



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and Date of Committee	EXECUTIVE – 17 JANUARY 2024
Subject	OXFORD CITY LOCAL PLAN 2040 – REGULATION 19 CONSULTATION
Wards Affected	ALL
Accountable Member	Councillor Charlie Maynard – Executive Member for Planning and Sustainable Development. Email: charlie.maynard@westoxon.gov.uk
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Report Author	Chris Hargraves – Planning Policy Manager. Email: chris.hargraves@westoxon.gov.uk
Summary/Purpose	To agree West Oxfordshire District Council's response to the Oxford Local Plan 2040 Regulation 19 consultation.
Annexes	Annex A – Draft Response
Recommendation(s)	That the Executive Resolves to: <ol style="list-style-type: none">1. Note the content of the report;2. Approve the draft response attached at Annex A.
Corporate Priorities	<ul style="list-style-type: none">• Putting Residents First• Enabling a Good Quality of Life for All• Creating a Better Environment for People and Wildlife• Responding to the Climate and Ecological Emergency• Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO

Consultees/ Consultation	An 8-week period of public consultation from 10 November 2023 – 5 January 2024.
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1. INTRODUCTION

- 1.1** Oxford City Council is preparing a new Local Plan covering the period up to 2040. Once adopted, it will replace the current Oxford Local Plan which covers the period to 2036. It will also supersede the Northern Gateway Area Action Plan adopted in 2015.
- 1.2** In accordance with legislative requirements, the City Council has published a submission draft version of the new Local Plan and is seeking views on the soundness and legal compliance of the draft plan through an 8-week public consultation.
- 1.3** The purpose of this report is to provide a brief overview of the draft plan and to agree the District Council's response to the consultation.

2. BACKGROUND

- 2.1** The current Oxford Local Plan was adopted in June 2020 and covers the 20-year period 2016 – 2036.
- 2.2** Work on the new draft plan has been ongoing since 2021 and has included several stages of informal 'Regulation 18' public consultation as follows:
 - Issues and scoping paper consultation – June 2021
 - Preferred options consultation – October 2022
 - Housing need consultation – February 2023
- 2.3** The District Council responded at the preferred options stage in October 2022 and the housing need consultation in February 2023.
- 2.4** Building on these earlier consultations, the City Council has now published the final submission draft version of its new Local Plan in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.5** The submission draft plan is particularly important because it is effectively the version that the City Council proposes to submit for independent examination.
- 2.6** Views are therefore being sought on the 'soundness' and legal compliance of the draft plan, along with whether the City Council has fulfilled its obligations under the duty to co-operate in preparing the plan.
- 2.7** Section 3 below provides an overview of the draft plan, highlighting those issues which are considered to be of most interest to District Council Members.
- 2.8** A suggested consultation response is attached in draft form at Annex A. Due to the timing of the consultation (which closes on 5 January 2024) a copy of this has already been submitted to Oxford City Council but on the basis that it would be confirmed when formally considered by the Executive.

3. OXFORD LOCAL PLAN 2040 – AN OVERVIEW

- 3.1** The draft plan is quite lengthy at 362 pages including appendices but is well presented and written in concise, understandable language. The plan includes a large number of policies – both thematic and site-specific.
- 3.2** In terms of structure, the plan comprises the following sections:
- Vision and Strategy (4 policies)
 - A healthy, inclusive City to live in (16 policies)
 - A fair and prosperous City with a globally important role in learning, knowledge and innovation (5 policies)
 - A green biodiverse City that is resilient to climate change (9 policies)
 - A City that utilises its resources with care, protects the air, water and soil and aims for net zero carbon (7 policies)
 - A City of culture that respects its heritage and fosters design of the highest quality (15 policies)
 - A liveable City with strong communities and opportunities for all (9 policies)
 - Development sites, areas of focus and infrastructure (55 policies)
- 3.3** Having reviewed the plan and the policies contained therein, Officers are generally supportive, in particular the stated ambitions around zero carbon, tackling inequalities and supporting healthy, inclusive communities.
- 3.4** Most of the comments set out at Annex A are therefore of a minor nature including suggestions as to how certain policies could potentially be strengthened rather than raising any concerns around soundness or legal compliance.
- 3.5** Officers do however have significant concerns around the issue of housing need, including the lack of collaborative working on this key strategic matter to date and the way in which Oxford's housing need has been calculated and reflected in the draft plan and supporting evidence base.
- 3.6** A brief overview of the plan is provided below with any key points of interest highlighted as appropriate.

