

Appendix 4

Evidence of South and Vales' engagement on the withdrawn Oxford Local Plan 2040

Joint Local Plan

Response to the Initial Questions (IQs) - Appendix 4



Appendix 4 – Evidence of South and Vale’s engagement on the withdrawn Oxford Local Plan 2040

This Appendix supports South Oxfordshire and Vale of White Horse District Councils’ response to the Inspectors’ Initial Questions (IQs). It provides evidence of our engagement on the withdrawn Oxford Local Plan 2040.

Please see accompanying Appendix 3 - Table of South and Vale’s engagement on the withdrawn Oxford Local Plan 2040 for our accompanying notes and summaries of these records.

Policy & Programmes

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18 November 2022

Dear Oxford City Council,

Thank you for the opportunity to comment on your Preferred Options Local Plan 2040.

We are happy to provide a response and to emphasise the need to work collectively across Oxfordshire. The Oxfordshire Strategic Vision, adopted by all Oxfordshire Councils, articulates countywide shared aims for sustainable growth. We can together effectively deliver the Oxfordshire Strategic Vision and we must make progress along the route map to a net zero carbon Oxfordshire being developed collectively through the Future Oxfordshire Partnership.

South Oxfordshire District Council supports other councils adopting strong planning policies that maximise protection for the environment, decarbonise, recycle urban land, revitalise existing places and plan for new development within the limits of climate and environmental capacity, to create strong, healthy, sustainable communities where people want, and can afford, to live.

Generally, we have some concerns about the way some things are expressed in the consultation document, and we have set out our responses to the key matters of concern by topic.

Vision

The Oxford City vision generally reflects the Oxfordshire Strategic Vision although we note one exception. The draft Vision doesn't mention an extremely important part of the Oxfordshire Strategic Vision - affordable housing. As such, the draft Vision doesn't set the intention to respond to the challenge that the City has in relation to affordable housing.

Climate Change

Generally, we support the aims for net zero carbon.

The document outlines a plan to use Energy Use Intensity as the primary calculation to measure a building's energy usage. More detail would be helpful to understand how this will be set out in policy and what evidence, including viability, underpins it.

Potentially, a significant increase of future carbon emissions is likely should there be an inflation of development needs. This may make all our efforts to achieve our carbon reduction targets and realise the Oxfordshire Strategic Vision difficult. If you intend to aim for a net zero-carbon city, you must factor in transport emissions from the workforce commuting in from homes outside the city, which Oxford fails to supply homes for. Some collaboration to understand the carbon impacts of the decisions made in our local plans will be beneficial.

There needs to be more homes in Oxford (rather than jobs) so that you can deliver the Oxfordshire County Council Local Transport and Connectivity Plan vision to reduce 1 in 4 car trips by 2030 and deliver a net zero transport and travel system by 2040. The Oxfordshire Transport and Connectivity Plan rightly puts 'reducing the need to travel' as its top priority in order to achieve this aim. Your current proposals would do the opposite.

Getting the right balance of homes and jobs is important. We commented in August 2022 on the West End and Osney Mead SPD which is well located to be within a 15-minute neighbourhood, with good access to the station and city centre. The sites' emphasis on a proposed innovation district, and the proposal for mixed uses other than housing, undermines the opportunity this area holds to deliver much needed housing within the city. The true potential for housing of this area is far higher and your local plan provides an opportunity to review the sites and focus on housing delivery.

Strategic Spatial Strategy

Paragraph 1.37 talks about an aim for transport hubs (the district and city centres as set out in Paragraph 1.36): *"Prioritising housing outside of these areas will help get further to meeting the significant need for housing."* This has the effect of actively prioritising housing away from sustainable locations. If this is being developed into one of the broad principles for locating development, we would not support this because it is not in accordance with national guidance. Furthermore, the preferred approach of Policy Set R4 identifies the district and city centres (i.e. the transport hubs) as areas where minimum density policies would apply to residential units. Prioritising housing away from these areas would reduce the effectiveness of such a policy. Given the City's capacity constraints there needs to be more flexibility in such policies. Ideally a minimum density should be presented, which should aim to be ambitious and transformational in order to respond to the Oxfordshire Strategic Vision.

The preferred option for Policy S2 states *"Assess all greenfield sites and set out reasons for their protection."* This approach to greenfield sites shows a pre-judgement that all greenfield sites will be protected and that there needs to be reasons developed for their protection, which is not supported. It isn't clear how *"This approach shows that we are attempting to meet our needs by identifying all possible development sites"*, it appears to demonstrate the opposite.

There are many early conclusions reached about neighbouring districts. Particularly, the Policy S2 review of the impacts of option b, which says *“If needs are not met in Oxford then they will need to be met in surrounding authority areas, where there is also limited brownfield land and where that is likely to result in greenfield site allocations.”* This is premature and it is beyond the scope of Oxford’s Local Plan to make such points. As we have not yet discussed further unmet need or published a HELAA for our district, such conclusions cannot be drawn. There are assumptions made in the consultation document before calculating how much of the City’s needs will be met from the sites already allocated in South Oxfordshire and other districts to assist with Oxford’s unmet needs within the period to 2040.

Housing

Paragraph 2.5 on discussing housing need states: *“We consider that circumstances are likely to exist in Oxfordshire that justify using an alternative method to calculate housing need, owing to its important role in the local and national economy.”* Oxford City Council cannot solely make determinations about the housing need required to serve all communities through Oxfordshire.

We strongly oppose the assertion at Policy H2 that exceptional circumstances exist *“in Oxford and Oxfordshire”* that justify alternative methods of calculating need. It is beyond the remit of this plan to draw conclusions for the whole county of Oxfordshire. In any event, the NPPF at paragraph 61 says that the standard method is to be applied to calculate local housing need *“unless exceptional circumstances justify an alternative approach”*. The Planning Practice Guidance also states, *“there is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances”*, citing some examples of circumstances that may qualify as exceptional¹. The City Council must demonstrate that such exceptional circumstances exist and should restrict their exploration of this issue to Oxford City.

Paragraph 61 of the NPPF also says that an alternative to the standard method must *“also reflect...current demographic trends and market signals”*. The City Council must explain the impact that any factors not captured by the standard method (such as the impact of future government policies, changing economic circumstances etc) *“might have on demographic behaviour”* to establish whether *“actual housing need is higher than the standard method indicates”*.

The consultation document includes a brief paragraph reiterating the rationale for the adopted 2036 Plan (meeting the significant affordable housing need, the Growth Deal existing to 2031, the LIS, delivery of a level of housing to support economic growth). These factors, and the planning context, have changed significantly since the City Council adopted its Local Plan 2036, and there is no evidence to support the contention that these factors would continue to justify a departure from the standard method for the new Local Plan.

¹ Paragraph: 010 Reference ID: 2a-010-20201216

We do not consider those considerations would justify a departure from the standard method beyond the end of the Growth Deal in 2031. In particular, it needs to be acknowledged that:

- The Government has not released the last c.£30m of Growth Deal funding. This risks planned infrastructure projects.
- The current and planned strategic infrastructure improvements are not considered to be need-inducing, but to meet current needs.
- No recent housing needs assessment has been undertaken. The 2014 SHMA is not recent and the Oxfordshire Growth Needs Assessment was only a draft and did not include a district by district breakdown.

Paragraph 2.6 of the consultation document says: “*we will commission a piece of work to establish housing need, with a methodology agreed with as many of our neighbouring districts as possible*”. It is disappointing that this now appears to be commissioned before a discussion about collaboration with South Oxfordshire was had, which is not positive preparation. We remain open to engaging with the City Council on the methodology.

Policy H2 covers the housing need for the plan period, and we note that the option of using the standard method (option a) is downplayed, with these words used under negative/neutral consequences for the standard method: “*the NPPF does also allow for other calculations of need, where justifying circumstances exist*”. In fact, the NPPF requires that any uplifts of housing need must be in 'exceptional' circumstances, but this isn't referenced. Given the impact of any uplift, the exceptional nature of this decision should be recognised.

The consultation document identifies another negative/neutral consequence of option H2a as “*The standard need calculation does not take account of the strong economic growth in Oxfordshire*”. We do not believe that the City Council's disagreement with the way Government sets out the standard method calculation is a valid exceptional circumstance.

Statements like in paragraph 2.12 “Oxford can *never* meet its *full* housing need” are ambiguous, premature and unambitious. They are unhelpful predeterminations prior to collection of necessary evidence.

Policy H1 sets out the City's preferred approach for the housing requirement as being a capacity-based or constraints-based housing requirement. We fundamentally disagree with this approach. The Policy H1 alternative option b of aiming to meet the City's housing need should be the preferred option, to ensure compliance with the NPPF. Instead, the consultation document emphasises potential negative consequences of meeting the City's need in full before it has been evidenced.

A higher housing requirement, if that is what City want to achieve, should involve the City maximising the number of homes on allocated sites within Oxford to provide housing in sustainable locations, as well as taking a more permissive approach to windfall sites. To do this, the City should be taking a more positive approach to higher densities and higher buildings in Oxford, in order to use land as efficiently as

possible, recognising this will help achieve the 15-minute city living ambition set out in the consultation plan.

The City Council's discounted option H1b (housing requirement based on the housing need) references failure to meet the Housing Delivery Test as a local plan soundness issue. This is not correct. The Housing Delivery Test assesses an authority's past record of housing delivery and is not used to inform the soundness of a new plan.

The consultation document asserts that the housing capacity of Oxford is lower than the standard method housing need. The capacity is expressed as circa 9,147 dwellings to 2040, or 457 per year. Compared with the current Local Plan's requirement of 10,884 homes between 2016 and 2036, or 544 homes per annum, this figure is a disappointingly low capacity for the City to 2040. Under the emerging plan, 457 per year would replace the City's current annual housing requirement of 567 dwellings to 2036², which is a reduction of 24%.

We question whether efforts have been made to identify any significant new sites or new capacity. The preferred options document is opaque about which sites are already allocated and which are new. Little capacity seems to have been found since the last adopted local plan, despite post pandemic changes to how we work, shop and study being likely to trigger land use changes. There will presumably be lower requirements for car parking in Oxford during the plan period resulting from the County's Central Oxfordshire Travel Plan, releasing urban car parks as highly sustainable brownfield sites.

Instead, the local plan consultation suggests a *reduction* in capacity and appears to consult again on the principle of developing the *existing* allocations. To provide such a lack of supply in such a sustainable location as Oxford is concerning and we are keen to engage to review where interventions, potentially in the approach to the City's HELAA, may increase this supply position.

Some policy preferences expressed in this consultation document may also be compounding this poor supply.

Policy H5 introduces employer-linked affordable housing. It may be beneficial for the county if there were sustainable opportunities to widen the scope of the policy to other employers beyond the Universities and Hospitals Trust. Locating homes for staff on campuses or operational sites will also provide an additional source of housing supply which should be factored into the City's capacity assessment.

Alternative option 'c' for Policy H14, on elderly person's accommodation and other specialist housing needs, implies the City Council imposing planning policy on large strategic sites just outside the city. This is outside the scope of the City's local plan, please remove.

² Policy H1 of the adopted plan identified a stepped trajectory of 475 dwellings per annum between 2016/17 and 2020/21, raising to 567 dwellings per annum between 2021/22 and 2035/36.

The Housing Need Background Paper³ reports that the current affordable housing policy 'generally works well', with delivery of 144 affordable homes per year. We question if that is a fair reflection of the success of the City's affordable housing delivery.

Employment

We note that Policy E1 (Employment Strategy) is a continuation of the approach in the adopted plan: to make the best use of the city and district centres and existing prime employment sites, primarily through the delivery of continued employment uses at these locations.

For Policy E2 (Making best use of existing employment sites), the preferred option 'a' continues the adopted local plan policy of identifying different categories of employment site, with varying degrees of protection applied. For 'Category 1 and 2 sites' the approach is to seek to meet employment needs by intensification, modernisation and regeneration of employment uses. Although Category 3 sites can be redeveloped involving a 'complete loss to housing', we note in the Employment Background Paper⁴ that this approach has only delivered five homes to date. There is clearly an issue with the flexibility of the adopted policy to release Category 3 employment sites that have become redundant. Although hailed as a flexible policy, the yield of homes to date has been meagre and maintaining this approach may not be flexible enough to respond to changes in market conditions.

An Employment Land Needs Assessment accompanies the consultation, but there are employment sectors referred to in the local plan consultation document that do not feature in this evidence study, such as job creation for green technology manufacturing, a focus on local businesses / food produce, and a conclusion that Oxford is the most sustainable location for employment in the county. There needs to be evidence presented for this, particularly the claim that Oxford is the location that all employment sectors consider to be most sustainable location.

There is a conflict in the emerging direction of policy, in claims that Oxford is the location that all employment sectors consider to be most sustainable, but then not recognising this applies to homes. This doesn't align with 15-minute neighbourhood thinking. Policies that will result in thousands more workers living in towns outside Oxford while working in jobs based in Oxford is not, by definition, compatible with the 15-minute neighbourhood approach. We ask that the assertions about sustainability are backed up with data, for example on in-and out-commuting from Oxford.

The preferred approach in Policy E4 (Location of new employment uses) is supporting new employment uses on existing employment sites and at employment locations. We consider that this needs evidence in order for the policy to be effective. All capacity for employment space needs to be specifically identified. The impact of the changes to the Use Classes Order (new Class E), which provides flexibility for land use changes without the need for planning permission, is a weakness that has

³ https://www.oxford.gov.uk/downloads/file/8139/bgp_1_housing_need_and_requirement

⁴ https://www.oxford.gov.uk/downloads/file/8138/bgp_5_employment_and_economy

not been sufficiently recognised. Some existing employment sites might be better converted to new uses to meet Oxford's other needs, including housing.

Unmet need sites / Areas of Focus

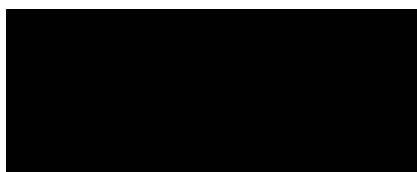
The Plan needs to clarify what the purpose and policy intention is for the Areas of Focus. It says at paragraph 8.7 that these large areas will become site allocation policies. It also says the City wants to extend them beyond the boundary of the city. The City cannot allocate sites outside its boundary, this is beyond the scope of the plan, please remove.

In the last round of local plans in Oxfordshire, there were sites allocated to help meet Oxford City's unmet need within our district. Some of these will continue to deliver housing during our next plan periods. These sites are allocated in our South Oxfordshire Local Plan 2035 and were secured through cooperation between us.

The City Council has not made a new formal direct approach to us to take further unmet need, but instead has chosen to refer to this as 'ideal' in this consultation document (paragraph 2.6). There has been no attempt to properly justify exceptional circumstances for higher growth than the standard method, or to meet the City's needs in full within Oxford. Given our concerns about the weaknesses of the capacity assessment and the lack of discussion with us, it is inappropriate to see the consultation document describe as 'ideal' a proposal that further impact on neighbouring districts is warranted.

There are a number of references to existing allocated sites for Oxford's unmet needs and a desire to add to or adjust their requirements. As these have already been adopted and they are not in Oxford, it is not appropriate for the City's new local plan to adjust such allocations. It would be beneficial for discussions on this matter, as well as the other issues raised in our response for the mutual benefit of all related plans.

Yours sincerely,

A large black rectangular box redacting the signature of the Planning Policy Team Leader.A small black rectangular box redacting the name of the Planning Policy Team Leader.

Planning Policy Team Leader
South Oxfordshire District Council

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There are critical sustainability challenges facing Oxfordshire that must be addressed, examples of these include:

- water supply
- renewable energy supply
- reducing carbon emissions from existing homes through retrofitting
- funding infrastructure required to support planned development
- decarbonising transport and reducing the need to travel
- identifying appropriate and sustainable levels of growth, and housing.

Generally, we have some concerns about the way some things are expressed in the consultation document, and we have set out our responses to the key matters of concern by topic.

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At paragraph 2.5 on discussing housing states: *"We consider that circumstances are likely to exist in Oxfordshire that justify using an alternative method to calculate housing need, owing to its important role in the local and national economy."* Oxford City Council cannot solely make determinations about the housing need required to serve all communities through Oxfordshire.

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contention that these factors would continue to justify a departure from the standard method for the new Local Plan.

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windfall sites. To do this, the City should be taking a more positive approach to higher densities and higher buildings in Oxford, in order to use land as efficiently as possible, recognising this will help achieve the 15-minute city living ambition set out in the consultation plan.

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There is a conflict in the emerging direction of policy, in claims that Oxford is the location that all employment sectors consider to be most sustainable, but then not recognising this applies to homes. This doesn't align with 15-minute neighbourhood thinking. Policies that will result in thousands more workers living in towns outside Oxford while working in jobs based in Oxford is not, by definition, compatible with the 15-minute neighbourhood approach. We ask that the assertions about sustainability are backed up with data, for example on in-and out-commuting from Oxford.

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Unmet need sites / Areas of Focus

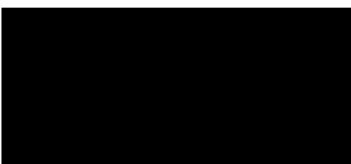
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In the last round of local plans in Oxfordshire, there were sites allocated to help meet Oxford City's unmet need within our district. Some of these will continue to deliver housing during our next plan periods. These sites are allocated in our Vale Local Plan 2031 Part 2 and were secured through cooperation between us.

The City Council has not made a new formal direct approach to us to take further unmet need, but instead has chosen to refer to this as 'ideal' in this consultation document (paragraph 2.6). There has been no attempt to properly justify exceptional circumstances for higher growth than the standard method, or to meet the City's needs in full within Oxford. Given our concerns about the weaknesses of the capacity assessment and the lack of discussion with us, it is inappropriate to see the consultation document describe as 'ideal' a proposal that further impact on neighbouring districts is warranted.

There are a number of references to existing allocated sites for Oxford's unmet needs and a desire to add to or adjust their requirements. As these have already been adopted and they are not in Oxford, it is not appropriate for the City's new local plan to adjust such allocations. It would be beneficial for discussions on this matter, as well as the other issues raised in our response for the mutual benefit of all related plans.

Yours sincerely,



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17 March 2023

Dear Oxford City Council,

Introductory Response

South Oxfordshire District Council welcomes the opportunity to comment on the Regulation 18 stage consultation on the Oxford Local Plan Housing Need¹. We have read the Consultation Document, the HENA with its appendices, and the new Green Belt assessment of additional sites to inform our feedback. Our responses should be read alongside our submissions to the previous Regulation 18 consultation on the Preferred Options in November 2022. Our responses are directed towards answering the specific questions raised, and we aim to set out our responses with references to each paragraph of the consultation document in the order that they appear.

Question 1 - Are there other ways of identifying housing need that should have been considered?

We are disappointed that our response to your preferred options consultation from 18 November 2022² hasn't resulted in a change to the way housing need is considered. We responded to the consultation stating that Oxford City Council cannot determine housing need for the other authorities in Oxfordshire, we asked that you restrict exploration of exceptional circumstances to Oxford City and confirmed that we remained open to engage on methodology. This latest consultation continues to try to justify a housing need above the standard method. It has also published unsubstantiated housing need evidence for other areas in Oxfordshire using consultants and methodologies that are known to be a point of discord, and without any offers of engagement.

¹https://www.oxford.gov.uk/downloads/file/8354/housing_need_consultation_regulation_18_part_2_document

² <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2022/11/South-response-letter-to-Oxford-Local-Plan-FINAL.pdf>

Your Housing Need Consultation document provides an introduction with a few paragraphs of context. Within the introduction, paragraph 1.3 states:

“Housing need for each Oxfordshire authority was to be set by the Oxfordshire Plan.”

This statement doesn't represent the Oxfordshire Plan Regulation 18 Part 2 consultation correctly. The intention was for the Oxfordshire Growth Needs Assessment (OGNA) to provide an evidence base to establish the housing need. Following this the Oxfordshire Plan would try to establish district/city housing requirements. Paragraph 430 of the Oxfordshire Plan Regulation 18 Part 2³ explained this clearly:

“In planning for housing, the terms ‘need’, and ‘requirement’ have specific meanings. The Oxfordshire Growth Needs Assessment (OGNA) assesses the growth needs for Oxfordshire to 2050 to identify the range of what might be reasonable levels of growth to test through the Plan. It will then be for the Plan-making process to arrive at a growth requirement figure for the Plan policies.”
(emphasis added)

Your Housing Need consultation document discusses some unsubstantiated exceptional circumstances for departing from the standard method at an early section between paragraphs 2.2 to 2.4. Later the consultation document attempts to add another unsubstantiated exceptional circumstance in passing at paragraph 2.15. Why don't you set out all the claimed exceptional circumstances in a clear way within the early section of the consultation document?

At paragraph 2.4, the only claimed exceptional circumstance described reads like a disagreement you have with the Standard Method calculation itself, specifically the use of the 2014 population projections rather than the 2021 Census. This is the only mention of a potential exceptional circumstance in this section. It is interesting that this is a different explanation for potential exceptional circumstances than the ones that were made in the Preferred Options consultation, which you no longer maintain in this Housing Need consultation. The previous exceptional circumstances that you argued (which we disputed) were originally about Oxfordshire's role in the local and national economy as well as affordability issues. We note that these are no longer pursued.

We responded in November 2022 to the Preferred Options stating that we didn't agree that a critique of the Standard Method itself would be a valid exceptional circumstance. We do not support your approach. The Government sets out in the NPPF/NPPG that it expects all authorities to follow the Standard Method or provide an exceptional circumstance for doing something different. The NPPF and guidance doesn't say the

³ [Documents - Oxfordshire Plan 2050](#)

Standard Method is adjustable. The Standard Method is the Standard Method, the clue is the name. It's a set formula for all local authorities in England, with set inputs, and it isn't something to be corrected or doctored or something that can be manipulated to support a particular view of the world. The recent government consultation on the Levelling-up and Regeneration Bill and reform to national planning policy⁴ reiterates the expectation that the Standard Method is the starting point for determining housing need. It is not for Oxford City to attempt to pre-determine what, if any, changes the Government will make to the Standard Method when the new 2021 Census based household projections are published, but we note that until then Government intend to continue to use the 2014 projections at this time. Updates to the Standard Method take place periodically, as we have seen over the previous years since the Standard Method was introduced. The City Council therefore bases the only claimed exceptional circumstance on something that is likely to change over time. The recent consultation on the changes to the NPPF states:

“6. The government does not propose changes to the standard method formula or the data inputs to it through this consultation. However, the government has heard representations that the 2014-based household projections data underpinning the standard method should no longer be relied on. The government continues to use these data to provide stability, consistency and certainty to local planning authorities. Once we have considered the implications of new 2021 Census based household projections, planned to be published by the Office for National Statistics in 2024, the government will review the approach to assessing housing need, to make sure the method commands long-term support based on the most relevant data.”

The City Council is therefore arguing something that the Government has recently rejected. Your temporary objection to the 2014 projections being used to calculate the standard method isn't a valid exceptional circumstance for a local plan, which plans over the long term.

We question paragraph 2.4 of the consultation document:

“This shows that population growth in Oxfordshire is not as had been predicted in the ONS 2014-based population projections that feed into the Standard Method, but is 18,700 higher”

Even if this approach to explore alternatives to the standard method was correct (which we don't agree with), the ONS 2014-based population projections were never a prediction but a projection of what would have happened if population trends at that time were to continue. The period that informed that projection was 2008-2014, a period

⁴ [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

when fewer than 1,700 homes were delivered each year in Oxfordshire. This increased to over 4,300 homes being delivered annually on average from 2014-2021, well over double the previous levels. It is inherently wrong to take this higher level of population growth – which follows as a direct consequence of the higher number of homes that were planned and delivered – as a baseline for justifying yet another step-change.

Notwithstanding this, we simply don't understand why you express the difference between the 2014 projections and the Census 2021 outcome as an Oxfordshire figure. You should restrict your consideration to exploring what the difference is in the population of Oxford, the area that your evidence base and local plan needs to cover. Indeed, the HENA actually shows that Oxford had a slower rate of growth than projected by the ONS 2014-based population projections, so it follows that any adjustment to the standard method would in all likelihood result in a housing need figure that was lower than the Government's minimum.

Alternative scenarios for calculating housing need are set out at paragraphs 2.5 to 2.12 in your consultation document. Paragraph 2.6 states:

“The HENA scenarios calculate housing need at an Oxfordshire level. This is because Oxfordshire operates as a Functional Economic Market Area (FEMA) and Housing Market Area (HMA).”

The NPPF does not recognise Housing Market Areas as the basis for calculating housing need, this was in the 2012 version of the NPPF but was removed in the 2018 version when the standard method was introduced. Also, there is no guidance in the NPPF/PPG about housing need calculations having a relationship to Functional Economic Market Areas. The HENA has been commissioned as an Oxfordshire assessment, which is neither promoted in line with the NPPF, nor supported by those other districts that the City Council have presumed to include, without any consultation or engagement with us. If Oxford City Council wants to use the County of Oxfordshire as an economic entity (a FEMA) to help determine business needs across the area, this needs some engagement with the other Oxfordshire authorities which so far hasn't been attempted. As we have responded to previous consultations about this lack of contact, as well as there being unsubstantiated exceptional circumstances to depart from the standard method, we must conclude that this is a failure of the duty to cooperate in your plan making process.

Your consultation document states at paragraph 2.6:

“Applying the two demographic projection scenarios to each district individually factors in part suppression of household formation”.

This suggests that demographic projection scenarios were prepared for each district individually, yet the HENA only presents figures for Oxfordshire. Any adjustment that covers the whole county assumes that all the district councils that you have included in the HENA think that your claim that there are exceptional circumstances to depart from the Standard Method is valid. South Oxfordshire District Council does not. The Standard Method already takes account of constrained household formation through applying an affordability adjustment. There is no need or justification to take an alternative approach.

In paragraph 2.6 again the consultation document states:

“Looking at Oxfordshire as a whole provides a far more robust figure of need.”

This statement makes it appear that all the other district councils that you have included within the scope of your HENA accept that the standard method calculation is wrong or not robust. Irrespective of the validity of the justification that the City Council pursues that the data inputs for the Standard Method constitute exceptional circumstances, it is not the City Council's place to decide whether exceptional circumstances exist for Oxfordshire. We made this same point at the previous consultation. In fact, in 2017, the City Council highlighted the dangers of attempting to undertake planning at a county-wide scale, when you highlighted *“A threat to local communities through a remote planning process that could impose new homes on communities against the wishes of locally elected councillors and communities.”*⁵ And *“The people of Oxford need control of their community so as to reflect their needs, not those of other parts of a very diverse county area.”* Yet the approach you have taken in the HENA is attempting to do just that and appears to fail to recognise the diverse nature of the County.

There are no exceptional circumstances presented that justify (or attempt to justify) either the Cambridge Econometrics baseline trend scenario or the Economic development-led scenario being explored. The City Council hasn't justified these scenarios appearing in the HENA.

Question 2 - Do you have any comments on the methodologies used in the HENA?

