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5<sup>th</sup> January 2024

Dear Planning Policy Team,

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

Carter Jonas is instructed by Morrell Farming Ltd ("Morrell") to respond to Oxford City Council's ("the City Council") Regulation 19 Pre-submission Publication Local Plan ("the Local Plan") Consultation.

Morrell owns the Pullens Lane Allotments ("the Allotments" - Council's HELAA reference #300), which are located adjacent to Oxford Brookes University's Clive Booth Student Village in Headington. The allotments are also surrounded on all four sides by existing development.

Morrell has read with some disappointment the assessment of the Allotments, in the Council's Housing and Economic Land Availability Assessment (HELAA), suggesting they it should be protecting for their existing use.

The Pullens Lane Allotments are not fully utilised. The Allotments could be made available for development within the next 5 years. The site is well located within Oxford City and benefits from being within walking and cycling distance of a range of services and facilities. Furthermore, it is within a reasonable walking distance to several bus routes, including key bus routes serving Oxford City Centre, and beyond.

Development in this location would constitute sustainable development in accordance with the presumption in favour of sustainable development, as set out in national policy.

Morrell's view is that the Local Plan is **unsound**, having reviewed its contents and supporting documentation and evidence. The Plan is unsound in three ways:

- (a) Its omission of the Allotments as a housing allocation
- (b) The consequential underestimate of the capacity for new homes in the city
- (c) The Council's policy approach to Green Infrastructure is not consistent with national policy

Hereunder these matters are considered in 'Local Plan order,' first, housing need, then Green Infrastructure, and then the omission of a development allocation at the Allotments.

**POLICY H1: HOUSING REQUIREMENT**

Legally compliant	Yes	Positively prepared	Yes
Sound	No	Justified	No
Compliant with the duty to cooperate	Yes	Effective	Yes
		Compliant with national policy	Yes

Planning for the right number of new homes is vital to the sustainable future of the city. This is to meet the needs of all parts of the community of Oxford, including students, key workers, older people, and those who cannot afford market housing.

Morrell notes that its site at Pullens Lane is not proposed to be allocated, despite it being eminently acceptable for development, and moreover, it is in a very sustainable location for new development. The Council suggests that the “capacity” in the City is for 9,612 new homes, but it should be at least 60-100 more than that when the Allotments are properly allocated for new residential development.

Morrell returns to the robustness of Housing and Economic Land Availability Assessment 2023 - from where the “capacity” is derived – later in this letter.

Morrell is also concerned that there remains some ‘unmet housing needs’ – the difference between the total need identified the Housing and Employment Needs Assessment (‘HENA’) of some 26,440 new homes, and the suggested “capacity” in the City of 9,612 new homes. It is vital that the Council can demonstrate that it has left no stone unturned in seeking to deliver as many new homes as it can to engage with the very serious affordability challenge in the city.

**Necessary modification**

The “capacity” figure cited in proposed Policy H1 should be revised to reflect the suitability, availability, and achievability of Pullens Lane Allotments, to deliver between 60-100 new homes.

**POLICY G1: PROTECTION OF GREEN INFRASTRUCTURE.**

Legally compliant	Yes	Positively prepared	Yes
Sound	No	Justified	No
Compliant with the duty to cooperate	Yes	Effective	No
		Compliant with national policy	No

Morrell acknowledges that allotments are part of the green infrastructure network, and that can, in general provide natural environment benefits, and benefits to the community which use them. However, allotments are not statutorily protected, and where they are demonstrably under used, not fit for purpose, or could be (re)provided elsewhere there can be a case to remove them.

The National Planning Policy Framework (“the Framework”) says the following about “recreational land,” which includes allotments:

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*

Policy G1, as drafted, 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.

Whilst Policy G1 provides an overall strategy for Green Infrastructure, and a 'gateway' to following more detailed policies on specific biodiversity, or flood management, issues etc, it covers too 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 allotments fit into the hierarchy, which makes the strategy not fully justified.

Most importantly, Policy G1 does not properly reflect the 'internal balancing exercise' set out in the Framework, at paragraph 103.

#### **Necessary modification**

Policy G1 must reflect the requirements of the Framework and include a 'balancing exercise' which can justify the loss of certain types of Green Infrastructure.

As such Morrell proposes that the following is included in Policy G1:

***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***

## OMISSION SITE: PULLENS LANE ALLOTMENTS

Morrell suggests that Pullens Lane Allotments should be allocated for development; it is available and suitable for development, and that development is achievable early in the plan period.

