

By email: planning@oxford.gov.uk
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Oxford City Local Plan Pre-Submission Consultation December 2018 **CPRE Oxfordshire Response**

CHAPTER 1 Overall Spatial Strategy

CPRE Oxfordshire considers the overall spatial strategy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

Oxford is constrained by its ancient heritage buildings, the medieval layout of much of its internal infrastructure, two rivers running through it, and its Green Belt which not only surrounds it but slices through it along the lines of the Rivers. The City has statistically more than full employment and is in no need of more.

Despite its constraints, which either constitute the City's heritage and setting or have been created to protect it, and despite claims at the forefront of each Plan including this one, that *addressing the housing issue is a key priority*, Oxford's Strategy is, and has been for at least forty years, to continually grow employment to an extent, and on a scale, that far outstrips its provision of houses for even its present residents and employees, much less those new employees who will result from its employment-first growth strategies. It is a Strategy that it is entirely inappropriate to the City and its circumstances.

CPRE has often referred to the Oxford's strategy as a clear ambition to be a new Birmingham, whereas it should accept that its infrastructure, topography and heritage dictate that it should be a compact jewel of a City, housing its own people.

The direct outcomes of Oxford's strategy of racing employment growth ahead of housing provision have been the very problems it complains of in its Plan - high levels of commuting, poor air quality, high house prices (because housebuilding has been deliberately constrained whilst demand has been deliberately inflated) and lack of affordable homes. The strategy has led in turn to a (as we shall show, entirely notional) claim of unmet need for housing. In this Plan the City states that *as far as possible, this need should be met within Oxford or very close to its boundaries, as this will enable new development to be connected to areas of employment and other facilities by sustainable modes of transport*. In other words, the City demands that neighbouring Districts accept urban sprawl into their Green Belt, despite it being specifically created to prevent urban sprawl and vital to the City's unique setting within its surrounding hills.

This Plan period is the moment when all these conflicts between the City Council's strategy and the City's actual interest are exposed at their most stark.

If, as planned, land is withheld from meeting housing need and instead used to create more employment, from here on in all housing need will be "unmet" and, if the precedent for urban extensions is created, the vital Green Belt will be peeled away like segments in an orange from the City outwards.

This is especially the case given that the Government has determined that Oxfordshire as a whole should be targeted for even higher levels of exponential growth as part of the Oxford-Cambridge Arc from 2031, just within the present Plan cycle.

Now is the time for the City's longstanding strategy to be reversed and for priority to be switched from creating housing demand to satisfying it.

It is true that the City's universities generate high tech spin off businesses, but these could be relocated outside the City as easily as within it. It is true that Oxford can support more shopping facilities far in excess of its own citizens' needs, but it is not appropriate that it should do so when all it creates is congestion, traffic and commuting for the shop workers its housing strategy cannot accommodate. The same goes for the offices, which are a primary development objective, all inevitably creating reluctant commuters too.

This Plan cycle is literally the last chance to re-think the City's strategy.

There is now enough available land to be switched from employment that creates housing need to building houses to satisfy it. If this Plan is adopted, there may not be in future. If the strategy of creating more employment continues, and the policy of forcing urban extensions into the Green Belt is confirmed, all the purposes of the Green Belt, urban sprawl, setting of the City, preventing coalescence, are perhaps fatally undermined and its whole future will be in doubt.

It is urgent that it is recognised that the City's long-standing strategy of bursting through the Green Belt that rightly surrounds it by concentrating on employment growth, in a City that already has more than full employment, results only in ratcheting up its housing need is inappropriate and unsustainable.

Instead the City should put its own housing need first and foremost, share the benefits arising from University spin-offs with its neighbours, respect the values of its Green Belt and recognise that its medieval layout and geography make it unsuitable to be a major conurbation.

That was the policy behind the old County Structure Plans and is the best policy not just for the City but the County as a whole.

POLICY H1 - Scale of New Housing Provision (incl. supporting text paras 3.1-3.12)

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

1. Housing numbers & Land supply

During the Plan period the City assesses its housing need on the 2014 SHMA (Strategic Housing Market Assessment) as 1,400 houses per annum, that is 28,000 houses. Although it has commissioned an updated and extrapolated SHMA which puts the figure lower, at 27,120, the City has decided to maintain the rate in the original SHMA, ostensibly because this has been used for the allocations in the Oxfordshire Growth Deal (of which more later).

Against that the City proposes to build just 8,620 homes within its boundaries, creating a notional “unmet need” of 19,380 homes. This arises however only because (see also our submission on densities and land use) the City is reserving land for new employment and building at inadequate densities on sites where housing is allocated. The 2016 HELAA listed 164 hectares of sites or part sites reserved for employment growth. CPRE calculates that switching that new employment land to housing would provide land sufficient for 12,300 homes at a modest density for Cities of 75 dph (dwellings per hectare). Added to the 8,620 dwellings proposed in the plan, themselves at improvable densities, this would have given the City a total housing capacity of 21,000 houses.

Further houses would result from an increase in build densities. At that time CPRE based its assumption of yield from density improvement on the City’s then apparent density assumption of just under 40 dph. Perhaps as a result of CPRE’s density campaign, the new NPPF requires Councils to set density criteria, with which Oxford has complied to a minimum extent. Although the housing background paper states that a final minimum density standard is proposed in Policy RE2, this is not the case; it contains only an indicative 100 dph in district centres. Similarly, although in the Housing Background Paper a range of densities for each category of site is given, the text makes it clear that this too is indicative, and indeed done against the Council’s best judgment under the duress of the NPPF. In calculating the capacities of HELAA sites, the lower end of those ranges has been used throughout.

The median of the lower range is 61 dph and the median of the mid-range is 69 dph. Simply moving to the mid-range median would therefore increase Oxford’s capacity from 8,620 to 9,750. Targeting the top of the range would produce 10,880. In *Housing for a Compact City* Lord Rogers noted that Paris had an average housing density of 300 dph. Even building at half that density would increase Oxford’s declared capacity to 21,200 homes and, taken with the 12,200 house potential of the employment land, to 32,400, well above even the SHMA total.

Of course, these figures are only indicative orders of magnitude of what could be achieved; but **the scale of the difference between the City’s claimed and actual capacity is stark.**

Additional to that are employment sites that have been vacated during the Plan period but remain ring-fenced, and the number of dwellings arising from the Plan policy to allow dwellings “over the shop” neither of which are quantified.

However, the SHMA is now superseded by the new method of calculating OAN (Objectively Assessed Need). This defines the Government's household projections as "need" overlaying a percentage intended to address prices. Under the new OAN Oxford's actual "need" would be for just 11,000 houses during the Plan period, or 12,960 if the affordability uplift was included. Even the higher figure is less than half of the SHMA. Additionally, the Government rightly encourages Authorities to moderate their housing trajectories in respect of constraints like the Green Belt, conservation areas, flood zones all of which apply to Oxford.

