

Oxford Local Plan 2036

Inspectors' initial questions and comments

This note contains questions and comments on the more significant issues that have arisen during the earlier part of our examination of the submitted Plan, the representations, evidence base and background papers. We would be grateful if the Council could consider these points and provide us with their comments. In some instances we are recommending that the Council re-consider their approach, which means that certain policies may need to be deleted or re-written in the interests of a sound plan. In other cases it may be necessary to bring forward specific evidence that may already exist, or clarify issues for our benefit. We do not think it appropriate to set hearing dates at this stage because some of our comments below raise significant issues which will need careful consideration.

We have a number of more specific comments to make, but these will form part of a subsequent note.

1. Housing calculation

The Council's reasons for establishing housing need through an update to the SHMA, as opposed to the standard method, are noted. However, we would be grateful for the Council's comments on the following considerations.

Planning Practice Guidance states that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates – for example, where there are growth strategies for the area and where funding is in place to promote and facilitate additional growth (e.g. Housing Deals). The Oxfordshire Housing Deal Delivery Plan states that as the assessments of housing need in Oxfordshire Local Plans based on the 2014 Strategic Housing Market Assessment are higher than the Local Housing Need figures, they could be used, subject to an appropriate update, as a basis for any local plans that will be submitted for examination. This is clearly the basis on which the submitted Plan has been approached and which underpins the total requirement of 1,400 dpa, only a proportion of which can course be met within Oxford.

However, the Housing Deal Delivery Plan recognises the need for appropriate updates to the figures, and the NPPF says that if exceptional circumstances justify an alternative approach to the standard method,

they must still reflect current and future demographic trends and market signals. The Delivery Plan assumption that Oxford's housing need figure is 1,400 dpa has been taken and incorporated into the submitted Local Plan, but it appears to have as its basis the 2014 SHMA, itself based on 2011-based interim ONS population and 2011-based interim CLG household projections, and it was strongly influenced by the assessed affordable housing requirement which at the time would have required the provision of over 2,000 dpa to satisfy. These figures are now quite a few years old.

Oxford City - Objectively Assessed Need Update (GL Hearn, 2018) updates the relevant evidence in the light of 2014 household projections figures. Paragraphs 9.45 to 9.51 point to a prima facie figure for affordable housing need of 1,356 dpa at a site requirement of 50%, which is significantly lower than the affordable housing figure identified by the 2014 SHMA. In addition, elsewhere in the 2018 GL Hearn report it is noted that some of the households in need of affordable housing would release their current property if provided with suitable accommodation so there would be no need for an additional home, and that the OAN also includes newly forming households so there is double counting. The report notes therefore that the figure of 1,356 may overestimate the affordable housing need. This does not appear to be recognised either by the conclusions of the same report or by the submitted Plan (paragraph 3.7) which accepts the figure of 1,356 dpa without further adjustment. The overall point here is that the number of homes required to meet affordable housing need, though still very high, is significantly lower than the number in the 2014 SHMA which fed into the assumed figures in the Housing Deal Delivery Plan.

It is also noted that the overall housing requirement figure of 1,400 dpa represents a notably greater market signals uplift from the 2014-based demographic starting point than from the 2011-based starting point in the 2014 SHMA. For example, the OAN Update by GL Hearn notes that the same percentage uplift of 85% applied to the revised demographic starting point derived from the 2014 household projections would give a requirement of 1,004 dpa rather than 1,400 dpa.

This is an issue which could have a bearing on the level of unmet need which would have to be accommodated by neighbouring local authorities, and could potentially affect the amount of land released from the Green Belt as well as the development of greenfield sites. The Council are invited to comment.

2. Timescales and wider planning

We note that the Oxfordshire Housing and Growth Deal Plan assumes that the capacity of Oxford is 10,000 dwellings, but this is a figure to 2031. The submitted Plan indicates a capacity of 8,620 to 2036. Please can the Council comment on the cause of the substantial difference in capacity, and the implications for that and the different plan end-dates on the planning of the wider Oxfordshire area.

