

# Minutes

## of a meeting of the

# Scrutiny Committee



held on Thursday, 25 September 2014 at 7.00 pm  
at The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY

**Open to the public, including the press**

### **Present:**

Members: Councillors Jim Halliday (Chairman), Charlotte Dickson (Vice-Chairman), Eric Batts, Tony de Vere, Debby Hallett, Mohinder Kainth, Sandy Lovatt, Fiona Roper, Alison Thomson, Richard Webber, Yvonne Constance (In place of Jason Fiddaman) and Jerry Patterson (In place of Julie Mayhew-Archer)

Officers: Adrian Duffield, Susan Harbour, Sophie Horsley, Anna Robinson and Mark Williams

Also present: Councillor Matthew Barber and Councillor Mike Murray

Number of members of the public: 24

### **Sc.156 Notification of substitutes and apologies for absence**

Apologies were received from:

Councillor Jason Fiddaman; Councillor Yvonne Constance was his substitute  
Councillor Julie Mayhew Archer; Councillor Jerry Patterson was her substitute

### **Sc.157 Declarations of interest**

There were no disclosable pecuniary interests or other interests declared by members of the committee.

### **Sc.158 Urgent business and chairman's announcements**

There was no urgent business

### **Sc.159 Statements, petitions and questions from the public relating to matters affecting the Scrutiny Committee**

#### **Panel for the meeting**

A panel of councillors and officers attended the meeting to answer public and committee questions. This comprised of:

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- Councillor Matthew Barber, Leader of the Council
- Councillor Mike Murray, Cabinet member for the Local Plan
- Adrian Duffield, Head of Planning
- Sophie Horsley, Planning Policy Manager
- Mark Williams, Planning Policy Project Lead

### **Public Speakers**

Members of the public asked questions under standing order 32 of the Council's constitution. The Chairman heard the speakers by subject area and the panel responded by subject area. The questions are as submitted to the proper officer in advance of the meeting, although public speakers may have elected to expand these whilst delivering them at the meeting.

### **West Way, Botley**

Ali Provan: "It obviously wasn't clear in your earlier consultation whether Botley is a local service centre, or a district centre. We did not read that there would be a significant change in the nature of Botley, and certainly did not anticipate that it included a student campus at its centre, as now appears to be supported by the Vale. Do you plan to consult more widely on the options for Botley?"

Grant Nightingale: "The earlier Core Strategy document included a plan showing the area which we would all recognise as 'Central Botley'. The later consultation document moved the boundary to the red line now shown, covering an area which is currently privately owned residential property. When and why was this change made? Was it before or after Doric proposed a comprehensive redevelopment on this exact area of land and was it discussed at all between the planning policy team and Doric?"

Caroline Potter: "Core Policy 11 of the draft Local Plan indicates a significant expansion of the land designated for 'Botley Central Area' in comparison to the existing local service centre. The western-most one-third of the proposed site (outlined in Figure 5.3) currently serves a residential function; on this land sits the 65 purpose-built age-restricted homes of Field House, the private flats of Vale House, and the Vicarage of St Peter & St Paul Church. This western block of land was not included when Vale officers consulted on the redevelopment of the West Way Shopping Centre in February 2012. Would the Cabinet Member for Planning Policy please explain why, and under whose direction, the Botley Central Area has been expanded to include this residential site, recognizing that:

- no public consultation has been undertaken on such expansion,
- Botley residents have objected strongly following its inclusion in the February 2013 Local Plan draft, and
- no justification is given within the current Local Plan draft as to why this residential site should be included within a larger commercial development scheme

Mary Gill: "You wish to clarify that Botley should be a district centre, but we are not sure what this means in practice. In the Oxford context, each of the existing district serves a catchment of between 24,000 and 40,000 people. The local catchment that Botley currently serves is just over 10,000 people, or 15,000 max if you include Kennington. Also, the retail review which was commissioned by the Vale should probably be updated in the light of Waitrose and Aldi on Botley Road, and the Westgate Centre in Oxford, and known trends in shopping which have been widely covered in the press in recent months and days. If it is the council's intention that Botley serve this large a catchment, notwithstanding the additional traffic this would generate, especially on the A34/Botley Interchange, how you intend to verify whether such a centre is sustainable and viable in the local and Oxford City context?"

The panel responded as follows:

- The local plan is separate from the planning application to develop the West Way Botley, and this will be considered by the planning committee later in municipal year.
- Consultation was undertaken during 2013 on the enlarged boundary for this area.
- The objectively assessed need of the Council is to expand its retail capacity. Botley has the facility to expand as a retail centre.
- This area has been identified as a local service centre given its location close to the urban area of Oxford.

