

Oxford Local Plan 2040 (the "Plan")

Hearing Statement

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1. Introduction and background

- 1.01 I have been working as a chartered planner in public, private and voluntary sectors for over 40 years. From 1975 to 1989 I was employed by the Vale of White Horse District Council. From 1989 to 2018 I was a planning adviser at a law firm (various name changes culminating as Blake Morgan) and throughout this period and to date I have given advice on a pro bono basis to environmental and housing NGOs.
- 1.02 I have run planning courses for lawyers and the public and write for the planning journals and general press.
- 1.03 I am currently a director and volunteer at One Planet Abingdon Climate Emergency Centre that is implementing the climate emergency declaration of the Abingdon on Thames town council.
- 1.04 I fully understand why the City Council and the Local Plan has adopted a conventional approach to meeting the assessed housing need. However, it is accepted that both the building and occupation of houses are major contributors to terrestrial (ie UK) carbon emissions and that neither carbon reduction budgets nor targets will be achieved at the current rate of reduction. *Res ipsa loquitur* translates to "the thing speaks for itself". This phrase is applied when an injury is so obviously the result of negligence that it doesn't require further explanation or proof. Those responsible for planning-making (and decision-taking), willfully or not, have co-created forms of urban development and living that are generating completely intolerable levels of GHGs. The Plan is the opportunity to show that local and central government understand that there will have to be a paradigm shift if locally and nationally adopted carbon reduction budgets and targets are to be met.

- 1.05 My hearing statement is intended to provide evidence in order to assist and persuade the Inspectors that in a climate and ecological emergency priority must be given by Development Plans to the reduction of carbon emissions. Accepting the reduction of carbon emissions as a priority should influence the way in which the Plan is assessed against the tests of the soundness.
- 1.06 The Plan might be seen to have been positively prepared in terms of the quantity of housing being proposed but does not 'positively' address the ways in which housing could be provided within carbon budgets. The Plan is not 'justified' in its reliance on a conventional approach to development and the failure to take into account of reasonable low/zero carbon alternatives.
- 1.07 The Plan is not 'consistent' with National planning policy (eg NPPF 159) in so far as national policy can be taken to genuinely seek to reduce emissions to zero, or the Climate Change Act.
- 1.08 Credible evidence in respect of carbon emissions has to show understanding of the significant difference between embedded or upfront carbon and operational carbon. In fact, despite the acknowledgement of the Plan to the importance of embodied carbon (this is more accurately described as 'upfront carbon'), it is at the plan-making stage that this could be effectively controlled. Operational carbon that is emitted or avoided in the medium and longer term could be more of a matter for decision-taking. The upfront carbon will cause global warming whether or not the subsequent development is built to high levels of energy efficiency. The Plan is an opportunity to ensure that the form of urban development in the area minimizes the carbon emissions in the critical short term.
- 1.09 'Facts on the ground' show indisputably that both plans and decisions for which professionals engaged in and operating the planning system over the recent past have been responsible for development that has served to increase rather than decrease carbon emissions. There should be no reason why this Plan, that is open to scrutiny in the full knowledge of the imminent threat of climate change, should not positively ensure that the urban development that arises from the adopted policies reduces and does not increase carbon emissions.

1.10 The RTPI was asked by the Committee on Climate Change to advise on how the planning system could assist in meeting carbon reduction targets and budgets and in helping to understand what is expected of professional planners, the RTPI has expressed the following opinion. (RTPI Response to Committee on Climate Change 2020 Progress Report to Parliament July 2020)

Spatial planning will play a central role in reducing emissions across the sectors identified by the CCC. It achieves this by setting ambitious policies and standards to guide development and infrastructure decisions, and by directing investment to place-based solutions which have the support of local communities and deliver multiple benefits. Effective mechanisms for planning at the local and strategic scale, supported by the right powers, tools and resources, is needed to implement the CCC's recommendations to DfT, MHCLG, BEIS and Defra. As progress towards net zero carbon reshapes the built environment, planning can ensure that co-benefits are maximised and that the transition is just, leaving no one behind.

1.11 More detailed guidance to assist its membership is published as *The Climate Crisis – A Guide for Local Authorities on Planning for Climate Change* January 2023 Fourth Edition (Third October 2021) RTPI

“We have three shared messages for planners and the wider community:

1. Ensure that tackling the climate crisis is at the heart of the vision for the future of our communities.
2. Recognise how vital planning is to securing that vision – both directly, through facilitating the extension of renewable energy generation, and strategically, through practical nature-based solutions and design actions that can promote sustainable travel, urban cooling, or natural flood defence.
3. Finally, recognise how many of the actions necessary to tackle the climate crisis are also key in creating healthy, ecologically rich, prosperous and beautiful places for us and for future generations.

