

WODC LOCAL PLAN 2041 CONSULTATION SUBMISSION
NORTH WITNEY ACTION GROUP (NWAG)
AREAS OF FOCUS

Contribution to the Council's Five Key Principles

Principle 1 – completely new plans

On climate change alone, if the North Witney SDA was submitted for consideration today, it would be dismissed on flooding, both existing and potential, and the rapidly changing and alarming evidence of climate change.¹

1 UK Climate Change Committee, 1.5.6 Summary of Evidence of Future Changes. June 2021

The former EA desk-top modelling of 'once in a hundred years', quoted in the Local Plan Evidence Base², to attempt to justify the flawed site, no longer applies. The events of December 2020 when rainfall was one in a hundred years plus 20% is evidence enough³.

2 WODC Local Plan, Evidence base, ENV9, Strategic Flood Risk Assessment update report (AECOM – November 2016)

3 WODC Witney Flood Investigation Report January 2022. Released June 2022.

Over a decade after the site consortium Meridian Strategic Land announced to WODC, in return for the land to be designated⁴, that they could come up with a plan where "existing catchment and proposed surface water from the development would be greatly reduced mitigating against flooding downstream...", no acceptable proposal is on the table. Witney is endangered by 63,000 cubic metres⁴ of flash flood water⁵ already from these elevated fields, even BEFORE any new development.

4 Pamphlet for WODC, titled - 'North Witney, Making an exceptional development opportunity beneficial to the community'. Oct 2011.

5 Meridian Land, Drainage Strategy, Land North of Witney, Richard Jackson (Civil Engineers), Sept 2011. 4.1

Thames Water has belatedly intervened on the precarious existing sewage and storm water infrastructure around the site to say there was an "inability of the existing Foul Water network infrastructure to accommodate the needs of this development proposal..."⁶

If Thames Water had been active to this proposed development at the public examination stage the Inspector may have weighted this against the development.

6 Email from Thames Water to WODC Planning (Feb 3, 2020, ref 19/03317/FUL.

Principle 2 – early and effective engagement

NWAG, representing 1043 local residents⁷, despite submitting challenging facts and questions⁸ in its five consultation submissions to the council have not, since 2016, been invited to assist officers with the rigorous need to interrogate the claims being made to support the site. Indeed, even in the Local Plan, and despite requests, NWAG is not listed under ‘Delivery Partners’ or ‘the Local Community’ to participate in the ‘to be agreed masterplan’. (WIT2 b)

7 NWAG petition containing 1043 local resident signatures presented to WODC and the Inspector at the Local Plan Examination in 2018.

8 NWAG’s 5 submissions to WODC consultations on the Local Plan. 2014, 2015, 2016, June 2017 & Dec 2017.

However, in the preliminary work in stage one of the Local Plan examination, the *then* Inspector, Mr Simon Emerson, did recognise the critical questions raised by NWAG and Hailey Parish Council when seeking *Statements of Common Ground*.⁹

He requested WODC to provide answers to NWAG’s analysis on the need and cost of the West End Link Road, Highway Benefits, the unrecognised term ‘Higher Capacity Junctions’¹⁰, and Omissions and Errors in the land consortium’s Viability Study and Flood Risk. On this Mr Emerson, the Inspector, makes this final statement after five pages of probing specifically on the inclusion of the NW SDA. “NWAG and others are very concerned about the existing and future risks of flooding from the Hailey Drain. I can well appreciate that concern from the evidence of past flooding events”.⁹

9 WODC Local Plan Evidence Base IN004, Inspector’s request for statements of common ground

10 WODC TRA1 Technical Note: Witney Development and Infrastructure Strategic Modelling Oct 2014

Critically, for the sequence to this rigorous process, Mr Emerson unexpectedly retired and a new Inspector, Mr Malcolm Rivett, was appointed. The culture changed to one of a sense of rush to please central Government regarding housing numbers. From a genuine interrogation of the due diligence requested in IN004⁹, NWAG’s extensive analysis was side-lined in the process, leading to a lack of robust questioning and thus the inclusion of a problematic SDA in the Local Plan.

