
Report to Oxford City Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 15th June 2015

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION INTO THE
NORTHERN GATEWAY AREA ACTION PLAN
LOCAL PLAN

Document submitted for examination on 24 October 2014

Examination hearings held on 10th, 11th, 12th, 17th, 18th and 19th March 2015

File Ref: LDF000993

Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
AQA	Preliminary Air Quality Assessment
CS	Core Strategy
DtC	Duty to Co-operate
EH	English Heritage
HRA	Habitat Regulations Assessment
HE	Heritage England
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LP	Local Plan
MM	Main Modification
NE	Natural England
NG	Northern Gateway
NOTS	North Oxford Transport Study
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PSED	Public Sector Equality Duty
RS	Regional Strategy for South East England
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEA	Strategic Environmental Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SODC	South Oxfordshire District Council
TRICS	Trip Rate Information Computer System
VWHDC	Vale of White Horse District Council

Non-Technical Summary

This report concludes that the Oxford Northern Gateway Area Action Plan provides an appropriate basis for the planning of the Northern Gateway area of the City.

Introduction

Preamble

1. This report contains my assessment of the Oxford Northern Gateway (NG) Area Action Plan (AAP) 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, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that 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 authority has submitted what it considers to be a sound plan.

Public consultation

3. Representors have challenged the extent of the public consultation which was carried out by the Council and the weight which it gave to the responses in preparing the AAP. Some respondents consider that this means the Council's statutory Duty to Cooperate has not been met. That is, however, a separate duty, which is discussed in paragraph 10 onwards, below.
4. The Council's Consultation Statement¹ sets out the detail of the consultations undertaken. In addition to a consultation on the Sustainability Appraisal Scoping Report in 2013, which is discussed separately below, the Council engaged in several stages of public consultation during the preparation of the AAP. Part one related to the Options stage, with early informal consultation beginning in August 2013, followed by a formal consultation period on the Options Document from 14 February – 28 March 2014. Some 564 written representations were made during this period. These have been analysed in detail in the Consultation Statement.
5. Part Two of the consultation process included consultations and stakeholder events relating to the Council's Preferred Options, taking place in March – April 2014. The formal consultation on the Proposed Submission Document and the Sustainability Appraisal took place over an eight week period between 21 July 2014 and 15 September 2014. Although it is reported that some residents experienced difficulties in completing the on-line questionnaires, I consider that the wide scope of the consultations, including leafleting residential properties, public workshops, and press coverage were genuine, realistic and sufficient.

¹ CD3.4

6. Although representors have expressed strong feelings regarding some of the AAP policies, the Council has shown in its Consultation Statement, AAP Background Papers and at the examination hearing how it has taken account of the comments received during the Options consultation. While the preparation of the AAP has been carried out at pace, this has not harmed the consultation process. I am satisfied that the Council has met the requirements for consultation under the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Basis of examination

7. The basis for my examination is the Proposed Submission Northern Gateway Area Action Plan (July 2014), which is the same as the document published for consultation in July 2014. This submitted document was accompanied by a schedule of 25 Proposed Minor Post-Publication Changes². In addition, the Council has published a 'Table of Minor Modifications'³ dated 27 March, which relate to matters arising in discussion during the course of the examination sessions. These changes are not subject to examination, although my assessment of the soundness of the AAP is on the basis that all these changes are incorporated into the document. They are not generally referred to in this report, except where necessary for clarification. I am content for the Council to make any additional changes to page, figure, or paragraph numbering, and to correct any spelling or other typographical errors prior to adoption.
8. The Council made a formal request that I should, if necessary, recommend Main Modifications (MM) to make the AAP sound. However, the Plan as submitted (including the Minor Post-Publication Changes and the 'minor modifications arising from the examination hearing sessions') in regard to both soundness and legal compliance is capable of being adopted without change, and so no MMs are recommended in this report.

Assessment of Duty to Co-operate (DtC)

9. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
10. The DtC requires the Council to engage in on-going, constructive and active cooperation in (among other things) the preparation of development plan documents so far as they relate to a strategic matter. The Core Strategy (CS)⁴ at policy CS6 allocates the Northern Gateway (NG) as a strategic location to provide a modern employment-led site with supporting infrastructure and complementary activities. There is no dispute that the AAP relates to a strategic matter, and accordingly, the DtC is engaged.

² CD1.2

³ PEH01

⁴ CD5.2

11. The DtC is separate from the Council's responsibility to engage in public consultation with local groups and residents, which has already been discussed above. The DtC relates specifically to the bodies set out in the Town and Country Planning (Local Planning) England) (Amendment) Regulations 2012. Those bodies which are relevant to the AAP are listed in the Council's DtC Compliance Statement⁵.
12. The content of the DtC Compliance Statement has not been challenged. It demonstrates that, in preparing the AAP, the Council engaged in an extensive range of regular partnership meetings with the relevant bodies, including those represented by senior officers and Members of the local authorities in Oxfordshire.
13. South Oxfordshire District Council (SODC) and Vale of White Horse District Council (VWHDC) accept that the Council has worked together with all the other Oxfordshire local authorities in the Spatial Planning and Infrastructure Partnership. All the Oxfordshire planning authorities agreed to a Statement of Cooperation on 23 July 2013. The Statement of Cooperation led to the preparation and publication of a Strategic Housing Market Assessment (SHMA)⁶ in 2014, which has been referenced by the Council in the AAP and its evidence base.
14. The SHMA concludes that between 2011 and 2031, some 1,200-1,600 dwellings per year are needed to meet Oxford's housing need (equating to between 24,000 and 32,000 across the 20 year period). This is based on meeting the housing need identified, supporting committed economic growth and delivering affordable housing in line with the Planning Practice Guidance.
15. Given the extent of the City of Oxford's housing need, SODC and VWHDC contend that the preparation of the AAP conflicts with the approach of the Statement of Cooperation, which requires each local planning authority first to seek to accommodate their own objectively assessed need in full before identifying unmet need which other authorities would be asked to accommodate. SODC in particular is concerned that unmet need from Oxford City would need to be met within its area. Accordingly, SODC and VWHDC submit that that the DtC has not been met.
16. Consequently, SODC and VWHDC contend that that the Council should not progress the AAP further, but prepare a city-wide local plan taking account of, among other things, the 2014 SHMA.
17. SODC and VWHDC consider that 'all land allocations for non-housing uses and other protective designations' in Oxford City (including the boundary of the Green Belt) should be revisited. Accordingly, these authorities submit that the Council should not proceed with the AAP, but for the NG to be reconsidered as

⁵ CD3.1

⁶ CD4.8

a possible housing site in the light of the 2014 SHMA and the Statement of Cooperation.