Moreover, if a "housing first" strategy were adopted, by then far more of Oxford's current workers would have been accommodated within the City, and less new housing demand would have been provoked by throttling back the growth strategy, leaving demand and supply more nearly in balance. Homes built at the higher densities we propose would be less expensive to buy, addressing the affordability issue. The result would be that house prices relative to incomes, which are already falling due to market forces, would fall further during the Plan period

The household formation forecasts, 11,000 houses for the Plan period (itself a not unchallenging 20% growth on existing housing stock) should be the basis on which need, and if it were relevant any "unmet need", should be defined.

It is evident that on the revised Strategy basis we propose Oxford could accommodate far more than all the houses it actually needs within the present City boundaries, leaving spare capacity for future Plan cycles.

2. The Growth Deal

The underlying motivator of the Plan numbers is not directly the SHMA but, as the Plan states, that *Councils have received Growth Deal funding to deliver these homes*. The Oxfordshire Growth Deal is a contract between the Councils comprising the Oxfordshire Growth Board and the Government for the delivery of 100,000 homes in return for cash payments. In the contract the Government specifically acknowledges that this is in excess of its own estimation of Oxfordshire's housing need. It is in fact in excess of actual need by a factor of almost three.

The lawfulness of the Councils' agreement to the Growth Deal numbers is suspect as the underlying SHMA is consistently represented to the public as "need", whereas by the Government's own evidence it is not. There has been no consultation to determine whether the public shares the Councils' apparent vision of Oxfordshire as an area for accelerated industrial and population growth. **In fact, all the evidence is that the public would expect a rural County like Oxfordshire, constrained by Green Belt and AONB, to be defending figures below the OAN, as the Government advises, rather than three times greater, as they are now taking the Government's money to do.**

CPRE is strongly opposed to sacrificing the countryside and Green Belt for no reason other than money, which is the effect of the Growth Deal, and of the District and City Plans, but our proposed reduction in Oxford's own housing need to a level based on the new OAN would not of itself affect the Growth Deal, which is County wide. It would merely transfer 15,000 houses from the City books to the Districts. This would not change the Districts totals, as these already include the same figure as allocated "unmet need". Our proposed

change would however remove any imperative to, or exceptional circumstance for, District's releasing Green Belt land close against the City where it is most vital.

It would also lead to a contained City, balancing its own housing needs and employment, and a more sustainable City with less commuting and more integrated communities.

3. Affordable housing requirements

Para 3.7 states that the 2018 SHMA roll-forward identified an affordable housing need of 1,356 dwellings per annum.

However, the roll-forward document (GL Hearn's Oxford City OAN Update, Oct 18) is clear that this figure '*is a nominal figure based on a certain calculation*'. It states that it does not take into account housing that would be released by households moving to more suitable accommodation (Para 6.50) or the fact that the OAN already allows for newly forming households so these would be double counted (Para 6.51).

Despite this, repeated references through the Plan suggest that 1,400dpa is the figure required.

In fact, the conclusion of the OAN update is to identify a housing requirement of 776dpa - '*a strong basis for planning positively and takes into account demographic trends. It would also meet the identified economic growth and help to address local affordability issues*' (para 9.39)

This figure includes a 40% uplift to take into account affordability issues, as outlined in the Government's new standard methodology.

4. Oxford-Cambridge Growth Corridor

Para 3.7 also seeks to justify an increase in figures based on the proposed Oxford-Cambridge growth corridor. We note that this has not been subject to public consultation or any strategic environmental assessment, nor any robust political scrutiny. There is no agreed economic vision for the corridor and no clarity over the proposed spatial distribution of the intended growth. We reject entirely the notion that Oxford's Local Plan should be guided by this undefined, undemocratic and environmentally unsound approach.

Conclusion

The Plan should clearly identify the distinction between actual housing need (household projections) and the optional level of growth that the City is seeking to create.

The evidence base should reflect this with a clear analysis of the benefits/impacts of the higher figure and further public consultation undertaken on the basis of this.

As we show, a combination of increasing densities and switching land earmarked for potential future employment to housing could satisfy all the notional need in the SHMA/Growth Deal, and far more than the more appropriate new OAN formula.

However, the overwhelmingly important issue is that Oxford's Plan strategy of ratcheting up employment far in excess of housing is against the interest of both the City and the County and should be reversed.

POLICY G3 - Green Belt

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

Summary

The City's long-term strategy has been and remains expansionist. Since the City is surrounded by Green Belt, which was created both to contain urban sprawl and protect the vital setting of historic Oxford, physical expansion of the City can only be at the Green Belt's expense. Indeed, it is probably intended to be, as the City has continually chafed at the constraints imposed by the Green Belt and has a longstanding submission to the Local Government Boundary Commission that the City boundary should be extended over and beyond Oxford's peripheral Green Belt, which is presently within the areas of surrounding authorities.

As we argue elsewhere (see responses to overall Spatial Strategy and Policy H1 in particular) there is no justification for this. To the contrary, the best interests of both the County and the City itself are for the City to remain constrained - in its own interest due to its topographical situation crossed with rivers and floodplains, because of its infrastructure inevitably constrained by the heritage which makes it distinct, and because it is in the wider interest to share the proceeds of the growth potential of the University's scientific initiatives amongst the wider community.

The City's expansionist growth-centred strategy is inappropriate. It should instead be aiming to satisfy its own housing need, through releasing land earmarked for prospective employment and higher densities, rather than, as in this Plan, targeting Green Belt release both within the City and on land immediately adjacent to the City, but within other Authorities' areas, for urban extensions of the City. Neither is justified by the evidence, and there are no exceptional circumstances to outweigh the harm that it is acknowledged would be caused. Furthermore, there is no public support for Green Belt release.

Public Opinion

Opinion Research commissioned by CPRE Oxfordshire in 2015, with a very large sample size, asked the balanced question: *the key reason green belts exist is to prevent urban areas spreading out across the countryside. But some would argue that Green Belts are preventing necessary development from happening in the best place. How much, if at all, do you agree or disagree that the Oxford Green Belt should remain open and undeveloped, and building on it not allowed?*

76% of the population of Oxfordshire agreed that the Green Belt should remain open and undeveloped, despite having been made aware of the pressure for building. For Oxford City itself 73% of respondents opposed Green Belt development, 48% strongly.

Oxford City Council consultation responses (from their Consultation Response paper) do not have the same validity as their sample is self-selected not - as the CPRE sample is - representative but nevertheless broadly support the Green Belt. It is not a reasonable

interpretation of its own consultation responses for the City to refer to the outcome as “polarised” since charts published in their own background paper show 63% of full respondents disagreeing, 54% strongly, with the City’s proposal to develop Green Belt land within the City. Even the result from the City’s leaflets, which can be given little weight, had twice as many strongly disagreeing with the City’s proposal than strongly agreeing.

