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5th January 2024

Dear Planning Policy Team,

OXFORD LOCAL PLAN 2040 PROPOSED SUBMISSION DRAFT (REGULATION 19) CONSULTATION

Carter Jonas is instructed by Hertford College and Exeter College (“the Colleges”) and we provide below our representations to the Proposed Submission Draft (Regulation 19) Consultation on the Oxford Local Plan 2040 (“the Local Plan”).

The Colleges welcome the opportunity to comment on the Local Plan and are of the view that the Local Plan is generally sound, having reviewed its contents and supporting documentation and evidence. There is, however, one important element of the Plan that has been overlooked, or omitted, such that it would render the Plan unsound.

There is a policy void created by the Council’s proposed removal of previous policy G5: *Existing open space, indoor and outdoor sports, and recreation facilities*. Without an effective replacement for this policy the plan is not consistent with national policy and does not have a clearly articulated strategy to promote sports participation, and healthy lifestyles.

Without a proper replacement for extant Policy G5, the Local Plan is **unsound**, it is **not positively prepared**, **not justified**, **not effective**, and **not consistent with national policy**.

POLICY OMISSION: EXISTING OPEN SPACE, INDOOR AND OUTDOOR SPORTS, AND RECREATION FACILITIES.

The Colleges are of the view that the Local Plan should contain a positive strategy which promotes healthy lifestyles, and wellbeing. A key part of this strategy should be to protect existing sports provision, and to actively support the improvement and introduction of new sports facilities across the city.

The National Planning Policy Framework (“the Framework”) says the following about the need to positively support sports provision:

96. *Planning policies and decisions should aim to achieve healthy, inclusive, and safe places and beautiful buildings which...*

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

97. *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments...*
102. *Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.*
103. *Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use*

The Local Plan as drafted includes Policy G1 which suggests that the Council will seek to protect the Green Infrastructure (GI) network for the many and varied benefits it offers.

Policy G1 also introduces a 'hierarchy' of GI – from sites designated for their biodiversity value, down to amenity green space and back garden.

The suggestion is that Policy G1 will effectively replace extant Policy G5, this is because the supporting text for G1, at paragraph 4.9 identifies that green spaces can provide a variety of roles and sets out that where relevant, and regardless of where they sit in the hierarchy, that there may be additional considerations based upon the type of space that apply to development management decisions where proposals could result in their loss. To leave this to just the supporting text is not effective, and a policy should be included for sports provision.

Whilst Policy G1 works well as an overall strategy for Green Infrastructure, and a 'gateway' to following more detailed policies on specific biodiversity, or flood management, issues etc, it covers to many types of GI including those that have national protection and some that can be allowed to be lost according to national policy. This approach brings a level of ambiguity to the policy that renders it ineffective, and it is unclear where sports pitches fit into the hierarchy, which makes leave the strategy not fully justified. Most importantly, Policy G1 does not positively set a strategy for sports provision, and neither does proposed Policy G1 properly reflect the 'internal balancing exercise' set out in in the Framework, at paragraph 103.

The Colleges also note that proposed Policy C3 seeks to protect various types of "community facilities" which could be used to manage the loss of other sports uses - e.g., pools and indoor sports – but this policy is focused on "town centre uses" and lacks an internal balance for cases where the loss of a facility could be justified by the criteria set out in the Framework at 103. Moreover, Policy C3 lacks positive support for the improvement or existing facilities, or the creation of new facilities, which is a missed opportunity, and contrary to the Framework at 96. 97, and 102.

Without a proper replacement for extant Policy G5, and a positive strategy for sports provision, the Local Plan is **unsound, it is not positively prepared, not justified, not effective, and not consistent with national policy.**

Necessary modification

The Colleges suggest that the Plan could be made sound by reinstating current Policy G5, but with some additional amendments to ensure it remains up to date, and critically, that it promotes a positively prepared strategy for sports provision.

As such the Colleges proposed that the following Policy is included in the Local Plan: **OMISSION POLICY**

Policy G10: Existing open space, indoor and outdoor sports, and recreation facilities

The City Council will seek to protect existing open space, sports and recreational buildings and land.

Existing open space, indoor and outdoor sports and recreational facilities should not be lost unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

New or improved sports facilities:

New and improved sports facilities are public benefits which help to support healthy lifestyles, wellbeing, and the increased participation in sports.

The City Council will support the provision of new or improved suitable, high quality, indoor and outdoor sports facilities within existing sites which support health and wellbeing. Where a proposal has demonstrable support from Sport England and/or the relevant sport's governing body, this will weigh in its favour.

Consideration will also be given to the need for different types of sports pitches as identified in the Playing Pitch Study.

Any new, improved, or replacement sports provision should be provided in a suitable location which is accessible by walking, cycling and public transport, and (where proposed as alternative provision) accessible to local users of the existing site.

The City Council will also consider any wider public benefits of proposals for new or improved sports facilities.

The City Council will, where the opportunity to do so arises, seek public access to private and institutional facilities through sharing schemes and joint user agreements.

CONCLUDING COMMENTS

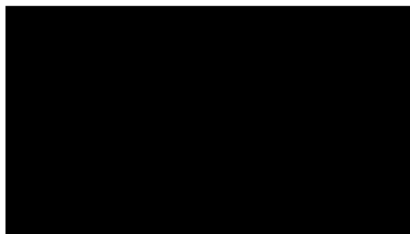
The Colleges generally support the Local Plan and believe it to be 'sound' in most aspects, however the omissions of a proper policy to protect, manage, and positively support sports provision is a very serious issue which must be addressed.

We trust the above is clear and, that the proposed policy meets the expectations of the Council, and ultimately the Local Plan Inspector.

Participation at the oral part of the examination

The Colleges confirm that they do wish to take part in the oral part of the Local Plan examination. This is to be able to fully explain the concerns about the policy drafting and to answer questions that the Inspector might have.

Yours sincerely,



**Peter Canavan BA(Hons) MSc MRTPI
Partner**

