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Evidence of Alan Divall BA (Hons) MRTPI

APP/D3125/W/23/3331279 - Land South of Burford Road, Minster Lovell

Appeal by Catesby Strategic Land Limited against the refusal of application
22/03240/OUT by West Oxfordshire District Council for:

‘Outline planning permission for the development of up to 134 dwellings (Use Class C3)
including means of access into the site (not internal roads) and associated highway works,
with all other matters (relating to appearance, landscaping, scale and layout) reserved’

JANUARY 2024

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APPENDICES

Appendix 1 – Technical Note relating to Flood Risk - RSK Land and Development Engineering Ltd (LDE) – January 2024

Appendix 2 – Technical Note relating to Foul Drainage - RSK Land and Development Engineering Ltd (LDE) – January 2024

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APPENDIX I – TECHNICAL NOTE RELATING TO FLOOD RISK



Catesby Strategic Land Limited

LAND SOUTH OF BURFORD ROAD, MINSTER LOVELL

Technical Note relating to Surface Water Drainage and Flood Risk

Prepared by Matthew Cheeseman BSc (Hons) MCIWEM C.WEM

680568-R2(02)

January 2024



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RSK GENERAL NOTES

Project No.: 680568-R2(02)

Site Name: Land South of Burford Road, Minster Lovell

Report Title: Technical Note relating Surface Water Drainage and Flood Risk

Client: Catesby Strategic Land Limited

Date: January 2024

Office: Coventry

Status: Final

Issue No	Version/Details	Date issued	Prepared By
00	First Draft Issue	04.01.24	M. Cheeseman
01	Draft Issue	11.01.24	M. Cheeseman
02	Final Issue	18.01.24	M. Cheeseman

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Where field investigations have been carried out, these have been restricted to a level of detail required to achieve the stated objectives of the work.

This work has been undertaken in accordance with the quality management system of RSK Land & Development Engineering Ltd.

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1.0 INTRODUCTION

- 1.1. My name is Mr Matthew E Cheeseman, BSc (Hons), C.WEM, M.CIWEM. I am an Associate Director and responsible for technical expertise in the impacts of development on the water environment, flood risk, drainage consultancy and design. I have 22 years' experience in hydrology, flood risk assessment (FRA) and flood risk management.
- 1.2. I am chartered through the Chartered Institute of Water and Environmental Management (CIWEM). I have significant experience, gained through varied roles within a consultancy setting and through academic qualifications. I have previously worked within the Environment Agency (EA) Water Resources, Hydrometry and Flood Risk Management departments (2000/01 and 2003-2005), before moving into consultancy in 2005.
- 1.3. My experience covers a wide array of public and private sector projects. Through my work in consultancy I have produced numerous site-specific FRA's to support a range of residential, commercial, industrial and infrastructure projects. I have extensive experience of considering and evaluating development proposals in relation to all types of flood risk.
- 1.4. I was involved in the planning application process overseeing the Flood Risk Assessment undertaken by RSK LDE and therefore I am familiar with the Appeal site and subject matter. As part of the FRA I visited the site and surrounding area.
- 1.5. I have reviewed all consultee responses relating to flood risk and I can confirm that the opinions expressed in this report are my own professional opinions.
- 1.6. RSK LDE were also involved in the production of the Preliminary Foul Drainage and Utilities Assessment submitted as part of the planning application, whilst other business units within RSK Group provided further reports beyond RSK LDE's services.

2.0 SCOPE OF EVIDENCE

- 2.1. A outline planning application (Ref: 22/03240/OUT) was submitted by Catesby Strategic Land Limited to West Oxfordshire District Council (WODC) in November 2022 for the *'Outline planning permission for the development of up to 134 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (amended description) (amended plans)'*.
- 2.2. A Flood Risk Assessment (Report Ref: 680568-R1(1)) dated November 2022 was prepared by RSK LDE to support the planning application.
- 2.3. Thames Water Utilities Limited (TWUL) as the Local Water Authority, Oxfordshire County Council (OCC) and the Environment Agency (EA) have not objected to the development proposals, as statutory consultees, therefore flood risk and surface water drainage do not form part of the Reasons for Refusal.
- 2.4. The outline planning application was refused in July 2023 with no Reasons for Refusal relating to matters pertaining to flood risk or surface water drainage.
- 2.5. The Society for the Protection of Minster Lovell and a Private homeowner (Repeater House) raised matters pertaining to flood risk as a Rule 6 Party.
- 2.6. The issue raised by The Society for the Protection of Minster Lovell relate to 'Existing on-site flooding affecting houses adjoining the proposed site'. There is no further context to which houses this response relates to.
- 2.7. The issue raised by the private homeowner (Repeater House) relate specifically to Repeater House located to the west of the appeal site.

3.0 PLANNING POLICIES

National Planning Policy Framework (NPPF)

- 3.1. The Planning Practice Guidance (PPG) was updated in August 2022 with the then latest version of the National Planning Policy Framework (NPPF) published in July 2021 now replaced by the December 2023 publication. Amendments included updated guidance on applying the Sequential Test; an extended definition of a design flood event and an updated definition of the functional floodplain; and updated requirements for safe access and egress. The PPG updates are not considered to result in any requirements for additional assessment or changes to the findings or recommendations of the original FRA. There are minor changes to the location of information within the PPG / NPPF (e.g. vulnerability classification / flood zone compatibility table) but the content relating to these issues has not changed.
- 3.2. Paragraph 167 of the NPPF clarified that the sequential test to consider flooding from ‘all’ sources and not just the relevant flood zone (which refers to fluvial and tidal flooding).
- 3.3. Part of the development site can be classified as Residential and reference to Annex 3 of the NPPF shows this to be classified as ‘More Vulnerable’. The change of land from agriculture to use as recreational open space and informal open space is water compatible development. The EA website Flood Map for Planning shows the development site to be in Flood Zone 1 (Low Probability), which by definition has a less than 1 in 1000 annual probability of flooding. The site is also assessed as being at low or very low risk from all other sources. Table 3 of Technical Guidance to the NPPF states that for a ‘More Vulnerable’ classification site in Flood Zone 1 “Development is Appropriate”.
- 3.4. The aim of the sequential test (Technical Guidance to the NPPF) “is to steer new development to areas at the lowest probability of flooding (Zone 1)”. Paragraph 027 of the PPG states that the sequential test will not be required where “The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).
- 3.5. Paragraph 173 Footnote 59 of the NPPF requires a site-specific FRA to be undertaken for any site located in Flood Zone 2 or 3 or any site in Flood Zone 1 in excess of 1Ha in size. The FRA should demonstrate that a development will be safe for its lifetime without increasing flood risk elsewhere. In view of the low or very low risk of flooding identified for all flooding sources, the proposed development is considered to be safe for its lifetime.

- 3.6. Given the site location within Flood Zone 1 and at a low or very low risk of flooding from all sources, the development is not considered to result in any displacement of floodwater and therefore worsening of flood risk off-site.
- 3.7. The proposals for management of surface water runoff include infiltration of runoff to the ground where viable.

West Oxfordshire Local Plan 2031, Adopted September 2018

- 3.8. **POLICY EH7: Flood Risk** states: Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk. As detailed in paragraphs 3.1-3.7 above, the appeal site is located in an area of low flood risk (from all sources) and therefore passes the sequential test.
- 3.9. Whilst not directly applicable to the appeal site, **Policy WIT4 – Land West of Minster Lovell** relates to the parcel of land to the north east of the appeal site. This policy requires ‘the use of sustainable drainage methods to ensure that post-development surface water runoff rates are attenuated to achieve a reduction in greenfield run-off rates.’ It can be confirmed that the surface water drainage strategy incorporates sustainable drainage techniques which include attenuation and infiltration to achieve a reduction in greenfield runoff rates, thus decreasing flood risk downstream.

4.0 RESPONSE TO RULE 6 PARTIES

- 4.1. As discussed in Section 2.0 of this Technical Note, Rule 6 Parties have raised concerns pertaining to flood risk, this section addresses the issues raised, specifically relating to concerns over the flood risk to an adjacent property (specifically Repeater House) as described in the Site Survey report prepared by Valley Pumps Ltd dated 17th December 2023.
- 4.2. The Valley Pumps Ltd report identified *'large amounts of water puddling across most of the fields with no way of escape via ditches or land drains'*.
- 4.3. The Valley Pumps Ltd report goes onto state that *'the flooding was then worse in the rear garden of Repeater House where the flood water got deeper (approx. 6 inches)'*.
- 4.4. The Valley Pumps Ltd report concludes that *'the local area isn't coping with the environmental change in weather we are suffering already leaving local properties under further at risk of flooding due to surface water not draining away to the water course'* and that *'any further properties built within the area will have a further detrimental effect on the already flooded ground raising the risk of flooding greatly'*.
- 4.5. The Valley Pumps Ltd report notes that a couple of test digs around the property were carried out these were carried out to a depth of approximately 700mm and noted *'thick clay soil'* which became *'denser and less grainy'*.
- 4.6. In response to the above points noted in the report, it is not clear with regard to the weather conditions during or preceding the walkover or when the walkover was undertaken, although it is noted that the report itself was dated 17th December 2023.
- 4.7. There is also no photographic evidence or other evidence of the flooding that was noted. Repeater House is located to the west of the appeal site and on higher ground than the vast majority of the development site.
- 4.8. The proposed development will not discharge surface water to the west, but will allow surface water to gravitate via formal drainage runs and natural land fall to the east/southeast as per the current situation. This is clearly illustrated by the topographic survey in Appendix B of the Flood Risk Assessment. Therefore the proposed development will have no effect on any existing surface water drainage issues being experienced at Repeater House, and post-development there will be no change in any localised flood risk to Repeater House.

- 4.9. The Valley Pumps Ltd report notes that Repeater House is surrounded by thick clay soils, and acknowledges that the clay rich topsoil/subsoil will limit the downward infiltration of water falling on the ground.
- 4.10. The GRM soakaway testing report¹ that was undertaken on the site, states that the strata encountered in all trial pit test locations were 'visually similar'. According to the GRM report the strata consisted mainly of sandy, cobbly gravel, gravel and cobbles below the 250-300mm topsoil. This illustrates that the geology on the site where the main infiltration drainage feature is proposed, is not consistent with that found to the rear of Repeater House, for which no trial pit logs have been provided.
- 4.11. Furthermore, published geological information confirms that the geology in the western site area, and the land on which Repeater House is situated, is underlain by Mudstone bedrock, which is characterised by more clay rich soils than the Limestone bedrock which underlays the eastern site area, and in which the main infiltration drainage basin is proposed.
- 4.12. The proposed drainage strategy takes into consideration the adjacent adjoining properties to the east which are located downslope of the site. The drainage strategy incorporates traditional drainage systems in addition to convenience and attenuation swales, permeable paving and an infiltration basin. Whilst full detailed design has not been carried out at this stage, a planning condition requiring the design to be submitted to and approved by the local authority a standard procedure. The drainage strategy has been based on the current layout with the features being sized to attenuate a 1 in 100 year plus climate change rainfall events incorporating A suitable factor of safety. This is in accordance with relevant local and national policies with the LLFA having no objection to the proposed development on flood risk or drainage grounds.
- 4.13. The drainage strategy utilises infiltration to ensure that runoff generated from the site follows the drainage hierarchy and limits offsite discharges. As a result the uncontrolled runoff from the site in its current situation will be collected and managed within the drainage system and reduce the runoff downstream. This will reduce flood risk downstream to the adjoining properties.
- 4.14. The LLFA have no objection on flood risk or surface water drainage grounds subject to conditions. These conditions state:
- 4.15. Construction shall not begin until/prior to the approval of; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in

¹ Soakaway testing – Land South of Burford Road, Minster Lovell, Oxfordshire. GRM Development Solutions Ltd. Report Ref: P10086/SA Let 14th September 2022

accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems.

4.16. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

5.0 SUMMARY AND CONCLUSIONS

- 5.1. This technical note relates to the Appeal site for the proposed development of up to 134 residential dwellings at Land South of Burford Road, Minster Lovell.
- 5.2. The outline planning application was refused by WODC in July 2023 with no Reasons for Refusal relating to matters pertaining to flood risk or drainage.
- 5.3. Statutory consultees including TWUL as the Local Water Authority, OCC acting as the LLFA and the EA have not objected to the development proposals (subject to planning condition).
- 5.4. The points raised by the Rule 6 Parties have been addressed in this statement and the previously submitted flood risk assessment and drainage strategy.
- 5.5. With respect to flood risk and surface water drainage, the proposed development will have no effect on the adjacent property (Repeater House) with respect to flood risk or surface water drainage.
- 5.6. The surface water drainage strategy incorporates sustainable drainage techniques which include attenuation and infiltration to achieve a reduction in greenfield runoff rates, thus decreasing flood risk downstream.
- 5.7. Based on the comments set out in this Technical Note, flood risk and surface water drainage is not a constraint to development and satisfies the relevant national and local planning policies.

APPENDIX 2 – TECHNICAL NOTE RELATING TO FOUL DRAINAGE



Catesby Strategic Land Limited

LAND SOUTH OF BURFORD ROAD, MINSTER LOVELL

Technical Note relating to Foul Drainage

Prepared by Andrew Taylor MSc CMgr FCMI EngTech MICE

890595-R2(3)

January 2024



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RSK GENERAL NOTES

Project No.: 890595-R2(3)

Site Name: Land South of Burford Road, Minster Lovell

Report Title: Technical Note relating to Foul Drainage

Client: Catesby Strategic Land Limited

Date: January 2024

Office: Coventry

Status: FINAL

Issue No	Version/Details	Date issued	Prepared By
0	Draft Issue	15/12/23	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
1	Draft Issue	05/01/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
2	Final Issue	18/01/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
3	Core Document references added.	25/01/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director

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1.0 INTRODUCTION

- 1.1. My name is Andrew Taylor and I am a Regional Director, Deputy Managing Director and Shareholder of RSK Land & Development Engineering Limited (RSK LDE), a subsidiary of RSK Group Limited.
- 1.2. I hold a Higher National Certificate (HNC) in Civil Engineering and a Master of Science Degree (MSc) in Management.
- 1.3. I hold a professional membership with the Institution of Civil Engineers (EngTech MICE) and I am a Chartered Manager (CMgr) with Chartered Management Institute.
- 1.4. I joined RSK LDE, an engineering consultancy specialising in residential development design in 2011 as a Senior Infrastructure Engineer and have worked my way up to my current position within the business.
- 1.5. I have over 23 years' experience in the industry overall having previously worked for other local and national engineering consultancies prior to joining RSK LDE, providing civil engineering advice and design to a wide range of clients across various sectors.
- 1.6. I have significant experience in the civil engineering design of residential development schemes successfully delivering due-diligence, planning support and detailed designs that include foul and surface water drainage strategies and Section 104 agreements (Water Industry Act 1991).
- 1.7. I was involved in the planning application process overseeing the Preliminary Foul Drainage & Utilities Assessment undertaken by RSK LDE and therefore I am familiar with the Appeal site and subject matter.
- 1.8. I have reviewed all consultee responses relating to foul drainage and I can confirm that the opinions expressed in this report are my own professional opinions.
- 1.9. RSK LDE were also involved in the production of the Flood Risk Assessment submitted as part of the planning application, whilst other business units within RSK Group provided further reports beyond RSK LDE's services.

2.0 SCOPE OF EVIDENCE

- 2.1. A outline planning application (Ref: 22/03240/OUT) was submitted by Catesby Strategic Land Limited to West Oxfordshire District Council (WODC) in November 2022 for the *'Outline planning permission for the development of up to 134 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (amended description) (amended plans)'*.
- 2.2. A Preliminary Foul Drainage & Utilities Assessment (Report Ref: 890595-R1(1)) (**CD A17.)** dated November 2022 was prepared by RSK LDE to support the planning application.
- 2.3. Thames Water Utilities Limited (TWUL) as the Local Water Authority, Oxfordshire County Council (OCC) and the Environment Agency (EA) have not objected to the development proposals, as statutory consultees.
- 2.4. The outline planning application was refused in July 2023 with no Reasons for Refusal relating to matters pertaining to foul drainage.
- 2.5. A Statement of Common Ground (**CD E8.)** is included in **Appendix A**, this confirms that there are no statutory consultee objections to the scheme and foul drainage does not form part of the Reasons for Refusal.
- 2.6. Minster Lovell Parish Council acting as a non-statutory consultee raised matters pertaining to foul drainage in Section 5.5 of their consultation response (**CD D9.)** dated 23rd December 2022.
- 2.7. The issue raised in Section 5.5 of the Parish Council's consultation response is outlined below:
 - Concerns over the capacity of the existing pumping station on Burford Road
- 2.8. Windrush Against Sewage Pollution (WASP) acting as a non-statutory consultee raised matters pertaining to foul drainage in their consultation response (**CD P2.)** dated 2nd January 2023.
- 2.9. The issues raised in WASP's consultation response is summarised below:

- Concerns over the ability of TWUL's Brize Norton Sewage Pumping Station (SPS) and Witney Sewage Treatment Works (STW) to deal with the increased sewage generated by the Appeal site.

2.10. The Society for the Protection of Minster Lovell raised matters pertaining to foul drainage as a Rule 6 Party (**CD E15.**).

2.11. The issues raised by the Rule 6 Party is summarised below:

- Concerns over foul drainage problems within the existing village that could be exacerbated by the Appeal site.

3.0 PLANNING POLICIES

3.1. The relevant policies are considered in this section.

3.2. WODC Local Plan (LP) 2031 Policy OS5: Supporting Infrastructure (**CD G1.**)

Policy OS5 of the LP states:

Supporting Infrastructure New development will be required to deliver, or contribute towards the timely provision of essential supporting infrastructure either directly as part of the development, or through an appropriate financial contribution. On larger development sites, phasing of development will be required and later phases may be contingent on essential infrastructure being in place. This will include, where applicable the strategic infrastructure items identified within the Council's Infrastructure Delivery Plan (IDP) and CIL Regulation 123 list as well as non-strategic infrastructure requirements including those associated with individual development proposals. Such provision will be secured through appropriate mechanisms including the use of planning conditions, planning obligations and the Community Infrastructure Levy (CIL).