We are opposed to the HENA methodology and the choice of scenarios, as well as the wider Oxfordshire geography that the evidence covers without our involvement or consent, and the distinct lack of evidence for Oxford City itself. The three additional scenarios tested are unnecessary and inappropriate because there is no robust justification for departing from the Standard Method to determine housing need.

⁵ [Response to One Oxfordshire launch](#), 19 January 2017

Question 3 - Do you have any other comments on the Scenarios?

The final parts of the explanations for each scenario (in paragraphs 2.7 to 2.11 of the consultation document) are presented as a collated figure for Oxfordshire, for example at paragraph 2.7:

“This Standard Method collated figure for Oxfordshire shows a need for 3,388 dwellings per annum”.

We don't believe that it helps people trying to interpret the Oxford housing need, that the need from each scenario is only displayed as an Oxfordshire figure. You aren't writing an Oxfordshire Plan, but it's written like that. The style of presentation needs to reflect what the Oxford Local Plan can achieve and make it clear what the local plan's housing need is under each scenario.

Paragraph 2.8 sets out something called the 'Census-adjusted standard method' scenario. We have explained under question 1 above that we do not consider the Standard Method to be an adjustable calculation, as have Government in the NPPF consultation. It's the Standard Method. We do not consider your apparent dislike of the Standard Method results constitutes an exceptional circumstance. It isn't clear from your consultation document whether, when formulating this scenario, the consultants have factored in the same things as with the non-Census adjusted scenario, such as the cap. Paragraph 2.8 doesn't make it clear what has, or hasn't, been factored into this scenario. There is absolutely no information presented about the specific calculation for Oxford City. The City Council has failed to clearly explain the ways in which it differs from the Standard Method and offers no reasonable expectation as to why a variation from the Standard Method is reasonable, even within the City.

An 'Economic development-led scenario' is presented at paragraph 2.10 of the consultation document where it states:

“The NPPF, in Para 82, says that in setting out an economic vision, planning policies should have regard to local policies for economic development and regeneration. It is a valid exercise to assess the needs of a growth-focussed development strategy.”

This reads like a choice has been taken to be growth–focussed, using any reference to economic development in national guidance to justify that. Reference to the NPPF paragraph 82 is not a valid justification for the economic development-led scenario, because this is only loosely relevant. It is about having regard to the Local Industrial Strategy and other local economic policies when setting an economic vision and strategy in planning policies. The NPPF is presented by the City Council like an exceptional circumstance to justify testing a higher economic growth scenario for local plan housing

numbers. But this is national planning policy, and it applies to every English local plan in production. If this paragraph of the NPPF justifies economic growth scenarios being tested for everyone, this would have to be an exceptional circumstance for every local plan, which it isn't. Paragraph 82 does not reference housing need scenarios. Paragraph 82 of the NPPF requires us to 'have regard to' economic policy in developing economic vision and strategy, but it's equally important this be balanced against other sustainability matters when informing such decisions.

Paragraph 2.11 of the consultation document goes on to state:

“The LIS was pre-Covid, but the more recent Local Investment Plan (LIP) followed the LIS in late 2020. That means it was produced before the more recent economic downturn. The LIP cites a modest goal to add £1.2bn to Oxfordshire’s annual GVA by 2030. In effect, the LIP halves the GVA growth target originally outlined in the LIS. This £1.2bn increase is based upon only the more concrete economic development and investment plans in the area that have either already begun or are close to coming forward.”

We don't agree that an investment plan can be described as 'concrete' in terms of its GVA aspirations, because by its nature it aspires to draw investment. Nor can we know if the £1.2bn GVA increase is 'modest' given that this increase was an aspiration that was set prior to an economic slowdown. No recognition is given to the long-accepted view by most Oxfordshire partners that the economy within the City boundary is very different from that across the rest of the county.

Paragraph 2.12 of the consultation document states:

“The four scenarios tested cover the realistic range.”

It isn't clear what this means. The City Council needs to explain what 'realistic range' means and who has set any expectations about what might be realistic. We interpret the opposite, because you don't reflect the NPPF and you attempt to 'fish' for exceptional circumstances, so your approach is unrealistic. Paragraph 2.12 of the consultation document also states:

“the economic development-led scenario represents the highest realistic level of growth”

We do not agree that this scenario is a realistic level given that the scenario is rooted in the concept of economic growth at all costs, without balancing other environmental and social matters. It is presented without any economic-based exceptional circumstance being provided to justify the use of economic-led scenarios, and so should be withdrawn from consideration.

Question 4 - Do you have any comments about the reasoning for selecting the most appropriate scenario of housing need?

Your consultation document states at paragraph 2.13:

“The Standard Method is not considered to lead to a good approximation of need in Oxford (or Oxfordshire)”

Oxford City’s Local Plan has no powers to make any determinations about the other Local Plans in Oxfordshire. To seek to do so is an act in poor faith and demonstrates a lack of understanding of the NPPF. South Oxfordshire and Vale of White Horse district councils in our Joint Local Plan are free to comply with national policy and accept the national Standard Method for housing need if this is right for our districts. We raised the issue of the City Local Plan making these decisions on behalf of other plans when we responded to your preferred options consultation in November 2022, but your current consultation document hasn’t reflected any changes since our response. This is not a reasonable approach, nor one that reflects the NPPF or national planning policy guidance.

At the time that the Standard Method was introduced in 2018, the NPPF clearly placed the focus on Local Housing Need being identified for individual Local Planning Authority areas. We believe that the City Council has failed to recognise this change. You are still using the outdated concept of preparing a Strategic Housing Market Assessment (SHMA) for a Housing Market Area (HMA) to try and save the methodology promoted in the 2014 SHMA and then the Oxfordshire Growth Needs Assessment (OGNA) when the Oxfordshire Plan was being prepared. But you have failed to prepare what the NPPF now requires: a Local Housing Needs Assessment that provides evidence about the housing needs of your own local area. Instead, the City Council is choosing to undertake every other local plan’s evidence base in Oxfordshire on their behalf, without their input, which is a hostile way to try to operate under the Duty to Cooperate. This is a highly questionable use of City residents’ council tax and fails to reflect the statutory roles of other bodies.

Functional Economic Market Assessments (FEMA) are referenced in the consultation document, but these are for determining employment need (for FEMA references, see Planning Practice Guidance⁶ regarding economic need entitled ‘How can authorities determine the type of employment land that is needed?’). FEMA references in your consultation document about housing need is inappropriate. In addition, we ask for your explanation of why you believe that the approach to establishing a local plan’s housing

⁶ <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments#economic-need>

need by district rather than county doesn't give a good estimate of housing need? This is another attack on the Standard Method calculation itself but without justification.

Your consultation document explains why the City Council doesn't prefer the economic development-led scenario in paragraph 2.14 by stating:

“The HENA considers two employment-led scenarios for identifying housing need. One of these is the economic development-led scenario, the objective of which is to estimate and understand the development needs associated with a realistic expectation of Oxfordshire’s economic development goals and projects set out in the LEP’s Investment Plan. These projects are important to Oxfordshire and of national significance and value. However, there are potential downside risks to economic growth and it remains possible that macro-economic events and funding constraints may slow projects down or lead to some not progressing. Given the current economic uncertainties, this scenario is not considered to be the most appropriate housing need scenario”

We would accept some of the issues raised about uncertainties. However, the reason why you should not be choosing this economic-led scenario is that there are no exceptional circumstances that justify the need for this scenario. Your narrative demonstrates a lack of understanding of both the NPPF and the Standard Method.

Paragraph 2.15 of your consultation document explains how the two scenarios of 'Census Adjusted' and 'CE Baseline Trends Forecast' are similar in terms of outcome and draws the conclusion that the close outcomes demonstrate robustness. However, two wrongs do not make a right. We believe that there are no exceptional circumstances for either of these scenarios.

Your consultation document oddly tries to introduce a new unsubstantiated exceptional circumstance at paragraph 2.15, which wasn't mentioned in the earlier section about 'exceptional circumstances', where it says:

“On balance, because the Census releases are not complete, and because one exceptional circumstance that justifies departing from the Standard Method is because it does not directly account for economic needs and therefore runs the risk of making existing housing shortages worse, the economic baseline trend scenario is the most appropriate scenario”.

Here your consultation document calls into question the HENA methodology for the Census Adjusted scenario, suggesting that it is incomplete. However, a disagreement with the Standard Method itself isn't an exceptional circumstance. The consultation document concludes with an 'economic baseline trend scenario' being used as an alternative to the Standard Method, but you give no related economic-based exceptional

circumstances to justify the use of this scenario. We do not believe that your approach is in line with the NPPF.

Question 5 - Do you have any comments about the methods for dividing the Oxfordshire housing need between the districts, leading to the need figure of 1,322 for Oxford?

Why are the City Council attempting to divide Oxfordshire's housing need? This is well beyond the City Council's remit or authority. It is not for the City Council to determine the housing need for the whole county, and it is definitely not for you to unilaterally apportion that need between districts. What the City Council must do is identify the need for Oxford, yet the HENA fails to do this. The only figures that actually relate to the housing needs of Oxford City are the outputs from the Standard Method. Every other figure is an apportionment of housing need for the whole county.

Paragraphs 2.17 to 2.19 of your consultation document attempt to recreate the Oxfordshire Plan in many ways. Oxford City's Local Plan has no remit to make planning decisions on behalf of other districts surrounding it. It is particularly frustrating that such wording was used in the City Council's previous Regulation 18 consultation last year, and although we objected to the use of such approaches in our response of November 2022, we have been ignored. It is necessary to repeat some of our relevant November 2022 comments below:

"Oxford City Council cannot solely make determinations about the housing need required to serve all communities through Oxfordshire."

"It is beyond the remit of this plan to draw conclusions for the whole county of Oxfordshire."

"It is disappointing that this now appears to be commissioned before a discussion about collaboration with South Oxfordshire was had, which is not positive preparation. We remain open to engaging with the City Council on the methodology."

The housing need consultation document undoubtedly ignores the concerns that we raised previously. Developing evidence on behalf of other local plans, whilst being fundamentally wrong, progresses the ill-fated OGNA into a HENA without our consent or engagement and is brazenly promoted in your consultation document as the right approach. This is a flagrant failure of the Duty to Cooperate in the production of your plan.

The first sentence in paragraph 2.17 of the consultation document starts with the following:

“Once a need figure for Oxfordshire is established...”

The City Council cannot establish an Oxfordshire housing need for the four other districts.

Paragraph 2.17 then says:

“it is necessary to apportion that to each district, in order for it to inform development of local plan...In the absence of an Oxfordshire Plan, and in order to try and assign the need to where it arises, alternative means of apportionment have been developed as part of the HENA.”

Whilst apportionment was an aim of the Oxfordshire Plan, this work has ceased and you cannot achieve an apportionment in the Oxford Local Plan alone, and with no discussion with us. The Oxford HENA has no mechanism to determine housing need in other districts. A mechanism for apportionment wasn't developed for the Oxfordshire Plan before it ceased. The City Council have omitted to mention that the objective of the Oxfordshire Plan apportionment wasn't about assigning need to where it arises, but instead was intended to be a sustainable and vision-led strategy approach, which would have needed to take account of oversupply and delivery records in certain districts. The apportionment approach described in the Oxford HENA stays silent on those matters.

In short, we do not support the approaches to apportionment that are set out in paragraph 2.18. They are irrelevant given that there is no remit for the City Council to undertake this exercise for other districts.

Question 6 - Do you have any comments about the housing mix including the need for specialist housing and affordable housing?

Table 2.2 of the consultation document presents affordable housing need per annum.

	Current need	Newly forming households	Existing households falling into need	Total Gross Need	Relet Supply	Net Need
Cherwell	128	659	161	948	288	660
Oxford	255	567	188	1,010	270	740
South Oxon	91	520	88	700	199	501
VoWH	79	567	110	756	259	497
West Oxon	76	365	69	510	142	368
Oxfordshire	629	2,678	616	3,924	1,157	2,767

It shows a current need for Oxford City of 255 per year and a predicted net need of 740 per year. However, the City Council's HENA makes a claim about affordable housing

need for all other districts. This has been included within the HENA without consultation or engagement with us. The first we knew of this was the publication of this consultation document. It is unreasonable and not justified to attempt to produce the specialist need evidence base for other local plans.

Question 7 - Do you have any comments about the assessment of housing capacity?

Your consultation document discusses capacity constraints in Oxford City from paragraph 3.2 to 3.8. Paragraph 3.2 sets some context about previous Oxford Local Plans having justified a housing requirement that falls short of the housing need:

“In Oxford successive plans have set a housing requirement less than the identified need because of capacity constraint, and this has been justified through local plan examinations.”

It is important to reflect on the exceptional circumstances that the City Council were able to explain at the time which justified that approach. Those circumstances, especially the need to plan collaboratively to meet the requirements for 100,000 homes as part of the Oxfordshire Housing and Growth Deal, no longer exist.

In November 2022 Oxford City Council published an interim HELAA which the consultation document explains was influenced by current planning policies. The City Council’s HELAA won’t be updated until the end of 2023, at which point it will consider new planning policies. Paragraph 3.3 of the consultation document states:

“the proposed policy approaches in the Preferred Options do not suggest that an update as we draft policies for the Oxford Local Plan 2040 will result in significant changes to the capacity estimate of the HELAA.”

We would like to see new policies and initiatives reflected in the updated HELAA. There is a need to promote development patterns that support the Oxfordshire Local Transport and Connectivity Plan and ensure that fewer car journeys are made. The November 2022 consultation response from Oxfordshire County Council to you expressed this clearly, describing how the City Council needs to be more articulate and consistent in its responses to the significant changes to transport policy. Press releases and local actions to deliver affordable housing are positive initiatives within the City, and this momentum could also be reflected in the way the HELAA is implemented. We would expect that your ambitions for a zero-carbon city would influence the HELAA too, with more accessible sites and efficient use of land being promoted. It is concerning to read at paragraph 3.3 of the consultation document that the City Council doesn’t envisage significant changes to the capacity estimate when new policies are applied. If the forthcoming HELAA update fails to respond to changes in policy approaches and fails to

find an increased supply of potential land within Oxford, then these policies changes will not have been responded to effectively.

At paragraph 3.6, your consultation document explains that the City Council has undertaken an exercise to review Green Belt parcels for their development potential. It should be clarified what the exceptional circumstances are for the Green Belt review of sites⁷. These are not the same exceptional circumstances for deviating from the Standard Method, but they are exceptional circumstances for altering a Green Belt boundary once it is established. There is an accompanying document alongside this consultation called 'Green Belt assessment of additional sites'. The assessment itself makes it clear that the assessment doesn't consider whether exceptional circumstances for altering the Green Belt boundary exist. However, we would have expected the consultation document to explain the position regarding Green Belt release and the exceptional circumstances, but it doesn't explain this. Also, Table 1.5 of the consultation document sets out the three sites with a low or moderate impact on Green Belt, if removed:

Site name and GB assessment conclusion	Comments	Conclusion
153-a Wildlife corridor at River Cherwell (moderate)	Site 153 is a long thin site adjacent to the River Cherwell, to the east of Summer Field School playing fields. For the purposes of the Green belt assessment it is divided into two parcels because of a variation in character. 153a was assessed as making a less important contribution to the Green Belt. However, the parcel is small and without clear access.	Do not consider review of Green Belt in this location.
118 Land rear of Wolvercote Social Club (low)	The majority of this site is not in Green Belt. A review of the Green Belt could not be justified to release the tiny amount of Green Belt within this site as it would not be needed to unlock the site and it would not itself deliver homes as it is too small.	Do not consider review of Green Belt in this location.
159 Wildlife corridor adjacent to Duke's Meadow (moderate)	This is a narrow strip of land adjacent to the railway and with no means of achieving access.	Do not consider review of Green Belt in this location.

One 'low impact' site is land to the rear of Wolvercote Social Club. The conclusion is to not release this from the Green Belt, and the comments state:

⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NP_PF_July_2021.pdf

“The majority of this site is not in Green Belt. A review of the Green Belt could not be justified to release the tiny amount of Green Belt within this site as it would not be needed to unlock the site and it would not itself deliver homes as it is too small.”

It isn't clear from this commentary whether this Green Belt parcel could form part of a wider re-development opportunity with the social club itself or some other adjacent land that isn't in the Green Belt. If it is an opportunity to make efficient use of the land, there could be merit in maximising opportunities for development potential if Green Belt release is justified.

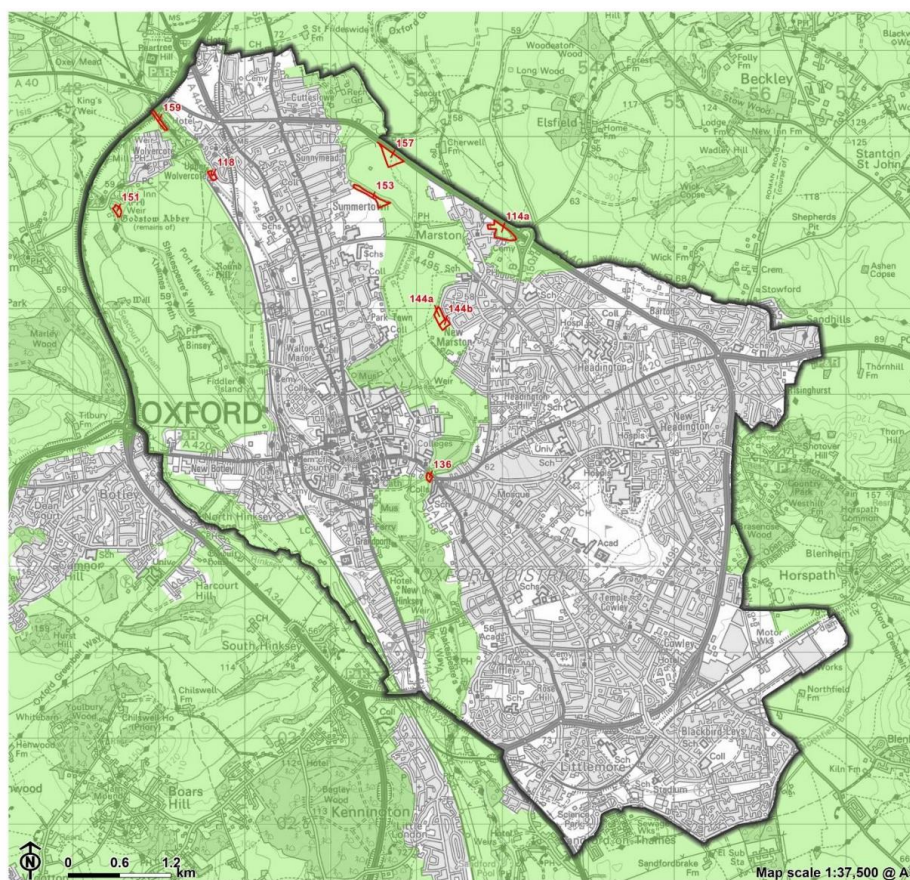
Paragraph 3.7 of the consultation document has some references explaining why some sites were excluded, but these are vague:

Most Green Belt parcels were not included in the assessment because they are protected for reasons in addition to the Green Belt, such as because they are playing pitches (that had not been promoted with proposals for their replacement), of biodiversity value, or of functional flood plain. This means that few parcels were assessed. 9 sites (some of which are divided into smaller parcels) were reassessed to check the results from the previous Green Belt assessment were still applicable. 10 new sites were assessed.

Where this paragraph says that most Green Belt parcels were not included, we think that you should be clear about what 'most' means in this context. It is not clear how many of the Green Belt parcels do not have other policy designations but were still excluded.

Green Belt assessment of additional sites accompanying document feedback

On pages 9 and 10 of the Green Belt Assessment there are some maps of Green Belt (in green) and the sites that have been tested (the small areas shown in red outline below).



These maps use a Green Belt base which is now out of date. Several Green Belt parcels were released in the South Oxfordshire Local Plan in areas surrounding Oxford, but the map still displays these parcels as Green Belt. The map should be updated to reflect current Green Belt boundaries.

Similarly, the map extracts related to the assessment sites are out of date on page 33. This is Site 114a - Land at Marston Brook (northern part). The maps do not show the correct Green Belt boundary. The land removed from the Green Belt to accommodate the allocation at 'Land north of Bayswater Brook' in the South Oxfordshire Local Plan is still mistakenly shown as Green Belt. Paragraph 4.7 of the Green Belt assessment sites:

“The parcel is undeveloped farmland but forms part of broader area of Green Belt that is dominated by urban fringe uses and separated from the wider countryside by the A40 and B4150. This limits its role in safeguarding the countryside from encroachment.”

This map error, as well as the analysis at paragraph 4.7 referencing ‘broader areas of Green Belt’ suggests that the site may have been incorrectly assessed without the proper context of the 2020 revision to the Green Belt boundary.

Question 8 - Do you have any comments about this conclusion to our approach to assessing housing need and setting a housing requirement in the Oxford Local Plan 2040?

The Standard Method calculates your housing need. In the absence of exceptional circumstances, the NPPF says that you should be using the Standard Method. Housing need should not be based on the Economic Baseline Scenario generated by Cambridge Econometrics. Moreover, that analysis has only considered the need for the whole county, which has then been apportioned in various different ways. The scenario does not assess the housing need for Oxford City. The only housing need figure that has been provided for the City itself is the Standard Method approach.

We have previously commented in November 2022 about the low predicted capacity set out in the interim HELAA. As such, the housing need is inflated well above the initial capacity of the City, and the gap between housing need and capacity is much greater than it should be.

The City Council intends to set Oxford’s housing requirement to match Oxford’s capacity, but with an inflation of the former and an underestimate of the latter. This ‘capacity-led approach’ (which has been the same approach used in the previous Local Plan) hasn’t met the potential of delivery of housing in the City.

It isn’t clear from the consultation document how any windfall development (coming forward beyond the housing requirement) would be taken into account.

In the conclusion of your consultation document, you state:

“If it is appropriate, a stepped trajectory will be proposed whereby a greater number of homes are required in some years of the plan than others.”

The consultation document should explain what the rationale is for introducing a stepped trajectory at this stage. It is included as a possibility without a reason provided as to why a stepped trajectory may be required.

The consultation document mentions the contribution towards the housing needs of Oxford that surrounding districts have made. This is a welcome inclusion and some recognition of the very large contribution towards housing need that South Oxfordshire District Council is making, and much of this development is still yet to deliver within this new plan period.

Concluding comments

To conclude, we have serious concerns about many aspects of this Housing Need Consultation. We have set out our thoughts in response to each question about the HENA and its methodology, the lack of any exceptional circumstances to deviate from the Standard Method, the housing capacity, the chosen housing need and capacity-led requirement and also the way in which Oxfordshire housing needs and specialist housing need are being considered by the City. There is a Duty to Cooperate to engage on strategic matters that cross administrative boundaries, but the City Council is failing to demonstrate the Duty to Cooperate. Undertaking and publishing disputed evidence on housing need and specialist and affordable housing need for neighbouring districts without any engagement does not demonstrate effective and on-going joint working. It will be impossible for the City Council to document how such important strategic matters have been addressed and progressed in a cooperative manner. We would be grateful to hear your thoughts on our responses, particularly as we are yet to hear how our November 2022 response is being addressed.

Yours sincerely,



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17 March 2023

Dear Oxford City Council,

Vale of White Horse District Council welcomes the opportunity to comment on the Regulation 18 stage consultation on the Oxford Local Plan Housing Need¹. We have read the Consultation Document, the HENA with its appendices, and the new Green Belt assessment of additional sites in order to inform our feedback. Our responses should be read alongside our submissions to the previous Regulation 18 consultation on the Preferred Options in November 2022. Our responses are directed towards answering the specific questions raised, and we aim to set out our responses with references to each paragraph of the consultation document in the order that they appear.

Question 1 - Are there other ways of identifying housing need that should have been considered?

We are disappointed that our response to your preferred options consultation from 18 November 2022² hasn't resulted in a change to the way housing need is considered. We responded to the consultation stating that Oxford City Council cannot determine housing need for the other authorities in Oxfordshire, we asked that you restrict exploration of exceptional circumstances to Oxford City and confirmed that we remained open to engage on methodology. This latest consultation continues to try to justify a housing need above the standard method. It has also published unsubstantiated housing need evidence for other areas in Oxfordshire using consultants and methodologies that are known to be a point of discord, and without any offers of engagement.

Your Housing Need Consultation document provides an introduction with a few paragraphs of context. Within the introduction, paragraph 1.3 states:

¹https://www.oxford.gov.uk/downloads/file/8354/housing_need_consultation_regulation_18_part_2_document

²<https://www.whitehorsedc.gov.uk/wp-content/uploads/sites/3/2022/11/Vale-response-letter-to-Oxford-Local-Plan-FINAL.pdf>

“Housing need for each Oxfordshire authority was to be set by the Oxfordshire Plan.”

This statement doesn't represent the Oxfordshire Plan Regulation 18 Part 2 consultation correctly. The intention was for the Oxfordshire Growth Needs Assessment (OGNA) to provide an evidence base to establish the housing need. Following this the Oxfordshire Plan would try to establish district/city housing requirements. Paragraph 430 of the Oxfordshire Plan Regulation 18 Part 2³ explained this clearly:

“In planning for housing, the terms ‘need’, and ‘requirement’ have specific meanings. The Oxfordshire Growth Needs Assessment (OGNA) assesses the growth needs for Oxfordshire to 2050 to identify the range of what might be reasonable levels of growth to test through the Plan. It will then be for the Plan-making process to arrive at a growth requirement figure for the Plan policies.”
(emphasis added)

Your Housing Need consultation document discusses some unsubstantiated exceptional circumstances for departing from the standard method at an early section between paragraphs 2.2 to 2.4. Later the consultation document attempts to add another unsubstantiated exceptional circumstance in passing at paragraph 2.15. Why don't you set out all the claimed exceptional circumstances in a clear way within the early section of the consultation document?

At paragraph 2.4, the only claimed exceptional circumstance described reads like a disagreement you have with the Standard Method calculation itself, specifically the use of the 2014 population projections rather than the 2021 Census. This is the only mention of a potential exceptional circumstance in this section. It is interesting that this is a different explanation for potential exceptional circumstances than the ones that were made in the Preferred Options consultation, which you no longer maintain in this Housing Need consultation. The previous exceptional circumstances that you argued (which we disputed) were originally about Oxfordshire's role in the local and national economy as well as affordability issues. We note that these are no longer pursued.

