simpkins

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## Chris Wood

---

**From:** Jeremy Flawn [REDACTED]  
**Sent:** 07 October 2022 15:28  
**To:** Chris Hargraves  
**Cc:** Charles Maxlow-Tomlinson  
**Subject:** West Oxfordshire District Council Housing Land Supply Position Update (2022 – 2027) - Information required in relation to the East Chipping Norton SDA  
**Attachments:** Land E Chipping Norton Trajectory October 22.doc

Dear Chris,

Please find attached trajectory information for the land to the north of London Road Chipping Norton as requested. This concerns the OCC land north of London Road only.

Please do not hesitate to contact me if you have any questions concerning the attached or the assumptions behind the figures.

Best regards,

Jeremy

Jeremy Flawn  
Partner – Bluestone Planning

M: [REDACTED]

B P  
Bluestone Planning  

Phone 01235 766825

Address 13 The Black Barn, Manor Farm, Manor Road, Wantage, OX12 8NE

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### Anticipated development trajectory – East Chipping Norton SDA – LAND NORTH OF LONDON ROAD ONLY

	1 <sup>st</sup> April 2022 – 31 <sup>st</sup> March 2023	1 <sup>st</sup> April 2023 – 31 <sup>st</sup> March 2024	1 <sup>st</sup> April 2024 – 31 <sup>st</sup> March 2025	1 <sup>st</sup> April 2025 – 31 <sup>st</sup> March 2026	1 <sup>st</sup> April 2026 – 31 <sup>st</sup> March 2027	1 <sup>st</sup> April 2027 – 31 <sup>st</sup> March 2028	1 <sup>st</sup> April 2028 – 31 <sup>st</sup> March 2029	1 <sup>st</sup> April 2029 – 31 <sup>st</sup> March 2030	1 <sup>st</sup> April 2030 – 31 <sup>st</sup> March 2031	1 <sup>st</sup> April 2031 – 31 <sup>st</sup> March 2032	1 <sup>st</sup> April 2032 – 31 <sup>st</sup> March 2033	1 <sup>st</sup> April 2033 – 31 <sup>st</sup> March 2034	1 <sup>st</sup> April 2034 – 31 <sup>st</sup> March 2035	1 <sup>st</sup> April 2035 – 31 <sup>st</sup> March 2036	1 <sup>st</sup> April 2036 – 31 <sup>st</sup> March 2037
Number of anticipated housing completions (per annum)			70	100	65										

### Additional notes (please set out here any further information in support of the above assumptions)

#### A. Timescales:

- |   |                |
|---|----------------|
| 1. Updates to surveys                           | Oct – Dec 2022 |
| 2. Pre-application engagement and consultations | Nov – Jan 2023 |
| 3. Submission of application                    | Mar 2023       |
| 4. Resolution to grant outline pp               | Jul 2023       |
| 5. S106 / 30 / 278 negotiations                 | Jul – Sep 2023 |
| 6. Decision issued                              | Sep 2023       |
| 7. Sale of site                                 | Jan 2024       |
| 8. Reserved matters submissions                 | Feb 2024       |
| 9. Conditions discharged                        | Jun 2024       |
| 10. Start on site                               | Jul 2024       |

B. Assumes 2 outlets operating at max 50 completions / yr / outlet. If affordable units are delivered separately by a RP then the overall rate of completions / yr may increase.

C. Based on 235 units capacity.



## South Kesteven District Council Housing Deliverability Form

**April 2022**

### Part A: Projected Completions

The table below contains data from the Council's previous trajectories for the below site, where data is not available best estimates have been used from a site of similar size and location.

Council's Projected Completions														
Site Reference		S19/0338 Bridge End Road, Grantham, NG31 7TS (205) Completions to 31 <sup>st</sup> March 2022: 0												
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
0	0	40	40	40	40	45	0	0	0	0	0	0	0	0
Explanation: Site projections based on site of similar size and location.														