18. SODC submits that up to 1,200 homes could be provided on around 21ha of land at the NG, while VWHDC indicates that there is the potential to accommodate approximately 2,000 dwellings on around 36 ha of the NG. My concern, however, is not with theoretical residential capacities of the NG. Moreover, even though the SHMA demonstrates that there is a significant requirement for housing provision to meet the needs of Oxford City, neither the SHMA nor the Statement of Cooperation overrides the Council's right or responsibility to prepare the NG AAP, as it derives from policy CS6 of the CS.
19. SODC and VWHDC point out that the CS was prepared within the context of the Regional Strategy for the South East of England (2009) (RS), which has since been revoked. References were also made to the evidence base for the RS at the examination hearing, its housing provision, and the underlying methodology. The representors submit that these mean that the CS, and therefore also the AAP, is out of date. However, as the Council is able to demonstrate a 5 year supply of available housing sites⁷ in relation to the CS, the relevant policies for the supply of housing in the development plan, including CS6 are not 'out of date', as defined by paragraph 49 of the NPPF. Furthermore, these matters do not directly address the DtC.
20. The representors have also drawn my attention to a comment in the CS Examination Inspectors' report⁸ which indicated that development at the NG should remain employment-led, unless there is an overwhelming case to do otherwise. SODC and VWHDC contend that the SHMA provides such an overwhelming case. However, the then Minister of State for Housing and Planning, Brandon Lewis MP, wrote in an open letter to the Planning Inspectorate in December 2014 that the outcome of a SHMA 'is untested and should not automatically be seen as a proxy for a final housing requirement in local plans. It does not immediately or in itself invalidate housing numbers in existing local plans.'
21. I am not, therefore, persuaded that an overwhelming case exists to change the emphasis of the development at the NG. The use of the NG as a strategic employment-led site has been considered and settled through the CS. It is not the role of the AAP examination to re-visit this matter.
22. The relevance of the judgement in the case of *Gladman Development Limited v Wokingham Borough Council [2014] EWHC 2320 (Admin)* was discussed at the examination hearing. The Wokingham Managing Development Delivery Plan (MDD) had been prepared in the context of a Core Strategy adopted in 2010. The Wokingham Core Strategy covers a similar period to the Oxford CS, each covering the period to 2026.

⁷ EH29

⁸ CD5.4 paragraph 4.127

23. Unlike the AAP, the MDD was not primarily concerned with an employment-led development. It was not, however, as was submitted at the hearing, solely concerned with housing allocations. In addition to allocating sites for residential development within the borough, the MDD allocated sites for other uses, including commercial development, defined boundaries for matters such as development limits, and provided additional detailed policies to use when considering development proposals.
24. The AAP differs from MDD in that it does not relate to the whole local planning authority area. Also, it does not allocate sites, but provides a spatial vision for the development of the NG together with providing policies to control the amount of development, the impact, mitigation and delivery of the proposals. Nonetheless, there are strong similarities between the MDD and the AAP, including that each derives from a CS which predates the NPPF.
25. In *Wokingham* it was not found necessary for the MDD to reconsider the objectively assessed housing need for the administrative area. At the NG, which relates to only part of the Council's area, it is neither necessary nor realistic to reconsider the objectively assessed need for housing within the City of Oxford in this plan.
26. The DtC is about securing effective outcomes. In this instance, I am satisfied that notwithstanding the disagreements about the content of the AAP, there has been and continues to be genuine, on-going engagement in cooperative working between the Council and its neighbours SODC and VWHDC on strategic matters.
27. Stagecoach in Oxfordshire contends that the Council has not met the DtC in its engagement with various parties on highway and public transport matters. The Council has, however, engaged with the Highways Agency and the Highway Authority and met with the Oxfordshire Local Transport Board as well as taking part in City and County Transport Bilateral meetings. The consultation on the 2015 Draft Oxford Transport Strategy, including transport corridors and bus routes, is separate from the DtC.
28. Overall, I find that the DtC has been met.

Assessment of Soundness

29. The CS was adopted on 14 March 2011. It has been put to me that the CS does not form a sound basis for the AAP, due to the revocation of the RS. Notwithstanding the revocation of the RS, the CS continues to form part of the development plan for the City of Oxford. Moreover, the Inspectors' report to the Council on the examination of the CS, notes that the CS could stand on its own, with or without the RS⁹. It further contends that the revocation of the

⁹ CD5.4, part 2 paragraph 22

RS would not have any serious implications for the CS proposals at the NG.¹⁰ While the Inspectors' report does not have the weight of policy, I have no reason to disagree on this matter.

30. The Council's adoption of the CS predates the introduction of the National Planning Policy Framework (NPPF), but it is clear from direct references,¹¹ and its emphasis on sustainability, that the NPPF has been taken into consideration in the preparation of the AAP. The soundness tests set out in paragraph 182 of the NPPF are considered in relation to the main issues identified below.

Main Issues

31. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified five main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the mix of uses proposed in AAP policy NG2 is sound

32. Policy CS6 of the CS allocates the NG as a strategic location to provide a modern employment-led site with supporting infrastructure and complementary amenities. The employment development is to be directly related to the knowledge economy of Oxford. This can be controlled by AAP policy NG3, which reflects the criteria in policy CS6.
33. Paragraph 3.4.38 of the CS provides for an overall limit of 80,000sqm Class B1 employment floor space. However, Policy CS6 provides for 55,000sqm Class B-related activities, subject to five criteria, with a phasing policy which would limit not the erection of the development, but its occupation, to a maximum of 20,000sqm by March 2016, and a maximum of 55,000sqm by 2026. The remainder of the 80,000sqm would be deliverable after 2026, which would be beyond the plan period.
34. The complementary uses included in Policy CS6 are an emergency services centre, 200 residential dwellings, small scale retail units, and a hotel with related leisure facilities.
35. The amount of retail and hotel development proposed in the AAP policy NG2 remains unchanged from policy CS6. The limits on the amount of employment development and new homes for which planning permission will be granted are now increased to 90,000sqm of employment development and up to 500 new homes.
36. The amount of employment floor space now proposed reflects the 80,000sqm proposed in the CS, together with 10,000sqm which was proposed for an emergency services centre in policy CS6, but which is no longer required for

¹⁰ CD5.4, part 2 paragraph 35

¹¹ For example AAP paragraphs 2.6, 2.9 & 2.12

that purpose. In the AAP, all the floor space would become available within the plan period.

