

# Statement of Common Ground

Land east of Witney Road, Ducklington, Witney

Ainscough Strategic Land  
2 September 2022

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September 2022

# 1. Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared jointly between Ainscough Strategic Land (the Appellant) and the determining Planning Authority, West Oxfordshire Council (the Council), in respect of the appeal at Land east of Witney Road, Ducklington, Witney.
- 1.2 The purpose of this SoCG is to confirm matters of agreement and dispute between the Appellants and the Council in relation to Housing Land Supply Matters.
- 1.3 This SoCG is prepared jointly and agreed by:

Signed:

**Date: 2 September 2022**

Jeff Richards, Turley (on behalf of Ainscough Strategic Land)

And

Signed:

**Date: 2 September 2022**

Chris Wood, Senior Planning Officer (Appeals) (on behalf of West Oxfordshire District Council)

## 2. Matters of Agreement

2.1 The following matters are agreed between the Council and the Appellant.

### The Housing Requirement

2.2 The West Oxfordshire Local Plan 2031 Policy H1 (Amount and Distribution of Housing) states that provision will be made for at least 15,950 homes in the period 2011 –2031.

2.3 This will comprise 13,200 homes in the period 2011 - 2031 to meet West Oxfordshire's identified housing needs and a further 2,750 homes in the period 2021 - 2031 to meet Oxford City's identified housing needs.

2.4 Policy H2 sets out a phased approach to housing delivery and confirms that 5 year housing land supply is to be calculated on the basis of the phased requirement set out in the table to Policy H2 (Table 1 below). The additional requirement of 2,750 dwellings to meet Oxford City's housing needs is set out separately in a table to policy H2 but it is confirmed that delivery and supply will be assessed against the combined annual requirement.

Table 1, Phased requirement as set out in Policy H2

Year	West Oxfordshire's Needs	Oxford City's needs	Combined Annual Requirement
2011 – 2017	550 per annum		550 per annum
2017 – 2018	550		550
2018 – 2019	550		550
2019 – 2020	550		550
2020 – 2021	550		550
2021 – 2022	525	275	800
2022 – 2023	525	275	800
2023 – 2024	700	275	975
2024 – 2025	850	275	1125
2025 – 2026	850	275	1125
2026 - 2027	850	275	1125
2027 – 2028	850	275	1125
2028 – 2029	850	275	1125
2029 – 2030	850	275	1125
2030 - 2031	850	275	1125
Totals	13,200	2,750	15,950

2.5 This approach applies a lower initial housing requirement of 550 dwellings per year from 2011/12 –2020/2021, thereafter including an additional 275 homes per year for Oxford's unmet need and gradually increasing up to a total combined annual requirement of 1,125 homes per year.

2.6 The Council's basic five year requirement equates to 4,825 homes.

- 2.7 The Council has an under-delivery of 195 homes in the plan period to date. Following the Local Plan Examination, it was concluded by the Local Plan Inspector that the Liverpool approach to dealing with under-delivery (an approach which spreads that under-delivery across the remaining plan period) was considered appropriate at that time in West Oxfordshire. This equates to 98 homes in the five year period.
- 2.8 The Council has passed the Housing Delivery Test (HDT) and so a 5% buffer is therefore applied to the five year supply calculation.
- 2.9 Overall, the Council's five year supply requirement is 5,169 homes, equating to approximately 1,034 dwellings per year.
- 2.10 For the purpose of this appeal it is agreed that these figures should be used to calculate the supply.

### **The Council's latest Five Year Supply Position Statement**

- 2.11 The latest completions data is for the 2020/2021 monitoring year.
- 2.12 The Council's latest five year supply position statement comprises the position at 31 March 2021, published December 2021, this is enclosed in the appeal documents as **Core Document 4.4**.
- 2.13 This Statement sets out a breakdown of the Council's anticipated supply (as at March 2021) in the site information contained within the Appendices.

### **The period for assessment**

- 2.14 It is agreed that, based on the information available, the correct base date for the calculation of the five year housing land supply, for the purposes of this appeal, is 1 April 2021. The five year period is, therefore, 1 April 2021 to 31 March 2026.

### **The Barns Lane, Burford Appeal (3293656)**

- 2.15 Notwithstanding the above, since the exchange of evidence for this appeal the parties now agree that West Oxfordshire District Council cannot demonstrate an up to date housing land supply.
- 2.16 The findings of the recently determined Burford Appeal are relevant to the Council's updated five year supply position, and this appeal decision is included in the appeal documents at **Core Document 5.22**.
- 2.17 At that Appeal, the Inspector concluded that the supply was 3.68 years. This reflected the Appellant's evidence to the appeal.