Vision

- 3.7** The plan's vision is concise and focused, placing particular emphasis on the importance of health, inclusivity, strong communities and equal opportunities as well as cultural identity, heritage, innovation, learning and business. The environment is a central component of the vision which seeks to achieve a city that is more biodiverse, resilient and connected, underpinned by net zero carbon, prudent resource use and minimising environmental impacts.

Officer Comment

- 3.8** The vision is generally supported however it is notable that there is very little reference to housing provision. Given the importance of this issue, Officers believe it should make a clearer commitment to maximising the delivery of new homes within the administrative boundaries of the City, including being more creative around the use of sites and building heights and densities. It could also be more positive in relation to heritage by seeking to positively enhance the historic environment as well as respecting it.
- 3.9** It is notable that the vision does not fully express or address the anticipated role of the city within the County context, particularly the key role it plays in terms of employment opportunities and associated patterns of movement across Oxfordshire.
- 3.10** As a general observation, the vision could also be more spatially specific. As it stands it is rather generic and does not articulate in spatial terms how the City is expected to evolve up to 2040 or set out any measurable outcomes. It could usefully be linked to a key diagram to help illustrate this.

Strategy

- 3.11** In terms of overall strategy, the plan's vision has been divided into six themes from which a number of specific objectives have been identified. The strategy identifies 3 main threads which run through the plan as a whole including climate change, reducing inequalities and achieving a 'liveable city' (ensuring residents can meet their daily needs within easy walking distance). This is usefully illustrated with reference to the specific plan policies that address each 'thread'.

Officer Comment

- 3.12** In overall terms, the themes and objectives are supported by Officers.
- 3.13** In terms of policies, this section of the plan contains four policies: spatial strategy, design, infrastructure and viability.
- 3.14** None of these policies raise particular concerns in terms of legal compliance or soundness, but as set out at Annex A, Officers have identified a number of ways in which they could potentially be improved.
- 3.15** For example, the spatial strategy policy could usefully be more specific about how different parts of the City will evolve in the period up to 2040 – linked to a key diagram to illustrate this.
- 3.16** Similarly, the infrastructure policy could potentially be strengthened and clarified by requiring developers to submit site-specific infrastructure delivery/phasing plans for any major development.
- 3.17** As per the comments on the draft vision outlined above, the plan objectives do not fully express or address the anticipated role of the city within the County context (e.g. employment and patterns of movement) and could usefully be augmented in this respect.

A healthy, inclusive City to live in

3.18 This section relates primarily to housing development and includes 16 separate policies on a variety of topics including the overall level of housing to be planned for, affordable housing provision, housing mix, specialist housing needs, custom and self-build housing and so on.

Officer Comment

3.19 Unlike, the vision and strategy section outlined above, Officers have some significant concerns about this element of the draft plan as set out in the comments at Annex A.

3.20 Of particular concern is Policy HI – Housing Requirement which is underpinned by housing needs evidence commissioned jointly by Oxford City and Cherwell District.

3.21 In response to the City Council's focused consultation on housing need in March 2023, WODC objected on a number of grounds as follows:

- That the City Council had failed to comply with the duty to co-operate in progressing countywide housing need evidence with no input from three of the Oxfordshire local authorities (West, South and Vale);
- A lack of robust justification for the proposed departure from the Government's standard method for assessing housing need;
- Concerns about the adjustments made to standard method figures to take account of the 2021 census contrary to national policy;
- The fact that any evidence of housing need being relied upon by the City Council to support its own Local Plan, should not identify and apportion housing need to other areas without the involvement and agreement of those areas; and
- In factoring in economic growth, the City Council's preferred scenario effectively represents a policy choice, rather than a pure assessment of housing need per se.

3.22 Unfortunately, despite the District Council's earlier concerns, little has changed in the final Regulation 19 draft version of the plan which continues to identify a housing need figure for Oxford City of 1,322 dwellings per annum (26,440 in total) set against a capacity-based housing requirement of 481 dwellings per annum (9,620 in total).

3.23 Notably, the assumed need figure of 1,322 dwellings per annum is significantly higher than the City Council's latest housing need figure of 762 dwellings per annum based on the Government's 'standard method'.

3.24 As set out in the draft plan, the City Council's view is that planning for a lower level of housing, as per the standard method, would be likely to result in more in-commuting and worse affordability of homes as well as constraining economic growth, not only in Oxford but more generally.

3.25 Importantly, if the City Council's higher housing need assumptions are accepted, because housing supply in Oxford is limited, this effectively creates a significant quantum of 'unmet' housing need (16,820 homes) which would need to be met elsewhere.

