



**OXFORD TECHNOLOGY PARK, LANGFORD LANE,
KIDLINGTON, OXFORDSHIRE**

**PLANNING STATEMENT UPDATE DEALING WITH
THE IMMEDIATE NEED FOR DEVELOPMENT AND
THE 'VERY SPECIAL CIRCUMSTANCES' TEST**

ON BEHALF OF:

HILL STREET HOLDINGS & BLOOMBRIDGE

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EXECUTIVE SUMMARY

This statement responds to a question raised by Cherwell on the urgency of the economic need for Oxford Technology Park (“OTP”) and it deals with all other matters raised by the Council’s policy note dated 17 September 2015. We address a number of technical and procedural points, as well as providing clear evidence of an urgent need for OTP.

We explain that ‘exceptional circumstances’ have been proven for the release of OTP and that the Inspector’s Report (May 2015) confirms not only that the nature of the need is “nationally and internationally significant” but that there is “minimal overall impact” on the Green Belt. In these circumstances there is little, if nothing, to be gained by delaying important economic growth; which is special in its own right, but particularly so for Cherwell in terms of the relationship of this growth to OTP’s acknowledged ability to drive the long planned for economic naissance of Bicester. Moreover, in a technical sense, once ‘exceptional circumstances’ have been proven (as in the case of Policy Kidlington 1), the urgency element of the ‘very special circumstances’ test can be viewed as an added benefit (not a requirement) because there is nothing to be gained by waiting for the review of Green Belt boundaries to catch up. The application is aligned with policy. This is particularly pertinent in the case of OTP because the Green Belt boundary review is due to commence as part of LPP2 in September/October 2015 and there is no doubt that OTP is a defining and central part of the ‘area of search’ for release in furtherance of Policy Kidlington 1. In light of the Inspector’s Report (and MM127), LPP2 would be unsound if it failed to allocate OTP and set a strategy for the Green Belt boundary.

To illustrate this procedural argument, we draw attention to Cherwell’s decision to grant planning permission for Begbroke Science Park in 2002 on the basis of ‘very special circumstances’. This has allowed an economic asset to flourish *within* the Green Belt, pending the boundary review which will take place as part of LPP2, some 13 years after the permission was granted. On this basis, delaying the grant of planning permission for OTP until the formality of the Green Belt boundary change is adopted would be wholly inequitable, as well as being out of step with established planning practice and the evidence. Any landscape, access, visual amenity and biodiversity issues can be dealt with by means of planning conditions.

We conclude that OTP is consistent with the recently adopted Cherwell Local Plan, has “minimal overall impact” on the Green Belt, and will shortly be the subject of a Green Belt boundary review. Given this clear policy position, and the nature of the economic need, we do not consider that the urgency of the economic need is an overriding or decisive issue, especially given the growth agenda and call for positive planning set out in the NPPF. Nevertheless, in the context of no available employment land in Kidlington, which has been an acknowledged problem since the publication of the URS Employment Land Reviews (2006 and 2012), we provide in this statement details of lost economic growth and also, more positively, details of immediate requirements in the market. Even in spite of the fact that most occupiers do not express an interest in a site until a deliverable planning permission is available, there is plenty of evidence to corroborate the urgency of the economic need for OTP.

As there is no reasonable basis for delay, and no reasons to refuse planning permission, we request that OTP is written up with a recommendation for approval at Committee in October 2015.

Introduction

Oxford Technology Park (“OTP”) comprises approximately 40,362 sq m gross external area of production, laboratory, storage, office and ancillary space on 8.26 hectares. This will generate between 770 and 1500 jobs, depending on the space requirements of each occupier and the final mix of uses. We believe a job density of 1:30 sq m is a reasonable target for B1(b) and 1:47 sq m for B2 or B1(c). The land has not been used for any recreational or sporting purposes since 2003, and probably not since 1999.

OTP has been in the policy formulation process for more than a decade. It is now specifically proposed for development as it is listed as “Oxford Technology Park” in Kidlington Policy 1 and paragraph 234 of the Inspector’s Report clearly states that exceptional circumstances exist for the release of land at Langford Lane covered by this policy; ie including OTP. Because the policy specifically refers to “Oxford Technology Park”, and this site is the centre of the “area of search”, there can be no doubt that OTP is intended for development and release from the Green Belt.

This Planning Statement (Update) therefore deals with the questions raised recently by the 17 September 2015 policy note proposed by Cherwell’s Policy Team: and, as requested by the Case Officer, we also substantiate an urgent and immediate need for OTP to justify what is often seen as the last leg of the Green Belt ‘very special circumstances’ test. All other Green Belt matters are covered by the Inspector’s conclusion that ‘exceptional circumstances’ exist sufficient to justify the inclusion of OTP within Policy Kidlington 1 (see paragraphs 235, 236 and 238, quoted below)); and it is worth bearing in mind that MM127 was a particularly brave modification given the aggressive case for a strategic Green Belt review put to the Inspector by Anthony Crean QC on behalf of the City Council (combined with very lengthy submissions by the Oxford Green Belt Group, CPRE and others, all to no avail).

