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# Representations on the Oxford Local Plan 2040 – Submission Draft

## Regulation 19 Consultation – Nov 2023

On Behalf of:

Thomas White Oxford Ltd

January 2024

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# Contents

<b>Executive Summary</b>	<b>i</b>
<b>1. Introduction to Representations</b>	<b>1</b>
<b>2. Legal Compliance and Duty to Cooperate</b>	<b>4</b>
<b>3. Vision and Objectives</b>	<b>5</b>
<b>4. Spatial Strategy</b>	<b>6</b>
<b>5. Employment Strategy</b>	<b>9</b>
<b>6. Northern Gateway</b>	<b>12</b>
<b>7. E3 – Affordable Workspace</b>	<b>16</b>
<b>8. H14 – Self Build and Custom Build Housing</b>	<b>17</b>
<b>9. Chapter 4 – A Green Biodiverse City</b>	<b>18</b>
<b>10. Chapter 5 – Use of Resources</b>	<b>22</b>
<b>11. Chapter 7 – A liveable City</b>	<b>25</b>
<b>12. Policies that are supported</b>	<b>27</b>

## Executive Summary

### Background

- i. These representations have been prepared on behalf of Thomas White Oxford Ltd (TWO) in response to the Oxford City Local Plan 2040 Submission Draft Regulation 19 consultation.
- ii. TWO is the owner of the Oxford North development site and also owns other land, including the Pear Tree Park & Ride. TWO is also part of the joint venture delivering the Oxford North scheme called Oxford North Ventures (ONV). The other partners are Stanhope and the Ontario Teachers' Pension Plan. ONV was formed to deliver the innovation district called Oxford North. Oxford North forms part of the Northern Gateway development area. This was previously allocated in the Oxford Core Strategy in 2011 (Policy CS6) and subsequently removed from the Green Belt under the Northern Gateway Area Action Plan (NGAAP) which was adopted in 2015 to deliver an employment led development. The Inspector at the NGAAP hearing concluded that there were "exceptional circumstances which justify the change to the Green Belt boundary" to provide knowledge led employment within Oxford.
- iii. Hybrid planning permission was granted for the Oxford North site in March 2021. This was subject to certain parameter plans, including a Land Use parameter plan as included within **Appendix 1**.
- iv. Reserved matters approval has since been granted for 317 homes to the south of the site on land known as Canalside and is currently being built out by Hill Residential. On the central area construction is underway on the Phase 1a commercial buildings (2 workplace buildings and a central hub building). Reserved matters approval has also been recently granted for three further laboratory buildings and a large multi-storey car park. Construction of these will commence in 2024.
- v. Overall TWO generally supports the policies in the emerging Local Plan but has comments on the following matters which it considers need amending to ensure the plan is Sound.
  - a. The Vision
  - b. Spatial Strategy
  - c. E1 – Employment Use
  - d. Policy SPN1 – Northern Gateway
  - e. Custom and Self Build Housing
  - f. Environmental Policies in Chapters 4 and 5
- vi. Suggestions are made to make the above policies sound and these will require modifications. There are discrepancies between the PDF and online versions of the policies maps that need to be rectified to ensure policies are sound.

There are a number of policies that are supported but suggestions for minor modifications are proposed.

# 1. Introduction to Representations

## 1.1. Introduction

- 1.1.1. These representations have been prepared on behalf of Thomas White Oxford Ltd (TWO) in response to the Oxford City Local Plan 2040 Submission Draft Regulation 19 (the LP40) consultation.
- 1.1.2. TWO is the owner of the Oxford North development site and also owns other land, including the Pear Tree Park & Ride. TWO is also part of the joint venture delivering the Oxford North scheme called Oxford North Ventures (ONV). The other partners are Stanhope and the Ontario Teachers' Pension Plan. The ONV has a long lease on the Central and part of the Eastern parcels of the land.
- 1.1.3. Oxford North forms part of the Northern Gateway development area. This was previously allocated in the Oxford Core Strategy in 2011 (Policy CS6) and subsequently removed from the Green Belt under the Northern Gateway Area Action Plan (NGAAP) which was adopted in 2015 to deliver an employment led development. The Inspector at the NGAAP hearing concluded that there were “exceptional circumstances which justify the change to the Green Belt boundary” to provide knowledge led employment within Oxford.
- 1.1.4. Hybrid planning permission (reference: 18/02065/OUTFUL) was granted for the Oxford North site in March 2021. This was subject to certain parameter plans, including a Land Use plan as included within **Appendix 1**. The description of development includes the following elements:
- i. Outline permission for:
    - a. the erection of up to 87,300 sqm (GIA) of employment space (Use Class B1),
    - b. up to 550 sqm (GIA) of community space (Use Class D1),
    - c. up to 2,500 sqm (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace,
    - d. up to a 180 bedroom hotel (Use Class C1) and
    - e. up to 480 residential units (Use Class C3)
  - ii. Full permission for:
    - a. 16,097 sqm (GIA) of employment space (Use Class B1),
    - b. installation of an energy sharing loop,
    - c. access junctions from the A40 and A44 (temporary junction design on A44),
    - d. construction of a link road between the A40 and A44,
    - e. open space, landscaping,
    - f. temporary car parking (for limited period), and
    - g. works to the A40 and A44 in the vicinity of the site.
- 1.1.5. Reserved matters approval has since been granted for 317 homes to the south of the site on land known as Canalside and is currently being built out by Hill Residential. On the central area construction is underway on the Phase 1a commercial buildings (2 workplace buildings and a central hub building). Reserved matters approval has also been recently granted for three further laboratory buildings and a large

multi-storey car park (circa 1,100 spaces). Construction of these will commence in 2024.

- 1.1.6. In the extant Local Plan 2036 the Northern Gateway site is not specifically allocated but is mentioned at paragraph 1.23 which states: “

*“This site has already been allocated and is the subject of the Northern Gateway Area Action Plan which remains part of the Oxford Development Plan alongside the Oxford Local Plan 2036. The AAP makes provision for 90,000m<sup>2</sup> of employment land (restricted to the science, research and development fields) and 500 new homes. This site will come forward for development during the Local Plan period and will have a significant impact on the supply of specialised employment floorspace and deliver one of the largest housing sites in the city. Therefore whilst it is not subject to an allocation in this Local Plan it will nonetheless constitute an area of change in the context of the vision for the city. Once built upon only the employment floorspace part of the scheme would be considered a Category 1 employment site under Policy E1 of this Local Plan. The Local Plan alters one element of the area covered by the AAP in relation to land at Pear Tree Farm. The allocation of Policy SP28 supersedes the AAP land use requirements for this specific element of the site. This relationship is shown on the Policies Map.”*

- 1.1.7. Overall TWO generally supports the emerging planning policies in the LP40 but has comments on the following matters which it considers need amending to ensure the plan is Sound.