Do you agree that the information provided in the above <i>Council's Projected Completions</i> table is correct?	Yes		No	
--	-----	--	----	--

If no, then please complete the table below with any changes and write your reasons in the comments below. If the projected build out rate is not known, then please show build out rates based on the nature of the site using best possible estimates.

Projected Completions														
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
Comments														

## Part B: Deliverability

### Section 1 – About the Site

Site Reference	S19/0338
Site Address	Bridge End Road, Somerby Hill, Grantham, NG13 7TS
Agent/Landowner	Cerda Planning Ltd /Balderson Brothers

Please can you confirm that you are not aware of any technical constraints which would limit development or affect the viability of development?

Aware	
Not Aware	✓

### Section 2 – Deliverability

Landownership		
1	Do all landowners with an interest in the site support the development of the site?	<u>Yes</u>
2	Have the landowners agreed to sell the land for development?  If so, are there any restrictions included in the option /developer agreement	<u>Yes</u>  <u>Not aware of</u>
3	Please provide a signed statement (as attached – section 4) to demonstrate the commitment of all landowners and developers to the development of this site	<u>Not available</u>
Timescales		
4	When do you expect development of the site to commence (subject to assumptions relating to the planning process)? If commencement is delayed, please explain why.  <i>If site is under construction, please state commencement date and total of units completed so far. If delivery has exceeded or not progressed as expected, please explain why.</i>	<u>24/25</u>



<b>5</b>	If you do not have planning permission but completions are expected on site within 5 years, please provide evidence (e.g. progress towards detailed permission)	<u>N/A</u>	
<b>6</b>	If the site is not expected to be built within the next five years (i.e. by 2026/27) what are the reasons for this?	<u>N/A</u>	
<b>Site Delivery</b>			
<b>7</b>	Has the site got planning permission	Yes/No	Application number and date of decision
	Full		
	Outline	✓	S19/0338 – 29 Nov 2021
	Reserved Matters		
<b>7a</b>	If you answered Outline to question 7 and no reserved matters have been submitted when do you intend to submit a reserved matters application?	<u>2022 – Q3</u>	
<b>8</b>	If you do not have planning permission, when do you intend to submit a planning application?	<u>N/A</u>	
<b>9</b>	Are there any events that may change the delivery schedule (such as other sites being prioritised elsewhere)?	<u>No</u>	
<b>10</b>	When do you think that the affordable housing element will be delivered?	<u>25/26</u>	
<b>11</b>	What is the planned phasing of delivery and are there any specific reasons for this?	<u>Not aware</u>	
<b>12</b>	If site is not under construction what time has been allowed for site preparation works?	<u>3 months</u>	
<b>13</b>	If site is not under construction when do you expect to complete the first dwelling?	<u>24/25 – Q3</u>	

### Section 3 – Infrastructure

<b>14</b>	What new or improved infrastructure is needed within the scheme to ensure the development is deliverable and attractive to the market?	<u>None</u>
<b>15</b>	Is an implementation plan in place for the provision of infrastructure and if so, what are the timescales for delivery?	<u>24/25</u>
<b>16</b>	Is the site dependent upon the provision of off-site infrastructure? If so, is delivery of this infrastructure likely to affect the delivery of development on your site?	<u>No</u>

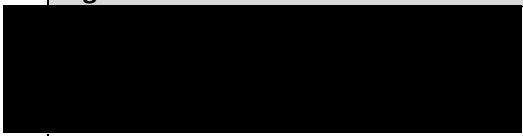
### Section 4 – Signed Statement

Section 2 question 3 requests a signed statement to demonstrate the commitment of landowners and developers to the development of this site. Please use this page to confirm that all parties involved in the site are committed to its development

<b>Site Reference</b>	<b>S19/0338</b>
<b>Site Address</b>	<b>Bridge End Road Grantham Lincolnshire NG31 7TS</b>

The parties signed below confirm that they are committed to the development of this site for housing/mixed use development.

Landowner(s)	
Signature(s)	
Date	
Developer (where an option agreement is in place)	

Signature	Date
 <b>DEBBIE FARRINGTON DipTP MRTPI</b> On behalf of Balderson Brothers	25/04/2022

## South Kesteven District Council Housing Deliverability Form

**April 2022**

### Part A: Projected Completions

The table below contains data from the Council's previous trajectories for the below site, where data is not available best estimates have been used from a site of similar size and location.