Our response on the urgent need for OTP is structured around five questions:

1. Why was OTP singled out by the Inspector as a special case in MM127?
2. Other than on the economy, are there any outstanding evidential points not covered in the planning application, local plan evidence base or Inspector’s Report?
3. Whether there is an Urgent and Immediate Need for OTP?
4. What does the NPPF say about the Economy and Positive Planning?
5. What purpose would be served by deferring the release of OTP to LPP2, especially as LPP2 will surely include OTP as an employment allocation, and this plan is due to be published in September/October 2015?

This statement now considers these questions and, where appropriate, responds to points made in Cherwell’s policy note.

1. Why was OTP Singled Out by the Inspector as a Special Case?

When taken in the context of our very wide-ranging consultations over many years, as set out in our Statement of Community Involvement, now including attendance at the EIPs in June and December 2014 in support of Cherwell's case, we are firmly of the view that Oxford Technology Park comprises much needed employment development that is in accordance with national and local planning policy. Furthermore, we contend that the Inspector accepted the urgency of this need by specifically listing Oxford Technology Park in Policy Kidlington 1 by means of MM127. The Inspector would not have drawn this distinction without good cause. We are also clear that the Inspector was constrained from going any further (ie allocating OTP) because this would have opened the wider debate on the strategic review of the Green Belt sought, among others, by Anthony Crean QC on behalf of Oxford City Council. Cherwell had not undertaken or presented any evidence by way of a localized Green Belt Review so, save for LDA's Green Belt Review for OTP (submitted as EIP evidence and with the planning application), the Inspector had no evidence and no mandate to amend the Green Belt boundary. The Inspector made this point clear through statements he made at the EIP.

The Inspector therefore confirmed (a) that exceptional circumstances exist (b) that OTP merited inclusion in policy as a special and urgent case but that (c) the technical process of amending the Green Belt boundary had to wait until LPP2. This is the essence of paragraphs 234 and 235 of the Inspector's Report (not quoted in Cherwell's recent policy note).

At paragraph 234 of his report, the Inspector states:

"Taking into account the results of the Cherwell Economic Analysis Study (ECO 01) and the 2012 Employment Land Review update (ECO 06), including that there is a **constrained supply but a continuing demand locally**, as well as the Oxford/Oxfordshire City Deal, the Council has concluded that **there are exceptional circumstances** justifying a "limited, small scale," review of the OGB boundary at both Begbroke Science Park and at Langford Lane in Kidlington. This would relate to the two "areas of search" shown on the Policies Map and be carried out through the **LP Part 2** process." [Our emphasis]

On the importance of the local economic need (and the needs case generally), the Inspector considered the evidence and concluded at paragraph 235:

"It would aim to meet particular local employment needs arising from the present cluster of high tech and knowledge economy firms based at the two locations, with strong links to the city and university, and take advantage of a strategic opportunity to provide sustainable economic growth locally. Some occupiers are university "spin out" companies carrying out **nationally and internationally important scientific research**, with **very good prospects for growth in the short** to medium term. " [Our emphasis]

From this we conclude that the nature of the economic need for OTP is very special, either in terms of (a) the nationally and internationally important scientific research, with very good prospects for growth in the short to medium term available, uniquely, around the fringes of Oxford (ie this is distinct from the economic growth in Bicester and many other locations nationally and internationally) or (b) in terms of the urgency, as evidenced by the loss of Astra Zeneca, Oxford Nanopore Technologies and Oxford Biomedica, among other major economic

growth opportunities. Often this need is not only very special it is also urgent, as evidenced by the Astra Zeneca disaster (for Oxford), which provided a wake-up call and resulted in the publication of SQW's *Oxfordshire Innovation Engine* in October 2013. Richard Venables, a Board Member of the LEP, has written to Cherwell to corroborate these views (letter dated 18 September 2015). This letter should be read in conjunction with our statement.

OTP specifically addresses the shortfall in B1 employment land around Kidlington (identified in the 2006 and 2012 Employment Land Reviews) and, in doing so, targets the technology and R&D sector. We are satisfied that there is a strong market for such development, bridging the gap between the needs of Stage 1 businesses at Begbroke Science Park and in central Oxford, and Stage 3 businesses moving to the mass production stage (who will target the larger sites available in locations such as Bicester). In a nutshell, **OTP provides the bridge between the role of Oxford, lying at the heart of the 'Oxfordshire Innovation Engine', and the dispersal of the benefits of innovation and economic development northwards across the County (ie into Cherwell)**. There are no other sites that are able to offer this northwards bridge with, instead, some growth going south to Milton Park, or outside the county (eg Astra Zeneca) or country. Moreover, as well as the wider benefits, indeed essential benefits in terms of Cherwell's plans for Bicester, OTP will also help to regenerate Kidlington by improving the economic potential of the Langford Lane Employment Area, including London Oxford Airport.

