

BACKGROUND

For a decade NWAG has been the **lead resident action group** opposing the deeply flawed proposal to build on land between Witney and Hailey; land all in the parish of Hailey, part of the Wychwood Trust and featuring an ancient double hedgerow valley, undulating fields rising to the northeast of over 100m contour and three tributaries all leading to the Hailey Drain contributing significantly to the flooding in the Windrush flood plain.

PREVIOUS SUBMISSIONS

Since 2014 NWAG has compiled and **submitted ten Reports**, each one delivering to WODC **compelling analytical evidence**, often highlighting miscalculations and flaws in OCC and WODC documents commissioned to support an entrenched officer opinion or historical political ideology rather than for the wellbeing of Witney and its residents.

None of the 169 documents submitted to support the planning application diminishes our previous analysis that this development is a dangerous threat to the wellbeing of Witney.

Since the present WODC administration was elected, NWAG has delivered these submissions, notably challenging the Applicant's 2023 Scoping Document within the Council's *Five Key Principles*.

It is critical that Councillors read these previous submissions to acquaint themselves of the serious consequences and threat to Witney from this application. Visit -

https://www.northwitney.org.uk/who_are_nwag_.html

NB. Scroll to the bottom of the page to view/download NWAG's 10 submissions.

DELIVERABILITY, VIABILITY & COMMITMENT TO INFRASTRUCTURE

No planning permission, at whatever level, should be allowed without a **fully binding and legal entity** in place that commits the Applicant to the infrastructure required by the 2031 Local Plan to support this major proposal.

WODC must interrogate:

- 1. The Legal Entity of the consortium (the applicant)**
- 2. The Due Diligence undertaken by WODC development officers**
- 3. Adherence to Case Precedent**
- 4. Non Compliance of WODC 2031 Local Plan Policy**

1. The Legal entity of the Consortium to be able to commit to infrastructure. The Consortium's Agent, Tim Burden, told the Planning Appeal (*Ref 19/03317/FUL*) for Parcel 3 of the SDA on January 9 2024 that "*no such 'Equalisation' was in place*".

Without an equalisation agreement there is **no commitment to costs and no commitment to how profits are shared**. This could lead to more profitable parts of the vast site being developed prior to infrastructure, profit taken, and infrastructure left not built. It is a pattern seen elsewhere in the UK.

2. Show the due diligence the WODC's development officers undertook to give them the confidence to assure the Inspector Malcolm Rivett, and the 2031 local plan enquiry in 2017 that they were negotiating with one voice. Not only have the members of the consortium changed over the years but the current members are not all developers, with one, Gleeson Land Limited, describing themselves in their 2023 Annual Report:

*"Our principal activity is as a specialist **land promoter**...and is to work on behalf of landowners by promoting land through the planning system **and selling** sustainable, consented sites to house builders."*

Not words you would expect to read from a company prepared to sign up to an infrastructure agreement amounting to unknown millions of pounds.

Words are critical. In January 2018 The 2017 Planning Inspector Malcolm Rivett wrote to WODC:

*"I intend to liaise with the Council in respect of the **precise wording** of the local plan."*

So, if Mr Rivett uses **precise words**, this is what he also wrote in his judgement of the plan in August 2018 regarding the WIT2 North Witney SDA:

Page 35 Para 132 *"It would not be appropriate to base a local plan allocation policy/the policies map entirely on the emerging plans **of one particular developer**."*

And again, in the same paragraph:

*"It would not be right to base a housing allocation policy entirely on the emerging plans **of a specific developer**."*

Clearly in WIT 2 of the plan the Inspector believes WODC is negotiating with **'one specific' developer**. Or, that the **singular** indicates a solid belief that the consortium are all developers or in a legal agreement.

3. Adhere to Case Precedent as regards NWSDA

The North Witney SDA in WIT2 of the 2031 Local Plan is made up of three parcels of land. In correspondence this is generally referred to as **P1** (the main central core) **P2** the land

for 200 homes controlled by Taylor Wimpey between New Yatt Road and Early Road, and **P3** the land for 106 homes controlled by A2 Dominion Developments Limited to the west of Hailey Road.

We now know from the January 2024 Planning Appeal by Dominion from a confrontation between the Appellant's Counsel, Rupert Warren KC, and the agent for what Mr Warren called in his summing up "**what tends to be called the 'consortium'...**" Tim Burden, that "*they have never had any interest in bringing the Appellant into their arrangements.*" Adding in his summing up "*Mr Burden confirmed that they had never made any formal approach...*"

In November 2014 Taylor Wimpey independently attempted to gain planning permission (14/01671/OUT) for their **P2 within the NWSDA**. The response from the then executive (cabinet) member for planning was that **P2** had to come forward within a whole SDA application. Eight years later that application sits with WODC as **Not Determined**.