37. Representors contend that the evidence base does not justify the amount of development included in Policy NG2, and that the amount of development should not be increased beyond that specified in the CS in the plan period. However, the CS emphasises that employment-led development at the NG is necessary for the managed economic growth in Oxford.
38. Since the adoption of the CS further evidence of the importance of employment-led development at NG has become available. For example, the Oxfordshire Local Enterprise Partnership's (LEP) Strategic Economic Plan (SEP)¹² sets out an ambition to drive accelerated growth to meet the needs of the science and knowledge rich economy. This includes employment-led development and transport schemes at the NG. The NG is considered to be critical to the development of a new knowledge spine which will run from beyond Bicester, in the north, to the Science Vale at Harwell in the south. Furthermore, it is one of the main opportunities readily available to deliver employment development on this scale along the knowledge spine. It is the only such site within the City of Oxford.
39. The City Deal¹³ between the Government and the LEP is intended to maintain and grow Oxford and Oxfordshire as a prosperous economic area based, among other things, on its knowledge economy. Policy NG3, which requires that the employment development will be directly related to the knowledge economy of Oxford, reflects the criteria in policy CS6.
40. I have no reason to doubt the Council's submission that the deal was signed on behalf of all the District Councils. While SODC and VWHDC did not sign the City Deal agreement individually, they do not dispute their authorities' active participation on the LEP Board. Neither this matter, nor the potential availability of employment land within the administrative areas of SODC and VWHDC, go to the heart of the soundness of the AAP, and are not matters for this examination.
41. Even though the NG is identified as an employment-led scheme, the complementary provision for 200 homes in policy CS6 is not specified to be a maximum amount. The CS does not include a maximum number of dwellings for the NG. I accept, therefore, that it is to be regarded as a minimum figure: a 'floor' rather than a 'ceiling' for housing development.
42. The possibility of providing up to 500 dwellings is discussed briefly in the CS Examination Inspectors' report¹⁴. No justification for such a housing increase in this employment-led scheme was available to the Inspectors at that time,

¹² CD4.4

¹³ CD4.3

¹⁴ CD5.4 paragraph 4.127

but they commented that there would be no objection to some minor revision to the figures.

43. It is submitted that an increase from 200 to 500 homes is not a minor revision. However as policy NG2 provides that 500 homes would be the maximum for which the planning permission would be granted. Housing would remain a complementary use to the employment-led development. It would, therefore, generally accord with the CS, and be consistent with significantly boosting the supply of housing.
44. The Council has estimated the ratio of employment floor space to residential floor space. This indicates that there would be a change of around 8% in the spatial balance between the uses compared to the CS¹⁵. While this evidence does not refer to the number of dwellings, and the Council concedes that this mathematical exercise is for illustrative purposes only, it indicates that the balance between employment and residential uses would not be materially worsened by the proposals.
45. On balance, the amount of employment and residential development proposed in policy NG2 is supported by the evidence base. It would make a positive contribution to the need for both employment and housing identified in the CS, and would not be materially inconsistent with the CS.
46. As the impact of the proposed amount of development would be controlled by other policies in the AAP and elsewhere in the development plan, I am satisfied that it would amount to a positive contribution to meeting the development needs of the area.
47. It has not been demonstrated that a change to the policy NG2 of the AAP to limit employment floor space to a maximum of 55,000sqm and to restrict residential development to a maximum of 200 dwellings is necessary for the soundness of the AAP. I am satisfied that the mix of uses put forward in policy NG2 is sound.

Issue 2 – Whether policy NG1 is sound in relation to the boundary of the Green Belt and the allocation of land for development as part of the NG

48. There are currently two areas of the Oxford Green Belt within the NG. There is a small area (2.28ha) at Pear Tree Farm to the north of the Park and Ride car park, and a larger area of some 7.4ha of land between the southern side of the A40 road and the site boundary to the west.
49. CS policy CS4 addresses the Green Belt. Its second paragraph refers to the NG AAP. It provides for the AAP to consider small scale, minor changes to the Green Belt boundary in the immediate vicinity of the Northern Gateway safeguarded land where it may be necessary to achieve a suitable and

¹⁵ PS2.01

appropriate site for development. The policy further states that land here will only be released from the Green Belt if exceptional circumstances are shown to exist and providing all the seven criteria included in the policy are met.

50. It was put to me that the criteria set out in the bullet points of policy CS4 are not sound. The CS has, however, been examined and found to be sound. It is not the role of this examination to re-visit matters which are already settled. In any event, I find no conflict with Green Belt policy, as set out in the NPPF.

Land at Pear Tree Farm

51. The AAP retains the land at Pear Tree Farm within the Green Belt on the basis that there is not a readily defined physical boundary to the north within the plan area.
52. It has been argued that the boundary of the Green Belt should be changed to remove this parcel of land from the Green Belt. The contention is that this would enable an improved service area and a petrol filling station capable of handling large goods vehicles to be provided.
53. The modern hotels within the Peartree services area are, however, sited between the petrol filling station/services facilities and the Green Belt land at Pear Tree Farm. Other representations indicate that these are held on long leases, and there is no realistic prospect that they would be redeveloped within the plan period. Furthermore, it has not been demonstrated that the petrol filling station and associated services could not be modernised or redeveloped on their existing sites.
54. It is also submitted that the retention of the existing Green Belt boundary severely curtails the opportunity to rationalise the Park and Ride facility, but the AAP proposes to deck the Park and Ride facility without the need for additional land.
55. The representor seeks the removal of the land at Pear Tree Farm from the Green Belt so that improved links from this area to the Oxford Parkway station could be provided in collaboration with Cherwell District Council. It has not, however, been shown that the retention of the land to the east of the service area in the Green Belt would preclude such collaboration in the future.
56. These matters do not impact the soundness of the plan.