It is worth noting that, later in this statement, we quote paragraphs 236 and 238 of the Inspector's Report. These deal with the impact on the Green Belt and defensible boundaries, all deemed to be acceptable by the Inspector. So far as OTP is concerned, it is difficult to see what other material planning considerations LPP2 might be left to consider in relation to OTP. As above, we contend that the Inspector did not envisage any further delay on OTP, which is why he was prepared to single out OTP by means of MM127. Why else would this modification be made? In any event, LPP2 is due to commence in September/October 2015 (according to the Local Development Scheme, 2014) and it would clearly be unsound if (a) it did not allocate OTP or (b) did not propose an approach to any necessary changes to the Green Belt boundary; because these two points were debated and decided upon by the Inspector in his May 2015 report.

In the words of the Council's 17 September policy note:

"The application site is within the area of search 1A and comprises the main undeveloped area of land within that area. In this location, the proposed development would be 'contained' between two existing developed areas and would reinforce and strengthen the emerging cluster of higher value industries in this area, near London Oxford Airport and Begbroke Science Park."

We conclude that OTP is the defining component of area of search 1A and its proposed development is beyond any reasonable doubt. The area of search makes no sense without OTP and this, together with the compelling economic case, is why the Inspector singled out OTP in MM127.

2. Are there any outstanding evidential points not covered in the planning application, local plan evidence base or Inspector's Report?

Overall, **the harm caused by OTP is very limited**, especially when weighed alongside the substantial benefits. The ecological, landscape, flood relief and transport assessments submitted with the planning application in December 2014 do not identify any impacts of significance, as confirmed by the Pre-application Report issued on 12 May 2014; and, indeed, the subsequent consultation responses received on the planning application. The need for an Environmental Impact Assessment has been screened out.

With regard to the relevant Green Belt issues, it is worth bearing in mind that the Inspector supported the inclusion of OTP within Policy Kidlington 1 as a modification. Implicitly, therefore, the Inspector supported the urgency of the economic need case as he could have stayed silent on OTP and, in so doing, achieved the delay recommended by Cherwell's recent policy note (dated 17 September 2015). Put simply, the Inspector saw the urgency and we accepted, at the EIP, that the addition of OTP to Policy Kidlington 1 reflected that urgency; and we believe this was a matter agreed with Cherwell, a set out in the Statement of Common Ground signed on 2 June 2014 and submitted to (and accepted by) the Inspector on 3 June 2014. The Inspector, Bloombridge and Cherwell District Council all felt that the insertion of text (rather than a specific allocation) was sufficient. The matter of an allocation, as mentioned in Cherwell's policy note, would have provided added clarity (and avoided any residual uncertainty or delay), but the Inspector did not go down this route because, in his own words, he did not have the mandate to undertake a Green Belt review; ie the evidence was not before him for the wider Langford Lane area. Nor did we want to push this point because, as recognized by the Inspector, a very careful balancing act was required in order to differentiate a *localized* Green Belt review from a *strategic* Green Belt review. The latter would have opened the flood gates to the case being made by the City Council on Oxford's unmet need. In this regard, this is what the Inspector stated at paragraph 236 in relation to the two "areas of search":

"...the locations do not directly affect the important [strategic] "Kidlington Gap" part of the OGB and the limited changes envisaged should be **capable of providing new long term defensible boundaries** so that **no form of precedent** for any other schemes need arise. "

The Inspector continues at paragraph 238 (not quoted in Cherwell's updated policy note):

"In my judgement, **this specific combination of factors amounts to the exceptional circumstances** necessary to justify the very limited **changes** to the OGB boundary presaged in the policy and that **it would be consistent with the guidance in paras 83-85 of the NPPF, including regarding the definition of boundaries**. Given its small scale and defined extent in the areas of search thus likely **minimal overall impact on the purposes of the OGB**, this element of policy Kid 1 is therefore sound. But these exceptional circumstances do not also apply elsewhere in the locality and thus there is no necessity or imperative to conduct a more wide ranging review of the OGB at Kidlington or nearby for economic/employment reasons at present." [Our emphasis]