### **Preservation of the Greenbelt**

Chris Henderson from "Save Radley Village": "Will the Vale be re-drafting the green belt review now that some sites have been withdrawn as proposed developments and if not how can we have any confidence that they will not be subject to speculative applications every time the Vale is deemed to have fallen below its 5 year target?"

The panel responded as follows:

- The release of land from the greenbelt follows the consultant's advice
- The greenbelt review is an evidence based exercise
- In order to meet the objectively assessed need of the SHMA (Strategic Market Housing Assessment) numbers, sites have been selected based on merit
- Once the Local Plan is in place, development will be plan-led and refusals to grant planning permission will be defended on that basis.

### **Strategic Market Housing Assessment (SHMA)**

David Marsh: "At the meeting of the Scrutiny Committee on April 17th I was left with the distinct impression that members needed more time to read and adsorb the information provided, and were minded to have another meeting, and to seek further professional advice in making an assessment of the SHMA.

"The CPRE commissioned a paper by Alan Wenban-Smith which provides a critique of the SHMA. The paper offered detailed arguments about why the SHMA numbers are untrustworthy and in places seem to be based on guesswork and assumptions. One example comes to mind: an arbitrary and unsubstantiated change to the assumptions about average household size adds 7600 houses to the total requirement for the county. (The DCLG projected average household size for Oxfordshire declines from 2.52 to 2.47 in 20 years to 2031. The SHMA uses a figure of 2.41, which adds 380 house p.a. to the numbers.)

"There are many other examples, where a small change to the assumptions made, result in a significant change to the totals.

What further plans does the committee have to scrutinise the SHMA?"

*The chairman of the committee elected to send a written response to this question to Mr Marsh within 10 working days of the committee. This will be appended to the minutes.*

Peter Collins, CPRE: "Given that the committed economic growth strategy outlined in the Oxfordshire Strategic Economic Plan was endorsed by the Council Leader, without reference to full Council, with its knock-on dramatic increase in the housing figures in the Vale Local Plan, can the Scrutiny Committee confirm:

- whether it is satisfied that the SHMA is an objective assessment, rather than the result of a series of extreme assumptions, including highly aspirational economic figures;
- whether it is satisfied that due process was followed in adopting the SHMA numbers without considering whether they needed to be modified for social, economic or environmental reasons; and
- what evidence exists that there is public support for this growth strategy?

The panel responded as follows:

- The growth agenda is national government policy. The NPPF (National Planning Policy Framework) requires that the Local Plan is positively produced in support of economic growth, and there is a presumption in favour of sustainable development.

Julie Maberly from the Wantage and Grove Campaign Group made the following statement to the committee:

“SHMA:

- “We do not believe that the questions raised by the Scrutiny Committee have been answered sufficiently by the planning policy team and would suggest that this is an appropriate time for the committee to revisit those questions.
- “Councillor Murray stated that the SHMA is to be inspected through our local plan examination in public process we would therefore hope that Scrutiny Committee would perform a comprehensive review of the SHMA as part of its role.

“Local Plan 2031 Part 2: Detailed Policies and Local Sites:

“According to the draft Local Plan Part 1, the Local Plan 2031 Part 2 will contain detailed planning policies to guide day-to-day decisions on planning applications. As Councillor Murray stated the Local Development Scheme (LDS) sets out and timetables the local plans that the council will prepare.

We would be grateful if the Scrutiny Committee could gain clarification as to when these documents will be available and what level of confidence can be applied to the timetable for their review, consultation and approval, given that according to the LDS the local Plan Part 1 was due for public consultation in mid-August this year.

“Infrastructure:

- “According to the existing draft Infrastructure Delivery Plan Feb 2014 referred to by Councillor Murray “The next consultation document will be accompanied by a full Infrastructure Delivery Plan for all of the sites in the final draft version of the Local Plan 2031 Part 1. We do not believe that the Scrutiny Committee can review the Local Plan without this important component and would ask the committee to find out when this document will be available for their review.
- “The details published with the Housing Delivery Update Consultation assumed that if a school existed then that was sufficient to prove sustainability of education – it made no difference how full the school was or if there was space to expand. We request that the Scrutiny Committee review the definition of sustainability being used by the Planning Policy. In particular in Core Policy 1 where no mention is made of coordinating development requirements such as the provision of infrastructure

“The draft Local Plan states “Wantage and Grove will be places where people are proud to live and work ... Growth in these settlements will have been balanced alongside the delivery of community facilities. The area will benefit from improved public transport and strategic growth in these settlements will have provided more local job opportunities.” But no timetable is provided for these improvements in documents released so far.