### 1.2. **Previous Development Plan promotion**

- 1.2.1. TWO has previously submitted representations on the earlier stages of the emerging LP40, including the Preferred Options Consultation in September 2022 and the Issues Consultation in August 2021.

- 1.2.2. The responses provided previously cover the following matters:

- Strong support for the economic success of Oxford and the need for policy support going forward.
- The need for flexible policies to adapt quickly to discoveries and market demand through the use of enterprise zones, Simplified Planning Zones and Local Development Orders which are all potential means that growth in the knowledge sector could be delivered in a flexible and fast manner to help reduce the delays of the planning process and be attractive to companies looking to invest in the area.
- The need to maximise density and height of development on existing sites to ensure the lowest impact on the local environment is achieved.
- Support for lowering the level of affordable housing.
- Encouragement for cross District collaboration to meet the overall housing need and not impact on employment space at existing employment sites.

### 1.3. Report Structure and Updates to National Policy

1.3.1. This report will consider the legal compliance of the plan and the duty to cooperate and then each element of the Submission Draft Plan in turn. Where issues are raised the representation will indicate which of the tests of soundness don't apply and also suggest how the policy should be amended to address the issues identified.

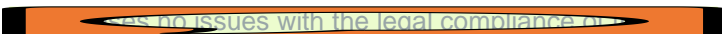
#### *National Policy*

1.3.2. We are aware that an update to the National Planning Policy Framework (NPPF) was issued on 19<sup>th</sup> December 2023. The LP40 document does not take account of the changes. We would expect the Council to review the revision and issue any changes needed. We therefore, reserve the right to amend our representations to reflect the new guidance and any changes the Council makes to the LP40 prior to submission for examination or subsequently.

1.3.3. It is noted that paragraph 1 of the updated NPPF reinforces the need for up-to-date plans which are seen as a "priority". Paragraph 15 refers to Plan-making and refers to the need to provide a positive vision for the future of an areas and a framework for meeting housing needs and addressing other economic, social and environmental priorities.

## 2. Legal Compliance and Duty to Cooperate

### 2.1 Legal Compliance

2.1.1  There are no issues with the legal compliance of

### 2.2 Duty to Cooperate

2.2.1 Local planning authorities are bound by the statutory duty to co-operate within the Localism Act 2011 and also the national guidance set out in the NPPF. Plan making bodies are expected to co-operate with each other when preparing or supporting the preparation of policies which address strategic matters including those policies of Local Plans. The NPPF states that these authorities should produce, maintain and update one or more statements(s) of common ground throughout the plan-making process. The Statement of Common Ground will form part of the evidence required to demonstrate compliance with the duty to co-operate.

2.2.2 Paragraph 26 of the NPPF refers to such cooperation as being “*effective and on-going joint working*” as being integral to the production of a positively prepared and justified strategy.

2.2.3 Whilst the evidence demonstrates that the City Council is liaising with its neighbouring authorities and other organisations on a regular basis there appears to be no agreed solution to addressing key strategic matters, importantly, the unmet housing need identified in the LP40 and wider infrastructure requirements. These are identified as key issues in the LP40 and to have no long term solution to them will undermine the objectives and aspirations for an inclusive and prosperous City in the long run. The solution identified in the 2036 Local Plan has been successful and housing sites are now coming forward. The LP40 covers the majority of the plan period as the extant Local Plan, but there is no reference to this joint cooperation in the LP40.

2.2.4 If the City is effectively “full” for housing, each successive local plan will provide less and less housing. This needs to be addressed to ensure the City does not stagnate over this and subsequent plan periods in terms of the knock on consequences for the employment focus of Oxford.

2.2.5 The LP40 is proposing a number of measures to seek to maximise the ability to deliver housing in the City but this needs to be balanced against the need to bolster the economic success of the City and protect the local environment. As is mentioned in the LP40 (paragraph 3.6) “*Oxford is the most sustainable location for employment in the county. It is easier to strengthen and develop the public and active transport systems to take people to jobs in the city rather than scatter employment to less sustainable locations*”.

2.2.6 As such a joined up approach is needed to deal with housing, employment and infrastructure. This appears to only be possible through cooperation with neighbouring authorities. TWO will raise soundness issues with the Spatial Strategy on this theme as set out below.





## 3. Vision and Objectives

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Vision, Objectives and Overarching Threads	Yes	Yes	Positively Prepared	
			Justified	
			Effective	
			Consistent with National Policy	

3.1 TWO generally supports the Vision for Oxford and the recognition of the strength of the local economy. In particular it is noted that Oxford’s economy contributed £7.34bn to the national economy in 2017 and played a leading role in the fight against the COVID19 Pandemic. In addition, Oxford University has more spin-out companies than any other in the UK. This is set to increase with increased funding streams and investment in Oxford.

3.2 It is therefore important that economic growth is not stifled in any way. If barriers to expansion are put in place then investment will quickly move to other locations, either in the UK or abroad to the detriment of Oxford and Oxfordshire as a whole.

3.3 It is acknowledged that the lack of housing supply in Oxford could lead to restricted labour supply to meet the expansion of employment uses. This in part can be addressed through advances in automation and AI but also in a joined up approach with neighbouring districts to accommodate housing, thus allowing Oxford’s key employment areas to focus on maximising the economic benefit they can delivery.

3.4 The plan period covers the period 2020 -2040. The extant Local Plan covers the period up to 2036 and therefore the LP40 only seeks a 4 year change to housing and employment numbers. Paragraph 22 of the NPPF states that Strategic Policies should “look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities.” The LP40 meets this requirement based on the current LDS timetable for adoption by June 2025. However, if there is any slippage or delay in the timetable then the plan period may need to be extended to 2041 and the housing and employment needs increased accordingly.