Council's Projected Completions														
Site Reference		S18/1557 The Grantham Church High School, Queensway, Grantham, NG31 9RA (40) Completions to 31 <sup>st</sup> March 2022: 0												
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
0	0	0	40	0	0	0	0	0	0	0	0	0	0	0
Explanation: Council's projections based on site of similar site and location.														

Do you agree that the information provided in the above <i>Council's Projected Completions</i> table is correct?	Yes		No	
--	-----	--	----	--

If no, then please complete the table below with any changes and write your reasons in the comments below. If the projected build out rate is not known, then please show build out rates based on the nature of the site using best possible estimates.

Projected Completions														
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
Comments														

## **Part B: Deliverability**

### **Section 1 – About the Site**

<b>Site Reference</b>	
<b>Site Address</b>	
<b>Agent/Landowner</b>	

**Please can you confirm that you are not aware of any technical constraints which would limit development or affect the viability of development?**

<b>Aware</b>	
<b>Not Aware</b>	

### **Section 2 – Deliverability**

<b>Landownership</b>		
<b>1</b>	Do all landowners with an interest in the site support the development of the site?	
<b>2</b>	Have the landowners agreed to sell the land for development?  If so, are there any restrictions included in the option /developer agreement	
<b>3</b>	Please provide a signed statement (as attached – section 4) to demonstrate the commitment of all landowners and developers to the development of this site	
<b>Timescales</b>		
<b>4</b>	When do you expect development of the site to commence (subject to assumptions relating to the planning process)? If commencement is delayed, please explain why.  <i>If site is under construction, please state commencement date and total of units completed so far. If delivery has exceeded or not progressed as expected, please explain why.</i>	

<b>5</b>	If you do not have planning permission but completions are expected on site within 5 years, please provide evidence (e.g. progress towards detailed permission)		
<b>6</b>	If the site is not expected to be built within the next five years (i.e. by 2026/27) what are the reasons for this?		
<b>Site Delivery</b>			
<b>7</b>	Has the site got planning permission	Yes/No	Application number and date of decision
	Full		
	Outline		
	Reserved Matters		
<b>7a</b>	If you answered Outline to question 7 and no reserved matters have been submitted when do you intend to submit a reserved matters application?		
<b>8</b>	If you do not have planning permission, when do you intend to submit a planning application?		
<b>9</b>	Are there any events that may change the delivery schedule (such as other sites being prioritised elsewhere)?		
<b>10</b>	When do you think that the affordable housing element will be delivered?		
<b>11</b>	What is the planned phasing of delivery and are there any specific reasons for this?		
<b>12</b>	If site is not under construction what time has been allowed for site preparation works?		
<b>13</b>	If site is not under construction when do you expect to complete the first dwelling?		

### Section 3 – Infrastructure

<b>14</b>	What new or improved infrastructure is needed within the scheme to ensure the development is deliverable and attractive to the market?	
<b>15</b>	Is an implementation plan in place for the provision of infrastructure and if so, what are the timescales for delivery?	
<b>16</b>	Is the site dependent upon the provision of off-site infrastructure? If so, is delivery of this infrastructure likely to affect the delivery of development on your site?	

### Section 4 – Signed Statement

Section 2 question 3 requests a signed statement to demonstrate the commitment of landowners and developers to the development of this site. Please use this page to confirm that all parties involved in the site are committed to its development

<b>Site Reference</b>	
<b>Site Address</b>	

The parties signed below confirm that they are committed to the development of this site for housing/mixed use development.