- 3.26** Taking account of the quantum of unmet housing need already committed in currently adopted Local Plans (14,300) there would be an additional 2,520 homes to make provision for outside of Oxford.
- 3.27** Clearly this has significant potential implications for West Oxfordshire and the other Oxfordshire local authorities.
- 3.28** Whilst it is appreciated that each authority is at a different stage with their Local Plan reviews, clearly there should have been a much greater degree of collaboration and discussion taking place than has been the case.
- 3.29** Therefore, as per the comments attached at Annex A, the approach which has been taken by the City Council is considered to be unsound insofar as the draft plan is not positively prepared (in the absence of any agreement with other authorities regarding unmet need) is not justified (on the basis of the housing need evidence that underpins it) is not effective (in the absence of effective joint-working on cross-boundary strategic matters) and is not consistent with national policy (given the census related adjustments which have been made to the City Council's standard method figure in the supporting evidence).
- 3.30** The 15 other housing related policies in this section raise no particular concerns. Officers note that Policy H2 on affordable housing provision makes no allowance for First Homes which are a recognised form of affordable housing and effectively a national requirement. This will be a matter for Oxford City Council to justify at examination.

A Fair and Prosperous City with a Globally Important Role in Learning, Knowledge and Innovation

- 3.31** This section includes five policies (E1 – E5) which are principally related to employment and the economy. Policy E1 sets out the overall employment strategy which deals primarily with the provision and protection of employment land.

Officer Comment

- 3.32** It is notable that in terms of new employment generating uses, planning permission will only be granted on existing Category 1 and 2 employment sites or within the City and District centres. The focus is therefore very much on intensifying and modernising existing employment sites and providing opportunities as part of mixed-use developments.
- 3.33** In terms of the protection of employment sites, the plan stipulates a number of criteria against which proposals that involve a loss of floorspace will be assessed.
- 3.34** The policy refers to any proposals for residential development being assessed through a balanced judgement based on various factors however, these are in addition to the other criteria set out in the policy which essentially preclude the redevelopment of Category 1 and 2 employment sites for other uses.
- 3.35** This brings into question how/if that part of the policy will actually be used other than in relation to Category 3 employment sites where the policy explicitly states that residential proposals will be supported.

- 3.36** It is essential that Oxford does all it can to meet its own housing needs and therefore some flexibility on all category of employment sites should be provided. This point is reflected in the suggested Officer comments at Annex A.
- 3.37** Of the remaining four policies, the most notable elements include E3 which seeks to ensure the provision of affordable workspace on a number of key sites and E4 which requires all larger developments (50 or more homes or more than 1,000 sq.m of non-residential) to include a community employment and procurement plan to address issues such as construction job opportunities and apprenticeships for local residents.
- 3.38** These policy approaches are both supported.

A Green, Biodiverse City that is resilient to Climate Change

- 3.39** This section includes 9 policies related largely to the natural environment including biodiversity, green infrastructure (GI), flood risk, sustainable drainage and design/construction.
- 3.40** Policy G1 provides a clear hierarchy for the protection of GI, explicit guidance on existing GI features (such as trees and hedgerows) and the criteria that would allow new dwellings on residential gardens.
- 3.41** Policy G2 focuses on enhancement and new provision of GI, again with clear statements on what is expected of development proposals, including maintenance/management arrangements.
- 3.42** Policy G3 makes use of the Urban Greening Factor assessment policy tool that seeks to quantify and drive on-site urban greening on new development, with particular attention on the naturalness of surface cover. Larger developments will be expected to evidence this through the submission of an Urban Greening Factor (UGF) assessment and achieve certain minimum scores.
- 3.43** There are three policies addressing biodiversity (G4 – G6). Policy G4 relates to the delivery of mandatory 10% biodiversity net gain as a minimum requirement. In line with emerging government policy, the emphasis is on onsite provision but where this is not feasible, the policy sets out a clear locational ‘hierarchy of preference’.
- 3.44** G5 focuses on on-site biodiversity, taking an interesting approach to enhancements, based on Oxford City Council’s Ecological Points list which incorporates ‘mandatory’ features that are required of all development and two ‘pots’ of possible features which can be selected depending on the site context.
- 3.45** Policy G9 focuses on the climate resilience of new development including overheating and cooling and water efficiency standards – adopting the same approach as the West Oxfordshire Local Plan 2031 with new homes expected to achieve an estimated water consumption of no more than 110 litres per person per day.

