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L 231219 RB Railpen LP Reg 19 Reps v3



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Dear Planning Policy Team

### **LOCAL PLAN REGULATION 19 CONSULTATION: SUBMISSION DRAFT LOCAL PLAN NOVEMBER 2023**

Savills is instructed by Railway Pension Nominees Ltd (hereafter referred to as Railpen) to submit the following representations on the Local Plan Regulation 19 Consultation: Submission Draft, November 2023.

Railpen is responsible for the safekeeping and investment of around £35 billion in assets on behalf of pension schemes, supporting half a million people connected to the railway industry. Railpen's heritage of looking after the pension needs of the railway industry and its employees gives them a unique outlook and enables them to take a holistic and long-term view towards investment – focusing on how they can serve members today and how they can positively impact the communities and world that members will retire into.

In general, Railpen supports the content of the draft Local Plan. Notwithstanding this, we have made comments on relevant parts of the plan below, particularly in relation to Chapter 3, Chapter 5, 6 and 7. These are put forward in a constructive manner to ensure that Local Plan has the best chance of being found sound at the subsequent Local Plan Examination.

Railpen is providing comments on the plan on the basis of its interests in the city which include Eastpoint Business Park. Railpen is currently exploring the future of Eastpoint Business Park and believe it has considerable potential to become a more positive addition to the future of Littlemore, with science and innovation space for small start-up and medium-sized companies, and community space for Littlemore that inspires, connects and creates opportunities for local people and businesses.

### **Chapter 1 – Vision and Strategy**

Railpen supports the vision for the City to provide a healthy and inclusive City with strong communities that benefit from equal opportunities, including to support research and development in the life sciences sectors which are and will provide solutions to global challenges. The overarching themes and threads of the Plan are acknowledged and are supported by Railpen including the need to address climate change and creating a more health, equal, inclusive and prosperous city.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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### Chapter 3 – A Fair and Prosperous City with a Globally Important Role in Learning, Knowledge and Innovation

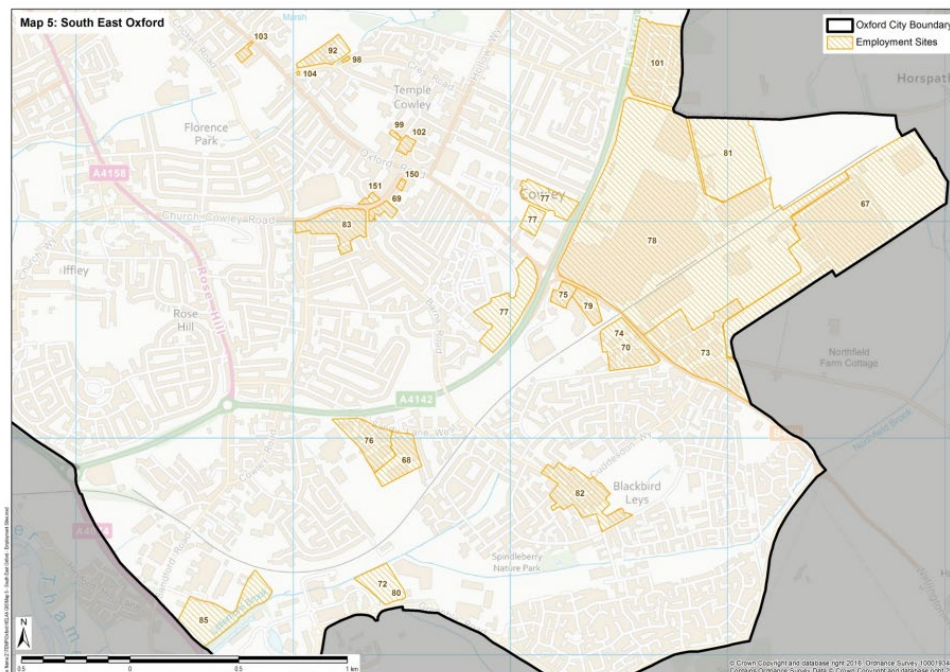
Chapter 3 sets out the employment strategy for the city. It seeks to restrict new employment-based uses to the city and district centres and to existing category 1 and 2 employment sites and seeks to balance the need for housing. Comments are provided below on Policy E1.

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

Policy E1 sets out the employment strategy for the City outlining categories of employment uses and what development opportunities are appropriate for each. Railpen supports the objective to make the best and most efficient use of land and premises. The policy states that this should be alongside sustainable development through the upgrading and re-use of existing buildings. This is a very restrictive approach to the efficient use of land and does not provide flexibility where existing buildings are not fit for purpose and where intensification is proposed on a site which is inefficient. It is suggested that this policy should align more closely with Policy R2 which enables demolition where it is demonstrated as the most feasible option. Amended wording to the first paragraph of the policy is suggested below.