<b>Landowner(s)</b>	
<b>Signature(s)</b>	
<b>Date</b>	
<b>Developer (where an option agreement is in place)</b>	

<b>Signature</b>	<b>Date</b>

## Amy Bonfield

---

**From:** Amy Bonfield  
**Sent:** 17 May 2021 11:37  
**To:** Amy Bonfield  
**Subject:** FW: South Kesteven District Council Annual Position Statement Housing Deliverability Request Form APS041

---

**From:** Angela Rennie [REDACTED]  
**Sent:** 04 May 2021 17:59  
**To:** Jessica Dewar <[J.Dewar@southkesteven.gov.uk](mailto:J.Dewar@southkesteven.gov.uk)>  
**Subject:** RE: South Kesteven District Council Annual Position Statement Housing Deliverability Request Form APS041

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Jessica  
Thank you for your email.  
We are content for the delivery rates to be based on the Council's own assumptions and expect the site to be brought forward for development once a decision has been issued but we are unable to put a timeframe on this.  
Hope this helps.  
Kind regards

Angela Rennie  
Office Manager

Tel : [REDACTED]  
[REDACTED]



[REDACTED]

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**From:** Jessica Dewar [<mailto:J.Dewar@southkesteven.gov.uk>]  
**Sent:** 04 May 2021 12:01  
**To:** Angela Rennie [REDACTED]  
**Cc:** Amy Bonfield <[A.Bonfield@southkesteven.gov.uk](mailto:A.Bonfield@southkesteven.gov.uk)>  
**Subject:** South Kesteven District Council Annual Position Statement Housing Deliverability Request Form APS041

Dear Angela,

Thank you for your email. The request for a submission on delivery rates is to inform the Council's APS and the anticipated delivery of housing on all sites across the District. The site LV-H7 Main Road (South), Long Bennington is allocated for housing within the Local Plan and the principle of development for housing is accepted by the Local Plan. Should you wish to continue to not submit a response, the site is considered to be deliverable and delivery rates will be based on the Council's own assumptions.

I would be grateful if you could confirm that once a decision has been issued the site will be brought forward for development?

Kind regards,

Jessica.

---

**From:** Angela Rennie [REDACTED]  
**Sent:** 28 April 2021 17:20  
**To:** Amy Bonfield <[A.Bonfield@southkesteven.gov.uk](mailto:A.Bonfield@southkesteven.gov.uk)>  
**Cc:** PLANNING POLICY <[PLANNINGPOLICY@southkesteven.gov.uk](mailto:PLANNINGPOLICY@southkesteven.gov.uk)>  
**Subject:** FW: South Kesteven District Council Annual Position Statement Housing Deliverability Request Form APS041

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Amy

Thank you for your email below, requesting information on **Local Plan Allocation LV-H7 Main Road (South), Long Bennington**.

This site refers to application ref : S20/0775, which is still undetermined; we are waiting for a date when the application will be heard at committee.

Until a decision has been issued unfortunately we are not able to complete the information you are requesting.

Kind regards

Angela Rennie  
Office Manager

Tel : [REDACTED]  
[REDACTED]





# South Kesteven District Council Housing Deliverability Form

April 2022

## Part A: Projected Completions

The table below contains data from the Council's previous trajectories for the below site, where data is not available best estimates have been used from a site of similar size and location.

Council's Projected Completions														
Site Reference		Local Plan Allocation LV-H10 Thistleton Lane and Mill Lane (34) Completions to 31 <sup>st</sup> March 2022: 0												
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
0	0	0	0	8	9	9	8	0	0	0	0	0	0	0
Explanation: Council's projections based on previous APS submission (site was removed from supply in accordance with Inspectors report). Site has two landowners, part of site temporary occupation of a poultry farm. Planning application expected within 1 year for Bullimores Sand and Gravel parcel.														

Do you agree that the information provided in the above Council's Projected Completions table is correct?	Yes		No	✓
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If no, then please complete the table below with any changes and write your reasons in the comments below. If the projected build out rate is not known, then please show build out rates based on the nature of the site using best possible estimates.

Projected Completions														
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
0	0	6	8	10	10	0	0	0	0	0	0	0	0	0
Comments														
we are moving towards the submission of an outline planning permission application in 2022 which, once approved, should accelerate the future development of the site														

## Part B: Deliverability

### Section 1 – About the Site

Site Reference	ALLOCATION LV - H10
Site Address	THISTLETON LANE + MILL LANE
Agent/Landowner	BULLIMORES

Please can you confirm that you are not aware of any technical constraints which would limit development or affect the viability of development?