Officer Comment

- 3.46** In general terms, Officers have no concerns regarding these policies and whilst some of are quite lengthy and repeat elements of national policy, this is not a ‘soundness’ concern as such and the policies do include a number of interesting locally specific approaches.

A City that Utilises its Resources with Care, Protects the Air, Water and Soil and Aims for Net Zero Carbon

3.47 This section addresses two main areas: climate mitigation and environmental mitigation, including the protection of natural resources. It includes a total of 7 policies on issues such as sustainable construction, retrofitting, air quality, land contamination, soil quality and the amenity/environmental impact of development.

Officer Comment

3.48 Notably, under Policy R1, all new buildings are to be net zero carbon in operation which must be demonstrated through the submission of an Energy and Carbon Statement including the provision of a total Energy Use Intensity figure and compliance with specific energy use intensity targets set for residential and non-residential uses as well as space heating standards and zero use of fossil fuels.

3.49 In essence, the policy is similar to that which the District Council has sought to take forward through the Salt Cross Garden Village AAP and so is to be supported.

3.50 Policy R2 relates specifically to the issue of embodied carbon with all development required to demonstrate how this has been minimised e.g. through the re-use of materials and buildings, use of sustainably sourced materials etc. Again, this approach is supported.

3.51 Policy R3 is of particular note, dealing with the issue of retrofitting energy efficiency improvements to existing buildings – a key issue for a major urban area such as Oxford but also of relevance to other areas including West Oxfordshire.

3.52 The policy advocates a whole building approach in respect of traditional buildings, making use of the energy hierarchy, and giving due consideration to a building's heritage significance. The policy is also supported.

A City that Respects its Heritage and Fosters Design of the Highest Quality

3.53 The ten policies in this section of the plan aim to 'drive the highest quality design in all new development, which means developments are both aesthetically pleasing and functional, so that they enable people to live healthy, happy lives, and that they respond to climate change and make space for biodiversity.'

Officer Comment

3.54 Six of the policies (HD1 – HD6) cover various heritage assets, re-stating national planning policy but also applying it, in part, to the Oxford context through a detailed approach, including setting out the guidance on the heritage assessment information expected.

3.55 The remaining chapter provides detailed policies on the delivery of design-led solutions to achieve high quality development. Policy HD8 relates to the efficient use of land and how context should be used to determine appropriate density.

3.56 High-density development is expected in the highly accessible locations of the district centres which for residential development will indicatively be taken as 100dph - and in the city centre, where feasible in the context of the impacts on heritage.

3.57 Policy HD9 focuses on views and building heights, especially in relation to the city's historic skyline. View Cones and the Historic Core Area are given specific policy attention.

3.58 Notably, Policy HD10 requires a Health Impact Assessment (HIA) to be submitted as part of any planning application for major development. The use of HIAs is increasingly being

recognised as a valuable tool through which to ensure healthy place shaping principles are embedded in new development.

- 3.59** Policy HD12 ensures that all new homes comply with the Nationally Described Internal Space Standards and Policy HD13 sets out the outdoor amenity space specifications for different size homes, all of which should have direct, well-related and convenient access to an area of private open space.

A liveable city with strong communities and opportunities for all

- 3.60** This section includes 9 policies (C1 – C9) which are focused on the issues of town and district centres, community and education provision, tourism, culture and transport.

- 3.61** Policy C1 relates to the City Centre, various designated District Centres (e.g. Summertown) and Local Centres setting out which uses will be permitted (retail, leisure, offices etc.) and applying the sequential test to new development in line with national policy. Policy C2 builds on this and seeks to encourage densification and growth within the City Centre and in District Centres (including high-density, low car development).

- 3.62** Policies C3, C4 and C5 effectively deal with the provision and protection of community facilities, education, other institutional uses and cultural/tourist attractions - setting out the criteria against which development will be assessed. These policies are supported.

- 3.63** Policies C6 – C9 relate to transport issues including transport assessment and travel plan requirements, cycle and powered two-wheeler parking, vehicle parking and electric vehicle charging.

- 3.64** Notably, Policy C8 relating to vehicle parking requires 'low car' development in certain locations such as controlled parking zones and where a site is within 400m of a frequent public transport service. Low car development is effectively where no car parking spaces are provided within the site other than those reserved for blue badge holders, car clubs and for operational uses.

Officer Comment

- 3.65** The policies in this section raise no particular concerns and are considered to be consistent with national policy. Officers support the concept of low car developments, the requirements for which are clearly laid out and justified.

