



The Planning Inspectorate

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## **Report to Oxford City Council**

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**Inspectors appointed by the Secretary of State**

**Date: 15 May 2020**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Oxford Local Plan 2036**

The Plan was submitted for examination on 22 March 2019.

The examination hearings were held between 3 December and 19 December 2019.

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# Table of Contents

Introduction	6
Assessment of Legal Compliance	7
Assessment of Duty to Co-operate	7
Assessment of Soundness	8
Issue 1: Whether the plan's calculation of housing need is sound	8
Issue 2 – Whether the Plan's capacity-based housing requirement is soundly based and whether a 5 year housing land supply can be demonstrated from adoption and maintained	12
Issue 3 – Whether the Plan takes a sound approach towards meeting the housing needs of different groups in the community	16
Issue 4 – Whether the Plan's approach towards business development and teaching and research are sound	22
Issue 5 – Whether there are exceptional circumstances for altering the boundary of the Green Belt, and whether the plan's policy towards the protection of the Green Belt is sound	25
Issue 6 – Whether the Plan's policies towards sustainable design and construction, flood risk management, drainage and other environmental matters are sound	26
Issue 7 – Whether the plan's policies for biodiversity, the Green and Blue Infrastructure Network, open space, sports and recreation are sound	29
Issue 8 – Whether the plan's policies for enhancing Oxford's heritage and creating high quality new development are sound	30
Issue 9 – Whether the plan's policies for transport and movement are sound	31
Issue 10 – Whether the plan's policies in respect of retailing, town centre uses, tourism and cultural development are sound	33
Issue 11 – Whether the plan's policies concerning infrastructure provision are sound	35
Issue 12 - Whether the Plan's site allocations are sound	36
Overall Conclusion and Recommendation	45

## Abbreviations used in this report

dpa	Dwellings per annum
HELAA	Housing and Economic Land Availability Assessment
LHN	Local Housing Need
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
ONS	Office for National Statistics
PPG	Planning Practice Guidance
SAC	Special Area of Conservation
SHMA	Strategic Housing Market Assessment
SSSI	Site of Special Scientific Interest

## Non-Technical Summary

This report concludes that the Oxford Local Plan 2036 provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Oxford City Council has specifically requested us to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were subject to public consultation over a six-week period and were subject to sustainability appraisal by the Council. In some cases we have amended their detailed wording and added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- The housing requirement: the establishment of a new capacity-based housing requirement figure and a new stepped trajectory for the number of homes to be built per year, to ensure a sound and deliverable plan.
- Affordable housing: the deletion of requirements for small housing developments and campus-located student housing developments to contribute towards affordable housing, and the clarification of policy towards employer-linked affordable housing, in the interests of effectiveness and to ensure alignment with national policy.
- Student accommodation: the deletion of a policy resisting new student housing other than for occupation by students from the two Universities and Ruskin College, in the interests of soundness; and a modification to the criteria requiring the provision of new student accommodation in connection with new academic-related development, to ensure the policy is effective.
- Employment policies: the establishment of new criteria for development on certain employment sites to allow for flexibility and positive planning; the removal of the restriction on the establishment and expansion of private colleges; and the deletion of a policy relating to local recruitment, local procurement and wage levels.
- Standards: adjustments and clarifications in relation to space standards for homes, energy, carbon reduction and water use to reflect national guidance and local circumstances.
- Flood risk and drainage: the deletion of the reference in the policy to the Oxford Flood Alleviation Scheme because key details of the project are not known, and the provision of new wording relating to foul and surface water drainage, in the interests of effectiveness.
- Green and Blue Infrastructure: the alignment of the open space, sport and recreation policies with national policy in the NPPF.
- Heritage assets: the alignment of policies with national policy in the NPPF.
- Shopfronts and advertisements: modifications to ensure that the policies and text accurately reflect the legislative background.

- Movement: the provision of criteria for assessing developments, based on the NPPF; and new and modified policy and text concerning transport assessments, travel plans, construction management plans, vehicle parking and cycle parking, all in the interests of effectiveness.
- Town centres: modifications to improve clarity and to delete ineffective requirements.
- Telecommunications and digital infrastructure: the introduction of a new policy and text to reflect national policy in the NPPF.
- Areas of Change: the introduction of new policies to ensure the plan's intentions in these areas carry the weight of development plan policies.
- Site policies: in the interests of positive planning, the deletion of negative wording throughout and the introduction of a more flexible approach towards complementary uses; the inclusion of minimum figures for the number of homes on allocated sites; various site policy modifications regarding uses and development criteria; and the deletion of policies relating to sites already under construction.

## Introduction

1. This report contains our assessment of the Oxford Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2019 (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Oxford Local Plan, published for consultation between 1 November and 28 December 2018 and submitted in on 22 March 2019, is the basis for our examination.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light we have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary we have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map is numbered Document CSD.8.
6. The policies map is not defined in legislation as a development plan document. Its role is to illustrate geographically the application of policies in the plan. If the geographic illustration of a policy is flawed, the policy will be unsound. In such circumstances, therefore, the Council will need to draw up a proposed change to the submission policies map. This is the case in respect of Policies SP24 to SP31: the sites to which these policies refer are removed from the Green Belt, but the submission policies map still shows them in the Green Belt.

7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Oxford Local Plan 2036, including the removal of sites SP24 to SP31 from the Green Belt as discussed above, and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

## **Assessment of Legal Compliance**

8. Our examination of the legal compliance of the plan is summarised below.
9. The plan has been prepared in accordance with the Council's Local Development Scheme.
10. Consultation on the plan and the main modifications was carried out in compliance with the Council's Statement of Community Involvement.
11. Sustainability Appraisal has been carried out.
12. The scope of the Habitats Regulations Assessment 2017, its methodology and conclusions meet the requirements of the Habitats Directive and associated guidance.
13. The plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These include the spatial distribution of development, the encouragement of sustainable modes of travel, and policies towards sustainable design and construction, flood risk management, drainage and the green and blue infrastructure network.
14. The plan complies with all relevant legal requirements, including those of the 2004 Act (as amended) and the 2012 Regulations.
15. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. The plan takes these aims into account, notably in respect of its policies to meet the housing needs of all sectors of the community.

## **Assessment of Duty to Co-operate**

16. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council has complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
17. The Duty to Co-operate Statement (COM.1) sets out the various steps the Council has taken to cooperate with neighbouring authorities and other prescribed bodies at the key stages in the preparation of the Local Plan. The Council has had extensive discussions at all stages of the plan with all the prescribed bodies and the relevant issues have been considered in a wide range of discussion and meeting forums. The issues that have been considered include an initiative, agreed with other Oxfordshire local authorities, for the distribution of Oxford's unmet housing need. This is discussed further under Issue 1. The issues discussed under the Duty to Co-operate are well documented in the Duty to Co-operate Statement and there is no need to repeat them here. We are satisfied that where necessary the Council has

engaged constructively, actively and on an on-going basis in the preparation of the plan and that the Duty to Co-operate has therefore been met.

## Assessment of Soundness

### Main Issues

18. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 12 main issues upon which the soundness of the Plan depends. Under these headings our report deals with the main matters of soundness rather than responding to every point raised by representors.

### Issue 1 – Whether the plan's calculation of housing need is sound

#### *Introduction: overall housing need*

19. Oxford's overall housing need is 1,400 dwellings per annum (dpa) as indicated in paragraph 3.7 of the submitted plan. This is derived from the 2018 Objectively Assessed Need Update (HOU.5), itself an update of the 2014 Oxfordshire Strategic Housing Market Assessment (SHMA) (HOU.3).<sup>1</sup> It is a substantially higher figure than the local housing need (LHN)<sup>2</sup> calculation of 810 dpa uncapped, or 746 dpa capped.

20. The housing need figure of 1,400 dpa reflects the number of homes required to meet Oxford's affordable housing need of 678 dpa, or 13,560 affordable homes over the 20-year plan period. Most affordable housing is delivered as a percentage of the total number of homes in market housing schemes; in Oxford this is 50%, based on viability evidence, as required by Policy H2. So if 50% of the new homes on every housing site in Oxford were affordable, the total number of homes theoretically required to deliver 678 dpa would be 1,356 dpa. In practice, the percentage of affordable homes achieved overall is likely to fall below 50% owing to site-specific and development-related adjustments and the fact that non-major sites do not qualify (see Issue 3). Consequently, even at 1,400 dpa, affordable housing delivery would be likely to fall below overall affordable housing need.

21. The 1,400 dpa is referred to as a housing need figure rather than a requirement because only a proportion of the number of homes required to meet it can be accommodated within Oxford. The soundness of this need figure and the calculations that have led to it are discussed below.

#### *Housing affordability and equality*

22. Oxford stands out among cities as having unusual housing problems which point towards a higher level of housing need than that derived from the

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<sup>1</sup> HOU.5 provides an update, solely for Oxford, to the 2014 Oxfordshire SHMA (HOU.3), using 2014 and 2016-based household projections and 2014-based sub-national population projections, together with economic growth forecasting. The economic growth assessment includes sector-based forecasting and the analysis of growth and economic activity rates and is soundly based. Both HOU.3 and HOU.5 employ commonly-used and reliable methodologies.

<sup>2</sup> Calculated under the standard method using 2014-based household projections.



standard method calculation. The median affordability ratio in 2018 was 11.12, against an England ratio of 8.0. But the Centre for Cities<sup>3</sup> publication "Cities Outlook 2018" (HOU.29) shows Oxford as the least affordable city in Britain with average house prices 17.3 times higher than average earnings. The latter is based on simple overall averages rather than income and price bands, and it points towards a severely skewed housing market with a strong bias towards more expensive homes compared with income distribution. Whilst there are inevitably year-on-year variations in these figures, all affordability calculations show that, over the long term, homes in Oxford have been consistently much less affordable than nationally, and all calculations show that there has been a significant long-term deterioration in housing affordability in the city (PSD.15). The equality analysis in "Cities Outlook 2018" also indicates that Oxford is the second most unequal city in the country in terms of Office for National Statistics (ONS) data on the income of residents, which includes wages, pensions, benefits and other income. The city's successful economy is driving housing costs up. Housing unaffordability and limited supply have a significant impact on the ability to access suitable housing; they have major implications for affordable housing need; they place constraints in the way of economic growth; and they do not encourage sustainable movement patterns.

23. Known housing costs bear this out. Entry-level costs to buy start from about £243,500 for a flat and rise to more than £500,000 for a detached home. In terms of rental costs, average lower quartile cost (across all dwelling sizes) is £1,025 per month (2017 figures from HOU.5) Set against this, as many as 18% of households have incomes below £20,000 per year with a further third in the range of £20,000 to £40,000. The overall average (median) income of all households in the City is around £40,700 with a mean income of £53,500 (HOU.5, with data derived from ONS modelled income estimates, and the English Housing Survey).
24. The factors described above, and the limited supply of new homes, have led to what can reasonably be described as a crisis of affordable housing need in the city. HOU.5 states that the situation in Oxford is one where there is a clear, acute affordable housing need beyond that in any of the comparators it examines.

#### *The calculation of affordable housing need*

25. The elements of the affordable housing need calculation are discussed in this section. They were a focus of scrutiny in the plan's examination because the scale of affordable housing need is central to the calculation of overall housing need. In 2017, 4,035 households were living in unsuitable housing or were without housing across Oxford: around 7% of the estimated total number of households living in the City. This excludes households living in affordable housing, student-only households, and 90% of owner occupiers. Two-thirds are likely to have insufficient income to afford market housing, which indicates that 2,666 households in Oxford do not have their basic housing needs met and cannot afford to meet these needs in the market. Of these, 788 do not have housing (HOU.5). This is broadly corroborated by data from the Housing Register.

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<sup>3</sup> Centre for Cities is an independent, non-partisan research organisation.

