

Oxford Local Plan 2040

Submission Draft COMMENT FORM

Part A

You only need to
fill Part A in once

Your name:

Organisation (if applicable):

Address:

Email:

Date:

Data protection:

Please note that your response will be made available for inspection by the public in paper form at the Council's offices, or other locations as appropriate for the purpose of facilitating public access.

Your personal details will be properly safeguarded and processed in accordance with the requirements of the General Data Protection Regulation (GDPR) 2018. Your information will be used for The Oxford Local Plan 2040 Proposed Submission Consultation only, and we will only store your data until the Oxford Local Plan 2040 is accepted. Information you give in this form could be shared with the Independent Examiner at the examination stage of the Local Plan process.

We cannot accept anonymous comments.

- If you are happy for us to state your name and the first line of your address and postcode when publishing your response(s), please tick this box.
- If you would rather all personal details except your name and a non-specific address (e.g. Oxford) to be obscured, please tick this box.

Do you wish to speak at the examination hearings?

(Please note that the Inspector will decide who to invite to speak)

Yes No

Do you wish to be notified when:

the Council submit the Oxford Local Plan 2040 to the Government?

the Inspector's Report is published?

the Oxford Local Plan 2040 is adopted by the Council?

GENERAL ADVICE

For advice on making a comment, please see the accompanying notes page. It is also available at www.oxford.gov.uk/localplan2040

When completing the form,

You only need to complete Part A once

Use Part B to make your specific comments. You may complete Part B multiple times to comment on different parts of the Oxford Local Plan 2040

Cover concisely all the information and evidence you feel supports or justifies your view, as this will normally be your only opportunity to tell us about it

Be as precise as possible

HOW TO SUBMIT YOUR COMMENTS

Please submit completed forms by email or post to:

planningpolicy@oxford.gov.uk

Planning Policy Team

Oxford City Council

Town Hall

St Aldate's

Oxford

OX1 1BX

If you have any questions please feel free to get in touch with the Planning Policy Team

T: 01865 252847

planningpolicy@oxford.gov.uk

www.oxford.gov.uk/localplan2040

Please ensure your comments reach us by **4.00pm on Friday 5th January 2024.**

Thank you for participating.

DETAILS OF YOUR COMMENT

Part B

Please read the accompanying notes before completing Part B. The notes explain what we mean by soundness and legal compliance. These are questions that we are expected to ask consultees.

Please use a new Part B for each point you are commenting on. Attach all completed forms to Part A.

Q1. Which part of the document do you wish to comment on? (please give the relevant paragraph or policy number)

Paragraph	<input type="text" value="5.47 & 7.12"/>	Policies Map	<input type="text"/>
Policy Number	<input type="text"/>	Sustainability Appraisal	<input type="text"/>

Q2. Do you consider that the document:

- | | | |
|---|------------------------------|--|
| (a) is legally compliant? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) is sound? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) complies with the duty to co-operate? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Q3. Do you consider that the document is **unsound** because it is not: (tick as appropriate)

- | | | | |
|--------------------------|--------------------------|--------------------------------------|-------------------------------------|
| (a) positively prepared? | <input type="checkbox"/> | (c) effective? | <input type="checkbox"/> |
| (b) justified? | <input type="checkbox"/> | (d) consistent with national policy? | <input checked="" type="checkbox"/> |

Q4. Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

The draft Local Plan is not legally watertight because nowhere does it explicitly commit to recognise paragraph 193 of the 2023 NPPF, which enshrines the full scope of the Agent of Change principle in relation to, among others, places of worship, pubs, music venues and sports clubs. Although not all the contents of the NPPF are yet enshrined in primary legislation, they are highly likely to be before 2040, and besides, adoption of NPPF best practice is already strongly recommended and encouraged by the Government. Any council which chooses not to follow the perfectly reasonable AOC principle, therefore leaves itself open to legal challenges in the future (at the expense of the taxpayer). While the relevant text in the current draft plan admittedly suggests a similar approach, its wording is non-committal and expresses a narrower interpretation than that enshrined in NPPF paragraph 193. As such, the current text could easily be interpreted as being deliberately opaque in order to side-step the duty of mitigation in favour of developers.

Please use an extra sheet if completing a paper copy.

Q5. What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination.) It would be helpful if you could suggest revised wording for the policy or text in question.

The Council should therefore clarify beyond all reasonable doubt that it will adopt and integrate the Agent of Change principle (outlined in paragraph 193 of the 2023 NPPF), in its entirety in all future planning discussions and decisions. As a precedent, councillor Alex Hollingsworth (chair of the Planning Committee), is on record as having verbally committed to following the Agent of Change principle in relation to the redevelopment of the Deaf and Hard of Hearing Centre in St Ebbes, where the developer (Z Hotels) only received planning permission upon committing to AOC. Additional text is lifted directly from the Council's own Oxford 2050 policy vision.

As such, our recommendation is that paragraphs 5.47 and 7.12 are redrafted as follows (alternatively, commitment to AOC could be enshrined in paragraph 7.11 instead, in a similar vein):

Please use an extra sheet if completing a paper copy.

This is the end of the comment form

Q5. What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination.) It would be helpful if you could suggest revised wording for the policy or text in question.

5.47 Noise and vibration can have a significant impact upon amenity and people's health and wellbeing. The management of noise should be an integral part of development proposals and should be considered at the earliest opportunity to ensure that the right acoustic environment is achieved in new development. As outlined in the 2023 National Planning Policy Framework (NPPF) Agent of Change principle (paragraph 193), planning policies and decisions should ensure that new developments can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. Measures to mitigate the impacts of noise and vibration associated with demolition and construction will be secured by legal agreement or condition through construction management plans which form part of the transport assessment.

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This is the end of the comment form

Q5. What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination.) It would be helpful if you could suggest revised wording for the policy or text in question.

7.12 The City Council will nurture, encourage and protect community assets and cultural facilities (including, but not limited to; community centres, performance venues, cinemas and libraries), and will support improvements and more intensive use of existing sites. Where the ability of an existing facility to operate may be adversely impacted by a proposed development, or where the proposed development itself may be adversely impacted by the existing facility, the Council will follow the Agent of Change principle outlined in paragraph 193 of the National Planning Policy Framework (NPPF). Sometimes facilities might not be fit-for-purpose, or they may provide poor accessibility, so that improvements on site or nearby might be more sustainable. Co-locating multiple facilities on a single site can be an efficient way to improve both quality and accessibility.

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This is the end of the comment form