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Date: 9 July 2019
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Dear Sirs

Town and Country Planning Act 1990
South Oxfordshire Local Plan Submission Version (2034)
Report to Cabinet 10 July 2019

We act for Summix Limited and have been asked to comment upon the report prepared for the meeting of the Cabinet on 10 July 2019.

That report is concerned with the proposed revision of the emerging South Oxfordshire Local Plan to better reflect the intentions and aspirations of Councillors and, in turn, identifies four options to achieve this objective. We have been asked to provide a short considered assessment of each of these options and to determine the overall risk profile to the Council.

It is important at the outset to note that the substantial housing allocations identified in the draft Local Plan are predicated and informed by the "ambitious" plan of the combined authorities (see page 92) for housing delivery within this part of Oxfordshire. It is this deliberate inflation of the housing numbers within South Oxfordshire which have predetermined the need for the provision of the identified housing sites and, in turn, the proposed significant Green Belt releases.

There is nothing wrong with this initiative if it is a fair reflection of the intention of the Council, but it also follows that any substantive movement away from this previous strategy to effectively reduce the housing commitment and to protect the Green Belt will require the wholesale revision and redefinition of the Local Plan.

As it is reflected in your own Officers assessment this immediately ensures that Option One and Option Two as identified in the Report cannot be pursued. This is because the appointed Inspector does not have the capacity or authority to make fundamental changes (see paragraph 47) and, in turn, the scale of changes required would be too significant to be secured by modification (paragraph 76).

This conclusion has now been supported by the Scrutiny Committee and it is also notable that this view has been further reinforced by the very recent conclusions of the Local Plan Inspector for the Vale of the White Horse, who has explicitly confirmed that he had no powers to amend the overall housing allocation.

The remaining options of withdrawal and revision or republication carry essentially the same consequences and risks and must be considered in further detail. These risks can be summarised as follows:

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Speculative applications

There is no prospect that the Council would be at risk of speculative applications for the foreseeable future. As is confirmed at page 9 of the Supplementary Paper, the Council can demonstrate a 9.8 year housing land supply against the 'standard methodology'. This is identified as a template mechanism and operating standard for the proper assessment of local housing need at paragraph 60 of the NPPF and is a clear safeguard for the Council.

The Supplementary Paper helpfully suggests (Figure 1 on page 8) that if nothing further changes this position should provide breathing space to pursue Option 3 or 4 until 2027, but even this is a very restrained assessment because it assumes no further consents will be secured pursuant to the extant Local Plan. This is an even more important point in review of Figure 2 on page 12) because again this assumes that none of the sites that are dependent upon HIF or Deal funding will come forward without the support of the emerging Local Plan.

This prevailing position also ensures that the potential risk of intervention by the Secretary of State is very unlikely within the next 7-8 years. This is because the Council has not and will not fail in the delivery of housing for the foreseeable future and there isn't any immediate and pressing need for further housing provision through the Local Plan.

It also follows that the claimed risk of Judicial Review is non-existent, as any decision to withdraw the Plan would be entirely within the reasonable judgement and control of the local planning authority.

Growth Deal

It is important to note that the Oxfordshire Housing and Growth Deal has a broader remit than just South Oxfordshire and relates to the administration and planning function of six Oxfordshire Councils and the Oxfordshire Local Enterprise Partnership. It is also a central plank of the Government's housing policy and remains a significant part of the national housing growth initiative.

In this context, the prospect of withdrawal of the funding by Government in response to the decision by South Oxfordshire Council to re-evaluate its position must, on any fair assessment, simply not be in prospect. This is particularly the case where the accurate assessment of unmet housing need in Oxford City has yet to be determined (paragraph 111), the joint planning strategy for Oxfordshire has yet to be identified (paragraphs 34 and 43) and the future alignment of the Oxford to Cambridge Expressway (paragraph 123) remains unknown.

Housing Infrastructure Funding

It is important to note that the commitment made by the Government to HIF relates entirely to projects (paragraph 37) identified in the adopted Core Strategy. This ensures that the associated development projects can still come forward and that the Council can secure the same funding within this established and adopted policy context.

It is also, more importantly, the case that the identified funding is all directed at highway improvement works needed to facilitate the Oxford to Cambridge Expressway as relates to the existing highway network within and around Didcot. Again, the prospect that this funding would be withdrawn to the prejudice of this programme is, to put it at its lowest level, remote as it would only operate to undermine the whole growth strategy for this part of Oxfordshire.

Conclusion

It is important to emphasise that the submitted Local Plan is ultimately intended to reflect the intention and aspiration of the Council and the clear implication of this is that the local authority should only submit a plan "*it considers to be sound*" (see the Inspector's letter provided with the Frampton's letter of 14th June 2019). If this isn't the case the whole Local Plan strategy will be flawed and will have direct and significant implications for the future determination of

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planning applications that are submitted to the Council in accordance with the emerging and adopted Local Plan provisions.

In short, if Councillors have a concern as to that initiative this is the moment to take action, as the end consequence of this process is that the Council will be presented with a series of substantial and controversial planning applications that you will be directed to approve by Officers in accordance with the adopted policy context. It is these approved applications that will attract Government funding and if they are not to be supported by Councillors it is better that this judgment is exercised now and at a point where alternative initiatives are still in your control.

We trust the above submissions are of assistance.

Yours faithfully

A handwritten signature in cursive script that reads "Eversheds Sutherland".

Eversheds Sutherland (International) LLP