3.5 



## 4. Spatial Strategy

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Spatial Strategy Policy S1	Yes	No	Positively Prepared	X
			Justified	X
			Effective	X
			Consistent with National Policy	

- 4.1 The text at paragraph 1.2 of the LP40 states “...The role of this new Local Plan is to build upon the positive aspects that make the city so special, whilst also addressing the challenges we face through positive planning policies....”
- 4.2 The Spatial Strategy policy S1 does not set out a spatial strategy for how it will deal with housing and the unmet housing need identified, as well as wider infrastructure requirements.
- 4.3 The policy should be split in to two separate policies – one dealing with the Spatial Strategy and one dealing with the Presumption in Favour of Sustainable Development. Having one combined policy is not appropriate. The extant Local Plan follows this split approach.
- 4.4 A spatial strategy should set out how the proposed development is to be delivered over the plan period and beyond. TWO is concerned that because there is no agreement in place with the surrounding authorities in relation to housing, employment and infrastructure, LP40 is setting out a compromised approach by seeking to maximise housing at the expense, in part, of the economic potential of certain locations, for example at the Northern Gateway. This manifests itself in the allocation of the Pear Tree Park and Ride site for housing in the LP40, when it was originally released from the Green Belt and allocated in the NGAAP for “employment led development”.
- 4.5 The plan period covers the period 2020-2040. The currently adopted Local Plan covers the period up to 2036 and therefore the LP40 only seeks a 4 year change to housing and employment numbers. The Council notes the surrounding Districts have already agreed to accommodate 14,300 homes or 715 per year up to 2036. These are included within adopted local plans and there are various planning applications under consideration to meet this need, some of which do seek consent for more housing than identified in the adopted local plan allocations. However, such increases are not currently ring-fenced to mitigate the increasing Oxford City shortfall.
- 4.6 Oxford is highly constrained for development and the LP40 has sought to maximise housing delivery over the plan period whilst taking account of the environmental, heritage and social constraints of the City.

- 4.7 The Spatial Strategy should follow the approach in the extant Local Plan, i.e. maximising economic growth in the City where investment is attracted and then adopt a hub and spokes approach – with the City being the focus for employment but having good infrastructure links into the surrounding Districts where housing is more readily deliverable. Paragraph 3.6 of the LP40 notes that “Oxford is the most sustainable location for employment in the county. It is easier to strengthen and develop the public and active transport system to take people to jobs in the City rather than scatter employment to less sustainable locations.” This is also an element of the currently drafted Policy S1 – d) that states: “focus new employment development that supports Oxford’s national and international role in research and development on existing sites already in that use prioritising housing elsewhere.”
- 4.8 Significant investment has already been made to improve key transport corridors in anticipation of significant housing delivery on the edge of the City, for example the A44 corridor and A40/Park & Ride corridor improvements. In addition, significant investment in infrastructure has also been put in place at Oxford North to allow it to come forward rapidly to meet current demand. This investment in such transport corridors and wider infrastructure should be capitalised on in setting an overall spatial strategy for Oxford and Oxfordshire.
- 4.9 To achieve this there should be agreement(s) in place to accommodate the unmet housing need between the Oxfordshire authorities and for the surrounding Councils to agree to accommodate additional housing need beyond that already agreed to. This could be achieved by increasing density in the existing allocations, extensions to them or further allocation of new sites. The collapse of the Oxfordshire Plan 2050 Spatial Strategy needs to be replaced by joined-up thinking on housing, employment and key infrastructure. If this issue is not addressed it will be to the detriment of not only Oxford but also Oxfordshire as a whole given their mutual dependence on each other.
- 4.10 The LP40 must not reduce the attractiveness of the City for employment uses/investment in order to satisfy its housing need. Such an approach will have a long term detrimental impact on the economic success of Oxford and the wider Oxfordshire area which depends to a significant extent on Oxford for employment, retail and leisure uses.
- 4.11 In addition, criterion f) in the Vision sets out an absolute – preventing new development in locations where it would damage important blue and green infrastructure networks, public open space, and flood plain. There should be a caveat added to say....“unless mitigated”.
- 4.12 Without a clear spatial strategy the LP40 is unsound as it is not positively prepared, effective or justified.

### Suggested Amendment

The following changes to the plan are proposed:

1. Policy S1 should be split into two separate policies, one dealing with Spatial Strategy and a separate one dealing with the Presumption in favour of sustainable development.

2. Policy S1 should set out a Spatial Strategy for meeting the vision and objectives of the Plan referring to the need to maximise economic growth where market demands dictate it, i.e. within the key employment locations in Oxford and then acknowledging the already agreed hub and spokes approach for housing being located outside of Oxford and acknowledging the interdependence between Oxford and the wider Oxfordshire Authorities. The strategy must not impact on the economic success of Oxford and key locations such as Northern Gateway/Oxford North.
3. Amend criterion f) to include "...unless mitigated" at the end of the sentence.

### 5. Employment Strategy

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
			Positively Prepared	Justified
Employment Strategy Policy E1	Yes	No	Effective	X
			Consistent with National Policy	

5.1 TWO supports the approach to Policy E1 in relation to category 1 employment sites, in particular Northern Gateway/Oxford North.

5.2 The importance of Category 1 employment sites is noted at paragraph 3.10 of the LP40 which states: “Category 1 sites are nationally and regionally important to the knowledge economy.....”

5.3 TWO supports the approach to intensification at existing designated employment sites, particularly Category 1 sites.

5.4 However, as will also be mentioned under the Northern Gateway policy there is an issue in that whilst the PDF version of the policies map shows the whole of the Northern Gateway Area as a Category 1 employment site (see figure 1 below – area outlined in yellow). This is the same as in the extant Local Plan. However, the online policies map only shows the Central part of Oxford North within the Category 1 employment designation – see Figure 2 below.

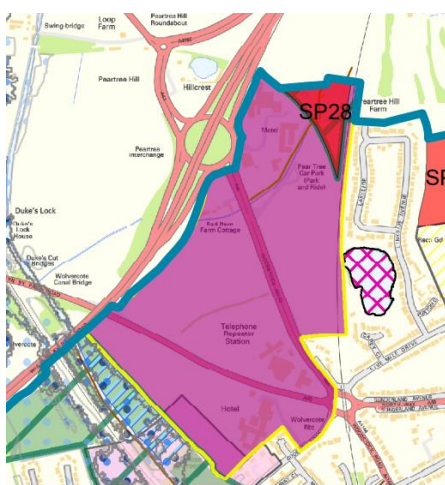


Figure 1: Extract from the PDF Policies Map LP40 showing Cat 1 area outlined in yellow.

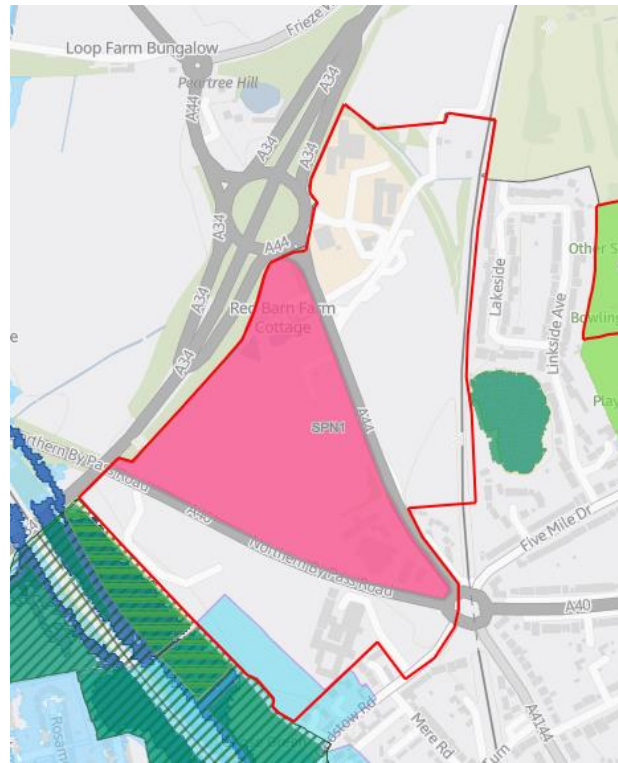


Figure 2: Extract from the online policies map – Category 1 area shown shaded pink