### 3. Matters of Disagreement

3.1 The following matters are disputed between the Council and Appellant:

#### **The amount of deliverable supply from sites in the Council's trajectory**

- 3.2 The Council's latest five year supply position statement claims there is a deliverable supply of 5,493 dwellings. It is agreed that the 5-year deliverable housing requirement for the period 2021-2026, including a 5 % buffer and a 195 dwelling accumulated shortfall is 5,169 dwellings, equating to approximately 1,034 dwellings per year.
- 3.3 However, the Council conceded at the Burford inquiry that it was not able to demonstrate a sufficient housing land supply. The Inspector found, at paragraph 34 of her decision, that the supply stood at 3.68 years. That was based on the case of the Appellant in that appeal and the LPA's acceptance that it did not have the "clear evidence" required to meet the NPPF definition of deliverability for allocated sites that did not have planning permission.
- 3.4 The Council, for the purposes of this appeal, has taken the Barns Lane, Burford appeal decision into account and has reviewed its deliverable HLS on that basis. Having reviewed its figures it considers that for the purposes of this appeal it can demonstrate a deliverable HLS of 4,089 dwellings, which is equivalent to a 3.96 year supply.
- 3.5 The Appellant for this appeal on Land East of Witney Road Duckling has presented additional evidence on sites where it considers further reductions should be made. The Appellant's position is that the 5-year deliverable HLS is 3,684 dwellings, which is equivalent to a 3.56 year supply.
- 3.6 Appendix 1 to this Statement of Common Ground sets out a table detailing the sites that disputed by the Appellant in the proof of evidence of Mr Richards on Housing Delivery and Housing land Supply. It sets out where there is now agreement that sites should not be considered deliverable (or where reductions in delivery are now agreed) and where there remains disagreement. The format of this table is set out as requested by the Inspector for this appeal at paragraph 18 of the Case Management Call note (notes from call held 24/6/22).

#### **The relative positions on West Oxfordshire Council's five year housing land supply**

- 3.7 The Housing land supply figure, and associated number of deliverable homes over the next 5 years is not agreed.
- 3.8 The Council's position is that there is 3.96 years supply.
- 3.9 The Appellant's position is that there is 3.56 years supply.
- 3.10 There is agreement that the five year housing land supply range is between 3.56 and 3.96 years. Whichever figure is taken it is agreed that the shortfall is significant and increases the weight to be given to the benefits of providing housing.

## Appendix 1: Disputed Sites Schedule

Site Address	Planning Status	Council Supply Figure	Appellant Supply Figure	Difference in Supply Figure	Council Commentary	Appellant Commentary
East Witney SDA	No Permission	0	0	0		No detailed consent. The Council has not provided the necessary clear evidence for deliverability.
North Witney SDA	No Permission	0	0	0		No detailed consent. The Council has not provided the necessary clear evidence for deliverability.
REEMA North and Central, Carterton	No extant permission for disputed element	275	75	-200	This has a detailed consent and a recent email from the MoD confirms an ongoing intention to proceed with the project	No detailed consent for the disputed element. The Council has not provided the necessary clear evidence for deliverability.
East Chipping Norton SDA (Tank Farm)	No application for disputed element	42	42	0		No detailed consent for the disputed element. The Council has not provided the necessary clear evidence for deliverability.
Oxfordshire Cotswolds Garden Village (Salt Cross Garden Village)	No permission	0	0	0		No detailed consent. The Council has not provided the necessary clear evidence for deliverability.
West Eynsham SDA	No permission for the disputed element	90	90	0		No detailed consent for the disputed element. The Council has not provided the necessary clear evidence for deliverability.
Land north of Hill Rise, Woodstock	No permission	0	0	0		No detailed consent. The Council has not provided the necessary clear evidence for deliverability.

Land north of Banbury Road, Woodstock	No permission	0	0	0		No detailed consent. The Council has not provided the necessary clear evidence for deliverability.
Land at Myrtle Farm, Long Harborough	No application for this development	0	0	0		No detailed consent. The Council has not provided the necessary clear evidence for deliverability.
Land east of Monahan Way, Carterton	Detailed Consent	500	420	-80	The LPA considers its delivery rates achievable	Considered to be a deliverable site, but unrealistic annual delivery rates are assumed
Land at London Road and Russell Way, Chipping Norton	Detailed Consent	80	45	-35	The LPA does not accept that the HDT methodology should be incorporated into the Deliverability definition	Extra Care (C2) development where not all units delivered should count towards housing land supply. A ratio of 1:1.8 should be applied in accordance with guidance produced for the HDT.
Lapsed Small Sites	Expired Consent	24	0	-24	The LPA considers that many of these sites will have a renewed planning permission and estimated this at 50%	Based on the Council's Housing Supply Statement, these sites did not have an extant consent at the base date.
Small Sites	Detailed Consent	665	599	-66	The LPA considers that there is no requirement for incorporating lapse rates into the deliverable HLS based on the NPPF definition	Reasonable to apply lapse rate of 10% to total potential delivery from the remaining small sites with planning permission.
<b>Total</b>		<b>1,676</b>	<b>1271</b>	<b>-405</b>		





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