Since the CPRE commissioned survey was of a carefully selected sample and since our overall result for Oxfordshire was echoed very closely in each of the separate areas; its result confirmed similar research previously undertaken; and it is supported by the less valid, because self-selected, City consultation responses, it can be confirmed without hesitation that **a clear and substantial majority of the public do not believe the Green Belt should be built on, whatever the pressures to do so.**

This means at the very least that circumstances that are truly exceptional must be obtained before any decision to release Green Belt can be considered. There are none.

Exceptional Circumstances

The City states that there is no formal definition of, or assessment criteria for “exceptional circumstances” which are therefore at the discretion of the Authority to determine. That has certainly been the case up to and including the original NPPF, under which this Plan is likely to be examined, though no doubt the Government had assumed that the word “exceptional” taken together with the assumption that Green Belt boundaries should be permanent, indicated clearly enough the weight of evidence that should be required to necessitate Green Belt release. Under the new NPPF a sequence of steps and considerations is identified at 137/8 which determine the situation in which circumstances can be considered exceptional. Given that these are the Government’s up-to-date advice they must carry weight in any current decision making.

These are briefly (137) that all reasonable alternatives should be exhaustively considered, including higher densities on other land, and then, but only if no reasonable alternative exists, (138) that first consideration should be given to previously developed land or land well-served by public transport.

There is no evidence that reasonable alternatives have been considered. In the case of the group of small sites within the City, non-Green Belt land ring-fenced for future housing development could have been used instead, or alternatively a modest uplift in densities across the City. The eight sites proposed for release total 18 hectares. We have been unable to identify a specific housing number associated with them. Assuming this would be at the lower end of the Plan’s indicative density scale at 35 dph, the sites would yield just 630 dwellings. Given that the total number of dwellings proposed for the City is 8,620, that would be equivalent to just a 7% increase in densities elsewhere, which, especially as those are in any case set at the lower end of the density range, should be readily achievable.

The urban extension sites proposed outside the City to accommodate Oxford’s “unmet need” (at the Kidlington Gap in Cherwell District, and at the time of writing at Elsfield, Northfields and Grenoble Road in South Oxfordshire) are all in the Green Belt and therefore fall to be considered under the same NPPF 137 criteria.

In all cases there are alternative sites, which in Cherwell’s case are specifically identified in the emerging District Plan.

Although the new NPPF at 138 requires the relative sustainability of Green Belt sites to be a consideration only if alternative sites are not available, the Oxford Plan puts the sustainability argument first.

Their case is that firstly there is unmet need which the City cannot satisfy and secondly that the only sustainable location where Oxford's unmet need can be met is right up against the edge of the City in the Green Belt.

CPRE argues firstly that there is in fact no "unmet need" to be satisfied and secondly that the Government's para 137 presumption - which we share - must be that it can be sustainably met in alternative locations should these be available.

We argue the case that there is no unmet need in our response on the overall Spatial Strategy, but in summary we demonstrate that the City has the potential to meet all of its Strategic Housing Market Assessment (SHMA) requirement within the City itself; that in any case unmet "need" can only be real need, not the SHMA calculation that conflates need with accelerated growth strategies; and that the best available calculation of real "need" (even within the SHMA) is the Government household projection forecast. That is for just 10,000 houses over the Plan period which Oxford could comfortably accommodate. There is no reasonable argument that Oxford has "unmet need" at all, certainly none sufficient to overcome the high hurdle that is Green Belt release.

It is also relevant to recall that the Inspector into the Vale Part 1 struck out a whole swathe of Green Belt sites on our submission that no housing allocation had been made to them, and there therefore there could not be exceptional circumstances. We can find no evidence of allocations to Green Belt sites within the City in this Plan.

There is therefore no basis for moving to consider whether there are exceptional circumstances as no legitimate unmet need exists.

For the sake of good order, it is nevertheless appropriate to address the exceptional circumstances the City advances.

a. High Cost of Housing

High housing cost depends on a number of factors but as Kate Barker established in her seminal 2004 report there is no conceivable rate of new housebuilding that would do more than slow house price inflation. That said however, Oxford City has created a perfect house price storm by deliberately restricting supply whilst simultaneously ratcheting up demand. This pressure cooker effect could be halted tomorrow by changing strategy to accommodate housing rather than creating demand for more of it. It would not be addressed by the Green Belt incursions proposed as the Plan still calls for employment growth ramping up demand.

b. Imperative to meet as much of Oxford's housing need as possible

Agreed, but Oxford's real housing need can be met within the City boundaries and without use of Green Belt land.

c. Oxford's potential for growth

The City refers to Oxford as a “global brand” and though this is to an extent the case, in that the City’s name and characteristics are widely known, the essence of a global brand is that it is global. Apple’s products are made in China, and BMW’s are made in America. This does not make Apple less American or BMW less German. Oxford’s ideas would still be Oxford’s wherever they were exploited. There is a difference between creating growth and accommodating it. This does not need to be, and desirably should not be, in the City itself.

The Green Belt was created specifically to constrain urban areas potential for lateral growth. Oxford has recklessly expanded until the limit is almost reached but there is still time for a change of strategy. There is no reason to suppose that any net growth would be lost by physically constraining Oxford since there is no reason to suppose it could not be achieved elsewhere in the County.

Conversely if achieving growth of the City were an acceptable aim, and given the City’s claim that it could be achieved only by expanding over the Green Belt, then the Green Belt would be peeled open like segments in an orange (as we have said elsewhere) doing irreparable harm to the setting of the City, to the surrounding settlements that would be subsumed, and to the County as a whole.

Constraining Oxford would maintain its attractiveness to the originators of ideas for growth that others can develop. In any case the medieval layout of Oxford is unsuitable to support a larger City.

d. Lack of housing is a barrier to economic growth

This is a rephrasing of (c) above.

e. Promotion of sustainable patterns of growth

Removing land from the Green Belt is in principle the very opposite of sustainability as it prevents future generations from enjoying the benefit. This is especially the case when there is no evidence to justify it or to counter the harm it would cause.

The City Council says it “has been arguing for years that a feature of its lack of housing is extended commuting”.

Whilst it has indeed been arguing this for years, during the same years it has been creating the very problem it complains of, by prioritising creating housing demand ahead of meeting it.

It argues too that *housing should be in sustainable locations*. There is little argument about that but the routes to sustainability are to use earmarked employment land within the City for housing and to relocate new jobs together with the necessary housing elsewhere.

Green Belt Site Assessments

In recent years there has been a trend towards assessing the whole of the Green Belt and/or that part of it falling within a particular authority for the performance of each parcel against the five purposes of the Green Belt. The Vale of White Horse District Council at its Part 1 Enquiry advanced the view that sites could be released purely on the basis that a

poor subjective assessment was of itself an exceptional circumstance, of which it was disabused by the Inspector on our submission.

The Site assessments in the Green Belt Study are inevitably subjective and it is relevant that they can differ from those in the earlier County's Oxfordshire wide Study in 2015, accepted at the time as definitive. The land itself has not changed in the meanwhile, only the assessor's interpretation of it.