- 5.5 The extant Local Plan 2036, that allocates the whole of the Northern Gateway site as Category 1, goes on to state at paragraph 1.23: “...Once built upon only the employment floorspace part of the scheme would be considered a Category 1 employment site under Policy E1 of this Local Plan.” This takes account of the outline nature of the consent on part of the site and the Land use Parameter Plan at **Appendix 1** which does not define the areas that will be used to deliver employment or the remaining housing components.
- 5.6 The Planning Inspectorate Guidance Note (Feb 2023) states at paragraph 6.6 “The policies map is not defined in legislation as a development plan document. This means that the Inspector has no powers to recommend MMs directly to it. However, the role of the policies map is to illustrate geographically the application of policies in the plan. If the geographical illustration of a policy is flawed, the policy will be unsound. In such circumstances, therefore, the Inspector will ask the LPA to draw up a proposed change to what is shown on the submission policies map. To ensure fairness, any such proposed changes will need to be subject to consultation alongside the MMs”.
- 5.7 The whole of the Northern Gateway area should be identified as Category 1 employment site (as is the case with Oxford Science Park and the ARC).

Suggested Amendment
The following changes to the plan are proposed:



1. Amend the online policies map to show all of the Northern Gateway area as a Category 1 employment site as per the extant Local Plan and PDF version of the submission draft proposals map.





## 6. Northern Gateway

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy SPN1 – Northern Gateway And supporting text and policies map	Yes	No	Positively Prepared	
			Justified	X
			Effective	X
			Consistent with National Policy	X

- 6.1 Whilst TWO supports the allocation of the Northern Gateway area the LP40 has moved away from the vision set out in the NGAAP which sought to “create a world-class employment area which will build on the strengths of Oxford’s economy in the key sectors of education, health, research and development and knowledge based businesses linked to our two universities and our hospitals. The development of the Northern Gateway offers the opportunity for existing and new firms to relocate, and to ensure that Oxford’s economy continues to grow for the benefit of the City and as a vital component in the growth of Oxfordshire more widely”.
- 6.2 Whilst the Vision also refers to the provision of homes the site was identified as an employment site first and foremost.
- 6.3 Indeed, the Northern Gateway, going back to the Core Strategy was allocated as a strategic location to provide “modern employment led development with supporting infrastructure and complementary amenities” (taken from Policy CS6 of the Oxford Core Strategy).
- 6.4 Furthermore, the NGAAP Inspector assessed the mix of uses at the site and states that the housing component (500 dwellings) “would remain a complementary use to the employment led development” (paragraph 43 of the Inspector’s report on the NGAAP). The report goes on to consider if exceptional circumstances existed to remove the land from the Green Belt. The Inspector concluded that the need to provide employment led development which was critical to the knowledge spine amounted to exceptional circumstances to justify the release from the Green Belt.
- 6.5 The NGAAP contains a spatial strategy diagram as copied in Figure 3 below. This shows the Park & Ride car park as having an “employment focus”. This does not rule out residential use, but also recognises the likely impacts of surrounding uses (motorway services to the north, potential reduced car park to the east, and the busy A44 to the west). This has been further compounded by the hybrid planning permission that includes the potential for employment uses to the south of the Park & Ride. For these reasons (the uncertainty over the extent of land that may be given up through consolidation of the Park & Ride facility and the environmental constraints affecting the site) resulted in no minimum housing figure being placed on this proposed element of the policy.



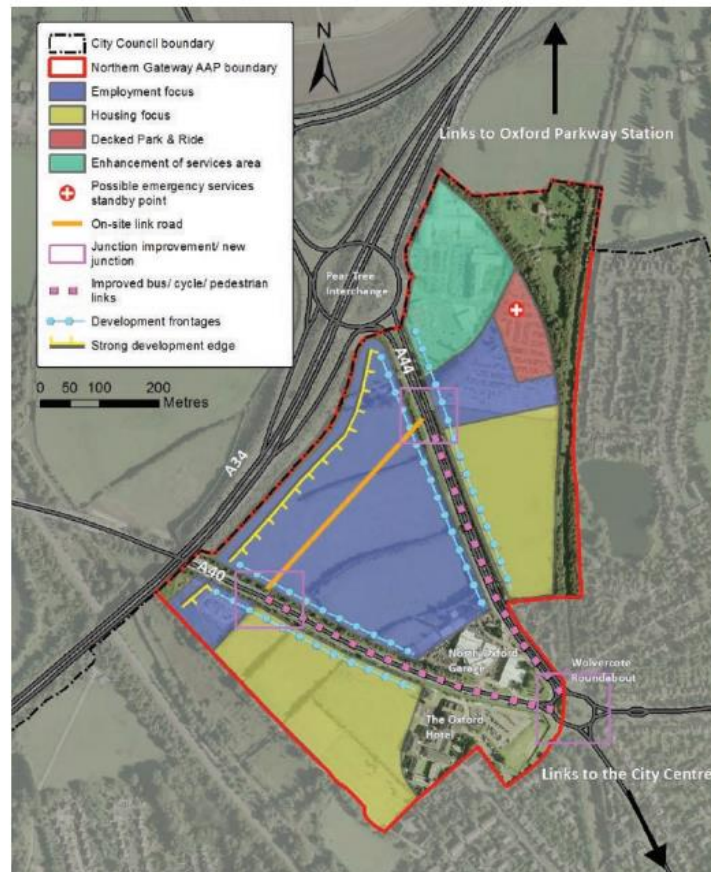


Figure 3: Spatial Strategy in NGAAP

- 6.6 Whilst TWO recognises the wider need for housing in Oxford, as is mentioned in the LP40 (paragraph 1.2, 3.6, Policy S1(d)) the focus of Category 1 employment sites must be for employment uses and housing should be located elsewhere, including the strategy of meeting the need in adjacent districts with efficient transport routes to the employment sites. This has already happened in the context of Northern Gateway through the Cherwell Local Plan Partial Review – Oxfords unmet Housing Need plan that allocates circa 4,500 homes to the north of the development. Such housing will provide sufficient housing to meet the labour demands for Northern Gateway without diluting the sites potential to boost the supply of jobs locally. The Council must look beyond its boundaries to address such issues. To take up potential employment floor space at the Northern Gateway with further housing is inappropriate and contrary to the NGAAP approach and that in the adjacent Cherwell Local Plan.
- 6.7 In addition to the above TWO recommends that to make the policy effective the policies map needs to clearly identify the sub-areas referred to in the Policy – ie Pear Tree Farm, Pear Tree Park & Ride, Red Barn Farm, Wolvercote Services, Car Showroom, Hotel and land by Goose Green Close.
- 6.8 The Policy also needs to recognise, in line with our comments, above, on policy E1 that intensification of

the employment uses could take place within the Northern Gateway area.