Morrell notes with interest the following which is reported in the Housing and Economic Land Availability Assessment (HELAA) 2023:

*2.1.24 The NPPF does not provide specific guidance on allotments but recognises their importance to enabling and supporting healthy lifestyles (paragraph 92c, NPPF). In addition, Local Plan Policies provide protection against development of allotments. The policy does not allow for loss of protected allotments but it does not preclude re-provision, although it is expected there would be limited opportunities to re-provide the allotment space within the City. Allotments contribute to the social sustainability of places by creating healthy, inclusive communities and as such it is considered that the approach of LP2036 and LP2040 is consistent with the NPPF.*

Morrell notes that allotments are not statutorily protected in national policy. Also, as Morrell has outlined in these submissions proposed Policy G1 does not properly reflect the 'balancing' exercise which can take place when considering the potential loss of green space such as allotments. Also, contrary to what is suggested above there are likely to be locations to (re)provide allotments in the city, especially in Green Belt locations where allotments can be considered to be "not inappropriate."

*2.1.25 The majority of the allotment sites in Oxford continue to have waiting lists which illustrate the high demand which exists. Oxford is a very compact city and, unlike rural areas, many properties have very small or no gardens. Considering the garden sizes in Oxford, the likely increase in demand with new housing and population growth, and the sustainability benefits of local food production, their loss could have a significant negative impact upon the local community. Nonetheless the sites have not been excluded from the assessment to ensure that it is robust and thorough.*

*Summary: allotment sites are included for assessment.*

Morrell is pleased to note that the allotments were further considered through the HELAA, but the generalised statement that the majority of sites have a waiting list does not properly reflect the site-specific realities of all the allotment sites, and especially not those on Pullens Lane.

Turning to the site-specific assessment of the Allotments in the HELAA (at reference #300), Morrell notes the following:

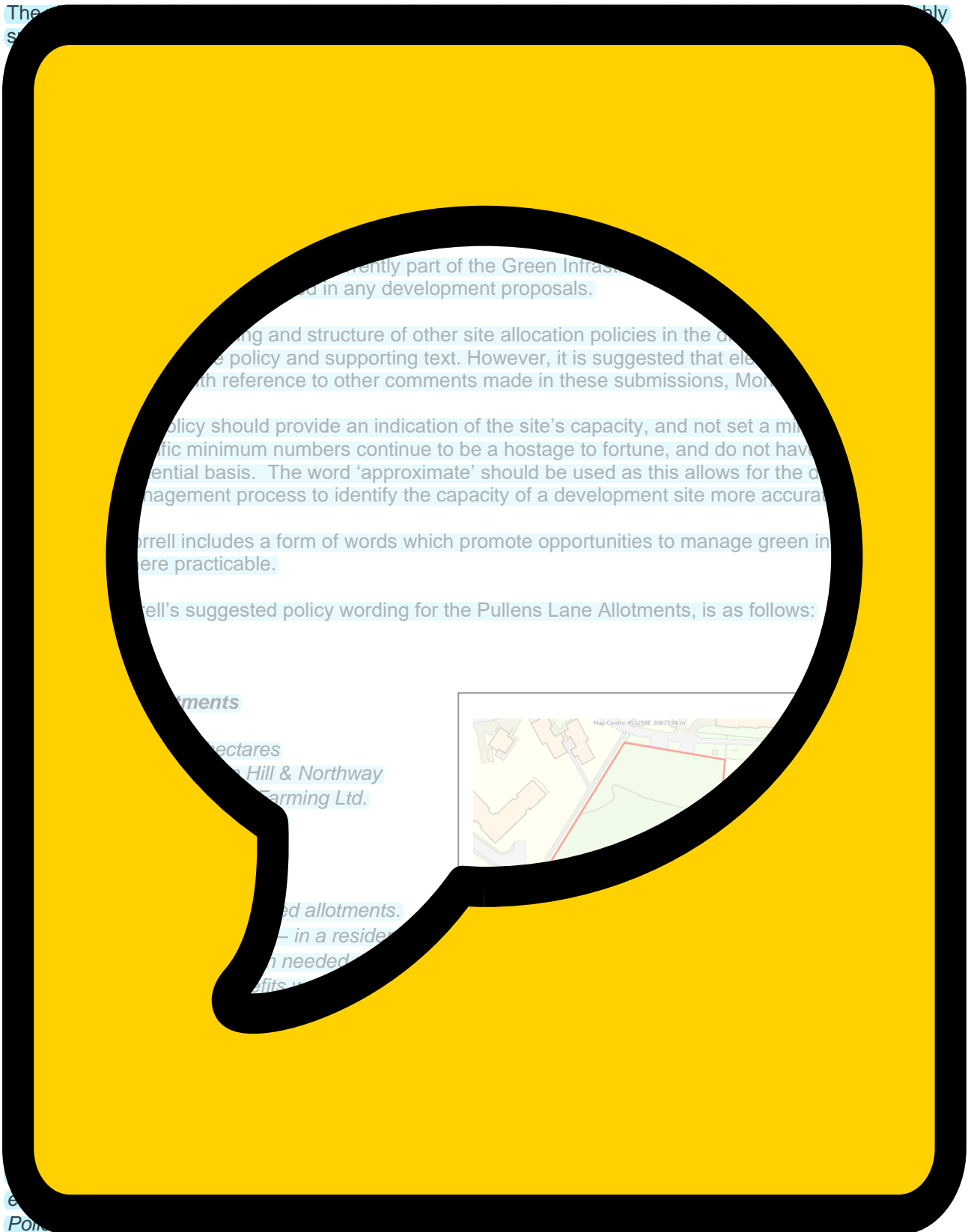
It is not disputed that the site is in the Headington Hill Conservation Area, it is part of the current Green Infrastructure network, and the Allotments are currently in use (but this is not at capacity). None of these matters precludes development.