26. Affordable housing need from newly forming households is calculated at 669 new households per annum to 2036 (HOU.5 table 32 and para.6.29), derived from core demographic projections, and based on a calculation that 51.5% of newly forming households aged under 45 would be in need of such housing. This assessment is reliable, being calculated from the change in households in specific 5-year age bands under 45, relative to numbers in the age band below 5 years previously. This embeds changes arising from both inward and outward migration and there is no need to make further adjustments for migration. The figure of 51.5% is founded on Oxford-specific evidence including that outlined above and appears realistic given the known demographic, income and housing market characteristics of Oxford. It therefore has a strong sense of realism about it and is more relevant than the lower figures of 20-35% typically found in areas such as Buckinghamshire and Bedfordshire which were put forward as comparators in the examination hearings.
27. The affordable housing calculation also includes 331 existing households falling into affordable housing need each year, a figure derived from the continuous recording of lettings in social housing (MHCLG CoRe data, HOU.5, para 6.30) which records the annual average of those who are provided with affordable housing over a 3-year period. Those in short-term need are thus excluded. Dissolving households or those whose fortunes change for the better are accounted for through re-lets. Since both calculations are confined to the affordable housing sector there is no imbalance in this approach.
28. The methodology, assumptions and inputs of the affordable housing calculation are sound. The model has been used by other planning authorities in Oxfordshire and elsewhere and has been found sound at other local plan examinations. It is derived from Oxford-specific information and the methodology is based on that in Planning Practice Guidance (PPG).

*Delivering housing to meet overall housing need*

29. The approach taken by the plan, to establish a figure for overall housing need which is closely related to affordable housing need, differs from that of some other local plans (such as Guildford) where there would have been practical difficulties in achieving the necessary housing delivery rates. But in Oxfordshire, local authorities have for some time been preparing plans to accommodate Oxford's identified housing needs within the context of the Oxfordshire Housing and Growth Deal and there are clear objectives for higher levels of delivery.
30. The Growth Deal took 100,000 new homes as its ambition for Oxfordshire for the period 2011 to 2031, and 1,400 dpa as an assumption for Oxford's housing needs for that period. These figures were derived from the 2014 Strategic Housing Market Assessment (SHMA), which employed sound methodologies commonly used in Objectively Assessed Need (OAN) calculations in line with relevant national guidance, and remains the most recent Oxfordshire-wide SHMA. They reflected strong evidence from market signals and affordable housing needs of the need to significantly boost housing supply. Market deliverability was assessed as part of this process and indeed the 2018 OAN Update re-examined deliverability. 100,000 dwellings equates to a simple growth rate of 2.4% of housing stock and this is realistic;

nationally 17 local authorities achieved over 2% from 2016/17 to 2017/18 including Cherwell and Vale of White Horse.

31. The Growth Deal is intended to provide substantial funds for affordable housing and infrastructure improvements to support these ambitions, to address the county's severe housing shortage and expected economic growth. It has secured £215m of Government investment to support the new homes and associated infrastructure across Oxfordshire including £60m for affordable housing and £150m for infrastructure improvements. The Council have indicated that overall £600m has been secured from different sources.<sup>4</sup> PPG states that the existence of a growth deal may be a circumstance where it is appropriate to consider whether actual housing need is higher than the standard method indicates. The submitted plan's housing need figure of 1,400 dpa aligns with the assumptions of the Growth Deal (albeit relating to a plan period rolled on 5 years<sup>5</sup>) and with those of other Oxfordshire authorities who have proceeded with their development plans.
32. A substantial proportion of overall housing need will be met in the districts of Cherwell, South Oxfordshire, Vale of White Horse and West Oxfordshire. Document PSD.3, the updated housing trajectory, refers to the Memorandum of Cooperation between these authorities (GDL.13 and COM.3). **MM6** updates paragraph 3.11 of the plan and sets out the amounts of development proposed to be accommodated by them for the period 2011 to 2031. A significant proportion of Oxford's unmet needs to 2031 have already been addressed in the adopted Vale of White Horse Part 2 Local Plan and the West Oxfordshire Local Plan 2031; and substantial allowances to meet Oxford's unmet need are also included in the Partial Review of the Cherwell Local Plan 2031 and the South Oxfordshire Local Plan 2034, which are currently both at examination.
33. It is therefore clear that there are favourable circumstances in Oxfordshire which will enable the delivery of the number of homes needed to address the serious problem of housing affordability in Oxford and to meet a high proportion of the city's affordable housing needs.

#### *Environmental constraints*

34. It has been suggested that the housing need figure should be reduced, or that development needs should be met away from the city, in response to environmental constraints. This point needs to be considered in two parts: the city itself and the wider Oxfordshire area.
35. As far as the city itself is concerned, its character and beauty, heritage, green and blue infrastructure (explained in the plan's glossary), biodiversity and other important environmental issues are adequately protected by the policies in sections 5 and 6 of the plan (subject to the main modifications discussed later in this report); this is clearly evident from the Sustainability Appraisal (CSD.4 and CSD.5). The Sustainability Appraisal highlighted potential negative effects on flood risk, so the plan contains a bespoke strategy agreed with the Environment Agency and this is referred to in this report under Issue 6. Section 7 of the plan contains strong policies to encourage the use of

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<sup>4</sup> Matter 1 Statement paragraph 1.10, and for more detail see the Local Industrial Strategy

<sup>5</sup> This is explained in PSD17

sustainable transport which would assist in protecting quality of life, air quality and the character of the streets in the historic centre. And, as discussed under Issue 2, the capacity of the city to accommodate new housing has been appropriately evaluated. Growth can be accommodated without notable impact on the historic centre or the green setting of the city. As regards Green Belt, the matter of exceptional circumstances for the release of land from the Green Belt is discussed below under Issue 4.

36. As regards environmental considerations in the wider Oxfordshire area, these are a matter for the local authorities themselves, but it is notable that the local plans referred to above, two of which are already adopted and two are at examination, have already addressed the growth needs for the majority of the Oxford Local Plan period. They have rigorously evaluated the balance between growth and environmental considerations, and have been subject to sustainability appraisal.
37. Limiting the growth of the city would have serious effects on the ability to meet housing need, including affordable housing; attempting to meet Oxford's housing and employment needs in locations further away from the city would encourage less sustainable movement patterns.

#### *Conclusion on Issue 1*

38. The situation in Oxford, with its stark inequalities and a very large and growing number of households unable to access market housing, clearly justifies the plan's approach. The plan's assessment of the overall housing need for Oxford, established at 1,400 dpa, is sound. The need figure is evidence-based and is founded on sound methodologies, including the up-to-date needs assessment as set out in the 2018 OAN Update. It is important to emphasise that it has not been derived from Growth Deal assumptions, it is not a policy-based uplift, and it is not rooted in a circular argument. It is fully justified by the serious housing affordability issues in Oxford and the very clear inequalities of access to housing within the city. There are no convincing environmental or delivery grounds that indicate that a lower figure for housing need should be set.
39. The examination hearings took place before the Covid-19 epidemic. Whilst the short-term effects are here for all to see, there is currently no evidence that the fundamental assumptions and requirements of the plan in respect of housing need, or indeed any other strategic matter, will be affected to the extent that its soundness will be undermined.

### **Issue 2 – Whether the plan's capacity-based housing requirement is soundly based and whether a 5 year housing land supply can be demonstrated from adoption and maintained**

#### *The capacity-based housing requirement*

40. Oxford is a busy, successful city and the plan seeks to strike a balance between the needs of its many important land uses such as housing, employment, educational, recreational, community and other uses, whilst at the same time protecting the character of the city. The spatial strategy, which is set out in the first section of the plan, aims to intensify new development on

previously developed land. This is reinforced by Policy RE2: Efficient Use of Land, which addresses matters such as site capacity, density and scale.

41. The submitted Plan's overall housing target as set out in Policy H1: The Scale of New Housing Provision, is 8,620 dwellings or 431 dpa. This reflects the limited capacity of Oxford to accommodate new dwellings (because the administrative area is drawn fairly tightly around the built up area) and was based on the 2017 Housing and Economic Land Assessment (HELAA). Following the plan's submission, both the trajectory and the HELAA have been updated in a revised housing trajectory (PSD.3) to give a new capacity figure for Oxford of 10,884 homes. This takes into account the changed definition of deliverable sites, changed national policy and guidance on windfall calculations including garden land, and nationally prescribed ratios for student only households and other communal accommodation. **MM6** incorporates the revised capacity-based figure of 10,884 homes into Policy H1 as a minimum housing requirement.
42. The capacity of Oxford has been thoroughly scrutinised to ensure that it can accommodate as much of its housing need as possible. The sites that make up the capacity figure were identified through a wide range of methods and sources which included call for sites exercises, desktop map searches, the assessment of previously identified sites and all open spaces. Two large development areas allocated under previously adopted area action plans will be built during the plan period: these are the Northern Gateway, which makes provision for 500 new homes as part of a larger allocation including business floorspace, and the Barton site, which provides for 800 new homes. But it is clear from all the evidence that there are significant constraints on the city's ability to accommodate further substantial amounts of new housing within its boundaries. The methodology and the contents of the HELAA have been subject to a great deal of professional scrutiny throughout the plan-making process including a review on behalf of neighbouring local authorities. The HELAA has been thorough; it is consistent with PPG and is sound.
43. During the examination, and particularly during the hearings, the Council demonstrated extensive and impressively detailed knowledge about site availability in the city and it is clear that they have thoroughly considered the sites referred to in the Cundall Report (Unlocking Oxford's Development Potential, HOU.16) as well as omission sites and other sites put forward by representors. Some sites have not been included in the plan because they are not available or are in active use; others are, for example, subject to heritage, ecological or flood risk constraints or would conflict with Green Belt objectives. The site selection process was robust.
44. However, one significant shortcoming of the plan is that it does not actually specify the number of new homes that are expected to be built on each of the allocated sites. The Council's intention was to refer to the HELAA's figures, but the HELAA does not have the weight of a development plan, and unless the plan itself contains this information, it will be ineffective because it will provide inadequate guidance for developers, stakeholders and decision makers and give insufficient assurance that the plan can deliver the housing requirement.
45. The Council have therefore put forward a series of main modifications to incorporate minimum requirements for the number of new homes on many of

the allocations into the plan.<sup>6</sup> They are **MM45** (Policy SP1, 734 homes), **MM48** (Policy SP2, 247 homes), **MM54** (Policy SP3, 226 homes), **MM55** (Policy SP4, 200 homes), **MM57** (Policy SP5, 120 homes), **MM58** (Policy SP6, 160 homes), **MM63** (Policy SP12, 120 homes), **MM65** (Policy SP13, 30 homes), **MM68** (Policy SP14, 20 homes), **MM69** (Policy SP15, 150 homes), **MM70** (Policy SP16, 80 homes), **MM72** (Policy SP17, 70 homes), **MM75** (Policy SP18, 200 homes), **MM80** (Policy SP24, 39 homes), **MM81** (Policy SP25, 125 homes), **MM82** (Policy SP26, 110 homes), **MM83** (Policy SP27, 75 homes), **MM84** (Policy SP28, 60 homes), **MM85** (Policy SP29, 122 homes), **MM86** (Policy SP30, 162 homes), **MM87** (Policy SP31, 31 homes), **MM88** (Policy SP32, 60 homes), **MM89** (Policy SP33, 30 homes), **MM91** (Policy SP36, 80 homes), **MM92** (Policy SP37, 40 homes), **MM93** (Policy SP38, 25 homes), **MM94** (Policy SP39, 84 homes), **MM95** (Policy SP40, 22 homes), **MM96** (Policy SP41, 28 homes), **MM98** (Policy SP43, 29 homes), **MM99** (Policy SP44, 90 homes), **MM100** (Policy SP45, 270 homes), **MM103** (Policy SP48, 534 homes), **MM105** (Policy SP50, 7 homes), **MM106** (Policy SP51, 59 homes), **MM109** (Policy SP53, 130 homes), **MM110** (Policy SP54, 11 homes), **MM111** (Policy SP55, 48 homes), **MM114** (Policy SP59, 20 homes), **MM115** (Policy SP60, 20 homes), **MM116** (Policy SP61, 20 homes), **MM117** (Policy SP62, 12 homes), **MM118** (Policy SP63, 18 homes), **MM120** (Policy SP65, 30 homes), and **M121** (Policy SP66, 82 homes).