We request that the Scrutiny Committee request details of when a timetable will be available for them to review.

“Density: We request that the Scrutiny Committee review the policy of “a minimum density of 30 dwellings per hectare (net) will be required unless specific local circumstances indicate that this would have an adverse effect on the character of the area, highway safety or neighbouring amenities.”

- “asking the Planning Policy team to identify where existing housing developments with a minimum density of 30 dwellings per hectare (net) currently exist and how putting proposed developments in the Vale with higher densities will “integrate with the existing built form and landscape setting” of the area”.

The panel responded as follows:

- The updated Local Development Scheme (LDS) sets out the timetable for CIL (Community Infrastructure Levy) and Section 106 agreements.
- The LDS is a statutory scheme and the council is required to update it as necessary.

## **Sc.160 Draft Local Plan to 2031**

### **Proceedings for Scrutiny Committee discussion on the local plan**

**Following the contributions from members of the public, the Scrutiny Committee discussed the Local Plan under topic headings. Given the size of the local plan document and the shortage of time for debate the chairman asked the committee if they were agreeable to recording every point made and feeding these through to cabinet with a request that they consider all points in determining what to recommend to council. This would mean the scrutiny committee would not look for consensus or to take decisions on which issues to forward to cabinet. This was broadly agreed. The text below reflects questions raised by the committee and responses given by the panel.**

### **The Strategic Housing Market Assessment (SHMA)**

#### **Committee concerns and questions raised**

- Concerns were raised about the validity of the SHMA figures and therefore of the consultants' reports.
- The Cabinet member was asked to reconsider the validity of the SHMA and the basis on which the figures were arrived at and, therefore, the need to accept the SHMA numbers.
- Concern was raised that accepting the SHMA figures, pre-supposes that employment predictions are correct: there are risks around this as it is particularly based on public investment predications. The Committee asked how the Council has verified the validity of these assumptions on public and private investment.
- Objectively assessed housing need is not the same as a house building target.
- Concerns were raised about the impact of housing development on traffic in the next 15 years, especially considering the current issues faced by traffic flow on the A34.
- Scrutiny committee requires the proper information to scrutinise this and other processes – it was regrettable that many of the supporting documents – such as Infrastructure Delivery Plan - were not available at this time.

#### **Panel responses to questions raised by the committee**

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- The SHMA figures will be challenged through the Local Plan examination process and therefore the figures would have to stand up to robust external scrutiny.
- The council has challenged the SHMA numbers through the SPIP (Spatial Planning and Infrastructure Partnership) and they are as robust as possible.
- A lower house building target can only be set if the Council can demonstrate constraints and lack of land availability. Vale is not in this position.
- The committee were referred again to the Cherwell inspector's decision (Appendix 4 of the Committee report).
- The Council does not have substantial and robust evidence to challenge the SHMA figures.
- Extensive work had been conducted with the county council on a transport mitigation package to address growth.
- Sensitivity testing to economic modelling and amendments can be made where necessary.
- Much of the public investment presumed by the economic modelling is already committed and paid to the Local Enterprise Partnership (LEP) or is based around income generation powers which lie with this council (eg business rates).

## **Greenbelt/AONB/Site Selection**

### **Committee concerns and questions raised**

- Cabinet was requested to remove greenbelt sites from the Local Plan as there has not been a full and proper greenbelt review (possible re-instatement after review).
- Concerns were raised that areas taken out of the greenbelt which are not Part 1 sites would be vulnerable to speculative development or to a neighbouring authority attempting to use them to meet their SHMA numbers under the Duty to Co-operate.

### **Panel responses to questions raised by the committee**

- If the greenbelt sites were taken out of the Local Plan, the Council will have to find replacement alternative sites which are not in the greenbelt: despite substantial public consultation, suitable alternative sites have not been forthcoming.
- There are other protective policies which may limit or prevent development on land released from the greenbelt: including playing fields, allotments, conservation, flood risk, landscape character, open countryside, vehicular access etc. The greenbelt status remains until the replacement plan is adopted.
- The partial review focussed on the principles and purposes of the greenbelt.
- The reasons for removing some of these sites from the Local Plan would also be reasons to refuse individual planning applications.
- The Local Plan will gain more weight in terms of development management as it progresses through the process to final adoption.