Aware	<input checked="" type="checkbox"/>
Not Aware	<input type="checkbox"/>

POTENTIAL ECOLOGICAL ISSUES

### Section 2 – Deliverability

Landownership		
1	Do all landowners with an interest in the site support the development of the site?	YES
2	Have the landowners agreed to sell the land for development?  If so, are there any restrictions included in the option /developer agreement	YES  NO AGREEMENT AS YET
3	Please provide a signed statement (as attached – section 4) to demonstrate the commitment of all landowners and developers to the development of this site	
Timescales		
4	When do you expect development of the site to commence (subject to assumptions relating to the planning process)? If commencement is delayed, please explain why.  <i>If site is under construction, please state commencement date and total of units completed so far. If delivery has exceeded or not progressed as expected, please explain why.</i>	2024 ONWARDS

5	If you do not have planning permission but completions are expected on site within 5 years, please provide evidence (e.g. progress towards detailed permission)	OPP TO BE APPLIED FOR IN SUMMER 2022	
6	If the site is not expected to be built within the next five years (i.e. by 2026/27) what are the reasons for this?	N/A	
<b>Site Delivery</b>			
7	Has the site got planning permission	Yes/No	Application number and date of decision
	Full	NO	
	Outline	NO	
	Reserved Matters	NO	
7a	If you answered Outline to question 7 and no reserved matters have been submitted when do you intend to submit a reserved matters application?	N/A	
8	If you do not have planning permission, when do you intend to submit a planning application?	OPP TO BE APPLIED FOR IN SUMMER 2022	
9	Are there any events that may change the delivery schedule (such as other sites being prioritised elsewhere)?	POSSIBLE ECOLOGY ISSUES	
10	When do you think that the affordable housing element will be delivered?	NOT KNOWN	
11	What is the planned phasing of delivery and are there any specific reasons for this?	SEE PART A	
12	If site is not under construction what time has been allowed for site preparation works?	18 + MONTHS	
13	If site is not under construction when do you expect to complete the first dwelling?	2024?	

### Section 3 – Infrastructure


14	What new or improved infrastructure is needed within the scheme to ensure the development is deliverable and attractive to the market?	NEW ACCESS TO MILL LANE AND FOOTPATH LINK VIA HAROLD ROAD
15	Is an implementation plan in place for the provision of infrastructure and if so, what are the timescales for delivery?	NO
16	Is the site dependent upon the provision of off-site infrastructure? If so, is delivery of this infrastructure likely to affect the delivery of development on your site?	NO


### Section 4 – Signed Statement

Section 2 question 3 requests a signed statement to demonstrate the commitment of landowners and developers to the development of this site. Please use this page to confirm that all parties involved in the site are committed to its development

Site Reference	ALLOCATION LV - H10
Site Address	TRISTLETON LANE + MILL LANE, SOUTH WITHAM

The parties signed below confirm that they are committed to the development of this site for housing/mixed use development.

Landowner(s)	BULLIMORES
Signature(s)	
Date	12 APRIL 2022
Developer (where an option agreement is in place)	N/A

Signature	Date
	12 APRIL 2022

**Part A: Projected Completions**

The table below contains data from the Council's previous trajectories for the below site, where data is not available best estimates have been used from a site of similar size and location.

<b>Council's Projected Completions</b>														
<b>Site Reference</b>		<b>Local Plan Allocation LV-H10 Thistleton Lane and Mill Lane (34)</b>												
		<b>Completions to 31<sup>st</sup> March 2022: 0</b>												
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
0	0	0	0	8	9	9	8	0	0	0	0	0	0	0
<i>Explanation: Council's projections based on previous APS submission (site was removed from supply in accordance with Inspectors report). Site has two landowners, part of site temporary occupation of a poultry farm. Planning application expected within 1 year for Bullimores Sand and Gravel parcel.</i>														

<b>Do you agree that the information provided in the above Council's Projected Completions table is correct?</b>	Yes		No	No
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If no, then please complete the table below with any changes and write your reasons in the comments below. If the projected build out rate is not known, then please show build out rates based on the nature of the site using best possible estimates.