- 6.9 The Policy must recognise, as in the supporting text (paragraph 8.23) that redevelopment of the Pear Tree Park & Ride site will only take place if the car park use ceases or is reduced or consolidated (through the use of a multistorey car park structure).
- 6.10 The policy recognises that the Northern Gateway site is a category 1 employment site which aligns with the PDF version of the policies plan. However the online policies map only defines part of the Northern Gateway site as a Category 1 employment site – see comments in relation to Policy E1, above. The online policies plan should be amended to align with the PDF policies plan and site allocation policy and include all of the Northern Gateway area, excluding the land to the south of the A40 which has detailed consent for residential use and the land at Pear Tree Farm which is allocated for housing. The remaining area should be defined as a Category 1 employment site.
- 6.11 The Policy requires compensatory improvements to the surrounding areas of Green Belt. This appears to be at odds with paragraph 142 of the NPPF that only requires compensatory improvements where land is being taken out of the Green Belt. In this case, the whole of the Northern Gateway area is not Green Belt land. This component should be deleted.
- 6.12 As currently drafted the policy is unsound as it is not effective, justified or consistent with national policy.

### Suggested Amendment

The following changes to the plan are proposed:

1. Paragraph 8.23 to be amended to read:

“....it would be suitable for ~~residential development~~ **employment led development which could include an element of housing, subject to environmental constraints....”**

2. Amend Policy SPN1 to read:

“Planning permission will be granted for development of the remaining areas<sup>3</sup> at the Northern Gateway for the following uses:

- Residential development at Pear Tree Farm (min 122 dwellings) and other complementary uses will be considered on their merits; ~~Pear Tree Park & Ride~~; and Goose Green Close (min 20 dwellings); and
- Employment development and ancillary uses to support the employment at Red Barn Farm
- **Subject to closure, consolidation (through use of a decked car park) or reduction in the size of the Park & Ride facility, employment led development at Pear Tree Park & Ride including an element of housing subject to environmental constraints being shown to be acceptable.**
- Redevelopment and/or refurbishment of Pear Tree Services, ~~and Wolvercote Services~~ **and the hotel site to the west of Godstow Road....**

3. Update the online policies map to show the whole of Northern Gateway site as a category 1 employment site as per the PDF version of the policies map and extant Local Plan policies map.
4. Delete reference in Policy SPN1 to Compensatory improvements to the surrounding areas of Green Belt – this is not consistent with national policy as all of the land was removed from the Green Belt via the Northern Gateway AAP process some years ago.
5. Update policies map to define the areas referred to in the policy ie Peartree Park & Ride, Goose Green Close, Pear Tree Farm etc.



## 7. E3 – Affordable Workspace

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy E3	Yes	No	Positively Prepared	
			Justified	
			Effective	X
			Consistent with National Policy	

7.1 TWO supports the need for a range of sizes of workspace in Oxford to meet the demands of smaller businesses. It is delivering this at Oxford North to meet a range of needs, including incubator space and smaller co-working areas.

7.2 However, the reason the rental levels are increasing in the City is due to demand for space and the attractiveness of Oxford for research and development on the back of the World-class University research, which is out stripping supply, especially for laboratory space. One way to deal with this is to increase supply overall. Requiring affordable workspace to be delivered could be counter productive in that it will impact the overall scheme viability of workspace delivery, exacerbate supply demand imbalance and hence push up rents.

7.3 Furthermore, the approach in the LP40 to seek to convert Category 3 employment sites to housing runs counter to the approach set out in policy E3 to provide more affordable workspace. In other areas, principally London Boroughs, new affordable workspace has been delivered most effectively via low cost reuse and/or refurbishment of existing buildings to produce workspace at lower rents. This is especially relevant to Category 2 and 3 sites.

7.4 The policy should be reconsidered in this context. As currently drafted the policy is not effective.

Suggested Amendment
Review the approach to the Policy to increase supply of employment space more generally.



## 8. H14 – Self Build and Custom Build Housing

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy H14	Yes	No	Positively Prepared	
			Justified	
			Effective	X
			Consistent with National Policy	

8.1 Policy H14 is not effective when applied to higher density housing schemes that the LP40 is aiming for to make efficient use of the land, in particular schemes that include apartments or flats. In such developments it is not practical to have self-builders. It may be possible to allow people to fit out an apartment but this could be difficult in terms of noise and disturbance for adjacent occupiers and location of services etc.

8.2 A suitable caveat should be added to the list in the policy.

8.3 In addition, more clarity is needed as to how to measure the 5% of the “area developed for residential use” to avoid ambiguity in interpreting the policy. It is questioned if it would be better to refer to a percentage of the total number of stand alone houses (excluding apartments and flats)?

### Suggested Amendment

Amend the policy as below.

“...A legal agreement will be used to ensure that if the self-build plots have not sold after 6 months of marketing, then dwellings should be built and brought forward in the normal way, in accordance with other policies regarding affordable housing and housing mix. The following development types are excluded from this requirement: Employer-linked affordable housing; student accommodation; other C2 or Sui Generis types of accommodation; **flatted/apartment schemes**; and residential development in conversions or on brownfield sites where only flatted development is provided.”

Define what 5% of the area developed for residential use covers to aid clarity and to consider if the metric should be 5% of the total number of residential houses on the site (excluding apartments and flats).



## 9. Chapter 4 – A Green Biodiverse City

9.1 TWO welcomes the general approach to the policies set out in Chapter 4 of the LP40. However, there appear to be overlaps between the policies set out in Chapter 4 and also conflicts with the wider aspirations of the LP40. TWO suggests that there is a presumption to protect all green space unless it is demonstrated that there are benefits in its loss and that all efforts have been made to mitigate the loss, either on site or off-site. These will be picked up below.

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy G1	Yes	No	Positively Prepared	
			Justified	
			Effective	X
			Consistent with National Policy	

9.2 Policy G1 refers to protection of green infrastructure (GI). The LP40 defines core and supporting GI. This is difficult to differentiate on the interactive policies map and will result in difficulties in interpretation given the scale of mapping involved. In addition, it is questioned how the land has been identified and defined.

