

Address submitted by Helen Marshall on behalf of CPRE Oxford

Oxford is host to a wide range of community, environmental and civic organisations all of whom are committed to working for a sustainable future for our amazing City.

Imagine how strong a Local Plan could be if it harnessed the passion and expertise of these groups in a co-ordinated way and genuinely involved them in the development of the Local Plan?

Instead, it seems that we are once again here in a position of tick box consultation with groups that have concerns forced into confrontation and opposition, rather than feeling that their views have been listened to, let alone taken into account. We are also surprised to see that the draft Local Plan has effectively been published, ahead of its consideration by Scrutiny and Cabinet.

In that context, we make the following requests of Cabinet:

1. **The [Regulation 18 \(2\) Consultation Response Report](#) is not considered fit for purpose and should be re-written prior to the Local Plan consultation.**
  - Should a total of approx. 100 responses be considered sufficient to establish that the consultation has been adequately conducted?
  - Why is there no indication of where the responses have come from? Are these from individuals or groups representing 100s or 1000s of Oxford residents?
  - Why is there no weighting indicated as to the level of agreement on comments? We are simply given an edited list of comments, but no indication of how many people agree to each of these.
  - Most importantly, why is there no indication of how the City Council will respond to these comments? We wonder if the Council can point to one single change to the Local Plan that it has made in response?

As an alternative approach, the Committee might like to consider this [consultation report](#) produced recently by South & Vale District Councils, alongside an [interactive issues consultation website](#). Admittedly this is at an earlier Local Plan stage, but it does set out clearly how the Councils intend to respond to comments.

2. **A further paper on the Housing & Economic Needs Assessment (HENA) should be published alongside the Local Plan consultation giving specific responses to the detailed criticisms that have been made of this document by a wide range of statutory and non-statutory stakeholders.**

We agree that Oxford needs considerable investment in genuinely affordable housing. Nonetheless, decisions must be made on good evidence, to avoid the unnecessary loss of green space and countryside including Green Belt, and the HENA is clearly flawed. Critical questions remain unanswered, for example:

1. Why the trajectory proposed for Oxfordshire as a whole envisages the population growing by nearly 27% by 2040, compared to Office for National Statistics estimates of a UK population increase of less than 5%?
2. Why the level of growth proposed is over 50% more than the growth experienced in the previous period?
3. Why household growth is assumed to continue at the same rate from 2019-2029 to 2029-39 when the Office for National Statistics predicts a 41% fall in the second decade?
4. Why net migration is based on a 5 year rather than 10 year average, adding 20% to the figures?

Unfortunately we are not able to attend tonight's meeting in person to read this statement. However, we ask Cabinet to give careful consideration to these matters, which are crucial to delivering a thriving Oxford, in the context of both the City and the County as a whole.

**Response from Councillor Louise Upton, Cabinet Member for Planning and Healthier Communities:**

The regulation 18 consultation took place in two parts, with a second, focused consultation taking place on housing need only. There are two consultation reports corresponding to each of these consultations. The part 1 consultation had a series of preferred options covering nearly all issues to be covered by the local plan, except for housing need. This consultation report is extensive and gives a short commentary on how comments are being considered. Not all respondents are listed. Many are anonymous. However, when the respondent is particularly relevant to the point made, this is noted. The second Regulation 18 consultation was on a single issue. It is noted in the corresponding consultation report who made the comment when they are a statutory body. The numbers referred are in Appendix 1, which shows the number of responses received through the consultation portal. Many additional comments were received, mainly by email. Overall, including the early Issues consultation, around 3,000 responses have been received to our Local Plan 2040 consultations.

When responses are in the form of a questionnaire then statistics or graphs are produced in the consultation report, and this is the case for the main Regulation consultation report, but it did not apply to the second Regulation 18 consultation. The number of people who made a particular point is not of relevance- it is the significance of points made that matters, and they are all given consideration no matter whether they were raised by one or many people.

The responses in the second Regulation 18 consultation relating to housing need and the HENA were considered carefully. However, it was not considered that any of the comments raised issues that suggest that the HENA does not include an appropriate approach to calculating housing need. We still consider that the methodology is sound. Alongside the publication of the submission draft Oxford Local Plan 2040 for consultation will be a wide range of supporting materials, including a background paper that explains in more detail what we consider our

exceptional circumstances for using an alternative method of calculating housing need, other than the Standard Method, with a brief summary of the methodology of the HENA and detailing the rationale or some of the assumptions in the HENA.