<b>Projected Completions</b>														
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
	8	9	9	8										
<b>Comments</b>														
This is due to the short term extension to the life of the poultry farm at South Witham.														

## Part B: Deliverability

### Section 1 – About the Site

<b>Site Reference</b>	LV-H10
<b>Site Address</b>	Land to the west of Thistleton lane, South Witham, NG33 5QE
<b>Agent/Landowner</b>	Landowner

Please can you confirm that you are not aware of any technical constraints which would limit development or affect the viability of development?

<b>Aware</b>	
<b>Not Aware</b>	Yes

### Section 2 – Deliverability

<b>Landownership</b>		
<b>1</b>	Do all landowners with an interest in the site support the development of the site?	Yes, the shareholders of GW Padley Holdings Limited support the development of this site.
<b>2</b>	Have the landowners agreed to sell the land for development?  If so, are there any restrictions included in the option /developer agreement	Yes and the developer not identified as yet.  No.
<b>3</b>	Please provide a signed statement (as attached – section 4) to demonstrate the commitment of all landowners and developers to the development of this site	Yes, please find attached.
<b>Timescales</b>		
<b>4</b>	When do you expect development of the site to commence (subject to assumptions relating to the planning process)? If commencement is delayed, please explain why.  <i>If site is under construction, please state commencement date and total of units completed so far. If delivery has exceeded or not progressed as expected, please explain why.</i>	Within the plan period.

<b>5</b>	If you do not have planning permission but completions are expected on site within 5 years, please provide evidence (e.g. progress towards detailed permission)	We are currently discussing the site with our planning consultant.	
<b>6</b>	If the site is not expected to be built within the next five years (i.e. by 2026/27) what are the reasons for this?	<u>N/A.</u>	
<b>Site Delivery</b>			
<b>7</b>	Has the site got planning permission	Yes/No	Application number and date of decision
	Full	No	
	Outline	No	
	Reserved Matters	No	
<b>7a</b>	If you answered Outline to question 7 and no reserved matters have been submitted when do you intend to submit a reserved matters application?	N/A.	
<b>8</b>	If you do not have planning permission, when do you intend to submit a planning application?	Within the plan period.	
<b>9</b>	Are there any events that may change the delivery schedule (such as other sites being prioritised elsewhere)?	Market trends/demand.	
<b>10</b>	When do you think that the affordable housing element will be delivered?	To be agreed with the LPA and subject to viability.	
<b>11</b>	What is the planned phasing of delivery and are there any specific reasons for this?	To be agreed with the LPA.	
<b>12</b>	If site is not under construction what time has been allowed for site preparation works?	3-6 months.	
<b>13</b>	If site is not under construction when do you expect to complete the first dwelling?	Within the first 12-18 months.	

### Section 3 – Infrastructure


<b>14</b>	What new or improved infrastructure is needed within the scheme to ensure the development is deliverable and attractive to the market?	None to our knowledge, local services are available.
<b>15</b>	Is an implementation plan in place for the provision of infrastructure and if so, what are the timescales for delivery?	N/A.
<b>16</b>	Is the site dependent upon the provision of off-site infrastructure? If so, is delivery of this infrastructure likely to affect the delivery of development on your site?	No.

### Section 4 – Signed Statement

Section 2 question 3 requests a signed statement to demonstrate the commitment of landowners and developers to the development of this site. Please use this page to confirm that all parties involved in the site are committed to its development

<b>Site Reference</b>	LV-H10
<b>Site Address</b>	Land to the west of Thistleton Lane, South Witham, NG33 5QE

The parties signed below confirm that they are committed to the development of this site for housing/mixed use development.