Paragraph 3.11 states that Category 2 employment sites have been assessed in the Employment Land Needs Assessment against a set of criteria. We understand that this assessment is set out in the Oxford Employment Land Needs Assessment 2016. Site 76 is named ‘Nuffield Industrial Estate, Sandy Lane West’. It is designated as a protected employment site. Paragraph 5.2.6 of the report recognises that the site comprises a mix of B1 light industrial and office uses. Figure 1 below (Appendix 5: Figure A-5: South East Oxford from Oxford Employment Land Needs Assessment 2016) shows the extent of site 76 which includes Nuffield Industrial Estate and Eastpoint Business Park – see copy of map below. The area of the site is 3.47 hectares which clearly includes both Nuffield Industrial Estate and Eastpoint Business Park. The site was assessed as one of the best performing sites against the assessment criteria, being ranked 12 out of 118 sites.

Figure A-5: South East Oxford



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Figure 1: Map showing employment sites assessed in South East Oxford taken from Oxford City Employment Land Assessment 2016.

Within the draft Local Plan, Eastpoint Business Park is not identified as a Category 2 employment site in the policies map and only Nuffield Industrial Estate is identified and listed as a Category 2 employment site. Based on the assessment completed as part of the Oxford Local Plan 2036, Eastpoint Business Park should be shown as a Category 2 employment site and should be specified in the list of Category 2 employment sites alongside Nuffield Industrial Estate. Amended wording to Appendix 3.2 is proposed below.

Paragraph 3.12 states “Category 3 employment sites mainly comprise smaller, poorly located sites that do not perform such an important economic function or are likely to be able to in the future.” We do not consider that Eastpoint Business Parks falls into this category. The existing business park provides 8,287sqm GIA of Use Class E employment space and has redevelopment potential to provide much more employment floorspace. Eastpoint Business Park is adjacent to Nuffield Industrial Estate which is identified as a Category 2 employment site. As evidenced by the assessment in the Oxford Employment Land Needs Assessment 2016, the site is has very good access to walking / cycling facilities and can be accessed by public transport. The site also has good access to facilities and amenities and is considered to be a high quality employment site.

Account should also be taken for the potential to change category through intensification and/or modernisation. There appears to be no mechanism in the draft Local Plan to change category outside of a review of the Local Plan.

Notwithstanding the above, the policy comments on the process of intensifying and modernising Category 3 employment sites states that outside the city centre and district centres, such sites can only be regenerated for employment purposes if better and more intensive use is made of the site through redevelopment, up-grading or re-use of existing under-used buildings. However, the policy goes on to state that proposals for additional employment floorspace on Category 3 employment sites outside the city and district centres must follow the sequential approach for new town centre uses as set out in Policy C1.

This part of the policy is not sound. Paragraph 81 of the NPPF states that planning policies should help create the conditions in which businesses can invest, expand and adapt. The requirement for a sequential test does not support existing businesses on Category 3 employment sites being able to apply for planning permission for additional employment floorspace, whether that is through extensions or redevelopment. This therefore does not support overall objective of the policy to make 'the best and most efficient use of land' nor paragraph 124 of the NPPF. Amended wording is proposed below.

#### Amendments to address the Soundness Issues

Amend policy E1 as below:

##### Policy E1:

All new development on employment sites needs to show that it is making the best and most efficient use of land and premises and positively promotes sustainable development through the upgrading and re-use of existing buildings, **or where redevelopment of the site, including demolition has been robustly justified in line with Policy R2**, and does not cause unacceptable environmental impacts.

...

Planning permission will only be granted for the intensification and modernisation of a Category 3 employment site where that site is located within the city or a district centre. Outside of these locations, Category 3 employment sites can only be regenerated for employment purposes if better and more intensive use is made of the site through the redevelopment, up-grading or re-use of existing under-used buildings. ~~Proposals for additional employment floorspace on Category 3 employment sites outside the city and district centres must follow the sequential approach for new town centre uses as set out in Policy C1.~~

...

Additional suggested amendment:

Provide a mechanism to review the categorisation of employment sites on an annual basis and update the list within Appendix 3 of LP40.

#### Appendix 3.2:

Sandy Lane West: Nuffield Industrial Estate, Ledgers Close; **Eastpoint Business Park**; Oxford Trade City

Policies Map

Include Eastpoint Business Park as a Category 2 employment site

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
Policy E4	Yes	Yes	Positively Prepared	
			Justified	
			Effective	
			Consistent with National Policy	

Policy E4 relates to the provision of Community Employment and Procurement Plans where developments are proposed which include the provision of 50 or more dwellings or where they propose 1,000 Square metres of non-residential employment space. Railpen supports the requirements for Community Employment and Procurement Plans and the associated benefits.