46. These figures are reliable as they come from the evaluation of the sites by the HELAA or from up to date information about development proposals, and their insertion into the plan is important to ensure that it is effective. They also demonstrate the plan's commitment to use land efficiently on these sites.
47. However, the figures for the minimum number of homes in **MM90** as consulted upon (Policy SP34, 23 homes), **MM108** (Policy SP52, 100 homes), and **MM132** (Policy SP35, 64 homes) are not recommended for the reasons given in Issue 12.
48. Overall, these site allocations should allow the delivery of a large number of homes on a good mix of sites, including an appropriate number of sites with an area under one hectare, and it is clear that careful consideration has been given to the importance of housing when balancing the needs of different land uses. Housing is an important component of many of the site allocations, either on its own or as part of mixed-use schemes or in association with open space. The plan's allocations seek to meet housing needs as far as possible whilst also aiming to meet the needs of other important activities in the city, having regard to site characteristics and location. The argument that the submitted plan has prioritised employment land over housing does not, overall, bear scrutiny and this is discussed below under Issue 4.
49. To encourage further residential development within the city, **MM35** and **MM37** modify, respectively, Policy V2: Shopping Frontages in the City Centre and Policy V4: District and Local Shopping Frontages, to allow for the development of the upper storeys above shops for housing, student accommodation and other uses. In addition, Policy H5: Development Involving

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<sup>6</sup> Where student homes are part of the allocation, the figure given is for the equivalent number of self-contained homes, based on a conversion rate of 2.5 student units to one self-contained home.

Loss of Dwellings rightly places strict limitations on the circumstances in which a net loss of dwellings may be accepted.

50. It is clear from all the evidence that, where sites are suitable for contributing to housing in the city, they have been allocated appropriately. The main modifications to the capacity-based housing requirement, and the housing trajectory, are discussed below.

*Housing delivery and the 5 year housing land supply*

51. Housing Delivery (OCC.8), the HELAA (PSD.2) and the note to accompany the updated trajectory (PSD.3) contain a sound assessment of this subject; the delivery trajectory is well informed by a detailed knowledge of current planning status and from information from developers and owners of sites.
52. The delivery calculation includes an allowance of 136 dpa from windfalls from years 4 and 5. PSD.3 explains how the Council has arrived at its average windfall allowance based on the extrapolation of historic windfall rates since 2011/12. The change in national policy towards the potential for development of garden land has also been considered. The method of identifying housing sites and delivery rates, and the quantification of the windfall rate, are sound and in accordance with national policy and guidance. Whilst it is arguable that the supply of windfall sites is finite, there is no indication at the present time that the rate is likely to fall. There is also no convincing evidence at present that the plan's restrictions on residential car parking, and the requirement for car-free housing in certain areas, would act as a brake on the number of windfalls from suburban infill-type sites; the strong demand for homes in Oxford is likely to influence land values such that sites will continue to come forward. But in any case, the supply of windfalls can be monitored and any issues that do arise can be addressed in the future.
53. Turning to the 5 year housing land supply calculation<sup>7</sup>, this includes all minor sites with planning permission, all major development sites with detailed permission, and major development sites without planning permission where there is clear evidence that they will come forward, and windfalls are included only in the final two years to avoid double counting.
54. Achieving the modified housing requirement of 10,884 dwellings over the plan period would require delivery at the rate of 544 dpa on a linear trajectory. This was not achieved in the first three years of the plan period starting in 2016. In addition, in the two years 2019/20 to 2020/21 the Housing Delivery Test is expected to fall below the 85% threshold and the City Council will need to apply a 20% buffer to its housing requirement for 2020/21 for the purposes of establishing a five year land supply. In that year and the next the 5 year supply would fall short against the linear trajectory. Beyond that point, the supply position would improve.
55. There is no point in establishing a trajectory which would render the relevant housing policies in the plan immediately out-of-date within the terms of paragraph 11 of the NPPF. Consequently, the Council propose a housing requirement of 475 dpa in the first five years of the plan period (2016/17 to

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<sup>7</sup> The Council have stated that it is not their intention to fix the figure through the local plan examination for the purposes of NPPF paragraphs 73(b) and 74.

2020/21) stepping up to 567dpa for the remainder of the plan (OCC.8). This is governed by the requirement to meet the housing requirement within the plan period; exceed the previous Core Strategy housing requirement of 400dpa in any given year; and to deliver a housing land supply of six years or more to ensure flexibility. From 2020/21 it would provide 6.2 years' supply, rising to 9.8 years in 2024/25. This stepped housing requirement is a reflection of the reality of housing delivery in the constrained conditions of Oxford, and is required to ensure that the plan does not fail through an inability to meet the requirement for a 5 year housing land supply.

56. **MM6** introduces a stepped trajectory of 475 dpa from 2016/17 to 2020/21 followed by an increase to 567 dpa from 2021/22 to 2035/36 in recognition of the time passed since the start of the plan period and the need to increase delivery. The stepped trajectory reflects the reality of expected delivery rates. The modification is necessary to ensure that the plan is up to date and incorporates realistic delivery rates.

### *Conclusion on Issue 2*

57. Subject to the main modifications discussed above and elsewhere, the plan's capacity-based housing requirement is sound and the plan's site allocations and policies give importance to the provision of new housing, whilst striking an appropriate balance between residential use and the needs of other land uses according to site circumstances and need. The housing trajectory, as modified, is soundly based and the evidence indicates that, against that trajectory, a 5 year supply of homes will be maintained.
58. We referred to the Covid-19 epidemic under Issue 1. Its future impact on housing delivery rates cannot be known at present, but the 5 year housing supply from the anticipated date of adoption appears robust enough to deal with some variations in delivery, whilst the monitoring of housing completions should enable any timely action to be taken if it proves necessary.

### **Issue 3 – Whether the plan takes a sound approach towards meeting the housing needs of different groups in the community**

#### *Affordable housing*

59. Affordable housing need, and Oxford's overall figure for housing need, have been discussed under Issue 1. Given the compelling evidence of need, the Council have rightly sought to secure as much affordable housing as possible and this is reflected in Policy H2: Delivering Affordable Homes, which seeks a minimum of 50% of units on larger sites as affordable homes, with at least 40% of the total number of homes provided as social rented dwellings. Through co-operation, consistency has been achieved with the South Oxfordshire Local Plan 2034 which seeks 50% affordable housing on sites adjacent to Oxford City; in addition, the adopted West Oxfordshire Local Plan 2031 seeks 50% in designated areas.
60. Policy H2(a) requires affordable housing in connection with self-contained residential developments in Use Class C2 Residential Institutions and C3 Dwellinghouses. This includes retirement homes and sheltered housing. There is no reason why affordable homes cannot be delivered through certain Use



Class C2 developments, or that affordable housing itself should not fall within Use Class C2. Paragraph 61 of the NPPF states that the type and tenure of housing needed for different groups in the community, including older people and people with disabilities, should be reflected in planning policies and neither the NPPF nor the PPG make a distinction between C2 and C3 uses in this regard.

61. However, part (a)(ii) of Policy H2 seeks contributions towards the off-site provision of affordable housing on sites of 4 to 9 homes. Paragraph 63 of the NPPF makes clear that affordable housing should not be sought for developments of this size. The PPG on Planning Obligations repeats this and states that the Community Infrastructure Levy is the most appropriate mechanism for capturing developer contributions from small developments. In addition, despite the acknowledged scale of affordable housing need, there is no compelling local reason to require such contributions within Oxford because neighbouring districts are taking a large proportion of its housing need, and are therefore meeting a large part of the city's assessed affordable housing requirement. Affordable housing contributions on small sites within the city would only provide 2% to 3% of the total expected supply of affordable homes to meet Oxford's need (OCC.1.AB). Policy H2(ii) is therefore ineffective as well as being inconsistent with national policy.
62. Policy H2(b) requires a financial contribution towards affordable housing from new student accommodation of 20 units, calculated according to a formula set out in Appendix 3.2 of the plan; or for affordable housing to be provided on site. As a general principle, and leaving aside the site size issue (see above) and campus issue (see below), this approach is justified in Oxford, given the scale of affordable housing need. Many sites that provide new student accommodation could equally be suitable for ordinary homes, from which 50% affordable housing would be sought, so this policy maintains an appropriate supply of affordable homes and ensures that the provision of ordinary self-contained homes is not disadvantaged in the market in comparison with student homes. It is reasonable for the plan to require the provision of affordable housing in this way to achieve the planning objective of meeting and balancing the housing needs of all groups in a constrained city. Such a requirement would fairly and reasonably relate to the development and would still leave development viable. The financial contribution should however apply to developments of 25 or more units, rather than 20 units, having regard to the minimum site size point addressed above, and using the conversion rate of 2.5 student homes to one self-contained dwellinghouse.
63. But there are student housing sites which can only be developed as such. These are on university campus sites where the provision of student housing is closely connected to academic and teaching facilities. Their development for student accommodation does not raise any opportunity cost, in the sense that they cannot be developed for market or affordable homes. They are likely to have higher build costs arising from the standards of construction and finish demanded by long term capital investment and from the attention to design demanded by the character of their surroundings. Moreover, the universities are required by Policy H9 to provide such accommodation in connection with the development of academic and teaching facilities where this would breach a numerical cap on the number of students living off-campus. In these circumstances the requirement in Policy H2(b) to provide affordable housing

contributions is not sound because it is unduly onerous and would not fairly and reasonably relate to the development. It is appropriate to make an exception for such sites.

64. The Council are right to resist expanding the policy to adjacent sites and other sites, since this would undermine the clarity and effectiveness of the policy. Under the Planning Acts, arguments for other exceptions in specific circumstances can obviously still be considered on their merits.
65. **MM7** makes the necessary changes to Policy H2 and its explanatory text. It deletes the requirement for affordable housing contributions from small sites of 4 to 9 dwellings, seeks such contributions from new student accommodation with a net gain of 25 or more student units (equating 2.5 student units to one ordinary self-contained dwelling) and exempts developments within existing or proposed student campus sites, for which **MM11** provides a Glossary definition. **MM130** deletes the precise costs in the financial contribution calculation in Appendix 3.2, which would become outdated during the life of the plan, and refers instead to the Annual Monitoring Report. **MM9** updates the mix requirement for larger affordable homes in Policy H4 in the interests of clarity. These modifications are required for soundness, effectiveness and to ensure compliance with national policy.

#### *Employer-linked affordable housing*

66. Policy H3: Employer Linked Affordable Housing allows for affordable housing to be developed by employers or their development partners on certain sites, to meet the needs of their employees. These sites are identified in Appendix 3.4 of the plan. In such developments, the standard affordable housing requirements of Policy H2 do not apply, except to any market housing element on the site. The policy is designed for employers who need to provide affordable homes for employees to assist in addressing staff recruitment and retention, a significant problem given the challenge for many people, such as hospital workers, of meeting Oxford's housing costs. Policy H2 would seek an additional requirement of 50% affordable housing from any additional market housing that was provided on site.
67. Given the level of affordable housing need in Oxford, and in particular the need for affordable housing for rent, the general approach taken by Policy H3 is sound. Criteria are necessary to ensure that these sites are developed for genuine affordable housing in accordance with the definition, and it is therefore reasonable to expect the developer to agree the allocations policy with the Council.
68. However, the effectiveness of this initiative is compromised because the plan does not adequately recognise the role of employer-linked affordable housing in meeting affordable housing need. It is not mentioned as a form of affordable housing in the Glossary, and the bespoke nature of the housing mix required on employer-linked affordable housing is not acknowledged by Policy H4. Further, Policy H3 does not explain clearly how Policy H2 would apply to any market housing element provided in conjunction with employer-linked affordable housing. The policy is also over-prescriptive in respect of both the review mechanism and the management criteria that would apply in the event that the employer no longer needed the housing.