<b>Landowner(s)</b>	Richard G Padley
<b>Signature(s)</b>	
<b>Date</b>	05/04/2022
<b>Developer (where an option agreement is in place)</b>	N/A

<b>Signature</b>	<b>Date</b>
N/A	N/A



## South Kesteven District Council Housing Deliverability Form

## April 2022

### **Part A: Projected Completions**

The table below contains data from the Council's previous trajectories for the below site, where data is not available best estimates have been used from a site of similar size and location.

Council's Projected Completions														
Site Reference		Local Plan Allocation DEP1-H1 Towngate West, Market Deeping (75) Completions to 31 <sup>st</sup> March 2022: 0												
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
0	0	0	0	23	50	0	0	0	0	0	0	0	0	0
Explanation: Council's projections based on previous APS submission.														

Do you agree that the information provided in the above <i>Council's Projected Completions</i> table is correct?	Yes		No	✓
--	-----	--	----	---

If no, then please complete the table below with any changes and write your reasons in the comments below. If the projected build out rate is not known, then please show build out rates based on the nature of the site using best possible estimates.

Projected Completions														
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
			23	50										
Comments														

## **Part B: Deliverability**

### **Section 1 – About the Site**

<b>Site Reference</b>	DEP1-H1
<b>Site Address</b>	Land West of Peterborough Road (Towngate West), Market Deeping
<b>Agent/Landowner</b>	The Rathbone Trust, c/o Mr Robert Love, Principal Planner, Bidwells, John Ormond House, 899 Silbury Boulevard, Milton Keynes, MK9 3XJ

**Please can you confirm that you are not aware of any technical constraints which would limit development or affect the viability of development?**

<b>Aware</b>	
<b>Not Aware</b>	✓

### **Section 2 – Deliverability**

<b>Landownership</b>		
<b>1</b>	Do all landowners with an interest in the site support the development of the site?	Yes.
<b>2</b>	Have the landowners agreed to sell the land for development?  If so, are there any restrictions included in the option /developer agreement	Yes.
<b>3</b>	Please provide a signed statement (as attached – section 4) to demonstrate the commitment of all landowners and developers to the development of this site	Confirmed.
<b>Timescales</b>		
<b>4</b>	When do you expect development of the site to commence (subject to assumptions relating to the planning process)? If commencement is delayed, please explain why.  <i>If site is under construction, please state commencement date and total of units completed so far. If delivery has exceeded or not progressed as expected, please explain why.</i>	Approximately 2025/26.

<b>5</b>	If you do not have planning permission but completions are expected on site within 5 years, please provide evidence (e.g. progress towards detailed permission)	The intention is to prepare and submit an outline planning application by the end of 2022.	
<b>6</b>	If the site is not expected to be built within the next five years (i.e. by 2026/27) what are the reasons for this?	N/A	
<b>Site Delivery</b>			
<b>7</b>	Has the site got planning permission	Yes/No	Application number and date of decision
	Full	No	
	Outline	No	
	Reserved Matters	No	
<b>7a</b>	If you answered Outline to question 7 and no reserved matters have been submitted when do you intend to submit a reserved matters application?	N/A	
<b>8</b>	If you do not have planning permission, when do you intend to submit a planning application?	The intention is to prepare and submit an outline planning application by the end of 2022.	
<b>9</b>	Are there any events that may change the delivery schedule (such as other sites being prioritised elsewhere)?	Unknown.	
<b>10</b>	When do you think that the affordable housing element will be delivered?	Delivery of affordable housing to be confirmed.	
<b>11</b>	What is the planned phasing of delivery and are there any specific reasons for this?	Planned phasing of delivery to be confirmed.	
<b>12</b>	If site is not under construction what time has been allowed for site preparation works?	To be confirmed.	
<b>13</b>	If site is not under construction when do you expect to complete the first dwelling?	Approximately 2025/26.	

### Section 3 – Infrastructure

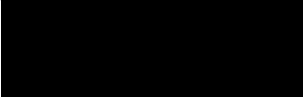
14	What new or improved infrastructure is needed within the scheme to ensure the development is deliverable and attractive to the market?	To be confirmed.
15	Is an implementation plan in place for the provision of infrastructure and if so, what are the timescales for delivery?	To be confirmed.
16	Is the site dependent upon the provision of off-site infrastructure? If so, is delivery of this infrastructure likely to affect the delivery of development on your site?	To be confirmed.