With such minimal overall impact, it is very difficult to see what any further delay, or indeed analysis, would achieve. More than this, given that Bloombridge has been the principal (perhaps

only) protagonist for a Green Belt review along Langford Lane (the University came into the debate at a very late stage and Kidlington 2 was apparently freely added by Cherwell), the broadening of what we once saw as a specific allocation for OTP to **an “area of search” must be seen as a liberalizing move** by Cherwell, not a policy intended to find an area for development within the “area of search”. Given all parties recognize that OTP is “contained” at the centre of this “area of search” and given the specific reference to this development proposal in policy, there can be no doubt whatsoever that OTP is fully supported by policy. There are no grounds for delay, only the procedural point of amending the Green Belt boundary; which (like the historic relationship between structure plans and local plans) can be done in ‘slipped parallel’ (to use the language used at local plan inquiries some 10 years ago). Indeed, Begbroke Science Park, permitted under ‘very special circumstances’ in 2002 (without the detailed evidence that is now available), is still waiting for the Green Belt boundary to be amended (in a very extended slipped parallel!). If Begbroke can exist and flourish whilst being washed over by the Green Belt, surely OTP can too? This is conclusive proof on the procedural point that, as in the past, the Green Belt boundary review can follow the grant of planning permission and development. This is entirely normal planning practice.

The case has been made, therefore, that the technicality of amending the Green Belt boundary is a formality and, to reiterate, only required because (a) Cherwell chose to broaden the OTP allocation to an “area of search” and (b) because, on a technicality, the Inspector could not allocate OTP by means of a modification because Cherwell had not provided him with the evidence and, related to this, the Inspector did not want to open the debate on a strategic versus a local Green Belt review (because that would acknowledge the case put by Anthony Crean QC on behalf of the City Council). In these circumstances, the Inspector’s support for OTP represents a brave step, indicative of the urgent economic case and the measure of common ground between Cherwell and Bloombridge.

As an aside on the procedural aspects of the presaged Green Belt boundary changes, it is worth dwelling on the Inspector’s reference in paragraph 238 to paragraphs 83-85 of the NPPF. These deal with ‘exceptional circumstances’, sustainable development and the definition of boundaries. The Inspector confirms at paragraph 238 that OTP is consistent with the NPPF, in other words that:

- OTP is consistent with the “need to promote sustainable patterns of development” (paragraph 84, NPPF)
- OTP offers “consistency with the Local Plan strategy for meeting identified requirements for sustainable development” (paragraph 85)
- OTP will not require Green Belt boundaries to be altered at the end of the development plan period (paragraph 85), because of the localized nature of the review
- OTP defines the Green Belt boundary clearly, using physical features that are readily recognizable and likely to be permanent (paragraph 85)

This presents clear guidance and confirms that the Inspector was entirely happy with the case for OTP and that development here did not need to wait for a localized Green Belt boundary review to be undertaken as part of LPP2. If there was any doubt in the Inspector’s mind,

especially given the level of scrutiny brought to bear by Anthony Crean QC (and the four other QCs at the EIP), the Inspector would have followed the ‘precautionary principle’ of public sector governance and stayed silent on OTP and the Green Belt case. He did not.

We are not saying that the alternative case put in Cherwell’s policy note is without foundation. A case could be constructed to delay the development of OTP, but we question whether Cherwell is such an unpragmatic, anti-growth authority, willing to delay nationally and internationally significant development supported by an Inspector as recently as May 2015 and contained within a local plan policy that was adopted in July 2015. As the Inspector made clear at paragraph 238, given “the minimal overall impact on the purposes of the Oxford Green Belt”, what possible harm would arise by granting planning permission (which could not be covered by conditions) and, if there is any residual harm (which we do not accept), this harm is demonstrably outweighed by the widely acknowledged economic benefits, as set out in our *Compelling Case* document (October 2012), especially in the expositions from leading economic researchers, SQW and Ramidus, contained in the Appendices.

The URS Employment Land Review, 2012, is entirely consistent with these views. This concludes at sub-section 8.2.1.1:

“The close proximity of Kidlington to central Oxford and the University therefore offers a **unique opportunity for Cherwell** to benefit from the international reputation of the University and the demand from high value companies to be located close to Oxford City Centre. The growth of a cluster of high value companies around Kidlington could have the effect of boosting local economic development in the south of Cherwell and **through a local multiplier effect this could help the growth of support industries and higher value companies further north in Bicester and Banbury.**”

It is very hard to see why Cherwell would wish to delay this “unique opportunity”. On the evidence, it is irrefutable that the benefits very significantly outweigh the impacts. This is not the sort of planning balancing exercise that would play out well for Cherwell at a planning appeal; especially given the recent Inspector’s conclusions and the local and closely related precedent of Begbroke Science Park.