69. **MM8** therefore modifies Policy H3 and its supporting text to explain that, where market housing is included, the employer-linked affordable housing can be regarded as intermediate affordable housing for the purposes of Policy H2, and it also simplifies the review and management requirements. **MM67** provides greater flexibility by allowing for general residential development as well as employer-led affordable housing on the relevant site allocations. **MM9** modifies Policy H4 to make it clear that the housing mix prescribed for affordable housing does not apply to employer-linked affordable housing, since this may require bespoke solutions for each site. **MM122** adds employer-linked affordable housing to the definition of Affordable Housing in the Glossary whilst **MM47** gives additional clarity to a number of site allocation policies by making it clear that employer-linked housing is intended to be affordable housing. A further detailed point, arising from the main modifications consultation, is that the wording in Appendix 3.4 should be modified (as part of MM8) to clarify that employer-linked affordable housing can be brought forward at both SP47: Manzil Way Resource Centre and SP58: Slade House. These changes are required for soundness and effectiveness.

### *Student housing*

70. Policy H8: Provision of New Student Accommodation states that planning permission will only be granted for student accommodation on or adjacent to university, college, academic, hospital and research sites, in the city centre or district centres, or on a site allocated as being suitable for student accommodation. This differs from Policy HP5 of the Sites and Housing Plan (2013) which also allows for student accommodation to be located adjacent to main thoroughfares. The submitted plan introduces more stringent locational criteria partly because of the risk of introducing disturbance, especially at unsociable hours, into predominantly residential neighbourhoods away from main campuses and student facilities. There is evidence of such occurrences. The criteria also help to maintain an appropriate balance between market and affordable housing and student housing throughout the city. This part of the policy is sound.
71. Part (b) of Policy H8 restricts the occupation of developments for new student accommodation (other than institutions on campus sites) to students attending the University of Oxford, Ruskin College or Oxford Brookes University. This has similarities to Policy E3, which does not allow new or additional floorspace for private colleges on new sites, and places severe restrictions on any expansion within existing private college sites. Policy E3 is dealt with under Issue 4, but the approach of both policies in this respect is unsound. Policy H8(b) gives a considerable advantage to the universities and Ruskin College, in respect of the provision of student housing and nomination rights, over other colleges who may also have a need for student housing. Planning policies which favour certain organisations and occupiers over others, within the same land use, do not have any foundation in the NPPF. All housing needs must be taken into account. **MM11** deletes H8(b) in the interests of soundness.
72. Part (e) of Policy H8 requires developers to enter an undertaking to provide a mechanism that would prevent students parking their cars anywhere on site and anywhere in Oxford. Preventing parking anywhere in Oxford would be unenforceable and MM11 removes this aspect of the requirement and adds an

explanation to the supporting text to indicate that student housing will be excluded from the schedule of streets in the statutory instrument that creates the controlled parking zones. (In their main modification consultation response, the County Council reasonably suggest "traffic regulation order" in the wording and this is inserted into MM11.)

73. Policy H9 links the delivery of new, redeveloped and refurbished university academic facilities to the delivery of university-provided residential accommodation. It only allows the expansion of academic, research and administrative accommodation at the University of Oxford and Oxford Brookes University if the number of students living in non-university provided accommodation does not exceed certain thresholds. The PPG states that strategic policy-making authorities are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside university-provided accommodation. But the threshold system has been tried and tested in Oxford in previous plans and is a workable means of balancing the housing needs of the very large student population against the city's many other housing needs and land uses. It is also a system that, subject to the specific threshold numbers, has been developed by consensus.
74. Oxford Brookes University considers that the threshold applied to it by the submitted plan, which would become more restrictive on 1 April 2022, would be unfeasible and would prevent the physical growth of academic facilities. A further problem, applying to both universities, is that the wording of the policy could prevent the growth of academic or administrative facilities even if they had no impact on student numbers. **MM12** addresses these difficulties; it introduces higher thresholds by agreement with Oxford Brookes University, including the potential for upward adjustment if a scheme for at least 500 student bedrooms has not been developed at Clive Booth Student Village (Policy SP18) and/or if the university demonstrates that it has been unable to secure additional nomination rights to meet the threshold. MM12 also introduces a new Appendix 3.5 to explain in detail how the number of students would be calculated for the purposes of the thresholds, and it makes clear, in relation to both universities, that the policy would not apply where the new academic or administrative accommodation would not generate or facilitate an increase in student numbers.
75. **MM50** modifies several of the site allocation policies to remove the requirement to demonstrate that there are no more than the threshold number of students of the relevant university living outside university-provided student accommodation, instead providing a cross reference to Policy H9.
76. These modifications are required to ensure the policy is effective.

#### *Housing mix*

77. Policy H4: Mix of Dwelling Types seeks a balanced mix of dwelling sizes to meet a range of housing needs and to create mixed and balanced communities. The mix of sites has been referred to under Issue 2. The site allocations provide a good mix of larger and smaller sites with a variety of characteristics. The mix of unit sizes expected of the affordable housing

element of any scheme larger than 25 units is set out in Policy H4: Mix of Dwelling Sizes; this comes from the Oxfordshire SHMA and the affordable housing register, with appropriate adjustments, and is sound.

#### *Gypsies and travellers*

78. The Cherwell, Oxford City, South Oxfordshire and Vale of White Horse Gypsy, Traveller and Travelling Showpeople Accommodation Assessment has concluded that there is no current or forecast need for sites in Oxford. There are no existing sites. If sites are proposed in the city, Policy H12: Homes for Travelling Communities sets out criteria under which they would be considered. Its approach is sound.

#### *Houses in multiple occupation*

79. The plan makes adequate provision for the housing needs of other groups in the community in accordance with the NPPF. Policy H6: Houses in Multiple Occupation establishes the circumstances under which permission may be granted for the change of use of a dwelling to a house in multiple occupation. The policy is sound but **MM10** alters the Glossary to clarify the definition of a house in multiple occupation in the interests of effectiveness. The issue of space standards raised by Policy H15 is dealt with below.

#### *Community-led and self-build housing*

80. Policy H7: Community-led Housing and Self-build Housing adequately addresses this sector by requiring 5% of the residential site area on sites of 50 or more homes to be made available for self-build plots.

#### *Accessibility*

81. Oxford has a relatively young population, but is projected to have a greater proportion of older residents in the future and there will be changing accessibility requirements over the plan period. Policy H10 provides for accessibility needs by requiring all affordable dwellings and 15% of general market dwellings to be constructed to Building Regulations Document M4 Category 2 standard. The submitted policy required 5% of all dwellings to be provided to Category 3 standards but, in the interests of soundness and effectiveness, **MM13** brings the policy into line with national guidance on optional technical standards by indicating that this requirement applies to dwellings for which the Council is responsible for allocations or nominations, and makes it clear that this applies on sites of more than 20 dwellings. Subject to this modification, the policy is sound and in accordance with NPPF paragraph 127 and footnote 46.

#### *Space standards*

82. Policy H15 seeks to apply Nationally Described Space Standard Level 1 to new market and affordable homes. This is appropriate in the circumstances of Oxford in which there is limited space within the city and pressure to deliver smaller homes. However, paragraph 2 of the policy aims to apply Nationally Described Space Standards to new build houses in multiple occupation and other communal accommodation including extra care housing and student accommodation. The Council have subsequently acknowledged that the

standards should not apply to student accommodation and extra care homes which have different needs and functional requirements. As regards houses in multiple occupation, room sizes are governed by the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. In addition, paragraph 3 of the policy is unnecessary as it duplicates existing regulations relating to licensed houses in multiple occupation. **MM14** deletes this part of the policy in the interests of effectiveness.

### *Conclusion on Issue 3*

83. Subject to the main modifications detailed above, the plan takes a sound approach towards meeting the housing needs of different groups in the community.

### **Issue 4 – Whether the plan's approach towards business development and teaching and research are sound**

#### *The overall strategy for business development and employment sites*

84. The buoyant economy of Oxford and Oxfordshire is a leading centre for technology, innovation and research and is acknowledged as such in the Oxfordshire Housing and Growth Deal and the National Infrastructure Commission report on the Oxford-Milton Keynes-Cambridge corridor. The 2018 Employment Land Assessment forecasts a need for about 135,000 square metres of additional employment floorspace in the city by 2036, the great majority being new B1 floorspace. The NPPF places significant weight on the need to support economic growth and indicates that areas should be able to capitalise on their performance and potential. Strategies should positively and proactively encourage economic growth and should make provision for clusters of data-driven, creative or high-technology industries.
85. The plan does not allocate any wholly new sites solely for employment, but its reliance instead on existing commitments and other potential opportunities, together with some mixed use allocations, is sufficient to address the identified need. The Northern Gateway /Oxford North is a previous area action plan allocation which will provide 90,000 square metres of science and research and development; there is undeveloped land at the Oxford Science Park and the Oxford Business Park which is addressed by Policies SP10 and SP11; and certain other existing employment sites and areas have the potential for intensification.
86. Similarly, it is appropriate for Policy E1 to protect Category 1 and Category 2 Employment Sites that are nationally and regionally important to the knowledge economy, or are significant employers of sectors in Oxford, or are well-performing sites providing local services. These sites are listed in Appendix 2 of the plan. In a constrained city, and in the light of national policy described above, it is important that such land is retained for employment to meet forecast needs.
87. It is evident that, overall, the plan's strategy does not exhibit an excessive bias towards employment land at the expense of housing land supply, as has been frequently alleged. With the exception of the matters discussed below, Policy E1, and the plan overall, strike the right balance.

88. Policy E1 does however have a number of flaws. The first of these is that it only allows for the intensification, modernisation and regeneration of employment sites if the development is of higher density with more employment floorspace and jobs per hectare. The problem with this is that it fails to take account of the needs of businesses on these sites; for example, capital investment to improve productivity may reduce rather than increase employment densities, whilst change and innovation may not necessarily demand more building floorspace.
89. The second concern with Policy E1 is that it only allows for other uses on Category 1 sites if these relate directly to the main economic function of the site, which could work against the provision of, for example, creches and small on-site shops on large employment sites.
90. The third problem with Policy E1 concerns Category 3 Employment Sites. These are sites which are less well located for business or which do not perform such an important economic function; some could have the potential for residential development, but Policy E1 places unnecessary impediments in the way of such development. It requires that an applicant must demonstrate that the site is no longer suitable for its existing business use and that that no other occupiers can be found following a minimum of 6 months marketing. The policy is thus inconsistent with the stated objective at 1.32 of the submitted plan to deliver as much housing as possible whilst balancing other important needs.
91. Finally, Policy E1 would have the effect of preferring B8 storage and distribution, and car showrooms, in circumstances where residential development could be appropriate, which does not appear consistent with the plan's priority in respect of the need to make the most of residential development opportunities within the city.
92. **MM3** deletes the requirements for more floorspace and jobs per hectare and it also allows for complementary uses and supports start up or incubator businesses on Category 1 sites. It provides greater clarity in respect of the circumstances in which B8 uses and car showrooms may be developed, and where such floorspace can be lost. It also allows for residential development on Category 3 employment sites subject to a balanced judgement which takes into account the nature of the site and existing employment uses and the ability to achieve a good residential environment. This modification is necessary for soundness.
93. A further main modification, **MM1**, is required to explain that, in respect of Policy E1, the Category 1 employment site at the Northern Gateway / Oxford North will be limited only to the employment floorspace part of the scheme when built out, and to explain that Policy SP29 supersedes the AAP land use requirements for its part of the site. This modification is required for effectiveness.