As an instance, of St. Frideswide Farm, site 107, the City's Green Belt study says *release of this land would constitute encroachment on the countryside but the size of the parcel and its links with the existing urban form are such that the impact on the integrity of the wider Green Belt would be limited.*

The Oxfordshire Green Belt Study of 2015 (in which it forms part of a larger parcel) on the other hand states that *There are two farms within the parcel, neither of which are considered to be urbanising influences. The land is flat and very open, with excellent views of the surrounding countryside. The parcel plays a moderate role in the setting of Oxford in terms of its physical extent and degree of visibility and/or its contribution to Oxford's special character.*

CPRE's assessment of the St.Frideswide farm site against the five purposes, being up against the City, and between the City and open countryside, is that it is preventing urban sprawl and protecting the countryside (of which it is a part) from encroachment, absolutely, not as a matter of degree. All Green Belt land assists in regeneration. St. Frideswide's is in the crucial Kidlington Gap between the City and the very large village of Kidlington and its release would directly contribute to coalescence. Sited as it is on an approach to the City it is contributing to its setting, which is not just a matter of view cones but of the whole physical approach to the dreaming spires.

This is not the place to review the qualities of all the Green Belt sites targeted for release in the City or as urban extensions, except to say that for Cherwell this is almost entirely within the critical Kidlington Gap and in the same parcel as St Frideswide's; and the three Green Belt releases adjacent to the City proposed in the emerging South Oxfordshire Plan are all acknowledged to be urban sprawl, and to be important to the setting of the City.

Conclusion

There are no exceptional circumstances to justify any review of the Green Belt and both the sites within the City and the references to Green Belt urban extensions should be struck out of the Plan.

POLICY RE2 - Efficient use of land

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

During the Plan period the City assesses its housing need on the 2014 SHMA (Strategic Housing Market Assessment) as 1,400 houses per annum, that is 28,000 houses. Although it has commissioned an updated and extrapolated SHMA which puts the figure lower, at 27,120, the City has decided to maintain the rate in the original SHMA, ostensibly because this has been used for the allocations in the Oxfordshire Growth Deal (of which more later).

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Further houses would result from an increase in build densities. At that time CPRE based its assumption of yield from density improvement on the City’s then apparent density assumption of just under 40 dph. Perhaps as a result of CPRE’s density campaign, the new NPPF requires Councils to set density criteria, with which Oxford has complied to a minimum extent. Although the housing background paper states that a final minimum density standard is proposed in Policy RE2, this is not the case; it contains only an indicative 100 dph in district centres. Similarly, although in the Housing Background Paper a range of densities for each category of site is given, the text makes it clear that this too is indicative, and indeed done against the Council’s best judgment under the duress of the NPPF. In calculating the capacities of HELAA sites, the lower end of those ranges has been used throughout.

The median of the lower range is 61 dph and the median of the mid-range is 69 dph. Simply moving to the mid-range median would therefore increase Oxford’s capacity from 8,620 to 9,750. Targeting the top of the range would produce 10,880. In *Housing for a Compact City* Lord Rogers noted that Paris had an average housing density of 300 dph. Even building at half that density would increase Oxford’s declared capacity to 21,200 homes and, taken with the 12,200 house potential of the employment land, to 32,400, well above even the SHMA total.

Of course, these figures are only indicative orders of magnitude of what could be achieved; but the scale of the difference between the City’s claimed and actual capacity is stark.

High Density housing does not need to be physically high. Indeed, tower blocks are an inefficient way of providing it. The Jericho District of Oxford is high density and low rise as well as being a sought-after location. It is perhaps indicative of Oxford’s approach that high density St Ebbe’s in the City Centre was pulled down to make a carpark and is now a modern and unsightly shopping mall.

The Government urges use of higher densities particularly where Green Belt might be at risk (as in this Plan). Higher densities also create more integrated communities; reduce both

inter and intra City commuting; and enable the less expensive housing the City claims it is its key priority to provide.

NEW POLICY - Historic Landscape Character

CPRE Oxfordshire considers that a new Policy on Historic Landscape Character is required in order to make the Plan sound and consistent with National Policy.

Proposed new policy:

The City Council will use its planning powers to preserve and enhance the special characteristics, appearance and features of the City's historic character as defined in the Heritage Plan ([ref]).

Any planning application for development of a sufficient scale to affect significant aspects of the historic character of Oxford, both within the urban area and in its green spaces and countryside, should be accompanied by a heritage assessment that includes:

- a description of the historic characteristics of the area affected, including features that help to define that character, and its significance; and
- consideration of how historic, ecological, aesthetic and visual values interact in relation to such characteristics and features; and
- an assessment of the impact of the development proposed on those characteristics and features; and
- an explanation of how such characteristics and features have been taken into account in the design of the proposals, by respecting and drawing inspiration from them; and
- what measures have been incorporated in the proposals to avoid and minimise any harm, and, where appropriate, to contribute to the long-term conservation and management of such characteristics and features.

Development proposals that will lead to harm to the historic character of Oxford's urban and countryside areas will be resisted unless a public benefit justification clearly and convincingly outweighs that harm, having regard to the significance of the characteristics and features affected.

This policy will be applied in conjunction with the policies to conserve the City's Green Infrastructure, including historic routeways, the river and canal and rural areas where ridge-and-furrow, hedgerows, grasslands, woodland and other features reflect landuse history.

REASON: The City Council has expended significant resources (supported by Historic England) in commissioning historic characterisation studies that have helped to define what makes Oxford such a distinctive and nationally important historic city. NPPF para 185 b) tp d) is very clear that general historic character and key interrelationships with the natural environment, community and landscape character should be conserved and respected, but currently there is no policy that adequately does this in respect of what those characteristics are beyond specific designated and non-designated assets.

There are very close synergies between the City's green infrastructure and historic character (perhaps nowhere more so than Port Meadow) and this needs to be recognised and properly considered in both sets of policy.

POLICY DH2 - Views & Building Heights

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

In order to make the policy compliant we suggest the following additional wording in red:

‘The City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline **as a key consideration in preserving the settings of multiple key listed buildings, scheduled monuments and registered parks and gardens; and in conserving and/or enhancing the character of the City’s Conservation Areas, especially that covering the City centre which includes an architectural ensemble of international importance.**’

REASON: There is a fundamental problem that although this policy is concerned with conserving and enhancing the setting of multiple designated heritage assets of the highest grade, and the character and appearance of conservations areas (especially the centre of the city) that is rightly regarded by the City Council as a masterpiece of European architecture, it makes no mention of **heritage settings**.

This matters because ‘views’ have no statutory status and no special weight is attached to them; by contrast, the setting and character or appearance of designated heritage assets, which is actually what this policy relates to, do have special statutory status to which ‘special regard’ must be paid and to which ‘great weight’ must be given, especially where, as in this case many assets of the highest importance are concerned. Furthermore, unlike views and other policies where a simple balance against development need applies, where designated heritage assets are concerned a ‘clear and convincing’ justification is required for any harm, whatever the grade of assets.