We responded in November 2022 to the Preferred Options stating that we didn't agree that a critique of the Standard Method itself would be a valid exceptional circumstance. We do not support your approach. The Government sets out in the NPPF/NPPG that it expects all authorities to follow the Standard Method or provide an exceptional circumstance for doing something different. The NPPF and guidance doesn't say the Standard Method is adjustable. The Standard Method is the Standard Method, the clue is the name. It's a set formula for all local authorities in England, with set inputs, and it isn't something to be corrected or doctored or something that can be manipulated to support a particular view of the world. The recent government consultation on the

³ [Documents - Oxfordshire Plan 2050](#)

Levelling-up and Regeneration Bill and reform to national planning policy⁴ reiterates the expectation that the Standard Method is the starting point for determining housing need. It is not for Oxford City to attempt to pre-determine what, if any, changes the Government will make to the Standard Method when the new 2021 Census based household projections are published, but we note that until then Government intend to continue to use the 2014 projections at this time. Updates to the Standard Method take place periodically, as we have seen over the previous years since the Standard Method was introduced. The City Council therefore bases the only claimed exceptional circumstance on something that is likely to change over time. The recent consultation on the changes to the NPPF states:

“6. The government does not propose changes to the standard method formula or the data inputs to it through this consultation. However, the government has heard representations that the 2014-based household projections data underpinning the standard method should no longer be relied on. The government continues to use these data to provide stability, consistency and certainty to local planning authorities. Once we have considered the implications of new 2021 Census based household projections, planned to be published by the Office for National Statistics in 2024, the government will review the approach to assessing housing need, to make sure the method commands long-term support based on the most relevant data.”

The City Council is therefore arguing something that the Government has recently rejected. Your temporary objection to the 2014 projections being used to calculate the standard method isn't a valid exceptional circumstance for a local plan, which plans over the long term.

We question paragraph 2.4 of the consultation document:

“This shows that population growth in Oxfordshire is not as had been predicted in the ONS 2014-based population projections that feed into the Standard Method, but is 18,700 higher”

Even if this approach to explore alternatives to the standard method was correct (which we don't agree with), the ONS 2014-based population projections were never a prediction but a projection of what would have happened if population trends at that time were to continue. The period that informed that projection was 2008-2014, a period when fewer than 1,700 homes were delivered each year in Oxfordshire. This increased to over 4,300 homes being delivered annually on average from 2014-2021, well over double the previous levels. It is inherently wrong to take this higher level of population growth – which follows as a direct consequence of the higher number of homes that were planned and delivered – as a baseline for justifying yet another step-change.

⁴ [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

Notwithstanding this, we simply don't understand why you express the difference between the 2014 projections and the Census 2021 outcome as an Oxfordshire figure. You should restrict your consideration to exploring what the difference is in the population of Oxford, the area that your evidence base and local plan needs to cover. Indeed, the HENA actually shows that Oxford had a slower rate of growth than projected by the ONS 2014-based population projections, so it follows that any adjustment to the standard method would in all likelihood result in a housing need figure that was lower than the Government's minimum.

Alternative scenarios for calculating housing need are set out at paragraphs 2.5 to 2.12 in your consultation document. Paragraph 2.6 states:

“The HENA scenarios calculate housing need at an Oxfordshire level. This is because Oxfordshire operates as a Functional Economic Market Area (FEMA) and Housing Market Area (HMA).”

The NPPF does not recognise Housing Market Areas as the basis for calculating housing need, this was in the 2012 version of the NPPF but was removed in the 2018 version when the standard method was introduced. Also, there is no guidance in the NPPF/PPG about housing need calculations having a relationship to Functional Economic Market Areas. The HENA has been commissioned as an Oxfordshire assessment, which is neither promoted in line with the NPPF, nor supported by those other districts that the City Council have presumed to include, without any consultation or engagement with us. If Oxford City Council wants to use the County of Oxfordshire as an economic entity (a FEMA) to help determine business needs across the area, this needs some engagement with the other Oxfordshire authorities which so far hasn't been attempted. As we have responded to previous consultations about this lack of contact, as well as there being unsubstantiated exceptional circumstances to depart from the standard method, we must conclude that this is a failure of the duty to cooperate in your plan making process.

Your consultation document states at paragraph 2.6:

“Applying the two demographic projection scenarios to each district individually factors in part suppression of household formation”.

This suggests that demographic projection scenarios were prepared for each district individually, yet the HENA only presents figures for Oxfordshire. Any adjustment that covers the whole county assumes that all the district councils that you have included in the HENA think that your claim that there are exceptional circumstances to depart from the Standard Method is valid. Vale of White Horse District Council does not. The Standard Method already takes account of constrained household formation through applying an affordability adjustment. There is no need or justification to take an alternative approach.

In paragraph 2.6 again the consultation document states:

“Looking at Oxfordshire as a whole provides a far more robust figure of need.”

This statement makes it appear that all the other district councils that you have included within the scope of your HENA accept that the standard method calculation is wrong or not robust. Irrespective of the validity of the justification that the City Council pursues that the data inputs for the Standard Method constitute exceptional circumstances, it is not the City Council's place to decide whether exceptional circumstances exist for Oxfordshire. We made this same point at the previous consultation. In fact, in 2017, the City Council highlighted the dangers of attempting to undertake planning at a county-wide scale, when you highlighted *“A threat to local communities through a remote planning process that could impose new homes on communities against the wishes of locally elected councillors and communities.”*⁵ And *“The people of Oxford need control of their community so as to reflect their needs, not those of other parts of a very diverse county area.”* Yet the approach you have taken in the HENA is attempting to do just that and appears to fail to recognise the diverse nature of the County.

There are no exceptional circumstances presented that justify (or attempt to justify) either the Cambridge Econometrics baseline trend scenario or the Economic development-led scenario being explored. The City Council hasn't justified these scenarios appearing in the HENA.

Question 2 - Do you have any comments on the methodologies used in the HENA?

We are opposed to the HENA methodology and the choice of scenarios, as well as the wider Oxfordshire geography that the evidence covers without our involvement or consent, and the distinct lack of evidence for Oxford City itself. The three additional scenarios tested are unnecessary and inappropriate because there is no robust justification for departing from the Standard Method to determine housing need.

Question 3 - Do you have any other comments on the Scenarios?

The final parts of the explanations for each scenario (in paragraphs 2.7 to 2.11 of the consultation document) are presented as a collated figure for Oxfordshire, for example at paragraph 2.7:

“This Standard Method collated figure for Oxfordshire shows a need for 3,388 dwellings per annum”.

⁵ [Response to One Oxfordshire launch](#), 19 January 2017

We don't believe that it helps people trying to interpret the Oxford housing need, that the need from each scenario is only displayed as an Oxfordshire figure. You aren't writing an Oxfordshire Plan, but it's written like that. The style of presentation needs to reflect what the Oxford Local Plan can achieve and make it clear what the local plan's housing need is under each scenario.

Paragraph 2.8 sets out something called the 'Census-adjusted standard method' scenario. We have explained under question 1 above that we do not consider the Standard Method to be an adjustable calculation, as have Government in the NPPF consultation. It's the Standard Method. We do not consider your apparent dislike of the Standard Method results constitutes an exceptional circumstance. It isn't clear from your consultation document whether, when formulating this scenario, the consultants have factored in the same things as with the non-Census adjusted scenario, such as the cap. Paragraph 2.8 doesn't make it clear what has, or hasn't, been factored into this scenario. There is absolutely no information presented about the specific calculation for Oxford City. The City Council has failed to clearly explain the ways in which it differs from the Standard Method and offers no reasonable expectation as to why a variation from the Standard Method is reasonable, even within the City.

An 'Economic development-led scenario' is presented at paragraph 2.10 of the consultation document where it states:

"The NPPF, in Para 82, says that in setting out an economic vision, planning policies should have regard to local policies for economic development and regeneration. It is a valid exercise to assess the needs of a growth-focussed development strategy."

This reads like a choice has been taken to be growth–focussed, using any reference to economic development in national guidance to justify that. Reference to the NPPF paragraph 82 is not a valid justification for the economic development-led scenario, because this is only loosely relevant. It is about having regard to the Local Industrial Strategy and other local economic policies when setting an economic vision and strategy in planning policies. The NPPF is presented by the City Council like an exceptional circumstance to justify testing a higher economic growth scenario for local plan housing numbers. But this is national planning policy, and it applies to every English local plan in production. If this paragraph of the NPPF justifies economic growth scenarios being tested for everyone, this would have to be an exceptional circumstance for every local plan, which it isn't. Paragraph 82 does not reference housing need scenarios. Paragraph 82 of the NPPF requires us to 'have regard to' economic policy in developing economic vision and strategy, but it's equally important this be balanced against other sustainability matters when informing such decisions.

Paragraph 2.11 of the consultation document goes on to state:

“The LIS was pre-Covid, but the more recent Local Investment Plan (LIP) followed the LIS in late 2020. That means it was produced before the more recent economic downturn. The LIP cites a modest goal to add £1.2bn to Oxfordshire’s annual GVA by 2030. In effect, the LIP halves the GVA growth target originally outlined in the LIS. This £1.2bn increase is based upon only the more concrete economic development and investment plans in the area that have either already begun or are close to coming forward.”

We don’t agree that an investment plan can be described as ‘concrete’ in terms of its GVA aspirations, because by its nature it aspires to draw investment. Nor can we know if the £1.2bn GVA increase is ‘modest’ given that this increase was an aspiration that was set prior to an economic slowdown. No recognition is given to the long-accepted view by most Oxfordshire partners that the economy within the City boundary is very different from that across the rest of the county.

Paragraph 2.12 of the consultation document states:

“The four scenarios tested cover the realistic range.”

It isn’t clear what this means. The City Council needs to explain what ‘realistic range’ means and who has set any expectations about what might be realistic. We interpret the opposite, because you don’t reflect the NPPF and you attempt to ‘fish’ for exceptional circumstances, so your approach is unrealistic. Paragraph 2.12 of the consultation document also states:

“the economic development-led scenario represents the highest realistic level of growth”

We do not agree that this scenario is a realistic level given that the scenario is rooted in the concept of economic growth at all costs, without balancing other environmental and social matters. It is presented without any economic-based exceptional circumstance being provided to justify the use of economic-led scenarios, and so should be withdrawn from consideration.

Question 4 - Do you have any comments about the reasoning for selecting the most appropriate scenario of housing need?

Your consultation document states at paragraph 2.13:

“The Standard Method is not considered to lead to a good approximation of need in Oxford (or Oxfordshire)”

Oxford City’s Local Plan has no powers to make any determinations about the other Local Plans in Oxfordshire. To seek to do so is an act in poor faith and demonstrates a lack of understanding of the NPPF. South Oxfordshire and Vale of White Horse district

councils in our Joint Local Plan are free to comply with national policy and accept the national Standard Method for housing need if this is right for our districts. We raised the issue of the City Local Plan making these decisions on behalf of other plans when we responded to your preferred options consultation in November 2022, but your current consultation document hasn't reflected any changes since our response. This is not a reasonable approach, nor one that reflects the NPPF or national planning policy guidance.

At the time that the Standard Method was introduced in 2018, the NPPF clearly placed the focus on Local Housing Need being identified for individual Local Planning Authority areas. We believe that the City Council has failed to recognise this change. You are still using the outdated concept of preparing a Strategic Housing Market Assessment (SHMA) for a Housing Market Area (HMA) to try and save the methodology promoted in the 2014 SHMA and then the Oxfordshire Growth Needs Assessment (OGNA) when the Oxfordshire Plan was being prepared. But you have failed to prepare what the NPPF now requires: a Local Housing Needs Assessment that provides evidence about the housing needs of your own local area. Instead, the City Council is choosing to undertake every other local plan's evidence base in Oxfordshire on their behalf, without their input, which is a hostile way to try to operate under the Duty to Cooperate. This is a highly questionable use of City residents' council tax and fails to reflect the statutory roles of other bodies.

Functional Economic Market Assessments (FEMA) are referenced in the consultation document, but these are for determining employment need (for FEMA references, see Planning Practice Guidance⁶ regarding economic need entitled 'How can authorities determine the type of employment land that is needed?'). FEMA references in your consultation document about housing need is inappropriate. In addition, we ask for your explanation of why you believe that the approach to establishing a local plan's housing need by district rather than county doesn't give a good estimate of housing need? This is another attack on the Standard Method calculation itself but without justification.

Your consultation document explains why the City Council doesn't prefer the economic development-led scenario in paragraph 2.14 by stating:

***“The HENA considers two employment-led scenarios for identifying housing need. One of these is the economic development-led scenario, the objective of which is to estimate and understand the development needs associated with a realistic expectation of Oxfordshire’s economic development goals and projects set out in the LEP’s Investment Plan. These projects are important to Oxfordshire and of national significance and value. However, there are potential downside risks to economic growth and it remains possible that macro-economic events and funding constraints may slow projects down or lead to some not progressing.*”**

⁶ <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments#economic-need>

Given the current economic uncertainties, this scenario is not considered to be the most appropriate housing need scenario”

We would accept some of the issues raised about uncertainties. However, the reason why you should not be choosing this economic-led scenario is that there are no exceptional circumstances that justify the need for this scenario. Your narrative demonstrates a lack of understanding of both the NPPF and the Standard Method.

Paragraph 2.15 of your consultation document explains how the two scenarios of ‘Census Adjusted’ and ‘CE Baseline Trends Forecast’ are similar in terms of outcome and draws the conclusion that the close outcomes demonstrate robustness. However, two wrongs do not make a right. We believe that there are no exceptional circumstances for either of these scenarios.

Your consultation document oddly tries to introduce a new unsubstantiated exceptional circumstance at paragraph 2.15, which wasn’t mentioned in the earlier section about ‘exceptional circumstances’, where it says:

“On balance, because the Census releases are not complete, and because one exceptional circumstance that justifies departing from the Standard Method is because it does not directly account for economic needs and therefore runs the risk of making existing housing shortages worse, the economic baseline trend scenario is the most appropriate scenario”.

Here your consultation document calls into question the HENA methodology for the Census Adjusted scenario, suggesting that it is incomplete. However, a disagreement with the Standard Method itself isn’t an exceptional circumstance. The consultation document concludes with an ‘economic baseline trend scenario’ being used as an alternative to the Standard Method, but you give no related economic-based exceptional circumstances to justify the use of this scenario. We do not believe that your approach is in line with the NPPF.

Question 5 - Do you have any comments about the methods for dividing the Oxfordshire housing need between the districts, leading to the need figure of 1,322 for Oxford?

Why are the City Council attempting to divide Oxfordshire’s housing need? This is well beyond the City Council’s remit or authority. It is not for the City Council to determine the housing need for the whole county, and it is definitely not for you to unilaterally apportion that need between districts. What the City Council must do is identify the need for Oxford, yet the HENA fails to do this. The only figures that actually relate to the housing needs of Oxford City are the outputs from the Standard Method. Every other figure is an apportionment of housing need for the whole county.

Paragraphs 2.17 to 2.19 of your consultation document attempt to recreate the Oxfordshire Plan in many ways. Oxford City's Local Plan has no remit to make planning decisions on behalf of other districts surrounding it. It is particularly frustrating that such wording was used in the City Council's previous Regulation 18 consultation last year, and although we objected to the use of such approaches in our response of November 2022, we have been ignored. It is necessary to repeat some of our relevant November 2022 comments below:

“Oxford City Council cannot solely make determinations about the housing need required to serve all communities through Oxfordshire.”

“It is beyond the remit of this plan to draw conclusions for the whole county of Oxfordshire.”

“It is disappointing that this now appears to be commissioned before a discussion about collaboration with Vale of White Horse was had, which is not positive preparation. We remain open to engaging with the City Council on the methodology.”

The housing need consultation document undoubtedly ignores the concerns that we raised previously. Developing evidence on behalf of other local plans, whilst being fundamentally wrong, progresses the ill-fated OGNA into a HENA without our consent or engagement and is brazenly promoted in your consultation document as the right approach. This is a flagrant failure of the Duty to Cooperate in the production of your plan.

The first sentence in paragraph 2.17 of the consultation document starts with the following:

“Once a need figure for Oxfordshire is established...”

The City Council cannot establish an Oxfordshire housing need for the four other districts.

Paragraph 2.17 then says:

“it is necessary to apportion that to each district, in order for it to inform development of local plan...In the absence of an Oxfordshire Plan, and in order to try and assign the need to where it arises, alternative means of apportionment have been developed as part of the HENA.”

Whilst apportionment was an aim of the Oxfordshire Plan, this work has ceased and you cannot achieve an apportionment in the Oxford Local Plan alone, and with no discussion with us. The Oxford HENA has no mechanism to determine housing need in other districts. A mechanism for apportionment wasn't developed for the Oxfordshire Plan before it ceased. The City Council have omitted to mention that the objective of the Oxfordshire Plan apportionment wasn't about assigning need to where it arises, but

instead was intended to be a sustainable and vision-led strategy approach, which would have needed to take account of oversupply and delivery records in certain districts. The apportionment approach described in the Oxford HENA stays silent on those matters.

In short, we do not support the approaches to apportionment that are set out in paragraph 2.18. They are irrelevant given that there is no remit for the City Council to undertake this exercise for other districts.

Question 6 - Do you have any comments about the housing mix including the need for specialist housing and affordable housing?

Table 2.2 of the consultation document presents affordable housing need per annum.

	Current need	Newly forming households	Existing households falling into need	Total Gross Need	Relet Supply	Net Need
Cherwell	128	659	161	948	288	660
Oxford	255	567	188	1,010	270	740
South Oxon	91	520	88	700	199	501
VoWH	79	567	110	756	259	497
West Oxon	76	365	69	510	142	368
Oxfordshire	629	2,678	616	3,924	1,157	2,767

It shows a current need for Oxford City of 255 per year and a predicted net need of 740 per year. However, the City Council's HENA makes a claim about affordable housing need for all other districts. This has been included within the HENA without consultation or engagement with us. The first we knew of this was the publication of this consultation document. It is unreasonable and not justified to attempt to produce the specialist need evidence base for other local plans.

Question 7 - Do you have any comments about the assessment of housing capacity?

Your consultation document discusses capacity constraints in Oxford City from paragraph 3.2 to 3.8. Paragraph 3.2 sets some context about previous Oxford Local Plans having justified a housing requirement that falls short of the housing need:

“In Oxford successive plans have set a housing requirement less than the identified need because of capacity constraint, and this has been justified through local plan examinations.”

It is important to reflect on the exceptional circumstances that the City Council were able to explain at the time which justified that approach. Those circumstances, especially the need to plan collaboratively to meet the requirements for 100,000 homes as part of the Oxfordshire Housing and Growth Deal, no longer exist.

In November 2022 Oxford City Council published an interim HELAA which the consultation document explains was influenced by current planning policies. The City Council's HELAA won't be updated until the end of 2023, at which point it will consider new planning policies. Paragraph 3.3 of the consultation document states:

“the proposed policy approaches in the Preferred Options do not suggest that an update as we draft policies for the Oxford Local Plan 2040 will result in significant changes to the capacity estimate of the HELAA.”

We would like to see new policies and initiatives reflected in the updated HELAA. There is a need to promote development patterns that support the Oxfordshire Local Transport and Connectivity Plan and ensure that fewer car journeys are made. The November 2022 consultation response from Oxfordshire County Council to you expressed this clearly, describing how the City Council needs to be more articulate and consistent in its responses to the significant changes to transport policy. Press releases and local actions to deliver affordable housing are positive initiatives within the City, and this momentum could also be reflected in the way the HELAA is implemented. We would expect that your ambitions for a zero-carbon city would influence the HELAA too, with more accessible sites and efficient use of land being promoted. It is concerning to read at paragraph 3.3 of the consultation document that the City Council doesn't envisage significant changes to the capacity estimate when new policies are applied. If the forthcoming HELAA update fails to respond to changes in policy approaches and fails to find an increased supply of potential land within Oxford, then these policies changes will not have been responded to effectively.

At paragraph 3.6, your consultation document explains that the City Council has undertaken an exercise to review Green Belt parcels for their development potential. It should be clarified what the exceptional circumstances are for the Green Belt review of sites⁷. These are not the same exceptional circumstances for deviating from the Standard Method, but they are exceptional circumstances for altering a Green Belt boundary once it is established. There is an accompanying document alongside this consultation called 'Green Belt assessment of additional sites'. The assessment itself makes it clear that the assessment doesn't consider whether exceptional circumstances for altering the Green Belt boundary exist. However, we would have expected the consultation document to explain the position regarding Green Belt release and the exceptional circumstances, but it doesn't explain this. Also, Table 1.5 of the consultation document sets out the three sites with a low or moderate impact on Green Belt, if removed:

⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NP_PF_July_2021.pdf

Site name and GB assessment conclusion	Comments	Conclusion
153-a Wildlife corridor at River Cherwell (moderate)	Site 153 is a long thin site adjacent to the River Cherwell, to the east of Summer Field School playing fields. For the purposes of the Green belt assessment it is divided into two parcels because of a variation in character. 153a was assessed as making a less important contribution to the Green Belt. However, the parcel is small and without clear access.	Do not consider review of Green Belt in this location.
118 Land rear of Wolvercote Social Club (low)	The majority of this site is not in Green Belt. A review of the Green Belt could not be justified to release the tiny amount of Green Belt within this site as it would not be needed to unlock the site and it would not itself deliver homes as it is too small.	Do not consider review of Green Belt in this location.
159 Wildlife corridor adjacent to Duke's Meadow (moderate)	This is a narrow strip of land adjacent to the railway and with no means of achieving access.	Do not consider review of Green Belt in this location.

One 'low impact' site is land to the rear of Wolvercote Social Club. The conclusion is to not release this from the Green Belt, and the comments state:

“The majority of this site is not in Green Belt. A review of the Green Belt could not be justified to release the tiny amount of Green Belt within this site as it would not be needed to unlock the site and it would not itself deliver homes as it is too small.”

It isn't clear from this commentary whether this Green Belt parcel could form part of a wider re-development opportunity with the social club itself or some other adjacent land that isn't in the Green Belt. If it is an opportunity to make efficient use of the land, there could be merit in maximising opportunities for development potential if Green Belt release is justified.

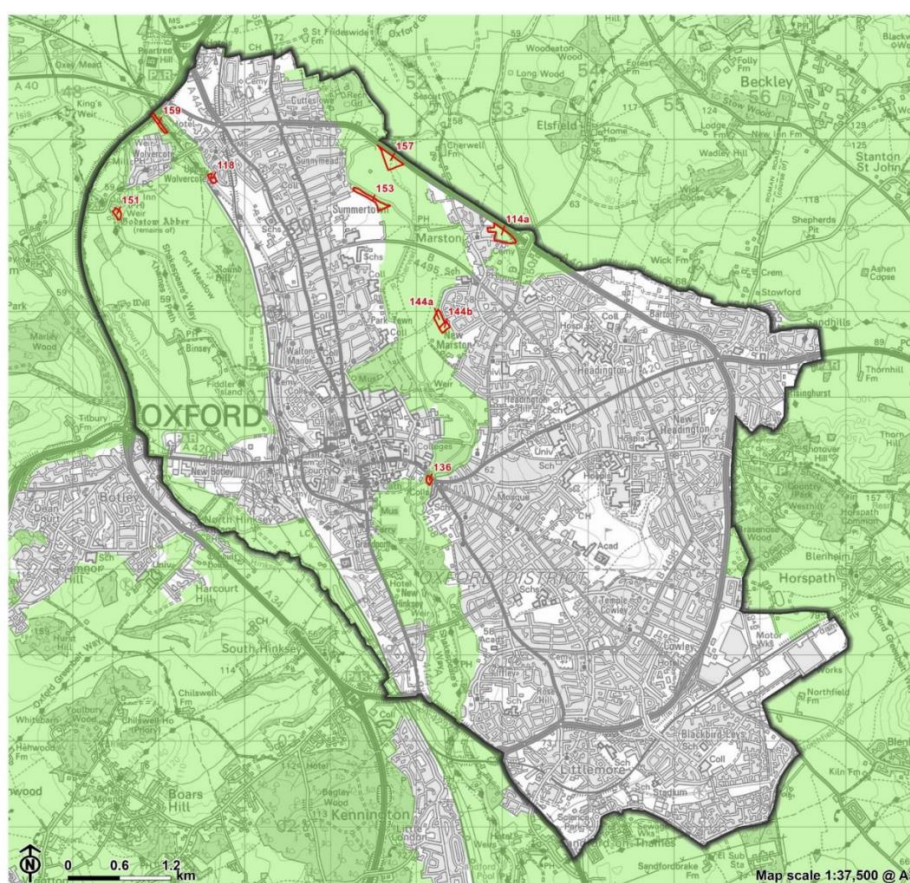
Paragraph 3.7 of the consultation document has some references explaining why some sites were excluded, but these are vague:

Most Green Belt parcels were not included in the assessment because they are protected for reasons in addition to the Green Belt, such as because they are playing pitches (that had not been promoted with proposals for their replacement), of biodiversity value, or of functional flood plain. This means that few parcels were assessed. 9 sites (some of which are divided into smaller parcels) were reassessed to check the results from the previous Green Belt assessment were still applicable. 10 new sites were assessed.

Where this paragraph says that most Green Belt parcels were not included, we think that you should be clear about what 'most' means in this context. It is not clear how many of the Green Belt parcels do not have other policy designations but were still excluded.

Green Belt assessment of additional sites accompanying document feedback

On pages 9 and 10 of the Green Belt Assessment there are some maps of Green Belt (in green) and the sites that have been tested (the small areas shown in red outline below).



These maps use a Green Belt base which is now out of date. Several Green Belt parcels were released in the South Oxfordshire Local Plan in areas surrounding Oxford, but the map still displays these parcels as Green Belt. The map should be updated to reflect current Green Belt boundaries.

Question 8 - Do you have any comments about this conclusion to our approach to assessing housing need and setting a housing requirement in the Oxford Local Plan 2040?

The Standard Method calculates your housing need. In the absence of exceptional circumstances, the NPPF says that you should be using the Standard Method. Housing

need should not be based on the Economic Baseline Scenario generated by Cambridge Econometrics. Moreover, that analysis has only considered the need for the whole county, which has then been apportioned in various different ways. The scenario does not assess the housing need for Oxford City. The only housing need figure that has been provided for the City itself is the Standard Method approach

We have previously commented in November 2022 about the low predicted capacity set out in the interim HELAA. As such, the housing need is inflated well above the initial capacity of the City, and the gap between housing need and capacity is much greater than it should be.

The City Council intends to set Oxford's housing requirement to match Oxford's capacity, but with an inflation of the former and an underestimate of the latter. This 'capacity-led approach' (which has been the same approach used in the previous Local Plan) hasn't met the potential of delivery of housing in the City.

It isn't clear from the consultation document how any windfall development (coming forward beyond the housing requirement) would be taken into account.

In the conclusion of your consultation document, you state:

"If it is appropriate, a stepped trajectory will be proposed whereby a greater number of homes are required in some years of the plan than others."

The consultation document should explain what the rationale is for introducing a stepped trajectory at this stage. It is included as a possibility without a reason provided as to why a stepped trajectory may be required.

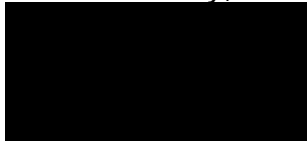
The consultation document mentions the contribution towards the housing needs of Oxford that surrounding districts have made. This is a welcome inclusion and some recognition of the very large contribution towards housing need that Vale of White Horse District Council is making, and much of this development is still yet to deliver within this new plan period.