#### *Teaching and research*

94. The University of Oxford and Oxford Brookes University are of great importance to education and to the economy. Policy E2 allows for their expansion, subject to meeting Policy H8 and the student accommodation requirements of Policy H9, both of which were discussed under Issue 3. It also

supports the growth of the hospitals including intensification of their sites and increased teaching and research.

95. Policy E3 however specifically resists any new or additional academic or administrative floorspace for private colleges (except Nuffield College) other than in very limited terms. It appears to be founded on the idea that they are of lower economic value than the two universities, and/or that they do not need to be in Oxford, so that in this constrained city their land use demands should be restrained. But this is an unfair and unequal policy because these colleges provide a variety of non-university education and training, for local people and people from elsewhere, in different walks of life. Among many things, they provide further education, adult education and language teaching. They are an integral part of the local economy, and they have their own development needs. Restricting the growth of this sector is contrary to the NPPF's objectives to support growth and to seek opportunities to meet the development needs of the area. Policy E3 is not positively prepared and is unsound.
96. **MM4** deletes Policy E3 in its entirety and it alters Policy E2 to allow for proposals for all new education, teaching and academic institutional proposals where they support the plan's policies and objectives and where student accommodation is provided in step with the expansion of student places. This modification is required to ensure a sound plan.

*Securing opportunities for local employment, training and business*

97. Policy E4 indicates that planning permission will only be granted for development of over 45 homes or 1,000 square metres of non-residential floorspace where applicants can secure construction and operational jobs for local people, provide construction apprenticeship opportunities, link with local schools and colleges, procure a proportion of construction materials and supply chain needs locally, pay all employees the Oxford Living Wage and only use contractors who commit to the same. The policy says that these requirements will be sought by legal agreement.
98. The policy is connected to the local industrial strategy, and the NPPF talks about planning policies having regard to such strategies. But, as in this case, local industrial strategies often include initiatives that do not fall within planning and do not belong in a local plan, which is an evidence-based land use planning document. The policy is not justified on the evidence and most of it strays into areas that are not relevant to planning. Oxford is far from being an island; businesses operate in competitive markets and their choices are influenced by local, regional, national and international factors. They need to be flexible and, subject to national statute and policy, they need to make their own decisions about the skills they need, their pay rates, their procurement and their supply chain needs, in order to remain competitive. As for the employment market, a construction or operational job is just as valuable to the economy and just as valuable to the individual concerned, whether that person lives within or outside Oxford.
99. The policy would prevent larger-scale business and housing investment from taking place unless a legal agreement is in place to deliver the policy requirements. This is not a positively prepared policy; nor do aspects of the



policy requirements, such as local procurement and wage levels, meet the requirements of the Community Infrastructure Levy Regulations or national policy in paragraph 56 of the NPPF, in the sense of being necessary to make the development acceptable in planning terms, being directly related to the development, and being fairly and reasonably related in scale and kind.

100. Nor is the policy evidence-based, in that there is no evidence that local planning authority intervention in all these matters will make any substantive improvement to economic conditions in an already buoyant Oxford. Rather, preventing development from taking place unless the applicant can satisfy the planning authority on a range of business decisions is more likely to deter growth, to the detriment of the local economy and employment market. This would be contrary to the NPPF which places significant weight on the need to support business growth and productivity.
101. For these reasons, **MM5** deletes Policy E4 in its entirety. There is of course merit in encouraging links between the business community and the local authority in the area of skills development, and MM5 alters the supporting text to encourage applicants to submit an employment and skills plan along with major development proposals. This is not a policy and it must be emphasised that there is no compulsion to comply with it, but it acknowledges that there may be benefits in encouraging developers to work with the local authority on these matters. However, for reasons of soundness and consistency, we have included in MM5 the removal of the whole section in the supporting text which states "Similar mechanisms can be used to secure commitment from the developer to procuring material and labour locally" through to "...only using contractors who pay this higher level than the National Living Wage", because this repeats the deleted policy and assumes such agreements can be made in relation to planning permissions when in fact they would fail the CIL tests. As the deletion of the policy has already been subject to consultation, this deletion relating only to the supporting text does not raise any new issues.

#### *Conclusion on Issue 4*

102. Subject to the main modifications referred to above, the plan's approach towards business development, and teaching and research, is sound.

#### **Issue 5 – Whether there are exceptional circumstances for altering the boundary of the Green Belt, and whether the plan's policy towards the protection of the Green Belt is sound**

103. Oxford is surrounded by its own Green Belt. There is a compelling need for new housing, as set out in Issue 1. Consistent with the spatial strategy, referred to under Issue 2, the plan has made the most of the opportunities available to deliver new housing.
104. Despite this, only a proportion of the housing required to meet the city's needs can be delivered within its boundaries on non-Green Belt sites. Neighbouring authorities can accommodate some of Oxford's needs and an apportionment has been agreed, as discussed under Issue 2. They have sought to make the most of urban land and site allocations and, in the case of South Oxfordshire, the draft Local Plan has found it necessary to alter Green Belt boundaries in sustainable locations near Oxford. It is evident that all options have been looked into, and the three criteria set out in paragraph 137 of the NPPF have

been met. All the circumstances point to the conclusion that exceptional circumstances exist at the strategic level to alter the defined Green Belt in suitable locations within the city's boundaries to allow for the provision of homes to help meet the city's housing needs.

105. The plan alters the Green Belt boundary to enable the development of the sites referred to in Policies SP24 to SP31. The Green Belt Study (2017) found these sites as having a low to moderate effect on the purposes of the Green Belt. Document BGP.11 contains a summary of the analysis. They would either not extend the urban edge significantly, or would not be significant in the landscape, or would be adequately contained by boundaries so they have little impact on sprawl. They are mostly related to, or seen in the context of, existing built features. Their development would have an effect on the openness of the Green Belt locally, but they are relatively small and mostly disparately located, delivering between 31 and 162 homes each, and represent only minor encroachment into the countryside. They would have little or no effect on the setting of the historic city. Yet in total they would provide the equivalent of 724 homes, making an important contribution towards meeting Oxford's housing needs.
106. The analysis is convincing. The alteration of the Green Belt boundary in each of these cases, and cumulatively, would not significantly affect the openness of the Oxford Green Belt or generate urban sprawl, and the Green Belt would continue to fulfil its NPPF-defined purposes.
107. There are therefore both strategic level and local level exceptional circumstances to alter the Green Belt boundary to allow for development on these sites. **MM79** expands paragraph 9.145 of the plan to clarify the reasons for the alteration of the Green Belt boundary in the interests of effectiveness.
108. Policy G3: Green Belt indicates that, save where otherwise provided for in the plan, proposals for development in the Green Belt will be determined in accordance with national policy. This gives the incorrect impression that the plan partly diverges from national Green Belt policy. **MM21** deletes the exception.

#### *Conclusion on Issue 5*

There are exceptional strategic and local level circumstances for altering the boundary of the Green Belt and, subject to the main modifications described above, the plan's policy towards the protection of the Green Belt is sound.

### **Issue 6 – Whether the Plan's policies towards sustainable design and construction, flood risk management, drainage and other environmental matters are sound**

#### *Sustainable design and construction*

109. Policy RE1: Sustainable Design and Construction sets out a number of principles for development which aim, among other things, to achieve efficiency in energy and water consumption, the conservation of materials and the minimisation of waste. For new development, the policy seeks a 40% reduction in carbon emissions from a particular baseline, rising to at least 50% after 2026 and, in the case of new residential development, zero carbon from

March 2030. It also seeks the higher water efficiency standard of 110 litres per person per day for residential development.

110. It is not necessary to refer in this report to the legislative and policy framework relating to climate change, or the scope available to local authorities to address matters such as energy efficiency. These things are explained in clear and convincing detail in the Council's Document BGP.4: Carbon-Related Issues (Climate Change and Fuel Poverty) and they provide evidential justification for the Council's approach. Local planning authorities may set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the Building Regulations. The approach has been viability tested; the Oxford City Council Economic Viability Assessment (SUP.3) included an allowance for policies related to sustainability. The approach taken by the plan is sound, and does not conflict with the current national policy framework taken as a whole.
111. However, the policy does not clearly explain what the baselines are and is not specific enough about what development the carbon targets apply to. In addition, it contains an over-prescriptive requirement for the intrusive monitoring of private developments by the Council for three years after occupation. **MM15** establishes the baselines, clarifies the application of the policy and deletes the detailed monitoring requirements, leaving monitoring measures to be described within energy statements and discussed on an individual project basis. Subject to MM15, Policy RE1 is sound.

#### *Flood risk management*

112. Policy RE3: Flood Risk Management sets out the Council's policy on this subject, which has been developed in consultation with the Environment Agency and is supported evidentially by the Oxford City Strategic Flood Risk Assessment Level 1 (2017). New development is first and foremost directed to areas of low flood risk (Flood Zone 1). However, the flood risk assessment concludes that a considerable proportion of Oxford is at some risk of fluvial flooding, so the policy seeks Site Specific Flood Risk Assessments in appropriate locations.
113. Large parts of the built up areas of South and West Oxford are in Flood Zone 3, and much existing development is located in Zone 3b which carries a high risk of flooding. It is important to make the most of urban land in sustainable locations, so the plan allows for development on previously developed land in Zone 3b provided it improves the flood risk situation, and also allows for minor householder extensions on a case-by-case basis. **MM16** includes some revised wording taken from COM.4, the Council's Statement of Common Ground with the Environment Agency. This seeks, for development in Zone 3b, a decrease in the footprint of the building and an increase in flood storage where this is possible. This is appropriate to ensure the effectiveness of the policy. **MM42** adds to paragraph 9.1 of the plan the need for a sequential approach to the site layout of development proposals for allocations in Flood Zones 2 and 3, in accordance with the NPPF. **MM46** and **MM52**, also derived from COM.4, modify the explanatory text of a number of site allocations in Flood Zone 3 to explain matters relating to the flood risk exception test and to require the submission of a comprehensive flood risk management strategy.

114. Policy RE3 refers to the Oxford Flood Alleviation Scheme and contains requirements about the basis on which flood risk will be calculated within the defended area of the flood scheme. Paragraph 4.18 of the explanatory text states that the land required for the route of the scheme will be safeguarded in perpetuity to enable delivery. The problem is that the scheme has been delayed and the route has not been fixed. It is not possible to safeguard land when the route is not known, and for the same reason, there are insufficient details of the defended area.
115. The Environment Agency say that this is a fully funded project being progressed by 10 partners including Oxford City Council and is expected to come forward in the plan period. But without detail, the policy and text will not be effective or sound because the area to which they apply cannot be defined in the plan or shown on the policies map. In the interests of soundness, MM16 deletes the part of paragraph 4.18 which refers to safeguarding, as well as the section of Policy RE3 which refers to the defended area. The remainder of paragraph 4.18 remains as a description of the purposes of the scheme. Should the scheme come forward it can be incorporated into any plan review.

*Sustainable drainage, surface and groundwater flow*

116. Policy RE4 deals with this subject but does not provide enough information about what is expected of applicants for larger schemes. To address this, **MM17**, which reflects the Statement of Common Ground with the Environment Agency (COM.4), seeks a foul and surface water drainage strategy for large development and encourages separate foul and surface water sewers on non-householder brownfield sites.
117. A number of site allocations contain requirements for applicant-funded investigations into the capacity of foul or surface water drainage or water supply. It is not for the plan to state who should fund such studies and this requirement is deleted by **MM44**. Consequently, MM17 inserts a new paragraph into the supporting text to Policy RE4 to explain how infrastructure capacity should be approached within the foul and surface water drainage strategy. MM17 also replaces a requirement for compliance with the Sustainable Urban Drainage System Design and Evaluation Guidance Supplementary Planning Document with a need to have regard to that document, because it is not a development plan document.