Address by Kaddy Beck of the Save Bertie Park Campaign:

We understand that when you send the Local Plan to the Secretary of State they will assess whether it is effective (i.e. deliverable over the plan period) and consistent with national policy (i.e. in accordance with policies in the National Framework).

The 2036 plan policy SP32 for the development of Bertie Park states that planning permission for housing will only be granted if our recreation ground, including its Multi Use Games Area, is re-provided on the land behind Wytham Street. You have never suggested complying with this requirement. Your proposals were advertised as a departure from the Local Plan. It is clear that you do not consider plan policy SP32 to be deliverable over any plan period. So the 2040 Local Plan states that Bertie Park should be allocated for residential development (or a primary school), but you have scrapped the requirement to re-provide the recreation ground.

Although this makes the policy, in principle, deliverable, it is no longer in accordance with policies 8, 98, 99 and 130 of the National Policy Planning Framework.

The only way that the new Bertie Park policy could pass inspection would be if your proposal to appropriate the land on Bertie Park for planning purposes is successful. (You also state that appropriation is for the regeneration of the park but this is just silly). Although you have *started* the process of appropriation, it is difficult to see how you can comply with the conditions set out in section 122 of the 1972 Local Government Act. As a local authority you have a duty to act within the law. Any decision to proceed with appropriation will trigger judicial review, which is unlikely to be completed before the 2040 Local Plan is submitted to the Secretary of State.

The continued inclusion of the Bertie Park on the Local Plan is particularly ironic given that you have said that the new Local Plan 2040 aims to "protect existing leisure, community and cultural facilities" whether or not they are in district centres.

We are therefore highlighting the need to remove Bertie Park from the list of development sites for the 2040 Local Plan.

Are you really determined that we, as a community, do not either need or deserve to keep this recreation ground?

**Relevant National Policies/Laws**

**NPPF 8:** "social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations (and) by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."

**NPPF 98:** "Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities"

**NPPF 99:** "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”

**NPPF 130:** Planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

**1972 Local Government Act**

**122 Appropriation of land by principal councils.**

- (1) Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned.
- (2) A principal council may not appropriate under subsection (1) above any land which they may be authorised to appropriate under **[F1 section 229 of the Town and Country Planning Act 1990]** (land forming part of a common, etc.) unless—
  - (a) the total of the land appropriated in any particular common, . . . **F2** or fuel or field garden allotment (giving those expressions the same meanings as in **[F3 the said section 229]**) does not in the aggregate exceed 250 square yards, and
  - (b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

**F4** .....

**[F5(2A)]** A principal council may not appropriate under subsection (1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

- (2B) Where land appropriated by virtue of subsection (2A) above is held—
  - (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
  - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]

**F6(3)** .....

- (4) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section, any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the **M1**Lands Clauses Consolidation Act 1845 and section 10 of the **M2**Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

**Response from Councillor Louise Upton, Cabinet Member for Planning and Healthier Communities:**

The red line of the Bertie Place allocation in the new draft Local Plan has been amended so that it no longer includes the larger part to the west. This area was originally included in the allocation as a possible site for a primary school, as that would have been the playing field. In the LP2040 the smaller site is allocated for residential use. As the western part of the site is not to be used for built development, or needed to enable a primary school, it is no longer included in the allocation. Therefore, the new draft policy is not specific about using this part of the (previous, LP2036) allocation as the site of replacement facilities.

However, I have to stress that there is no change to the general principle of replacement. The draft policy still requires 'adequate re-provision of current recreation facilities to meet the needs of those who currently use the facilities (and for new residents too). The site allocation policy also refers to Policy G1, which sets out the requirements for green space, which are in line with the NPPF, such that the facilities need sufficient re-provision to the same standard or higher. This site is allocated because it is considered there is potential for adequate re-provision to meet needs, and at the moment there is no reason to assume that won't be on the site to the west. The allocation is therefore not considered contrary to the NPPF paragraph 8 or 98-99 or 130.