It is suggested that there is limited vehicular access via Pullens Lane. First, Pullens Lane would not be considered as the primary means of access to the site; Morrell has access rights via John Garne Way to the west. Second, it is accepted that Pullens Lane is a single lane carriageway, but it is maintained to a high standard, moreover, there is the potential in this location to consider a reduced vehicle type development similar to those which the Council is promoting elsewhere. Therefore there is ample access to the site.

The site is recorded as available and viable, and both matters are agreed.

Finally, however, the site is assessed as being not suitable for development because the entire site is part of the GI Network. As Morrell outlines in these submissions, there is no reason to preclude this site from development simply because it currently performs a GI function. The allotments are underutilised, and other GI functions can be provided on the site when it is redeveloped, including new gardens, publicly accessible open space, and landscaping. The omission of the site is not robustly justified in evidence.

**Necessary modification**



*The mature trees and hedges at the borders of the allotments should be retained where practicable for their biodiversity value and also their importance to the character of the Conservation Area.*

### **Policy SPE22: Pullens Lane Allotments**

Planning permission will be granted for residential development, student accommodation, elderly accommodation or specialist or supported accommodation.

The approximate number of dwellings to be delivered on the site is 60-100 dwellings (or, if delivered as student rooms, the number of rooms that equate to this when the relevant ratio is applied).

Other complementary uses will be considered on their merits.

#### **Open space, nature, and flood risk**

Onsite biodiversity enhancement, and new Green Infrastructure features should be sought as far as is practicable on the site.

Consideration should be given to integrating as many of the existing natural features into design schemes as possible, particularly the hedgerows along Pullens Lane and the shared boundaries, and the larger mature trees along the site boundaries and towards the rear of the site. In addition to landscaping of outdoor spaces, consideration should be given where practicable to integrating features such as green roofs or walls to retain as much of the verdant character as possible.

A lighting strategy should be submitted in support of any planning application setting out the internal and external lighting associated with the proposed development. This is because the surrounding habitat is likely to be an important foraging and commuting resource for bats and should not be subject to any artificial illumination as a result of the proposed development.

#### **Urban design and heritage**

Development proposals must be designed with consideration of their impact on the conservation area setting and must demonstrate compliance with Policy HD1. The local setting is one of a green backdrop and it is expected that any development will retain this character, with features such as screening and planting of a range of vegetation and trees, some degree of setback and screening from Pullen's Lane and the boundaries with adjoining plots, and a medium scale that is in keeping with the surroundings.

#### **Movement and access**

Primary site access is likely to be from John Garne Way, as the most suitable location, secondary, and pedestrian access could be achieved via Pullens Lane. The location of parking, servicing and circulation routes around the site will need to be carefully considered to avoid conflicts between pedestrians, cyclists and vehicles that may arise when there is only one main access.

Applicants will be expected to demonstrate how the development enables access by alternative means of transport including improving connectivity to support active travel such as walking and cycling.

**CONCLUDING COMMENTS**

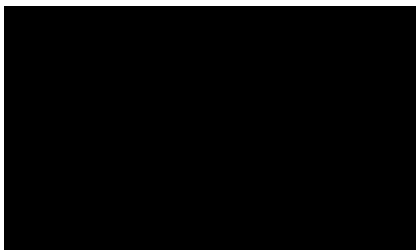
Morrell generally support the Local Plan and believes it to be 'sound' in most aspects, however the omission of a development allocation at Pullens Lane Allotments, the underestimate of development capacity in the city, and the proper reflection of national policy in the #green Infrastructure policies are very serious issues 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***

Morrell confirms that it does 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**