Concluding comments

To conclude, we have serious concerns about many aspects of this Housing Need Consultation. We have set out our thoughts in response to each question about the HENA and its methodology, the lack of any exceptional circumstances to deviate from the Standard Method, the housing capacity, the chosen housing need and capacity-led requirement and also the way in which Oxfordshire housing needs and specialist housing need are being considered by the City. There is a Duty to Cooperate to engage on strategic matters that cross administrative boundaries, but the City Council is failing to demonstrate the Duty to Cooperate. Undertaking and publishing disputed evidence on housing need and specialist and affordable housing need for neighbouring districts without any engagement does not demonstrate effective and on-going joint working. It

will be impossible for the City Council to document how such important strategic matters have been addressed and progressed in a cooperative manner. We would be grateful to hear your thoughts on our responses, particularly as we are yet to hear how our November 2022 response is being addressed.

Yours sincerely,



Planning Policy Team Leader
Vale of White Horse District Council

**SOUTH OXFORDSHIRE DISTRICT COUNCIL
RESPONSE TO OXFORD CITY COUNCIL'S CONSULTATION ON THEIR
SUBMISSION DRAFT (REGULATION 19) LOCAL PLAN 2040**

**NOTE: FOR EASE OF READING AND ACCESSIBILITY, WE HAVE COMPILED
OUR SEPARATE REPRESENTATIONS INTO ONE FOR PUBLISHING ON OUR
WEBSITE IN THIS PDF.**



Part A Form (our details)

Your Name	<<REDACTED>> Planning Policy Team Leader
Organisation	South Oxfordshire District Council
Address	Abbey House
	Abbey Close
	Abingdon, OX14 3JE
Email	<<REDACTED>>
Date	21/12/2023

Do you wish to speak at the examination hearings?	Yes
Do you wish to be notified when:	
the Council submit the Oxford Local Plan 2040 to the Government?	Yes
the Inspector's Report is published?	Yes
the Oxford Local Plan 2040 is adopted by the Council?	Yes

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 1.2
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Do you consider that the document is:	
(a) legally compliant?	Yes
(b) is sound?	No
(c) complies with the duty to cooperate?	Yes

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

The vision for Oxford Local Plan 2040 is not Effective. It is not Effective because it fails to set a vision for dealing with, or mentioning, the cross boundary strategic matter of meeting housing need and affordable housing. Meeting housing need and affordable housing is a key part of the Oxfordshire Strategic Vision that all Oxfordshire authorities agreed, which is not reflected.

The omission of housing need being met and affordable housing also means that the vision is not Positively Prepared. For the vision to be Positively Prepared it should be "providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development". This key strategic matter is not referenced in the vision.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

To include additional effective and proactive elements in the vision relating to the aims to meet housing needs and tackling the key issue in the City of affordable housing.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 1.7
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 1.7.

Paragraph 1.7 says "The Plan sets out a range of policies intended to tackle these issues: the overall priority use for new sites is to deliver homes to meet housing needs". Paragraph 2.9 further indicates that delivery of housing is a priority and the Local Plan's strategy is to maximise housing delivery while balancing protection of other important land uses.

Whilst the plan talks about prioritising housing, which we support as a laudable aim, the plan and the accompanying evidence lacks follow through and any resulting changes to demonstrate how these issues have been effectively tackled.

There are a number of draft Local Plan policies that mention priority for housing, but they demonstrate no changes in policy approach. We have submitted separate representations on those policies. Paragraph 1.7 also says that policies make efficient use of limited sites, which is again a supported aim, but this needs to be followed through with the very best efficiency policies. The Local Plan's overarching stated objective to prioritise housing is not consistently supported by the various policies relevant to housing supply which tend, when considered

together, to introduce significant elements of restriction either in terms of locations where higher density housing delivery may be realistic, or are not especially proactive or flexible in the criteria they establish that would allow release of land for housing to come forward.

Reflecting on how supporting evidence fails to prioritise housing, there are numerous examples of sites included in the HELAA where the potential for development for residential use has not been assessed. Given the emerging Local Plan policy basis that identifies housing delivery as a priority and also specifically allows for residential development of employment land in principle (in draft Policy E1), it is evident that the potential of sites for housing should be appraised through the HELAA and conclusions drawn accordingly. This is important in the context of claiming high housing needs with constrained land supply. This is not the first plan where Oxford capacity has needed scrutiny. It was last independently reviewed almost a decade ago, and clearly some sites that were unavailable last time should have been evaluated closely for their potential to be released to meet the high priority use of land for new homes.

Taken together the draft policies with the approach in the HELAA has served to under-explore or promote potential housing delivery opportunities.

This is not Positively Prepared, because there is no demonstrable effort to 'meet the areas objectively assessed needs' in the City. This results in the creation of more unmet need, and hence it diverts growth from the City, making this approach not consistent with achieving sustainable development.

This is not Effective in delivering the stated housing priority because the effect of the decisions made by the City Council in policies and evidence is that we, the adjacent Councils that are impacted by these decisions, have unresolved cross boundary strategic matters with this Local Plan which are not dealt with by the City Council. This is a more extreme soundness failure than wording of the Effectiveness soundness test judges the plan against, because the Oxford Local Plan (and Duty to Cooperate Documents) don't try to 'defer' the issue, but instead the cross boundary unresolved matters are simply not raised and ignored.

This is not Consistent with National Policy. The plan does not comply with NPPF (September 2023) paragraph 60 "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed". The plan doesn't provide for a sufficient amount of housing in the City, which is where the need is generated. Also the plan does not comply with NPPF paragraph 76 "To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years." The plan and supporting evidence lacks urgency or strategies to resolve past delivery failures and attempt to resolve them.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 2.3
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

Paragraph 2.3 states: "Housing need must be established and confirmed through the evidence base, and then planned for. We cannot meet all the city's housing need within Oxford, so the calculated need is different to the housing requirement in the Plan (the requirement is also sometimes referred to as the housing target)."

As the Council will be aware, the preparation of the Local Plan is subject to the Duty to Co-operate (DtC) as set out in section 33A of the Planning & Compulsory Purchase Act 2004. That provision remains in force notwithstanding the proposed reforms in Schedule 7 to the Levelling Up and Regeneration Act 2023, which have not yet been brought into account. The need to comply with the DtC is also set out as a matter of national policy in paragraphs 24 to 27 of the NPPF (September 2023 version, which is applicable to the Local Plan).

The Council's 'General Statement of Common Ground For Duty to Co-operate' (August 2023) correctly identifies that 'Housing need, including homes needed in the area' is a strategic matter. It is the Council case (as set out in the Local Plan) that it cannot meet all of its housing needs, and so it is inevitable that the Local Plan's approach to strategic matter of housing has cross-boundary implications as regards the unmet needs that the Local Plan does not address.

However, in compiling its evidence base to establish its housing need, and in identifying its housing requirement, the Council has not met the requirements of the DtC as regards its engagement with either South Oxfordshire District Council (SODC) or with Vale of White Horse District Council (VWHDC). The Council has not prepared the Local Plan following on-going, constructive, and active engagement with either SODC or VWHDC. In relation to housing need the Council has chosen to depart from the Standard Method promoted in the NPPF but has not engaged on any on-going, constructive, or active basis, with SODC or VWHDC on whether there are exceptional circumstances to justify that departure and nor has it engaged with SODC and VWHDC on the identification of an alternative methodology that would be suitable for establishing an alternative housing need figure.

SODC and VOWHDC both raised substantive concerns in relation to the DtC and in relation to the Council's approach to housing need in their representations in March 2023 on the Council's consultation under Regulation 18 on the Oxford Local Plan Housing Need. Those representations are not repeated here but they clearly identified a failure to meet the DtC at that stage. The Council held one meeting with SODC and VWHDC shortly afterwards (on 27 March 2023) but that meeting did not resolve the issues raised or identify a process for their resolution. There has been no subsequent active, constructive, or ongoing engagement.

Given this absence of effective engagement, combined with the approach chosen by the Council of looking at housing needs on a county-wide basis, there is no doubt that the Council has failed to meet the DtC. As a result the Council is not in a position to submit the Local Plan for independent examination and, were it to do so, the only realistic outcome is that an Inspector would have to find that the Local Plan could not be adopted by reason of this failure. In the circumstances, the Council is strongly urged to reconsider its approach and, even at this late stage of the plan-preparation process, to engage on an on-going, constructive, and active basis with both SODC and VOWHDC on the strategic matter of housing, and on how such needs should be identified, and to what extent there are any unmet needs, having regard to the potential to meet those needs within the Local Plan area, and on what should be done as regards any properly evidenced unmet needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

N/A

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 2.6
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	✓
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See the representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 2.6.

Paragraph 2.6 of the Local Plan states "To help address the housing need, we have also been seeking to maximise capacity in the city through our approach in the Housing and Economic Land Availability Assessment (HELAA - see HELAA methodology for more details) and site allocations policies which prioritise residential development over other uses." This representation is focussed on the HELAA itself.

This representation is made with a supporting appendix (Capacity Assessment of Oxford City).

Site Size Thresholds:

Paragraph 2.1.2 of the HELAA confirms that a site size threshold of 0.25 Ha or greater has been applied. The site size threshold broadly accords with national policy and practice although it is noted that the PPG at ID03-009 considers that: "It may be appropriate to consider all sites and broad locations capable of delivering 5 or more dwellings". The same paragraph also states that plan-makers may wish

to consider alternative site size thresholds. It is questioned whether a smaller site size threshold (5+ net dwellings) would be a more appropriate starting point for the identification and then subsequent allocation of housing sites. The HELAA for South and Vale, despite covering two large Districts with many villages containing smaller infill and conversion opportunities has a threshold of 5 or more dwellings with an area of 0.25 hectares. Sites between 5 and 10 in your HELAA are instead noted as windfall capacity (sites of nine or fewer net additional dwellings) which are un-planned and ad-hoc in nature.

Approach to Particular Types of Land / Sites:

The HELAA describes its approach to assessment of various types of land and sites. These have been reviewed and the following sub-sections set out those where we consider there are issues arising.

1. Employment Sites (Categories 1-3) - The HELAA's assessment of employment land for the delivery of residential development is laid out in paragraphs 2.1.27-2.1.31. Paragraph 2.1.31 of the HELAA methodology states that all employment sites with the potential to deliver housing have been included in the assessment. The approach uses the Employment Land Needs Assessment study (2022) prepared by consultants Lichfields for Oxford City Council as the basis for considering Category 1 and Category 2 employment sites but there is no publicly available evidence that the Category 3 sites have been similarly assessed. There is also no clear evidence as to the realistic capacity for residential development within the Category 1 and Category 2 employment sites assessed and in many cases such sites are rejected for residential development through the HELAA analysis on the basis of landowner intentions and therefore lack of availability. The extent to which the HELAA approach has fully and effectively assessed the realistic potential for residential re-development on existing employment sites and particularly the lower grade Category 3 land is questionable. No systematic analysis of the constraints (and mechanisms to overcome these) have been considered for sites that are then rejected from the HELAA. This is despite the obvious opportunities to proactively identify actions and mechanisms to re-use low grade employment land and particularly sites that are within largely mature residential neighbourhoods and district centres.

2. Open Air Outdoor Sports Facilities - With respect to open air sports provision (private or publicly owned), paragraph 2.1.20 et seq. of the HELAA sets out the approach taken to their inclusion in the assessment and the basis for analysis. The Local Plan: 2040 and the HELAA rely upon the Oxford Playing Pitch and Outdoor Strategy 2022-2036 which assesses the existing and future need for playing pitch provision, concluding that there is a need to protect outdoor sports facilities but also to enhance provision through greater community access and intensification of use of existing sports and recreation space, not least the extensive areas and facilities in the ownership of the various University colleges. The Playing Pitch Strategy notably does not assess the needs for golf courses and golf facilities which is important in the context of future land use and effective utilisation of land in Oxford given there are some substantial areas of golf course land within the urban area of the city. The Strategy has not been published with the evidence base for the Local Plan. It is also plainly only covering the period up to 2036 rather

than the Plan period 2020-2040. The reliance placed on the Strategy therefore raises questions as to why it has not been published as key evidence to the Plan and also whether and how the Council intends to act upon the Strategy's recommendations for securing greater intensification of use and access to existing facilities. The HELAA assessments of sports pitches shows that where they have been assessed they are almost always rejected on the basis of suitability or availability. There are clearly opportunities to allow for the re-development or partial re-development of more of these sites given that the Local Plan proposes the allocation for re-development of at least one existing sports playing pitch site (Lincoln and Jesus College HELAA sites 026 and 032).

3. Allotments - The HELAA indicates at paragraph 2.1.25 (although does not identify the specific evidence for this) that the majority of allotment sites have waiting lists which illustrates the high demand that exists. This information should be published to justify the analysis in the HELAA. Allotments are included within the HELAA sites for assessment but are almost entirely rejected on grounds of suitability and availability. There is no evidence in the HELAA, or elsewhere in the supporting information of the Local Plan that the potential for re-provision of land swaps with other sites (including possibly land within Green Belt where allotments would not be an inappropriate form of development); or outside but adjacent to the City in a neighbouring local authority area have been tested or evaluated. Given the extensive level of allotment land coverage within Oxford, there is a question as to whether the HELAA and the Local Plan have sought to unlock allotment land for residential development through such mechanisms in order to overcome the constraints, as the PPG expects at ID 03-21.

4. Approach to Estimating Development Potential - Section 2.2 of the HELAA establishes the approach taken to estimating the development potential of sites. The HELAA uses bespoke site-specific analysis to inform the capacity assumption in each case. Paragraph 2.2.2 identifies that only where there is no planning permission or site allocation (presumably a pre-existing allocation from the Oxford Local Plan: 2036) the HELAA reverts to density typologies to inform capacity. In the case of sites with planning permission, the HELAA has, reasonably, used the capacity consented by the permission. Paragraph 2.2.4 explains further that work to inform site allocations have been "informed by site specific urban design assessment which consider site constraints and opportunities in more detail". It has subsequently been confirmed to SODC and VOWHDC by Oxford City Council that the 'urban design capacity assessments' for individual sites are not publicly available and were prepared for internal use only. Oxford City Council confirmed that they would not provide them to SODC and VOWHDC either. It is not possible therefore to examine those assessments or the approach taken in each case in any detail.

5. Over-coming Constraints - The PPG is clear at ID 03-21 that when constraints are identified that impact on the suitability, availability and achievability of a site for residential development "the assessment will need to consider what action could be taken to overcome them. Examples of constraints include policies in the National Planning Policy Framework and the adopted or emerging development plan, which may affect the suitability of the site, and unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners,

which may affect the availability of the site". It is not however evident from the HELAA appraisals that where sites have been assessed and rejected as unsuitable, unavailable or unachievable that there has been any further work to examine how the identified constraints could be overcome and therefore allow the site in question to form part of the potential housing land supply. Many times the same sites have been assessed with no intervention to overcome issues has taken place. There is no evidence in the individual HELAA site analyses that the PPG's guidance in over-coming constraints has been realistically addressed.

6. Non-Implementation Discount Buffers - At paragraph 3.0.2 the HELAA methodology states that a 10% discount is applied to the total housing capacity figure derived from the assessment of all sites that are concluded to be suitable, available and achievable. The HELAA explains that the discount represents a buffer to account for potential non-delivery of identified sites and states that "This is a proportionate approach in a constrained city with a capacity-based housing requirement". Firstly, the NPPF does not require a discount or buffer to be applied in the assessment of total housing capacity. The national policy allows the application of buffers (non-implementation or discount rates) to the housing supply, arising from potential development sites in establishing the five-year housing land supply of deliverable sites in accordance with NPPF paragraph 74. Critically, the NPPF expects that the buffer is drawn from sites and capacity moved forward from later in the plan period, rather than an overall discount to housing land capacity. The principle underpinning a discount or non-implementation rate approach reflects the relative degree of uncertainty surrounding the different components of supply. The greater the degree of uncertainty, the greater the discount. The PPG at ID 03-24 supports the preparation of an indicative housing trajectory with an overall risk assessment made as to whether sites will come forward as anticipated. It does not however establish a requirement or approach that necessitates a non-implementation buffer or discount but rather expects that the HELAA's assessments of suitability, availability and achievability taken together provide the risk assessment. Indeed, where sites have been assessed in the HELAA as suitable, available and achievable this methodology provides the risk-based analysis to consider the potential likelihood of delivery occurring on-site; the conclusion being that sites meeting these tests are anticipated to be deliverable for the level of housing tested. A further buffer or discount applied is therefore considered to be overly cautious and unnecessary (unless the Council is concerned that its HELAA assessments are unreliable?). Setting the principle of discounting total supply aside, it is also of concern that the 10% discount is unsubstantiated in its own right. It is purported to reflect the situation in Oxford but there is no indication in the HELAA or annual monitoring, nor in any other evidence or background paper, as to the evidence of historic non-implementation rates for housing schemes to underpin the discount proposed. Where then is the evidence of a non-implementation rate review for Oxford City and how was a 10% reduction derived? The effect of applying a discount is to reduce the total capacity of the HELAA sites as shown in HELAA Appendix B by 10% during the plan period. It is noted that the table at paragraph 3.0.4 of the HELAA subtracts 652 dwellings from the total HELAA sites capacity 5,870 which is of course greater than a 10% discount. It is assumed that this is a typographical error (10% of 5,870 is 587 dwellings) but this should be checked and explained by Oxford City Council. The result of applying a discount is to require additional sites and land to be identified

to help meet the housing need and the need to take a more positive approach to identifying potential housing sites in order to build greater resilience and flexibility into the Plan's housing land supply. Our view is that HELAA's non-implementation buffer should not be applied as it is not justified by national policies and guidance or substantiated by local evidence.

7. Timescales for Development - The timescales for development of sites deemed available, suitable and achievable are set out in Appendix B to the HELAA and the approach to the development trajectory explained in paragraphs 2.2.20 onwards. The approach to delivery timescales appears consistent with the NPPF's requirements but there is relatively little weight of evidence and information presented in the HELAA (and very little within the Pre-Submission Draft Local Plan: 2040) as to the overall housing delivery trajectory that results from the assignment of sites to different delivery periods. Indeed, it is left to the reader to calculate the level of housing delivery anticipated in each five-year period and evidently, the overall total does not come anywhere near meeting the identified housing need for Oxford set out in the HENA and Policy H1 of the Local Plan 2040. There is a lack of analysis of the effects of this in the HELAA (or the Plan itself) in terms of the implications for delivery rates and completions anticipated over time, but plainly the HELAA's conclusions on timescales points towards a back-loaded housing trajectory.

8. Approach to Windfall Housing Supply - The windfall definition in Oxford is not entirely consistent with the PPG at ID 03-009 which states that it may be appropriate to consider sites capable of delivering five or more dwellings (i.e. windfall sites being fewer than five dwellings in size). However the PPG does also indicate that there is scope to consider alternative site size thresholds. The Local Plan: 2036 Oxford City HELAA (November 2017) had used a site size threshold of 0.25 Ha delivering five or fewer dwellings as the definition of windfall (resulting in an annual average of 60 dpa excluding garden land infill; if garden land was included the average windfall delivery rate increased to 120 dpa). The change in definition in the HELAA methodology between the earlier work and the latest HELAA means that the older windfall figures (pre- 2016/17) are not consistent with the newer definition now used. The windfall rate identified in the HELAA and used in the Local Plan: 2040 at 116 dpa is low compared with the figure in the latest AMR and previous years HELAA evidence. A higher windfall allowance rate could be justified given the confidence that the Council place on a continued trend in significant windfall housing delivery and an expectation that this will continue throughout all areas of Oxford in the plan period to 2040 (as paragraph 2.3.10 of the HELAA identifies). Indeed, a higher windfall rate may be anticipated during the lifetime of the Local Plan: 2040 due to the recent Government announcement to create a new Permitted Development Right to allow the subdivision of existing houses into two flats - HMT Autumn Statement CP977 November 2023, paragraph 5.200 states "Permitted Development Right convert one house into two flats - The government is announcing a consultation on a new Permitted Development Right for subdividing houses into two flats without changing the façade. This will be implemented in 2024 following consultation early in the New Year".

HELAA Sites Overall:

A total of 479 sites were included in the HELAA for analysis. Of this total, 98 sites were Accepted by the HELAA as having potential for housing; 381 were Rejected. Of the 381 Rejected HELAA sites, 27 were not tested for residential. These were largely existing employment sites (of various categories) and despite a broadly positive policy approach set out in the draft Local Plan to the release of existing employment land for residential development (particularly for Category 2 and 3 employment land) this is a strange oversight or clear omission from the HELAA's work. The total is 479 sites, but the HELAA total differs from the 471 sites referenced in Paragraph 5.11 of the Regulation 19 Sustainability Appraisal. This document highlights sites that were not carried forward to allocations from the Preferred Options stage. 475 HELAA sites were concluded to be achievable (viable) for future development. Only four potential sites tested by the HELAA were considered not to be achievable for development in the plan period. These are:

- Site: 33 Littlemore Mental Health Centre, Sandford Road where the explanation was that the Site is a non-viable typology;
- Site: 40 Orion Academy - Site is non-viable typology (15/16);
- Site: 409 Oxford Retail Park, Ambassador Avenue - Site is non-viable typology (Includes petrol station, likely to be land contamination); and
- Site: 459 Buildbase Watlington Road (within #503) - Non-viable typology.

All four sites were rejected for housing or economic uses. The non-viable typology of Site 459 was not explained further. Despite an encouraging policy position, 27 sites were not tested for residential use in the HELAA at all. This is a missed opportunity inconsistent with the policies of the Local Plan, that Oxford City Council should address. The extent of sites being Rejected by the HELAA due to their availability is stark. 156 sites identified as suitable are reduced to only 98 sites when availability is also factored in; a reduction of 58 sites. Put simply, lack of availability on 58 otherwise suitable sites led to their ultimate rejection by the HELAA. Applying modest density per hectare figures suggests a potential loss of capacity of over 3,000 dwellings due to lack of availability, on sites otherwise assessed as suitable for housing. Clearly there are a range of complex reasons behind unavailability, but it is not always clear in the HELAA analysis as to the potential for flexibility in making an otherwise suitable site available. Landowner intentions are reported in a cursory fashion within the HELAA and there is little available evidence to indicate just how strenuous or extensive the efforts have been in all cases to obtain landowner indications of availability or to address these matters in the context of a Local Plan period that extends for 20 years to 2040. Indeed, in Oxford's circumstances of having substantial unmet need, it should be expected that there should be published log records of contacts made, discussions held, consistency in the form and recording of contact (for example a standard pro-forma approach), or understanding of the timing of when landowner or developer contact was made and updated. The importance of availability of sites and accurate landowner intentions is critical in securing housing land supply in the context of Oxford's constraints. The clear result here is that landowner intentions significantly reduce the potential for housing supply in Oxford through the HELAA.

HELAA's Rejected Sites:

There are a number of sites 'Rejected' by the HELAA where it is possible to query the conclusions reached. It is apparent that despite some of these Rejected sites being a focus in previous plan-making, there is little evidence of a proactive approach since then to assist in identifying the actions that could be taken to overcome constraints and bring sites forward (which the PPG methodology or assessing housing and economic land availability expects at paragraph ID 03-21). This is concerning both in terms of ensuring the HELAA's work is consistent with the NPPG particularly regarding maximising housing delivery in the context of the purported significant future housing needs of Oxford. After individually reviewing each such site, we concluded that 24 sites were worth further, more detailed re-consideration, with a capacity range of between 2,967 and 3,593 (See details of these in our Appended report Capacity Assessment of Oxford City, Table A1). There are also 2 other rejected HELAA sites of interest, one where a more innovative approach could unlock a land swap for an area of allotments into the adjacent Green Belt and the other where there was an underused piece of low grade land with development surrounding it. There are also 3 other rejected HELAA sites of interest, one where a more innovative approach could unlock a land swap for an area of allotments into the adjacent Green Belt (HELAA site reference 333 - Watlington Road); one where the site description does not appear to match the supplied site boundary (site 258 - New University Club Sports Ground); and the third where while it represents in our view a potential candidate for Green Belt release (site 114a - Land at Marston Brook (Northern Part)) we understand this is within the ownership of the Oxford Preservation Trust explicitly for the reason of preventing future development.

Residential Use not Tested:

There are numerous examples of sites included in the HELAA where the potential for development for residential use has not been assessed. These sites are typically existing employment land in Category 1 or 2, health or education facilities. Given the emerging Local Plan policy basis that identifies housing delivery as a priority of the Plan and also specifically allows for residential development of employment land in principle (see draft Policy E1) it is evident that the potential of these sites for housing should be appraised through the HELAA and conclusions drawn accordingly. This is important in the context of claiming high housing needs, constrained land supply and given the Local Plan's plan period to 2040. Our Appended report Capacity Assessment of Oxford City provides some examples).

Overly Cautious HELAA Appraisal:

A significant site at Southfield Golf Course (HELAA sites 132 and 292) is an example of a cautious approach where there may be potential for intervention and which with focus and greater initiative, including use of a potential land swap, could be brought forward in whole or part for residential development. The combined area of the Southfield Golf Course is 50.45 Ha with a NDA of some 33 Ha, making it one of the largest areas of urbanised land use within Oxford; an area surrounded by existing residential and other commercial land use activities and

well positioned with respect to access to existing services and facilities. The HELAA assessed and concluded Rejection of the Southfield Golf Course sites as neither suitable nor available. There appears to be no recent assessment of demand or need for golf course facilities underpinning the consideration of this site. Oxford's draft Playing Pitch Strategy 2022-2036 (noted to remain in draft at the time of writing) which is the latest available analysis of outdoor sports and recreation facilities makes no mention or analysis of the provision or need for golf courses or facilities. If residential use were brought forward on the site, Site 293 could contribute around 1,640 dwellings based on a 50 dph assumption, and 1,968 dwellings at 60 dph.

Estate Regeneration Opportunities:

There are some rejected HELAA sites (and also a number of sites not assessed at all in the HELAA process) where it could be possible to drive an intensification of residential use through a planned and more efficient re-use of land via estate regeneration and intensification programmes. The HELAA analysis has tended to Reject these sites as they are considered individually or on a piecemeal rather than collective, systematic basis. We also saw evidence of similar estates that were not assessed within the HELAA.

Unassessed Sites:

12 possible sites, that in our view, should have been assessed and have factors which may lead to them being accepted as suitable for residential use. We have also identified a further eight sites which fall under our previous category of Estate Regeneration opportunities and Opportunities for Intensification, please see our Appendix 1 Capacity Assessment of Oxford City, Appendix A2).

Employment Land Sites:

To offer a very broad indication of possible housing capacity arising from release of Category 3 employment land, we could make some cautious assumptions. If therefore we assume that 30 of the 94 total number of Category 3 sites become available for re-development during the plan period and that each site is 0.25 Ha (the minimum size for inclusion in the HELAA analysis or for site allocation in the Local Plan) this would offer a gross total of 7.5 Ha of land for re-development and a NDA total of 5.6 Ha of land. Assuming a suburban density of 50 dph, this would result in a possible 281 additional dwellings capacity on the presumed Net Developable Area of Category 3 employment land.