9.3 In addition, the policy is very strict and does not allow any loss of or harm to any Core GI. This is too restrictive. In relation to Supporting GI, the policy requires re-provision ideally on site. It is hard to see how this can be achieved without demolition of buildings? The policy should be amended to provide some flexibility, especially given the inaccuracy in the mapping and assessment criteria and clarity provided around how the Council considers mitigation on site could be achieved.

9.4 In relation to loss of trees on a site, it is not always possible to re-plant on the site and make efficient use of the land. As such, some cascade to planting trees nearby or providing financial contributions to fund compensatory tree planting elsewhere should be considered.

9.5 As drafted the policy is not effective and will impact on the wider development policies in the plan seeking to make efficient use of land. It would make sense to combine the criteria in this policy with those in policy G6.

Suggested Amendment
<ol style="list-style-type: none"> <li>1. Provide more detailed mapping to accurately define the location of the GI features and change the colour coding to better differentiate between the categories.</li> <li>2. Provide more flexibility in the policy to ensure it takes a positive approach to development.</li> <li>3. Consider combining the policy with Policy G6.</li> </ol>



Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy G3	Yes	No	Positively Prepared	
			Justified	
			Effective	X
			Consistent with National Policy	

9.6 Policy G3 introduces the Urban Greening Factor which sets out that the development of sites should achieve a minimum score or no reduction in the green factor, calculated from the types of green infrastructure found on site using a formula set out in the appendices of the draft plan. It is recognised that the provision of new green spaces as part of development proposals is constrained however, this requirement puts significant pressure on applicants who have limited site areas and who have certain functions that also need to be achieved in those spaces. The use of the policy to prevent the loss of space would essentially sterilise the potential for development which, if allowed, could achieve wider benefits such as the release of general housing back into the market. For example, at Oxford North where the site was greenfield land it would seem impossible to recover this position through other greening features. As such the criteria to have “no reduction in baseline score” is unlikely to be achievable and the criteria should be deleted.

9.7 It is noted that the Urban Greening Factor works alongside biodiversity net gain but provides a ‘simpler’ output. It is questioned why this additional layer of calculation is required as where it has been introduced elsewhere (mainly in London) this tends to have been prior to the introduction of the minimum biodiversity net gain requirements in Local Plans.

9.8 This policy is not effective and seems to repeat the requirements of policy G1 and G4 but without the flexibility in Policy G4 to provide off-site mitigation.

Suggested Amendment
<p>Delete Policy G3 as it is covered by policy G1, or as a minimum delete the wording:</p> <p>“...Major development: proposals should demonstrate that there would be no reduction in baseline score and achieve a minimum score of:....”</p>





Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy G8 – SUDS	Yes	No	Positively Prepared	
			Justified	
			Effective	X
			Consistent with National Policy	X

9.9 Policy G8 refers to Sustainable Drainage Systems. This is generally supported by TWO and is being used extensively at Oxford North. However, there are instances where to make effective and efficient use of land it is necessary to use underground tanks and pipes, and it is not always possible, practical or sensible to include swales and ponds in higher density developments.

9.10 The wording in the policy contradicts the wording in policies H1 and E1 that both refer to making the most “efficient use of land”. It is also at odds with the wording at paragraph 124 of the NPPF (Sept 23) that requires planning policies to “support development that makes efficient use of land”.

9.11 More flexibility should be included in the policy to ensure development makes efficient use of the land. This will address the above issues whilst still enabling the benefits of SUDS to take place.

Suggested Amendment
<p>Re word policy G8 as below:</p> <p>“All development proposals will be required where feasible <b>and to ensure efficient use of land</b>, manage surface water through Sustainable Drainage Systems (SuDS).</p> <p>SuDS must be designed in a way that incorporates reuse, infiltration, retention or conveyance methods which utilise natural, green and blue infrastructure rather than unnatural, artificial components, <b>wherever possible</b>. Below ground features such as pipe systems or underground attenuation tanks <b>should only be considered having ruled out the above and if it has been demonstrated that use of SuDS makes inefficient use of the land and will restrict development potential</b>. <del>will not be permitted, unless exceptional site conditions justify an alternative approach which has been agreed with the Council.</del> Multi-functionality of SuDS should be maximised in their design, such as where they are incorporated into public open space.</p> <p>Where a site has potential for contamination, SuDS that rely on infiltration will be discouraged and other suitable methods should be adopted to protect the water environment unless it can be demonstrated that there will be no pathway of contamination.</p> <p>Surface water runoff should be managed to greenfield runoff rates as close to its source as possible, in line with the following drainage hierarchy:</p> <ol style="list-style-type: none"> <li>store rainwater for later use; then:</li> <li>discharge into the ground (infiltration); then:</li> <li>discharge to a surface water body; then:</li> <li>discharge to a surface water sewer, highway drain or other drainage system; and finally:</li> <li>discharge to a combined sewer (only in exceptional circumstances).</li> </ol> <p>Details of the SuDS must be submitted as part of a drainage strategy or FRA where required.</p>





A SuDS maintenance plan must be submitted alongside any planning application for minor development **or will be conditioned if not practical to produce upfront** for major development. **This must demonstrate** how SuDS will be managed and remain effective for the lifetime of the development. The plan must clearly explain what maintenance measures will take place, how frequently they will occur and for how long and will be secured by condition.



## 10. Chapter 5 – Use of Resources

10.1 TWO is generally supportive of the policies in Chapter 5 of the LP40 and recognises the significantly higher ambition when compared to the adopted Local Plan. However, there are some elements of the policies that are overly restrictive and should be more flexible. It should be noted that the level of development proposed in the LP40 is small compared to the existing stock of buildings in the City. As such, whilst this is a good step towards zero carbon, it will not on its own get the City there by 2040. The LP40 alone cannot do more to achieve this. In addition, access to electricity needs to be factored in to ensure that developments can come forward in a timely manner. Furthermore Government policy is looking to address much of this through Building Regulations.

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy R1	Yes	No	Positively Prepared	
			Justified	
			Effective	X
			Consistent with National Policy	

10.2 Policy R1 is a significant step up in terms of ambition compared to the current Local Plan policy. The policy will require further surveys and reports to be prepared to accompany planning applications. It will in turn require specialist officers at the Council to review and interpret the reports. The Council must be appropriately resourced to be able to deal with this increased workload and still meet its statutory decision making timescales. The removal of BREEAM is disappointing as many projects are working towards this already. Consideration should be given to a phasing in process for this, given the significant design changes that would be needed.

10.3 The targets set out in Criteria 2 of the Policy are completely unachievable for life science buildings such as those being built at Oxford North. To undertake their business activities life science operations require certain essential research and safety equipment/machines. As such it is not possible to limit innovation or safety matters which require energy intensive equipment, high fresh air rates and significant cooling requirements amongst other necessities. For this reason, typically values in the range of 200 -300 kWh/m<sup>2</sup>/year are seen in laboratory buildings, including off-setting PV generation, against the target in the policy of 70. The targets should be evidence based and it is unclear how the current targets have been set.