Land to the south of the A40 road

57. AAP policy NG1 would remove the parcel of land bounded by the A40, the A34 embankment, Joe White's Lane and the rear boundaries of the properties along Godstow Road from the Green Belt, and allocate it for development as

part of the NG site. Policy NG1 derives from policy CS4 and the highly focused assessment in the Oxford Northern Gateway Green Belt Review¹⁶.

58. Many representors have expressed strong concerns regarding the outcome of the NG Green Belt Review and its effect on the soundness of AAP policy NG1. They seek the deletion of policy NG1 and the retention of the existing Green Belt boundary along the A40 road. Representors submit that NG1 does not meet the requirements and criteria of policy CS4.

Whether policy NG1 proposes a small scale, minor change to the Green Belt boundary

59. The Oxford Green Belt has an overall area of almost 35,000ha. The land proposed for removal from the Green Belt has an area of around 7.4ha, and as such amounts to approximately 0.02% of the Oxford Green Belt. Within the context of the administrative area of the City of Oxford, which has some 1290ha of Green Belt land, the land to be removed from the Green Belt is still a very small proportion. I am, therefore, satisfied that policy NG1 proposes a very small scale, minor change to the Green Belt boundary.

Whether exceptional circumstances exist and whether the need to change the Green Belt boundary has been justified

60. It has been said by representors that it would not be necessary to amend the Green Belt boundary but for the increase in the amount of development proposed in AAP policy NG2 compared to policy CS6. Some representors submit that some of the proposed development should be located elsewhere in Oxfordshire to avoid a change to the Green Belt boundary in the AAP. However, consistent with the CS, the Strategic Economic Plan has established that there is an urgent need for knowledge-led employment within Oxford.
61. I have, though, found the amount of development included within the AAP to be sound, as discussed above. The need to provide employment-led development, which is critical to the knowledge spine, together with the absence of alternative sites within Oxford, the opportunity to deliver up to 500 homes, and to address traffic issues, all in a comprehensive manner, amount to exceptional circumstances which justify the change to the Green Belt boundary proposed here.

Whether the site is on the undeveloped flood plain

62. The site is entirely within Flood Zone 1, where there is a low probability of flooding, and it does not include the undeveloped flood plain.
63. Representors have drawn my attention to the part of the site close to Joe White's Lane, where the land becomes waterlogged. I saw that standing

¹⁶ CD4.31

water filled the ditch between the land and site along the south-western part of Joe White's Lane. The hydrology of the site, and its potential impact on the scope for building, is discussed later in my report. It does not, however, demonstrate that the site is within an undeveloped floodplain. The suggestion of redefining the Green Belt boundary away from the land liable to waterlogging is vague, and would not provide a readily identifiable boundary.

Whether the development would result in the loss of a designated ecological feature

64. It has been submitted that the fields are likely to provide a potential habitat for the Brown Hairstreak butterfly, due to the presence of blackthorn, which they colonise. This was supported by the sighting of up to 4 Brown Hairstreak eggs on the site on a single occasion¹⁷. There is no control over the maintenance or retention of the blackthorn, and there are no designated ecological features on the land.
65. The fields between Joe White's Land and the Oxford Canal are identified as land with ecological value in the CS, and are protected by policy CS12. They are outside the AAP boundary. Notwithstanding the concerns of local representors, there is no robust evidence that they would be directly affected by the development of the Green Belt land.
66. Development would not, therefore, result in the loss of a designated ecological feature.

Whether the development would result in the loss of land in active recreational use

67. Horse grazing and riding takes place on part of the land. It was put to me that several Wolvercote families enjoy the use of the land in an active recreational sense. Although providing for the leisure of a few local people, there is no public access to land, and is not available for general recreational use.
68. Representors submit that the development of the site would change the character of Joe White's Lane, which is popular as a bridleway, and for walking. The bridleway, which is outside the AAP boundary, would remain for recreational use. The Council's post-submission change PPC2¹⁸ would minimise the loss of trees and hedges to the north east of the lane. While much would depend on the layout and landscaping of future development, which would be controlled by the Council, there would be no loss of land in active recreational use.

¹⁷ EH31

¹⁸ CD1.2

Whether the development would relate well to the existing development pattern

69. It was argued that the development on the Green Belt land would amount to urban sprawl which would not be well related to the existing pattern of development. The land is adjacent to the edge of the existing built up area. The built form in the immediate vicinity of the land derives from the Oxford Hotel and the rear boundaries of the domestic properties along Godstow Road. These do not currently provide a strong prevailing development pattern.
70. The A40 road, the A34 and Joe White's Lane, however, provide clear, long-term boundaries, which would envelope the development, preventing urban sprawl. Moreover, there would be an opportunity for the development to be designed to relate well to the future development on the northern side of the A40, creating a gateway to Oxford. As such, the development would relate well to existing development.

Whether the development would lead physically distinct built-up areas to merge

71. Representors contend that policy NG1 would result in the coalescence of the NG with the settlement of Wolvercote. The Wolvercote with Godstow Conservation Area extends into the NG, but the built-up area of Wolvercote is to the west of the Oxford Canal and the railway line. Beyond the boundary of the AAP, there is a margin of Green Belt land on either side of the canal and railway line. This includes land liable to flooding, nature conservation areas protected by development plan policies CS12 (Biodiversity) and NE20 (Wildlife Corridors), as well as the recreational land at Goose Green which is subject to policy SR5 (Protection of Public Open Space). As such, I am satisfied that the proposed change to the Green Belt boundary would not result in physically distinct built-up areas merging.

Whether development would detract from the landscape setting or special character of Oxford

72. The AAP acknowledges the sensitivity of the setting of the NG, but it is argued by representors that, due to the topography and possible building heights, development on the land between the A40 and Joe White's Lane would be detrimental to the landscape setting of Oxford. Submitted analyses¹⁹ of the long views to the NG from various heritage assets and the comparison of views both confirm the sensitivity of the wider area to development on the site. Similarly, the submitted ground profiles demonstrate the importance of controlling the impact of new development on the landscape setting and special character of Oxford.