Sites Accepted as Suitable for Housing but not Allocated:

52 sites in the HELAA were Accepted overall as suitable, available and achievable for housing development but not subsequently allocated in the Local Plan. 33 of these sites (63% of the total) were noted as either having been built out or were under construction and therefore did not require allocation in the Plan itself. A total of 14 sites were assessed as not being likely to provide at least ten dwellings. 5 of these 14 sites, all in City or District Centres, have a housing capacity greater than ten dwellings that may well be possible, and these are set out in our Appendix 1

(Capacity Assessment of Oxford City, Table 3.3). In addition, we highlight in our report some further sites where an inconsistent approach appears to have been taken in the HELAA.

The analysis in the Chilmark report we attach at Appendix 1 indicates there could have been an additional indicative capacity of Oxford of between 5,807 and 9,014 dwellings more than your work has found.

These critiques of the HELAA points to numerous issues of Consistency with National Policy, and by restricting capacity this means that cross boundary matters are not dealt with and unmet housing need are inflated, meaning it is not Positively Prepared or Effective.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

HELAA process and subsequent capacity and site identification has failed the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 2.7
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 2.7. The HENA has not been prepared having regard to the Duty to Co-operate and reliance on the HENA as part of the evidence base for the Local Plan means that the Local Plan's preparation does not satisfy the Duty to Co-operate.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy H1
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	✓
(c) effective?	
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See the representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy H1.

Policy H1 (Housing Requirement) identifies a total housing need derived from the HENA study of 1,322 dwellings per annum (dpa) or 26,440 dwellings in total over the period 2020-2040. Policy H1 confirms the total planned provision of housing land (comprising both site allocations, completions from 2020/21-2022/23 and a windfall site development allowance) for 481 dpa or 9,612 dwellings over the period 2020-2040.

The housing need identified by the HENA is not Positively Prepared, not Justified, not Consistent with National Policy and it fails the Duty to Cooperate.

We have an appended document Appendix 2 - Independent Review of the Oxfordshire Housing and Economic Needs Assessment prepared for Cherwell District and Oxford City Councils. This report raises in detail what the fundamental soundness and duty to Co-operate concerns are with the HENA, but in summary its conclusions are:

1. The Government's standard method calculation sets out the minimum local housing need for every local authority area, unless there are exceptional circumstances that can be demonstrated which justify an alternative approach and a different number;
2. The HENA 2022 includes an employment scenario, which shows a much lower level of growth than previous projections for Oxfordshire. However, this HENA 2022 concludes a notably higher level of housing need. This is primarily due to the use of extremely implausible assumptions around economic activity rates which assume a large drop in economic activity in Oxfordshire at the same time as job numbers are growing strongly.
3. A further issue with the HENA 2022 employment-led model of housing need is that it adopts a policy-on approach to commuting, and a policy-on approach to apportioning need between the local authority areas. In practice, the level of housing need generated in Oxford City from the modelling will inevitably be lower than the Government's standard method figure of 784 dpa without the policy on apportioning of need.
4. The approach adopted in the HENA 2022 to the standard method through calculating a 'Census adjusted' figure is unusual and unjustified. The standard method calculation uses prescriptive inputs which provide a fixed number for housing need, and these do not need to be changed. An alternative method should only be used where there is evidence that exceptional circumstances apply in the local authority area. No exceptional circumstances have been demonstrated for Oxford City or Cherwell District, or any of the other Oxfordshire local authority areas.
5. Unlike the Oxfordshire Strategic Housing Market Assessment 2014, at this stage it does not appear that affordable housing need is being used by Oxford City Council as a justification for higher overall housing numbers in Oxfordshire, but of course this may change over time.
6. For households who cannot afford market housing, the HENA 2022 identifies a net need for 2,767 affordable homes per year. This figure is unrealistically high given the failure to recognise that household circumstances can improve. The correct figure is more likely to be in the range 1,000-1,150 affordable homes per year. For households aspiring to own, the HENA 2022 concludes that there is an overall need for 1,120 dpa for households who can afford to rent but who aspire to own. The figures appear to include a range of very large over/double counts and the correct figure should probably be below 500 dpa for the whole of Oxfordshire.
7. Overall, the standard method calculation identifies the Local Housing Need mandated by Government for every local authority area. Based upon the demographic and employment data for Oxford City and Cherwell (and the rest of Oxfordshire) the HENA 2022 does not provide any justification for using an alternative approach or different housing need figure anywhere in Oxfordshire.
8. The local housing need of 4,405 dpa for Oxfordshire that forms the basis for the Oxford City preferred figure is primarily driven by economic activity rates which are

entirely implausible and would appear to simply be a mistake. Correcting that one mistake brings the figures in line with the standard method (762 dpa) and it is that figure that should be used to inform the Oxford Local Plan 2040 and any discussion of unmet need.

There is a significant gap between the total housing need for Oxford and the planned provision set out in draft Policy H1 of the Local Plan (amounting to some 16,828 dwellings or 841.4 dpa).

The Local Plan indicates that Oxford City Council wants (see paragraphs including 2.3 and 8.7) the unmet need to be met by additional housing provision within the surrounding Oxfordshire local authorities in an Oxfordshire strategic housing market area. The total supply proposed represents some 36% of the total identified need, with the remainder they say to be considered as unmet housing need. This is not Positively Prepared because Oxford has set itself up to fail to meet a chosen high level of need, the plan then carries forward the concept of having a capacity led approach to the housing requirement, and then it does not meet those needs. It is also not Positively Prepared because it is not informed by agreements from the authorities this impacts upon. This also fails the Duty to Cooperate.

It's left to the reader to calculate the level of housing delivery anticipated in each five-year period and evidently the overall total does not come anywhere near meeting the identified housing need for Oxford set out in the HENA and Policy H1 of the Local Plan. This approach is not Effective because it isn't demonstrated that Policy H1 is deliverable. There is a lack of analysis of the effects of this in the HELAA (or the Local Plan itself) in terms of the implications for delivery rates and completions anticipated over time, but plainly the HELAA's conclusions on timescales points towards a back-loaded housing trajectory. For the same reason, this is not Consistent with National Policy, specifically the NPPF paragraph 68 "Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of: a) specific, deliverable sites for years one to five of the plan period; and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan". This is missing from this Local Plan despite being required by the NPPF.

Policy H1 states that housing capacity has been maximised through (a) site allocations, (b) promoting efficient use of land and development including the highest appropriate densities and building heights; and allowing (c) "an element of housing on all employment sites if suitable". Setting aside the total planned requirement in Oxford itself, which is significantly below the purported overall future housing need identified in the HENA study, elements (a) and (b) of the policy are simply statements rather than policy requirements or objectives that actually support the delivery of housing supply. Turning to element (c) of the policy, this is a further statement that housing could be appropriate on defined employment sites (presumably the Category 1-3 sites outlined in Policy E1). It is however a relatively limited expression of support for residential development of

employment land referring only to "an element" of housing rather than supporting the re-use or active intensification of employment land for housing purposes, especially in the context of the plan's stated aim to make housing provision the priority. The housing capacity of the city has not been maximised, another reason why this is not Positively Prepared.

Lastly Policy H1 is not Consistent with National Policy, specifically paragraph 154 of the NPPF which states "New development should be planned for in ways that...b) can help to reduce greenhouse gas emissions, such as through its location". The policy plans to export a huge proportion of housing need as unmet housing need, without sufficient reflection on the impact of these decisions on climate change.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy H8
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy H8.

In Policy H8, permission for conversions to, or the creation of, new Houses in Multiple Occupation are limited to specific circumstances and subject to various criteria that restrict the clustering of such uses and ensures compliance with practice guidance on the quality of amenities and facilities for resident occupiers.

The draft policy is not unusual for local authorities where there is strong demand for housing and high unaffordability for purchase or rental as well as competition for housing from students, transient employees and similar households.

HMO's provide an important source of housing supply in Oxford as the Plan identifies at paragraph 2.38, with circa 20% of the total population living in an HMO. When actively licenced and properly managed, HMO's offer a valuable source of often higher density, lower cost, housing supply (measured by households accommodated) and are valuable in supporting the provision of accommodation for key employers in the City.

In terms of future housing supply and opportunities to accommodate future households, restrictions set out in the draft policy H8 as to the extent to which new HMO's can be created in particular areas to avoid over-concentrations, may serve to dampen the ability of small and larger (sui generis) HMO's to be created to help meet housing needs.

The policy may stifle capacity in the city which means that the policy is not Positively Prepared. It may reduce the ability of the City to meet its housing need. For the same reason, this could over-inflate unmet need which means that the policy is not Effective, and this means that a Duty to Cooperate unresolved issue remains.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Failed the Duty to Cooperate and unable to be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 3.6
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Do you consider that the document is:	
(a) legally compliant?	Yes
(b) is sound?	No
(c) complies with the duty to cooperate?	Yes

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	
(b) justified?	✓
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

The introductory section to Chapter 3 includes 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."

This statement reflects a mindset that underpins the employment strategy. Whilst clearly Oxford as the county town of Oxfordshire has a critical role in providing jobs, the plan reflects a closed-off mindset to the benefits and inter-relationships with the wider Oxfordshire economy.

This is not Justified, because Oxford do not know that it is the 'most sustainable' location for all types of employment. To try and force the City function in that way with the constraints the City has is frankly impossible to achieve, nor is there any published justification for how this could be an appropriate strategy, also without any proportionate evidence. How can the City Council disregard other reasonable options, without a wider strategy in place, and then claim that any other alternative (for any employment type) is simply a scattered less sustainable location?

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy E1
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	
(b) justified?	✓
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy E1.

Policy E1 establishes the Plan's approach to the protection, growth and alternative future use of identified employment land.

Paragraphs 3.10-3.12 explain that there is a three-category definition of employment sites in Oxford: those that support national and regional knowledge economy sectors or are significant employers (Category 1), locally important services sites (Category 2) and smaller, poorly located sites that do not perform an important economic function or are unlikely to be able to in the future (Category 3).

The Local Plan does not propose to allocate new employment sites but supports the intensification and modernisation of existing sites (especially Category 1 and Category 2) to meet employment floorspace needs to 2040.

Paragraph 3.8 of the employment strategy notes that "Oxford's employment land needs over the plan period have been calculated by Lichfields in the Oxford Employment Land Needs (ELNA) Assessment as 269,000 - 348,000m²". But the ELNA doesn't calculate this need figure. The ELNA need level is different, whereas

this published range noted in the plan is from the Housing and Employment Needs Assessment (HENA). We understand that the intention is for the HENA need figure to supersede the ELNA figure, but the Plan doesn't reflect this. Readers also need to go to a Background paper (BGP6a) to understand the related supply position. There is a clear disconnect between evidence and background papers and the local plan content, which isn't correctly displaying the need and supply information, sending readers on a document search. This is not Justified as the plan itself does not set out Oxford's employment strategy.

Paragraph 3.15 states "The Local Plan's employment strategy is supportive of the loss of poorly performing category 3 employment sites for housing. The Plan's employment strategy also allows for the delivery of an element of housing on the city's employment sites where this would not prejudice the site's present or future continued use as an employment site and would result in well-located, and well-designed homes being provided, which link well with existing communities." This approach mostly reflects the previously adopted policy in Oxford. There is an issue with how deliverable and effective this approach is, because it is hailed as a flexible policy, but we have previously noted in earlier Background Papers from Oxford that the yield of homes delivered to date was meagre (5 units). Maintaining this approach and wording does not provide enough flexibility to make this policy effective enough to respond to changes in market conditions.

There is also a question as to the realistic potential for Category 1 and Category 2 sites to be re-used or re-developed even in part, for residential purposes. The draft Policy E1 indicates support for this, but sets restrictive criteria for re-development or change on these sites requiring continued operation (in the case of Category 1 employment sites) and no net loss in existing jobs (for both Category 1 and Category 2 sites).

Policy E1 includes a section about residential development on employment sites, that states "Proposals for residential development on any category of employment sites will be assessed by a balanced judgement which will consider the following objectives (in addition to the considerations regarding loss of floorspace or jobs outlined above, which still apply)" and then it lists criteria. This approach treats all Categories in the same way, and it is also inconsistent with the rest of the plan's intentions to provide more flexibility for Category 3 sites.

The draft policy has a supposed permissive approach to allow an element of residential development on employment sites where this would not prejudice the employment or operational use of the site. There is a question (as evidenced in our report on the capacity of Oxford city) as to the realistic potential for Category 1 and Category 2 sites to be re-used or re-developed even in part, for residential purposes. Draft Policy E1 indicates support for this, but sets restrictive criteria for re-development or change on these sites requiring continued operation (in the case of Category 1 employment sites) and no net loss in existing jobs (for both Category 1 and Category 2 sites). While the draft policy appears permissive for the re-development of existing employment sites for residential use, there is little further proactive support in the Plan to deliver on this, as there is no identified list of Category 3 employment sites published and no evidence that an employment land release strategy or study has been undertaken to support the release of such

land. Put simply, release of employment land for residential is left to the market to deliver.

There is also no clear evidence as to the realistic capacity for residential development within the Category 1 and Category 2 employment sites assessed and in many cases such sites are rejected for residential development through the HELAA analysis on the basis of landowner intentions and therefore lack of availability. Category 1 and 2 employment sites are referenced as a policy constraint in the HELAA, despite Policy E1 indicating a possibility of re-development / intensification to include residential use in the future. This inconsistency between the Policy and the HELAA should be addressed. The HELAA states that all employment sites with the potential to deliver housing have been included in the assessment, but there is no publicly available evidence that the Category 3 sites have been assessed (the Interim ELNA assesses Category 1 and Category 2 employment land). There is no clear evidence that a systematic analysis of the constraints (and mechanisms to overcome these) have been considered for sites that are, or have previously then rejected from the HELAA.

The weakness of Policy E1 that we have set out all display a lack of Effectiveness. This exacerbates unmet need and means that ignores concerns we have about not dealing with cross boundary matters.

Policy E1 is also not Consistent with National Policy, specifically paragraph 123 of the September 2023 NPPF which states "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand." Oxford is clearly an area of high housing demand, and the plans' strategy outlines a desire to take the positive approach advocated by national policy, but our submissions show that the policy has not gone far enough.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

The policy needed to clearly display employment need evidence sources and figures, and explain the supply position in the plan, so that the employment strategy of the plan could be clearly understood and Justified.

To be Effective in delivering additional housing capacity and supply, the policy should have been supported by more detailed analysis and evidence of the potential scale and nature of Category 3 employment sites and backed by the positive identification of where such sites can be brought forward in order to stimulate change including raising landowner awareness to the potential for

residential use in future. Release of Category 3 employment land (as Policy E1 allows) should have played an important contributing role in overall housing supply. The Plan should have included further specific mechanisms to prioritise and achieve release over the plan period, and this would have helped to avoid a Duty to Cooperate failure.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy E3
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Do you consider that the document is:	
(a) legally compliant?	Yes
(b) is sound?	No
(c) complies with the duty to cooperate?	Yes

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	
(b) justified?	✓
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.
Policy E3 sets out the commercial sites that are expected to deliver affordable workspace as part of their masterplans. It lists 'Kassam Stadium and Ozone Leisure Park'. This conflicts with the Policy for this site (Policy SPS2) which promotes Kassam Stadium redevelopment for residential use, with commercial being only applicable for the Ozone Leisure Park. The stadium is therefore not applicable for delivery of affordable workspace, making this policy not Justified because it is not an appropriate strategy for is not consistent with the evidence.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?
Change "Kassam Stadium and Ozone Leisure Park" to "Ozone Leisure Park"

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy G1 and Paragraph 4.9
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	
(b) justified?	✓
(c) effective?	
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to para 4.9 and Policy G1.

Paragraph 4.9 of the Local Plan references the need for any applicants for land that is open space for outdoor sport including pitches, to refer to the Council's latest Playing Pitch Study.

The NPPF (September 2023) states at paragraph 98 that "Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate." Such assessment covering the plan period is missing, meaning this policy and decisions made in the HELAA are made without a proportionate evidence base, meaning the plan is not Consistent with National Policy.

The plan is not Justified, because it does not have a robust and up to date evidence base, in the form of an assessment of pitches covering the plan period. This is critically important in Oxford's circumstances, because such evidence

would inform this chapter and other decisions made relating to site suitability and the HELAA, as well as why some allocations were made and some were not.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

The Plan doesn't have the necessary evidence base covering this plan period to inform coherent decision making. This has significant impacts on the robustness of the housing capacity of the City and generates more unmet need. We have raised this issue, but with no remediation the Plan therefore does not meet the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 4.43
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 4.43.

Paragraph 4.43 mentions the Oxford Flood Alleviation Scheme (OFAS) as being a partnership project led by the Environment Agency which will reduce flood risk from the River Thames to existing businesses, residential properties, major roads and the railway development particularly at risk from flooding in the Botley and Abingdon Roads area.

The Oxford Flood Alleviation Scheme is subject to determination of a planning and Compulsory Purchase Order inquiry commencing on 14th November 2023. The overall aim of the OFAS is to reduce the flood risk to homes and businesses to the west and south of the city of Oxford. It will also provide greater flood protection for key local infrastructure, principally the Botley Road, Abingdon Road and main railway line which runs through Oxford. It will also improve the resilience of key utility services in the city including the sewer network and electricity supply and make them less vulnerable to disruption in future floods.

The scheme involves the construction of a new river channel, between the A34 to the west and the railway to the east, to the west of Oxford city centre. The channel

will extend for a length of approximately 5km, south-easterly from the confluence of the Botley and Seacourt Streams lying approximately 0.6km north of Botley Road, to just south of Kennington.

It is understood that the OFASs overall purpose is to reduce flood risk to the benefit of existing properties and infrastructure in the City rather than open up areas for new housing development. Therefore the proposed construction of the OFAS is not used within the HELAA as the basis to bring potential land into scope as suitable housing sites.

Given the benefit in reducing fluvial flood risk that the implementation of the OFAS works would provide during the Local Plan: 2040 period it is questioned as to whether a more positive approach could be taken to unlocking potential future development land from Flood Zone 3 areas where the flood risk modelling including the effects of the OFAS defence works would ultimately reduce the flood risk of those areas.

The plan is not Positively prepared because the approach to the OFAS and future capacity has contributed to the City failing to seek to meet the areas objectively assessed needs. Similarly it is not Effective because this approach ramps up unmet housing need and this is not based on effective joint working on cross-boundary strategic matters.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified. An alternative approach to the impact of the OFAS works on flood risk for future development could have realistically be considered (and evaluated) as the improved protection of land in the south and west of Oxford from flooding is the objective of the scheme and this needs to be evaluated in the context of the future housing needs of the City. This could have helped avoid a failure of the Duty to Cooperate.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy HD8
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy HD8.

Policy HD8 promotes the efficient use of land appropriate for its context and surroundings. This is stated at paragraph 6.33 of the plan to be because using scarce resources efficiently is vital to ensuring Oxford's sustainable growth and development; and there is capacity to increase density in some parts of the city.

In more detail, the draft policy highlights that sites in the city centre, district centres and at mobility hubs will be capable of accommodating increased scales and densities of development, and that this is also encouraged in all other appropriate locations when impacts are acceptable. High density residential development is stated by the policy to be indicatively 100 dph and is expected in highly accessible locations of the city and district centres within the context of the heritage of those locations.

Although not stated in the policy, the supporting text at paragraph 6.33 also identifies that there is capacity to increase density in other more suburban areas and along main arterial roads.

The indicative residential density of 100 dph for city and district centres is not explained in the policy or elsewhere in the supporting justification text. Although 100 dph is a relatively medium / high density, and would usually be reflective of flatted apartment housing there is clearly scope for much more significant densities of residential development where flatted accommodation could be created at densities well above 100 dph. Achieved densities in excess of 200 dph are not unusual in many urban centres and sustainable, well-connected locations now, especially where these are also supported by reduced private vehicle parking requirements (as the Local Plan: 2040 proposes in Policy C8) and there is a positive and innovative approach to the provision of green amenity space and access to local facilities.

The basis for indicating 100 dph in the draft policy should be fully evidenced and the Council could seek to increase this to maximise housing capacity from city, district centre and high accessibility locations. Without this, the policy is not Positively Prepared because it doesn't seek to meet the area's objectively assessed needs. The policy is also not Effective, because it has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter.

Securing and optimising higher densities of residential development accords with the objectives for making effective use of land set out in Section 11 of the NPPF. Indeed, NPPF paragraph 120 (c) identifies the substantial weight and value of using suitable brownfield land within settlements for homes and other needs; and NPPF 120 (d) in promoting the development of under-utilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained. It is our view that this hasn't happened in Oxford.

NPPF paragraphs 124 and 125 support the efficient use of land including policies for minimum density standards for city and town centres and other locations that are well served by public transport. Importantly, the NPPF expects at paragraph 125: "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site". The same paragraph continues at 125 (a) seeking a significant uplift in the average density of residential development within these areas. The use of density standards is also supported for other locations so that there is a range of densities that reflect accessibility and the potential of different areas rather than one broad range.

It is therefore evident, in our view, that the NPPF is supportive of establishing and raising minimum net residential density standards and that these are aligned with accessibility to key services.

The density typology approach has been applied to Oxford HELAA sites without an existing allocation or planning permission. Four typologies are stated to have been used which are the same densities (based applied on earlier HELAA work in 2016 and 2019):

District Centre: 100-120 dwellings per hectare (dph);

Gateway Site: 60-70 dph;

Suburban Site: 50-60 dph;
Conservation Area: 35-55 dph.

The density bands represent a significant range from 35-120 dph but the density assumptions for Gateway sites appear relatively low given the prominent character and intensity of land use at such pivotal locations. The density assumptions for Gateway sites could be increased to support a significant uplift in the average density as envisaged by NPPF paragraph 125.

There is also a question as to whether a lower density range is appropriate in all situations across the City's Conservation Areas especially where higher density residential development may form part of the heritage characteristics that such areas seek to protect. Wider research tends to indicate that there is not a clear point at which increased housing density is unacceptable; but rather acceptability of higher densities is based on personal and cultural perceptions as well as on good design leading to successful places to live planned from the outset.

Overall, higher density assumptions could have been used to reflect the NPPF's objectives and ambitions for effective use of land and sites and drive towards more efficient use of land in Oxford.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Although the City Council cannot rectify the engagement matters, the policy could have addressed this failure in the following ways:

1. It could have stated that there is capacity to increase density in other more suburban areas and along main arterial roads, not in the supporting text;
2. Increased the density assumptions for Gateway sites;
3. A lower density range being used in all conservation areas shouldn't be a blanket option.
4. It could also have explained how the density ranges are evidenced, especially in the context of parking changes..

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy HD9
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy HD9.

Policy HD9 serves to protect the special significance of the historic Oxford skyline from within and outside the city. Development above prevailing heights and which could impact on the character of the area are expected to be fully justified.

The draft policy defines a 1,200m radius of Carfax Town as the Historic Core Area within which all the buildings that the comprise the historic skyline are situated. Development above 18.2m (60 ft) height or ordnance datum (height above sea level) of 79.3m (260 ft) is to be limited in bulk and subject to the highest design quality. Extensive evidence is required under the policy therefore for buildings of +15m height in areas the High Buildings Technical Advice Note identifies.

View Cones are defined in the Policies Map to understand and protect the skyline views to and from the city. Development in a View Cone or the setting of a View Cone is restricted if it would harm the special significance of the view.

The effect of the policy (which is long standing) is to restrict the bulk and height of new development in many locations across the city and particularly within the defined View Cones and the Historic Core Area.

The impact from a housing supply and capacity perspective is that height and bulk limitations in these sensitive areas restrict the density of residential development that can realistically be achieved and in some instances could serve to push against the opportunities to increase residential development density proposed in draft Policy HD8 (see further soundness representation on Policy HD8).

The policy is not Positively Prepared because it doesn't seek to meet the area's objectively assessed needs. The policy is also not Effective, because it has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified. Some flexibility to Policy HD9 to allow for skyline changes, particularly to facilitate a well-designed more densely planned development for residential uses would have helped to avoid this issue contributing to the failure.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy C2
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy C2.

The densification and growth of the defined district centres and the city centre is supported through draft Policy C2. It states that high density development is generally expected in the city and district centres and references back to Policy HD8 (subject to a separate representation).

The draft policy specifically supports housing capacity through intensification of development to create a high density centre and more efficient use of land; provide for more residential development including through the use of upper floors of existing commercial properties; and rationalise the availability of public car parking.

The implementation of this policy is generally positive as it affirms the development of greater density and intensity of use including for residential dwellings in the city and district centres, but when read together with the policies related to protecting heritage this could, without proactive intervention and positive planning, lead to 'under-playing' the city and district centres' growth potential.

In plain terms, the city and district centres need to be subject to specific studies and strategies / action plans that actively identify and support regeneration and re-use of sites and establish more specific programmes for growth including for residential development.

The policy as drafted provides a broadly positive basis but there is need for more proactive intervention to bring sites and properties forward as the policy envisages.

The policy is not Positively Prepared because it doesn't proactively seek to meet the area's objectively assessed needs. The policy is also not Effective, because it has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified, but planned interventions when scoping this Plan would have avoided the failure.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy C8
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy C8.

Paragraph 7.47 of the plan advises that the objective of parking design policies and standards is, alongside the range of measures to reduce the need to travel and to encourage active travel modes, seeking to reduce the opportunities for parking across the city.

Paragraph 7.50 describes that the level of car ownership is expected to decline in future with the emergence of car clubs and new technologies as well as improved public transport, walking and cycling.

Paragraph 7.51 points towards opportunities to deliver successful low car housing development in Oxford because of the coverage of Controlled Parking Zones (CPZ) and the availability of good quality walking and cycling routes and facilities and reliable public transport.

For new residential schemes of 100+ dwellings the plan indicates that it may not be appropriate to provide one parking space for each dwelling unit.

According to paragraph 7.55, HMO developments would be excluded from obtaining CPZ permits and therefore limit the need for additional parking provision for the HMO which could otherwise be higher than for a single household occupied property.

With respect to public parking the plan recognises the need for some on and off-street parking to meet requirement of those using city and district / local centres for business and leisure. The plan does not support growth in either on-street or off-street public parking provision.

Although it is not stated in the plan, the restrictions on public parking provision, together with other private vehicle access restrictions, could provide the opportunity to re-assess the need for and scale of public parking available with the possibility of re-development of public car parking facilities for other uses (or combined with other uses), including residential development above car parking facilities. This would help make more efficient use of land in the city and be another contributor to housing land supply.

Draft Policy C8 therefore provides the basis for a strong positive approach to re-organisation of provision for private vehicles in Oxford with a clear direction towards restriction of parking provision over the plan period. A key benefit of this would be a reduction in the amount of land and space needed to accommodate private vehicles overall and the potential to release such land for residential or other development.

As written, the policy and approach taken in the plan is not Positively Prepared because it doesn't seek to meet the area's objectively assessed needs. The policy is also not Effective, because it has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified. But some reflective changes to the approach to seek to deliver housing need in Oxford uses would have helped to avoid the failure.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 8.2
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 8.2.