**Chapter 5 – A City that Utilises its Resources with Care, Protects the Air, Water and Soil and Aims for Net Zero Carbon**

Chapter five of the Local Plan primarily relates to the use of resources and carbon emissions. Railpen are committed to providing sustainable development and ensuring this is at the heart of any development. Railpen therefore supports the overall aims of the Local Plan in regards to sustainability.

Comments are provided on specific policies set out in the draft plan below:

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

The introduction of whole life carbon requirements are welcomed however the removal of BREEAM is disappointing as it does ensure a comprehensive approach to sustainability.

The targets set out in Criteria 2 are completely unachievable for life science buildings. Limits should not be placed on innovation or safety which require energy intensive equipment, high fresh air rates and significant cooling requirements. We typically see a value of 200 -300 kWh/m2/year, including PV generation for life science buildings. Alternative wording for this part of the policy is set out below. The targets should be evidenced based, it is unclear how the current targets have been set.

The policy also seeks to achieve 100% of on site energy needs to be generated on site. To our knowledge, there is no precedent for offset payments based on operational energy models (these are typically Part L). London boroughs are struggling to spend the money they receive ([Carbon Offset Funds Report 2021 | London City Hall](#)). This policy is potentially costly to developers and operators and difficult to implement for OCC. We need to understand more details on how the payment would be applied, what the level the cost would be and how these contributions would be utilised.

The above comments should be fully explored and justified and a suitable mechanism for off-setting established before the proposals can be considered effective.

Amendments to address the Soundness Issues

Amend policy R1 as below:

2. A total Energy Use Intensity (EUI) figure for the development has been provided, calculated using an approved methodology as set out in supporting text. ~~Developments will not be permitted where they exceed the following Energy Use Intensity targets, Where the development type justifies higher EUI targets, this should be fully demonstrated through the application submission.~~

a) Residential: 35 kwh/m2/yr

b) Non residential: 70 kwh/m2/yr

In addition, to the amendments suggested above which aims to provide more flexibility for varying occupier demands, the following amendments are suggested:

1. Either delete the Energy Use Intensity targets as suggested above or set a range.
2. Set out values for carbon offsetting payments and how these will be used.
3. 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 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	Yes	Positively Prepared	
			Justified	
			Effective	
			Consistent with National Policy	

Policy R2 relates to embodied carbon in the construction process seeking to ensure that this is minimised as far as possible through careful design choices. The policy therefore allows for flexibility on the approach and allows for the re-development of a site and the demolition of buildings to be robustly justified which is supported by Railpen. The policy should not unduly constrain the redevelopment of sites to make the most

efficient use of land by having to retain existing buildings. The policy should ensure there is flexibility in this regard.

### Chapter 6 – A City of Culture that Respects its Heritage and Fosters Design of the Highest Quality

Generally, Railpen supports the policies in this chapter which strives for the highest quality design in all new development. Comments are provided below in relation to Policy HD9.

Policy or Paragraph Reference	Legally Compliant?	Sound?	If Unsound it is because it is <u>not</u> :	
HD9	Yes	Yes	Positively Prepared	
			Justified	
			Effective	
			Consistent with National Policy	

Policy HD9 requires the provision of a visual impact assessment for any development over 15 metres (or the height that the High Buildings TAN says may be impactful in that area if that is higher). The special significance of the views of Oxford’s historic skyline, both from with Oxford and from outside is acknowledged. However, there are parts of the City where these is less sensitivity and therefore the requirement for the visual assessment should be proportionate. The wording of the policy should be amended from requiring ‘extensive information’ to provide some flexibility. Amended wording is suggested below:

Amendments to address the Soundness Issues

Amend policy HD9 as below:

“...Applications for any building that exceeds 15 metres (or the height that the High Buildings TAN says may be impactful in that area if that is higher) will be required to provide ~~extensive~~ information so that the full impacts of any proposals can be understood and assessed. **This may include including...**”

### Chapter 7 – A Liveable City with Strong Communities and Opportunities for All

Policy C1 seeks to direct town centre uses to the city centre, district and local centres, rather than edge of centre locations. The policy includes guidance where new town centre uses are proposed and requires a sequential approach to be taken. This is considered reasonable where a new town centre use is being proposed, however, is not considered reasonable where an existing town centre use/employment site outside of the city centre, district and local centres is looking to provide additional employment floorspace. Therefore, revised wording is proposed to Policy E1 as set out above.

**Conclusion**

We trust that the above comments will be taken on board in a constructive manner in order to provide a Local Plan that meets the requirements of the NPPF, including being flexible, deliverable and sound. If you have any questions in relation to these representations, please contact Robert Linnell or Rebecca Bacon at the above address.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

**SAVILLS**

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