*Other environmental policies*

118. Policy RE.7: Managing the Impact of Development states that planning permission will only be granted for developments that, among other things, do not have unaddressed transport impacts; it is not clear what this means, and **MM18** changes the requirement to refer to unacceptable transport impacts, as well as removing the reference to transport assessments, which are more appropriately dealt with under the relevant transport policies. This modification is required for clarity and effectiveness.
119. The plan's policies on the efficient use of land (Policy RE.2), health and wellbeing (Policy RE.5), air quality (Policy RE.6), noise and vibration (Policy RE.8 and land quality (Policy RE.9) are all sound.

*Conclusion on Issue 6*

120. Subject to the main modifications described above, the plan's policies towards sustainable design and construction, flood risk management, drainage and other environmental matters are sound.

**Issue 7 – Whether the plan's policies for biodiversity, the Green and Blue Infrastructure Network, open space, sports and recreation are sound**

121. The Oxford Meadows Special Area of Conservation (SAC) lies within the plan area; Pixey and Yarnton Meads, Wolvercote Meadows and Port Meadow with Wolvercote Common and Green Sites of Special Scientific Interest (SSSIs) all form part of it. The Habitats Regulation Assessment Appropriate Assessment (CSD.6, 2018) concludes that the Oxford Local Plan 2036 will not affect the integrity of the Oxford Meadows SAC through recreational impacts, impacts on water levels or quality, or air pollution. It recognises, in respect of the latter, the significance of the plan's proposals for car-free development. Impacts on other SSSIs and local sites of nature conservation have also been taken into account (as summarised in BGP.17, Local Sites of Biodiversity Importance) and relevant protection measures have been included in Policy G2 and in the site allocation policies.

122. Policy G1: Protection of Green and Blue Infrastructure Network protects green and open spaces and waterways, which are defined on the policies map. It sets out criteria allowing for exceptions to that protection, but these are not consistent with those in subsequent policies which address in more detail a variety of aspects of greenspace including, among other things, biodiversity and sport and recreation. Policy G1 therefore adds inconsistency and a lack of clarity, undermining the effectiveness of this part of the plan. **MM19** deletes criteria (a) and (b) and adds a cross reference to the subsequent policies, which contain the relevant detail. The modification retains protection over water-based recreation facilities within Policy G1 since this is not covered in subsequent policies.

123. Both the scope and the content of Policy G5: Outdoor Sports are inconsistent with paragraphs 96 to 98 of the NPPF in respect of outdoor sports and recreation. **MM22** therefore extends the scope of the policy to match that of the relevant part of the NPPF and includes the same exception criteria. **MM124** explains what is meant by Open Space. **MM64** re-casts the wording of those site allocation policies where there is a requirement for open space retention, or off-site re-provision or enhancement, with an appropriate cross-reference to Policy G5. These modifications are required for effectiveness and to ensure consistency with national policy.

124. Policy G7: Other Green and Open Spaces refers to other spaces not protected by Policy G1. It is not clear what these are, and the policy contains a different and, in part, more stringent set of criteria for their protection than those relating to identified open space. These are not consistent with the NPPF in respect of outdoor sports and recreation, and the coverage of the policy overlaps with other policies such as those addressing biodiversity. Policy G5 as modified by MM22 is consistent with the NPPF and covers open space regardless of whether or not it is identified on the policies map, so Policy G7 is

unnecessary. **MM23** therefore deletes the entire policy in the interests of soundness and effectiveness.

125. Policy G2 protects sites and species important for biodiversity and geodiversity; **MM20** adds for reasons of effectiveness the requirement for a buffer between development and SSSIs to avoid disturbance during the construction period. For the sake of clarity and effectiveness, **MM20** and **MM125** also define Local Wildlife Sites and Oxford City Wildlife Sites.
126. Other policies relating to green and blue infrastructure are sound. Policy G3: Green Belt has been dealt with under Issue 5.

#### *Conclusion on Issue 7*

127. Subject to the main modifications described above, the plan's policies for the Green and Blue Infrastructure Network, open space, sports and recreation are sound.

### **Issue 8 – Whether the plan's policies for enhancing Oxford's heritage and creating high quality new development are sound**

128. The importance of protecting Oxford's historic assets does not need to be discussed here. The plan treats this subject very seriously, addressing placemaking, views and building heights, heritage assets and archaeology and other relevant factors. There is no evidence that the plan falls short in according due weight to any of these issues. The main modifications in this area all relate to the detailed wording of the policies.
129. Policy DH3: Designated Heritage Assets and Policy DH4: Archaeological Remains do not follow sufficiently closely the wording of Section 16 of the NPPF. **MM26** and **MM27** respectively bring the policies into line with the NPPF and **MM26** adds additional references to the setting of heritage assets and, in the supporting text, to heritage assets at risk.
130. Policy DH5: Local Heritage Assets sets out criteria for the inclusion on the Oxford Heritage Asset Register. This is not an appropriate plan policy since it does not relate to development and it belongs in the background text. In addition, Policy DH5 does not reflect national policy adequately in respect of the approach towards non-designated heritage assets. **MM28** takes the reference to the Oxford Heritage Asset Register out of the policy into the supporting text and includes appropriate wording to ensure compliance with the NPPF in respect of non-designated heritage assets.
131. A number of the site allocation policies contain requirements relating to nearby heritage assets, but the policy requirements are inconsistent with the NPPF and are open to criticism for leaving out assets that should be included, or vice versa. Since there is a clear framework in the NPPF for considering the impact of development on heritage assets, which is also included in Policy DH3 as modified, and Policy DH4, it is unnecessary to include further requirements within the policies themselves, although attention may be drawn to relevant heritage assets in the supporting text. **MM53** deletes these policy requirements from the relevant site allocations in the interests of soundness and effectiveness and replaces them with a reference to the requirements of

Policy DH3 and where appropriate Policy DH4, together with relevant references to heritage assets in the supporting text.

132. **MM24** alters the supporting text and Appendix 6.1 to explain the context in which public art will be encouraged, rather than expecting it even when it may not be appropriate, and it adds a reference to floorscape to the appendix; **MM25** indicates that regard should be had to the Council's High Buildings Study Technical Advice Note, rather than compliance, since it is not a development plan document; and **MM29** modifies Policy DH6 to ensure that the right terminology is used in respect of planning permission and advertisement consent. These modifications are all required for soundness. **MM126**, **MM127** and **MM128** provide appropriate cross references to national policy and guidance in the field of design and sustainable development to assist in an understanding of the policy context.
133. Policy DH2: Views and Building Heights contains a very stringent set of criteria for development to ensure that significant views to and from the historic skyline are maintained. Subject to the modification set out in MM25, the policy appears entirely effective and comprehensive in its coverage. Policy DH1: High Quality Design and Placemaking is also an effective policy, establishing, in conjunction with Appendix 6.1, key design principles and objectives for delivering high quality development.

#### *Conclusion on Issue 8*

134. Subject to the main modifications set out above, the plan's policies for enhancing Oxford's heritage and creating high quality new development are sound.

#### **Issue 9 – Whether the plan's policies for transport and movement are sound**

135. Oxford is a focus for many activities but its centre is of great historic value and has many narrow streets which are busy with cyclists and pedestrians. Its ambition is to become a world class cycling city with improved air quality, reduced congestion and enhanced public realm. To achieve this, there is a need to prioritise road space and promote sustainable transport modes.
136. Policy M1: Prioritising Walking, Cycling and Public Transport seeks to promote sustainable transport choices. The policy accords with national policy in the NPPF, but clarification is required as to when financial contributions towards bus services will be sought, so **MM30** makes it clear that contributions should be fairly and reasonably related to the development where the direct impact of development would make such measures necessary.
137. Policy M2: Assessing and Managing Development seeks a Transport Assessment for traffic-generating development as defined in Appendix 7.1. It also requires a Travel Plan for development that has significant transport implications in connection with the transport requirements in Appendix 7.2. These are intended to help reduce car travel and encourage the use of sustainable means of transport. However, the policy does not contain adequate criteria to assess whether a scheme is acceptable, and insufficient practical use is made of Transport Assessments and Travel Plans in, for

example, establishing appropriate levels of non-residential parking. Construction Management Plans are also mentioned in the policy and supporting text but without any detail. The policy needs to be clear about the circumstances under which a Construction Management Plan will need to be submitted.

138. In the interests of effectiveness, **MM31** adds new criteria to the policy to explain what measures are sought within a Transport Assessment to achieve appropriate transport outcomes; it explains when a Travel Plan is required; and it sets out when a Construction Traffic Management Plan must be provided and the actions it should contain. The non-residential parking issue is dealt with below.
139. As regards parking, the background text to the plan Policy M3: Motor Vehicle Parking explains that Oxford provides good opportunities for car free housing because of the availability of walking and cycling routes and good public transport. Policy M3: Motor Vehicle Parking requires new residential development to be car free in Controlled Parking Zones, employer-linked affordable housing, close to public transport services and shopping facilities. Outside these areas, residential parking should be provided in accordance with the standards in Appendix 7.3. This policy is consistent with the plan's overall strategy to reduce carbon emissions, encourage the use of sustainable transport modes and make the best use of land. The possible impact of car free parking on the rate of windfall development has already been discussed in connection with Issue 2.
140. However, Policy M3 is not clear enough in respect of the parking required for non-residential developments. It refers to no increase in parking, but it is not clear what baseline this would be gauged against, particularly where redevelopment is involved, and it is inconsistent with the requirement to reduce parking contained in a number of site allocation policies, a clause which would not have due regard to the operational needs of some of the businesses. There is also inconsistency between the requirement for existing employment uses, other types of use, extensions to development on existing employment sites and parking on new employment sites.
141. **MM32** therefore modifies the policy by stating that the parking requirements for all non-residential development, including extensions, redevelopment or new development, will be determined in the light of the submitted Transport Assessment or Travel Plan, taking into account the objectives to achieve a shift towards sustainable travel modes. The presumption is that parking will be kept to the minimum necessary to ensure the successful functioning of the development. In conjunction with this, **MM51** removes the requirement for a reduction in parking on a number of site allocations. This is effective because it enables the circumstances of each case to be considered whilst continuing to promote sustainable transport modes, and gives additional purpose to Transport Assessments and Travel Plans. **MM32** also clarifies the position in respect of redevelopment and the expansion of existing operations on large sites, and, together with **MM131** and **MM123** it introduces various consequential clarifications and deletions, including case-by-case parking provision for disabled people.



142. Highways England have questioned whether MM32 and MM51 would result in a material increase in traffic on the Strategic Road Network. However, the plan's Transport Model showed a minimal increase in traffic movements on the strategic road network as a result of the planned development within the Oxford Local Plan 2036.<sup>8</sup> The Transport Model was run with no Local Plan mitigation measures, and as Policy M3 represents an improvement to the current situation it is unlikely that this modification would result in an increase in vehicle movements on the Strategic Road Network.
143. Policy M4 appropriately seeks electric charging points whilst Policy M5 deals with bicycle parking. The latter has the potential for over-provision in some instances which would conflict with the need to make the best use of land. **MM33** allows for reduced provision for student accommodation in certain defined circumstances and reduces the standard for dwellings to a realistic level.

*Conclusion on Issue 9*

144. With the main modifications in place as described above, the plan's policies for transport and movement are sound.

**Issue 10 – Whether the plan's policies in respect of retailing, town centre uses, tourism and cultural development are sound**

145. The Oxford Retail and Leisure Study (RTL.1) assessed the broader picture for retail and leisure in Oxford, carried out a detailed health check of the city centre and five existing district centres (Cowley Centre, Summertown, Headington, East Oxford-Cowley Road, and Blackbird Leys), and undertook extensive household and shopper surveys. The study is comprehensive. Document BGP.19, Retail, Leisure and Vibrancy of Centres, which draws on it, is an excellent explanation of the evidence that underpins this issue and there is no need to repeat its findings in detail.
146. The plan aims to ensure that developments involving town centre uses are directed to the city centre, district centres or local centres as defined on the Policies Map. This assists in reducing the need to travel. It is in accordance with the NPPF and is consistent with the plan's sustainable movement policies.
147. To achieve this, Policy V1 states that proposals for the development of town centre uses outside a centre must demonstrate compliance with the sequential test, which is described in paragraph 86 of the NPPF. The policy sets the development threshold for the impact assessment at 350 square metres. Though substantially lower than the default threshold of 2,500 square metres in the NPPF, there is justification for this. The Retail and Leisure Study's assessment of retail trends highlighted the dynamic growth in smaller convenience stores operated by the major grocers with a minimum gross floorspace of about 4,000 square feet (372 square metres). There is a risk that locating these smaller stores on the edge or outside of smaller local centres, for example as part of petrol filling stations, could harm the overall vitality and viability of the centres, particularly where they are dependent on small supermarkets and convenience shops to anchor their retail offer. In the

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<sup>8</sup> This is set out in the Transport Technical Note attached to COM.6A, the addendum to the Statement of Common Ground with Natural England.

circumstances the impact assessment threshold of 350 square metres is justified. **MM34** clarifies that sites allocated by the plan for retail development are exempt from the need to submit a retail impact assessment.