9 WODC Local Plan Evidence Base IN004, Inspector’s request for statements of common ground

Principle 3 – concise and focussed

It is clear that the inclusion of the North Witney SDA is a major flaw within the Local Plan and officers, at both county and district, have commissioned numerous consultants to deliver reports that justify their predetermined position. The recently commissioned OCC West End Link Study¹¹, estimated at £60k cost, is a case in point. There have already been seven OCC Consultants Reports¹² over six years seeking to justify WEL2, and the impact of the SDA on the narrow and limited road system in North, Central and East Witney. Each time, detailed analysis unearthed by NWAG in the many Appendices requested through FOI requests, has discovered the interpretation of statistics to support the development to be highly questionable.

¹¹ OCC Bridge St Witney & proposed WEL2, Witney Options Appraisal 2022 (Scheme Brief)

¹² WODC Local Plan Evidence Base, ref TRA1, TRA1a, TRA1b, TRA5, TRA7. OCC Witney Tpt Strategy Oct '17 Witney Highway Model Dec '18

Principle 5 – aspirational but deliverable

The stark reality is the SDA cannot be delivered as it stands given the fiscal, infrastructure, traffic, flooding, sewerage, and storm water environmental demands of the site.

WODC officers made great play to the Public Examination on the oneness of the Meridian Land Consortium controlling the site, but three times since the Local Plan was agreed, Taylor Wimpey has attempted to 'break away' by probing the council for a separate application for the site to the east of Early Road. (14/01671/OUT)

Again, similar action has been taken by the developers of the parcel of land in the SDA north of Witney County Primary School (19/03317/FUL).

The 'why' is obvious; they might be deliverable as standalone sites, although Thames Water may have to lay a completely new system from north to south Witney⁶ before they are.

⁶ Email from Thames Water to WODC Planning, Feb 3, 2020, ref 19/03317/FUL

Further uncertainties arose from Turley¹³, on behalf of the North Witney Land Consortium. In their submission to the *WODC Developer Contributions Supplementary Planning Document (SPD)* August 2022, in addressing onsite infrastructure to be delivered, they pleaded - "clearly these are significant additional costs experienced by these sites, as reflected in the draft CIL Charging Schedule and the proposed 'zero rating' of these sites....".

¹³ WODC SPD Consultation Summary August 2022, Turley comment.

“Significant **additional costs**” they are not. These are the well documented infrastructure required to be delivered by the developer which make the SDA, we believe, unviable.

An assertion by WODC officers to the Public Examination¹⁴ that the SDA was viable is contrary to their statement in their 2020 CIL Draft Charging Level Report.¹⁵

The CIL charge of £100 per square metre was a premise on which WODC assured the Planning Inspector the SDA was viable. This charge was justified by WODC’s own independent consultants and declared correct by the Inspector.

¹⁴ WODC Local Plan 2031, ref 9.2.48. ‘...evidence...suggests that the scheme is a financially viable proposition.’

¹⁵ WODC CIL Draft Charging Level. 03/20, 3.2 ‘...zero-rated... for the purposes of CIL for reasons of viability.’

In 2019 WODC commissioned different consultants to say the CIL charge on the landowners to be unaffordable¹⁶ even though those landowners under the CIL proposal will receive £67m from the SDA land.

To further undermine WODC’s assertion of viability to the Inspector the second 2019 commissioned Report claims even after CIL is set at zero the SDA is still marginally non-viable.

¹⁶ WODC Community Infrastructure Levy Viability Assessment January 2020

During the process leading up to the plan being presented to the Inspector, WODC officers significantly watered down the NW SDA developer’s financial responsibility to infrastructure costs. In Local Plan Main Modifications (Nov 2016)¹⁴, this subtle change was made.

‘9.3.38...Importantly, the development will ~~be required to deliver~~ require the delivery of the West End Link ...’

This clearly indicates a bending by the officers to make the site viable at all costs as they sought to deliver unworkable housing numbers into the plan.

¹⁴ WODC Local Plan 2031 Draft Submission including Proposed Modifications, November 2016

NWAG Conclusion

“When all the insurmountable, prohibitive and woefully out-of-date costs and unworkable statistics are in plain sight following rigorous interrogation of the supposed facts; one can only conclude that, in 2016 when faced with the flawed SHMAA numbers, WODC officers, persuaded by the assurances and promises of the consortium, EA complacency, Thames Water non engagement and an Inspector under pressure to deliver to central Government, allocated 1400 houses in the wrong place. Through this sequence of events, Witney is facing, under the current Local Plan, an environmental disaster and a stark future of continual destructive floods.”