## **Deliverability, Science Vale ring-fencing and the five year housing land supply**

### **Committee concerns and questions raised**

- Concerns were raised about the impact on Wantage of the ring-fencing if the build rate slows down.
- The ring-fenced areas are defined as "settlements" rather than parishes.
- The Council will use the "Liverpool" approach to meeting its five year housing land supply numbers, rather than the government preferred "Sedgefield" approach. (The Sedgefield approach front loads development in the first five years of the Local Plan, whereas the Liverpool approach allows for the shortfall to be made up over the plan

period). The case for following this approach would need to be made to the examiner and would be evidence by the planned trajectory of what would actually be deliverable and supported by the case of Bloor Homes vs Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council.

- The volume, range and diversity of sites which have been selected are designed to encourage deliverability and competition in the market. A larger number of smaller sites is more likely to lead to deliverability through variety and competition and is attractive to smaller developers.
- On the larger sites selected, the Council will use a design guide for good design and there will be adequate infrastructure in place. Local planning fora will also take place. These measures are designed to encourage saleability.
- It is possible that a change of national government after May 2015 could change the exact nature of what is required of local authorities, but holding back until after the election will continue to bring uncertainty, speculation and developer-led planning to development management and will negatively impact local communities. All major political parties have committed to an increase in house building.

### **Panel responses to questions raised by the committee**

- The ring-fence is intended to ensure that growth and infrastructure take place in the right places at the right time.
- Ring-fencing has successfully been proposed by South Oxfordshire District Council. The Vale has taken counsel's advice on the legality of ring-fencing.
- Slippage in the timescales for delivery would be considered acceptable if there were a reasonable prospect of the sites coming forward. If there is no reasonable prospect of this then the entire plan would need to be reviewed.
- The ring-fenced areas are defined as "settlements" rather than parishes.
- Would a change of government next May have any affect on the SHMA figures?

## **Transport and Infrastructure**

### **Committee concerns and questions raised**

- The Infrastructure Development Plan is not available at the same time as the draft Local Plan.
- Cabinet are asked to note that the A34 should be considered as a main road, not a trunk road – and to modify Core Policy 7 accordingly.
- Which money will be ring-fenced.
- Cabinet were asked to reconsider including land for the Marcham bypass in the safe-guarded land.
- Cabinet were asked to include the Wantage Western Road in the safe-guarded land.

### **Panel responses to questions raised by the committee**

- There is a need to deliver the Local Plan as soon as possible to protect the Vale of White Horse and its residents from developer-led planning.
- Appendix D (land safeguarding) of the Local Plan safe-guards an area for the Thames crossing; an area of land for the Lodge Hill interchange and an area of land for the East Wantage Link Road.
- The Area Action Plan, as currently set out in the Local Development Scheme timetable, will be issued for its first draft consultation in 2015, with the council looking to adopt it in 2017.
- Community Infrastructure Levy funding is not ring-fenced.
- Infrastructure money which comes through Section 106 agreements is ring-fenced.
- Other funding from the LEP etc is ring-fenced.

## **Affordable Housing**

### **Committee concerns and questions raised**

- The requirement for developers to produce affordable housing has dropped from 40 percent to 35 percent of each development scheme in the Local Plan.

### **Panel responses to questions raised by the committee**

- The SHMA assesses the need to be only 26 percent per development in order to meet current and projected need. It is considered that 35 percent achieves the right balance between affordable housing and Section 106 contributions which would be requested.

### **Other matters**

- Botley is being treated as a local service centre, within a town centre for planning purposes, including retail development.
- North Hinksey/Botley is the third largest settlement in the Vale after Abingdon and Wantage Grove.
- Paras 6.124/5: The paragraphs on leisure facilities in the Local Plan are sparse. The committee would like to encourage the Cabinet to add more to this section of the plan (page 154).
- It was noted that there is mention of leisure provision in the site-specific text in Appendix A.
- Appendix B: strategic employment sites: some have been omitted and should be included eg Sandford Lane, Kennington.
- Core Policy 1 gives a presumption in favour of sustainable development – but does not include the word sustainability. The Cabinet are asked to look at the working of the policy.

The Chairman, the Committee and the Leader of the Council registered their thanks to the officers for their time and commitment to the process.

Members of the Committee were encouraged to send missing details and minor amendments on the draft Local Plan to the planning policy team as soon as possible.

The meeting closed at 10.00 pm