- 3.66** A number of minor comments are included at Annex A which largely relate to how the draft policies in this section could potentially be made clearer and in some instances, incorporate a greater degree of flexibility.

Development sites, Areas of Focus and Infrastructure

- 3.67** Section 8 includes a large number of policies (55 in total) dealing primarily with the allocation of specific sites/areas for certain forms of development.

- 3.68** This includes five 'areas of focus' where significant changes are anticipated over the plan period - either within the city or adjacent to the city boundaries. Each area of focus contains some key policy principles which relate to all development that comes forward in that specific area. They also include a number of specific site allocations. A number of site allocations are also proposed outside of the defined areas of focus.

Officer Comment

- 3.69** In geographic terms, the most relevant area to West Oxfordshire is the Northern Edge of Oxford Area of Focus to the west and north of the Wolvercote Roundabout. Notably, one of the general principles for development in this location is that it should optimise connectivity and permeability for people wishing to walk or cycle in the area to other parts of the city and/or to destinations in the neighbouring districts of Cherwell District Council and West Oxfordshire. This is supported.
- 3.70** The area of focus includes the Northern Gateway which has previously been allocated for development and is one of the largest sites for housing and employment growth in Oxford. An Area Action Plan for the Northern Gateway was adopted in 2015 but the new policy in the draft plan is intended to supersede it and reflecting the fact that a large part of the site now has planning permission with the first phases under construction.
- 3.71** It is notable that part of the site (Red Barn Farm) is intended to come forward for employment use but specifically restricted to uses that would directly relate to the knowledge economy of Oxford: science and technology, research, bio-technology, spin-off companies from the universities and hospitals, or other intended uses that make a measurable contribution to those sectors.
- 3.72** Because Officers are not familiar with the various sites that are allocated in the draft plan, no comments are made on the specific merits of these at Annex A. Essentially it will be for the City Council to demonstrate at examination that each allocation and proposed use is sound and legally compliant.
- 3.73** However, as set out at Annex A, comments have been made in relation to paragraphs 8.6 – 8.8 which seek to summarise the current position in relation to current provision for Oxford's unmet need in the period up to 2036.
- 3.74** Here, the text suggests that because the new draft plan covers the period to 2040, there is an additional four years of unmet need to consider and that this has been the subject of ongoing discussions with the other Oxfordshire local authorities.
- 3.75** Officers are concerned about these statements because they are predicated on a level of housing need which has been assumed by Oxford City (and Cherwell District) but not agreed with West Oxfordshire, South Oxfordshire or the Vale of White Horse District Councils.

4. WODC RESPONSE

- 4.1** Attached at Annex A is a suggested draft response to the consultation which, for ease of reference, is set out in tabular form and in plan order. The comments made reflect the key points outlined in Section 3 above.
- 4.2** It should be noted that Officers have only commented where there is a particular concern or a suggested improvement to the draft plan has been identified. The annex does not seek to address all of the policies in the draft plan given that there are so many.

5. NEXT STEPS

- 5.1 As explained in Section 2 above, because of the timing of the consultation which closes on 5 January 2024, Officers have already submitted the draft response attached at Annex A to Oxford City Council but on the basis that the District Council's position would need to be subsequently formally agreed by the Executive.
- 5.2 As such, if Members wish to make any changes to the draft response attached at Annex A, a revised version will be submitted to the City Council accordingly.

6. ALTERNATIVE OPTIONS

- 6.1 Members could choose not to respond to the consultation, however failure to do so would mean the District Council would not be able to participate in any subsequent independent examination of Oxford's Local Plan unless specifically invited to do so by the Planning Inspector.

7. FINANCIAL IMPLICATIONS

- 7.1 The report raises no direct financial implications although in due course, there may be some financial implications if the District Council were to seek the appointment of legal representation to assist Officers through the examination process.

8. LEGAL IMPLICATIONS

- 8.1 The City Council's consultation is being carried out in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

9. RISK ASSESSMENT

- 9.1 As outlined in the report and Annex A, the approach which the City Council has taken in respect of identifying housing need raises a potential risk to the preparation of the new West Oxfordshire Local Plan 2041 because it is possible that it could be construed as pre-determining the level of housing need which West Oxfordshire should be planning for.

10. EQUALITIES IMPACT

- 10.1 The City Council has carried out an Equalities Impact Assessment which looks at the potential equalities impacts of the plan and how it addresses these.

11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 11.1 As outlined in the report and Annex A, much of the draft plan seeks to respond to the climate and ecological emergencies both in terms of mitigation and adaptation.

12. BACKGROUND PAPERS

- 12.1 None.