3.3. National Planning Policy Framework (NPPF) (**CD F1.**):

Paragraph 128 section 'c' states:

Planning policies and decisions should support development that makes efficient use of land, taking into account:

- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

Paragraph 180 section 'e' states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

4.0 RESPONSE TO PARISH COUNCIL, WASP, AND RULE 6 PARTY

- 4.1. As discussed in Section 2.0 of this Technical Note, the Parish Council, WASP, and the Rule 6 Party have raised concerns pertaining to foul drainage, this section addresses the issues raised.
- 4.2. *Concerns over the capacity of the existing pumping station on Burford Road.*
- 4.3. As outlined in Section 2.3 of this report, TWUL are the Local Water Authority for the region. Foul drainage capacity is a matter for TWUL who are responsible and have a statutory duty to ensure that there is sufficient capacity within local sewer network, and that their assets, which includes Burford Road SPS are maintained.
- 4.4. TWUL's pre-planning enquiry response to the development proposals dated 7th September 2022 (**Appendix B**) confirms that TWUL have capacity concerns with the local sewer network and are therefore aware of the concerns raised by the Parish Council. Further, TWUL confirm that modelling work will be undertaken to design a solution and build the necessary improvements works to the local sewer network to accommodate the development foul flows.
- 4.5. Based on TWUL's typical timescale of 20 months (from outline planning permission) for completion of the modelling, design and construction of improvement works, it is likely that any works required as a result of the Appeal site will be completed before the first occupancy of proposed development. It should also be noted that the Appellant has already engaged with TWUL in advance of outline planning permission to progress the modelling work.
- 4.6. As part of the on-going modelling work by TWUL (**Appendix C**), and at the request of TWUL, it has been agreed in principle between TWUL, Catesby Strategic Land and Vistry Homes to discharge the proposed development foul flows by gravity into the existing SPS at the Dovecote Park development that adjoins the Appeal site to the east. This is an alternative solution to the proposed direct connection to the TWUL sewer in Upper Crescent outlined in the Preliminary Foul Drainage & Utilities report submitted as part of the outline planning application and assists TWUL in reducing any detrimental impact on the existing foul sewer in Upper Crescent.
- 4.7. TWUL have also advised that winter flow monitoring will be undertaken on their network to ascertain the capacity requirements for the area (**Appendix D**) and to determine where infiltration from rainfall and groundwater is entering the network and reducing foul capacity.

- 4.8. *Concerns over the ability of TWUL's Brize Norton Sewage Pumping Station (SPS) and Witney Sewage Treatment Works (STW) to deal with the increased sewage generated by the Appeal site.*
- 4.9. TWUL have identified the need to increase the capacity of the local sewer network and are currently undertaking improvement works, which includes Witney STW (**Appendix E**).
- 4.10. The increased sewage generated by the Appeal site is calculated using the national Design and Construction Guidance (DCG) (**CD M3.**). As discussed in Section 4.6, it is proposed that the additional foul flows generated from the Appeal site will discharge via gravity to the existing SPS on Dovecote Park with provision of additional emergency storage for 134 dwellings in accordance with the DCG in the event that the SPS breaks down or requires maintenance.
- 4.11. As outlined in Section 4.3 above, foul drainage capacity is a matter for TWUL who are responsible for and have a statutory duty to ensure that there is sufficient capacity within local sewer network, and their assets which include Brize Norton SPS and Witney STW.
- 4.12. *Concerns over foul drainage problems within the existing village that could be exacerbated by the Appeal site.*
- 4.13. As outlined in Section 4.3 above, foul drainage capacity is a matter for TWUL who are responsible for and have a statutory duty to ensure that there is sufficient capacity within local sewer network which includes the existing village.
- 4.14. As outlined in Section 4.9 above, TWUL have identified the need to increase the capacity of the local sewer network and are currently undertaking improvement works, which includes Witney STW (**Appendix D**).
- 4.15. Notwithstanding the concerns raised by the Parish Council, WASP and the Rule 6 Party with regards to matters pertaining to foul drainage capacity, under Section 106 of the Water Industry Act 1991 (WIA 1991) (**CD M2.**) developers have a statutory right to connect new sewers to existing public sewer networks, and the Local Water Authorities have a statutory duty under WIA 1991 to improve and upgrade the receiving sewer network to ensure the requirements of the proposed development can be met.
- 4.16. A carefully worded planning condition could be utilised to ensure that the infrastructure phasing plan and occupation of dwellings are programmed with any improvement works identified by TWUL, to ensure that the proposed development does not have a

detrimental impact on the local sewer network. The following planning condition has been requested by TWUL:

The development shall not be occupied until confirmation has been provided that either:

- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or,*
- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.*

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

5.0 SUMMARY AND CONCLUSIONS

- 5.1. This technical note relates to the Appeal site for the proposed development of up to 134 residential dwellings at Land South of Burford Road, Minster Lovell.
- 5.2. The outline planning application was refused by WODC in July 2023 with no Reasons for Refusal relating to matters pertaining to foul drainage.
- 5.3. Statutory consultees including TWUL as the Local Water Authority, OCC and the EA have not objected to the development proposals.
- 5.4. Correspondence with TWUL confirms that they have concerns with regards to current capacity within their existing sewer network to meet the needs of the full development, however TWUL will undertake modelling work to design a solution and construct the necessary upgrade and improvement works to their network.
- 5.5. TWUL have identified the need to increase the capacity of the local sewer network and are currently undertaking improvement works, which includes Witney STW
- 5.6. Developers have a statutory right to connect new sewers to existing public sewer networks under Section 106 of the WIA 1991, and that Local Water Authorities have a statutory duty under WIA 1991 to improve and upgrade the receiving sewer network to ensure the requirements of the proposed development can be met.
- 5.7. A carefully worded planning condition could be utilised to ensure that the infrastructure phasing plan and occupation of dwellings are programmed with any necessary upgrading and improvement works identified by TWUL, to ensure that the proposed development does not have a detrimental impact on the local sewer network.
- 5.8. The points raised by Parish Council, WASP, and the Rule 6 Party have been addressed in this statement.
- 5.9. Based on the comments set out in this Technical Note, foul drainage is not a constraint to development and relevant planning policies.

APPENDIX A

STATEMENT OF COMMON GROUND

LAND SOUTH OF BURFORD ROAD, MINSTER LOVELL

Statement of Common Ground relating to Foul Drainage Matters

890595-R3(3)

January 2024



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RSK GENERAL NOTES

Project No.: 890595-3(3)

Site Name: Land South of Burford Road, Minster Lovell

Report Title: Statement of Common Ground

Date: January 2024

Office: Coventry

Status: FINAL

Issue No	Version/Details	Date issued	Prepared By
0	Draft Issue	15/12/23	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
1	Draft Issue	05/01/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
2	Amended to suit comments by Chris Wood (WODC)	15/01/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
3	Final Issue	18/01/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director

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Where field investigations have been carried out, these have been restricted to a level of detail required to achieve the stated objectives of the work.

This work has been undertaken in accordance with the quality management system of RSK Land & Development Engineering Ltd.

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1.0 INTRODUCTION

- 1.1. This Statement of Common Ground (SoCG) has been prepared jointly between Catesby Strategic Land Limited (the Appellant) and West Oxfordshire District Council as the local planning authority ("the LPA").
- 1.2. It relates to appeal ref. APP/D3125/W/23/3331279 ("the appeal") made by the appellant against the LPA's decision to refuse application ref. 22/03240/OUT), seeking outline planning permission (with all matters reserved except for access) for development described as: ***Development of up to 134 dwellings (Use Class C3), including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (amended description) (amended plans)*** at the Appeal site, described as Land South of Burford Road, Minster Lovell.
- 1.3. The purpose of this SoCG is to confirm matters of agreement between the Appellant and the LPA in relation to foul drainage.
- 1.4. This SoCG is prepared jointly and agreed by:

Signed:

Date:

Andrew Taylor, Regional Director & Deputy Managing Director, RSK LDE Ltd (on behalf of Catesby Strategic Land Limited)

And

Signed:

Date:

Chris Wood, Senior Planning Officer (Appeals) (on behalf of WODC)

2.0 MATTERS OF AGREEMENT

- 2.1. The following matters are agreed between the LPA and the Appellant.
- 2.2. The outline planning application was refused with no Reasons for Refusal relating to matters pertaining to foul drainage.
- 2.3. Thames Water did not object to the development proposals on the Appeal site, subject to conditions, as discussed below.
- 2.4. Oxfordshire County Council did not object to the development proposals on the Appeal site subject to: (1) requested S106 Contributions; and/or (2) an obligation to enter into a S.278 agreement; and/or (3) planning conditions; as appropriate.
- 2.5. The Environment Agency did not provide a consultation response to the development proposals on the Appeal site.
- 2.6. The concerns raised by the Parish Council, Windrush Against Sewage Pollution and The Society for the Protection of Minster Lovell acting as a Rule 6 Party are in front of the inquiry.
- 2.7. TW's position is set out in its 7 March 2023 consultation response, which is in front of this inquiry.
- 2.8. The following relating to foul drainage can be controlled by carefully worded planning condition. Conditions requested by TW meet the various tests for conditions set out in the NPPF; and in particular are necessary in planning terms:

Foul Water Condition

The development shall not be occupied until confirmation has been provided that either:

- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

NB in explaining why this condition is justified, TW states: *Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available.*

TW also states: *The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.*

3.0 MATTERS OF DISAGREEMENT

- 3.1. The LPA does not intend to speak on matters pertaining to foul or other drainage beyond the conditions discussion.

APPENDIX B

THAMES WATER UTILITIES LTD PRE-PLANNING ENQUIRY RESPONSE



Siphiwe Kazora

RSK- LDE
Abbey Park
Humber Road
Coventry
CV3 4AQ



7th September 2022

Pre-planning enquiry: Capacity concerns

Site Address: Land West of Minster Lovell, South of Burford Road, Minster Lovell, OX29 OBF

Dear Siphiwe

Thank you for providing information on your development of 140 houses on the area of previously Greenfield land.

We have completed the assessment of the foul water flows and surface water run-off based on the information submitted in your application with the purpose of assessing sewer capacity within the existing Thames Water sewer network.

Foul Water

We've assessed your **foul water** proposals and concluded from our initial review, that our sewerage network may not have sufficient capacity to meet your requirements.

In order to ensure we make the appropriate upgrades – or 'off-site reinforcement' – to serve your development, we'll need to carry out modelling work and, if required, design a solution and build the necessary improvements. This work is done at our cost.

Once we've begun modelling, we may need to contact you to discuss changing the connection point for capacity reasons. Please note that we'll pay the cost of covering any extra distance if the connection needs to be made at a point further away than the nearest practicable point of at least the same diameter.

How long could modelling and reinforcement take?

Typical timescales for a development of your size are:

Modelling: 8 months
Design: 6 months
Construction: 6 months
Total: 20 months

If the time you're likely to take from planning and construction through to first occupancy is longer than this, we'll be able to carry out the necessary upgrades in time for your development. If it's shorter, please contact me on the number below to discuss the timing of our activities.

What do you need to tell us before we start modelling?

We're responsible for funding any modelling and reinforcement work. We need, though, to spend our customers' money wisely, so we'll only carry out modelling once we're confident that your development will proceed.

To have this confidence, we'll need to know that you **own the land and have either outline or full planning permission. The proposed build programme will also be useful.** Please provide this information to us as soon as you have it.

If the modelling shows we need to carry out reinforcement work, then before we start construction, we'll need you to supply us with notification that you've confirmed your F10 – Notification of construction project - submission to the Health and Safety Executive.

Surface Water

Where disposal of surface water is other than to a public sewer, the applicant shall ensure that approval for the discharge has been obtained from the appropriate authorities.

Please Note

All connection requests are subject to a full Section 106 (Water Industry Act 1991) application before the Company can confirm approval to the connection itself. Please also note that capacity in the public sewerage system cannot be reserved. Please make sure you submit your connection application giving us at least 21 days' notice of the date you wish to make your new connection/s.

The discharge of non-domestic is not permitted until a consent has been issued by Thames Water. If anything, other than domestic sewage is discharged into the public sewers without the above agreement an offence is committed, and the applicant will be liable to the penalties contained in Section 109(1) (WIA 1991).

If discharge of effluent from trade processes is sort applicants should contact Trade Effluent prior to seeking a connection approval, to discuss trade effluent consent and conditions of discharge. For Trade Effluent queries and to apply for Discharge Consents please call 0203 577 9200 or email trade.effluent@thameswater.co.uk.

The views expressed by Thames Water in this letter are in response to this pre development enquiry at this time and do not represent our final views on any future planning applications made in relation to this site.

Please note that you must keep us informed of any changes to your design – for example, an increase in the number or density of homes.

Regards

Steve Knight

Developer Services – Adoptions Engineer

0800 009 3921 – Help Desk

APPENDIX C

THAMES WATER UTILITIES LIMITED CORRESPONDENCE



Andrew Taylor
LDE
Sent via email



14 July 2023

Pre-planning enquiry: Capacity Concerns

Site address: Land at Burford Road, Minster Lovell, Witney, Oxfordshire, OX29 0RU

Dear Andrew,

Thank you for providing information on your proposed development.

Following your original drainage strategy proposal included below:

Existing development: Greenfield.

Proposed site: 134 dwellings, foul discharge pumped at 7l/s into existing foul water manhole SP30109801 on Upper Crescent Road. Surface water discharge via infiltration.

We have completed the assessment of the foul water flows based on the information submitted in your application with the purpose of assessing sewerage capacity within the existing Thames Water sewer network.

Foul Water

We've assessed your **foul water** proposals and concluded unfortunately we're unable to meet the needs of your **full** development at this time.

In order to ensure we make the appropriate upgrades – or 'off-site reinforcement' – to serve the remainder of your development, we'll need to carry out modelling work, design a solution and build the necessary improvements. This work is done at our cost.

As part of Thames Water strategy for this development, we propose the foul water discharge of the 134 residential dwellings by Catesby Estates discharge via gravity into the existing sewerage pumping station constructed by Vistry Homes' development Dovecote Park.

Thames Water, Catesby Estates and Vistry Homes have agreed on this proposed solution, and Catesby Estates will be responsible for adding additional pumping station emergency storage in line with the requirements of the Code of Adoptions Design & Construction Guidance.

A total of 160 litres per dwelling of emergency storage will be required as part of this drainage strategy, all costs associated with this will need to be funded by Catesby Estates.

Surface Water

Proposed surface water discharge via infiltration, and not into the Thames Water network.

What happens next?

Please make sure you submit your connection application, giving us at least 21 days' notice of the date you wish to make your new connection/s.

If you've any further questions, please contact me on 07747 640 273.

Yours sincerely

David Stamateris

Thames Water

APPENDIX D

THAMES WATER UTILITIES LIMITED CORRESPONDENCE

Andrew Taylor

From: David Stamateris <David.Stamateris@thameswater.co.uk>
Sent: 18 January 2024 09:41
To: Andrew Taylor
Subject: RE: DS6098753 Land at Burford Road, Minster Lovell, Witney, Oxfordshire, OX29 0RU

CAUTION: This email originated from outside the Organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Andrew,

Many thanks to you and James for your time yesterday, as discussed we are aware of the importance of sewage management in the area, that is why we have been proactive by installing flow monitor in the network to assist us to ascertain the capacity needs for the area.

Regards,
David

David Stamateris

Senior Project Engineer – Developer Services, Major Projects

07747 640273

David.Stamateris@thameswater.co.uk

Clearwater Court, Vastern Road, Reading, RG1 8DB



From: Andrew Taylor <ATaylor@rsk.co.uk>
Sent: Thursday, January 4, 2024 11:03 AM
To: David Stamateris <David.Stamateris@thameswater.co.uk>
Subject: RE: DS6098753 Land at Burford Road, Minster Lovell, Witney, Oxfordshire, OX29 0RU

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Hi David,

Yes next week would be good – what is your availability?

Regards,

Andrew Taylor MSc CMgr FCI
Deputy Managing Director & Regional Director

APPENDIX E

THAMES WATER UTILITIES LIMITED IMPROVEMENT WORKS

Improvements in your area

We're currently carrying out the following long-term improvements.

Osney Bridge trunk main replacement 

New mains transfer pipeline in Guildford 

New River Eade Road refurbishment 

Water mains extension in Westerham Hill 

Installing a new trunk main in Chessington 

Increasing capacity of Chesham treatment works 

Chobham Sewage Treatment Works upgrades 

New water main in Greenwich 

Upgrading Guildford water mains 

Swindon-Haydon End sewer upgrade - Taw Hill to Westmead	✓
Millennium main improvements	✓
Northern Outfall Sewer upgrade	✓
Seven Sisters Road to Myddleton Avenue	✓
Upgrading Slough treatment works	✓
Reducing pipe bursts in Swindon and the Cotswolds	✓
Thames Tideway Tunnel	✓
Increasing capacity of Witney treatment works	^

We're investing more than £17 million to upgrade Witney sewage treatment works. We're installing three new settlement tanks alongside a new pumping station and new pipes to help us handle the 66% increase in wastewater flowing through the sewage treatment works.

When we'll be working

We're currently running ahead of schedule and we expect our work to be completed in early 2024.

How this may affect you

As we're working on site at the existing plant, we'll do our best to minimise any disruption to you.

Our current working hours are 7am to 7pm, Monday to Friday, so you may notice some construction noise during this time.

Benefits to the local community

We'll go from being able to treat 240 litres of your wastewater every second to 399 litres - enough capacity for nearly 10% more of the population in the local area.

This will also help us to prevent untreated wastewater spilling into Colwell Brook during heavy storms.

Stay up to date

We're also investigating the impact of groundwater on the sewer network in the area. This will help inform our long-term planning.

Learn more about our [Groundwater impacted system management plan](#) for Witney.

Find details of [short-term improvements in your area](#).



Together we can end domestic abuse

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Wales

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[Gender pay gap
report](#)
[Modern slavery
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Registered Office:
Clearwater Court, Vastern
Road,
Reading RG1 8DB.