In 2019 Dominion Land applied independently for planning permission (19/00317/FUL) for their **P3 within the NWSDA**. Again, for the same reasons the application was '**Not Determined**' which led to the Appeal referenced here.

There is, unequivocally, no relationship whatsoever, no communication – in fact antagonism – between those companies controlling **Parcel 1 & 2 and Parcel 3 of the NWSDA**.

Thus, the Planning Application 24/00482/OUT **in the names of only those companies controlling P 1 & 2 of the SDA** demands the same procedure and response as the previous two applications from 2014 and 2019 for part of the SDA and must also be '**Not Determined**'. It is, whatever the grandstanding of the six members of the consortium would wish you to believe, **not a complete SDA planning application** as they have no communication or relationship with Dominion Land who control P3.

4. Non Compliance of WODC 2031 Local Plan Policy

The WODC 2031 Local Plan's **Deliverability and Viability** statement reads:

6.70 "*The North Witney site is in multiple ownerships and given the extensive nature of the off-site infrastructure needed to bring the scheme forward (e.g. highways and flood mitigation) **deliverability and viability are key considerations.***"

6.72 "*The onus will be on the developer consortium to demonstrate that all necessary parts of the site (including that needed for the West End Link) are under their control and that the development is **able to fund the infrastructure improvements** that are identified as being **necessary** to support the development including highways, education,*

affordable housing, green infrastructure and so on. **A robust delivery framework will be sought.**"

Since the **"robust delivery framework will be sought"** was **assured** by WODC a decade ago **no developer led infrastructure financial costs** have been submitted.

NWAG maintains that if WODC had been **robust in their due diligence**, the inability of the consortium to commit to unknown millions of infrastructure costs **would have been revealed** rather than officers pursuing a **"very much wishes..."** position for the NWSDA to proceed. (Ref. Page 70 Point 23.1 Appendices to Proof of Evidence of Chris Wood Senior Planning Officer Appeals 20/12/2023 (19/03317/FUL)).

Importantly, **WODC's Local Plan Monitoring** statement reads:

10.6 *"Where monitoring demonstrates that policies are **failing to deliver** their objectives or having **unintended consequences**, appropriate action can be taken such as revising or **replacing a particular policy** or potentially **reconsidering the overall strategy.**"*

NWAG would submit that Paragraph 10.6 of the **Monitoring Procedure was expressly written** for an unprecedented time such as this and **must be used to reject the planning application** and remove the NWSDA threat to Witney.

1. APPLICANT'S EXECUTIVE SUMMARY (PLANNING STATEMENT)

Comments on Points 2 & 3.

Point 2. *"The proposed development seeks to create a vibrant, engaging and inclusive new community, that maximises the site's inherent opportunities and that provides a plethora of landscaped and green infrastructure features and promotes healthy active lifestyle in Witney."*

This fantasy of life which would destroy an undulating rich landscape, all in the parish of Hailey and the Wychwood Trust, is a callous blandishment of promises. In *"seeking to create a vibrant, engaging and inclusive new community"* this unwarranted development will in reality **diminish the already existing and historic north Witney community** that settles around Wood Green and the conservation area of West End. A cynical and shameful comment to make and contrary to WODC's 'Five Key Principles'.

Fortunately, changes to the NPPF in 2023 allows for the LPA to apply the test that determines when a site so overwhelming as North Witney *"significantly alters the character of an area..."*

Point 3 “.....supporting traffic infrastructure; appropriate landscaping; biodiversity enhancements; and measures to mitigate flood risk.”

Whatever traffic infrastructure is built will **add to the existing capacities of the narrow and residential New Yatt Road, Early Road, Hailey Road, Wood Green, Farmers Close, Broad & Narrow Hill, West End and Woodstock Road.**

This overload will be exacerbated by the fact that the **Northern Distributor Road**, a key reason to consider the site originally is, in the planning application, **reduced to an estate road.**

It is simply **illogical** to claim the **destruction** of 57.5ha acres of farmland, hedgerows, streams and trees can **deliver** biodiversity **enhancements.**

6. PLANNING ASSESSMENT – Principle of Development

6.20 “....delivery of the West End Link (WEL) is **no longer considered necessary** or appropriate to serve the Proposed Development. Rather, the design of the development has adopted a Decide and Provide approach.....This reflects the evolved policy position from the highways authority since the publication and subsequent adoption of the Plan, who have moved to the **‘Decide and Provide’** approach and this represents a significant material consideration and change in approach.

DECIDE AND PROVIDE

This radical Policy is, by the Local Highways Authority (LHA) admission in its Foreword, ‘novel’, ‘ambitious’ and is, importantly, only a ‘preferred vision’.

However, despite this fact there is shown in the Applicant’s Transport Assessment (part 1) an intense, even obdurate, adoption of the Policy. As a consequence, the historic Bridge Street area network issues and Local Plan solutions have simply, and conveniently, been ignored.