Paragraph 8.2 sets out some context about the development site allocation policies, including explaining that the development site allocation policies have been informed by what is claimed to be a thorough process, building upon urban design appraisals that were carried out for each site.

The paragraph then says "To ensure that the minimum densities housing numbers are as robust as possible the policy team undertook detailed urban design assessments to ensure that the constraints within the site allocation are fully considered and the appropriate calculation of minimum housing numbers is included in the policy".

A Background Paper 'Site Densities and Capacities' is referred to at paragraph 2.2.4 of the HELAA, but this does not appear to have been published with the Pre-Submission Draft Local Plan: 2040 unless the reference meant to be to Background Paper 15a 'Site Assessment Process (Urban Design and Assessment of Housing Capacity)'.

It has subsequently been confirmed to us by the City Council that the 'urban design capacity assessments' for individual sites are not publicly available and were prepared for internal use only. It was confirmed that they would not be provide to SODC and VOWHDC either. It is not possible therefore to examine those assessments or the approach taken in each case in any detail.

The plan is not Positively Prepared because we are unable to scrutinise the capacity of allocated sites that seek to meet the area's objectively assessed needs. The plan is also not Effective, because we cannot scrutinise capacity and we are concerned that this has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter. The assessments were not published or shared and in this regard the matter fails the Duty to Cooperate

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 8.7
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See the representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 8.7.

Paragraphs 8.6 to 8.8 sets out how Oxford City Council wants any supposed unmet need to be dealt with.

Of interest, paragraph 8.7 claims "During the Plan's preparation work has continued with neighbouring districts whereby discussions were held about how to accommodate the additional unmet need beyond that already agreed to 2036." The names of those neighbouring Districts aren't specified, but to be clear South and Vale have attended relevant sessions of the Oxfordshire Planning Policy Officer meetings and have expressed at those meetings that the fundamental issues with Oxford's HENA and HELAA are unresolved, and as we disagree about the need for additional unmet need, this prevents us all from being able to move on to discuss how any apportionment, if any exists, could be distributed, or how Oxford can best accommodate a realistic level of need.

This is not Effective as it Oxford have not dealt with the cross-boundary matter which remains unresolved, nor has the Duty to Cooperate been complied with.

The paragraph then states "In several instances the sites identified in Figure 8.2 above are already indicating a greater capacity than previously estimated, so it may be that the additional unmet need to 2040 can be met this way". This is over-reaching. The last round of Local Plans around Oxford have all contributed to meeting Oxford unmet need in various different ways. It is not clear how Oxford can pre-empt the next round of plan-making for its neighbours to demand more capacity on some sites/areas to come forward. This is especially troubling because surrounding plans may not have explicitly expressed in their adopted local plans that any headroom capacity would be planned to offset Oxford housing need again. The headroom in allocated sites or areas may be required to meet their own needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPS2
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPS2.

Policy SPS2 is the allocation policy for Kassam Stadium and Ozone Leisure Park. The policy says that the minimum number of homes to be delivered is 275.

Subject to a stadium relocation (it is understood that negotiations remain ongoing between Oxfordshire County Council and Oxford United Football Club (OUFC) that could facilitate a relocation to council-owned land elsewhere), it is considered highly likely that an increased density (70+ dph) could be adopted.

This reflects its proximity to the Grenoble Road strategic allocation to the south, the size of the brownfield site, the scope for an element of height (potentially in a small part of the site), and the likely future change in the character of the area, so it isn't based on effective cross-boundary working on this strategic matter.

Given the proposed allocation of the Kassam Stadium in Policy SPS2, it appears to be a clear omission to not evaluate the longer-term viability of the adjacent hotel and in particular whether the northern part of the site (shown in Figure 3.7 in our Appendix - Capacity Assessment of Oxford City) which is surface car parking,

could be potentially re-used for development if / when the stadium is relocated. The hard standing car park is approx. 0.20 Ha and with the land around it totals around 0.37 Ha. This could be subject to higher density development if linked to a more ambitious overall development package for the Stadium area. At suburban density rates the parking area could represent a yield of around 16-19 dwellings at 50-60 dph and around 32 dwellings at 100 dph. A larger, taller apartment-led residential scheme could achieve even higher densities.

The Policy is not Positively Prepared because it fails to seek to meet housing need by maximising the efficiency of land and to look at residential development opportunities linked to the loss of the stadium.

The Policy is not Effective because the affect of not maxmising the efficiency of the site is to ramp-up the level of unmet need, at the expense of dealing with this strategic matter.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be remedied.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPS3
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPS3.

Policy SPS3 Overflow Car Park at Kassam Stadium site

The overflow car park site (2.29 Ha) to the north west of the stadium site is allocated for a minimum of 77 homes and identified at a suburban density of 50 - 60 dph which appears low.

Given the nature of adjoining residential and commercial uses, and the comments relevant to the Kassam Stadium site, it is considered a higher density (70+) comparable to that outlined for Policy SPS2 could possibly be adopted by OCC to better reflect the characteristics of surrounding uses and future changes in the area.

Lower capacities inflates unmet housing need, failing to deal with a key cross-boundary strategic matter. This makes this Policy not Positively Prepared or Effective and one of the reasons the Plan fails the Duty to Cooperate.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the Duty to Cooperate and cannot be remedied

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPS9
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPS9.

SPS9 Blackbird Leys Central Area

The minimum number of homes to be delivered is 200 (net gain). The output of the masterplan should be expected to identify additional capacity. The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPS12
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPS12.

SPS12 Templars Square

The minimum number of homes to be delivered is 350 (net gain). The output of the masterplan should be expected to identify additional capacity. The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE4
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE4.

SPE4 Oxford Brookes University Marston Road Campus

The site is identified for residential led mixed uses. No residential capacity is identified.

It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this sites during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself.

The lack of capacity on such sites means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE6
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE6.

SPE6 Churchill Hospital

The site will be permitted to develop employer-linked affordable housing. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE7
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE7.

SPE7 Nuffield Orthopaedic Centre

The site will be permitted to include extra care accommodation and residential development, including employer-linked affordable housing. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE8
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE8.

SPE8 Warneford Hospital

The site will be permitted to include extra care accommodation and residential development, including employer-linked affordable housing and student accommodation. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE13
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE13.

SPE13 Manzil Way Resource Centre

The site will be permitted to include residential development, including employer-linked affordable housing. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE14
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE14.

SPE14 Slade House

The site will be permitted to include residential development, including employer-linked affordable housing. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE17
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE17.

Policy SPE17 Jesus and Lincoln College Sports Grounds

The two adjoining open air sports facilities sports (serving Lincoln College and Jesus College) total 5.42ha and are identified at Policy SPE17 for a minimum of 52 homes (including graduate accommodation).

The policy outlines that the homes may come forward as a minimum of 26 dwellings on each land parcel in the ownerships of Jesus College and Lincoln College. No density assumption is provided in the supporting justification to the policy although the overall capacity is related to the potential for re-provision of sports facilities (including scope for off-site provision).

It is noted that the two sites were identified in the Local Plan 2036 albeit under two separate allocations (Policy SP40 Jesus College and Policy SP43 Lincoln College respectively), which cumulatively identified a higher minimum housing capacity of 118 units, split between 28 units (minimum) at Jesus College and 90 unit (minimum) at Lincoln College. This difference in minimum capacity between the

Local Plan and Local Plan 2040 may reflect a change in intentions towards on-site sports facility provision but equally highlights the likely opportunity for higher housing capacity which exists if a proactive approach towards playing and sports facility provision is adopted.

If the previous capacity were adopted for these two sites, an uplift of 66 dwellings could be delivered at site allocation SPE17.

Lower capacities inflates unmet housing need, failing to deal with a key cross-boundary strategic matter. This makes this Policy not Positively Prepared or Effective and one of the reasons the Plan fails the Duty to Cooperate.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPCW4
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPCW4.

Policy SPCW4 Canalside Land, Jericho

Planning permission will be granted for a mixed-use development including residential dwellings. The policy identifies no residential capacity for this site. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPCW6
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPCW6.

SPCW6 Nuffield Sites (Island / Worcester St Car Park / South of Frideswide Square)

The minimum number of homes to be delivered is 59. The output of the masterplan should be expected to identify additional capacity. The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Sustainability Appraisal - Table 1.4 i
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to the Sustainability Appraisal.

Table 1.4 of the Sustainability Appraisal is a summary of the Local Plan's overall impacts.

Worryingly, prior to the planned repeal of the Duty to Cooperate and its replacement with the yet unseen 'alignment test', Oxford's Regulation 19 Local Plan and SA has been produced with this noted as it's context (taken from Table 1.6, page 11): "As a result of a memorandum of cooperation of 2016, the other Oxfordshire authorities' current local plan's are providing for about 15,000 homes to deal with Oxford's unmet housing needs. However, Since the Oxfordshire Plan 2050 was shelved and with the Duty to Cooperate no longer being required, the other Oxfordshire authorities may be less likely in the future to provide for Oxford's outstanding housing need."

Clearly the Duty to Cooperate test has been failed by Oxford for many reasons as outlined in a number of our representations. But this is not surprising if the City Council has denied that it exists and is content to say as much.

At the previous Regulation 18 Housing Need Consultation, we raised serious concerns about the development of the Oxford Local Plan and the evidence that Oxford relies upon. We also clearly set out that we thought that they were failing the Duty to Cooperate. In subsequent meetings in March 2023 our critique of the HENA was replied to later in 2023 with a legal opinion, this is despite us not raising legal concerns about the methodology.

The City Council has published a 'Statement of Common Ground for Duty to Cooperate Live Document' (August 2023). Its contents contain a utopian picture of alignment and agreement but it is effectively a defence of the City's approach, with no reference at all to the fact that its neighbours have raised serious legal concerns about the Duty to Cooperate.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

This is a serious flaw with the Local Plan amounting to a legal failure to fulfill the City Council's duty to cooperate, and this cannot be rectified.

**VALE OF WHITE HORSE DISTRICT COUNCIL
RESPONSE TO OXFORD CITY COUNCIL'S CONSULTATION ON THEIR
SUBMISSION DRAFT (REGULATION 19) LOCAL PLAN 2040**

**NOTE: FOR EASE OF READING AND ACCESSIBILITY, WE HAVE COMPILED
OUR SEPARATE REPRESENTATIONS INTO ONE FOR PUBLISHING ON OUR
WEBSITE IN THIS PDF.**



Part A Form (our details)

Your Name	<<REDACTED>> Planning Policy Team Leader
Organisation	Vale of White Horse District Council
Address	Abbey House
	Abbey Close
	Abingdon, OX14 3JE
Email	<<REDACTED>>
Date	21/12/2023

Do you wish to speak at the examination hearings?	Yes
Do you wish to be notified when:	
the Council submit the Oxford Local Plan 2040 to the Government?	Yes
the Inspector's Report is published?	Yes
the Oxford Local Plan 2040 is adopted by the Council?	Yes

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 1.2
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Do you consider that the document is:	
(a) legally compliant?	Yes
(b) is sound?	No
(c) complies with the duty to cooperate?	Yes

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

The vision for Oxford Local Plan 2040 is not Effective. It is not Effective because it fails to set a vision for dealing with, or mentioning, the cross boundary strategic matter of meeting housing need and affordable housing. Meeting housing need and affordable housing is a key part of the Oxfordshire Strategic Vision that all Oxfordshire authorities agreed, which is not reflected.

The omission of housing need being met and affordable housing also means that the vision is not Positively Prepared. For the vision to be Positively Prepared it should be "providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development". This key strategic matter is not referenced in the vision.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

To include additional effective and proactive elements in the vision relating to the aims to meet housing needs and tackling the key issue in the City of affordable housing.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 1.7
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 1.7.

Paragraph 1.7 says "The Plan sets out a range of policies intended to tackle these issues: the overall priority use for new sites is to deliver homes to meet housing needs". Paragraph 2.9 further indicates that delivery of housing is a priority and the Local Plan's strategy is to maximise housing delivery while balancing protection of other important land uses.

Whilst the plan talks about prioritising housing, which we support as a laudable aim, the plan and the accompanying evidence lacks follow through and any resulting changes to demonstrate how these issues have been effectively tackled.

There are a number of draft Local Plan policies that mention priority for housing, but they demonstrate no changes in policy approach. We have submitted separate representations on those policies. Paragraph 1.7 also says that policies make efficient use of limited sites, which is again a supported aim, but this needs to be followed through with the very best efficiency policies. The Local Plan's overarching stated objective to prioritise housing is not consistently supported by the various policies relevant to housing supply which tend, when considered

together, to introduce significant elements of restriction either in terms of locations where higher density housing delivery may be realistic, or are not especially proactive or flexible in the criteria they establish that would allow release of land for housing to come forward.

Reflecting on how supporting evidence fails to prioritise housing, there are numerous examples of sites included in the HELAA where the potential for development for residential use has not been assessed. Given the emerging Local Plan policy basis that identifies housing delivery as a priority and also specifically allows for residential development of employment land in principle (in draft Policy E1), it is evident that the potential of sites for housing should be appraised through the HELAA and conclusions drawn accordingly. This is important in the context of claiming high housing needs with constrained land supply. This is not the first plan where Oxford capacity has needed scrutiny. It was last independently reviewed almost a decade ago, and clearly some sites that were unavailable last time should have been evaluated closely for their potential to be released to meet the high priority use of land for new homes.

Taken together the draft policies with the approach in the HELAA has served to under-explore or promote potential housing delivery opportunities.

This is not Positively Prepared, because there is no demonstrable effort to 'meet the areas objectively assessed needs' in the City. This results in the creation of more unmet need, and hence it diverts growth from the City, making this approach not consistent with achieving sustainable development.

This is not Effective in delivering the stated housing priority because the effect of the decisions made by the City Council in policies and evidence is that we, the adjacent Councils that are impacted by these decisions, have unresolved cross boundary strategic matters with this Local Plan which are not dealt with by the City Council. This is a more extreme soundness failure than wording of the Effectiveness soundness test judges the plan against, because the Oxford Local Plan (and Duty to Cooperate Documents) don't try to 'defer' the issue, but instead the cross boundary unresolved matters are simply not raised and ignored.

This is not Consistent with National Policy. The plan does not comply with NPPF (September 2023) paragraph 60 "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed". The plan doesn't provide for a sufficient amount of housing in the City, which is where the need is generated. Also the plan does not comply with NPPF paragraph 76 "To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years." The plan and supporting evidence lacks urgency or strategies to resolve past delivery failures and attempt to resolve them.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 2.3
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

Paragraph 2.3 states: "Housing need must be established and confirmed through the evidence base, and then planned for. We cannot meet all the city's housing need within Oxford, so the calculated need is different to the housing requirement in the Plan (the requirement is also sometimes referred to as the housing target)."

As the Council will be aware, the preparation of the Local Plan is subject to the Duty to Co-operate (DtC) as set out in section 33A of the Planning & Compulsory Purchase Act 2004. That provision remains in force notwithstanding the proposed reforms in Schedule 7 to the Levelling Up and Regeneration Act 2023, which have not yet been brought into account. The need to comply with the DtC is also set out as a matter of national policy in paragraphs 24 to 27 of the NPPF (September 2023 version, which is applicable to the Local Plan).

The Council's 'General Statement of Common Ground For Duty to Co-operate' (August 2023) correctly identifies that 'Housing need, including homes needed in the area' is a strategic matter. It is the Council case (as set out in the Local Plan) that it cannot meet all of its housing needs, and so it is inevitable that the Local Plan's approach to strategic matter of housing has cross-boundary implications as regards the unmet needs that the Local Plan does not address.

However, in compiling its evidence base to establish its housing need, and in identifying its housing requirement, the Council has not met the requirements of the DtC as regards its engagement with either South Oxfordshire District Council (SODC) or with Vale of White Horse District Council (VWHDC). The Council has not prepared the Local Plan following on-going, constructive, and active engagement with either SODC or VWHDC. In relation to housing need the Council has chosen to depart from the Standard Method promoted in the NPPF but has not engaged on any on-going, constructive, or active basis, with SODC or VWHDC on whether there are exceptional circumstances to justify that departure and nor has it engaged with SODC and VWHDC on the identification of an alternative methodology that would be suitable for establishing an alternative housing need figure.

SODC and VOWHDC both raised substantive concerns in relation to the DtC and in relation to the Council's approach to housing need in their representations in March 2023 on the Council's consultation under Regulation 18 on the Oxford Local Plan Housing Need. Those representations are not repeated here but they clearly identified a failure to meet the DtC at that stage. The Council held one meeting with SODC and VWHDC shortly afterwards (on 27 March 2023) but that meeting did not resolve the issues raised or identify a process for their resolution. There has been no subsequent active, constructive, or ongoing engagement.

Given this absence of effective engagement, combined with the approach chosen by the Council of looking at housing needs on a county-wide basis, there is no doubt that the Council has failed to meet the DtC. As a result the Council is not in a position to submit the Local Plan for independent examination and, were it to do so, the only realistic outcome is that an Inspector would have to find that the Local Plan could not be adopted by reason of this failure. In the circumstances, the Council is strongly urged to reconsider its approach and, even at this late stage of the plan-preparation process, to engage on an on-going, constructive, and active basis with both SODC and VOWHDC on the strategic matter of housing, and on how such needs should be identified, and to what extent there are any unmet needs, having regard to the potential to meet those needs within the Local Plan area, and on what should be done as regards any properly evidenced unmet needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

N/A

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 2.6
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	✓
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See the representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 2.6.

Paragraph 2.6 of the Local Plan states "To help address the housing need, we have also been seeking to maximise capacity in the city through our approach in the Housing and Economic Land Availability Assessment (HELAA - see HELAA methodology for more details) and site allocations policies which prioritise residential development over other uses." This representation is focussed on the HELAA itself.

This representation is made with a supporting appendix (Capacity Assessment of Oxford City).

Site Size Thresholds:

Paragraph 2.1.2 of the HELAA confirms that a site size threshold of 0.25 Ha or greater has been applied. The site size threshold broadly accords with national policy and practice although it is noted that the PPG at ID03-009 considers that: "It may be appropriate to consider all sites and broad locations capable of delivering 5 or more dwellings". The same paragraph also states that plan-makers may wish

to consider alternative site size thresholds. It is questioned whether a smaller site size threshold (5+ net dwellings) would be a more appropriate starting point for the identification and then subsequent allocation of housing sites. The HELAA for South and Vale, despite covering two large Districts with many villages containing smaller infill and conversion opportunities has a threshold of 5 or more dwellings with an area of 0.25 hectares. Sites between 5 and 10 in your HELAA are instead noted as windfall capacity (sites of nine or fewer net additional dwellings) which are un-planned and ad-hoc in nature.

Approach to Particular Types of Land / Sites:

The HELAA describes its approach to assessment of various types of land and sites. These have been reviewed and the following sub-sections set out those where we consider there are issues arising.

1. Employment Sites (Categories 1-3) - The HELAA's assessment of employment land for the delivery of residential development is laid out in paragraphs 2.1.27-2.1.31. Paragraph 2.1.31 of the HELAA methodology states that all employment sites with the potential to deliver housing have been included in the assessment. The approach uses the Employment Land Needs Assessment study (2022) prepared by consultants Lichfields for Oxford City Council as the basis for considering Category 1 and Category 2 employment sites but there is no publicly available evidence that the Category 3 sites have been similarly assessed. There is also no clear evidence as to the realistic capacity for residential development within the Category 1 and Category 2 employment sites assessed and in many cases such sites are rejected for residential development through the HELAA analysis on the basis of landowner intentions and therefore lack of availability. The extent to which the HELAA approach has fully and effectively assessed the realistic potential for residential re-development on existing employment sites and particularly the lower grade Category 3 land is questionable. No systematic analysis of the constraints (and mechanisms to overcome these) have been considered for sites that are then rejected from the HELAA. This is despite the obvious opportunities to proactively identify actions and mechanisms to re-use low grade employment land and particularly sites that are within largely mature residential neighbourhoods and district centres.

2. Open Air Outdoor Sports Facilities - With respect to open air sports provision (private or publicly owned), paragraph 2.1.20 et seq. of the HELAA sets out the approach taken to their inclusion in the assessment and the basis for analysis. The Local Plan: 2040 and the HELAA rely upon the Oxford Playing Pitch and Outdoor Strategy 2022-2036 which assesses the existing and future need for playing pitch provision, concluding that there is a need to protect outdoor sports facilities but also to enhance provision through greater community access and intensification of use of existing sports and recreation space, not least the extensive areas and facilities in the ownership of the various University colleges. The Playing Pitch Strategy notably does not assess the needs for golf courses and golf facilities which is important in the context of future land use and effective utilisation of land in Oxford given there are some substantial areas of golf course land within the urban area of the city. The Strategy has not been published with the evidence base for the Local Plan. It is also plainly only covering the period up to 2036 rather

than the Plan period 2020-2040. The reliance placed on the Strategy therefore raises questions as to why it has not been published as key evidence to the Plan and also whether and how the Council intends to act upon the Strategy's recommendations for securing greater intensification of use and access to existing facilities. The HELAA assessments of sports pitches shows that where they have been assessed they are almost always rejected on the basis of suitability or availability. There are clearly opportunities to allow for the re-development or partial re-development of more of these sites given that the Local Plan proposes the allocation for re-development of at least one existing sports playing pitch site (Lincoln and Jesus College HELAA sites 026 and 032).

3. Allotments - The HELAA indicates at paragraph 2.1.25 (although does not identify the specific evidence for this) that the majority of allotment sites have waiting lists which illustrates the high demand that exists. This information should be published to justify the analysis in the HELAA. Allotments are included within the HELAA sites for assessment but are almost entirely rejected on grounds of suitability and availability. There is no evidence in the HELAA, or elsewhere in the supporting information of the Local Plan that the potential for re-provision of land swaps with other sites (including possibly land within Green Belt where allotments would not be an inappropriate form of development); or outside but adjacent to the City in a neighbouring local authority area have been tested or evaluated. Given the extensive level of allotment land coverage within Oxford, there is a question as to whether the HELAA and the Local Plan have sought to unlock allotment land for residential development through such mechanisms in order to overcome the constraints, as the PPG expects at ID 03-21.

4. Approach to Estimating Development Potential - Section 2.2 of the HELAA establishes the approach taken to estimating the development potential of sites. The HELAA uses bespoke site-specific analysis to inform the capacity assumption in each case. Paragraph 2.2.2 identifies that only where there is no planning permission or site allocation (presumably a pre-existing allocation from the Oxford Local Plan: 2036) the HELAA reverts to density typologies to inform capacity. In the case of sites with planning permission, the HELAA has, reasonably, used the capacity consented by the permission. Paragraph 2.2.4 explains further that work to inform site allocations have been "informed by site specific urban design assessment which consider site constraints and opportunities in more detail". It has subsequently been confirmed to SODC and VOWHDC by Oxford City Council that the 'urban design capacity assessments' for individual sites are not publicly available and were prepared for internal use only. Oxford City Council confirmed that they would not provide them to SODC and VOWHDC either. It is not possible therefore to examine those assessments or the approach taken in each case in any detail.

5. Over-coming Constraints - The PPG is clear at ID 03-21 that when constraints are identified that impact on the suitability, availability and achievability of a site for residential development "the assessment will need to consider what action could be taken to overcome them. Examples of constraints include policies in the National Planning Policy Framework and the adopted or emerging development plan, which may affect the suitability of the site, and unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners,

which may affect the availability of the site". It is not however evident from the HELAA appraisals that where sites have been assessed and rejected as unsuitable, unavailable or unachievable that there has been any further work to examine how the identified constraints could be overcome and therefore allow the site in question to form part of the potential housing land supply. Many times the same sites have been assessed with no intervention to overcome issues has taken place. There is no evidence in the individual HELAA site analyses that the PPG's guidance in over-coming constraints has been realistically addressed.

6. Non-Implementation Discount Buffers - At paragraph 3.0.2 the HELAA methodology states that a 10% discount is applied to the total housing capacity figure derived from the assessment of all sites that are concluded to be suitable, available and achievable. The HELAA explains that the discount represents a buffer to account for potential non-delivery of identified sites and states that "This is a proportionate approach in a constrained city with a capacity-based housing requirement". Firstly, the NPPF does not require a discount or buffer to be applied in the assessment of total housing capacity. The national policy allows the application of buffers (non-implementation or discount rates) to the housing supply, arising from potential development sites in establishing the five-year housing land supply of deliverable sites in accordance with NPPF paragraph 74. Critically, the NPPF expects that the buffer is drawn from sites and capacity moved forward from later in the plan period, rather than an overall discount to housing land capacity. The principle underpinning a discount or non-implementation rate approach reflects the relative degree of uncertainty surrounding the different components of supply. The greater the degree of uncertainty, the greater the discount. The PPG at ID 03-24 supports the preparation of an indicative housing trajectory with an overall risk assessment made as to whether sites will come forward as anticipated. It does not however establish a requirement or approach that necessitates a non-implementation buffer or discount but rather expects that the HELAA's assessments of suitability, availability and achievability taken together provide the risk assessment. Indeed, where sites have been assessed in the HELAA as suitable, available and achievable this methodology provides the risk-based analysis to consider the potential likelihood of delivery occurring on-site; the conclusion being that sites meeting these tests are anticipated to be deliverable for the level of housing tested. A further buffer or discount applied is therefore considered to be overly cautious and unnecessary (unless the Council is concerned that its HELAA assessments are unreliable?). Setting the principle of discounting total supply aside, it is also of concern that the 10% discount is unsubstantiated in its own right. It is purported to reflect the situation in Oxford but there is no indication in the HELAA or annual monitoring, nor in any other evidence or background paper, as to the evidence of historic non-implementation rates for housing schemes to underpin the discount proposed. Where then is the evidence of a non-implementation rate review for Oxford City and how was a 10% reduction derived? The effect of applying a discount is to reduce the total capacity of the HELAA sites as shown in HELAA Appendix B by 10% during the plan period. It is noted that the table at paragraph 3.0.4 of the HELAA subtracts 652 dwellings from the total HELAA sites capacity 5,870 which is of course greater than a 10% discount. It is assumed that this is a typographical error (10% of 5,870 is 587 dwellings) but this should be checked and explained by Oxford City Council. The result of applying a discount is to require additional sites and land to be identified

to help meet the housing need and the need to take a more positive approach to identifying potential housing sites in order to build greater resilience and flexibility into the Plan's housing land supply. Our view is that HELAA's non-implementation buffer should not be applied as it is not justified by national policies and guidance or substantiated by local evidence.