¹⁹ EH12

73. It has been put to me that the plan is unsound in that it lacks technically adequate strategic level assessments in relation to the density of development, and the height and massing of development blocks. There is no dispute that these are important considerations, but given the absence of detailed proposals at this stage, photo-visualisation and other modelling techniques would not be appropriate.
74. Part of the Wolvercote with Godstow Conservation Area is within the AAP boundary. Heritage England (HE), formerly English Heritage (EH), suggests that this area could be removed from the boundary of the AAP. That boundary was, however, established through the examination of the CS, and is not a matter for me. In any event, HE does not contend that the affected land contributes significantly to the special interest of the Conservation Area, or that the matter makes the plan unsound. I have no reason to disagree.
75. Representors refer to various existing developments which they consider adversely affect the Wolvercote with Godstow Conservation Area to suggest that the Council will not be able to control the impact of future developments adequately. The relevant buildings at Dove House Close, Webbs Close, and Rowland Close were erected in the 1960s and 1970s. As such, they predate current planning policies and the designation of the Conservation Area.²⁰
76. More recently, the visual impact on the Port Meadow Special Area of Conservation (SAC) of the four to five storey graduate student accommodation blocks at Castle Mill has been controversial. The Council commissioned an independent review to consider the planning processes associated with the application. The Council concedes that, although it had met its statutory duties, there were lessons to be learned.²¹ The review recommended a range of improvements, which the Council has addressed to take reasonable steps to reduce the risk of similar occurrences. Accordingly, the impact of existing developments on the setting of the Conservation Area or the SAC does not make the AAP unsound.
77. Policy NG7 includes four criteria to control the effect of development proposals with regard to design and amenity. Criterion 1 would require development to be designed with an understanding of the area's heritage, setting and views. The second criterion requires compliance with the AAP Design Code.
78. Representors query the effectiveness of these policy criteria and their relationship to the Design Code. The Council intends to clarify this matter by adding a new paragraph to the end of section UF04 of the Design Code which explains that the number of storeys specified in the Design Code diagram would, if necessary, be reduced to meet the requirements of policy NG7.²² The NG7 criteria discussed above would be effective in precluding

²⁰ EH10a

²¹ EH10b

²² PEH01, Min 11

development which would detract from the landscape setting or the special character of Oxford.

79. It was put to me that, in the interests of the setting of the Oxford Meadows, the AAP should remove permitted development rights for the insertion of roof lights at the NG. This is, however, a detailed matter for the Council to consider on a case by case basis. I do not consider that it is necessary for the soundness of the plan.

Conclusions on Issue 2

80. Policy NG1 generally accords with the criteria set out in policy CS4. Moreover, it is consistent with the requirements for defining Green Belt boundaries in paragraph 85 of the NPPF.
81. Joe White's Lane is a long-established and well-defined bridleway, which is readily recognisable, likely to be permanent, and capable of enduring as the Green Belt boundary beyond the plan period.
82. Policy NG1 is justified by the Council's evidence base. The policy is positively prepared, consistent with national policy and would be effective in bringing forward land for development in the NG. As such, I find that the policy is sound.

Issue 3 – Whether the AAP is sound with regard to transport and travel

Trip generation and mitigation

83. The CS recognises that the main constraint to development at the NG relates to access and traffic generation. Policy CS6 requires development proposals to incorporate a balanced package of transport mitigation measures. The policy expects these measures to include capacity improvements, and highways and demand management measures to complement the Access to Oxford improvements to the northern approaches. The Access to Oxford measures are described in policies CS13 and CS14.
84. The AAP includes three travel and transport policies: NG4 Sustainable Travel, NG5 Highway Access, and NG6 Car Parking. The key elements of the transport evidence to support the AAP are within the Oxfordshire County Council North Oxford Transport Strategy Technical Summary Report (NOTS)²³.
85. Representors contend that the AAP is unsound as the traffic generated by the NG would affect nearby roads and junctions which already experience significant congestion. It has variously been put to me that the proposed mitigation measures in the NOTS solely address the legacy problems in the

²³ CD4.14

area, that they are based on the occupation of 200 dwellings and 55,000sqm employment space, or that they are based on out of date information.

86. NOTS incorporates four stages: a baseline survey, an assessment of the impact of future growth on the highway network without development at the NG, additional changes potentially arising from development elsewhere, and then adding in the effect of development at the NG. It is for this reason that the proposals in NOTS are not attributed either to resolving existing problems or mitigating the impact of future development. With regard to the baseline survey²⁴, which incorporates data from a range of surveys and sources, it has not been demonstrated that more up-to-date information is available or that the baseline survey is fundamentally flawed. These considerations do not go to the heart of the soundness of the AAP.
87. At the hearing it was said that the output of NOTS is unsound on the basis that the potential number of people who would work at the NG had not been established. Although various, wide-ranging estimates were put to me, the number of people entering buildings cannot be controlled through the planning process. I am satisfied that the use of trip generation rates derived from the industry standard TRICS (Trip Rate Information Computer System) database is the correct approach. Accordingly, this does not go to the soundness of the AAP.
88. Further discussions have taken place between the Council, Oxfordshire County Council and the Highways Agency since the AAP was submitted for examination, resulting in two documents being agreed between the parties. These are a Statement of Common Ground (SOCG) between Oxford City Council, Oxfordshire County Council and Highways Agency²⁵ and an Addendum to the SOCG²⁶. Together, these demonstrate that the Highway Agency's initial concern regarding the level of detail in the AAP no longer pertains. The AAP is not a master plan, but provides the framework for the master planning of the area and/or planning applications.
89. The Addendum to the SOCG sets out more detail on the progress made in recent discussions on highways and transport matters, but the Addendum demonstrates that improvements to the Wolvercote and Cutteslowe roundabouts are now fully funded through City Deal and Local Transport Board allocations. Traffic Regulation Orders and detailed design work have been completed, and construction is expected to begin in June/July 2015. The Addendum also shows that significant funding has been awarded for other schemes outside the AAP boundary.
90. In addition, AAP policy NG5: Highway Access, provides that planning permission will not be granted for development which adversely affects the

²⁴ CD4.15

²⁵ CD6.1

²⁶ PS2.04

safe and efficient operation of the local and strategic highway network or which compromises the delivery of the highway improvements listed in the policy. This will necessitate further modelling at the application stage. The requirement in policy CS6 for mitigation measures to be implemented in accordance with the agreed phasing, with full implementation prior to the occupation of the final phase, is not affected by the AAP since the policy remains part of the development plan for the area.