This has been a long-standing problem in Oxford, including the notorious Castle Mill flats case where only the views policy was cited as the main material considerations, with no reference to the conservation area, listed buildings and scheduled monuments policies that carry great weight or the statutory duty to have special regard to the conservation of listed buildings and their settings and the character and appearance of Conservation Areas.

The subsequent Goodstadt Review made a number of observations and recommendations, including noting the need to sort out the relationship between the ‘great weight’ issues of heritage settings, character and appearance, and the views of, from and across Oxford’s historic skyline:

162It is however considered that the assessment against the provisions of the 1990 Act should be an explicit consideration of any future view cone analysis. It is recommended that this could be clarified as part of the Heritage Strategy being developed by the Council (refer Section I).

163. In addition it is considered that the approach to the View Cones policy was not restricted to a fixed viewing point but to views from within it as well. It therefore considered that HE3 and HE7 in effect address the same matters as should have been addressed through Policy HE10, even if this was not explicitly stated²¹. This issue however raises the need to clarify the inter-relationships of policies and the provisions of the 1990 Act.

215. In terms of planning policies the Review has already identified the need to strengthen the policy approach to protecting the setting of the City and its design policy. There is also a difference between the way policies are interpreted and the

expectations of the wider community in Oxford. There is also a need to consider the implications of the 1990 Act (refer paragraph 161-164) and a clearer and more explicit approach to determining departures from the plan. Wider concern has been raised about the commitment to the existing heritage policies and the need to bring forward the Heritage Strategy. There is much in hand but it is important that it is integrated into the assessment process and not treated just as a specialist area.

216. In terms of the Core Strategy the development pressures created by the need for additional student accommodation exhibited by the RDW application are not likely to lessen. They were fully explored at the Core Strategy examination. They are not readily resolved through individual applications on an incremental basis. The available land for new development inevitably will get tighter, with an associated increased pressure for increasing density and scales of development. The balance between the provision of much needed accommodation, the protection of the Greenbelt and the safeguarding of its heritage, a cornerstone of Oxford's international image, now needs to be reviewed and resolved through a refreshed longer term view and its conclusions reflected in the development plan policies for Oxford.

Recommendations....

...e. The implications of the RDW decision on existing planning policies needs to be reviewed (refer para. 215-216);

After the Goodstadt review was published, the retrospective Environmental Impact Assessment of the Castle Mill flats case found that the development caused serious harm to a number of highly graded listed buildings, Conservation Areas and scheduled monuments, clearly reinforcing the need to resolve the policy discrepancy.

Since then further work has been done on beginning to make the views policy more flexible and less narrow, but it still represents only one aspect of the much wider modern concept of 'setting' - the defined view cones representing only one quite narrow aspect of this. There has still been NO attempt to address the much more fundamental issue highlighted by the Goodstadt Review in terms of the need to resolve the policy relationship of non-statutory 'views' and 'building heights' to the statutory 'great weight' issues of setting, character and appearance of designated heritage assets.

The following suggested additional rewordings further address this issue by relating the specific views issues to the key heritage provisions which are covered in more detail in subsequent policies. These are required to bring the policy in line with the provisions of NPPF 2018.

Planning permission will not be granted for any building or structure that would harm the special significance of Oxford's historic skyline.

Planning permission will be granted for developments of appropriate height or massing, as demonstrated by the following criteria, all of which should be met:

a) design choices regarding height, massing and materials have a clear design rationale and the impacts will enhance rather than harm the setting of designated heritage assets that contribute to Oxford's historic skyline and its setting within the landscape; and

b) any design choice to design buildings to a height that would impact on the character and appearance of Conservation Areas that contribute to Oxford's historic skyline should be fully explained in relation to relevant Conservation Area Appraisals and the guidance on design of higher buildings set out in the High Buildings Study TAN should be followed. In particular, the positive and negative impacts in terms of the four visual tests of obstruction, impact on the skyline, competition and change of character should be explained; and

- c) it should be demonstrated how proposals have been designed to have a positive impact on the setting, character and appearance of designated heritage assets, and through its massing, orientation and materials, how the development would relate to the street and townscape character
- d) the potential impact on important views including both in to the historic skyline and outwards across the historic skyline towards Oxford's green setting must be explained and fully illustrated.

REASON: As above: these alterations would bring the policy in line with NPPF and statutory obligations and give greater clarity as to what issues matter.

The area within a 1,200 metre radius of Carfax tower (the Historic Core Area) contains all the buildings that comprise the core of Oxford's historic skyline, so new developments that exceed 18.2 m (60 ft) in height or ordnance datum (height above sea level) 79.3 m (260 ft) (whichever is the lower) are likely to intrude into the skyline and thereby impact on the setting of numerous designated heritage assets of the highest significance and the character and appearance of the Central and adjacent Conservation Areas. Development above this height should be limited in bulk and must be of the highest design quality in order to enhance rather than harm the significance of those major heritage assets.

REASON: As above: these alterations add clarity and would bring the policy in line with NPPF and statutory obligations.

Applications for proposed development that exceeds that height will be required to provide extensive information so that the full impacts of any proposals can be understood and assessed, including:

- i) a Visual Impact Assessment, which includes the use of photos and verified views produced and used in a technically appropriate way; which include views both towards and from the City Centre; are appropriate in size and resolution to match the perspective and detail as far as possible to that seen in the field; representing the landscape and proposed development as accurately as possible, including
- ii) use of 3D modelling so that the impact of the development from different locations can be understood, including any view cone views and elevated views out from the City centre that are affected; and
- iii) an analysis of the positive and negative impacts on the settings, character and appearance of designated heritage assets in accordance with current Historic England guidance
- iv) an explanation of what the impacts will be in terms of the four visual tests of obstruction, impact on the skyline, competition and change of character and on other relevant factors that contribute to setting of heritage assets that area affected; and
- v) reference to how the guidance in the High Buildings Study Technical Advice Note and Historic England setting guidance have been followed.

REASON: As above: these alterations would add clarity and bring the policy in line with NPPF and statutory obligations.

Any proposals within the Historic Core Area or View Cones that may impact on roofscape and the foreground part of views (including proposals where they are below the Carfax datum point, for example plant) should be designed carefully, and should meet all the following criteria:

- they are based on a clear understanding of characteristic positive aspects of roofscape **and its contribution to the significance of historic assets in the vicinity;** and
- they contribute positively to the roofscape, **to enhance the setting of heritage assets, including** any significant long views the development may be part of and also the experience at street level;

REASON: As above: these alterations would add clarity and bring the policy in line with NPPF and statutory obligations.

Planning permission will not be granted for development proposed within a View Cone or the setting of a View Cone if it would harm the special significance of the view.

The View Cones and the Historic Core Area (1,200m radius of Carfax tower) are defined on the Proposals Map.

POLICY DH3 - Designated heritage assets

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified or effective and is not consistent with national policy.

Changes in wording to the Policy are proposed in red:

Planning permission will be granted for development that **conserves, enhances** and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality.