[Website accessibility](#)

[Our charges](#)

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APPENDIX 3 – AFFORDABLE HOUSING APPEAL STATEMENT

Affordable Housing Appeal Statement of Mr Jamie Roberts MPlan MRTPI

Land South of Burford Road, Minster Lovell

Affordable Housing Appeal Statement of Mr Jamie Roberts MPlan MRTPI

Outline planning permission for the development of up to 134 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved

Land South of Burford Road, Minster Lovell

Catesby Strategic Land Ltd

January 2024

PINS REF: APP/D3125/W/23/3331279

LPA REF: 22/03240/OUT

OUR REF: M22/0709-03.RPT

TETLOW KING PLANNING
UNIT 2, ECLIPSE OFFICE PARK, HIGH STREET, STAPLE HILL, BRISTOL, BS16 5EL
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Appendices

Appendix JRO1 [Freedom of Information
Correspondence](#)

Appendix JRO2 [Calculation of Net Affordable Housing
Delivery](#)

Appendix JRO3 [Forward Supply of Affordable
Housing](#)

List of Core Documents

A	Planning Application – Original Submission
CD A9	Affordable Housing Statement, November 2022
B	Planning Application – Additional Submission
CD B12	Sustainability Statement
C	Validation, Planning Committee and Determination
CD C9	Report to the Lowland Planning Committee 17 July 2023
D	Consultation Responses
CD D12	Housing Development Officer Comments on the Original Application
E	Planning Appeal
CD E14	Local Planning Authority Statement of Case
CD E15	Rule 6 Party Statement of Case
F	National Planning Policy and Guidance
CD F1	National Planning Policy Framework
CD F3	Planning Practice Guidance
G	Adopted Local Planning Policy, Guidance and Evidence
CD G1	West Oxfordshire Local Plan 2031
CD G7	Affordable Housing Supplementary Planning Document 2021
CD G8	Local Development Scheme, April 2023
I	Housing Needs and Land Supply
CD I1	Housing Land Supply Position Statement 2023 to 2028
CD I2	Housing Land Supply Position Statement 2022 to 2027
CD I3	Oxfordshire Strategic Housing Market Assessment 2014
CD I4	Housing and Economic Needs Assessment 2022

Continues overleaf

L	Affordable Housing
CD L1	West Oxfordshire Preventing Homelessness Strategy 2018 to 2023
CD L2	Oxfordshire Growth Needs Assessment 2021
CD L3	West Oxfordshire Council Plan 2023 to 2027
O	Relevant Planning Appeal Decisions and Legal Judgements
CD O1	Land north of Cote Road, Aston (APP/D3125/W/23/3317512) July 2023
CD O2	Land at Witney Road, Ducklington (APP/D3125/W/22/3297487) January 2023
CD O3	Land off Dene Road, Cotford St Luke (APP/W3330/W/22/3304839) February 2023
CD O4	Land West of Langton Road, Norton (APP/Y2736/W/15/3136237) July 2016
CD O5	Land off Back Lane, Sowerby (APP/G2713/W/20/3258099) October 2021
CD O6	Highgate Hill, Hawkhurst (APP/M2270/W/21/3282908) March 2022
CD O7	Pulley Lane, Droitwich Spa (APP/H1840/A/13/2199085) July 2014
CD O21	Land east of Hill Rise, Woodstock (APP/D3125/W/23/3315391) October 2023

Executive Summary

1. This **Affordable Housing Appeal Statement** is prepared by Mr Jamie Roberts MPlan MRTPI of Tetlow King Planning on behalf of the Appellant, Catesby Strategic Land Ltd, in respect of their appeal against the refusal of outline planning application 22/03240/OUT for residential development at Land South of Burford Road, Minster Lovell, in West Oxfordshire District.
2. Outline planning permission is sought for up to 134 dwellings, of which **40% or up to 54 dwellings will be affordable**. This affordable housing provision meets the expectations of Local Plan policy H3 which seeks 40% provision in the Minster Lovell area. The proposed tenure mix is 66% affordable housing for rent, 25% First Homes and 9% shared ownership.

The Development Plan and Related Policies

3. The Development Plan in West Oxfordshire is the Local Plan 2031 (**CD G1**) which was adopted in September 2018 and covers a 20-year plan period between 2011 and 2031. Relevant policies include Policy H3 'Affordable Housing' which sets differential rates of affordable housing contributions depending upon a site's location. It seeks 40% affordable housing on qualifying schemes of 11 or more dwellings in the 'Medium' value zone where Minster Lovell lies.
4. Within the adopted Local Plan, emerging policy and a wide range of other corporate plans and strategies, providing affordable housing has long been established as, and remains, a key issue which urgently needs to be addressed within West Oxfordshire.

Affordable Housing Needs

5. There are two key assessments of affordable housing need in West Oxfordshire:
 - a. The SHMA 2014 (**CD I3**), which forms part of the evidence base for the Local Plan, identifies a need for 274 affordable dwellings per annum over an 18-year period from 2013/14 to 2030/31. In my view this should be seen as the minimum extent of affordable housing need, owing to its dated inputs and the assumptions made within the document; and

- b. The more recent HENA 2022 (**CD I4**), which identifies a need for 483 affordable dwellings per annum over a 10-year period from 2022/23 to 2031/32.

Affordable Housing Delivery

6. My analysis at Section 4 shows that **between 2011/12 and 2022/23, an average of 196 net affordable dwellings per annum have been delivered in West Oxfordshire**, which is the equivalent of 33% of the total number of housing completions. This is based upon data in the Council's Annual Monitoring Reports.

The delivery of Affordable Housing Against Identified Needs

7. The Council has accrued shortfalls in affordable housing delivery against the needs identified in both the SHMA 2014 and the HENA 2022:
 - a. Comparative analysis of net affordable housing completions against the needs identified in the SHMA 2014 (274 affordable dwellings per annum from 2013/14 to 2030/31) shows that a cumulative shortfall of -587 affordable homes has arisen over the 10-year period from 2013/14 to 2022/23.
 - b. There is presently only one year of completions data against which performance against the HENA 2022 can be assessed (namely, 2022/23), in which a shortfall of -178 dwellings has already arisen.

The Future Supply of Affordable Housing

8. At section 5 of my Statement, I assess whether the needs identified in the SHMA 2014 and the HENA 2022 can be met over the next five years between 2023/24 and 2027/28. I do this based upon both the Council's own Housing Trajectory (**CD I1**), and the analysis undertaken by Mr Jeff Richards on behalf of the Appellant.
9. This has involved a review of planning records for each site (such as Section 106 agreements, officers' reports and application material) to identify the proportion of affordable housing to be delivered under each planning permission.

Assessment of the Future Affordable Supply – The Council's Position on Deliverability

10. Based upon the Council's own estimates of delivery from sites within its housing land supply, there is a likely pipeline supply of 1,205 affordable homes over the next five years 2023/24 to 2027/28, which equates to an average of **241 affordable dwellings per annum** and around 36% of the overall completions.
11. The effects of this on the existing shortfalls are as follows:

- a. When taking forward the identified need for 274 affordable dwellings per annum as set out in the SHMA 2014, the existing shortfall of -587 dwellings will widen to -752 dwellings by the end of 2027/28.
- b. When taking forward the identified need for 483 affordable dwellings per annum as set out in the HENA 2022. the existing shortfall of -178 dwellings will widen to -1,388 dwellings by the end of 2027/28.

Assessment of the Future Affordable Supply – The Appellant's Position on Deliverability

12. Based upon the Appellant's position on delivery from sites within the housing land supply (contained in the evidence of Mr Richards (**CD E13**)), there is a likely pipeline supply of 736 affordable homes over the next five years 2023/24 to 2027/28, which equates to an average of **147 affordable dwellings per annum** and around 33% of the overall completions.
13. The effects of this on the existing shortfalls are as follows:
 - a. When taking forward the identified need for 274 affordable dwellings per annum as set out in the SHMA 2014, the existing shortfall of -587 dwellings will widen to -1,222 dwellings by the end of 2027/28.
 - b. When taking forward the identified need for 483 affordable dwellings per annum as set out in the HENA 2022. the existing shortfall of -178 dwellings will widen to -1,858 dwellings by the end of 2027/28.

Conclusion on the Future Supply of Affordable Housing

14. On any scenario, the Council is unable to meet its affordable housing needs over the next five years between 2023/24 and 2027/28. This highlights the need for planning permission to be granted for more affordable homes, now.

Affordability Indicators

15. Affordability across West Oxfordshire has been and continues to be, in crisis. This is exemplified by an array of affordability indicators which include:
 - a. Data from the Department for Levelling Up, Housing and Communities ("DLUHC") shows that on 31 March 2023 there were **2,621 households on the Housing Register** in West Oxfordshire;
 - b. The Council's FoI response indicates that on 31 March 2023 there were **107 applicants who have expressed a local preference for Minster Lovell**;

- c. Depending upon the size of the dwelling, successful applicants for affordable homes in 2022/23 faced an **average wait of between 607 days (around 1 year 8 months) and 1,038 days (around 2 years 10 months)**;
 - d. Only eight affordable homes were advertised in Minster Lovell in 2022/23, each attracting a varying degree of interest and **an average of 90 bids per property**;
 - e. On 30 March 2023, there were **977 households on the Help to Buy Register** seeking affordable home ownership in West Oxfordshire;
 - f. In 2022, the **lower-quartile house in West Oxfordshire costs 10.55 times lower-quartile earnings**. The ratio has worsened over the Local Plan period, increasing by 9% since 2011;
 - g. In 2023, the **lower quartile selling price in West Oxfordshire was £295,000**; this is 5% more than in the South East (£280,000) and 55% more than in England as a whole (£190,000);
 - h. In the Hailey, Minster Lovell and Leaffield council ward, the lower quartile selling price in 2022 (the last year for which local data is available) was higher still, at £321,000;
 - i. In 2022/23, the **lower quartile rent in West Oxfordshire was £900**, which is £90 or 11% more than in the South East (£810); and £275 or 44% more than in England as a whole (£625); and
 - j. The tenure mix in West Oxfordshire - and especially in Hailey, Minster Lovell and Leaffield ward - is skewed away from social rented tenures and towards home ownership.
16. Market signals indicate a worsening trend in affordability in West Oxfordshire and within the Hailey, Minster Lovell and Leaffield ward. By any measure of affordability, this is an authority in the midst of an affordable housing crisis, and one through which urgent action must be taken to deliver more affordable homes.

The Benefits of the Proposed Affordable Housing

17. The proposed 40% affordable housing meets the requirements of adopted Policy H3. It should be noted that affordable housing policies are drafted to capture a benefit rather than to ward off harm or needed in mitigation.

18. The proposed development includes a range of tenures to meet different needs, and the proposed affordable housing will offer modern, energy efficient homes to its occupants.

The Weight to be Attributed to the Proposed Affordable Housing

The Council's Assessment of the Proposed Development

19. Having reviewed the Officers' Report on the application (**CD C9**), I am pleased to note that two members of the public wrote in support of the application; too often, it is those who are in the greatest need who are not represented in the inquiry or planning process.
20. The Housing Enabling Officer's comments on the application, dated 20 December 2022 (**CD D1**), acknowledge the "*important contribution*" that the proposed development could make to meeting housing needs.
21. Overall, I consider that the Council's Officers' Report and the Strategic Housing and Development Officer have rightly acknowledged the importance of affordable housing delivery in the planning balance, although the report itself offers little discussion of the serious issues of affordable housing need and the challenging affordability situation in West Oxfordshire.

Relevant appeal decisions

22. I refer to several recent appeals in West Oxfordshire which have underlined the importance of affordable housing and have attached substantial weight to it in the planning balance. These include appeals at Aston (**CD O1**) to which I gave evidence; Woodstock (**CD O21**) and Ducklington (**CD O2**), all of which consider that affordable housing is a substantial benefit.

Conclusions on the Weight to be Attributed to the Proposed Affordable Housing

23. Against the scale of unmet need across West Oxfordshire District, there is no doubt in my mind that the provision of 40% affordable homes or up to 54 dwellings will make a significant contribution. Considering all the evidence I consider that this contribution should be afforded **substantial weight** in the determination of this appeal.

Introduction

Section 1

1.1 This **Affordable Housing Appeal Statement** is prepared by Mr Jamie Roberts MPlan MRTPI of Tetlow King Planning on behalf of the Appellant, Catesby Strategic Land Ltd, in respect of their appeal against the refusal of outline planning application 22/03240/OUT for residential development at Land South of Burford Road, Minster Lovell, in West Oxfordshire District.

1.2 The description of development as stated on the Council's decision letter, is as follows:

“Outline planning permission for the development of up to 134 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.”¹

1.3 Outline planning permission is sought for up to 134 dwellings, of which **40% or up to 54 dwellings will be affordable**. This affordable housing provision meets the expectations of Local Plan policy H3 which seeks 40% provision in the Minster Lovell area.

1.4 The proposed tenure mix is 66% affordable housing for rent, 25% First Homes and 9% shared ownership.

1.5 This Statement deals specifically with affordable housing and the weight to be attributed to it in the planning decision² in light of the evidence of need in the area. It should be read alongside:

- a. The Planning evidence of Mr Alan Divall of Walsingham Planning (**CD E9**);
- b. The Highways evidence of Mr Dave Neale of DTA (**CD E10**);
- c. The Landscape evidence of Mr Charles Mylchreest of EDP (**CD E11**);

¹ This description was revised during the consideration of the application, reducing the maximum number of dwellings from 140 to 134.

² For clarity, the weightings I apply are as follows: very limited, limited, moderate, significant, very significant, substantial, and very substantial.

- d. The Heritage evidence of Ms Gail Stoten of Pegasus Group (**CD E12**); and
 - e. The Housing Land Supply evidence of Mr Jeff Richards of Turley (**CD E13**).
- 1.6 This Statement builds upon the analysis presented in the Affordable Housing Statement (**CD A9**) which was prepared in November 2022 and submitted with the original planning application. The Affordable Housing Statement has not been subject to any dissent or challenge from the Council in its consideration of the application.
- 1.7 My credentials as an expert witness are summarised as follows:
- a. I hold a Master of Planning (MPlan) degree in Urban Studies and Planning from the University of Sheffield (2013). I am a chartered member of the Royal Town Planning Institute.
 - b. I have over ten years' professional experience in the field of town planning. I was first employed in 2013 at a national planning consultancy in the East of England. I joined Tetlow King Planning in 2019 and became an Associate in early 2024.
 - c. I have previously given evidence to inquiries and hearings as well as Local Plan examinations in recent years, throughout England, at which my evidence and methodology have been accepted and endorsed by Inspectors. This includes an appeal heard at an inquiry in June 2023 for a 100% affordable housing scheme at Aston in West Oxfordshire (**CD O1**) to which I gave affordable housing evidence.
 - d. I act for a range of clients including housebuilders, strategic land promoters, and affordable housing providers. My work is primarily in the residential sector, with interests in matters of housing need and affordable housing.
- 1.8 In accordance with the Planning Inspectorate's Procedural Guidance, I hereby declare that:
- "The evidence which I have prepared and provide for this appeal reference APP/D3125/W/23/3331279 in this Statement is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions."*
- 1.9 This Statement takes account of a range of affordable housing indicators as well as consideration of national planning policy, performance against Plan requirements and

identified housing needs, affordability issues, and the Council's own corporate objectives.

1.10 In researching the information which underpins my evidence, I place reliance upon two Freedom of Information ("FoI") requests submitted to West Oxfordshire District Council on 13 October 2023 and 30 October 2023 seeking a range of information in respect of affordable housing matters (the first seeking data across West Oxfordshire and the second seeking data specific to Minster Lovell). The Council responded to the first request on 7 November 2023 and the second on 9 November 2023 and this correspondence can be found at **Appendix JRO1**. I am grateful for the Council's timeous response to this request.

1.11 This Statement is structured as follows:

- Section 2 analyses the Development Plan and related policy framework including relevant corporate documents;
- Section 3 sets out the identified affordable housing needs in West Oxfordshire;
- Section 4 examines past affordable housing delivery against identified needs;
- Section 5 considers the future supply of affordable housing;
- Section 6 covers a range of affordability indicators;
- Section 7 identifies the benefits of the proposed affordable housing at the appeal site; and
- Section 8 considers the weight to be attached to the proposed affordable housing provision.

The Development Plan and Related Policies

Section 2

- 2.1 This section summarises the key provisions of the Development Plan and related policies including Supplementary Planning Documents and relevant corporate documents. These documents are discussed in more detail in Section 3 of the original Affordable Housing Statement (**CD A9**). In this Statement, I recap the most important matters raised and any relevant updates to the emerging Local Plan since 2022.

West Oxfordshire Local Plan 2031 (CD G1)

- 2.2 The West Oxfordshire Local Plan 2031 (the “Local Plan”) was adopted in September 2018 and covers a 20-year plan period between 2011 and 2031. Throughout the Local Plan, the Council recognises the importance of affordable housing provision; even the very first paragraph 1.1 at page 6 of the Local Plan highlights housing affordability as being one of *“issues of greatest significance in West Oxfordshire”*. Relevant policies include:

- a. **Policy H2 ‘Delivery of New Homes’** which sets out that new dwellings will be permitted on undeveloped land adjoining built up areas such as Minster Lovell where evidence is presented to demonstrate that it is necessary to meet an identified housing need; and
- b. **Policy H3 ‘Affordable Housing’** which sets differential rates of affordable housing contributions depending upon a site’s location. It seeks 40% affordable housing on qualifying schemes of 11 or more dwellings in the ‘Medium’ value zone where Minster Lovell lies³.

Emerging West Oxfordshire Local Plan 2041

- 2.3 The Council is preparing a new Local Plan which is at an early stage of preparation. The Council’s latest Local Development Scheme (April 2023; **CD G8**) indicates that early stage ‘Regulation 18’ consultation was planned for June and November 2023; and that adoption is expected in late 2025. At the time of writing in January 2024,

³ 50% affordable housing is sought in ‘High’ value zones and 35% is sought in ‘Low’ value zones.

there has been no consultation on any substantive policy proposals although initial informal consultations have highlighted issues in relation to affordable housing delivery.

Other relevant documents

- 2.4 The original Affordable Housing Statement identifies a series of corporate documents, including the Affordable Housing Supplementary Planning Document 2021 (**CD G7**); West Oxfordshire Preventing Homelessness Strategy 2018 to 2023 (**CD L1**); the West Oxfordshire District Council Plan 2020 to 2024 (now superseded); and the West Oxfordshire Covid-19 Recovery Plan 2020. Together these documents identify the provision of affordable housing as an important corporate priority of West Oxfordshire District Council.
- 2.5 More recently, a new West Oxfordshire Council Plan 2023-2027 has been produced (**CD L3**). This high-level document identifies five main priorities and associated action points across the Council's areas of activity; these include matters relating to affordable housing. Priority 2 'Enabling a Good Quality of Life for All' at page 8 identifies the action point *"Explore the scope for alternative means of delivering the range of homes in the District that meet the diverse needs of our communities, such as investment in tenures and sizes of homes that the market does not currently deliver enough of"*.
- 2.6 Similarly, Priority 5 'Working Together for West Oxfordshire' at page 14 includes the action point *"Look to invest in the building of homes that meet the diverse housing needs of our residents at all stages of their lives, including for those seeking to downsize or affordable social housing"*.