7. Timescales for Development - The timescales for development of sites deemed available, suitable and achievable are set out in Appendix B to the HELAA and the approach to the development trajectory explained in paragraphs 2.2.20 onwards. The approach to delivery timescales appears consistent with the NPPF's requirements but there is relatively little weight of evidence and information presented in the HELAA (and very little within the Pre-Submission Draft Local Plan: 2040) as to the overall housing delivery trajectory that results from the assignment of sites to different delivery periods. Indeed, it is left to the reader to calculate the level of housing delivery anticipated in each five-year period and evidently, the overall total does not come anywhere near meeting the identified housing need for Oxford set out in the HENA and Policy H1 of the Local Plan 2040. There is a lack of analysis of the effects of this in the HELAA (or the Plan itself) in terms of the implications for delivery rates and completions anticipated over time, but plainly the HELAA's conclusions on timescales points towards a back-loaded housing trajectory.

8. Approach to Windfall Housing Supply - The windfall definition in Oxford is not entirely consistent with the PPG at ID 03-009 which states that it may be appropriate to consider sites capable of delivering five or more dwellings (i.e. windfall sites being fewer than five dwellings in size). However the PPG does also indicate that there is scope to consider alternative site size thresholds. The Local Plan: 2036 Oxford City HELAA (November 2017) had used a site size threshold of 0.25 Ha delivering five or fewer dwellings as the definition of windfall (resulting in an annual average of 60 dpa excluding garden land infill; if garden land was included the average windfall delivery rate increased to 120 dpa). The change in definition in the HELAA methodology between the earlier work and the latest HELAA means that the older windfall figures (pre- 2016/17) are not consistent with the newer definition now used. The windfall rate identified in the HELAA and used in the Local Plan: 2040 at 116 dpa is low compared with the figure in the latest AMR and previous years HELAA evidence. A higher windfall allowance rate could be justified given the confidence that the Council place on a continued trend in significant windfall housing delivery and an expectation that this will continue throughout all areas of Oxford in the plan period to 2040 (as paragraph 2.3.10 of the HELAA identifies). Indeed, a higher windfall rate may be anticipated during the lifetime of the Local Plan: 2040 due to the recent Government announcement to create a new Permitted Development Right to allow the subdivision of existing houses into two flats - HMT Autumn Statement CP977 November 2023, paragraph 5.200 states "Permitted Development Right convert one house into two flats - The government is announcing a consultation on a new Permitted Development Right for subdividing houses into two flats without changing the façade. This will be implemented in 2024 following consultation early in the New Year".

HELAA Sites Overall:

A total of 479 sites were included in the HELAA for analysis. Of this total, 98 sites were Accepted by the HELAA as having potential for housing; 381 were Rejected. Of the 381 Rejected HELAA sites, 27 were not tested for residential. These were largely existing employment sites (of various categories) and despite a broadly positive policy approach set out in the draft Local Plan to the release of existing employment land for residential development (particularly for Category 2 and 3 employment land) this is a strange oversight or clear omission from the HELAA's work. The total is 479 sites, but the HELAA total differs from the 471 sites referenced in Paragraph 5.11 of the Regulation 19 Sustainability Appraisal. This document highlights sites that were not carried forward to allocations from the Preferred Options stage. 475 HELAA sites were concluded to be achievable (viable) for future development. Only four potential sites tested by the HELAA were considered not to be achievable for development in the plan period. These are:

- Site: 33 Littlemore Mental Health Centre, Sandford Road where the explanation was that the Site is a non-viable typology;
- Site: 40 Orion Academy - Site is non-viable typology (15/16);
- Site: 409 Oxford Retail Park, Ambassador Avenue - Site is non-viable typology (Includes petrol station, likely to be land contamination); and
- Site: 459 Buildbase Watlington Road (within #503) - Non-viable typology.

All four sites were rejected for housing or economic uses. The non-viable typology of Site 459 was not explained further. Despite an encouraging policy position, 27 sites were not tested for residential use in the HELAA at all. This is a missed opportunity inconsistent with the policies of the Local Plan, that Oxford City Council should address. The extent of sites being Rejected by the HELAA due to their availability is stark. 156 sites identified as suitable are reduced to only 98 sites when availability is also factored in; a reduction of 58 sites. Put simply, lack of availability on 58 otherwise suitable sites led to their ultimate rejection by the HELAA. Applying modest density per hectare figures suggests a potential loss of capacity of over 3,000 dwellings due to lack of availability, on sites otherwise assessed as suitable for housing. Clearly there are a range of complex reasons behind unavailability, but it is not always clear in the HELAA analysis as to the potential for flexibility in making an otherwise suitable site available. Landowner intentions are reported in a cursory fashion within the HELAA and there is little available evidence to indicate just how strenuous or extensive the efforts have been in all cases to obtain landowner indications of availability or to address these matters in the context of a Local Plan period that extends for 20 years to 2040. Indeed, in Oxford's circumstances of having substantial unmet need, it should be expected that there should be published log records of contacts made, discussions held, consistency in the form and recording of contact (for example a standard pro-forma approach), or understanding of the timing of when landowner or developer contact was made and updated. The importance of availability of sites and accurate landowner intentions is critical in securing housing land supply in the context of Oxford's constraints. The clear result here is that landowner intentions significantly reduce the potential for housing supply in Oxford through the HELAA.

HELAA's Rejected Sites:

There are a number of sites 'Rejected' by the HELAA where it is possible to query the conclusions reached. It is apparent that despite some of these Rejected sites being a focus in previous plan-making, there is little evidence of a proactive approach since then to assist in identifying the actions that could be taken to overcome constraints and bring sites forward (which the PPG methodology or assessing housing and economic land availability expects at paragraph ID 03-21). This is concerning both in terms of ensuring the HELAA's work is consistent with the NPPG particularly regarding maximising housing delivery in the context of the purported significant future housing needs of Oxford. After individually reviewing each such site, we concluded that 24 sites were worth further, more detailed re-consideration, with a capacity range of between 2,967 and 3,593 (See details of these in our Appended report Capacity Assessment of Oxford City, Table A1). There are also 2 other rejected HELAA sites of interest, one where a more innovative approach could unlock a land swap for an area of allotments into the adjacent Green Belt and the other where there was an underused piece of low grade land with development surrounding it. There are also 3 other rejected HELAA sites of interest, one where a more innovative approach could unlock a land swap for an area of allotments into the adjacent Green Belt (HELAA site reference 333 - Watlington Road); one where the site description does not appear to match the supplied site boundary (site 258 - New University Club Sports Ground); and the third where while it represents in our view a potential candidate for Green Belt release (site 114a - Land at Marston Brook (Northern Part)) we understand this is within the ownership of the Oxford Preservation Trust explicitly for the reason of preventing future development.

Residential Use not Tested:

There are numerous examples of sites included in the HELAA where the potential for development for residential use has not been assessed. These sites are typically existing employment land in Category 1 or 2, health or education facilities. Given the emerging Local Plan policy basis that identifies housing delivery as a priority of the Plan and also specifically allows for residential development of employment land in principle (see draft Policy E1) it is evident that the potential of these sites for housing should be appraised through the HELAA and conclusions drawn accordingly. This is important in the context of claiming high housing needs, constrained land supply and given the Local Plan's plan period to 2040. Our Appended report Capacity Assessment of Oxford City provides some examples).

Overly Cautious HELAA Appraisal:

A significant site at Southfield Golf Course (HELAA sites 132 and 292) is an example of a cautious approach where there may be potential for intervention and which with focus and greater initiative, including use of a potential land swap, could be brought forward in whole or part for residential development. The combined area of the Southfield Golf Course is 50.45 Ha with a NDA of some 33 Ha, making it one of the largest areas of urbanised land use within Oxford; an area surrounded by existing residential and other commercial land use activities and

well positioned with respect to access to existing services and facilities. The HELAA assessed and concluded Rejection of the Southfield Golf Course sites as neither suitable nor available. There appears to be no recent assessment of demand or need for golf course facilities underpinning the consideration of this site. Oxford's draft Playing Pitch Strategy 2022-2036 (noted to remain in draft at the time of writing) which is the latest available analysis of outdoor sports and recreation facilities makes no mention or analysis of the provision or need for golf courses or facilities. If residential use were brought forward on the site, Site 293 could contribute around 1,640 dwellings based on a 50 dph assumption, and 1,968 dwellings at 60 dph.

Estate Regeneration Opportunities:

There are some rejected HELAA sites (and also a number of sites not assessed at all in the HELAA process) where it could be possible to drive an intensification of residential use through a planned and more efficient re-use of land via estate regeneration and intensification programmes. The HELAA analysis has tended to Reject these sites as they are considered individually or on a piecemeal rather than collective, systematic basis. We also saw evidence of similar estates that were not assessed within the HELAA.

Unassessed Sites:

12 possible sites, that in our view, should have been assessed and have factors which may lead to them being accepted as suitable for residential use. We have also identified a further eight sites which fall under our previous category of Estate Regeneration opportunities and Opportunities for Intensification, please see our Appendix 1 Capacity Assessment of Oxford City, Appendix A2).

Employment Land Sites:

To offer a very broad indication of possible housing capacity arising from release of Category 3 employment land, we could make some cautious assumptions. If therefore we assume that 30 of the 94 total number of Category 3 sites become available for re-development during the plan period and that each site is 0.25 Ha (the minimum size for inclusion in the HELAA analysis or for site allocation in the Local Plan) this would offer a gross total of 7.5 Ha of land for re-development and a NDA total of 5.6 Ha of land. Assuming a suburban density of 50 dph, this would result in a possible 281 additional dwellings capacity on the presumed Net Developable Area of Category 3 employment land.

Sites Accepted as Suitable for Housing but not Allocated:

52 sites in the HELAA were Accepted overall as suitable, available and achievable for housing development but not subsequently allocated in the Local Plan. 33 of these sites (63% of the total) were noted as either having been built out or were under construction and therefore did not require allocation in the Plan itself. A total of 14 sites were assessed as not being likely to provide at least ten dwellings. 5 of these 14 sites, all in City or District Centres, have a housing capacity greater than ten dwellings that may well be possible, and these are set out in our Appendix 1

(Capacity Assessment of Oxford City, Table 3.3). In addition, we highlight in our report some further sites where an inconsistent approach appears to have been taken in the HELAA.

The analysis in the Chilmark report we attach at Appendix 1 indicates there could have been an additional indicative capacity of Oxford of between 5,807 and 9,014 dwellings more than your work has found.

These critiques of the HELAA points to numerous issues of Consistency with National Policy, and by restricting capacity this means that cross boundary matters are not dealt with and unmet housing need are inflated, meaning it is not Positively Prepared or Effective.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

HELAA process and subsequent capacity and site identification has failed the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 2.7
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 2.7. The HENA has not been prepared having regard to the Duty to Co-operate and reliance on the HENA as part of the evidence base for the Local Plan means that the Local Plan's preparation does not satisfy the Duty to Co-operate.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy H1
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	✓
(c) effective?	
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See the representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy H1.

Policy H1 (Housing Requirement) identifies a total housing need derived from the HENA study of 1,322 dwellings per annum (dpa) or 26,440 dwellings in total over the period 2020-2040. Policy H1 confirms the total planned provision of housing land (comprising both site allocations, completions from 2020/21-2022/23 and a windfall site development allowance) for 481 dpa or 9,612 dwellings over the period 2020-2040.

The housing need identified by the HENA is not Positively Prepared, not Justified, not Consistent with National Policy and it fails the Duty to Cooperate.

We have an appended document Appendix 2 - Independent Review of the Oxfordshire Housing and Economic Needs Assessment prepared for Cherwell District and Oxford City Councils. This report raises in detail what the fundamental soundness and duty to Co-operate concerns are with the HENA, but in summary its conclusions are:

1. The Government's standard method calculation sets out the minimum local housing need for every local authority area, unless there are exceptional circumstances that can be demonstrated which justify an alternative approach and a different number;
2. The HENA 2022 includes an employment scenario, which shows a much lower level of growth than previous projections for Oxfordshire. However, this HENA 2022 concludes a notably higher level of housing need. This is primarily due to the use of extremely implausible assumptions around economic activity rates which assume a large drop in economic activity in Oxfordshire at the same time as job numbers are growing strongly.
3. A further issue with the HENA 2022 employment-led model of housing need is that it adopts a policy-on approach to commuting, and a policy-on approach to apportioning need between the local authority areas. In practice, the level of housing need generated in Oxford City from the modelling will inevitably be lower than the Government's standard method figure of 784 dpa without the policy on apportioning of need.
4. The approach adopted in the HENA 2022 to the standard method through calculating a 'Census adjusted' figure is unusual and unjustified. The standard method calculation uses prescriptive inputs which provide a fixed number for housing need, and these do not need to be changed. An alternative method should only be used where there is evidence that exceptional circumstances apply in the local authority area. No exceptional circumstances have been demonstrated for Oxford City or Cherwell District, or any of the other Oxfordshire local authority areas.
5. Unlike the Oxfordshire Strategic Housing Market Assessment 2014, at this stage it does not appear that affordable housing need is being used by Oxford City Council as a justification for higher overall housing numbers in Oxfordshire, but of course this may change over time.
6. For households who cannot afford market housing, the HENA 2022 identifies a net need for 2,767 affordable homes per year. This figure is unrealistically high given the failure to recognise that household circumstances can improve. The correct figure is more likely to be in the range 1,000-1,150 affordable homes per year. For households aspiring to own, the HENA 2022 concludes that there is an overall need for 1,120 dpa for households who can afford to rent but who aspire to own. The figures appear to include a range of very large over/double counts and the correct figure should probably be below 500 dpa for the whole of Oxfordshire.
7. Overall, the standard method calculation identifies the Local Housing Need mandated by Government for every local authority area. Based upon the demographic and employment data for Oxford City and Cherwell (and the rest of Oxfordshire) the HENA 2022 does not provide any justification for using an alternative approach or different housing need figure anywhere in Oxfordshire.
8. The local housing need of 4,405 dpa for Oxfordshire that forms the basis for the Oxford City preferred figure is primarily driven by economic activity rates which are

entirely implausible and would appear to simply be a mistake. Correcting that one mistake brings the figures in line with the standard method (762 dpa) and it is that figure that should be used to inform the Oxford Local Plan 2040 and any discussion of unmet need.

There is a significant gap between the total housing need for Oxford and the planned provision set out in draft Policy H1 of the Local Plan (amounting to some 16,828 dwellings or 841.4 dpa).

The Local Plan indicates that Oxford City Council wants (see paragraphs including 2.3 and 8.7) the unmet need to be met by additional housing provision within the surrounding Oxfordshire local authorities in an Oxfordshire strategic housing market area. The total supply proposed represents some 36% of the total identified need, with the remainder they say to be considered as unmet housing need. This is not Positively Prepared because Oxford has set itself up to fail to meet a chosen high level of need, the plan then carries forward the concept of having a capacity led approach to the housing requirement, and then it does not meet those needs. It is also not Positively Prepared because it is not informed by agreements from the authorities this impacts upon. This also fails the Duty to Cooperate.

It's left to the reader to calculate the level of housing delivery anticipated in each five-year period and evidently the overall total does not come anywhere near meeting the identified housing need for Oxford set out in the HENA and Policy H1 of the Local Plan. This approach is not Effective because it isn't demonstrated that Policy H1 is deliverable. There is a lack of analysis of the effects of this in the HELAA (or the Local Plan itself) in terms of the implications for delivery rates and completions anticipated over time, but plainly the HELAA's conclusions on timescales points towards a back-loaded housing trajectory. For the same reason, this is not Consistent with National Policy, specifically the NPPF paragraph 68 "Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of: a) specific, deliverable sites for years one to five of the plan period; and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan". This is missing from this Local Plan despite being required by the NPPF.

Policy H1 states that housing capacity has been maximised through (a) site allocations, (b) promoting efficient use of land and development including the highest appropriate densities and building heights; and allowing (c) "an element of housing on all employment sites if suitable". Setting aside the total planned requirement in Oxford itself, which is significantly below the purported overall future housing need identified in the HENA study, elements (a) and (b) of the policy are simply statements rather than policy requirements or objectives that actually support the delivery of housing supply. Turning to element (c) of the policy, this is a further statement that housing could be appropriate on defined employment sites (presumably the Category 1-3 sites outlined in Policy E1). It is however a relatively limited expression of support for residential development of

employment land referring only to "an element" of housing rather than supporting the re-use or active intensification of employment land for housing purposes, especially in the context of the plan's stated aim to make housing provision the priority. The housing capacity of the city has not been maximised, another reason why this is not Positively Prepared.

Lastly Policy H1 is not Consistent with National Policy, specifically paragraph 154 of the NPPF which states "New development should be planned for in ways that...b) can help to reduce greenhouse gas emissions, such as through its location". The policy plans to export a huge proportion of housing need as unmet housing need, without sufficient reflection on the impact of these decisions on climate change.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy H8
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy H8.

In Policy H8, permission for conversions to, or the creation of, new Houses in Multiple Occupation are limited to specific circumstances and subject to various criteria that restrict the clustering of such uses and ensures compliance with practice guidance on the quality of amenities and facilities for resident occupiers.

The draft policy is not unusual for local authorities where there is strong demand for housing and high unaffordability for purchase or rental as well as competition for housing from students, transient employees and similar households.

HMO's provide an important source of housing supply in Oxford as the Plan identifies at paragraph 2.38, with circa 20% of the total population living in an HMO. When actively licenced and properly managed, HMO's offer a valuable source of often higher density, lower cost, housing supply (measured by households accommodated) and are valuable in supporting the provision of accommodation for key employers in the City.

In terms of future housing supply and opportunities to accommodate future households, restrictions set out in the draft policy H8 as to the extent to which new HMO's can be created in particular areas to avoid over-concentrations, may serve to dampen the ability of small and larger (sui generis) HMO's to be created to help meet housing needs.

The policy may stifle capacity in the city which means that the policy is not Positively Prepared. It may reduce the ability of the City to meet its housing need. For the same reason, this could over-inflate unmet need which means that the policy is not Effective, and this means that a Duty to Cooperate unresolved issue remains.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Failed the Duty to Cooperate and unable to be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 3.6
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Do you consider that the document is:	
(a) legally compliant?	Yes
(b) is sound?	No
(c) complies with the duty to cooperate?	Yes

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	
(b) justified?	✓
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

The introductory section to Chapter 3 includes 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."

This statement reflects a mindset that underpins the employment strategy. Whilst clearly Oxford as the county town of Oxfordshire has a critical role in providing jobs, the plan reflects a closed-off mindset to the benefits and inter-relationships with the wider Oxfordshire economy.

This is not Justified, because Oxford do not know that it is the 'most sustainable' location for all types of employment. To try and force the City function in that way with the constraints the City has is frankly impossible to achieve, nor is there any published justification for how this could be an appropriate strategy, also without any proportionate evidence. How can the City Council disregard other reasonable options, without a wider strategy in place, and then claim that any other alternative (for any employment type) is simply a scattered less sustainable location?

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy E1
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	
(b) justified?	✓
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy E1.

Policy E1 establishes the Plan's approach to the protection, growth and alternative future use of identified employment land.

Paragraphs 3.10-3.12 explain that there is a three-category definition of employment sites in Oxford: those that support national and regional knowledge economy sectors or are significant employers (Category 1), locally important services sites (Category 2) and smaller, poorly located sites that do not perform an important economic function or are unlikely to be able to in the future (Category 3).

The Local Plan does not propose to allocate new employment sites but supports the intensification and modernisation of existing sites (especially Category 1 and Category 2) to meet employment floorspace needs to 2040.

Paragraph 3.8 of the employment strategy notes that "Oxford's employment land needs over the plan period have been calculated by Lichfields in the Oxford Employment Land Needs (ELNA) Assessment as 269,000 - 348,000m²". But the ELNA doesn't calculate this need figure. The ELNA need level is different, whereas

this published range noted in the plan is from the Housing and Employment Needs Assessment (HENA). We understand that the intention is for the HENA need figure to supersede the ELNA figure, but the Plan doesn't reflect this. Readers also need to go to a Background paper (BGP6a) to understand the related supply position. There is a clear disconnect between evidence and background papers and the local plan content, which isn't correctly displaying the need and supply information, sending readers on a document search. This is not Justified as the plan itself does not set out Oxford's employment strategy.

Paragraph 3.15 states "The Local Plan's employment strategy is supportive of the loss of poorly performing category 3 employment sites for housing. The Plan's employment strategy also allows for the delivery of an element of housing on the city's employment sites where this would not prejudice the site's present or future continued use as an employment site and would result in well-located, and well-designed homes being provided, which link well with existing communities." This approach mostly reflects the previously adopted policy in Oxford. There is an issue with how deliverable and effective this approach is, because it is hailed as a flexible policy, but we have previously noted in earlier Background Papers from Oxford that the yield of homes delivered to date was meagre (5 units). Maintaining this approach and wording does not provide enough flexibility to make this policy effective enough to respond to changes in market conditions.

There is also a question as to the realistic potential for Category 1 and Category 2 sites to be re-used or re-developed even in part, for residential purposes. The draft Policy E1 indicates support for this, but sets restrictive criteria for re-development or change on these sites requiring continued operation (in the case of Category 1 employment sites) and no net loss in existing jobs (for both Category 1 and Category 2 sites).

Policy E1 includes a section about residential development on employment sites, that states "Proposals for residential development on any category of employment sites will be assessed by a balanced judgement which will consider the following objectives (in addition to the considerations regarding loss of floorspace or jobs outlined above, which still apply)" and then it lists criteria. This approach treats all Categories in the same way, and it is also inconsistent with the rest of the plan's intentions to provide more flexibility for Category 3 sites.

The draft policy has a supposed permissive approach to allow an element of residential development on employment sites where this would not prejudice the employment or operational use of the site. There is a question (as evidenced in our report on the capacity of Oxford city) as to the realistic potential for Category 1 and Category 2 sites to be re-used or re-developed even in part, for residential purposes. Draft Policy E1 indicates support for this, but sets restrictive criteria for re-development or change on these sites requiring continued operation (in the case of Category 1 employment sites) and no net loss in existing jobs (for both Category 1 and Category 2 sites). While the draft policy appears permissive for the re-development of existing employment sites for residential use, there is little further proactive support in the Plan to deliver on this, as there is no identified list of Category 3 employment sites published and no evidence that an employment land release strategy or study has been undertaken to support the release of such

land. Put simply, release of employment land for residential is left to the market to deliver.

There is also no clear evidence as to the realistic capacity for residential development within the Category 1 and Category 2 employment sites assessed and in many cases such sites are rejected for residential development through the HELAA analysis on the basis of landowner intentions and therefore lack of availability. Category 1 and 2 employment sites are referenced as a policy constraint in the HELAA, despite Policy E1 indicating a possibility of re-development / intensification to include residential use in the future. This inconsistency between the Policy and the HELAA should be addressed. The HELAA states that all employment sites with the potential to deliver housing have been included in the assessment, but there is no publicly available evidence that the Category 3 sites have been assessed (the Interim ELNA assesses Category 1 and Category 2 employment land). There is no clear evidence that a systematic analysis of the constraints (and mechanisms to overcome these) have been considered for sites that are, or have previously then rejected from the HELAA.

The weakness of Policy E1 that we have set out all display a lack of Effectiveness. This exacerbates unmet need and means that ignores concerns we have about not dealing with cross boundary matters.

Policy E1 is also not Consistent with National Policy, specifically paragraph 123 of the September 2023 NPPF which states "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand." Oxford is clearly an area of high housing demand, and the plans' strategy outlines a desire to take the positive approach advocated by national policy, but our submissions show that the policy has not gone far enough.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

The policy needed to clearly display employment need evidence sources and figures, and explain the supply position in the plan, so that the employment strategy of the plan could be clearly understood and Justified.

To be Effective in delivering additional housing capacity and supply, the policy should have been supported by more detailed analysis and evidence of the potential scale and nature of Category 3 employment sites and backed by the positive identification of where such sites can be brought forward in order to stimulate change including raising landowner awareness to the potential for

residential use in future. Release of Category 3 employment land (as Policy E1 allows) should have played an important contributing role in overall housing supply. The Plan should have included further specific mechanisms to prioritise and achieve release over the plan period, and this would have helped to avoid a Duty to Cooperate failure.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy E3
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Do you consider that the document is:	
(a) legally compliant?	Yes
(b) is sound?	No
(c) complies with the duty to cooperate?	Yes

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	
(b) justified?	✓
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.
Policy E3 sets out the commercial sites that are expected to deliver affordable workspace as part of their masterplans. It lists 'Kassam Stadium and Ozone Leisure Park'. This conflicts with the Policy for this site (Policy SPS2) which promotes Kassam Stadium redevelopment for residential use, with commercial being only applicable for the Ozone Leisure Park. The stadium is therefore not applicable for delivery of affordable workspace, making this policy not Justified because it is not an appropriate strategy for is not consistent with the evidence.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?
Change "Kassam Stadium and Ozone Leisure Park" to "Ozone Leisure Park"

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy G1 and Paragraph 4.9
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	
(b) justified?	✓
(c) effective?	
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to para 4.9 and Policy G1.

Paragraph 4.9 of the Local Plan references the need for any applicants for land that is open space for outdoor sport including pitches, to refer to the Council's latest Playing Pitch Study.

The NPPF (September 2023) states at paragraph 98 that "Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate." Such assessment covering the plan period is missing, meaning this policy and decisions made in the HELAA are made without a proportionate evidence base, meaning the plan is not Consistent with National Policy.

The plan is not Justified, because it does not have a robust and up to date evidence base, in the form of an assessment of pitches covering the plan period. This is critically important in Oxford's circumstances, because such evidence

would inform this chapter and other decisions made relating to site suitability and the HELAA, as well as why some allocations were made and some were not.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

The Plan doesn't have the necessary evidence base covering this plan period to inform coherent decision making. This has significant impacts on the robustness of the housing capacity of the City and generates more unmet need. We have raised this issue, but with no remediation the Plan therefore does not meet the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 4.43
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 4.43.

Paragraph 4.43 mentions the Oxford Flood Alleviation Scheme (OFAS) as being a partnership project led by the Environment Agency which will reduce flood risk from the River Thames to existing businesses, residential properties, major roads and the railway development particularly at risk from flooding in the Botley and Abingdon Roads area.

The Oxford Flood Alleviation Scheme is subject to determination of a planning and Compulsory Purchase Order inquiry commencing on 14th November 2023. The overall aim of the OFAS is to reduce the flood risk to homes and businesses to the west and south of the city of Oxford. It will also provide greater flood protection for key local infrastructure, principally the Botley Road, Abingdon Road and main railway line which runs through Oxford. It will also improve the resilience of key utility services in the city including the sewer network and electricity supply and make them less vulnerable to disruption in future floods.

The scheme involves the construction of a new river channel, between the A34 to the west and the railway to the east, to the west of Oxford city centre. The channel

will extend for a length of approximately 5km, south-easterly from the confluence of the Botley and Seacourt Streams lying approximately 0.6km north of Botley Road, to just south of Kennington.

It is understood that the OFASs overall purpose is to reduce flood risk to the benefit of existing properties and infrastructure in the City rather than open up areas for new housing development. Therefore the proposed construction of the OFAS is not used within the HELAA as the basis to bring potential land into scope as suitable housing sites.

Given the benefit in reducing fluvial flood risk that the implementation of the OFAS works would provide during the Local Plan: 2040 period it is questioned as to whether a more positive approach could be taken to unlocking potential future development land from Flood Zone 3 areas where the flood risk modelling including the effects of the OFAS defence works would ultimately reduce the flood risk of those areas.