REASON: 'Respects' is ambiguous and weak, and does NOT adequately reflect the strong emphasis on conservation set out in NPPF 2018 paras 184-5 and elsewhere]

In all planning decisions affecting the significance of designated heritage assets, **which include Listed buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens**, great weight will be given to the conservation of those assets including their settings. ~~where it contributes to significance. This includes the close interrelationships between assets that characterise much of Oxford's heritage.~~

REASON: There is no mention in the policy of what designations are concerned: central Oxford in particular has amongst the highest densities of often overlapping and nested designations (including Registered Parks and Gardens) anywhere in Britain. It is relevant to make it clear what they are (especially as somewhat different considerations apply).

The plural 'heritage assets' should be carried through both grammatically and because planning decisions very commonly entail consideration of more than one asset in Oxford.

The final phrase as drafted is redundant because it is implicit in the first sentence (ie settings are considered where decisions relate to the significance that settings contribute). It fails to draw out a key characteristic of Oxford's designated assets, especially within the City Centre but also elsewhere, which is their close interrelationships, which in national terms is unusually strong.

The following particular considerations will apply:

- i. **Scheduled Monuments**
 - **Planning permission will be granted for developments that avoid harm to any scheduled monument while seeking to conserve it within a sustainable long-term management regime that conserves and/or enhances or better reveals its significance.**
 - **All development proposals affecting scheduled monuments should be appropriate in terms of scale and location, use of materials and respect for their settings including relevant subsoil archaeological remains.**
- ii. **Listed Buildings:**

- Planning permission will be granted for the re-use of redundant or unused listed buildings for new purposes that minimises harm and is compatible with their character, architectural integrity and setting.
 - All development proposals affecting listed buildings should be appropriate in terms of scale and location and use of materials, textures and colours that respect the character of the buildings and their settings.
- iii. Conservation Areas
- The City Council will use its planning powers to preserve and enhance the special character, appearance and setting of each conservation area.
 - Planning permission will be granted for development that preserves or enhances the special character or appearance of the conservation areas or their settings, including their architectural character and historic interest of buildings and structures; use of materials, and their finishes in terms of colour and texture; the contribution of trees and green and open spaces; historic street patterns and spaces between buildings; and views in and out of the area.
 - Planning permission will only be granted for proposals involving the substantial demolition of a building or structure or other feature that contributes to the special interest of a conservation area in exceptional circumstances.
- iv. Registered Parks and Gardens
- Planning permission will not normally be granted for development that will adversely affect the visual, historical or horticultural character of a Registered historic park or garden or its setting, noting in particular the very close relationships of Oxford's parks and gardens with other designated heritage assets and urban character.
 - Planning permission will be granted for development that assists with the protection, management and restoration of important parks and gardens while avoiding the loss of key features and retains the essential historic design character of the site.
 - Management plans, where appropriate, will be secured by a planning condition or planning obligation.

REASON: The current local plan policies that were saved from previous Local Plans are specific about the key issues that matter in relation to Oxford's designated heritage. As drafted the policy could apply anywhere in Britain and adds almost nothing to what the NPPF already states. The suggested text above is needed to retain the key features of existing policy while also enhancing their positive conservation aspects.

A planning application for development which would or may affect the significance of any designated heritage asset (including, where appropriate, **their settings**) should be accompanied by a heritage assessment that includes a description of the asset(s) **affected** and **their** significance and an assessment of the impact of the development proposed on the **assets'** significance. As part of this process full regard should be given to the detailed character assessments and other relevant information set out in **designation citations, the City Council's Historic Environment Record, any relevant Conservation Area appraisal and management plan, and historic characterisations, resource assessments and other documents forming part of the City Council's Heritage Plan.**

REASON: As above regarding plurals and clarity; reference should be made to the City Council's Historic Environment Record to be in line with NPPF 2018 para 187; it should refer to the Heritage Plan because it is part of the City's strategy in accordance with NPPF 2018

para 185 and it contains numerous useful studies on different aspects of the City's historic character, views, archaeological resources and potential etc etc.

The submitted heritage assessment must include information sufficient to demonstrate:

- a) an understanding of the **architectural, archaeological, historic or artistic** significance of the heritage **asset(s) affected and the uses that are appropriate to their conservation**; and
- b) **due** recognition of **the contribution of the significance of assets** to the quality of life of current and future generations and the wider social, cultural, economic and environmental benefits they may bring; and
- c) that the development of the proposal and its design process have been informed by an understanding of the significance of the heritage asset and that harm to its significance has been avoided or minimised; and
- d) that, in cases where development would result in harm to the significance of **one or more heritage assets**, including **their settings**, the extent of harm has been properly and accurately assessed and understood;
- e) **that in respect of any harm arising from the proposal, a clear statement is given as to why the specific elements resulting in harm are considered justifiable**; and
- f) that measures are incorporated into the proposal, **as far as reasonably practicable** that **avoid**, reduce or compensate for the harm; and
- g) **in what (if any) ways the proposals are considered to enhance any heritage assets and/or their settings, and which specific elements achieve this.**

REASONS: This policy is helpfully proactive to ensure decisions are well-informed but needs to be linked more tightly to key issues on which information should be provided. The specific reasons for the suggested changes are as follows:

- a) and b): These need to be separated as two distinct points (as they are in NPPF 2018 para 185).
- a) As drafted the policy makes no reference to the kinds of significance for which assets are designated, only the other contributions that are not part of the reasons for designation.
- b) This is intended to reflect NPPF 2018 para 185, but unlike this draft, the NPPF makes it clear that it is important to recognise the contribution that *conserving significance* makes to wider society, not just that the asset makes a contribution because it happens to be used as an office, or a house or a pub or whatever.
- d) Plurals are better to make it clear that multiple assets may be affected.
- e) Heritage assessments need to be explicit about the specific reasons why elements that cause harm are needed and cannot be designed out - this point needs to be added
- f) as drafted the policy is weak: 'appropriate' and 'mitigate' are ambiguous terms that mean different things to different people: the requirement needs to be clearer that a high level of effort should be made to avoid and reduce or compensate for harm. 'Reference to 'avoid' is essential because it is quite common for design changes to be possible that removes or minimises harm without compromising the scheme.
- g) This extra point is necessary to balance the positive with the negative and tie in with NPPF policy and statutory requirements in the case of Conservation Areas that the enhancement of assets should be sought: assessment need to be explicit if such enhancement is to be weighed in the balance.

Where the settings of **one or more assets** are affected by a proposed development, the heritage assessment should include a description of **what aspects of their surroundings, historical relationships and visual or other sensory characteristics contribute to their significance and how important those contributions are**, as well as **presenting** an assessment of the impact of the proposed development on the setting(s) and **thereby on the assets' significance**. **Assessments should follow the most recent edition of Historic England's Guidance Note 3, *The Setting of Heritage Assets***

REASONS: As drafted the policy is too non-specific to help any more than is already indicated by NPPF and NPPG: the suggested rewording is more explicit and better reflects current best practice as advised by Historic England.