To reiterate, when balanced against the harm to the Green Belt, what possible reason could exist for delaying such uniquely beneficial development? As stated on page 1 of the ELR 2012, it is clear from the demand forecast for 9.3 to 11.3 hectares of employment land in Kidlington (Table 7.16, Section 7) that the release of OTP does not rule out other opportunities within the area of search, including the small area of land behind Oxford Spires and land at London Oxford Airport (which, in addition, has made use of its permitted development rights recently).

3. Whether there is an Urgent and Immediate Need for OTP?

In light of the above, we are advised by the Case Officer (Paul Ihringer) that a key outstanding planning issue is whether the economic need is sufficient, now, in order to justify the ‘very special circumstances’ case for development in the Green Belt. As we have indicated above, there are, in fact, two elements to the ‘needs’ case:

- The **nature** of the need
- The **urgency** of the need

The nature of the need that OTP will accommodate is widely accepted as ‘exceptional’, including by the Inspector at paragraphs 234 and 235 (quoted above). It is also explained in more detail in our Planning Statement (December 2014). So we do not propose to evidence this point further. However, the nature of the need does raise a very important procedural point on how the ‘very special circumstances’ Green Belt test is applied. In other words, the nature and urgency of need must be considered within the context of the proven ‘exceptional circumstances’, as confirmed by the Inspector at paragraphs 234 and 235. In contrast to this, our application for OTP is not (now, since 20 July 2015) a speculative ‘very special circumstances’ case; it was submitted to support a local plan policy and that policy has now been adopted (in the context of ‘exceptional circumstances’ being proven). The ‘exceptional circumstances’ now clearly have a bearing on how the ‘very special circumstances’ test is processed by Cherwell.

In terms of the ‘exceptional’ elements, the nature of the need at Kidlington has special national and international characteristics and, so far as the district is concerned, aside from the business rates benefits, there is an acknowledged, vital link between economic growth at Langford Lane and the future of economic growth at Bicester. It follows, therefore, that the nature of the need, when balanced against the limited harm to the Green Belt, ensures by itself that both the ‘exceptional’ and ‘very special’ circumstances tests are satisfied. From a procedural point of view, with the ‘exceptional circumstances’ case proven, the ‘urgent need’ final part of the ‘very special circumstances’ test is far less relevant and probably irrelevant. Put another way, **if a particular need is exceptional, and a Green Belt boundary review is in the pipeline, there is no reason to add in urgency considerations because the Green Belt case has already been proven.** In contrast, in the case of a speculative planning application, the urgency point is relevant to the procedural question that all planning authorities need to address: namely, why not wait until the local plan considers ‘exceptional circumstances’, harm and a Green Belt boundary review? However, the OTP planning application is not speculative because it is consistent with Kidlington Policy 1 and, given exceptional circumstances have been accepted (Inspector’s Report, paragraph 238) the Green Belt test is satisfied – ie there is no prospect that the Green Belt boundary will not be addressed through LPP2 to accommodate an allocation at OTP; and hence the urgency/time dimension of the ‘very special circumstances’ test serves no purpose (other than to delay much needed, nationally and internationally significant development, which is also highly important to Cherwell’s own plans for economic growth plans, including Bicester).

We had included urgency considerations within our Planning Statement in December 2014 so that Cherwell could, if necessary, follow the ‘very special circumstances’ route (in the absence of the Inspector finding against ‘exceptional circumstances’ and policy support for OTP). With the adopted Cherwell Local Plan, this is no longer necessary. However, on a ‘belt and braces’ basis (which is probably the driver behind Cherwell’s request), we can provide the following response on the urgency of the economic need:

1. We have provided an expert opinion from Richard Venables, a Board Member of the LEP (see letter to Paul Ihringer, dated 18 September 2015). This confirms that enquiries have had to relocate outside of the County (Astra Zeneca) and outside the district (Oxford Nanopore and Oxford Biomedica). The point is also made that there is a

significant amount of unexpressed demand, pending the availability of consented employment land for technology occupiers north of Oxford.

2. The letter from Richard Venables refers to **five** hi-tech occupiers who are being considered for OTP. Their size requirements range from 10,000-40,000 sq ft. This is very significant demand, especially in the absence of a planning application.
3. In addition, we are hoping that Oxford Innovation will be a pre-let on the Phase 1 frontage building at OTP. This innovation centre would be a significant and exciting opportunity for Cherwell/Kidlington.
4. Other widely known enquiries in the market include AC Nielsen, Electrocomponents Plc and Regus, ranging from 20,000 to 45,000 sq ft.
5. Steve Newman, Cherwell's Economic Development Officer ("EDO"), is supportive of OTP and will be aware of some of the interest currently being expressed, and probably more.

The pre-application advice of the EDO states:

".... some of the more successful businesses at Begbroke have in recent years felt the need to move to, for example, Oxford Science Park (south of Oxford) in order to find suitable expansion space."