10.4 The difficulty is with how a building is used and how that might change over time and this is a concern with post-occupancy monitoring. If data is collected how will the City Council use this to better inform other projects?

10.5 A range of targets would be one way to set targets or simply seek scheme to minimise total energy use for the particular building in question. If buildings are using a high proportion of renewable energy then it is



questioned if this figure has much relevance?

10.6 We are not aware of any precedent for offset payments based on operational energy models (these are typically Part L). The level of off-setting payment needs to be known to fully understand the implications on the viability of projects and more details on where the funds would be spent should be set out.

10.7 The policy must be more flexible to account for the range of uses that could come forward in the City.

Suggested Amendment	
1.	Either delete the Energy Use Intensity targets or set a range.
2.	Provide more flexibility in the policy to allow for varying occupier demands.
3.	Set out values for carbon offsetting payments and how these will be used.
4.	Ensure that the Council has sufficient resources in place to assess and comment on the required reports.
4.	Remove the need for post-occupancy monitoring as this is totally dependent on how each building is used.

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy R2	Yes	No	Positively Prepared	
			Justified	
			Effective	X
			Consistent with National Policy	

10.8 TWO has no issue in principle with this policy. The flexibility of not having any targets is welcomed albeit it is questioned how the City Council will assess the feasibility of re-use vs demolition and therefore if the policy will be effective. However, it should be noted that at planning application stage it is not always possible to define with any certainty about the source of materials, as this does not happen until a contractor is appointed, usually sometime after planning permission has been granted. As such certain elements of this policy should be conditioned and not required up front.

Suggested Amendment	
Amend policy R2 to acknowledge that information could be supplied either with a planning application or via condition due where it is not possible to provide up front.	

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy R7	Yes	No	Positively Prepared	
			Justified	



			Effective	X
			Consistent with National Policy	X

10.9 Whilst TWO generally supports this policy it has concerns over the wording that essentially would not allow any assessment of harm and benefits as per the NPPF. The use of the words under criterion a) in the policy to “protect” should be amended. In relation to criterion b) the test set out at paragraph 111 of the NPPF is that development that results in “severe” highway impacts should be prevented. This should be set out clearly in the policy.

10.10 The second set of criteria in the policy (the factors used by the City Council) simply comprise a generic list without any targets or standards. The policy should set out what is considered acceptable or not.

10.11 Due to the above reasons the policy as currently drafted in considered un sound as it is not consistent with national policy.

Suggested Amendment
<p>Amend policy R7 as below:</p> <p>“Planning permission will only be granted for development that:</p> <ul style="list-style-type: none"> <li><b>a.</b> ensures that the amenity of communities, occupiers, neighbours and the natural environment is <b>maintained but where any impact occurs it is off-set by the benefits of the proposed development or through appropriate mitigation</b> protected; and</li> <li><b>b.</b> does not have <b>severe unacceptable</b>-transport impacts affecting communities, occupiers, neighbours and the existing transport network; and</li> <li><b>c.</b> provides mitigation measures where necessary....”</li> </ul> <p>And include criteria, targets or standards as to when an impact would become unacceptable.</p>



## 11. Chapter 7 – A liveable City

11.1 TWO is generally supportive of the policies in Chapter 7 of the LP40 however it does have concerns regarding the wording of following polices.

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy C6 – TA, TP and Service and Delivery Plans	Yes	No	Positively Prepared	
			Justified	
			Effective	X
			Consistent with National Policy	X

11.2 Policy C6 requires surveys and reports to be prepared to accompany planning applications some of which would be better conditioned to come after consent has been issued. To require delivery and service management plans up front is not practical, particularly on outline schemes or where an occupier is not yet known. Likewise, a construction management plan should be conditioned until a contractor is on board.

11.3 In addition, as mentioned above in relation to impacts on the local highway network the test set out at paragraph 111 of the NPPF is that development that results in “severe” highway impacts should be prevented. The policy refers to “no unacceptable residual cumulative” impacts. This is not consistent with national policy and should be amended.

Suggested Amendment
<p>The following changes to the policy should be made:</p> <p>“Transport Assessments must assess the multi-modal impacts of development proposals and demonstrate the transport measures which would be used to mitigate the development impact to ensure:</p> <ul style="list-style-type: none"> <li>a) there is no impact on highway safety to be assessed on a case-by-case basis;</li> <li>b) there is no <b>severe unacceptable</b> residual cumulative impact on the road network;</li> <li>c) pedestrian and cycle movements are prioritised, both within the scheme and within neighbouring areas;</li> <li>d) access to high quality public transport is facilitated, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;</li> <li>e) the needs of people with disabilities and reduced mobility in relation to all modes of transport are addressed;</li> <li>f) the development helps to create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards as set out in the <u>Oxfordshire County Council Street Design Guide</u>;</li> <li>g) the efficient delivery of goods, and access by service and emergency vehicles is allowed for; and</li> <li>h) charging of plug-in and other ultra-low emission vehicles is enabled in safe, accessible and convenient locations with designated bays and priority for car clubs</li> </ul>

A Travel Plan, which has clear objectives, targets and a monitoring and review procedure, must be submitted for development **or will be conditioned to be provided** that is likely to generate significant amounts of movement in accordance with the thresholds set out in Appendix 7.3. Travel Plans must support outcomes (a) to (h) set out above.

Where a Travel Plan is required under this policy and a substantial amount of the movement is likely to be in the form of delivery, service and dispatch vehicles, a Delivery and Service Management Plan will be required **(either to accompany the application or via a planning condition)**.

Small sites where servicing space is restricted will be required to submit a service and delivery plan.

Where a Delivery and Service Management Plan is provided this should set out how deliveries will be managed and demonstrate how impacts will be minimised including congestion, safety, noise and how zero or ultra-low emission and last mile opportunities will be considered.

A Construction Traffic Management Plan must **either** be submitted **with a planning application or will be required by condition** for development that is likely to generate significant amounts of movement during construction. This CTMP must incorporate the CLOCS standards where applicable (Construction, Logistics and Community Safety).