3. Ascertaining development capacity

In the submitted Plan, none of the site policies are described as allocations and none have housing figures attached to them. Many of them set out alternative potential uses. It is therefore not possible to ascertain from the Plan the contribution each of these sites would make to overall housing provision in Oxford.

Policy H1 derives its housing figure of 8,620 dwellings for the period 2016 to 2036 from the sites in the Housing and Economic Land Availability Appraisal (HELAA), but that document makes it clear that it is a list of potential sites only, not all of which will come forward, and that it does not itself allocate sites. In itself, therefore, the HELAA cannot be relied upon to support the housing provision figure in the Plan.

Consequently we cannot find at this stage a sound evidential basis for ascertaining the soundness of the figure of 8,620 dwellings. The same applies to the capacity for student housing.

Moreover, whilst the HELAA contains a 5 year supply calculation, it is not possible having regard to the foregoing to assess whether the Plan will enable a rolling 5 year supply of housing to be provided from the time of the Plan's adoption. Any 5 year housing supply calculation will need to be based on a clear and realistic assessment of the capacity of the sites identified in the Plan and will need to take into account the definition of "deliverable" in the 2019 NPPF.

The Plan needs to set out realistic housing and student housing numbers, together with realistic numerical figures for other forms of development, for each of the site allocations. These should be clearly informed by engagement with key stakeholders (see below). This should feed into a housing trajectory and a housing land supply calculation for the first 5 years of the Plan. These are pieces of work that will be necessary to ensure the soundness of the Plan.

4. Ensuring effectiveness

This is an issue closely related to the capacity of the City to accommodate housing and student housing. The NPPF states that plans should be shaped by engagement with, among others, local organisations and businesses. Some of those making representations at Regulation 19 stage have alleged that a lack of direct engagement from the Council has resulted in the Plan not taking into account their site and business intentions, and that the site policies therefore contain unrealistic or inaccurate requirements. At this stage we are not in a position to judge whether this is the case, but many of these parties have substantial land holdings and this may have relevance to any assessment of the true capacity of the City to accommodate housing and other development, as well as the overall effectiveness of the Plan. Will the Council therefore provide us with details of how the Council engaged directly with key businesses and landowners during the process of drawing up the Plan's specific policy and land use requirements (as opposed to the more general work on the HELAA), how those discussions influenced those policies, and where the analysis can be found. These parties include, for example (and this is not exhaustive): The University of Oxford and the colleges; Oxford Brookes University; The Oxford Centre for Islamic Studies; BMW Mini; Oxford Health NHS Foundation Trust; Oxford University Hospital; Cowley Investments; other parties with substantial landholdings or key sites; and non-university further education institutions.

5. Affordable housing provision

Policy H2, which seeks contributions towards the provision of affordable housing on sites of 4 to 9 homes, is contrary to the NPPF and we are minded to recommend the deletion of this part of the policy to ensure consistency with the NPPF. The Council are invited to comment. The purpose of the national policy does not solely relate to the viability of smaller sites.

In addition, it is not clear why affordable housing contributions are sought in respect of student accommodation provided by the academic institutions on their own land, or from specialist accommodation such as Extra Care housing. Please can the Council set out the reason for their approach and their assessment of the policy's consequences for these uses.

6. Positive planning

The 2019 NPPF states that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change. Each of the submitted Plan's site specific policies either state "Planning permission will not be granted for any other uses" or "Planning permission will only be granted for.." Whilst it is noted that these expressions featured in previous plans in the City, they do not allow for any flexibility in approach to meet changing needs which would appear to be contrary to national policy in the 2019 NPPF. In consequence we are minded to recommend deletion of these statements. The Council are invited to comment.