6. Paragraph 235 of the Inspector's Report confirms that he is happy that the economic need is exceptional, sufficient to warrant the inclusion of OTP within Kidlington Policy 1. As above, we consider that this is indicative of the urgency and importance of the case; but it is the nature of the economic need which is the overriding consideration.
7. The expert opinions from leading economists SQW and Ramidus, presaged in the Appendices to our *Compelling Case* submission (Part 2, October 2012), have been proven to be accurate, as borne out by the Astra Zeneca disaster. This in turn gave rise to the publication of the *Oxfordshire Innovation Engine* in October 2013, also authored by SQW, which was generally accepted by the Oxfordshire authorities, Universities and science community as something of a 'wake up' call. The case for OTP is entirely consistent with this document. There is an urgent need for action.

By way of further emphasis, it is worth making the point that the urgency of the economic need north of Oxford was recognized as long ago as 2006, with the publication of Cherwell's Employment Land Review. Our *Compelling Case* document (Part 1, 2009) endorsed these findings, including by reference to the RSS (which, for a regional plan, chose to mention the village of Kidlington – see paragraph 2.03 of our Planning Statement) and the Ove Arup Report. A further ELR for Cherwell, by the same consultant, URS, repeated the 2006 message in 2012, and this was then picked up by SQW in October 2013. Paragraph 6.3 of the *Oxfordshire Innovation Engine* states:

"In a 2012 business survey, 53% of respondents identified the lack of suitable business premises as the greatest barrier to location/relocation to Oxford".

Paragraph 6.4 continues:

“.... the limited scale and, in particular, spatial distribution of specialist property is likely to lead to a strong focus of high tech businesses in the south of the county”.

Paragraph 6.19 states:

“There have been well publicized differences between local authorities regarding the scale and location of growth around Oxford, frustratingly slow progress on approving local plans for housing and employment growth throughout the county, and a surprising ambivalence about the major infrastructure investment that the high tech business community repeatedly says it needs....”

It is notable that OTP is not dependent on major infrastructure investment (which is delaying Oxford’s Northern Gateway); and it is reassuring that SQW note the greater willingness to support economic growth and manage its consequences more positively. By way of further emphasis, however, it is worth recording the opinions of Chris Green (Managing Director of SQW) in his evidence on behalf of Cherwell at the EIP on 9 December. Mr Green made it clear that, in the national interest, **“the Oxfordshire economy is expected to outperform the national average.”** It is a long way behind Cambridgeshire. So the economic considerations for Cherwell must be assessed on a county/Oxfordshire *and* regional and national basis. This sets the context for the way in which the OTP Green Belt issues need to be balanced in the decision matrix.

We could go on, but if there are any remaining doubts on the economic case then, given the confidentiality and data protection issues surrounding the current business enquiries for space at OTP, we suggest that these doubts are resolved by way of a meeting with officers.

To summarize, because what constitutes ‘very special circumstances’ is a matter of judgement for the local planning authority, and given the very wide support for OTP (including from the Inspector), we trust that we have now provided more than enough information, including on the urgency of the need. The case is overwhelming.

4. What does the NPPF say about the Economy and Positive Planning?

With the Green Belt case all but settled by the Inspector (pending the formality of a boundary review through LPP2), it is worth emphasizing the national framework for (a) decision making and (b) the economy that Cherwell now operates within. This is well-known to officers, and our experiences with officers have, to date, unfailingly seen exemplary actions, but we set out extracts from the NPPF here for completeness and for the interest of third parties.

Paragraph 14 of the NPPF states:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making.

For decision-taking this means

- **Approving development proposals that accord with the development plan without delay;** and
- 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 [eg the Green Belt is listed as an example]”

Given the Inspector has considered paragraphs 83-85 of the NPPF (ie the last sub-bullet from paragraph 14 of the NPPF, above) and concluded that OTP offers “minimal overall impact”, we conclude that Cherwell is free:

- Either to grant permission for OTP in accordance with the Cherwell Local Plan (even despite the fact that the formality of the Green Belt boundary amendment is to follow with LPP2).
- And/or grant permission based on the fact that any adverse impacts would not *significantly and demonstrably* outweigh the benefits.

Our view on policy and procedural matters is informed by the strong focus on positive planning and economic growth that the NPPF requires. In other words, whilst there might inevitably be some ‘grey areas’ in the decision making process, any concerns are significantly and demonstrably outweighed by the benefits – and, on the evidence, and having regard to the consultation responses, there are simply no negative impacts of any scale or weight.