~~Where a proposed development will lead to substantial harm to or loss of the significance of a designated heritage asset, planning permission will only be granted if:~~

- ~~i) the harm is necessary to achieve substantial public benefits that outweigh the harm or loss; and~~
- ~~ii) the nature of the asset prevents all reasonable uses of the sites; and~~
- ~~iii) no viable use of the asset itself can be found in the medium term (through appropriate marketing) that will enable its conservation; and~~
- ~~iv) conservation by grant funding or similar is not possible; and~~
- ~~v) the harm or loss is outweighed by the benefit of bringing the site back into use;~~
- ~~vi) a plan for recording and advancing understanding of the significance of any heritage assets to be lost, including making this evidence publicly available, is agreed with the City Council.~~

~~Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal. The justification for this harm should be set out in full in the heritage assessment.~~

REASONS: This attempted paraphrase of NPPF is fraught with problems and should be replaced as suggested below- The specific problems are as follows:

The 'and' at the end of point i) fails to reflect NPPF para 195, which says 'or' before listing points ii) to v) - which is a significant difference

Point vi) refers to recording being required in instances of substantial harm but there is no reference to this for less than substantial harm: NPPF para 199 makes no such distinction.

The text - especially points ii) to v) - reproduces verbatim the tests set out in NPPF para 195, but does NOT balance this with several other key provisions of NPPF, notably para 193:and the opening of para 194:

'193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Overall, this passage thus quotes bits of national policy almost verbatim - but with one significant alteration that changes the meaning, and also in a manner that is selective and partial which changes the balance inherent in the NPPF by omitting some key considerations in how tests are applied. The result is UNSOUND.

When considering the impact of a proposed development on the significance of designated heritage assets, great weight will be given to the assets' conservation (the more important the assets affected, the greater the weight to be applied). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), will require clear and convincing justification. In determining proposals for development affecting designated heritage assets the Council will apply the balancing tests set out in national policy.

REASON: This suggested replacement wording quotes the general principles in NPPF paras 193-4 cited above, referring to the more detailed tests rather trying (unsuccessfully) to paraphrase them. This makes more sense within the context of the other changes proposed which elaborate on the key issues broadly outlined here.

The Policies Map shows the location of Conservation areas ~~are~~(listed in Appendix 6.2); Scheduled monuments (listed in Appendix x.x) and Registered Parks and Gardens (listed in Appendix x.x). Details of listed buildings and their locations may be found through Historic England's Heritage Gateway website (xxx).

[THE POLICIES MAP - needs to show the boundaries of scheduled monuments and registered parks, which include significant areas of the City.]

REASON: As drafted the wording substantially fails to refer accurately to the heritage designations that ARE shown on the policies map

It is recognised that it may be impossible to show all listed buildings on the map and similarly it would be impracticable to list them all in an appendix (and it would be misleading to include for example only Grade I buildings as if others did not matter); but it would be helpful to indicate where this information can be found.

On the Policies Map the single symbols for scheduled monuments and registered parks and gardens are grossly misleading in not showing their often substantial extent, including for example the Scheduled Ancient Monument covering almost the whole of Port Meadow and the multiple abutting Registered Parks & Gardens that cover c. 50% of the Central Conservation Area

OVERALL: As currently drafted the policy adds almost nothing to the NPPF and in some respects detracts quite significantly from it. The overall thrust is much weaker than the explanatory text which makes much clearer the richness of Oxford's architectural, archaeological and designed landscape heritage and the need for its effective management on a fully informed basis. The suggested changes both bring the policy more in line with NPPF and expand on its provisions in a positive way more specific to Oxford's needs - and better reflecting the explanatory text.

POLICY DH4 Archaeological remains

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not effective and may not be legally compliant.

Changes in wording to the Policy are proposed in red:

~~Within the City Centre Archaeological Area, and elsewhere-~~ Where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define the character and extent of such deposits so far as reasonably practical. **Pre-application discussion is encouraged to establish requirements.**

REASON: The first clause is redundant: sufficient information is needed in all cases. The final added clause is moved here from below because it makes better sense to highlight this here.

This information should generally include:

- a) a Heritage Assessment, **normally accompanied (especially within the City Centre Archaeological Area) by a full archaeological desk-based assessment**, that includes a description of the impacted archaeological deposit or feature (including where relevant its setting), an assessment of its significance and **details of the impact of the proposed development on its significance**, in all cases using a proportionate level of detail that is sufficient to understand the potential impact of the proposal. The Statement should reference appropriate records (including the information held on the Oxford Historic Environment Record **and the Archaeological Resource Assessments in the City Council's Heritage Plan**) **in accordance with best professional practice**; and
- b) **where appropriate (especially within the City Centre Archaeological Area), a full archaeological desk-based assessment and** the results of evaluation by fieldwork (produced by an appropriately qualified contractor). ~~Pre-application discussion is encouraged to establish requirements.~~

REASON: As drafted the policy is rather confusing implying that desk-based assessments and evaluations are not normal requirements. This rewording clarifies what is required, including reference to the City Council's own archaeological resource assessments, and makes a clearer distinction in terms of how this applies with greater force in the City Centre Archaeological Area.

In the City Centre Archaeological Area where significant archaeological asset types can be shown to be subject to cumulative impact from **different developments past, current or prospective**, the desk-based assessment should contain appropriate contextual assessment of this impact.

REASON: Clarity of drafting

Development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it.

Proposals which would or may affect archaeological remains or features which are **designated in their own right or form part of** designated ~~as~~ heritage assets will be considered against the policy approach as set out in policy DH3 above.

REASON: Clarity of drafting

Archaeological remains or features which are equivalent in terms of their significance as a scheduled monument are given the same policy protection as designated heritage assets. Proposals which affect the significance of such assets will be considered against the policy test for designated heritage assets set out in policy DH3 above.

~~Subject to the above,~~ Where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford, but in particular the City Centre Archaeological Area, proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless **a public benefit justification clearly and convincingly outweighs** that harm, having regard to the significance of the remains or feature and the extent of harm.

REASON: Clarity of drafting. Importantly this better reflects the status of the City Centre Archaeological Area as being especially important for the City's heritage. The reference to '*archaeological deposits that are potentially significant to the historic environment of Oxford*' retains the wording of the current policy and recognises that this is a distinct policy for a local designation that reflects Oxford as a nationally important historic town (the City Centre Archaeological Area was originally defined for possible designation as an Area of Archaeological Interest under the 1979 Act). As drafted the policy would downgrade this recognition of importance.

Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact. The aim of mitigation should be where possible to preserve archaeological remains in situ, to promote public enjoyment of heritage and to record and advance knowledge. **To achieve this,** appropriate provision should be made for investigation, recording, analysis, publication, archive deposition and community involvement.

REASON: Clarity of drafting

OVERALL: As currently drafted the policy is much weaker than the explanatory text which makes much clearer the richness of Oxford's archaeological heritage and the need for its effective management on a fully informed basis. The suggested changes bring the policy more in line with the explanatory text and with existing policy which should not be diluted.