7. Policies that make distinctions on the basis of the nature of the applicant

The plan allows for the expansion of the two universities together with Nuffield College but Policy E3 specifically prevents any new or additional academic or administrative floorspace for private colleges other than in very restrictive terms. This appears contrary to national policy in the NPPF, both in terms of its economic objective to support growth and in respect of its plan-making objective to seek opportunities to meet the development needs of their area. Moreover, by providing a framework for making planning decisions on the basis of the applicant instead of the development, it appears to apply the planning system in an unfair manner and has the potential to raise equalities concerns. If the objective is to protect housing, employment floorspace and community facilities, other strong policies exist. Policy E3 appears not to be a positively-prepared policy and we are minded to recommend its deletion or significant alteration to ensure the plan is sound. The Council are invited to comment.

By specifically applying Policy V7 to state schools the Plan appears to take the same approach towards favouring one applicant over another; in any case the existence of different types of school make it difficult to make such a distinction. We are minded to recommend the deletion of the word "state". The Council are invited to comment.

8. Car parking

A number of the policies seek a reduction in, or minimisation of, on-site parking on existing sites in order to allow further development to be

permitted. However, this approach affects existing site operations and circumstances rather than being related to the impact of the proposed development and it appears not to have proper regard to the current needs of the site occupier. It therefore does not seem to be fairly and reasonably related to the proposed development, contrary to the requirements for planning obligations set out in the CIL Regulations. In addition the policy could have significant implications for parking in the surrounding area and it is not clear whether these have been taken into account. We are therefore minded to recommend deletion of this clause from the relevant policies. The Council are invited to comment.

9. Academic facilities and student accommodation

Policy H9 only allows the expansion of academic, research and administrative accommodation at the University of Oxford and Oxford Brookes University if the number of students living in non-university provided accommodation does not exceed certain thresholds. Whilst this approach may have been a feature of previous plans, it has the potential to prevent the further development of important academic, research and administrative activities which are unconnected to student numbers. Such development is important for economic growth and the health of the local and national economy. Where such growth is unrelated to the number of students, the policy would appear not to be fairly and reasonably related to the development and any related obligation would appear contrary to the requirements of the CIL Regulations.

It is also noted that the locational requirements for student accommodation in Policy H8 are restrictive, and in the case of Oxford Brookes University the Plan provides limited opportunities for additional student accommodation which would mean that the thresholds could impose a significant constraint. Finally, the justification for and impact of Policy H9's proposed reduction in the thresholds in 2022 are not clear.

The Council are invited to reconsider their approach towards academic, research and administrative development and towards the provision of student housing and its impact on the overall housing market.

10. Employment sites

Making the intensification, modernisation and regeneration of employment sites conditional on more employment floorspace and jobs per hectare would appear to disregard the business needs of the operator and the need to improve efficiency and invest in capital. There is also the question of its enforceability. It would therefore appear not to be a

positively-prepared or effective policy and appears contrary to the economic objective of the NPPF to support growth, innovation and improved productivity. We are minded to recommend the deletion of this element of the policy. The Council are invited to comment.

11. Securing opportunities for local employment

Policy E4 is not in accordance with the NPPF in that it imposes unnecessary and unjustified restrictions on the operation of businesses. In particular wage rates, employment policy, the nature of a business's supply chain and the procurement of materials are matters for the businesses concerned, are regulated by national legislation, and are not planning matters. We are therefore minded to recommend deletion of Policy E4. The Council are invited to comment.

12. Sustainable design and construction

The evidence base supporting the restrictive carbon emissions requirements in Policy RE1 and the more restrictive requirements from 2026 is not clear. Can the Council point us to the evidence base that supports these specific percentage figures and any feasibility and impact assessment they have carried out to demonstrate the effect of these targets on the Plan's development objectives and targets?

The requirement for developments to install energy metering and monitoring equipment in private non-residential premises for the Council's energy monitoring purposes would appear to be a breach of privacy and we are minded to recommend the deletion of this element of the policy. The Council are invited to comment.

Jonathan Bore

Nick Fagan

Inspectors

29 May 2019