91. Policy NG10 addresses phasing and implementation, and policy NG11 controls the delivery of infrastructure. The representors' contentions that employment and housing development could go ahead without the highway mitigation works is not supported by substantive evidence. Policies NG10 and NG11 have not been shown to be defective, and I find them to provide a sound basis for the phasing and implementation of development and the delivery of infrastructure.

Modal split

92. NOTS demonstrates that it is possible to mitigate the transport impacts of the development of the NG, particularly at the Peartree roundabout and the links to and from the A40 and the A44. It is submitted that the AAP is not sound as it would not be possible to solve all the existing traffic problems through measures in the plan. However, a comprehensive approach to meeting travel demands has been proposed, including sustainable transport initiatives to support a shift in the modal split compared to the 2011 Census journey-to-work information relating to residents of Wolvercote and Summertown. I accept it is unlikely that people working at the NG would all reside in Wolvercote and Summertown, and may travel from other parts of Oxford or beyond. Nonetheless, in the absence of more detailed information, it represents a reasonable and proportionate approach.
93. Representors challenged the scope for influencing the modal split of residents, workers and others such as hotel guests at the NG. The area is, however, served by two established high frequency bus routes along the A40 and A44. While much depends on details to be considered at the application stage, and it has not been shown on Figure 5: Links and Transport Infrastructure, it is expected that buses would be routed along an on-site link road. However, bus priority measures have been shown, consistent with the introduction of a new Bus Rapid Transit network, as included in the Oxford Transport Strategy.

Parking, bridges and cycling

94. The proposed parking standards, together with the provision of cycle parking and travel plans, would encourage modal shift. The residential car parking standard would be in line with the Council's 2013 Sites and Housing Plan,²⁷ which have previously been examined and found to be sound. Representors

²⁷ CD5.5

contend that the employment, hotel and retail parking standards could result in indiscriminate parking nearby, including within residential streets. The possibility of residents' parking schemes, and their costs, was raised at the hearing, but this is not a matter which goes to the soundness of the plan.

95. Notwithstanding the concerns of representors, the Council does not propose that the Water Eaton Park and Ride facility, or indeed the Peartree Park and Ride site, should be used to meet the parking requirements of the NG development.
96. References have been made to various matters including the need for bridges for use by pedestrians and cyclists, the inconvenience of controlled crossings at roundabouts, the design and location of cycle parking, and the need for pedestrian and cycle paths to the station under construction at Oxford Parkway. These detailed matters typically go beyond the scope of the AAP, being either considerations for master planning, planning application or travel plan stages, or fall within the scope of the 2015 Oxford Transport Strategy, which is a consultation document.²⁸ Others have been overtaken by the completion of the design work, mentioned above. None goes to the soundness of the plan.

Strategic link road

97. Many representors submit that a strategic link road to the west of the A34 is essential for the soundness of the AAP. While such a link road has strong local support, and has partial funding through the City Deal, it has not been demonstrated to be necessary for development at the NG to go ahead. Similarly, evidence for representors' submissions that only the construction of a new Oxford outer ring road would 'solve' traffic problems has not been provided.
98. Notwithstanding the range of transport and travel representations raised, none has shown the AAP to be unsound.

Issue 4 – Whether the AAP is sound in relation to the natural environment including the Oxford Meadows Special Area of Conservation

99. Representors have deeply held concerns regarding the possible effects of development at the NG on the Oxford Meadows Special Area of Conservation (SAC). It has been said that the Sustainability Appraisal Report (SA)²⁹ for the AAP, the Strategic Environmental Assessment (SEA) and the Habitat Regulations Assessment³⁰ (HRA) fall short of the required standard.

²⁸ EH5

²⁹ CD1.5

³⁰ CD1.7

Sustainability Appraisal

100. In 2013 a Scoping Report was published to supplement the 2011 Local Development Framework Scoping Report, and was subject to consultation. A framework of 16 sustainability objectives was established from the scoping analysis. These objectives have been used to assess each of the policies in the AAP. The SA also explains how these objectives will be used in monitoring the implementation and mitigation measures in the AAP.
101. The SEA Directive information is included within the SA. It has been submitted that the SEA Regulations have not been met, but the SA explains how the requirements have been addressed.

Habitat Regulations Assessment

102. The Council's Habitat Regulations Assessment for the AAP follows from the HRA which was carried out for the CS. The CS HRA examined whether policies in the CS would adversely affect the integrity of any European sites within 20km of the city. Cothill Fen SAC and Little Wittenham SAC were screened out at the CS stage and Appropriate Assessment was undertaken in relation to the Oxford Meadows SAC.
103. A further HRA was published with the Council's Sites and Housing Plan. It included an assessment of the likely recreational impacts of new homes proposed at the NG in the CS in relation to the 'in-combination' effects, as required by the European Habitats Directive. I do not, therefore, agree with representations which contend that 'in-combination' effects have not been taken into account or that the screening for the HRA is too narrow.
104. Representors have drawn attention to the judgements in the High Court³¹ concerning the Council's adoption of the CS in the absence of an appropriate assessment under the Habitats Regulations, and in the Court of Appeal³² against the High Court judgement.
105. In the Court of Appeal case mentioned above, Lord Justice Pill understood the appellant's (Mr Feeney's) concern for the SAC, but explained that it was not practicable to conduct detailed assessments at the CS stage.
106. LJ Pill considered that the 'Action Plan Stage' would be the appropriate point for proposals to be put forward to minimise, if not eliminate, the effect on the SAC. Paragraph 11 of his report indicates that this would be on the basis of plans having been devised. The AAP does not, however, include specific allocations, plans or layouts. While the assessment carried out for the AAP includes greater detail than at the CS stage, it is not possible to assess the impact of, or devise mitigation measures, for detailed proposals which have

³¹ EH11a

³² EH11b

yet to be drawn up. This does not, in itself, make the plan unsound, but follows from NPPF paragraph 167, which requires assessments to be proportionate.