The plan is not Positively prepared because the approach to the OFAS and future capacity has contributed to the City failing to seek to meet the areas objectively assessed needs. Similarly it is not Effective because this approach ramps up unmet housing need and this is not based on effective joint working on cross-boundary strategic matters.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified. An alternative approach to the impact of the OFAS works on flood risk for future development could have realistically be considered (and evaluated) as the improved protection of land in the south and west of Oxford from flooding is the objective of the scheme and this needs to be evaluated in the context of the future housing needs of the City. This could have helped avoid a failure of the Duty to Cooperate.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy HD8
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy HD8.

Policy HD8 promotes the efficient use of land appropriate for its context and surroundings. This is stated at paragraph 6.33 of the plan to be because using scarce resources efficiently is vital to ensuring Oxford's sustainable growth and development; and there is capacity to increase density in some parts of the city.

In more detail, the draft policy highlights that sites in the city centre, district centres and at mobility hubs will be capable of accommodating increased scales and densities of development, and that this is also encouraged in all other appropriate locations when impacts are acceptable. High density residential development is stated by the policy to be indicatively 100 dph and is expected in highly accessible locations of the city and district centres within the context of the heritage of those locations.

Although not stated in the policy, the supporting text at paragraph 6.33 also identifies that there is capacity to increase density in other more suburban areas and along main arterial roads.

The indicative residential density of 100 dph for city and district centres is not explained in the policy or elsewhere in the supporting justification text. Although 100 dph is a relatively medium / high density, and would usually be reflective of flatted apartment housing there is clearly scope for much more significant densities of residential development where flatted accommodation could be created at densities well above 100 dph. Achieved densities in excess of 200 dph are not unusual in many urban centres and sustainable, well-connected locations now, especially where these are also supported by reduced private vehicle parking requirements (as the Local Plan: 2040 proposes in Policy C8) and there is a positive and innovative approach to the provision of green amenity space and access to local facilities.

The basis for indicating 100 dph in the draft policy should be fully evidenced and the Council could seek to increase this to maximise housing capacity from city, district centre and high accessibility locations. Without this, the policy is not Positively Prepared because it doesn't seek to meet the area's objectively assessed needs. The policy is also not Effective, because it has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter.

Securing and optimising higher densities of residential development accords with the objectives for making effective use of land set out in Section 11 of the NPPF. Indeed, NPPF paragraph 120 (c) identifies the substantial weight and value of using suitable brownfield land within settlements for homes and other needs; and NPPF 120 (d) in promoting the development of under-utilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained. It is our view that this hasn't happened in Oxford.

NPPF paragraphs 124 and 125 support the efficient use of land including policies for minimum density standards for city and town centres and other locations that are well served by public transport. Importantly, the NPPF expects at paragraph 125: "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site". The same paragraph continues at 125 (a) seeking a significant uplift in the average density of residential development within these areas. The use of density standards is also supported for other locations so that there is a range of densities that reflect accessibility and the potential of different areas rather than one broad range.

It is therefore evident, in our view, that the NPPF is supportive of establishing and raising minimum net residential density standards and that these are aligned with accessibility to key services.

The density typology approach has been applied to Oxford HELAA sites without an existing allocation or planning permission. Four typologies are stated to have been used which are the same densities (based applied on earlier HELAA work in 2016 and 2019):

District Centre: 100-120 dwellings per hectare (dph);

Gateway Site: 60-70 dph;

Suburban Site: 50-60 dph;
Conservation Area: 35-55 dph.

The density bands represent a significant range from 35-120 dph but the density assumptions for Gateway sites appear relatively low given the prominent character and intensity of land use at such pivotal locations. The density assumptions for Gateway sites could be increased to support a significant uplift in the average density as envisaged by NPPF paragraph 125.

There is also a question as to whether a lower density range is appropriate in all situations across the City's Conservation Areas especially where higher density residential development may form part of the heritage characteristics that such areas seek to protect. Wider research tends to indicate that there is not a clear point at which increased housing density is unacceptable; but rather acceptability of higher densities is based on personal and cultural perceptions as well as on good design leading to successful places to live planned from the outset.

Overall, higher density assumptions could have been used to reflect the NPPF's objectives and ambitions for effective use of land and sites and drive towards more efficient use of land in Oxford.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Although the City Council cannot rectify the engagement matters, the policy could have addressed this failure in the following ways:

1. It could have stated that there is capacity to increase density in other more suburban areas and along main arterial roads, not in the supporting text;
2. Increased the density assumptions for Gateway sites;
3. A lower density range being used in all conservation areas shouldn't be a blanket option.
4. It could also have explained how the density ranges are evidenced, especially in the context of parking changes..

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy HD9
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy HD9.

Policy HD9 serves to protect the special significance of the historic Oxford skyline from within and outside the city. Development above prevailing heights and which could impact on the character of the area are expected to be fully justified.

The draft policy defines a 1,200m radius of Carfax Town as the Historic Core Area within which all the buildings that the comprise the historic skyline are situated. Development above 18.2m (60 ft) height or ordnance datum (height above sea level) of 79.3m (260 ft) is to be limited in bulk and subject to the highest design quality. Extensive evidence is required under the policy therefore for buildings of +15m height in areas the High Buildings Technical Advice Note identifies.

View Cones are defined in the Policies Map to understand and protect the skyline views to and from the city. Development in a View Cone or the setting of a View Cone is restricted if it would harm the special significance of the view.

The effect of the policy (which is long standing) is to restrict the bulk and height of new development in many locations across the city and particularly within the defined View Cones and the Historic Core Area.

The impact from a housing supply and capacity perspective is that height and bulk limitations in these sensitive areas restrict the density of residential development that can realistically be achieved and in some instances could serve to push against the opportunities to increase residential development density proposed in draft Policy HD8 (see further soundness representation on Policy HD8).

The policy is not Positively Prepared because it doesn't seek to meet the area's objectively assessed needs. The policy is also not Effective, because it has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified. Some flexibility to Policy HD9 to allow for skyline changes, particularly to facilitate a well-designed more densely planned development for residential uses would have helped to avoid this issue contributing to the failure.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy C2
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy C2.

The densification and growth of the defined district centres and the city centre is supported through draft Policy C2. It states that high density development is generally expected in the city and district centres and references back to Policy HD8 (subject to a separate representation).

The draft policy specifically supports housing capacity through intensification of development to create a high density centre and more efficient use of land; provide for more residential development including through the use of upper floors of existing commercial properties; and rationalise the availability of public car parking.

The implementation of this policy is generally positive as it affirms the development of greater density and intensity of use including for residential dwellings in the city and district centres, but when read together with the policies related to protecting heritage this could, without proactive intervention and positive planning, lead to 'under-playing' the city and district centres' growth potential.

In plain terms, the city and district centres need to be subject to specific studies and strategies / action plans that actively identify and support regeneration and re-use of sites and establish more specific programmes for growth including for residential development.

The policy as drafted provides a broadly positive basis but there is need for more proactive intervention to bring sites and properties forward as the policy envisages.

The policy is not Positively Prepared because it doesn't proactively seek to meet the area's objectively assessed needs. The policy is also not Effective, because it has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified, but planned interventions when scoping this Plan would have avoided the failure.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy C8
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy C8.

Paragraph 7.47 of the plan advises that the objective of parking design policies and standards is, alongside the range of measures to reduce the need to travel and to encourage active travel modes, seeking to reduce the opportunities for parking across the city.

Paragraph 7.50 describes that the level of car ownership is expected to decline in future with the emergence of car clubs and new technologies as well as improved public transport, walking and cycling.

Paragraph 7.51 points towards opportunities to deliver successful low car housing development in Oxford because of the coverage of Controlled Parking Zones (CPZ) and the availability of good quality walking and cycling routes and facilities and reliable public transport.

For new residential schemes of 100+ dwellings the plan indicates that it may not be appropriate to provide one parking space for each dwelling unit.

According to paragraph 7.55, HMO developments would be excluded from obtaining CPZ permits and therefore limit the need for additional parking provision for the HMO which could otherwise be higher than for a single household occupied property.

With respect to public parking the plan recognises the need for some on and off-street parking to meet requirement of those using city and district / local centres for business and leisure. The plan does not support growth in either on-street or off-street public parking provision.

Although it is not stated in the plan, the restrictions on public parking provision, together with other private vehicle access restrictions, could provide the opportunity to re-assess the need for and scale of public parking available with the possibility of re-development of public car parking facilities for other uses (or combined with other uses), including residential development above car parking facilities. This would help make more efficient use of land in the city and be another contributor to housing land supply.

Draft Policy C8 therefore provides the basis for a strong positive approach to re-organisation of provision for private vehicles in Oxford with a clear direction towards restriction of parking provision over the plan period. A key benefit of this would be a reduction in the amount of land and space needed to accommodate private vehicles overall and the potential to release such land for residential or other development.

As written, the policy and approach taken in the plan is not Positively Prepared because it doesn't seek to meet the area's objectively assessed needs. The policy is also not Effective, because it has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified. But some reflective changes to the approach to seek to deliver housing need in Oxford uses would have helped to avoid the failure.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 8.2
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 8.2.

Paragraph 8.2 sets out some context about the development site allocation policies, including explaining that the development site allocation policies have been informed by what is claimed to be a thorough process, building upon urban design appraisals that were carried out for each site.

The paragraph then says "To ensure that the minimum densities housing numbers are as robust as possible the policy team undertook detailed urban design assessments to ensure that the constraints within the site allocation are fully considered and the appropriate calculation of minimum housing numbers is included in the policy".

A Background Paper 'Site Densities and Capacities' is referred to at paragraph 2.2.4 of the HELAA, but this does not appear to have been published with the Pre-Submission Draft Local Plan: 2040 unless the reference meant to be to Background Paper 15a 'Site Assessment Process (Urban Design and Assessment of Housing Capacity)'.

It has subsequently been confirmed to us by the City Council that the 'urban design capacity assessments' for individual sites are not publicly available and were prepared for internal use only. It was confirmed that they would not be provide to SODC and VOWHDC either. It is not possible therefore to examine those assessments or the approach taken in each case in any detail.

The plan is not Positively Prepared because we are unable to scrutinise the capacity of allocated sites that seek to meet the area's objectively assessed needs. The plan is also not Effective, because we cannot scrutinise capacity and we are concerned that this has the effect of adding to unmet housing need which is not effective joint working on this cross-boundary strategic matter. The assessments were not published or shared and in this regard the matter fails the Duty to Cooperate

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Paragraph 8.7
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See the representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to paragraph 8.7.

Paragraphs 8.6 to 8.8 sets out how Oxford City Council wants any supposed unmet need to be dealt with.

Of interest, paragraph 8.7 claims "During the Plan's preparation work has continued with neighbouring districts whereby discussions were held about how to accommodate the additional unmet need beyond that already agreed to 2036." The names of those neighbouring Districts aren't specified, but to be clear South and Vale have attended relevant sessions of the Oxfordshire Planning Policy Officer meetings and have expressed at those meetings that the fundamental issues with Oxford's HENA and HELAA are unresolved, and as we disagree about the need for additional unmet need, this prevents us all from being able to move on to discuss how any apportionment, if any exists, could be distributed, or how Oxford can best accommodate a realistic level of need.

This is not Effective as it Oxford have not dealt with the cross-boundary matter which remains unresolved, nor has the Duty to Cooperate been complied with.

The paragraph then states "In several instances the sites identified in Figure 8.2 above are already indicating a greater capacity than previously estimated, so it may be that the additional unmet need to 2040 can be met this way". This is over-reaching. The last round of Local Plans around Oxford have all contributed to meeting Oxford unmet need in various different ways. It is not clear how Oxford can pre-empt the next round of plan-making for its neighbours to demand more capacity on some sites/areas to come forward. This is especially troubling because surrounding plans may not have explicitly expressed in their adopted local plans that any headroom capacity would be planned to offset Oxford housing need again. The headroom in allocated sites or areas may be required to meet their own needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPS2
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPS2.

Policy SPS2 is the allocation policy for Kassam Stadium and Ozone Leisure Park. The policy says that the minimum number of homes to be delivered is 275.

Subject to a stadium relocation (it is understood that negotiations remain ongoing between Oxfordshire County Council and Oxford United Football Club (OUFC) that could facilitate a relocation to council-owned land elsewhere), it is considered highly likely that an increased density (70+ dph) could be adopted.

This reflects its proximity to the Grenoble Road strategic allocation to the south, the size of the brownfield site, the scope for an element of height (potentially in a small part of the site), and the likely future change in the character of the area, so it isn't based on effective cross-boundary working on this strategic matter.

Given the proposed allocation of the Kassam Stadium in Policy SPS2, it appears to be a clear omission to not evaluate the longer-term viability of the adjacent hotel and in particular whether the northern part of the site (shown in Figure 3.7 in our Appendix - Capacity Assessment of Oxford City) which is surface car parking,

could be potentially re-used for development if / when the stadium is relocated. The hard standing car park is approx. 0.20 Ha and with the land around it totals around 0.37 Ha. This could be subject to higher density development if linked to a more ambitious overall development package for the Stadium area. At suburban density rates the parking area could represent a yield of around 16-19 dwellings at 50-60 dph and around 32 dwellings at 100 dph. A larger, taller apartment-led residential scheme could achieve even higher densities.

The Policy is not Positively Prepared because it fails to seek to meet housing need by maximising the efficiency of land and to look at residential development opportunities linked to the loss of the stadium.

The Policy is not Effective because the affect of not maxmising the efficiency of the site is to ramp-up the level of unmet need, at the expense of dealing with this strategic matter.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be remedied.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPS3
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPS3.

Policy SPS3 Overflow Car Park at Kassam Stadium site

The overflow car park site (2.29 Ha) to the north west of the stadium site is allocated for a minimum of 77 homes and identified at a suburban density of 50 - 60 dph which appears low.

Given the nature of adjoining residential and commercial uses, and the comments relevant to the Kassam Stadium site, it is considered a higher density (70+) comparable to that outlined for Policy SPS2 could possibly be adopted by OCC to better reflect the characteristics of surrounding uses and future changes in the area.

Lower capacities inflates unmet housing need, failing to deal with a key cross-boundary strategic matter. This makes this Policy not Positively Prepared or Effective and one of the reasons the Plan fails the Duty to Cooperate.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the Duty to Cooperate and cannot be remedied

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPS9
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPS9.

SPS9 Blackbird Leys Central Area

The minimum number of homes to be delivered is 200 (net gain). The output of the masterplan should be expected to identify additional capacity. The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPS12
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPS12.

SPS12 Templars Square

The minimum number of homes to be delivered is 350 (net gain). The output of the masterplan should be expected to identify additional capacity. The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE4
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE4.

SPE4 Oxford Brookes University Marston Road Campus

The site is identified for residential led mixed uses. No residential capacity is identified.

It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this sites during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself.

The lack of capacity on such sites means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE6
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE6.

SPE6 Churchill Hospital

The site will be permitted to develop employer-linked affordable housing. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE7
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE7.

SPE7 Nuffield Orthopaedic Centre

The site will be permitted to include extra care accommodation and residential development, including employer-linked affordable housing. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE8
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE8.

SPE8 Warneford Hospital

The site will be permitted to include extra care accommodation and residential development, including employer-linked affordable housing and student accommodation. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE13
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE13.

SPE13 Manzil Way Resource Centre

The site will be permitted to include residential development, including employer-linked affordable housing. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE14
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE14.

SPE14 Slade House

The site will be permitted to include residential development, including employer-linked affordable housing. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPE17
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPE17.

Policy SPE17 Jesus and Lincoln College Sports Grounds

The two adjoining open air sports facilities sports (serving Lincoln College and Jesus College) total 5.42ha and are identified at Policy SPE17 for a minimum of 52 homes (including graduate accommodation).

The policy outlines that the homes may come forward as a minimum of 26 dwellings on each land parcel in the ownerships of Jesus College and Lincoln College. No density assumption is provided in the supporting justification to the policy although the overall capacity is related to the potential for re-provision of sports facilities (including scope for off-site provision).

It is noted that the two sites were identified in the Local Plan 2036 albeit under two separate allocations (Policy SP40 Jesus College and Policy SP43 Lincoln College respectively), which cumulatively identified a higher minimum housing capacity of 118 units, split between 28 units (minimum) at Jesus College and 90 unit (minimum) at Lincoln College. This difference in minimum capacity between the

Local Plan and Local Plan 2040 may reflect a change in intentions towards on-site sports facility provision but equally highlights the likely opportunity for higher housing capacity which exists if a proactive approach towards playing and sports facility provision is adopted.

If the previous capacity were adopted for these two sites, an uplift of 66 dwellings could be delivered at site allocation SPE17.

Lower capacities inflates unmet housing need, failing to deal with a key cross-boundary strategic matter. This makes this Policy not Positively Prepared or Effective and one of the reasons the Plan fails the Duty to Cooperate.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPCW4
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPCW4.

Policy SPCW4 Canalside Land, Jericho

Planning permission will be granted for a mixed-use development including residential dwellings. The policy identifies no residential capacity for this site. It remains unclear why no housing capacity is identified if the policy basis is to allow housing to come forward on this site during the plan period. This is particularly relevant for a number of sites which are identified in the 2023 HELAA with housing capacity (derived from HELAA Appendix B) but where the corresponding capacity is not reported in the site allocation policy itself. The output of the masterplan should be expected to identify additional capacity.

The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Policy SPCW6
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u> :	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	
(d) consistent with national policy?	

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to Policy SPCW6.

SPCW6 Nuffield Sites (Island / Worcester St Car Park / South of Frideswide Square)

The minimum number of homes to be delivered is 59. The output of the masterplan should be expected to identify additional capacity. The uncertainty means that the policy is not Positively Prepared as it doesn't provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

Fails the duty to cooperate and cannot be rectified.

Part B Forms (comments on specific policies / aspects of the Oxford Local Plan 2040)

Reference in Oxford Local Plan this comment relates to	Sustainability Appraisal - Table 1.4 i
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Do you consider that the document is:	
(a) legally compliant?	No
(b) is sound?	No
(c) complies with the duty to cooperate?	No

Do you consider that the document is unsound because it is <u>not</u>:	
(a) positively prepared?	✓
(b) justified?	
(c) effective?	✓
(d) consistent with national policy?	✓

Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

See our representations on the Duty to Co-operate set out in response to para 2.3 of the Local Plan, which also applies to the Sustainability Appraisal.

Table 1.4 of the Sustainability Appraisal is a summary of the Local Plan's overall impacts.

Worryingly, prior to the planned repeal of the Duty to Cooperate and its replacement with the yet unseen 'alignment test', Oxford's Regulation 19 Local Plan and SA has been produced with this noted as it's context (taken from Table 1.6, page 11): "As a result of a memorandum of cooperation of 2016, the other Oxfordshire authorities' current local plan's are providing for about 15,000 homes to deal with Oxford's unmet housing needs. However, Since the Oxfordshire Plan 2050 was shelved and with the Duty to Cooperate no longer being required, the other Oxfordshire authorities may be less likely in the future to provide for Oxford's outstanding housing need."

Clearly the Duty to Cooperate test has been failed by Oxford for many reasons as outlined in a number of our representations. But this is not surprising if the City Council has denied that it exists and is content to say as much.

At the previous Regulation 18 Housing Need Consultation, we raised serious concerns about the development of the Oxford Local Plan and the evidence that Oxford relies upon. We also clearly set out that we thought that they were failing the Duty to Cooperate. In subsequent meetings in March 2023 our critique of the HENA was replied to later in 2023 with a legal opinion, this is despite us not raising legal concerns about the methodology.

The City Council has published a 'Statement of Common Ground for Duty to Cooperate Live Document' (August 2023). Its contents contain a utopian picture of alignment and agreement but it is effectively a defence of the City's approach, with no reference at all to the fact that its neighbours have raised serious legal concerns about the Duty to Cooperate.

What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) It would be helpful if you could suggest revised wording for the policy or text in question?

This is a serious flaw with the Local Plan amounting to a legal failure to fulfill the City Council's duty to cooperate, and this cannot be rectified.

Chief Executive's Office
Town Hall
Oxford
OX1 1BX

Website: www.oxford.gov.uk

Mark Stone
Chief Executive
South Oxfordshire District Council

22 December 2023

SENT VIA EMAIL

Dear Mark

Oxford Local Plan 2040: Formal request to assist with Oxford unmet housing need

I write to you regarding the Oxford Local Plan 2040 and in particular the challenge Oxford faces in meeting its housing needs.

You will be aware that Oxford City Council has recently published its Regulation 19 stage of the Local Plan 2040, which considers how to manage the competing challenges facing the city of housing, the economy, environment and infrastructure. A fundamental challenge in this is that the housing need for Oxford far exceeds the capacity of the city: this is a long-standing issue and has been discussed for many years with the Oxfordshire local planning authorities through various collective forums and collaborative working initiatives both at officer and member levels.

We all worked collectively to address the unmet need identified in our current Local Plan 2036, through the Oxfordshire Growth Board forums, and ultimately this culminated in an apportionment of the unmet need for each district. Subsequently, each district incorporated their apportionment into the current round of Local Plans and included site allocations accordingly. It is a very positive step that many of the identified sites related to Oxford unmet need are already now under construction, and several more are in the planning process.

As the Oxford Local Plan 2040 looks slightly further ahead to 2040, the evidence needs to revisit the housing need for Oxford and the subsequent level of need that cannot be accommodated within the city boundaries. The updated housing need evidence is set out in the Housing and Economic Needs Assessment (2022) (HENA) and the updated evidence on capacity is set out in the Housing and Economic Land Availability Assessment (2023) (HELAA). The HENA identifies a housing need in Oxford of 1,322 dwellings per annum. [The Housing Need Background Paper 1](#) sets out the exceptional circumstances for not using the Standard Method and explains how the need figure has been derived. The housing requirement set out in the submission draft Oxford Local Plan 2040 is 481 dwellings per annum, which is based on the capacity identified in the HELAA (9,612 homes over the plan period).



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The level of unmet need in the Local Plan 2040 is therefore calculated as follows:

Total need 2020-2040	26,440
Total capacity 2020-2040	9,612
Unmet need 2020-2040	16,828
Provision already made in current local plans (which had not been delivered before 2020)	14,300
Remaining unmet need 2020-2040 to be addressed	2,528

The Oxford Local Plan 2040 includes a number of policies designed to maximise housing capacity and delivery in order to minimise unmet need, including:

- Site allocations for residential development, including minimum housing numbers where appropriate;
- Minimum housing numbers and capacity assumptions being based on highest appropriate density assumptions;
- Including assumptions for windfall housing developments within the capacity assessment;
- Allowing housing on all employment sites;
- Assessing all greenfield sites for their intrinsic value and allowing development on some (where surplus or can be replaced, in compliance with NPPF approach);
- Not allowing loss of dwellings
- Including a policy preventing the loss of existing homes; and
- Allowing uses other than new homes only in city and district centres and where already established as a lawful use, and also not allocating new sites outside the areas for other uses, thus prioritising housing.
- Delivery of housing, particularly affordable housing, is a key priority of the City Council, and there are further measures from across the council more widely to increase the supply of housing in Oxford, including setting up the housing company OX Place to deliver over 2,000 homes in the next 10 years, including on sites that would not be considered commercially viable. It has already successfully delivered 6 schemes in the city, with two more to be available shortly, delivering 215 homes so far (including 20 homes at The Curve, Between Towns Road; 90 homes at Railway Lane, Littlemore and 43 homes in Rose Hill).

However, despite taking a very positive approach to delivering housing in Oxford, the highly constrained nature of the city and the lack of land for expansion of the city means there is a limited supply of new sites and not enough to meet identified needs. The tightly drawn boundary around the city and lack of available land means that that there is simply no way that a greater number of homes can be delivered in a sustainable manner.

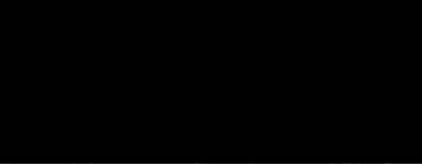
A substantial amount of work has been undertaken between respective authorities to address the Duty to Co-operate in recent years. As part of this process, officers from our Planning Policy Team have been liaising with officers from your authority throughout the preparation of the OLP2040 and in the lead up to the Regulation 19 stage consultation through various channels. We intend to set up further meetings in January to discuss the Statement of Common Ground that we would like to have in place between our respective authorities before the end of March when we formally submit the OLP2040 for Examination.



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We appreciate that districts in Oxfordshire are at different plan-making stages. We also understand the very real pressure you have in meeting your own needs. However, under the 2011 Localism Act and the provisions of the National Planning Policy Framework (NPPF), I am writing to you now to formally ask whether your authority would be able to meet any of Oxford's unmet housing need? I look forward to hearing from you on this important issue and would be grateful for a response by 31st Jan 2024.

Yours sincerely



Chief Executive



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Chief Executive

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19 January 2024

Dear 

Oxford Local Plan 2040: Formal request to assist with Oxford unmet housing need

I write to respond to your formal request from 22 December 2023. It was surprising to receive this request at such a late stage in the process of the preparation of your Local Plan 2040.

South Oxfordshire and Vale of White Horse District Councils submitted formal representations to your Regulation 19 stage Local Plan 2040 consultation on 21 December 2023. You may not have been aware of this at the time of your letter.

These were submitted in the context of us having previously submitted individual responses to your March 2023 Housing Need consultation and your November 2022 Preferred Options consultation, at the Regulation 18 stages.

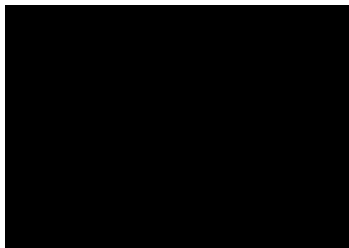
Our recent representations to your Regulation 19 stage Local Plan 2040 reiterate our earlier responses to state that, as matters stand at present, your emerging Local Plan 2040 fails the legal duty to cooperate. We have also identified several soundness issues, and set out our long-standing concerns relating to the flaws in your evidence base on housing need and housing capacity, which inform your Regulation 19 local plan.

You are aware of these concerns because we have responded at your formal plan consultation stages (Regulation 18 and 19) and we have also engaged in officer meetings about your Housing and Economic Needs Assessment (HENA) and Oxford Housing and Employment Land Availability Assessment.

Considering this context and a lack of progress in resolving these matters, neither South Oxfordshire District Council nor Vale of White Horse District Council can currently agree to meet any unmet housing need that exists for the period after 2036 i.e. new unmet housing need that has not previously been accommodated, as we are not persuaded by your evidence base (given its deficiencies).

We would ask you to reflect carefully on your current intentions to submit your Regulation 19 local plan, as presently formulated, for independent examination and would ask that instead, you engage with us on a more appropriate and productive way forward. However, we will in any event engage with you regarding any content that may be appropriate for a Statement of Common Ground.

Yours sincerely



Mark Stone
Chief Executive

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