Paragraph 18 of the NPPF illuminates any ‘grey areas’ as follows:

“The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths [such as the Oxfordshire economy, as reported by Mr Green at the EIP on 9 December 2014], and to meeting the twin challenges of global competition and of a low carbon future”

Paragraph 19 continues:

“The Government is **committed to ensuring that the planning system does everything it can to support sustainable economic growth**. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore **significant weight**

should be placed on the need to support economic growth through the planning system.” [Our emphasis]

In the context of the Inspector’s Report, which supports OTP, there can be no doubt that the proposed development is sustainable – if it was not, then Policy Kidlington 1 of the Cherwell Local Plan would have been found to be unsound. We therefore request that Cherwell attaches significant weight to the economic growth potential of OTP, as evidenced by us over at least a 10 year period, and where the urgency for this growth remains compelling. The additional context for this decision matrix is: no remaining technical objections from statutory consultees (including highways) and common ground that the overall impacts on the Green Belt are minimal.

5. What purpose would be served by deferring the release of OTP to LPP2?

We cannot see any purpose in deferring the release of OTP, and we do not believe Cherwell can draw upon any reasonable mandate, certainly not from the Inspector or NPPF (as quoted above). Equally, we are clear that substantial harm to the Oxfordshire economy will continue owing to the lack of employment land north of Oxford, as presaged by SQW as recently as October 2013.

By way of further background, Hill Street Holdings and Bloombridge have used the time since the EIP to raise funds for a start on site in Q1 2016. This should be seen in the context of the funding difficulties that emerged after the Banking Collapse of 2008 – ie we should not take funding or the upturn in the economic cycle for granted. Any further delay will send out the wrong message to investors and inward investors.

As with any economic, regeneration or inward investment strategy, it is essential to take opportunities as they arise. As Cherwell has seen with the Bicester employment sites, the hardest thing is to achieve a start on site, even with an allocated site. The economy and potential occupiers currently offer that opportunity for OTP. The economy, funding and occupiers may not be so aligned if we have to wait two years for LPP2 to be adopted. As we said at paragraph 3.15 of our Planning Statement, **growth comes in waves (see: John Montgomery, Upwave, 2011) and it is important for economic development strategies to be available to respond at the right point in the market cycle** – for Kidlington, this means having a good proportion of the 9.3 to 11.3 hectares of B1 land consented and available for development as the economic cycle turns upwards (and stays upwards!).

Finally, given the case put forward in this statement, it ought not to be surprising that we disagree with the following comments made in Cherwell’s policy note:

- Page 2 – comments made on discussions at the EIP on 12 December 2014 and their relevance. These were made in the context of the “naked appeals” by certain QCs for housing sites to be added to the plan. Why not, therefore, add an employment site? As explained above, the Inspector declined to allocate OTP because he did not have a mandate to undertake a localised Green Belt review (nor did he have a mandate on ‘very special circumstances’ because the EIP was not a Section 78 appeal). Paragraph 238 of the Inspector’s Report states, however, that the area of search will have a “minimal overall impact” on the Green Belt and on this basis the Inspector added OTP to the policy by means of MM127. This is a very strong indicator of intent. The Inspector was constrained from going further.
- Page 2 – “Release of land in advance of completion of the Green Belt review would potentially enable earlier realisation of a Technology Park and economic benefits (in accordance with the NPPF) arising from high value employment generation. **As an undeveloped area, with existing development to the east and west, the application site would undoubtedly be a central focus of the review.** However, it would be contrary to very recently adopted Local Plan policy to undertake the review.”

Procedurally, we disagree with the conclusion here. As explained above, as with the Begbroke precedent, a permission granted under ‘very special circumstances’ can exist and be developed in advance of the review of Green Belt boundaries. In light of the Inspector’s conclusion on the “minimal overall impact”, and the landscape evidence submitted with the application (which has raised no objections), the formality of amending the Green Belt boundary is not an issue that should carry weight or be a cause for delay. For example, like Begbroke, OTP could be developed within the Green Belt and the boundary could remain as Langford Lane. This has a de minimis impact on the merits of the application because the overall impact of the area of search has been assessed as “minimal”. In other words, the matters raised here in the policy note are not significant or persuasive and, on balance, cannot reasonably be put forward as a reason to delay the grant of planning permission.

- Page 2 - “There will be a need to be mindful of NPPF advice that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (NPPF para. 81).”

So far as OTP is concerned, which is accepted by Cherwell as being “contained”, these opportunities for enhancement (eg access, landscape features, visual amenity and biodiversity) can be covered by condition, as informed by the consultation responses and LDA’s landscape submission on behalf of the applicant.

- Page 2 - “Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.” **We believe the correct balancing exercise for this test is (a) very substantial and urgent economic benefits weighed against (b) “minimal overall**

impact” on the purposes of the Green Belt in the context of (c) NPPF guidance to support the economy through positive planning, especially in locations such as Oxford, as set out in SQW’s *Oxfordshire Innovation Engine*.