1. Local Plan 2031 WIT2 c) clearly states “...including the essential delivery of the West End Link’ (WEL)”.

2. The Witney Bridge Street Area Transport Options Appraisal, (in OCC Consultation until March 28th 2024) concludes ‘Recommendation is Option 4.1’. This option includes WEL.

3. In attempting to justify 'Decide & Provide', the Applicant is exaggerating the Community Hub's ability to 'internalise' traffic movements through a vague and implied availability "of shops and/or offices and/or community facilities." A novel and radical transport policy really cannot be based on half a possibly/maybe commitment.

4. In 6.2, Vehicle Trip Generation of 'Decide & Provide'. The regular quoting of percentage reductions (incl. totalising) in traffic Passenger Car Unit (PCU) numbers displays a desperation to demonstrate traffic betterment. The adoption of this method with such an untried and untested Policy sets a dangerous precedent which could have far reaching consequences around the historic and problematic Bridge Street road network.

5. The NWSDA is the remotest site in the WODC 2031 Local Plan from any town centre and areas of designated employment and thus is the wrong development in the wrong place when considering where Witney's employment, shopping, socialising and entertainment is located.

From either exit points of NW SDA, the distance to the employment area of Station Lane is 3.4km, and the more recently built West Witney business and industrial area is 3.9km.

To the town centre this distance is still 2.4km, and even further to Sainsbury's at 2.7km

This makes NW SDA a remote location and with noticeable elevation changes this would mean a challenging half-hour (to shops) to an hour's walk (to employment) for many adults. This is particularly so when carrying shopping or work baggage. Furthermore, most adults are not keen to walk or cycle when rain is forecast.

DISPUTE of TRAFFIC DATA ACCURACY. TA Part 6

'Sc 01/AM- 2019 Base' Following a Traffic Count carried out by residents, NWAG found PCU numbers on both Farmers Close and West End to be highly inaccurate, potentially affecting other critical traffic-flow forecasts in the TA.

FLOODWATER SOLUTIONS

Unfenced Attenuation Ponds

The NWSDA body of land regularly suffers 'flash flooding' events creating swollen fast-flowing water flows throughout the site. The positioning of eight unfenced 'attenuation ponds' plus 'flood compensation' areas of unspecified depth within the site is unacceptable, and of major concern, with many 100's of children living and playing outside on the development.

The Construction Industry Research and Information Association (CIRIA) say on the subject of drowning in their Paper RP992/17 (SuDS).

a) *'Drowning can occur in permanent bodies of water or in normally dry areas when they contain water temporarily during and after rainfall events.'*

SEWAGE/WATER SOLUTIONS

Sewage Capacity and water infrastructure.

The Applicant's submission in 6.4.2 *indicates that the Thames Water **sewerage network** in the vicinity of the site **will not have enough capacity for the full development** at this time'.*

Despite the Applicant claiming they will '*negotiate*' the connections of clean water and discharge of sewage with Thames Water, and even following the current Witney Sewage Treatment Works (STW) upgrade, the fact still remains that water & sewage still has to be transported across Witney. The **90-year-old clay pipes regularly leak sewage into the town centre's streets** and need urgent replacement – at Thames Water's expense. There are currently **no plans by Thames Water to carry out these major works and**, and until these have been completed, no connections can be made to houses in NW SDA.

These devastating and delaying facts have again now been confirmed by Thames Water in their submission of April 10 2024. They write: "*Following initial investigations, Thames Water has identified an inability of the existing foul water network to accommodate the needs of this development proposal.*", and that '*the development shall not be occupied until confirmation has been provided that...agreed development and infrastructure phasing plans have been met.*'"

Indeed, Thames Water's submission goes further in raising significant challenges to the viability of the SDA by saying **even the existing water infrastructure (domestic clean water supplies) cannot be connected** and homes occupied even after their completion.

ARCHAEOLOGY

NWAG fully endorses the submission by the Oxfordshire County Archaeological Services (OCAS) that an "*archaeological evaluation must be carried out on the remaining portion of the site not investigated during the pre-app phase....*"

As a local residents' action group, we have feedback from finds submitted by walkers. For the sake of this submission, we will specifically support the OCAS comment by referring to the field to the northwest corner of the site. This is the most sheltered part of the site with natural water streams. Here, finds by local residents have been identified by Oxford University Archaeology Department.

These include Roman pottery Samian Ware connected to domestic dwelling. This is a reasonably high status material imported from France or Italy; Roman glass connected to domestic dwelling, a Roman loom weight also connected to domestic dwelling and by products of smelting or working with metal that could indicate industrial metal activity on the site.

North Witney Action Group (NWAG)

April 11 2024

northwitney.org.uk