## 12. Policies that are supported

12.1 TWO generally supports the following policies, albeit some minor modifications are suggested to clarify elements of the policies and to aid usability:

Policy or Paragraph Reference	Legally Compliant?	Sound?	Comments/minor amendments sought
S2 – Design Code	Yes	Yes	<p>The Design Checklist at Appendix 1.1 of the LP40 sets out criteria from the relevant policies. As such if any policies change during examination then the Design Checklist will need to be updated accordingly.</p> <p>The reference in the Policy to the Design Code document should be clarified. It is presumed this is the National Model Design Code?</p>
S3 – Infrastructure Delivery	Yes	Yes	TWO supports necessary infrastructure to address the impacts of any development but delivered on an appropriately phased timescale which will be development specific.
E4 – Community Employment Plans	Yes	Yes	TWO supports the approach to CEP's and has established such Plans at Oxford North with great success.
HD7 – High quality Design	Yes	Yes	TWO supports high quality design in the City. This should be proportionate to the location and setting of the proposed development.
HD8 – Appropriate Density	Yes	Yes	Building at appropriate densities is an important component of sustainable development. Making efficient use of any land in the City is a priority. This policy must be read in relation to the HD9 on building heights.
HD9 - Views and Building Heights	Yes	Yes	The Policy refers to specific software (VuCity). It is not appropriate for a Local Plan to push a particular brand of software. This reference should be deleted and the policy simply refer to the use of an appropriate 3D model.
NEAOF – Northern Edge of Oxford Area of Focus	Yes	Yes	The approach set out in the policy is supported. It would be useful to have wording to recognise that developments such as Oxford North has already contributed to providing significant improvements to pedestrian and cycling infrastructure as well as public transport.

# Representations on the Oxford Local Plan – Submission Draft

Regulation 19 Consultation

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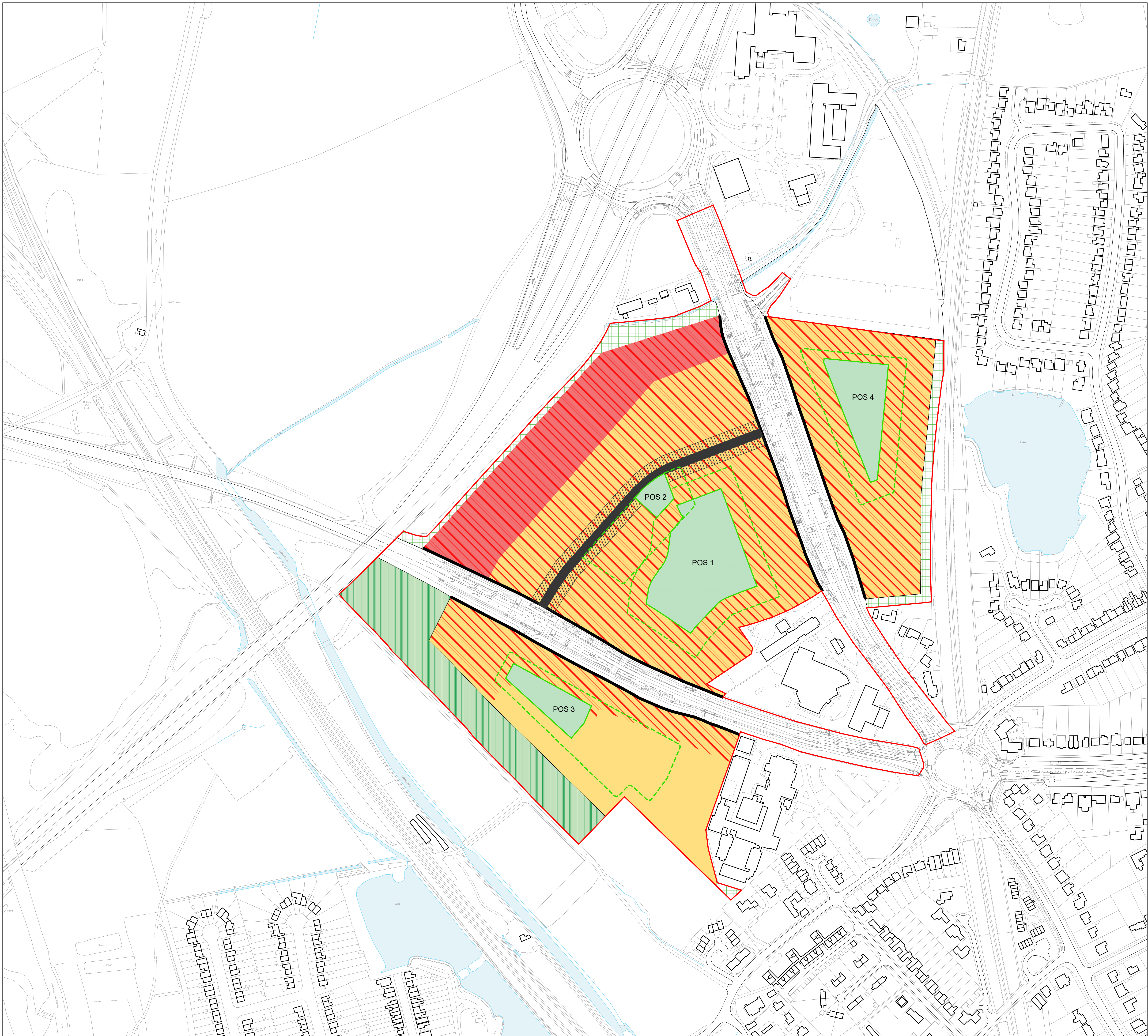






## APPENDIX 1: Approved Landuse Parameter Plan





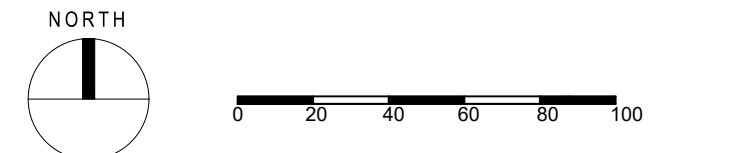
NOTES  
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- Outline planning application boundary
- C3 Residential including parking and landscaping
- Mixed use: B Employment; C3 Residential; C1 Hotel; D1 Non-residential institutions; A1 to A5, including parking and landscaping
- B Employment; C1 Hotel; D1 Non-residential institutions; A1 to A5, including parking and landscaping
- Frontage to A40 and A44
- Link road (+/- 15.00m LOD)
- Public open space
- Maximum limits of deviation of public open space
- Landscape area. (Includes public open space landscape and ecology outside developable area. May include above ground infrastructure)
- Landscape buffer area. (May include above ground infrastructure and access to adjoining land)

04	REVISED PLANNING ISSUE	DB	JK	130619
00	DRAWING CREATED	AM	JK	060717
REV	DESCRIPTION	BY	CHK	DATE

FOR PLANNING



**OXFORD NORTH**

**PARAMETER PLAN 02**  
 Land use

DRAWING NUMBER / REVISION  
**1348 GA 03002 04**

SCALE  
 1:2000 @A1 1:4000@A3  
 DATE / DRAWN BY / CHECKED BY  
 2017.07.06 AM / JK

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# Representations on the Oxford Local Plan – Submission Draft

Regulation 19 Consultation

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Director

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