- Pages 2 and 3 - “Policy ESD14 states that development within the Green Belt will only be permitted if [inter alia] it maintains the Green Belt’s openness and does not conflict with the purposes of the Green Belt or harm its visual amenities. It also cross-refers to Policy Kidlington 1. In assessing the visual impact of development, Policy ESD13 will also need to be considered”.

There are two important evidential points here. Firstly, LDA’s landscape work, which was part of the local plan evidence base (as well as being submitted with the planning application). This undertook a Green Belt review and concluded that the harm to the visual amenities of the Green Belt and openness are acceptable. So Cherwell has the evidence to opine on these matters now. Secondly, and in a compelling sense, the Inspector considered the LDA (and other) evidence and concluded that the overall impact is “minimal”. There is therefore no reason for Cherwell to progress Policy ESD13 and 14 any further than as matters to be considered in the drafting of conditions.

- Policy recommendation – “While it is recognised that from a Local Plan perspective the high-value employment need is demonstrated and that the proposed development would result in significant economic benefits and the requisite Technology Park, national and local Green Belt policy is of very significant weight and, in that context, recently adopted Local Plan policy requires a small scale Green Belt review to be undertaken. The Local Plan is unquestionably up-to-date and the release of land ahead of that review would be contrary to the specific requirements of policy Kidlington 1.”

We are grateful that the policy note accepts the “significant economic benefits” but we cannot find any reasonable grounds in planning processes or evidence to support this recommendation. The Inspector addressed the NPPF matters, and the landscape evidence, and concluded that the overall impacts on the Green Belt are minimal. It is clearly illogical to apply “very significant weight” to something that is “minimal”, especially in the context of the “significant economic benefits” (and the ability to apply conditions on landscape matters). We therefore very respectfully conclude that the policy recommendation is wrong. It seems to reflect some fuzzy thinking and we request that it is reconsidered.

- Policy recommendation – “The Inspector’s decision not to recommend allocation of the application site in Local Plan Part 1 points to a conclusion that a Green Belt review is required. Therefore, whilst the aims of the proposed development are recognised, the recommendation from a planning policy perspective is that the precise location and extent of Green Belt release and the establishment of a new permanent boundary needs to be considered through a small scale review of the Green Belt before proposals for this location are permitted. Not to do so, would obviate this central requirement of Policy Kidlington 1.”

As we have explained above, the Inspector did not have the mandate to allocate OTP, so his decision not to do so has no bearing whatsoever. Moreover, in terms of Kidlington 1,

Begbroke already exists as development in the Green Belt, so there is no reason why OTP cannot exist similarly (and still be compliant with this policy). Given the principle of development is beyond doubt, there is no reason to delay development pending the review of Green Belt boundaries. The “area of search” already passes the ‘exceptional circumstances’ test, so our focus is on the ‘very special circumstances’ case ahead of the adoption of LPP2. We have provided ample evidence to confirm that this is a reasonable (indeed compelling) course of action and that ‘very special circumstances’, including in relation to the nature and urgency of the economic need, plainly exist.

For further guidance on the correct approach to considering development in the Green Belt we would draw your attention to pages 14 and 15 of our Planning Statement (December 2014). The key point, procedurally, is that the review of defensible boundaries should be undertaken *after* applying the ‘very special’ or ‘exceptional’ circumstances test and it is this review of boundaries (and/or an employment site allocation) that LPP2 needs to consider. We are clear that, like Begbroke, development at OTP can still be supported even if, after the assessment in LPP2, it was decided that Langford Lane should remain as the defensible Green Belt boundary. In other words, the impact on the Green Belt has been assessed as “minimal” so there is, in fact, no requirement to amend the Green Belt boundary. OTP can still flourish *within* the Green Belt, just like Begbroke.

To conclude and reiterate, LPP2 is the process by which the formality of the Green Belt boundary change will be effected, but the principle of development is beyond doubt. That was one of the purposes of the Local Plan (Part 1). Cherwell accept that OTP is “contained” and, given the overall minimal impacts, matter such as detailed landscape, access, visual amenity and biodiversity can all be controlled by means of conditions, in accordance with the favourable responses received from statutory consultees. We respectfully request that this is the way forwards.

Next Steps

We would suggest the following next steps:

1. Confirmation from Cherwell that we have answered all outstanding matters on the planning application, including in relation to the economy. If there are any residual concerns, then an urgent meeting needs to be arranged.
2. Confirmation from Oxfordshire County Council that the transportation package is agreed, including the Section 106 Heads of Terms. We do not believe there are any outstanding points. Solicitors have been instructed on the s106.
3. Confirmation that our planning application will go to Committee in October 2015. We request that we are given a draft of the list of conditions to agree.