148. Policy V2: Shopping Frontages in the City Centre seeks to maintain the primarily retail character of the city centre by allowing Use Class A1 retail use, whilst setting criteria for the proportion of non-retail and other town centre uses. Policies V3: The Covered Market and V4: District and Local Centre Shopping Frontages also contain criteria governing the proportion of non-retail uses within these areas, with Policy V4 setting different criteria for each of the district centres and for local centres.
149. With regard to Policy V4, there is no soundness reason to make a distinction between the Templars Shopping Park and the Cowley Templars Square Shopping Centre within Cowley Centre District Centre, because although they cater for different types and sizes of retailer they form part of the same centre.
150. With the exception of the issue discussed below, the criteria governing the proportion of retail and non-retail use in these centres are justified against the findings of the Oxford Retail and Leisure Study, which took into account trends in retailing including the growth of internet shopping and the effect of the new Westgate Centre on shopping patterns, as well as the health and characteristics of the district and local centres.
151. Modifications are however required to these policies in certain respects. Firstly, the criteria relating to the proportion of Use Class A1 in East Oxford-Cowley Road needs to be adjusted as shown in **MM37** to reflect the current proportion of A1 uses in the centre. Secondly, criteria (c)(i) and (ii) of Policy V2 only allow non-retail town centre uses where, among other things, they promote the diversity and range of uses available to shoppers and visitors, enhancing their experience. Similar criteria feature in Policies V3 and V4. This could lead to inconsistency, because it would require a case-by-case evaluation of the qualities of the proposal and the diversity of the centre's uses, and uncertainty, because there would be nothing to inform an applicant as to whether any proposal would be acceptable. **MM35**, **MM36** and **MM37** remove these criteria from Policies V2, V3 and V4 respectively in the interests of soundness, and instead insert support for diversity into the supporting text. The use of upper floors, also dealt with by **MM35** and **MM37**, has been discussed under Issue 2.
152. The importance of tourism to the Oxford economy was assessed in the study "The Economic Impact of Tourism in Oxfordshire 2015". Tourism issues are addressed clearly in BGP.13 "Hotels and Short Stay Accommodation" and there is no need to repeat the detail here.
153. Policy V5: Sustainable Tourism allows for the development of holiday and other short stay accommodation in the City Centre, District Centres, on main arterial roads where there is good public transport, and on sites allocated for the purpose. It is recognised that Policy V5 does not in itself represent a proactive tourism strategy, but it is sound in that it represents, for tourism development, the spatial representation of the plan's objective to support sustainable modes of travel.

154. **MM38** as consulted upon was intended to clarify the application of Policy V5, but it would have had the negative consequence of preventing the expansion or modernisation of some existing tourist facilities and hotels contrary to the objective to modernise existing sites referred to in paragraph 8.15 of the plan. A change has therefore been made to MM38 to make it clear that the locational requirement applies only to new sites, not to proposals to refurbish or expand existing sites. Since this would be consistent with the plan's objectives there are no consultation issues involved.
155. Policy V6: Cultural and Social Activities allows for such uses subject to criteria relating to location and impact. These are sound except for the criterion which stipulates that they should add to Oxford's cultural diversity. Rather like the shopping centre criteria relating to diversity, discussed above, this criterion could lead to inconsistent case-by-case decision making based on no published guidance, and it would not help an applicant to understand whether a particular proposal will be acceptable. **MM39** deletes the criterion and inserts an expression of encouragement towards development which adds to cultural diversity in the supporting text.
156. Policy V7: Infrastructure and Cultural and Community Facilities aims to retain social and community facilities and sets out criteria for applications for new state schools, primary healthcare facilities and community centres. **MM40** clarifies that this applies to alteration and expansion as well as new facilities and that it applies to all schools. This modification is required for effectiveness.

#### *Conclusion on Issue 10*

157. Subject to the main modifications described above, the plan's policies in respect of retailing, town centre uses, tourism and cultural development are sound.

#### **Issue 11 – Whether the plan's policies concerning infrastructure provision are sound**

158. New infrastructure is required in the wider Oxfordshire area to accommodate Oxford's development needs and those of neighbouring districts. This is being addressed through the Growth Deal and through the development plans and infrastructure delivery plans of other Oxfordshire authorities. The provisions of the Oxford City Local Plan itself do not give rise to the need for major infrastructure projects within the city.
159. Infrastructure requirements are however likely to arise from individual developments, and Policy S2: Development Contributions indicate that these will be sought where needs arise as a result of new development. Its wording predates the introduction of the community infrastructure levy in Oxford, so **MM2** updates the policy to refer to the use of the levy, planning conditions, and planning obligations, in the interests of effectiveness.
160. Policy V8 deals with utilities and the need for evidence of utilities capacity to support planning applications other than householder applications. The issue of funding research into capacity has already been dealt with under Issue 6 (MM44). It also refers to digital infrastructure, but the plan does not contain an adequate policy in this regard and is therefore not consistent with the NPPF.

161. **MM41** therefore deletes the brief reference to digital infrastructure in Policy V8 and introduces a new policy, V9, which indicates that planning permission will be granted for new development where it is served by digital infrastructure, subject to a number of criteria. Policy V9 also includes a section dealing with new electronic communications infrastructure in accordance with Section 10 of the NPPF.

#### *Conclusion on Issue 11*

162. Subject to the main modifications described above, the plan's policies concerning infrastructure provision are sound.

### **Issue 12 - Whether the Plan's site allocations are sound**

#### *General points*

163. This part of the report does not discuss every site allocation. If a site allocation is not mentioned, it is considered sound subject to any main modifications identified elsewhere in the report. The site selection process was robust (see Issue 2). Matters that have already been dealt with, and are not discussed under the site allocations, include:

- the provision of minimum numbers of homes for the site allocations (Issue 2);
- the clarification that employer-led housing should be affordable housing (MM47, Issue 3);
- the clarification that sites listed as suitable for employer linked affordable or student accommodation would also be suitable for general residential (MM67, Issue 3);
- the deletion of the detailed requirement in respect of the student accommodation threshold and its replacement with a cross reference to Policy H9 (MM50, Issue 3);
- all Green Belt matters (Issue 5);
- the deletion of over-prescriptive criteria relating to utilities capacity (MM44, Issue 6);
- information about the flood risk exception test and a requirement to submit a comprehensive flood risk management strategy in sites in Flood Zone 3 (MM46 and MM52, Issue 6);
- sports pitch retention or re-provision or open space improvement in line with Policy G5 (MM64, Issue 7);
- the deletion from site allocations of criteria relating to heritage assets, with the insertion of cross references to Policies DH3 and DH4 as appropriate (MM53, Issue 8); and
- the deletion of the requirement to reduce parking on several sites (MM51, Issue 9).

### *Flexibility*

164. Many of the site allocation policies explicitly state that planning permission will not be granted for any use other than that described in the policy. This stipulation does not demonstrate positive preparation because the plan cannot envisage every form of development that might be brought forward, and plans should be flexible enough to accommodate needs not anticipated and activities that might be beneficial to the functioning of the main use. **MM49** deletes the restriction from the site allocation policies and inserts wording to the effect that uses that are complementary to the main use will be considered on their merits.

### *The site allocations*

#### *Areas of Change*

165. The submitted plan sets out the Council's approach to each of these areas in the background text, but some of this text contains policy-style requirements which should be expressed as policies. **MM43** therefore introduces new policies AOC1 to AOC9 for, respectively, AOC1: West End and Osney Mead, AOC2: Cowley Centre District Centre, AOC3: Blackbird Leys Area of Change, AOC4: East Oxford-Cowley Road District Centre, AOC5: Summertown District Centre, AOC6: Headington District Centre, AOC7: Cowley Branch Line, AOC8: Marston Road and AOC9: Old Road. The new policies largely retain the original text, adapted to make them work as policy, and they are sound in every case. **MM43** explains that the impact of development in these areas needs to be considered within the area's wider context. The City Centre is also included as an Area of Change, but a separate policy is not necessary because it is already covered by several policies.

#### *Policy SP1: Sites in the West End and Policy SP2: Osney Mead*

166. Policy SP1: West End Sites and Policy SP2: Osney Mead each contain new provisions under **MM45** and **MM48** facilitating a foot/cycle bridge across the Thames. This is necessary to help to integrate Osney Mead with the city centre and enhance its development potential. **MM45** also clarifies that development under Policy SP1 should have regard to the West End Design Code, rather than follow it, because it is not a development plan document.

#### *Policy SP5: Summer Fields School Athletics Track*

167. Development on this site could have an impact on groundwater flow and the recharge of groundwater to the Oxford Meadows Special Area of Conservation. In the interests of soundness, **MM56** adds a requirement to the policy that development proposals must be accompanied by a hydrological survey to assess the impact on groundwater.

#### *Policy SP7: 276 Banbury Road*

168. This site is under construction, so the policy is not necessary and is deleted by **MM59**.

*Policy SP8: Unipart*

169. This large Category 1 employment site lies to the south east of Oxford. Policy SP8 allows for B1 and B2 uses, but only accepts B8 use where it supports the other employment activities on the site. However, after investigation, the Council considers the site to have lawful B8 use, and this is confirmed in the Statement of Common Ground between the Council and Unipart Group (COM.14). In order to reflect the site's lawful use, **MM60** allows for B8 use on the site without the restriction in the submitted plan.

*Policy SP9: Mini Plant Oxford*

170. To take into account operational requirements on this large employment site, **MM61** allows for a reduction in employment floorspace as an exception to Policy E1. This is required for effectiveness.

*Policy SP14: Edge of Playing Fields, Oxford Academy*

171. **MM66** and **MM68** clarify, respectively, paragraph 9.93 and the policy itself, by making it clear that the allocation only relates to spare land at the edge of the playing fields and development should not encroach on to the playing fields, for which qualitative improvements are sought.

*Policy SP17: Government Buildings and Harcourt House*

172. In the interests of flexibility, **MM71** deletes unnecessary prescription relating to the positioning of student accommodation on the site. In view of the proximity of open space, and in order to make the best use of the site, **MM72** deletes the requirement for 10% of the site to be public open space, requiring the inclusion of landscaping instead.

*Policy SP18: Headington Hill Hall and Clive Booth Student Village*

173. **MM73** and **MM75** refer to the presence of New Marston Meadows SSSI within 600m of this site. The modifications, which include assessments of groundwater flow and the incorporation of sustainable drainage in any scheme, require applicants to demonstrate that there will be no adverse impact on surface and groundwater flow to the SSSI. In addition, **MM74** requires applications to investigate and address potential land contamination issues on the site. These modifications are required to ensure that the plan's site allocations are consistent with its environmental objectives.

*Policy SP19: Land Surrounding St Clement's Church*

174. The submitted plan includes this as a residential allocation, but in the interests of effectiveness **MM76** provides greater flexibility by allowing for student accommodation and indicates that planning permission will also be granted for a nursery as a complementary use.