Affordable Housing Needs in West Oxfordshire

Section 3

- 3.1 This section reviews the published assessments of affordable housing needs in West Oxfordshire. As with the preceding Section 2 these documents were reviewed in detail in the Affordable Housing Statement, so here I discuss only the key aspects of each document (insofar as they are relevant to identifying net affordable housing need), alongside the more recent assessments that have been undertaken in 2021 and 2022.

Oxfordshire Strategic Housing Market Assessment 2014 (CD I3)

- 3.2 The Oxfordshire Strategic Housing Market Assessment (the “SHMA 2014”) covers a 20-year period from 2011/12 to 2030/31 (i.e. consistent with the Local Plan period) although the assessment of affordable housing need covers a slightly shorter period of 18 years from 2013/14 to 2030/31. The SHMA 2014 forms part of the evidence base for the adopted Local Plan and its findings are acknowledged within the Local Plan itself.
- 3.3 Table 54 at page 116 of the SHMA 2014 sets out the estimated level of affordable housing need per annum for each of the Oxfordshire authorities. For West Oxfordshire, the table shows a **net need for 274 affordable dwellings per annum for the period 2013/14 to 2030/31**. Across Oxfordshire as a whole, there is a net need for 2,370 affordable dwellings per annum over the same period.

Oxfordshire Growth Needs Assessment 2021 (CD L2)

- 3.4 The Oxfordshire Growth Needs Assessment 2021 (the “OGNA 2021”) was prepared by Cambridge Econometrics, Icen Projects and JG Consulting. It was jointly commissioned by the Oxfordshire authorities, including West Oxfordshire, as part of the evidence for the now-withdrawn Oxfordshire Plan 2050; it covers a 30-year period between 2020/21 and 2049/50. Although the withdrawn Oxfordshire Plan is not a material consideration as policy, the independent expert evidence which was commissioned is a material consideration of significant weight as evidence.

- 3.5 The OGNA 2021 assesses housing need across Oxfordshire and does not disaggregate its findings by local authority area – as such, it does not contain a comparable affordable housing need figure for West Oxfordshire.
- 3.6 However, it is relevant to note that the OGNA 2021 reflects a more recent evidence base than the SHMA 2014 and it takes account of the current definitions of affordable housing as set out in the NPPF⁴. The OGNA 2021 identifies a substantially higher level of affordable housing need across Oxfordshire than the previous SHMA 2014 did. Figure 4.7 at page 181 of the OGNA 2021 shows a need across Oxfordshire for 1,713 affordable rented homes per annum. Figure 4.8 at page 183 shows a need for 1,485 affordable home ownership homes per annum. This gives a combined need for some 3,198 affordable dwellings per annum across Oxfordshire – some 35% higher than the figure of 2,370 affordable dwellings per annum which was calculated in the SHMA 2014.

Housing and Economic Needs Assessment 2022 (CD I4)

- 3.7 The Housing and Economic Needs Assessment 2022 (the “HENA 2022”) was jointly commissioned by Oxford City Council and Cherwell District Council to inform their individual Local Plans following the withdrawal of the Oxfordshire Plan. It presents a refresh of the methodology and growth scenarios covered in the preceding OGNA 2021 and was prepared by the same consultants. The HENA 2022 covers a 21-year period between 2020/21 and 2040/41, but the affordable housing assessment covers a 10-year period from 2022/23 to 2031/32⁵.
- 3.8 Table 9.11 on page 117 of the HENA 2022 identifies a net need for 368 affordable and social rented dwellings per annum in West Oxfordshire, whilst Table 9.21 on page 124 identifies a separate need for 115 affordable home ownership dwellings per annum. These two need figures combine to give a net affordable housing need **of 483 dwellings per annum over the ten year period of 2022/23 to 2031/32.**
- 3.9 Across Oxfordshire, the HENA 2022 identifies a need for 2,767 affordable and social rented dwellings per annum, and a further 1,120 affordable home ownership dwellings per annum, which combine to give a net affordable housing need of 3,887 affordable dwellings per annum. This is 22% higher than the equivalent figure of 3,198 affordable dwellings per annum identified in the OGNA 2021 just one year

⁴ The revisions to the NPPF in 2018 introduced a wider definition of affordable housing, in particular the affordable routes to home ownership.

⁵ The assessment period is confirmed at paragraph 9.2.10 at page 114 of the HENA 2022.

previous, and 64% higher than the figure of 2,370 affordable dwellings per annum identified in the SHMA 2014.

Commentary on the Assessments of Affordable Housing Needs

- 3.10 The assessments of affordable housing need in West Oxfordshire vary significantly.
- 3.11 I recognise that to date, the only assessment of housing need that has been tested at Examination is the SHMA 2014, as this underpins the adopted Local Plan. However, I consider that its finding that the affordable housing needs stands at 274 dwellings per annum should be treated with caution – and certainly as a *minimum* figure – as it could underrepresent current needs:
- a. The assessment was undertaken ten years ago, which means its inputs (such as Housing Register data as well as prices, incomes and other affordability indicators) are now very dated. At Section 6 of this Statement I set out the latest position which reveals (amongst other indicators) that lower quartile house prices are 55% higher now than in 2013.
 - b. The SHMA 2014 was not prepared in accordance with the current definitions of affordable housing contained in Annex 2 of the NPPF (which were introduced in 2018) which widened the definition of affordable home ownership products in particular;
 - c. I note there is a difference in the ‘affordability threshold’ used in the SHMA 2014 and the HENA 2022 – i.e. how much can a household afford to spend on its housing costs? The SHMA 2014 adopts a threshold of 35% of household income while the HENA 2022 adopts a lower threshold of 30%. A higher threshold reduces the overall affordable housing need, because households are assumed to be able to spend more of their income on housing costs. At an appeal in Cotford St Luke, Somerset to which I gave evidence (**CD O3**) the Inspector noted at paragraph 101 of the decision that:

“Inputting into the calculation that households are necessarily devoting more of their income to meeting housing costs poses a real risk of circularity and underrepresentation of need” (my emphasis)
- 3.12 By contrast, the HENA 2022 presents a more up-to-date assessment of affordable housing need which takes account of the latest NPPF and includes more recent data inputs. I find that its assessment of 483 affordable dwellings per annum is more likely to reflect the current level of affordable housing need in West Oxfordshire.

Conclusions on Affordable Housing Needs

- 3.13 There are two key assessments of affordable housing need in West Oxfordshire:
- a. The SHMA 2014, which forms part of the evidence base for the Local Plan, identifies a need for 274 affordable dwellings per annum over an 18-year period from 2013/14 to 2030/31. In my view this should be seen as the minimum extent of affordable housing need, owing to its dated inputs and the assumptions made within the document; and
 - b. The more recent HENA 2022, which identifies a need for 483 affordable dwellings per annum over a 10-year period from 2022/23 to 2031/32.
- 3.14 In Section 4 of this Statement I consider the extent to which the affordable housing need has been met in West Oxfordshire since the start of the Local Plan period in 2011, and in Section 5 I consider the ability to meet future needs over the next five years to the end of 2027/28.

Affordable Housing Delivery in West Oxfordshire

Section 4

- 4.1 In this section, I consider the Council's track record in delivering affordable housing since the start of the Local Plan period in 2011/12.
- 4.2 Figure 4.1 below illustrates net affordable housing additions in West Oxfordshire based upon data in the Council's Annual Monitoring Reports. Affordable housing additions are net of Right to Buy losses in the District (the gross-to-net calculations are set out at **Appendix JRO2 to this Statement**⁶).

Figure 4.1: Net Additions to Affordable Housing Stock, 2011/12 to 2022/23

Monitoring Year	Net Overall Housing Completions	Net Affordable Housing Additions	Net Affordable Housing Additions as a % of Net Overall Housing Completions
2011/12	359	175	49%
2012/13	278	22	8%
2013/14	186	33	18%
2014/15	395	94	24%
2015/16	246	70	28%
2016/17	518	117	23%
2017/18	556	152	27%
2018/19	813	224	28%
2019/20	1,086	451	42%
2020/21	868	333	38%
2021/22	1,002	374	37%
2022/23	729	305	42%
Total	7,036	2,350	33%
Average per annum	586	196	33%

Source: Annual Monitoring Reports

⁶ Right to Buy sales have totalled -62 dwellings between 2011/12 and 2022/23, or an average of 5 dwellings per annum. Although I recognise this figure is modest, the dwellings sold under the Right to Buy are nonetheless lost permanently from the affordable housing stock and can no longer be used to accommodate households in need.

- 4.3 Figure 4.1 shows that between 2011/12 and 2022/23, an average of 196 net affordable dwellings per annum have been delivered in West Oxfordshire, which is the equivalent of 33% of the total number of housing completions. A total of 2,350 net affordable dwellings have been delivered in West Oxfordshire in the twelve years between 2011/12 and 2022/23.
- 4.4 The annual delivery of affordable housing in West Oxfordshire has improved relative to the very low levels observed in the early years of the Local Plan period – for example in 2012/13 when just 22 net affordable additions were achieved.

Affordable Housing Delivery Compared to Affordable Housing Needs

SHMA 2014: 274 affordable dwellings per annum

- 4.5 Comparative analysis of net affordable housing completions between the base date of the SHMA 2014 in 2013/14 and the most recent monitoring year of 2022/23 shows that **a cumulative shortfall of -587 affordable homes has arisen**, when compared with the identified needs of 274 affordable dwellings per annum (although, for the reasons set out in Section 3 of this Statement, I consider the need figure is out-of-date when compared with the more recent assessment contained in the HENA 2022 and must be seen as a minimum rather than a 'ceiling').

Figure 4.2: Net Affordable Housing Additions Compared with Identified Needs (SHMA 2014 – 274 affordable dwellings per annum), 2013/14 to 2022/23

Monitoring Year	Net Affordable Housing Additions	Affordable Housing Need (SHMA 2014: 274dpa)	Surplus / Shortfall	Cumulative Shortfall
2013/14	33	274	-241	-241
2014/15	94	274	-180	-421
2015/16	70	274	-204	-625
2016/17	117	274	-157	-782
2017/18	152	274	-122	-904
2018/19	224	274	-50	-954
2019/20	451	274	+177	-777
2020/21	333	274	+59	-718
2021/22	374	274	+100	-618
2022/23	305	274	+31	-587
Total	2,153	2,740	-587	-587
Average p/a	215	274	-59	-

Source: AMRs; SHMA 2014

- 4.6 Overall, only 79% of the identified affordable housing need has been met. Whilst the Council has seen improved affordable housing delivery in the four years since 2019/20, this has not been enough to counteract the preceding years where affordable housing delivery fell very far short of meeting identified needs.

HENA 2022: 483 affordable dwellings per annum

- 4.7 The HENA 2022 assesses affordable housing needs over a 10-year period between 2022/23 and 2031/32. Because its base date is so recent, there is presently only one year of completions data against which performance against the HENA can be assessed, in which a shortfall of -178 dwellings has already arisen.

Figure 4.3: Net Affordable Housing Additions Compared with Identified Needs (HENA 2022 – 483 affordable dwellings per annum), 2022/23

Monitoring Year	Net Affordable Housing Additions	Affordable Housing Need (HENA 2022: 483dpa)	Shortfall
2022/23	305	483	-178

Source: AMRs; HENA 2022

- 4.8 Furthermore, I note that the average net delivery of 196 affordable dwellings per annum that was achieved over the Local Plan period to date between 2011/12 and 2022/23, is equivalent to only 40% of the identified need for 483 affordable dwellings per annum contained in the HENA 2022. This means that in the future, there will need to be a significant uplift in affordable housing delivery if the HENA need figure is to be met, and I consider the future supply of affordable housing in Section 5 of this Statement.

Conclusions on Affordable Housing Delivery

- 4.9 Affordable housing delivery has not kept pace with identified needs in West Oxfordshire when looking across the SHMA 2014 period as a whole. Against the identified needs for 274 affordable dwellings per annum since 2013/14, the Council has accrued a shortfall of -587 affordable dwellings. Stronger performance in the last four years has not been enough to counteract the substantial annual shortfalls that had arisen previous to this. Meanwhile, in the first monitoring year of the HENA 2022 period, the Council has already accrued a shortfall of -178 affordable dwellings.
- 4.10 In this context, it is clear that affordable housing delivery in West Oxfordshire must significantly increase, if the shortfall against the affordable housing needs set out in the SHMA 2014, and the future needs set out in the HENA 2022, are to be addressed.

The Future Supply of Affordable Housing

Section 5

- 5.1 The preceding section looked at past affordable housing trends but it is important to consider how much affordable housing might come forward in the future. In this section, I assess whether the needs identified in the SHMA 2014 and the HENA 2022 can be met over the next five years between 2023/24 and 2027/28. I do this based upon both the Council's own Housing Trajectory, and the analysis undertaken by Mr Jeff Richards on behalf of the Appellant.
- 5.2 It is possible to analyse the Council's Housing Trajectory to understand how many affordable homes are likely to come forward in West Oxfordshire over the next five years from 2023/24 to 2027/28. The Council's latest published Housing Trajectory is contained in the Housing Land Supply Position Statement 2023 to 2028 (**CD I1**; the "HLSPS"). This contains details of the sites and planning permissions which make up the Council's housing land supply, from which it is possible to identify the potential affordable housing contributions from each site.
- 5.3 In total, the Council anticipates that it has a total supply of 3,318 dwellings, calculated at paragraph 6.1 at page 7 of the HLSPS (equating to a 5.4 year housing land supply against its Local Housing Need figure, calculated against the Standard Method). The HLSPS identifies four sources of supply:
- a. Large existing commitments of 10 or more dwellings;
 - b. Small existing commitments of fewer than 10 dwellings;
 - c. Local Plan allocations; and
 - d. Anticipated windfall.
- 5.4 I note that the overall housing land supply is contested between the appeal parties.
- 5.5 At **Appendix JRO3** I have analysed the proportion of affordable housing that will come forward from large existing commitments, and from Local Plan allocations. This has involved a review of planning records for each site (such as Section 106 agreements, officers' reports and application material) to identify the proportion of affordable housing to be delivered under each planning permission.

- 5.6 I have also assessed small site commitments of fewer than 10 dwellings, on sites within parishes in the Cotswolds Area of Outstanding Natural Beauty (“AONB”). Although sites of under 10 dwellings are not typically required to provide affordable housing under adopted Policy H3, the policy seeks financial contributions from sites between 6 and 10 dwellings within the AONB. From this review, I have identified a single contribution of £5,800 arising from a site in Chipping Norton (reference 20/01933/FUL); this sum would not realistically be enough to deliver any affordable housing unless aggregated with other funding sources, and I have not assumed that this will contribute to the overall supply of affordable housing.
- 5.7 I have not assumed any affordable housing delivery from the windfall allowance since this is likely to comprise mostly smaller sites that fall outside the scope of Policy H3.
- 5.8 Because large sites often deliver housing across several phases and over an extended timeframe, I have applied a ‘pro-rata’ estimate of affordable housing contributions for the five year period.

Assessment of the Future Affordable Supply – The Council Position on Deliverability

- 5.9 My analysis reveals that based upon the Council’s own estimates of delivery from sites within its housing land supply, there is a likely pipeline supply of 1,205 affordable homes over the next five years 2023/24 to 2027/28; **an average of 241 affordable dwellings per annum and equivalent of around 36% of overall completions.**

Comparison with SHMA 2014: 274 affordable dwellings per annum

- 5.10 When looked at uncritically, the projected delivery of 241 affordable dwellings per annum would fall short of the annually arising need for 274 affordable dwellings per annum as set out in the SHMA 2014 (**CD I3**), by 33 dwellings per annum (or by 12%). Figure 5.1 calculates the potential shortfall in the next five years, assuming an average of 241 gross affordable dwellings per annum will be delivered in this period. It shows that **the existing shortfall of -587 dwellings will widen to -752 dwellings by the end of 2027/28.**

Figure 5.1: Projected Affordable Housing Completions (HLSPS Position) Compared with SHMA 2014 Identified Needs

	Net Affordable Housing Additions		Affordable Housing Need – SHMA 2014	Surplus / shortfall	Cumulative shortfall
	Actual	Projected (Council's position)			
2013/14	33	-	274	-241	-241
2014/15	94	-	274	-180	-421
2015/16	70	-	274	-204	-625
2016/17	117	-	274	-157	-782
2017/18	152	-	274	-122	-904
2018/19	224	-	274	-50	-954
2019/20	451	-	274	+177	-777
2020/21	333	-	274	+59	-718
2021/22	374	-	274	+100	-618
2022/23	305	-	274	+31	-587
2023/24	-	241	274	-33	-620
2024/25	-	241	274	-33	-653
2025/26	-	241	274	-33	-686
2026/27	-	241	274	-33	-719
2027/28	-	241	274	-33	-752
Total	2,153	1,205	4,110	-752	-752

Source: See Figure 4.2 above and Appendix JRO3

Comparison with HENA 2023: 483 affordable dwellings per annum

- 5.11 The potential delivery of 241 affordable dwellings per annum over the next five years is also not enough to meet the identified need for 483 affordable dwellings per annum as set out in the HENA 2022 (**CD I4**). Figure 5.2 calculates the potential shortfall in the next five years against the HENA 2022 need figure, once again assuming an average of 241 gross affordable dwellings per annum will be delivered in this period. **A shortfall of -1,388 affordable dwellings will have arisen by the end of 2027/28.** On the basis of the Council's evidence alone, there is a significant need for more affordable housing to be permitted now if future needs are to be met.

Figure 5.2: Projected Affordable Housing Completions (HLSPS Position) Compared with HENA 2022 Identified Needs

	Net Affordable Housing Additions		Affordable Housing Need – HENA 2022	Shortfall	Cumulative shortfall
	Actual	Projected (Council's position)			
2022/23	305	-	483	-178	-178
2023/24	-	241	483	-242	-420
2024/25	-	241	483	-242	-662
2025/26	-	241	483	-242	-904
2026/27	-	241	483	-242	-1,146
2027/28	-	241	483	-242	-1,388
Total	305	1,205	2,898	-1,388	-1,388

Source: See Figure 4.3 above and Appendix JRO3

Assessment of the Future Affordable Supply – The Appellant's Position on Deliverability

- 5.12 As set out in the evidence of Mr Jeff Richards on Housing Delivery and Housing Land Supply (**CD E13**) the Council's claimed housing land supply is not agreed between the Appeal parties and the Appellant considers the Council's housing land supply is considerably lower than the 3,318 dwellings it claims. The evidence of Mr Richards shows that the deliverable housing land supply stands at 2,255 dwellings, some 1,063 dwellings fewer than the Council's position. In reaching these conclusions, Mr Richards discounts projected completions from nine sites in the trajectory.
- 5.13 Based upon the findings of Mr Richards, **there is a likely pipeline supply of 736 affordable homes over the next five years 2023/24 to 2027/28; an average of 147 affordable dwellings per annum** and equivalent of around 33% of overall completions.