107. The CS³³ states that the Council will require the AAP to be supported by a full hydrological risk appraisal to demonstrate that there will be no change in the hydrological regime of Oxford Meadows SAC, in terms of water quantity or quality.
108. Similarly the AAP³⁴ is required to be supported by more detailed air quality modelling and analysis to show that there will not be any localised adverse effects on the integrity of the SAC resultant from construction or increased road trips within 200m of the European sites.
109. The CS also requires³⁵ the AAP to be supported by an assessment to show that there will not be any effect on the integrity of the SAC from recreational pressure arising from the development.
110. The HRA for the NG AAP addresses the matters identified in the CS for further investigation: hydrological risk, air quality, and recreational pressure. It takes into consideration the full amount of development proposed at the NG, as set out in its paragraphs 1.5 – 1.6. It covers the Screening and Appropriate Assessment stages. The later stages of HRA are not appropriate since the AAP does not include site allocations or detailed proposals.

Hydrology

111. The AAP is supported by a Geo-Environmental Assessment of Ground Conditions report³⁶, and both an Interim Hydrogeological Summary Note³⁷ and a Hydrogeological Assessment report.³⁸ It has been put to me that the survey work was inadequate on the basis that trial pits TP3 and TP4 could not be made at the initial visit due to standing water. There is no dispute that the geology of this part of the site between the A40 and Joe White's Lane is defined as Alluvial Ribbon, as discussed earlier. The report recognises that mitigation measures will be required to ensure that development would not have an adverse effect on the groundwater regime.
112. A range of Sustainable Urban Drainage Systems (SUDS) was discussed at the hearing, which in combination would be able to control the rate of run-off. The prevailing Oxford Clay formation of the much of the site is not a contra-indication for SUDS. The use of SUDS can potentially improve the quality of

³³ CS paragraph 3.4.40

³⁴ CS paragraph 3.4.41

³⁵ CS paragraph 3.4.42

³⁶ CD4.25

³⁷ CD4.23

³⁸ CD4.24

waste water, and the inclusion of swales can increase biodiversity through the introduction of additional habitats.

113. While further detailed work would be necessary to assess and mitigate the effects of detailed development proposals on the hydrology of the site and its interaction with the hydrology of the Oxford Meadows SAC, it has not been shown that the land between the A40 and Joe White's Lane is unsuitable for building on hydrological grounds, or that sustainable drainage could not be achieved.

Air quality

114. The CS requires the AAP to be supported by more detailed air quality modelling and analysis to show that no localised adverse effects on the SAC will result from construction or increased road trips within 200m of the European sites.
115. Representors contend that the Peartree Northern Gateway Preliminary Air Quality Assessment (AQA)³⁹ falls short of the level of details expected by the CS. However, the report is based on the assessment of a full year's monitoring survey, and is a preliminary report only insofar as more detailed work will be necessary to support a planning application. The location of the diffusion tubes has been criticised by local people, who consider that measurements should have been taken within the SAC. However, this would not have accorded with professional practice.
116. It has been said that the AQA makes an unsound contribution to the AAP since it describes the proposed development at the NG as set out in policy CS6 rather than policy NG2. I disagree since the AQA assessment for 2026 uses traffic data from the NOTS assuming the delivery of 90,000sqm of employment uses and 500 residential units at the NG.
117. The AQA predicts that oxides of nitrogen concentrations and nitrogen and acid deposition rates will be significantly lower in 2026 with development at the NG relative to the 2013 baseline. Representors challenge this finding as it is dependent on anticipated improvements in vehicle emissions as well as improvements to the local transport network. I accept that there can be no certainty as to how rapidly vehicle emissions will reduce, or about the potential proportions of different types of vehicles being driven in the area, but the AQA has taken a precautionary approach by taking a mid-point of 2020 for its modelling. NE is satisfied with this approach and with how the assessment was carried out.
118. I am satisfied that the AQA provides a satisfactory level of detail. The development in the AAP is unlikely to affect air quality in a manner which would be detrimental to the integrity of the Oxford Meadows SAC.

³⁹ CD4.34

Recreational pressure

119. The NG proposals would not result in the loss of any existing public green spaces. The proximity of the NG to Cutteslowe Park, Goose Green and the Five Mile Drive Recreation Ground would accord with the standards for large and medium sized parks in Objective 04 of the Council's Green Spaces Strategy 2013-2027.⁴⁰ However, residents at the NG would live further than the recommended distance of no more than 400m to a small park, it has been submitted that the AAP is unsound, because it does not require the provision of a small park.
120. The Green Spaces Strategy and its objectives form part of the evidence base for the AAP, but are not policy requirements. The AAP would provide, through policy NG7, for at least 15% of any land parcel proposed for residential development to be green public open space. This would be an uplift of 50% on the open space requirement elsewhere in Oxford, and would have a neutral effect on the overall green space standard for the city as whole.
121. Even so, since the Oxford Meadows SAC would be within walking distance of the NG⁴¹, representors contend that additional recreational use of Oxford Meadows would be harmful to its special character. The potential impacts of recreational pressure would arise from dog-fouling and trampling. The SAC is characterised by plant communities at Oxford Meadows, which result from its long use for grazing and hay-cutting. In particular, Port Meadow is the larger of only two known sites in the UK for Creeping Marshwort, which is susceptible to harm from dog fouling. However, a survey carried out in August 2014 indicates that the population of Creeping Marshwort has significantly declined in size, possibly as a result of hydrological changes including more prolonged and frequent flood episodes⁴².
122. Within the Oxford Meadows SAC, Port Meadow, Wolvercote Common, Goose Green, Pixey and Yarnton Meads are each registered both as access land and common land.⁴³ As such, the number of people visiting the area cannot be controlled. Reference was made at the hearing to the quality of site notices, the requirement for short leads to be used at certain times of year, the controls over the number of dogs which is permissible for an individual to control, and the operation of the Council's dog warden service, but none of these matters goes to the heart of the soundness of the AAP.
123. By contrast the Council's Visitor Survey, devised with Natural England, and its extrapolation to take account of the proposed level of residential development at the NG, indicates that there would be an increase of just over 1% in the number of visits to the Oxford Meadows SAC. Notwithstanding the keenly

⁴⁰ CD4.35

⁴¹ EH16

⁴² EH13

⁴³ EH25

expressed concerns of representors, it has not been demonstrated that this level of additional use would be materially harmful.