*Policy SP20: Churchill Hospital Site*

175. **MM77** provides greater flexibility of use on this site by adding references to extra care accommodation including elderly persons' accommodation, and complementary uses including residential development.

*Policy SP21: Nuffield Orthopaedic Centre*

176. In order to give greater flexibility and make the best use of this site, **MM78** expands the number of acceptable uses by allowing for residential development and extra care accommodation.

*Policy SP31: St Catherine's College Land*

177. This largely developed site is in Flood Zone 3b so, in the interests of soundness, **MM87** requires a site-specific flood risk assessment, including mitigation measures, with any planning application to ensure that the site allocation is consistent with the plan's environmental objectives.

*Policy SP34: Canalside Land*

178. The redevelopment of this site for a mixed use development has been pursued for some time, as set out in the Council's adopted SPD. **MM90** as consulted upon sets the minimum number of homes at 23 and indicates that the affordable homes on the site will be delivered on the site of the community centre, Canal Street.

179. However, representations received in respect of the main modifications indicate that the existing community centre is not part of the site addressed by the policy and is in separate ownership. The policy cannot therefore depend on its future availability. This means that the specification by MM90 of a minimum of 23 homes on the site is not a reliable figure, and the policy cannot require homes to be delivered on the site of the community centre if it is not in the site allocation. An additional point in respect of MM90 is that the policy cannot require development to accord with the Canalside Supplementary Planning Document, which is not a development plan document and has not been examined (this is an issue already addressed in other MMs). The original policy, which sets out the range of uses for the site, is not unsound and MM90 is not therefore recommended.

*Policy SP35: Court Place Gardens*

180. **MM132** specifies a minimum of 64 homes for Court Place Gardens. However, following consultation on the main modifications, it is clear that a minimum number should not be specified because of the presence of nearby listed buildings, landscape and tree constraints and a nearby SSSI. Further design work is needed to ascertain the capacity of the site. MM132 is not therefore recommended.

*Policy SP39: Former Iffley Mead Playing Fields*

181. This housing allocation site was once a school playing field and the policy seeks the re-provision of the playing field or a contribution made to another facility. However, the field has not been used since 2003; it was held in reserve by the County Council but was not required, and it has never been publicly available as a playing field. In the circumstances the open space is clearly surplus to requirements; re-provision or a contribution are not appropriate within the terms of NPPF paragraph 97, are not required for mitigation and would not relate fairly and reasonably to the development. **MM94** removes the requirement, to ensure compliance with NPPF paragraph

97 and NPPF paragraph 56 in relation to the tests for planning obligations. The policy seeks 10% public open space which is appropriate.

*Policy SP41: Jesus College Sports Ground*

182. The plan allocates this site for residential development but not student housing. Despite the existence of some graduate accommodation in the area, student housing would be incompatible with the locational strategy for student housing in Policy H8. The city has very few greenfield sites like this one on which general housing can be provided, and the plan is sound in seeking to make the most of this limited resource for general housing.

183. The submitted policy seeks 25% of the site as public open space located on the Barracks Lane frontage, but this is not necessary since the development, of a minimum of 28 homes, is modest in scale; moreover, as this is a private open space, the policy cannot require public sports facilities on the site or a contribution to local sports facilities as this would not fairly relate to the nature of the site or the development. **MM96** deletes this requirement. Policy G5 would still require the retention of the sports pitches space or equivalent re-provision (as discussed under Issue 7, MM64). It is likely that re-provision would take place in conjunction with nearby Lincoln College Sports Ground (Policy SP44). MM96 also requires green space to be retained along the Barracks Lane frontage to protect the character of the area. Subject to these modifications, the policy is sound.

*Policy SP42: John Radcliffe Hospital Site*

184. This busy site suffers from regular queueing to access the visitor car parks during the day, and this can hinder other vehicles, notably buses. This is not addressed effectively enough in the submitted policy. It is necessary to look at long term comprehensive solutions for transport and new uses, so **MM97** seeks transport assessments and travel plans in appropriate circumstances and cross-refers to the masterplan currently being produced by the Oxford University Hospitals NHS Foundation Trust for this site along with the Churchill Hospital (Policy SP20) and the Nuffield Centre (Policy SP21). To recognise the potential of the site, MM97 adds to the list of appropriate uses extra care accommodation, including elderly persons' accommodation, together with complementary residential development including employer-linked affordable housing. The modification is required for effectiveness.

*Policy SP43: Land at Meadow Lane*

185. The submitted policy for this residential site does not adequately recognise the potential for impact on the Iffley Meadows SSSI. To ensure consistency with the plan's environmental objectives, **MM98** adds a requirement that development should be designed to ensure that there is no adverse impact on the SSSI; it requires a sustainable urban drainage system and the potential need for a groundwater study.

*Policy SP44: Lincoln College Sports Ground*

186. The submitted policy allows for residential development and public open space, together with the retention of the sports pitch or alternative provision. This area is said to be short of greenspace, but this is a private site. Therefore,



the inclusion of public open space as part of the development would be a public benefit. **MM99** states that this should be located along the frontage adjacent to the Bartlemas Conservation Area, which would assist in preserving its setting. This modification is necessary to ensure that the policy is consistent with the plan's objectives in respect of heritage assets.

*Policy SP46: Manor Place*

187. **MM101** alters the policy to refer to the correct site name in the interests of consistency and effectiveness.

*Policy SP47 Manzil Way Resource Centre*

188. This site is for healthcare, administration and/or homes, but the submitted policy contains the requirement that if housing is to be provided there should be enough market housing to ensure that affordable housing is provided on site. This does not take into account site circumstances or the potential for a mixed-use scheme with a smaller number of homes and hence it prejudices suitable development solutions for the site. **MM102** removes the requirement to ensure that the policy is effective. In addition, as discussed under Issue 3, the wording in Appendix 3.4 should be modified (as part of MM8) to clarify that employer-linked affordable housing can be brought forward here. These changes are required for soundness and effectiveness.

*Policy SP48: Nielsen, Thornhill Park, London Road*

189. This site is listed in Appendix 2 of the plan as a Category 2 Employment Site, but the criteria in Policy E2 for such sites are not relevant here because in 2017 the site was subject to a prior approval application for the conversion of Nielsen House to 134 homes. The requirement in the submitted policy to retain the existing level of employment on site is incompatible with this. Having regard to the Statement of Common Ground (COM.10), **MM103** and **MM129** adopt a more effective approach by deleting the reference to Nielsen from the policy heading and from the list of Category 2 Employment Sites, and by allocating the site for a residential-led mixed use redevelopment, with a requirement to include some employment use.

*Policy SP49: Old Power Station*

190. This site is allocated for student accommodation and/or residential dwellings, and, having regard to the potential of the site, **MM104** extends the range of possible uses to academic institutional use in the interests of a more flexible and effective policy.

*Policy SP51: Oxford Brookes University Marston Road Campus*

191. To make the best use of the site's potential, in accordance the objectives of the NPPF and the plan, **MM106** extends the range of uses to enable student accommodation to be built, linked to further academic uses.

*Policy SP52: Oxford Stadium*

192. The stadium formerly hosted greyhound racing and speedway, but owing to changes in organisation, social outlook and in patterns of attendance, it has

not seen these sports for several years. It is largely unused and, despite designation as a conservation area in 2014, it is a very unattractive site in poor condition. As a large urban brownfield site in a busy, constrained city, it represents a very serious long-term wasted resource.

193. Policy SP52 seeks the restoration of greyhound racing and speedway at the stadium, with enabling residential development on the car park and, if these sports uses are shown not to be viable, it seeks an alternative community and leisure use. Although the Council's evidence suggests that greyhound racing and speedway would be viable if supported by enabling housing development, considerable doubt is cast on this by the range of other evidence from the landowner, in terms of both viability and the future of these sports. There is also doubt about whether the 100 homes referred to in MM108 can realistically be accommodated on the site along with greyhound racing and speedway, having regard to the residential scale and density that would be required, the potential noise that the residents could be exposed to, and the difficulty of reconciling residential use with the operational parking needs of the sports uses.

194. This report does not recommend the removal of references to greyhound racing and speedway from the policy; it is acknowledged that they are currently the Council's preferred uses for the site. Nonetheless, it must be recognised that there is a significant prospect that they will not return. Meanwhile there is a compelling need for housing in Oxford, as well as an urgent need to transform the appearance of the site. A comprehensive redevelopment of the site could deliver far more homes than the 100 referred to in MM108. For the policy to be consistent with national policy and indeed with its own housing objectives, it needs to contain a commitment to the complete redevelopment of the site for housing and complementary uses if it is shown that greyhound racing and speedway cannot realistically be resumed. This is secured by **MM107** and **MM108**, which also aim to ensure that such development references the heritage interest of the site. The inclusion of 100 homes in MM108 is not recommended for the reasons given above. These modifications are necessary to ensure the policy is effective and consistent with national policy, to avoid the site continuing to remain unused.

*Policy SP55: Radcliffe Observatory Quarter*

195. This land may potentially be contaminated so, to ensure that the policy is consistent with the environmental and public health objectives of the plan, **MM74** adds a requirement to this policy that applications should undertake a site investigation into contamination.

*Policy SP57: Ruskin Field*

196. This site is to the north of the Ruskin College Campus site. Only the southernmost part of the field is allocated as a potential development site because of the sensitivity of the northern part; development there could have an adverse impact on the Old Headington Conservation Area and the Elsfeld View Cone. The expansion of the College would be appropriate on the allocated part of the site, as would residential development including employer-linked affordable housing and possibly other complementary uses. For the sake of clarity, **MM112** sets out these acceptable uses. Development

on the southern (allocated) part of Ruskin Field can be designed so that it would not adversely affect the significance of the Conservation Area or listed buildings, and other relevant policies would ensure that its height is appropriate to its context.

*Policy SP58: Slade House*

197. This site is for healthcare, administration and/or homes, but the submitted policy contains the requirement that if housing is to be provided there should be enough market housing to ensure that affordable housing is provided on site. This does not take into account site circumstances or the potential for a mixed-use scheme with a smaller number of homes, and hence it prejudices suitable development solutions for the site. **MM113** removes the requirement to ensure that the policy is effective. In addition, the wording in Appendix 3.4 should be modified (as part of MM8) to clarify that employer-linked affordable housing can be brought forward here. This land may potentially be contaminated and **MM74** adds a requirement to this policy that applications should undertake a site investigation into contamination. These modifications are required for soundness and effectiveness.

*Policy SP59: Summertown House, Apsley Road*

198. **MM56** removes the requirement for a hydrological survey on this site since this is not needed in this location.

*Policy SP61: University of Oxford Science Area and Keble Road Triangle*

199. This land may potentially be contaminated and **MM74** adds a requirement to this policy that applications should undertake a site investigation into contamination.

*Policy SP62: Valentia Road Site*

200. Development on this site would have the potential to affect surface water and groundwater flow to the Lye Valley SSSI. Consequently **MM117** requires applications to produce an assessment of groundwater and surface water and requires schemes to reduce surface water runoff and contain sustainable drainage with a management plan.

*Policy SP64: Wolvercote Paper Mill*

201. This policy and the supporting text are deleted by **MM119** because the site is being developed.

*Policy SP65: Bayards Hill Primary School Part Playing Fields*

202. This allocation is for residential development. **MM120** clarifies in the interests of effectiveness that the site to be developed must not encroach upon the playing pitches and that qualitative improvements will be sought to the remaining playing field.

*Policy SP66: William Morris Sports Ground*

203. **MM74** removes the requirement for a site investigation into contaminated land on this site since there is no evidence of contamination.

*Conclusion to Issue 12*

204. Subject to the main modifications described above, the Plan's site allocations are effective and in accordance with national policy, their local impacts are acceptable, and they are sound.

## Overall Conclusion and Recommendation

205. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

206. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that with the recommended main modifications set out in the Appendix, the Oxford Local Plan 2036 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Jonathan Bore*

*Nick Fagan*

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.

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