Comparison with SHMA 2014: 274 affordable dwellings per annum

- 5.14 The projected delivery of 147 affordable dwellings per annum is not sufficient to meet the annually arising need for 274 affordable dwellings per annum as set out in the SHMA 2014. Figure 5.3 calculates the potential shortfall in the next five years, assuming an average of 147 gross affordable dwellings per annum will be delivered in this period. **At the end of 2027/28 there will be a substantial cumulative shortfall of -1,222 dwellings.**

*Figure 5.3: Projected Affordable Housing Completions (Appellant's Position)
Compared with SHMA 2014 Identified Needs*

	Net Affordable Housing Additions		Affordable Housing Need – SHMA 2014	Surplus / shortfall	Cumulative shortfall
	Actual	Projected (Appellant's position)			
2013/14	33	-	274	-241	-241
2014/15	94	-	274	-180	-421
2015/16	70	-	274	-204	-625
2016/17	117	-	274	-157	-782
2017/18	152	-	274	-122	-904
2018/19	224	-	274	-50	-954
2019/20	451	-	274	+177	-777
2020/21	333	-	274	+59	-718
2021/22	374	-	274	+100	-618
2022/23	305	-	274	+31	-587
2023/24	-	147	274	-127	-714
2024/25	-	147	274	-127	-841
2025/26	-	147	274	-127	-968
2026/27	-	147	274	-127	-1,095
2027/28	-	147	274	-127	-1,222
Total	2,153	735	4,110	-1,222	-1,222

Source: See Figure 4.2 above and Appendix JRO3. See also Proof of Evidence of Mr Jeff Richards (CD E13).
Figures may not sum due to rounding

Comparison with HENA 2023: 483 affordable dwellings per annum

- 5.15 The potential delivery of 147 affordable dwellings per annum over the next five years falls far short of the identified need for 483 affordable dwellings per annum as set out in the HENA 2022. Figure 5.4 calculates the potential shortfall in the next five years against the HENA 2022 need figure, once again assuming an average of 147 gross affordable dwellings per annum will be delivered in this period. **The existing shortfall of -157 dwellings will widen drastically by the end of 2027/28 to a substantial cumulative shortfall of -1,858 dwellings.**

Figure 5.4: Projected Affordable Housing Completions (Appellant's Position) Compared with HENA 2022 Identified Needs

	Net Affordable Housing Additions		Affordable Housing Need – HENA 2022	Shortfall	Cumulative shortfall
	Actual	Projected (Appellant's position)			
2022/23	305	-	483	-178	-178
2023/24	-	147	483	-336	-514
2024/25	-	147	483	-336	-850
2025/26	-	147	483	-336	-1,186
2026/27	-	147	483	-336	-1,522
2027/28	-	147	483	-336	-1,858
Total	305	735	2,898	-1,858	-1,858

Source: See Figure 4.2 above and Appendix JRO3. See also Proof of Evidence of Mr Jeff Richards (**CD E13**)
 Figures may not sum due to rounding

- 5.16 The tables above show that in any scenario – using either of the SHMA 2014 or HENA 2022 affordable housing need figures; and using either the Council's claimed deliverable supply or that of the Appellant – the existing shortfalls in affordable housing provision in West Oxfordshire will persist and continue to grow.

The Relationship Between the Five Year Housing Land Supply and Affordable Housing

- 5.17 Through its latest HLSPS, the Council now contends that it can demonstrate a five year housing land supply, whereas in other recent appeals in 2023 it accepted that it could not (e.g. at Aston (**CD O1**) and Woodstock (**CD O21**)). I note that this change in position has arisen because the Council now seeks to use a Local Housing Need figure for its overall housing target (calculated using the Standard Method contained in the PPG) which is less than the adopted Local Plan target which it used previously⁷.
- 5.18 Irrespective of the overall housing target, I would also observe that the Council's projected housing completions have fallen since last year. Its latest HLSPS identifies a supply of 3,318 dwellings over the five years 2023/24 to 2027/28, but the previous version of the HLSPS identified a supply of 4,400 dwellings over the five years 2022/23 to 2026/27 (see paragraph 6.1 at page 8 of **CD I2**). Based upon the

⁷ I do not seek to comment on the matter of overall housing need insofar as the housing land supply position is concerned.

Council's own trajectories, the future supply of housing has reduced by 1,082 dwellings between the two versions.

- 5.19 When I undertook a similar assessment of the future affordable housing supply in my evidence to the Aston appeal (based upon the Council's previously published position in **CD I2**), I identified a projected supply of 313 affordable dwellings per annum based upon the Council's own position, and 178 affordable dwellings per annum based upon that of the Appellant's position, for the period 2022/23 to 2026/27.
- 5.20 As set out here in this Statement, I have now identified a future supply of 241 affordable dwellings per annum based upon the Council's updated position, and 147 affordable dwellings per annum based upon the Appellant's position, for the period 2023/24 to 2027/28. I am bound to say that I am concerned that the Council's ability to meet its ongoing affordable housing need has reduced even further since the Aston appeal was determined.
- 5.21 Moreover, the five year housing land supply position, and the use of the Local Housing Need figure as calculated under the Standard Method, have little bearing on whether affordable housing needs are being met. They are separate matters; evidently the Council has not met its identified affordable housing needs over the Local Plan period to date and has little prospect of doing so within the next five years.

Conclusion on the Future Supply of Affordable Housing

- 5.22 On any scenario, the Council is unable to meet its affordable housing needs over the next five years between 2023/24 and 2027/28:
 - a. At best, the Council's evidence shows it can deliver 241 affordable dwellings per annum over the next five years, which will result in an accumulated shortfall of -752 affordable dwellings against the needs set out in the SHMA 2014 by the end of 2027/28.
 - b. At worst, the Appellant's evidence shows that the Council can deliver just 147 affordable dwellings per annum over the next five years, which will fall very far short of meeting the needs set out in the HENA 2022 and will result in an accumulated shortfall of -1,858 affordable dwellings by the end of 2027/28.
- 5.23 Consequently, there is a substantial need for more affordable housing now, and in my assessment the future supply of affordable housing appears to be worsening when compared with the position last year. This highlights the need for planning permission to be granted for more affordable homes, now.

Affordability Indicators

Section 6

Market Signals

- 6.1 The PPG recognises the importance of giving due consideration to market signals as part of understanding affordability. I acknowledge that this is in the context of plan making.
- 6.2 This section of the Statement reviews the latest affordability indicators and market signals in West Oxfordshire and in the Minster Lovell local area.

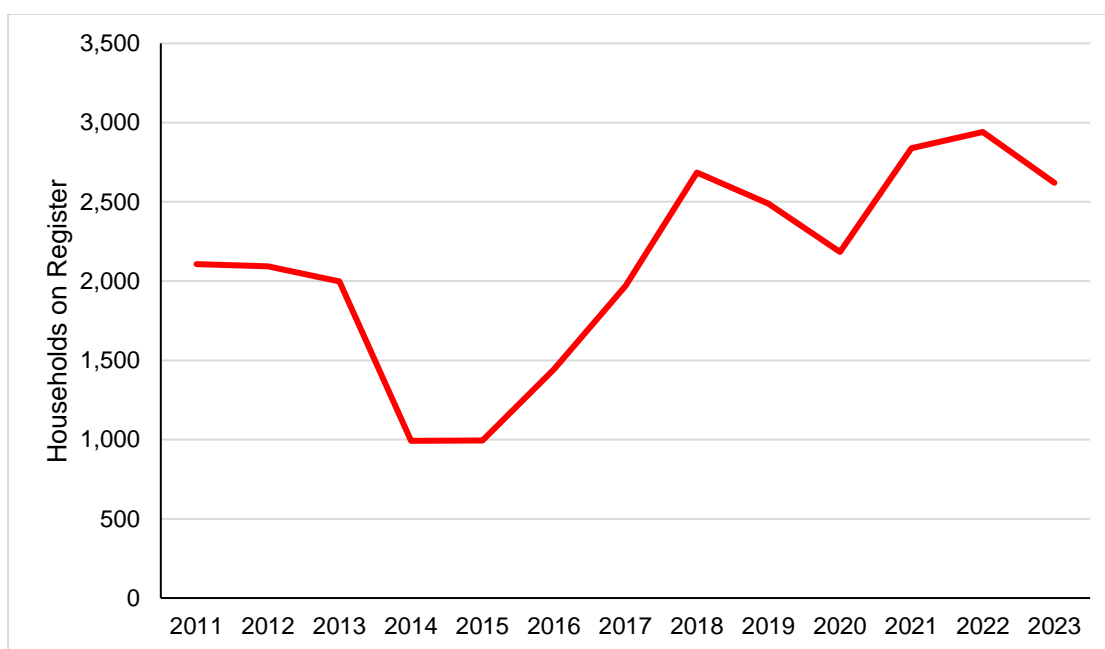
Housing Register

- 6.3 In order to apply for an affordable home, households must first apply to join, and qualify for, the Housing Register. Under the Homeseeker Plus system operated by West Oxfordshire District Council, households may be disqualified if they have sufficient financial resources to purchase, lease or mortgage a home⁸.
- 6.4 Data from the Department for Levelling Up, Housing and Communities (“DLUHC”) shows that on 31 March 2023 there were **2,621 households on the Housing Register in West Oxfordshire**. The change in the Housing Register since the start of the Local Plan period in 2011 is illustrated in figure 6.1 below. The Council’s FoI Response (**Appendix JRO1**) indicates that there were 2,029 households on the Register on the same date; I am unclear why there is a discrepancy but I note that this is still a high figure.

- Continues overleaf -

⁸ Paragraph 11.3, Homeseeker Plus Common Allocations Policy, April 2022

Figure 6.1: Housing Register, West Oxfordshire, 2011 to 2023



Source: DLUHC

Local Preferences and Connections

- 6.5 The comments of the Housing Enabling Officer, dated 20 December 2022 (**CD D1**), show the number of local preferences expressed by applicants for a home in Minster Lovell through the Homeseeker+ system. I understand that applicants can select up to three local preferences.
- 6.6 The data reveals that in December 2022, there were **154 applicants on the housing register who have expressed a local preference for Minster Lovell**.
- 6.7 More recently, the Council's FoI response indicates that on 31 March 2023 there were 107 applicants with a local preference for Minster Lovell. It is not clear why the figure has reduced (this may be attributable to the release of new affordable homes in the adjacent Bovis Homes development), but in my view the local preferences in Minster Lovell remains high; it is equivalent to almost double the (up to) 54 affordable dwellings that the appeal scheme will deliver.

Average Waiting Times for Affordable Housing

- 6.8 The Council's FoI Response shows that successful applicants for affordable housing face lengthy waits for an affordable home in West Oxfordshire. Figure 6.2 below reveals that, depending upon the size of the dwelling, successful applicants in 2022/23 faced an average wait of between 607 days (around 1 year 8 months) and 1,038 days (around 2 years 10 months).

Figure 6.2: Average Waiting Times for Affordable Housing, West Oxfordshire, 2022/23

	Average waiting time at 31 March 2023
1-bed dwelling	667 days
2-bed dwelling	607 days
3-bed dwelling	731 days
4+ bed dwelling	1,038 days

Source: Freedom of Information Response

- 6.9 These are average figures so it is possible that some households have been waiting longer than the times indicated above. The figures also only capture the wait times for successful applicants, who are likely to be in the highest priority need. Households in less urgent need will face considerably longer waiting times.

Average Numbers of Bids for Affordable Housing in Minster Lovell

- 6.10 West Oxfordshire District Council operates a choice-based lettings scheme under which applicants can bid for affordable homes as advertised on an online portal. The Council's Freedom of Information Response includes information on the number of dwellings advertised in Minster Lovell and the number of bids per property.
- 6.11 The lettings and bidding data shows that strikingly, only eight affordable homes were advertised in Minster Lovell in 2022/23, each attracting a varying degree of interest and an average of 90 bids per property:
- a. 1-bedroom: 112 average bids per property advertised;
 - b. 2-bedroom: 24.5 average bids per property advertised;
 - c. 3- and 4-bedroom: no properties advertised.
- 6.12 The bidding data (albeit limited) indicates that affordable homes in Minster Lovell attract significant interest from potential applicants, as illustrated by the 112 average bids received for each 1-bed dwelling.

Help to Buy Register

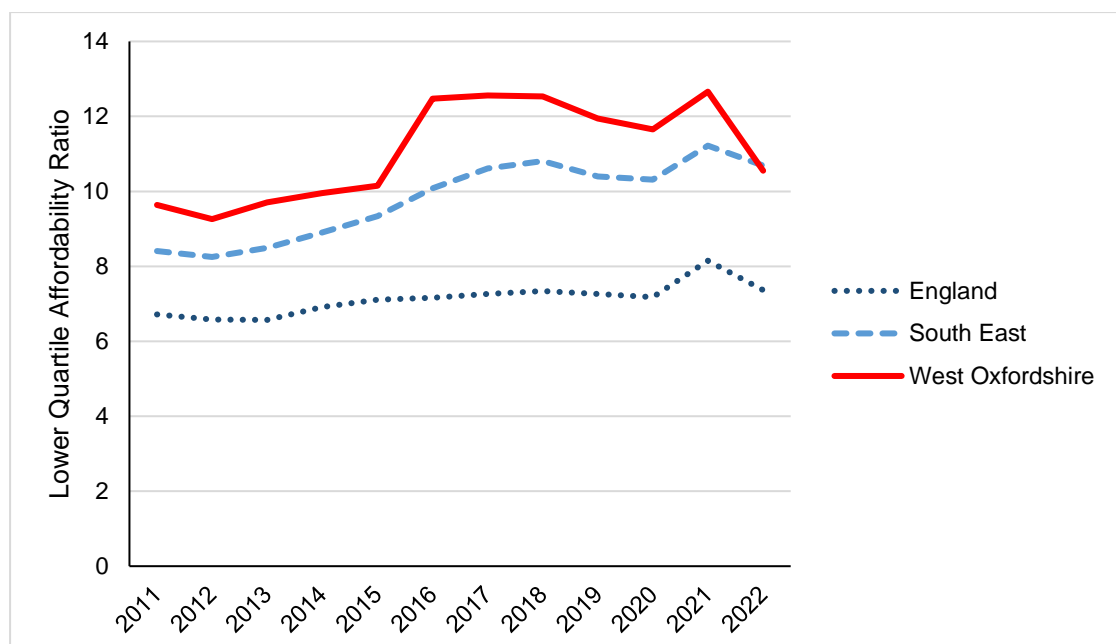
- 6.13 The Housing Register does not identify the needs from households who are unable to afford to purchase a home on the open market but who otherwise are not eligible to join the Housing Register (for example, because their income exceeds the maximum limit). Instead, it is possible to identify the extent of need for affordable home ownership options through information from Help to Buy South.

- 6.14 Help to Buy South is one of three agents appointed by the Government to manage the Help to Buy initiative as well as other affordable home ownership options including shared ownership. The Help to Buy Equity Loan scheme closed at the end of 2022. However, the extant data from the Help to Buy South system helps to identify the number of households who have registered for an affordable home ownership home in West Oxfordshire. The Help to Buy Register shows that on 30 March 2023, **977 households are seeking affordable home ownership across West Oxfordshire.**

Lower Quartile Affordability Ratios

- 6.15 Affordability ratios illustrate the relationship between average house prices and average workplace based earnings, i.e. how much does a house cost in relation to the earnings of somebody working in West Oxfordshire? For context, mortgage lending is typically offered on up to 4.5 times earnings (and may be lower subject to individual circumstances).
- 6.16 Lower quartile affordability ratios represent the 'entry level' of the housing market and are illustrated in Figure 6.3 below. In West Oxfordshire in 2022, the lower-quartile house costs 10.55 times lower-quartile earnings. The ratio has worsened over the Local Plan period, increasing by 9% since 2011 (compared with a 12% increase in England and a 26% increase in the South East).

Figure 6.3: Lower Quartile Affordability Ratio, West Oxfordshire, 2011 to 2022



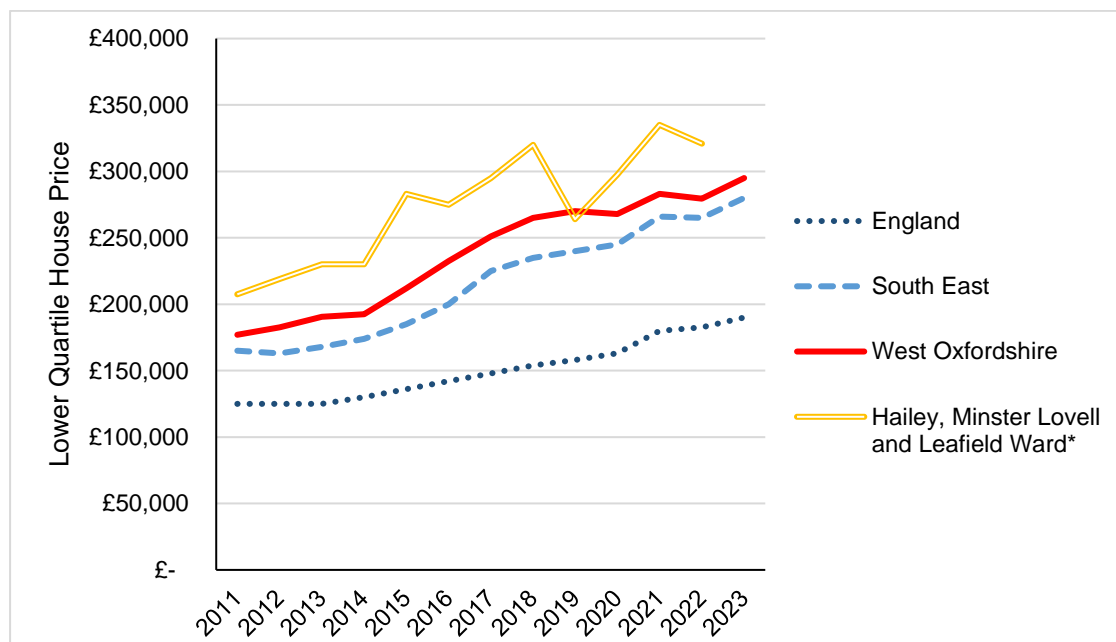
Source: Office for National Statistics

- 6.17 While the ratio in West Oxfordshire in 2022 appears to have fallen slightly below that of the South East⁹ (after a decade of tracking persistently above the regional and national average) it remains the case that with **the lower quartile house costing 10.55 times lower quartile earnings**, the ratio is well above what lending might realistically be obtained for those many households in the population without access to substantial deposits or inherited wealth.