Conclusion on whether the AAP is sound in relation to the biodiversity of the Oxford Meadows SAC

124. The SA has also taken account of these, and other, sustainability issues. The SA includes the necessary consideration for compliance with the SEA Directive.⁴⁴
125. The matters identified in the CS for further investigation, hydrological risk, air quality, and recreational pressure have been the subject of further study to support the AAP. Natural England is satisfied with the HRA for the AAP and the conclusions drawn from it. The AAP provides safeguards for the biodiversity of the area, and is supported by more detailed evidence than the CS. Assessments should be proportionate to the level of detail proposed, and more detailed mitigation measures are not required for the soundness of the AAP. I am satisfied that the AAP HRA is satisfactory and the AAP is sound in relation to biodiversity.

Issue 5 – Whether the AAP is sound with regard to the effects on human health from air quality and vibration

126. The fourth criterion of AAP policy NG7 controls the effects of air quality and noise on human health. It was, however, put to me that the AAP is unsound with regard to the effects of air quality and vibration on human health.

Human Health – Air Quality

127. Although the CS notes at paragraph 3.4.32 that the quality of the residential environment at the NG would be affected by problems such as noise and poor outlook because of nearby roads and the railway, since then the AQA has been carried out, and transport mitigation works have started. In 2010 the Council declared a city-wide Air Quality Management Area, which includes targets for keeping Nitrogen Dioxide emissions at safe levels and reducing emissions of Carbon Dioxide, Nitrogen Oxide and particulate matters⁴⁵. This, among other matters, informs the range of measures put forward for consultation in the Oxford Transport Strategy.
128. A representor submitted information on the levels of fine particulate matter measured on a single day and the nitrogen oxides levels measured over a period of a month.⁴⁶ The extent of the information was limited, and was conceded to be only illustrative of the current situation.

⁴⁴ European directive 2001/42/EC

⁴⁵ EH5 page5

⁴⁶ EH22b, c, d

129. It has not been demonstrated that the air quality at the NG would amount to a contra-indication for residential development. The submitted evidence on the effects of air quality on human health⁴⁷ does not go to the soundness of the AAP. Similarly, no conflict between the AAP and the Oxfordshire Joint Health & Wellbeing Strategy 2012-2016⁴⁸ has been established.

Human Health - Vibration

130. The homes of some local residents allegedly suffer structural damage, which representors claim to be associated with freight and other train movements on the Chiltern Railway line. However, this is not a matter which is directly affected by the policies in the AAP.

131. Concerns have been raised with regard to the effect of the vibration from the railway on future occupiers. The Baseline Noise Assessment,⁴⁹ which has been carried out to industry standards, indicates that the ground-borne vibration from the railway will be below the 'low probability of adverse comment' criterion in BS 6472. Significant changes to the configuration and operation of the railway are, however, planned for the near future,⁵⁰ and these have not been taken into account in the Baseline Noise Assessment. It acknowledges that a review will be required to assess the effect of any future rail freight movements.

132. On the basis of the submitted evidence, it is not possible to be certain at this stage that vibration from the railway would not exceed the 'low probability of adverse comment' criterion in the future. However, since the layout of the NG has yet to be determined, the Council will be able to require an assessment of noise and vibration at the application stage.

133. In addition to the control included in policy NG7, the Council could, under the terms of Local Plan policy CP19, refuse planning for residential development unless adequate protective measures could be implemented before the development is occupied. The potential vibration and other disturbance from future development of the railway do not, therefore, go to the heart of the soundness of the AAP.

Conclusions on Issue 5

134. It has not been demonstrated that the AAP is unsound in relation to human health. I am satisfied that policy NG7 would soundly provide the planning control necessary to protect human health at the NG.

⁴⁷ EH22a

⁴⁸ EH20

⁴⁹ CD4.33

⁵⁰ EH24

Other matters

Energy efficiency

135. It has been put to me that increased energy efficiency standards should be required for the development at the NG, but this is not supported by detailed evidence. This is a matter of detail for the Council in its consideration of planning and building control applications.

Evidence base

136. In addition to the matters discussed above, representors refer to the validity of various reports within the evidence base. They have, however, been prepared by independent professional consultants. No substantive evidence has been submitted to demonstrate partiality or other defects in the reports.

Neighbourhood Plan

137. A reference was made to the preparation of a Neighbourhood Plan for Wolvercote, but I understand that this is at an early stage. No extracts or other material associated with that emerging document have been submitted. It has not been shown to affect the soundness of the AAP.

Implementation and delivery

138. The implementation and delivery of the policies and development set out in the AAP will be dependent on master-plans and planning applications, to be supported by detailed evidence where necessary. Given the on-going work on travel and transportation matters, and the willingness of the Northern Gateway Consortium to work closely with the Council, there is no reason to suppose that the plan could not be implemented and delivered within the plan period.

Assessment of Legal Compliance

139. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Oxford Northern Gateway Area Action Plan is identified within the approved LDS as amended in July 2014. This sets out an expected adoption date of May 2015. The Area Action Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in October 2006 and consultation has been compliant with the requirements therein.

Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Assessment Report (July 2014) details the screening and appropriate assessment for the Northern Gateway. No significant effects, or in-combination effects, have been identified.
National Policy	The Local Plan complies with national policy.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS, entitled <i>Oxford: A world class city for everyone</i> .
2004 Act (as amended) and 2012 Regulations.	The Area Action Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

140. In accordance with Section 20(7) I recommend that the submitted Plan is adopted on the basis that it meets in full the requirements of Section 20(5). My report covers the primary issues that have brought me to this conclusion.

CA Newmarch

INSPECTOR