### Section 4 – Signed Statement

Section 2 question 3 requests a signed statement to demonstrate the commitment of landowners and developers to the development of this site. Please use this page to confirm that all parties involved in the site are committed to its development

Site Reference	DEP1-H1
Site Address	Land West of Peterborough Road (Towngate West), Market Deeping

The parties signed below confirm that they are committed to the development of this site for housing/mixed use development.

Landowner(s)	The Rathbone Trust, c/o Mr Robert Love, Principal Planner, Bidwells, John Ormond House, 899 Silbury Boulevard, Milton Keynes, MK9 3XJ
Signature(s)	
Date	12 <sup>th</sup> April 2022
Developer (where an option agreement is in place)	N/A

Signature	Date
	12 <sup>th</sup> April 2022

## South Kesteven District Council Housing Deliverability Form

**April 2022**

### Part A: Projected Completions

The table below contains data from the Council's previous trajectories for the below site, where data is not available best estimates have been used from a site of similar size and location.

Council's Projected Completions														
Site Reference		SKDC Council Capital Programme –Brittain Drive (16) Completions to 31 <sup>st</sup> March 2022: 0												
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
0	0	16	0	0	0	0	0	0	0	0	0	0	0	0
Explanation: Site in Council's Capital Programme and Housing Revenue Account. Submission of planning application anticipated late 2022.														

Do you agree that the information provided in the above <i>Council's Projected Completions</i> table is correct?	Yes	x	No	
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If no, then please complete the table below with any changes and write your reasons in the comments below. If the projected build out rate is not known, then please show build out rates based on the nature of the site using best possible estimates.

Projected Completions														
22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	2036 and beyond
Comments														

## Part B: Deliverability

### Section 1 – About the Site

Site Reference	Brittain Drive
Site Address	Land to rear of 63-89 Brittain Drive, Grantham
Agent/Landowner	SKDC

Please can you confirm that you are not aware of any technical constraints which would limit development or affect the viability of development?

Aware	x
Not Aware	

### Section 2 – Deliverability

Landownership		
1	Do all landowners with an interest in the site support the development of the site?	<u>Yes</u>
2	Have the landowners agreed to sell the land for development?  If so, are there any restrictions included in the option /developer agreement	<u>NA</u>
3	Please provide a signed statement (as attached – section 4) to demonstrate the commitment of all landowners and developers to the development of this site	
Timescales		
4	When do you expect development of the site to commence (subject to assumptions relating to the planning process)? If commencement is delayed, please explain why.  <i>If site is under construction, please state commencement date and total of units completed so far. If delivery has exceeded or not progressed as expected, please explain why.</i>	22/23

5	If you do not have planning permission but completions are expected on site within 5 years, please provide evidence (e.g. progress towards detailed permission)	<u>Pre-app submitted 22/12/21</u>	
6	If the site is not expected to be built within the next five years (i.e. by 2026/27) what are the reasons for this?		
Site Delivery			
7	Has the site got planning permission	Yes/No	Application number and date of decision
	Full	NO	
	Outline	NO	
	Reserved Matters	NO	
7a	If you answered Outline to question 7 and no reserved matters have been submitted when do you intend to submit a reserved matters application?	<u>NA</u>	
8	If you do not have planning permission, when do you intend to submit a planning application?	<u>22/23</u>	
9	Are there any events that may change the delivery schedule (such as other sites being prioritised elsewhere)?	<u>Possibility of other sites being prioritised</u>  <u>Some technical constraints with pylon and unregistered ransom strip on access</u>	
10	When do you think that the affordable housing element will be delivered?	<u>All affordable</u>	
11	What is the planned phasing of delivery and are there any specific reasons for this?	<u>One phase</u>	
12	If site is not under construction what time has been allowed for site preparation works?	<u>tbc</u>	
13	If site is not under construction when do you expect to complete the first dwelling?	<u>23/24</u>	