Lower Quartile House Prices

- 6.18 Figure 6.4 below illustrates lower quartile house sale prices in West Oxfordshire and in the Hailey, Minster Lovell and Leaffield council ward where the appeal site lies. These lower quartile figures are more representative of the 'entry level' of the housing market. In 2023, the lower quartile selling price in West Oxfordshire was £295,000; this is 5% more than in the South East (£280,000) and 55% more than in England as a whole (£190,000).
- 6.19 In the Hailey, Minster Lovell and Leaffield council ward, the lower quartile selling price in 2022 (the last year for which local data is available) was higher still, at £321,000. In 2022, this was 15% higher than in West Oxfordshire, 21% higher than in the South East, and 76% higher than in England as a whole.

Figure 6.4: Lower Quartile House Prices, West Oxfordshire, 2011 to 2023



Source: Office for National Statistics and Valuation Office Agency
 * Ward level data has been discontinued from 2022 onwards

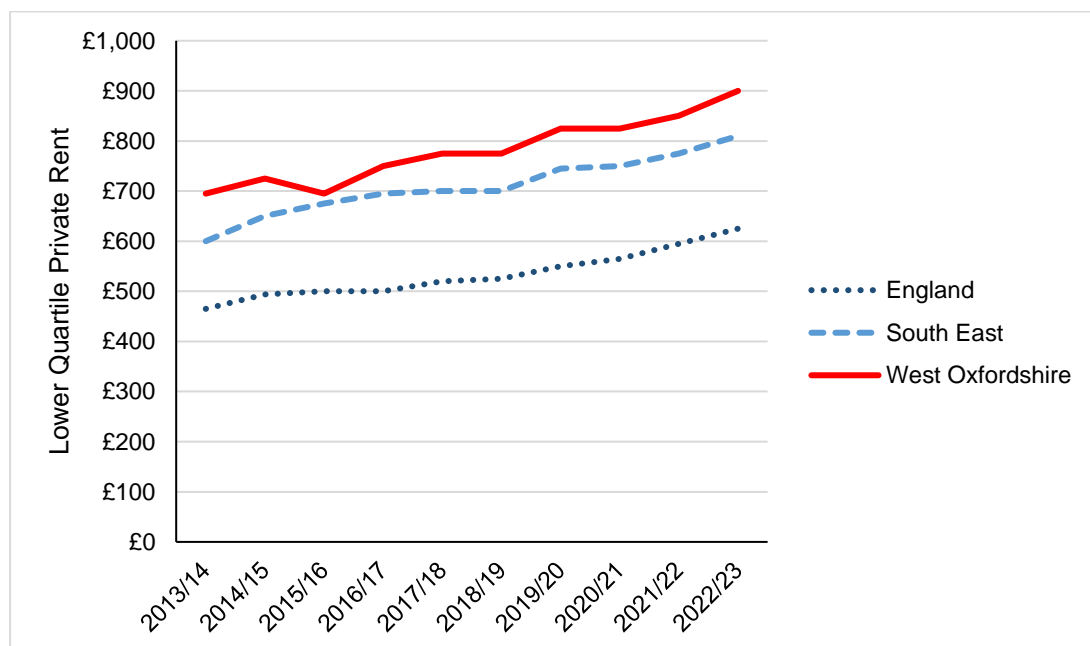
⁹ The sharp change in the ratio between 2021 and 2022 appears to arise from a methodological difference which may overstate lower quartile incomes. 2021 data uses annual earnings, but 2022 data uses annualised weekly earnings.

- 6.20 Since the start of the Local Plan period in 2011, the lower quartile house price in West Oxfordshire has increased by 67%; this is slightly slower than the 70% increase seen in the South East but somewhat faster than the 52% increase seen in England as a whole. In the Hailey, Minster Lovell and Leafield council ward, the lower quartile house price has increased by 55% between 2011 and 2022.

Lower Quartile Private Sector Rents

- 6.21 Data on private sector rents is available from 2013/14 onwards and is published by the Valuation Office Agency and the Office for National Statistics.
- 6.22 Figure 6.5 below illustrates lower quartile private sector monthly rents, which represent properties likely to be sought by households on lower incomes. It shows that in 2022/23, the lower quartile rent in West Oxfordshire was £900, which is £90 or 11% more than in the South East (£810); and £275 or 44% more than in England as a whole (£625).

Figure 6.5: Lower Quartile Private Sector Rents, West Oxfordshire, 2013/14 to 2022/23



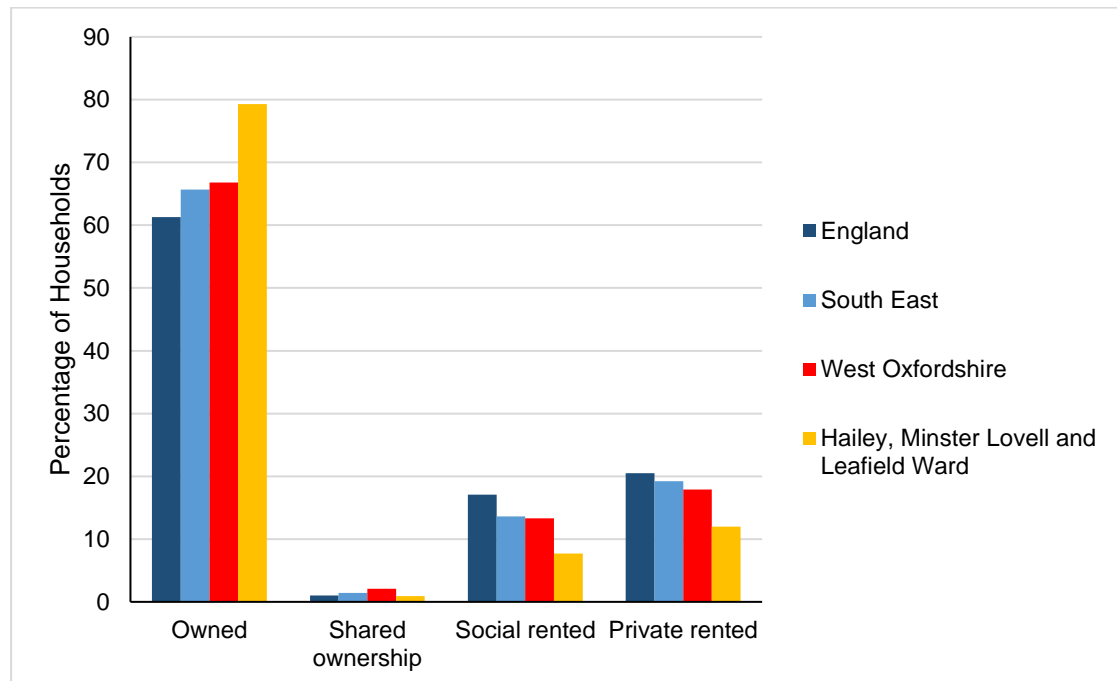
Source: Valuation Office Agency and Office for National Statistics

- 6.23 Lower quartile rents in West Oxfordshire have increased by 30% since 2013/14, which is slower than the 35% increase in the South East and the 34% increase in England as a whole. Despite this, there remains a significant difference between rents between West Oxfordshire, the nation and the region. By way of illustration, lower quartile rents in West Oxfordshire have remained at least £75 higher than those in the South East in each of the last six years since 2017/18.

Tenure

6.24 Figure 6.6 illustrates the tenure mix in England, the South East, West Oxfordshire, and Hailey, Minster Lovell and Leafield Ward, using data from the 2021 Census.

Figure 6.6: Tenure, 2021



Source: Census 2021. Chart excludes households 'living rent free' as this accounts for <0.1% of households at all geographic levels)

- 6.25 The tenure mix in West Oxfordshire is similar to that of the South East region but diverges from that of England as a whole. In West Oxfordshire, the proportion of owner occupiers stands at 67% of households (compared with 66% in the South East and 61% in England). However, the proportion of social renters in West Oxfordshire is correspondingly smaller, at 13% (compared with 14% in the South East and 17% in England).
- 6.26 The tenure mix in Hailey, Minster Lovell and Leafield Ward diverges even further from the mix in West Oxfordshire, the South East and England. Some 79% of households in the ward are owner occupiers, and just 8% of households are social renters.
- 6.27 Shared ownership accounts for a small proportion of households at all geographical levels, at between 1% and 2% of households.

Conclusions on Affordability Indicators

- 6.28 As demonstrated through the analysis in this section, affordability across West Oxfordshire has been, and continues to be, in crisis.
- 6.29 House prices and rent levels in the lower quartile of the market (reflecting households on lower incomes and housing at the cheaper end of the market) are increasing faster than in the nation and region, whilst at the same time the stock of affordable homes is failing to keep pace with the level of demand. This only serves to push buying or renting in West Oxfordshire out of the reach of more and more people.
- 6.30 Analysis of market signals is critical in understanding the affordability of housing. **It is my opinion that there is an acute housing crisis in West Oxfordshire,** exemplified by the lower quartile house price to average income ratio of 10.55, well above the ratio at which a mortgage could reasonably be obtained.
- 6.31 Market signals indicate a worsening trend in affordability in West Oxfordshire and within the local area. By any measure of affordability, this is an authority in the midst of an affordable housing crisis, and one through which urgent action must be taken to deliver more affordable homes.

The Benefits of the Proposed Affordable Housing Provision

Section 7

- 7.1 The Government attaches weight to achieving a turnaround in affordability to help meet affordable housing needs. The NPPF is clear that the Government seeks to significantly boost the supply of housing, which includes affordable housing.
- 7.2 The proposed development meets the requirements of adopted policy H3 which seeks 40% affordable housing in the Minster Lovell area. Affordable housing policies are formulated in order to generate a benefit, rather than to ward off a harm or to be needed in mitigation.
- 7.3 This fact was acknowledged by the Inspector presiding over two appeals on land to the west of Langton Road, Norton (**CD O4**) in September 2018 who was clear at paragraph 72 of their decision that:

“On the other hand, in the light of the Council’s track record, the proposals’ full compliance with policy on the supply of affordable housing would be beneficial. Some might say that if all it is doing is complying with policy, it should not be counted as a benefit but the policy is designed to produce a benefit, not ward off a harm and so, in my view, compliance with policy is beneficial and full compliance as here, when others have only achieved partial compliance, would be a considerable benefit” (my emphasis).

- 7.4 In the case of the proposed development, numerous tangible benefits can be realised from providing affordable housing in the local area through the proposed affordable housing. The scheme is brought forward by Catesby Strategic Land Ltd, an experienced land promoter with considerable expertise in bringing development sites forward promptly.

Providing affordable rented homes to meet priority needs

- 7.5 Affordable rented homes account for 66% of the proposed affordable housing and can help to meet the priority housing needs of the District. In the case of West Oxfordshire, there is clearly a substantial need for affordable rented housing, with DLUHC reporting some 2,621 households on the Housing Register in March 2023 all

of whom have met the qualification criteria to join the Register and are in housing need.

Providing affordable routes to home ownership

- 7.6 Shared ownership homes are a tenure of affordable housing where first time buyers, and those that do not currently own a home, have the opportunity to purchase a share in a new build or resales property (with rent being paid on the unowned share). The main benefit of the Shared Ownership model is its flexibility, since people can start by buying a smaller share of a property and the mortgage deposit can be 5% of the price of that share, rather than the whole property. It is possible to buy more of the home by “staircasing” i.e. increasing the share in increments, which will in turn reduce rent paid.
- 7.7 First Homes are a form of discount market sale homes with a straightforward 30% discount against open market value. This is a less flexible, but simpler, affordable route to home ownership compared with shared ownership. The discount is maintained in perpetuity through a covenant, and there is no need to pay anything other than the mortgage on the discounted price.
- 7.8 In West Oxfordshire, the Help to Buy Register reveals that almost one thousand households have registered a preference for affordable home ownership in the district – some 977 households in total on 30 March 2023.

Energy efficient homes

- 7.9 Like all new homes, the proposed affordable homes will be significantly more energy efficient than the existing housing stock, since they will benefit from modern, efficient heating and fittings, as well as much-improved insulation. More energy efficient homes cost less to heat, which is helpful to those households on lower incomes. Details can be found in the Sustainability Statement (**CD B12**) which was submitted with the application.

The Weight to be Attributed to the Proposed Affordable Housing

Section 8

- 8.1 The NPPF is clear at paragraph 31 that policies should be underpinned by relevant up-to-date evidence which is adequate and proportionate and considers relevant market signals.
- 8.2 Paragraph 60 of the NPPF sets out the Government's clear objective of *"significantly boosting the supply of homes"* before explaining that *"The overall aim should be to meet as much of an area's identified housing need as possible"*.
- 8.3 The NPPF requires local authorities at paragraph 63 to assess and reflect in planning policies the size, type and tenure of housing needed for different groups, *"including those who require affordable housing"*.

The Local Planning Authority's Assessment of the Proposed Development

The Local Planning Authority's Officers' Report (CD C9)

- 8.4 The Officers' Report to the Lowlands Planning Committee of 17 July 2023 recommended that the application be approved, at paragraph 5.98 at page 51. The Officers' Report sets out the comments of consultees and members of the public, and sets out the material considerations that weigh in favour of the scheme.
- 8.5 At page 20 (paragraphs and pages unnumbered) the Officers' Report sets out the comments of the Housing Enabling Officer in respect of policy compliance and the extent of local preferences of affordable housing. I discuss these in more detail below.
- 8.6 Paragraph 2.1 at page 26 of the Officers' Report summarises two letters of support for the scheme, both of which express support for the affordable housing. The first letter of support states:

"As long as there will be affordable housing it can only be seen as a good thing, we desperately need more affordable housing in the area."

- 8.7 The second letter of support states:

“These homes offer great opportunities to people and give affordable living space. Whether people like it or not population has grown all around the country you cannot expect people to grow and our living areas to stay, there's no harm or threat being imposed to the village. These homes can improve Minster more than harm it. If your daughter, granddaughter was struggling with rent, living in a small property, paying unaffordable prices, maybe even a single parent you would want better for them and the only way that can happen is improving living areas and growing our villages and towns.”

- 8.8 I am pleased to see that there is a recognition amongst representors that they see a need for the proposed affordable housing and appreciate the human impact of the housing crisis. Too often, it is those who are in the greatest need who are not represented in the inquiry or planning process (as I discuss with reference to the *Pulley Lane* appeal decision (**CD 07**) later in this Statement).
- 8.9 Paragraph 5.85 at page 50 introduces the affordable housing as a benefit of the scheme, to be weighed in the planning balance. It recognises the contribution of the 100% affordable scheme to the affordable housing stock, alongside the provision of accessible bungalows. The paragraph states that *“Of the up to 134 dwellings, 40% (up to 54 homes) would be affordable homes, this attracts significant positive weight”*.
- 8.10 Overall, I consider that the Council's Officers' Report and the Strategic Housing and Development Officer have rightly acknowledged the importance of affordable housing delivery in the planning balance, although the report itself offers little discussion of the serious issues of affordable housing need and the challenging affordability situation in West Oxfordshire.
- 8.11 I have also reviewed the Minutes from the Committee meeting. Whilst Members would have had access to the Officers' Report that provides a limited commentary on affordable housing, the Minutes suggest this element of the proposal was not considered in a meaningful and detailed manner when reaching the resolution for the application.
- 8.12 It is acknowledged that minutes rarely cover every matter raised, however the Minutes do not include any reference to the scale of the need for affordable homes in West Oxfordshire or Minster Lovell, and nor do the Minutes indicate that Members discussed the benefit of delivering the proposed affordable homes.

Housing Enabling Officer's Comments on the Application (CD D1)

- 8.13 The Housing Enabling Officer's comments on the application, dated 20 December 2022, set out the scheme's affordable housing proportion and tenure; confirming that the scheme is policy compliant.
- 8.14 In its conclusion, the final paragraph at page 2 notes the contribution that the proposed development could make in meeting the needs of housing register applicants (including those with a local connection to Minster Lovell):

"Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 154 applicants shown above, there are a further 2715 applicants on the overall waiting list who could benefit from the development of this site at time of writing."

The Local Planning Authority's Statement of Case (CD E14)

- 8.15 The Local Planning Authority has submitted a Statement of Case in respect of this appeal. For the most part, I do not consider that the Statement of Case raises any significant new matters. However, I note the welcome acknowledgement by the Council at paragraph 7.25 at page 21, that whilst affordable housing delivery has exceeded the identified need in recent years, there remains a significant need into the future:

"[The Council] will also accept that although its provision of affordable housing ("AH") has exceeded estimated need since 2018, its ongoing needs are very significant."

The Rule 6 Party's Assessment of the Proposed Development

- 8.16 I note that the Rule 6 Party, the Society for the Protection of Minster Lovell, has submitted a brief Statement of Case (CD E15). I do not consider that the Statement of Case raises any significant new matters in respect of affordable housing.

Relevant Appeal Decisions

- 8.17 The importance of affordable housing has been reflected in a number of appeal decisions. Of particular interest is the amount of weight which has been attributed to affordable housing relative to other material considerations, including in West Oxfordshire.

Appeal Decisions in West Oxfordshire

Appeal Decision: Land at Cote Road, Aston (July 2023) (CD 01)

- 8.18 This recent appeal in West Oxfordshire, to which I gave evidence at the inquiry, considered the need for affordable housing in the context of a 100% affordable scheme for up to 40 affordable homes.
- 8.19 At paragraph 52 at page 8 of the decision, the Inspector discusses overall rates of housing delivery. He notes that although progress was being made in delivering housing against an accumulated past shortfall, the future supply of housing was limited. The Inspector noted the relationship between affordable housing and overall housing delivery, stating:

“There is also an acute need for affordable housing in the area, which to a large extent is dependent on delivery alongside anticipated market housing. Policy H2 suggests that a review of the plan will take place in such circumstances, but this has not occurred to date.”

- 8.20 At paragraph 58 at page 9 of the decision, the Inspector reaches his conclusions on the weight to be given to the proposed affordable housing, noting that the affordable housing shortfall showed little prospect of being recovered, and describing the affordable housing as a ‘substantial’ benefit of the scheme:

“However, there is a serious and significant shortfall in housing delivery and no expectation that the need for affordable housing will be met in the short term without the delivery of schemes like that the subject of this appeal. The delivery of 40 affordable housing units is a substantial benefit.”