Climate change is the greatest challenge facing our society.

The science of climate change is now well understood, and we know that we must limit the global temperature increase to 1.5°C above pre-industrial levels if we are to avoid catastrophic climate impacts.”

In fact recent reports indicate that 1.5°C is no longer alive and planners should be giving even more weight to both mitigation and adaptation measures.

1.12 The guidance continues:

“If you only have five minutes . . .Addressing the climate challenge through the planning system can feel complicated and frustrating, so if you are just starting out as a planner or politician and working with limited resources, keep in the back of your mind three rules of thumb:

- 1 Always seek development options that will result in the biggest carbon reductions.
- 2 In thinking about the risks that will affect development in the future, always apply a reasonable worst-case scenario in relation to climate impacts.
- 3 Always seek to achieve multiple benefits, being aware that action on climate change often delivers wider social and economic benefits, and these should be actively sought and promoted.

3.3 Policy approaches.

3.3.1 Ensuring that the plan has an overarching climate change policy priority... Successful solutions to the climate crisis require local planning policy to be based on a powerful overarching objective on mitigation and adaptation. This objective should inform the plan’s overarching strategy, to reflect a spatial response to addressing

climate change (for example through the location of development, mix of uses, densities, energy and transport strategies as well as technical requirements for buildings and design). This should be set within the wider objective of planning to secure sustainable development, based on the UN Sustainable Development Goals and Indicators. Plan-making and development management must fully support the transition to a net-zero and resilient future in a changing climate. To deliver on this objective, local planning authorities should

- Ensure that climate policy is embedded throughout the local plan policy narrative”

1.13 And in Conclusion:

“Addressing climate change must be a central priority of the planning system if we are to secure our future economic, environmental and social wellbeing. This guide sets out some of the ways that local authorities and communities can make a real difference in tackling the climate crisis. The threat of climate change is real, and time is running dangerously short. A resilient and sustainable future is achievable, but only if we act now.”

2. The case for residential sub-divisions

2.01 The original objections to the Plan in respect of upfront carbon were summarized as:

“3.01 The Plan purports to mitigate carbon emissions as it must in order to comply with s19 of the Planning and Compulsory Purchase Act 2004.

However, the Plan fails to address the challenge of embodied or upfront carbon emissions implied by the chosen strategy and policies relying on new building to meet housing needs.

3.02 There is evidence (ie 2021 Census) that shows the level of under-occupancy of existing housing stock and the potential to provide a significant number of dwellings through sub-dividing existing houses. The extent to

which this were to include custom-splitting, the Council could also go some way towards meeting its legal obligations under the Housing and Planning Act 2016 as amended.

3.03 The failure to consider the potential of residential subdivisions and reliance instead on new building would not only overshoot carbon budgets but also requires neighbouring districts to attempt to meet the housing needs of the city. This would give rise to a significant level of commuting in and out of the city contrary to its transport policies. Sub-divisions would have the opposite effect in the regeneration of local areas aiming to create lifetime neighbourhoods.

3.04 There may be doubts about the feasibility of relying on sub-divisions to meet what is a substantial need for housing in the City. However, this issue was thoroughly debated in the adoption of the current local plan that has instead continued to support unsustainable development in the form of housing which has done nothing to reduce under-occupancy and which will require retrofitting if not sub-dividing in order to meet carbon reduction and zero carbon budgets and targets. Unless and until local plans explore the potential of sub-divisions the carbon mitigation policies (see s19 PCPO 2004) are no more than wishful thinking and not meeting any real measure of effectiveness or soundness as required of an adopted development plan.”

2.02 Council Response

“It is acknowledged that new development will have an embodied carbon cost. The assessment of embodied carbon is complex and depends upon many design variables which make it challenging to reliably quantify at the high level Local Plan stage (e.g. types of materials used, where they are sourced from etc). Alongside the net zero carbon in operation policy, the Local Plan includes a new embodied carbon policy that seeks to ensure new development reduces these emissions, and requires larger development to quantify and demonstrate reductions through design process. It is intended as a stepping stone to more rigorous policy in future as national guidance and assessment methods improve.”