Appeal Decision: Land East of Hill Rise, Woodstock (CD 021)

- 8.21 This appeal decision in October 2023 relates to a scheme which includes 50% affordable housing¹⁰ equating to up to 90 affordable homes. At paragraph 114 at page 20, the Inspector highlights the worsening housing register, alongside the recognition within the Local Plan of the importance of affordability to the District:

“50% of the dwellings would be affordable as required by LP Policy H3, which would equate to up to 90 dwellings. The number of people on the affordable housing register has more than doubled since 2015/16 to 2,941 households, with worsening affordability across West Oxfordshire. LP paragraph 1.1

¹⁰ This is higher than the 40% offered in this appeal, owing to Woodstock’s location within the High Value zone under Policy H3.

identifies housing affordability as one of the issues of greatest significance to the district while LP paragraph 9.5.35 notes that house prices in the Eynsham-Woodstock sub-area are amongst the highest in the district.”

- 8.22 At page 115, the Inspector considers whether the past shortfalls in affordable housing delivery, when compared to the need for 274 dwellings per annum in the SHMA 2014, can be recovered. He recognises that delivery has improved in recent years but in the future is unlikely to meet the need:

“There is no affordable housing requirement in the LP, but the 2014 Oxfordshire Strategic Housing Market Assessment (SHMA) identified a need for 274 affordable homes within the district each year. Annual delivery fell below this figure between 2013 and 2019, but has exceeded it every year between 2019 and 2022 with around 40% of the total housing delivered in these three years. There is still a shortfall of 577 affordable dwellings, which is a very significant figure. Even if 40% of the Council’s projected deliverable housing supply over the next five years (3,401 homes) is affordable, that would only be 272 affordable dwellings per year when 274 affordable dwellings are expected every year by the SHMA alone. Thus, there would be no reduction in the shortfall.”

- 8.23 I note that the projected completions of 272 affordable dwellings per annum cited in the Hill Rise appeal are much more generous than the range of 147 to 214 dwellings per annum that I reach in Section 6 above. Even on such a generous basis, the Inspector concluded that the Council is unable to meet its needs in full and that the existing shortfall in delivery will persist.

- 8.24 At paragraph 117 at page 21, the Inspector reaches conclusions on the weight to be attributed to affordable housing as part of the overall housing benefits of the scheme, describing them as “*substantial*” and carrying “*great weight*”:

“Looked at collectively and based on the shortfalls in the five-year housing land supply and affordable housing delivery, and the low levels of provision custom and self-build plots, I consider that there would be substantial benefits in terms of housing delivery which should be afforded great weight.”

Appeal Decision: Land at Witney Road, Ducklington (January 2023) (CD 02)

- 8.25 At this appeal in Oxfordshire delivering 40% policy-compliant affordable housing (up to 48 affordable homes) at a site just 5km from the Appeal Site, the Inspector considered the role of open market-led housing development in delivering affordable

homes in West Oxfordshire. The affordable housing evidence at this appeal was given by my colleague at Tetlow King Planning. At paragraph 102 at page 14 of the decision, the Inspector noted that: *“The Council acknowledged that it relies upon the delivery of market housing to provide affordable homes. Such delivery is being impaired by the inadequate housing land supply provision and as I found earlier is unlikely to be remedied in the near future”*.

- 8.26 The Inspector went on to consider evidence of past shortfalls of affordable housing delivery, alongside affordability indicators including long waits for allocation and lengthy Housing Register figures. Paragraph 103 at page 14 states that: *“When assessed against the 2014 SHMA target there is 6 years of under delivery and 2 years of surplus but an overall significant shortfall. According to the Council’s own most recent figures, there are 2,985 applicants on the Council’s housing register. Waiting times are between 721 days and 1,027 days according to the size of the dwelling. I find the affordable housing shortfall is substantial”*. I note that since this decision, the latest 2022/23 data shows that another year of surplus has been achieved (albeit not enough to counteract the accumulated shortfalls); the housing register remains high at 2,621 households based on DLUHC data or 2,029 households based on the Council’s own figures; and waiting times have changed by little, at between 607 and 1,038 days.
- 8.27 At paragraph 103, the Inspector noted the real-world impact of these affordability problems, explaining that: *“These figures represent people lacking suitable housing everyday of their lives, resulting in impaired quality of life and challenges for health and wellbeing”* (my emphasis).
- 8.28 At paragraph 105, the Inspector reaches a conclusion on weight and in doing so, supported the evidence of the Appellant, setting out that *“I therefore conclude that the proposal should be afforded the **substantial weight** suggested by the appellant”* (emphasis added).

Appeal Decisions in Other Authorities

Appeal Decision: Land off Back Lane, Sowerby (CD 05)

- 8.29 This appeal for a 100% affordable housing scheme considers the affordable housing need figure as a minimum figure rather than a ‘ceiling’; and takes account of the importance of affordability indicators such as the Housing Register and other affordability data.

8.30 Paragraph 21 considers the importance of the Housing Register:

“Additional evidence has been presented in the form of the numbers on the housing waiting list. This appears to be consistently around 1000 households and does not appear to be falling. Whilst the waiting list covers the District as a whole, I heard evidence at the hearing that in terms of preferences, around 500 of those on the waiting list were asking for the Thirsk area. Whilst the housing waiting list is not a definitive indicator of housing need it does show a level of demand in the District and that demand does not appear to be reducing over time.”

8.31 Paragraph 23 considers whether the identified affordable housing need is a ‘ceiling’ to development. The Inspector explained that *“I also heard evidence that the target of 55 dpa was a ‘floor’ not a ‘ceiling’ and that more affordable dwellings could be delivered and still comply with the policies of the development plan”*.

8.32 At paragraph 24 the Inspector reaches overall conclusions on the extent of the housing need, acknowledging that whilst the identified affordable housing need might be capable of being met, there remains a present need now that needs to be addressed as soon as possible:

“It seems to me that local need for affordable housing has been demonstrated through the numbers on the housing waiting list, the local ratio of house prices to income, the numbers expressing a preference for Thirsk/Sowerby and the current low delivery of affordable housing on the Sowerby Gateway site. Moreover, whilst I can see that the total need for affordable housing might well be capable of being met over the period 2016 to 2035, it is evident that there are people in housing need at the present time and the current need for people in affordable housing need should be addressed as soon as possible.”

Appeal Decision: Highgate Hill, Hawkhurst, Kent (March 2022) (CD 06)

8.33 Another appeal that considers the issue of benefits is the development for 71 dwellings, including affordable provision at 40%, equal to 28 affordable dwellings on a site at Hawkhurst in Kent. In critiquing the Council’s views with regard to the affordable housing benefits of the scheme, the Inspector made the following comments at paragraph 117 of the decision:

“The Council are of the view that the housing benefits of the scheme are ‘generic’ and would apply to all similar schemes. However, in my view, this

underplays the clear need in the NPPF to meet housing needs and the Council's acceptance that greenfield sites in the AONB are likely to be needed to meet such needs. Further, I agree with the appellant that a lack of affordable housing impacts on the most vulnerable people in the borough, who are unlikely to describe their needs as generic." (my emphasis)

- 8.34 I agree, the recipients of the proposed 54 affordable homes as part of the appeal scheme will not describe their needs as 'generic', particularly when faced with the high housing costs and poor affordability that are prevalent in West Oxfordshire.

Secretary of State Decision: Pulley Lane, Droitwich Spa (July 2014) (CD 07)

- 8.35 The Inspector recognised that the contribution of the scheme in meeting some of the affordable housing deficit in the area cannot be underestimated (Inspector's Report, Page 89). The Inspector set out at paragraph 8.123 at page 110 of his Report that:

"The SOS should be aware that a major plank of the Appellant's evidence is the significant under provision of affordable housing against the established need Figure and the urgent need to provide affordable housing in Wychavon. If the position in relation to the overall supply of housing demonstrate a general district-wide requirement for further housing, that requirement becomes critical and the need overriding in relation to the provision of affordable housing. The most recent analysis in the SHMA (found to be a sound assessment of affordable housing needs) demonstrates a desperate picture bearing hallmarks of overcrowding, barriers to getting onto the housing ladder and families in crisis."

- 8.36 The Inspector continued at paragraph 8.123 of his report to state that *"the SHMA indisputably records that affordability is at crisis point. Without adequate provision of affordable housing, these acute housing needs will not be met. In terms of the NPPF's requirement to create inclusive and mixed communities at paragraph 50, this is a very serious matter. Needless to say, these socially disadvantaged people were not represented at the Inquiry"* (my emphasis).

- 8.37 The level of significance attached to affordable housing provision was addressed through paragraph 8.124 at page 111 of the Inspectors Report where he stated that:

"These bleak and desperate conclusions are thrown into even sharper focus by an examination of the current circumstances in Wychavon itself. Over the whole of the District's area, there is presently a need for 268 homes per annum. These are real people in real need now. Unfortunately, there appears

to be no early prospect of any resolution to this problem [...] Given the continuing shortfall in affordable housing within the District, I consider the provision of affordable housing as part of the proposed development is a clear material consideration of significant weight that mitigates in favour of the site being granted planning permission” (my emphasis).

8.38 This statement is supplemented at paragraph 8.125 by the Inspector considering that *“from all the evidence that is before me the provision of affordable housing must attract very significant weight in any proper exercise of planning balance.”*

8.39 The Secretary of State concluded at paragraph 28 of the decision letter that both schemes delivered “substantial and tangible” benefits (my emphasis), including the delivery of 40% “much needed” affordable housing.

Summary and Conclusion

8.40 There is a wealth of evidence to demonstrate that there is a national housing crisis in the UK affecting many millions of people who are unable to access suitable accommodation to meet their housing needs. What is clear is that a significant boost in the delivery of housing, and in particular affordable housing, in England is essential to arrest the housing crisis and prevent further worsening of the situation.

8.41 Market signals indicate a worsening trend in affordability across West Oxfordshire over the Local Plan period from 2011/12 to date; an already challenging situation has persisted for over twelve years. By any measure of affordability, this is an authority which is facing serious and worsening affordability pressures, and one through which urgent action must be taken to deliver more affordable homes.

8.42 I am firmly of the view that one of the most powerful and positive actions that can be taken is to grant planning permission for more affordable homes. Against the significant scale of the unmet need in West Oxfordshire and the challenging affordability situation in the District, I have no doubt that each one of the proposed affordable homes will be occupied by a household in need – potentially transforming the life prospects for up to 54 households.

8.43 Against the scale of unmet need across West Oxfordshire District, there is no doubt in my mind that the provision of 40% affordable homes or up to 54 dwellings will make a significant contribution. Considering all the evidence I consider that this contribution should be afforded **substantial weight** in the determination of this appeal.

Appendices

Appendix JRO1 [Freedom of Information
Correspondence](#)

Appendix JRO2 [Calculation of Net Affordable Housing
Delivery](#)

Appendix JRO3 [Forward Supply of Affordable
Housing](#)

Appendix JRO1

Freedom of Information Correspondence



Date received: Fri Oct 13 2023 15:45:01 GMT+0100 (British Summer Time)

Freedom of information: Reference FOI/003489

Council: WODC

Name: Nathan Price

Email: nathan.price@tetlow-king.co.uk

Your FOI questions are completed below:

No	FOI Request/Questions	FOI Response
		<p>Glossary of Terms</p> <p>Housing Register</p> <p>The housing register is a waiting list of households in a given authority area who are eligible and in need of an affordable home.</p> <p>Affordable Property</p> <p>Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:</p> <ol style="list-style-type: none"> 1. Affordable housing for rent 2. Starter Homes 3. Discounted market sales housing; and 4. Other affordable routes to home ownership.[1] <p>Housing Completion</p> <p>A dwelling is counted as completed when construction has ceased, and it becomes ready for occupation. This includes new build dwellings, conversions, changes of use and redevelopments. Housing completions should be provided as net figures.</p> <p>Net</p> <p>Net refers to total (gross) figures minus any deductions (for example, through demolitions).</p> <p>Monitoring Period</p> <p>From 1 April in any given calendar year through until 31 March in the following calendar year.</p> <p>Prevention Duty</p> <p>The prevention duty applies when a local authority is satisfied that an applicant is</p>



<p>threatened with homelessness and eligible for assistance.</p> <p>Relief Duty</p> <p>The relief duty applies when a local authority is satisfied that an applicant is homeless and eligible for assistance.</p>		
1	1. The total number of households on the Council's Housing Register on 31 March 2023.	2029
2	<p>1. The average waiting times on 31 March 2023 for the following types of affordable property across the Authority:</p> <p>1. 1-bed affordable dwelling; 2. 2-bed affordable dwelling; 3. 3-bed affordable dwelling; and 4. A 4+ bed affordable dwelling.</p>	<p>1 bed – 667 days</p> <p>2 bed – 607 days</p> <p>3 bed – 731 days</p> <p>4 bed – 1038 days</p>
3	<p>The number of households on the Housing Register housed in temporary accommodation within and outside the West Oxfordshire Council region on the following date:</p> <p>Households in Temporary Accommodation 31 March 2023</p> <p>Households Housed within West Oxfordshire</p>	<p>Accommodated within West Oxfordshire = 34</p> <p>Accommodated outside West Oxfordshire = 29</p>



WEST OXFORDSHIRE
DISTRICT COUNCIL

	Households Housed outside West Oxfordshire Total Households	
4	1. The number of NET housing completions in the West Oxfordshire Council region broken down on a per annum basis for the period between 2021/22 and 2022/23.	<p>Section 1 of the Freedom of Information Act (FOIA) places two duties on Public Authorities. Unless exemptions apply, the first duty under Section 1(1)(a) is to confirm or deny whether the information is held. The second duty under Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of FOIA requires that the Public Authority provides the applicant with a notice which:</p> <ul style="list-style-type: none">a) states that factb) specifies the exemption(s) in question andc) states why the exemption(s) apply. We can confirm that the Council, as the Planning Authority, holds information however we are exempting the provision of the information under FOIA Section 21 in that the information is already reasonably accessible otherwise than under Section 1 above. This means that there is no right of access to the information via FOIA. <p>The information you require is available at :</p> <p>This data is in the public realm and easily accessible at;</p> <p>https://www.cotswold.gov.uk/planning-and-building/planning-policy/evidence-base-and-monitoring/</p>
5	. The number of NET affordable housing completions in the West Oxfordshire Council region broken down on a per annum basis for the	<p>Section 1 of the Freedom of Information Act (FOIA) places two duties on Public Authorities. Unless exemptions apply, the first duty under Section 1(1)(a) is to confirm or deny whether the information is held. The second duty under Section 1(1)(b) is to disclose information that has been confirmed</p>



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

	<p>period between 2021/22 and 2022/23.</p>	<p>as being held. Where exemptions are relied upon Section 17 of FOIA requires that the Public Authority provides the applicant with a notice which:</p> <ul style="list-style-type: none">a) states that factb) specifies the exemption(s) in question andc) states why the exemption(s) apply. We can confirm that the Council, as the Planning Authority, holds information however we are exempting the provision of the information under FOIA Section 21 in that the information is already reasonably accessible otherwise than under Section 1 above. This means that there is no right of access to the information via FOIA. <p>This data is in the public realm and easily accessible at;</p> <p>https://www.cotswold.gov.uk/planning-and-building/planning-policy/evidence-base-and-monitoring/</p>
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Date received: Mon Oct 30 2023 16:32:01 GMT+0000 (Greenwich Mean Time)

Freedom of information: Reference FOI/003547

Council: WODC

Name: Jamie Roberts

Email: jamie.roberts@tetlow-king.co.uk

Your FOI questions are completed below:

No	FOI Request/Questions	FOI Response
1	<p>The total number of households on the Council's Housing Register on 31 March 2023 specifying the following locations as their preferred choice of location:</p> <p>Location Household Preferences (31 March 2023) Minster Lovell Civil Parish</p>	107
2	<p>The number of properties advertised, and the average number of bids per property over the 2022/23 monitoring period for the following types of affordable property in the locations listed below:</p> <p>Type of affordable property Minster Lovell Civil Parish</p>	<p>8 - properties advertised in Minster Lovell</p> <p>90 – average number of bids per property</p>



3	<p>Number of properties advertised</p> <p>Average Bids per Property</p> <p>1-bed affordable dwelling</p> <p>2-bed affordable dwelling</p> <p>3-bed affordable dwelling</p> <p>4+ bed affordable dwelling</p>	<p>1 bed – 112 average bids</p> <p>2 bed – 24.5 average bids</p> <p>3 bed – N/A</p> <p>4+ bed – N/A</p>
4	<p>The total number of social housing dwelling stock on 31 March 2023 in the following locations:</p> <p>Location</p> <p>Total Social Housing Stock (31 March 2023)</p> <p>Minster Lovell Civil Parish</p>	92
5	<p>The number of social housing lettings in the period between 1 April 2022 and 31 March 2023 in the following locations:</p> <p>Location</p> <p>Social Housing Lettings</p> <p>1 April 2022 to 31 March 2023</p> <p>Minster Lovell Civil Parish</p>	6
6	<p>5. The number of NET housing completions in Minster Lovell Civil Parish broken down on a per annum basis for the period between 2021/22 and 2022/23.</p>	<p>2021/22 – 54 Net completions</p> <p>2022/23 – 28 Net completions</p>



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7	6. The number of NET affordable housing completions in Minster Lovell Civil Parish broken down on a per annum basis for the period between 2021/22 and 2022/23. Glossary of Terms	2021/22 – 42 2022/23 - 14
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Appendix JRO2

Calculation of Net Affordable Housing Delivery



Calculation of Net Affordable Housing Delivery in West Oxfordshire

Appendix JRO2

Figure 1 below calculates the gross affordable housing additions in Maldon District, including gross affordable housing additions as a percentage of overall completions, which are discussed in Section 4 of this Statement.

Figure 1: Gross Additions to Affordable Housing Stock, 2011/12 to 2022/23

Monitoring Period	Total Housing Completions (Net)	Gross Affordable Housing Completions	Gross AH as a %age of total completions
2011/12	359	175	49%
2012/13	278	22	8%
2013/14	186	33	18%
2014/15	395	94	24%
2015/16	246	70	28%
2016/17	518	117	23%
2017/18	556	152	27%
2018/19	813	224	28%
2019/20	1,086	451	42%
2020/21	868	333	38%
2021/22	1,002	374	37%
2022/23	729	305	42%
Total	7,036	2,350	33%
Average per annum	586	196	33%

Source: West Oxfordshire Annual Monitoring Reports

Continues overleaf...

Figure 2 below calculates the net affordable housing additions in West Oxfordshire, which are discussed in Section 4 of this Proof of Evidence. To arrive at the net affordable housing additions, Right to Buy sales are deducted from gross affordable housing completions (to reflect the fact these dwellings are lost permanently from the affordable housing stock). In West Oxfordshire, the affordable housing is held by Registered Providers, who report on Right to Buy sales through statistical data returns.

Figure 2: Net of Right to Buy Additions to Affordable Housing Stock, 2011/12 to 2022/23

Monitoring Year	Gross Affordable Housing Completions	Right to Buy sales (Registered Provider stock)	Net Affordable Housing Additions
2011/12	181	-6	175
2012/13	28	-6	22
2013/14	41	-8	33
2014/15	103	-9	94
2015/16	75	-5	70
2016/17	123	-6	117
2017/18	158	-6	152
2018/19	227	-3	224
2019/20	454	-3	451
2020/21	335	-2	333
2021/22	378	-4	374
2022/23	309	-4	305
Total	2,412	-62	2,350
Average per annum	201	-5	196

Sources: West Oxfordshire Annual Monitoring Reports; Private Registered Provider Statistical Data Returns

Appendix JRO3

Forward Supply of Affordable Housing



Application Ref.	Site Name	LPA Assumed Delivery 2023 - 2028	Appellant Position on Delivery 2023 - 2028 (refer to Jeff Richards' Proof of Evidence)	AH Contribution type	Commuted Sum	On Site AH %age	LPA AH Units in HLS	Appellant AH Units in HLS	Source
Appendix 1: Large Commitments									
12/0084/P/OP and: 17/00843/RES – 117 17/01110/RES – 37 17/01238/RES – 87 17/1109/RES – 37 18/01718/RES – 149 18/01782/RES – 271 18/03206/RES – 184 20/00926/NMA - 9 21/01285/FUL – 33 21/03716/FUL - 62	North Curbridge (West Witney)	255	255	Onsite	n/a	30%	77	77	S.106 dated 09/05/2017
14/0091/P/OP and: 18/01539/RES - 77 19/00105/RES - 144 19/02121/RES - 33 20/02017/RES - 282 22/02064/RES - 164	Land east of Carterton	371	371	Onsite	n/a	35%	130	130	S.106 dated 01/05/2018
16/03415/OUT and 19/00875/RES	East of Mount Owen Road, Bampton, Bampton	34	34	Onsite	n/a	40%	14	14	S.106 dated 15/12/2017
15/00166/OUT , 18/03035/RES and 20/00303/FUL	Shilton Road, Burford, Burford	72	72	Onsite	n/a	50%	36	36	Appeal Decision 17/01/2017
17/03338/RES	Land North Of Burford Road Witney	52	52	Onsite	n/a	40%	21	21	Planning Statement dated 13/10/2017
16/01450/OUT 17/03252/RES 20/02452/FUL	Land At Downs Road Curbridge Witney	16	16	Onsite	n/a	40%	6	6	16/01450/OUT S.106 dated 28/09/2017 + 17/03252/RES Final Planning Statement dated 07/10/2017
16/03627/OUT 21/00691/RES	Land At Butts Piece, Main Road, Stanton Harcourt	22	22	Onsite	n/a	40%	9	9	21/00691/RES Planning statement dated - 17/02/2021 + 16/03627/OUT s106 dated 25/10/2019
22/01330/OUT	Land North Of Witney Road Long Hanborough Oxfordshire	150	0	Onsite	n/a	50%	75	0	22/01330/OUT S106 agreement dated 22/02/2023
21/03405/OUT	Witney Road, Ducklington Witney	120	0	Onsite	n/a	40%	48	0	21/03405/OUT S106 agreement dated 22/09/2022
19/00991/RES	Land south of Oxford Road, Enstone	29	29	Onsite	n/a	52%	15	15	Planning statement dated 02/04/2019
15/03099/FUL	Land South Of Forest Road, Charlbury	25	25	Onsite	n/a	68%	17	17	S106 dated 13/01/2020
21/02320/FUL	Land South of Giernalls Road Hailey, Oxfordshire	22	22	Onsite	n/a	100%	22	22	21/02320/FUL S106 agreement dated 05/10/2022. Provides for Option A (40%) or Option B (100% subject to grant funding). 100% affordable assumed.

Application Ref.	Site Name	LPA Assumed Delivery 2023 - 2028	Appellant Position on Delivery 2023 - 2028 (refer to Jeff Richards' Proof of Evidence)	AH Contribution type	Commuted Sum	On Site AH %age	LPA AH Units in HLS	Appellant AH Units in HLS	Source
17/02814/FUL	Chipping Norton War Memorial Hospital Horsefair Chipping Norton	14	14	None - Viability	n/a	n/a	n/a	n/a	Planning statement dated 01/09/2017
18/02841/FUL	Land South East Of 84 - 86 Grove Road, Bladon	10	10	None - below threshold	n/a	n/a	n/a	n/a	s106 does not mention AH, Application Form dated 27/09/2018
16/02113/FUL	Station Garage, Station Road, Kingham, Chipping Norton	10	10	Commuted sum	£99,100	n/a	n/a	n/a	S106 dated 09/05/2017
17/00629/FUL and 21/04126/RES	Land To The Rear Of 65 High Street Standlake Oxfordshire	10	10	None - below threshold	n/a	n/a	n/a	n/a	s106 dated 17/1/2021 does not mention AH
20/00929/FUL	Site Of Former 19 Burford Road Carterton	10	10	None - below threshold	n/a	n/a	n/a	n/a	DAS dated 07/04/2020 "Affordable housing threshold outside of the Cotswolds AONB is 10, as the proposed development is for 10 no. units no affordable housing would be due."
19/02013/FUL	27 Market Square, Witney	10	10	None - below threshold	n/a	n/a	n/a	n/a	s106 does not mention AH, Application Form dated 12/07/2019
21/02628/FUL	1 St Marys Court Witney	4	4	Onsite	n/a	100%	4	4	Application form dated 21/07/2021. Applicant is Cottsway Housing Association. Replacement of 26 sheltered housing units with 30 over-55s units. 4 units is net position.
		1,236	966		£99,100.00		469	346	n/a

Local Plan Allocation Reference	Site Name	LPA Assumed Delivery 2023 - 2028	Appellant Position on Delivery 2023 - 2028 (refer to Jeff Richards' Proof of Evidence)	AH Contribution type	Commuted Sum	On Site AH %age	LPA AH Units in HLS	Appellant AH Units in HLS	Source
Appendix 3 - Allocations									
WIT1	East Witney SDA	0	0	Onsite	n/a	40%	0	0	20/02654/OUT - application was refused on 31 May 2023. No replacement application. 40% policy compliance is assumed, albeit LPA considers that this site will not deliver any dwellings in the next five years.
WIT2	North Witney SDA	0	0	Onsite	n/a	42%	0	0	19/03317/FUL - 45% indicated on application forms dated 27/11/2019, but is now subject to an appeal against non-determination. 14/01671/OUT - 40% indicated in planning statement dated 02/04/2019 On-site AH calculated as an aggregate of these two applications, albeit LPA considers that this site will not deliver any dwellings in the next five years.
WIT3	Woodford Way Car Park	0	0	Onsite (Policy Compliant Assumed)	n/a	40%	0	0	No application on site. 40% policy compliance is assumed, albeit LPA considers that this site will not deliver any dwellings in the next five years.
WIT4	Land west of Minster Lovell	21	21	Onsite	n/a	40%	8	8	17/01859/OUT - S.106 dated 29/08/2018
CA1	REEMA North and Central, Carterton	200	0	Onsite (Policy Compliant Assumed)	n/a	35%	70	0	15/04061/OUT for 135 dwellings (81 net) Section 106 dated 25/07/2018 includes 9 affordable units; this has already been built out. 13/0399/P/RM is a preserved consent for 200 dwellings but LPA anticipates a fresh application will be sought for an alternative scheme in 2024. Policy compliant levels of AH have been assumed from this element (equates to 70 dwellings)
CA2	Land at Milestone Road, Carterton	200	200	Onsite	n/a	100%	200	200	21/00228/FUL - S.106 dated 30/03/2022 secures this as a 100% affordable scheme
CA3	Land at Swinbrook Road, Carterton	72	72	Onsite	n/a	35%	25	25	20/02422/FUL - S.106 dated 18/10/2021
CN1	East Chipping Norton SDA	0	0	Onsite	n/a	40%	0	0	East Chipping Norton Development Framework Draft Supplementary Planning Document (SPD) 40% policy compliance is assumed, albeit LPA considers that this site will not deliver any dwellings in the next five years.
EW1	Oxfordshire Cotswolds Garden Village (Salt Cross Garden Village)	0	0	Onsite (Policy Compliant Assumed)	n/a	50%	0	0	20/01734/OUT currently undetermined pending adoption of the Area Action Plan. AH offer not yet decided - Planning Statement dated 03/07/2020. 40% policy compliance is assumed, albeit LPA considers that this site will not deliver any dwellings in the next five years.
EW2	West Eynsham SDA	256	76	Onsite (Policy Compliant Assumed)	n/a	50%	128	38	15/00761/FUL Unilateral Undertaking dated 24/06/2016 provides for 50% affordable on the first 76 dwellings. Remainder of site does not have permission (20/03379/OUT for 180 dwellings at Derrymerry Farm was subject to an appeal but now withdrawn) but 50% AH assumed
EW3	Land east of Woodstock	187	187	Onsite	n/a	50%	94	94	16/01364/OUT - Section 106 agreement dated 24 October 2017
EW4	Land north of Hill Rise, Woodstock	180	48	Onsite	n/a	50%	90	24	21/00189/FUL - Section 106 agreement dated 17 July 2023
EW5	Land north of Banbury Road, Woodstock	235	0	Onsite	n/a	50%	118	0	21/00217/OUT - Planning statement dated 22/01/2021 indicates 50%. Application remains undetermined (resolution to approve subject to S106)
EW6	Land at Myrtle Farm, Long Hanborough	0	0	Onsite (Policy Compliant Assumed)	n/a	50%	0	0	No application on site
EW7	Oliver's Garage	22	22	Onsite - Viability	n/a	16%	4	4	18/03403/FUL - S.106 dated 01/07/2020
EW8	Former Stanton Harcourt Airfield	0	0	Onsite	n/a	40%	0	0	18/01611/FUL - site already complete
		1,373	626	n/a	£0	n/a	736	393	n/a

APPENDIX 4 – THAMES WATER CLEAN WATER CAPACITY REPORT

Megan Wright

Subject: RE: Minster Lovell Modelling complete - capacity confirmed – DS6098754

From: [DEVELOPER.SERVICES@THAMESWATER.CO.U](mailto:DEVELOPER.SERVICES@THAMESWATER.CO.UK) <DEVELOPER.SERVICES@THAMESWATER.CO.UK>

Sent: Thursday, June 8, 2023 3:16 PM

To: James Findlay <JamesF@catesbyestates.co.uk>

Cc: Jonathan Babb <JonathanB@catesbyestates.co.uk>; Ed Barrett <EdB@catesbyestates.co.uk>

Subject: Minster Lovell Modelling complete - capacity confirmed – DS6098754

Our reference: DS6098754

Your site address: Minster Lovell, Land West of Minster Lovell , South of Burford Road, Oxfordshire, OX29 0BF

Our clean water network has capacity

Dear James,

Thanks for your previous e-mail confirming the additional information requested by my colleague Chris Seaman. We have completed modelling on our clean water network and can confirm capacity for all 134 residential properties of your development to be supplied from the 7" main crossing the site. There is also capacity for the 140 residential properties as advised in the original pre planning application which I have included in the report.

What do I need to do?

We've attached your **capacity report**, please take note of the validity period. Do get in touch if your plan changes, such as an increase in the number or density of properties, as we'll need to check that our network still has the necessary capacity.

What happens next?

When you're ready to move ahead with a water supply for your new development you can:

1. Engage an independent installer or supplier, known as a [self-lay provider](#) or [NAV](#)
2. [Apply to us](#)

Can I speak to someone?

As your dedicated contact for your clean water pre-planning enquiry, I'm here if you need a hand.

Just call me on the number below.

Yours sincerely,

Nick Lazarow

Developer Services

Thames Water

07747643829

Developer.services@thameswater.co.uk



Our reference: DS6098754

Your site address: Minster Lovell, Land West of Minster Lovell , South of Burford Road, Oxfordshire, OX29 0BF

Customer: Catesby Estates

Clean water capacity report

Status: Capacity confirmed

Date: 08 June 2023

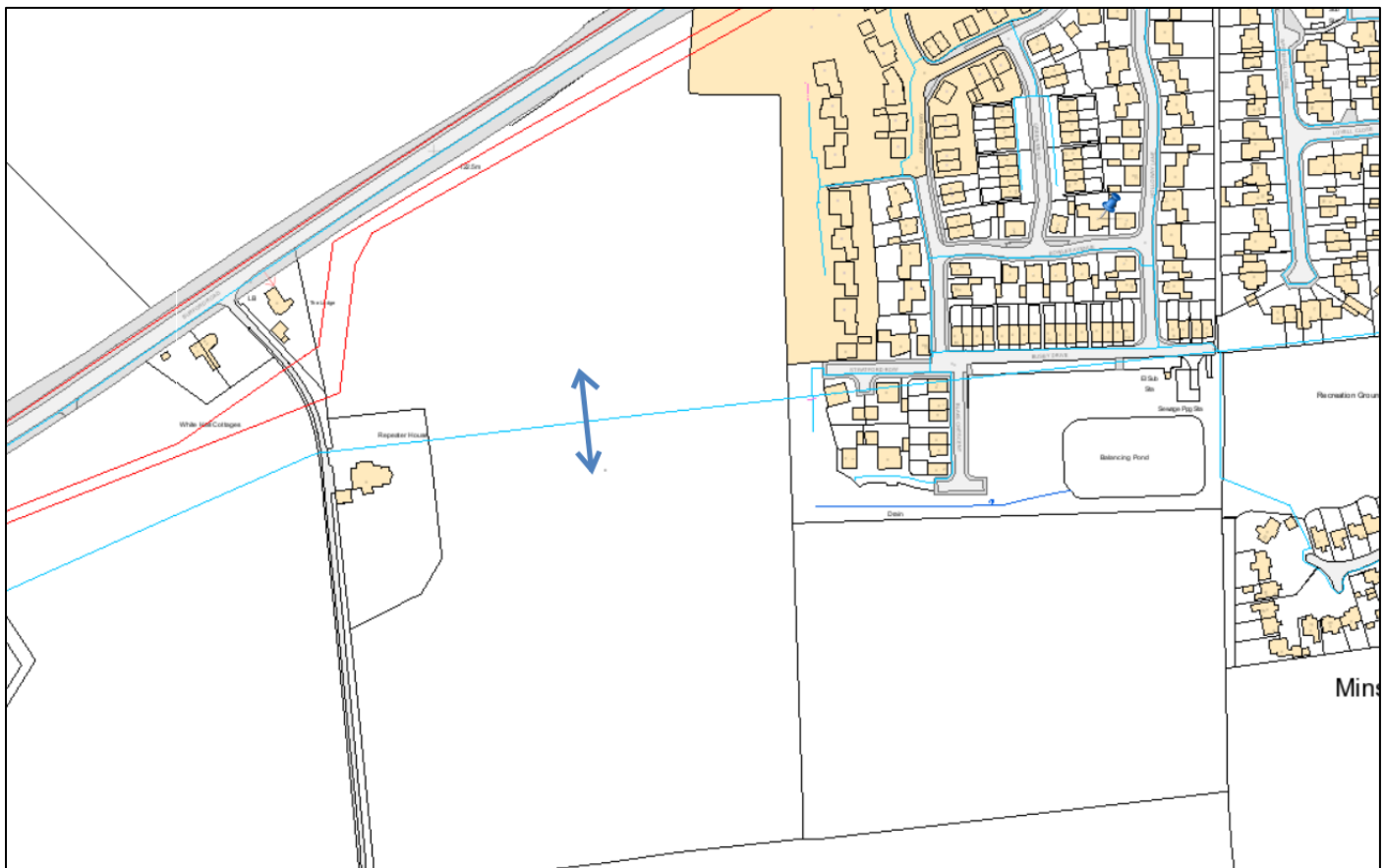
Validity: Valid until 07 June 2024 or for the duration of your Local Authority planning permission when this report is used to support your planning application.

We have completed our clean water network modelling capacity study and confirm that there will be sufficient capacity in our clean water network to serve the 140 residential units in your original enquiry or the revised scheme of up to 134 residential units of your development to be supplied from the 7" diameter main crossing the development site.

Please be aware that this report is based upon the details and drawings provided. If there are any subsequent changes to these, then the contents of this report will become invalid and a new assessment will be needed.

Please note that the below POC is based on desktop study and it might change after capacity check study or site-specific survey.

Nearest point of connection





Contaminated land

If your site is on contaminated land, any new water pipes laid should be barrier pipe which is more expensive. If you think this is not the case you will need to provide a soil report when applying for new mains and services.

Building near our assets

Please [read our guide](#) 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. Should you require further information please contact [us](#).

Diversions

There are two trunk mains and a distribution main crossing your development site. The building layout suggests that our mains will not need diverting but please note no building should be constructed within 3 meters of the outside wall of a distribution main and 5 meters of the outside wall of a trunk main. If we need to divert some of our clean water apparatus to accommodate your development proposals, any diversion is charged in line with our [charging arrangements](#). You'll need to apply for this work [online](#).

Building water

It's important that you apply for a building water supply before you start using water on site even if you believe your supply is already metered. We need to ensure your account is properly set up and you have the correct meter for your supply or fines may be imposed. Apply [here](#).

Fire hydrant and sprinkler demand

Please note that we cannot confirm whether a fire hydrant or sprinkler demand can be accommodated on a new connection. You'll need to contact an independent consultant or specialist company for hydrant testing for fire-fighting purposes. Valve operations must be carried out by our Network Service Technician which can be booked on 0800 316 9800.

Asset location search

If you need help in identifying the location of existing water mains and sewers, you can get this information from any property search provider. We have a Property Searches team who will carry out an asset location search, which provides information on the location of known Thames Water clean and/or wastewater assets, including details of pipe sizes, direction of flow and depth (for which a fee is payable). You can find out more [online](#) or by calling us on 0845 070 9148.

Quotation process

Please use links below to find out more information about water main and services connections, including application process.

Click [here](#) for our home improvements website, or click [here](#) to apply for clean water services.