2.03 The relevant proposed policy is R2:

“Embodied carbon in the construction process

All developments are expected to demonstrate consideration of embodied carbon in the construction process and take actions to limit this as much as possible through careful design choices. Planning permission will be granted for proposals that demonstrate through their Energy and Carbon Statement that the following principles are embedded in design choices:

- a) Re-use of any existing buildings on a site has been robustly explored and demonstrated to be unfeasible before resorting to demolition.
- b) Waste generation has been minimised and re-use and recycling of materials has been maximised in the construction process, including using any demolition materials.
- c) The selection of construction materials has been informed by the carbon footprint associated with their sourcing and production (carbon footprint sought to be reduced wherever possible); use of materials that sequester more carbon than is produced in making them is prioritised where opportunities arise.
- d) The ways that materials are transported to site and processed during construction have been chosen to minimise the associated carbon emissions wherever possible.
- e) Design choices would allow buildings to be easily maintained, adapted and repurposed at the end of use/life. Proposals for large scale new-build development (developments of 100 or more dwellings, or 10,000m² or more non-residential floorspace) will also need to be accompanied by details within their Energy and Carbon Statement that provide the following:
 - f) a measurement of total embodied carbon associated with the construction process (including sourcing/selection of materials). A recognised methodology should be followed to determine these quantities, such as completion and submission of Whole Life Cycle Carbon Assessment.
 - g) details of actions taken to reduce this embodied carbon as much as possible and the specific reductions in embodied carbon that have been secured through design process. Where any future updates to Building Regulations (or other national policy) make embodied carbon requirements at a national level, the Energy and Carbon Statement should instead demonstrate how embodied carbon is being addressed in the context of that national legislation.”

This policy shows a good understanding of the issue of embodied or upfront carbon but lacks the ‘positivity’ to have the necessary impact required in the climate emergency. The ‘response’ to the original submissions fails to acknowledge or understand the link of sub-divisions to the provision of new housing, that is one of the ‘multiple benefits’ or co-benefits arising from effective carbon reduction policies suggested in the RTPi advice (p4 above).

2.04 The benefit of sub-dividing under-occupied properties is not just in enabling the space that needs to be insulated and heated (in accordance with local and national carbon reduction targets) to meet housing needs, but in doing

so the need for building new houses is reduced. Whatever the Council see as the complexities or challenges involved in quantifying upfront carbon, the UKGBC claim that emissions from current housebuilding and its associated servicing and infrastructure is around 30 times the required level to achieve net zero from this sector.

2.05 The Council also respond,

“The plan allows for subdivision to take place by setting a presumption in favour of sustainable development and through proposals being compliant with other proposed policies of the Local Plan. The proposed policies make site allocations to meet the need. The spatial strategy is sound...”

The permissive policy regarding sub-divisions is likely to be ineffective in making a material contribution to meeting housing needs thereby reducing the upfront carbon from developing these ‘site allocations’ which will in turn contribute to the overshooting of carbon budgets and targets. The spatial strategy is not sound to the extent that it would result in excessive and unnecessary carbon emissions from developments in both the city and neighbouring districts.

2.06 Sub-divisions should be positively supported or permitted by a Local Development Order subject to deep energy refitting and increased mobility standards for the aging population; multiple benefits from a sound climate aware housing policy.

2.07 The Council should be working on measures that would materially increase the scale of sub-divisions that could support a more positive policy approach, including a reduced allocation of new sites. The emphasis for all new build should be on small dwellings. The normally permissive approach to house extensions should be reversed to one of requiring special circumstances, or the enabling of a sub-division. A register should be kept of those households wanting to ‘downsize in place’ that would be available to those on the register being kept of households wanting a ‘serviced plot’ to become available under that Housing and Planning Act 2016.

2.08 In response to the comments about the statutory self build register the Council say:

“The register is the standard way for measuring demand. The relative lack of people on the register is considered to show a relatively low demand in Oxford. Background Paper 5 explains how the demand has been calculated and will be met <https://www.oxford.gov.uk/downloads/file/3169/bgp-005-specialist-housing-need> (url corrected)”

While the Background Paper 5 on ‘Specialist Housing Need’ includes the duty placed on the Council to permit serviced plots of equal number to those on the register, that requirement (not “expectation”) does not appear in the Council’s advertising of the right to build. Although, the Council has also decided to limit eligibility through some local connection that does not apply to property buyers or renters moving into the area, the number of registered households is suspiciously low given the results of surveys of the desire or demand for the opportunity to self or custom build.

- 2.09 It is the case that the form of new developments particular to the City does restrict opportunities for self/custom building. This is an additional reason to investigate and promote custom-splitting that has the ‘multiple benefit’ of scaling up residential sub-divisions and meeting the demand on the statutory register without having to permit serviced plots for new building.

3. Summary

- 3.01 While the Council is aware of the climate emergency its reliance on new building to meet housing targets would result in the emission of significant upfront carbon. The Plan should be modified so that most if not all housing needs would be met through sub-dividing under-occupied properties. Some of these sub-divisions based on downsizing in place could be carried out as custom-splitting as an alternative to custom building.