POLICY DH5 - Local Heritage Assets

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified or effective and is not consistent with national policy.

Changes in wording to the Policy are proposed in red:

Assets will be considered for inclusion on the Oxford Heritage Asset Register if they have:

- heritage interest that can be conserved and enjoyed; and
- value as heritage to the character and identity of the city, or area, or community; and
- a level of significance greater than the general positive characteristics of the local area.

Planning permission will only be granted for development affecting a local heritage asset ~~(or setting of an asset)~~ if it is demonstrated that the significance of the asset, and its conservation, has informed the design of the development proposed, **and any harm has been minimised**. In determining whether planning permission should be granted for a development proposal, which affects ~~(directly or indirectly)~~ a local heritage assets (that **are** not designated) **and/or their setting**, consideration will be given to the significance of the asset **and the** extent of impact on its significance, as well as the public benefits that may result from the development proposals.

REASON: Clarity of drafting: unnecessary parentheses, lack of clarity about what directly or indirectly means, grammatical clarity. As currently drafted there is no specific reference to minimising harm

Publicly accessible recording, **and where appropriate publication of results**, should be made to advance understanding of the significance of any assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact.

REASON: Consistency with NPPF

POLICY E1 - Employment sites

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

CPRE is fundamentally opposed to the allocation of land to notional further employment. The primary need is for housing and all available and useable land should be used for that purpose. Our responses should be seen in that context

The draft Local Plan requires that all current employment land within the City boundaries should be reserved for employment purposes, except in very limited situations when it could be released for housing. This is despite the acknowledgement that housing is the City's 'key priority' and stating in Para. 9.21 "*that changes in technology and use of space mean that employment could be provided in a smaller space*".

The fact that there are already large areas of employment land which are unused and have been empty for decades has not been properly factored into the draft policy. Some of these sites were identified in the CPRE Oxfordshire response to the Preferred options put forward by the Council.

Further as set out in Para. 1.23, the City acknowledges the very large area of employment land at Northern Gateway, which is already due to come forward within the timeframe of the Plan.

By reserving such significant areas of land close to the City Centre for employment, new housing development risks being forced to the outskirts of Oxford, adding to traffic congestion and urban sprawl.

There appears to be no list of the Category 3 sites available. However it would seem very likely that some, such as the Blanchford Building site in Headington, are in residential areas, near to shops and bus routes and clearly could be released beneficially for housing.

CPRE does not regard it as sensible to have a fixed policy of preventing effectively all employment land from being used for other purposes, particularly when housing is the key priority and housing need is being used as a justification for Green Belt release.

We propose the policy should be changed to prioritise housing more generally but also specifically:

- 1. In relation to Category 2 sites, planning permission should be granted for housing purposes if it can be shown that the site or building is no longer suitable for its existing business use.**
- 2. To have no protection for Category 3 sites and rely on national planning policy.**

POLICY H2 - Delivering affordable homes

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not effective and may constitute a failure in the Duty to Co-operate.

As it currently stands, a large proportion of Oxford's housing 'need' is to be accommodated on land outside of Oxford City's boundaries.

(We set out elsewhere our challenges to this approach - see response to Overall Spatial Strategy and Policy H1)

However, were this to proceed (in the face of all rational argument) there should be agreement between the City and the District Councils on the required level and mix of affordable housing provision.

As far as we are aware, there is presently no agreement on the level of affordable housing required on new developments between authorities. In CPRE's view any criteria set out in Policy H2 should apply across the board to any housing in relation to Oxford and should be agreed by all Authorities in the County. Failure to do so would risk incentivising development outside the City.

POLICY H9 - Linking the delivery of new/redeveloped and refurbished accommodation to the delivery of university provided residential accommodation

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified or effective.

We believe that the policy is not justified or effective as it will exacerbate the housing crisis in Oxford and will lead to critical loss in council tax revenue.

The policy would permit full-time postgraduate students on research courses to live outside university provided accommodation, unlike undergraduate students and post graduate students on taught courses.

In 2017, Oxford University stated that out of 11,687 enrolled graduates, there were 6,143 students on research courses. (See: <https://www.ox.ac.uk/about/facts-and-figures/student-numbers?wssl=1>)

Allowing over 6,000 research students to live out would, on the basis of a ratio of four students per dwelling, withdraw ca 1,500 houses from the already scarce housing market. It would also lead to a loss of council tax as students are exempt.

Oxford University anticipates a growth of 1 to 2 % in its graduate population over the plan period, meaning yet more homes will be withdrawn from the private rented sector.

Furthermore, graduate students would most likely wish to live in locations popular with students such as East Oxford, Headington and Jericho, adding to the already existing imbalance in local communities.

CPRE proposes instead continuation of the existing policy, which was first introduced in the 2006-2016 Oxford Local Plan and subsequently in the Oxford Core Strategy Policy CS 25. This policy requires each university to have no more than 3,000 full time students living outside university provided accommodation.

Oxford City Council has already agreed that exclusions apply for postgraduate students past year four/ assumed writing up, students working full time for the NHS and students who are also members of staff.

This makes the existing policy sufficiently flexible to be applied in the new Oxford local plan.

The Inspector who examined the 2006- -2016 Oxford Local Plan said that this policy was “imperative” in order to deal with Oxford’s housing shortage.

We therefore believe that maintaining the current policy, including the exceptions listed above, would make the plan sound.

POLICY M1 - Prioritising walking, cycling and public transport

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified or effective.

Walking

We support the Plan's stated intention to promote sustainable travel in the forms of walking, cycling and public transport over private care use.

However, the Plan sets out no specific requirement or measures to achieve this.

No new pedestrian only routes are proposed despite CPRE having proposed a number in our response to the Preferred Options consultation. All proposed routes (most of which are along existing roads) are also shared with cyclists and are shown on the Proposals map as "indicative pedestrian & cycle routes". These routes are often narrow and dangerous for pedestrians to use with cyclists. The Council has no coherent policy for promoting walking in the City and the draft Local Plan is entirely deficient in this regard.

The Council should set as an objective satisfactory means of prioritising walking in Oxford by carrying out a review of existing footpaths and how to connect these to provide an efficient means of travelling around the City. In some cases, this could be achieved by building suitable bridges and underpasses. This needs to be in addition to the proposed Policy (for planning permission to be granted) which may well be inappropriate since the improvement of pedestrian routes will generally affect a number of different properties. Pedestrian needs should also be considered separately from those of cyclists as the two means of transport can have different requirements.

Public transport - Park & Rides

If communities are planned properly, with co-location of employment and housing, and adequate provision of high-quality public transport, then Park & Rides should not be necessary.

In Oxfordshire's case, the 'outer Park & Ride strategy' is based on a flawed policy of increasing employment growth within the constrained city of Oxford. Given virtually full employment levels in and around Oxford, there is no logical reason why land should continue to be allocated for employment creation in this area and reducing this pressure would reduce, or even remove, the need for outer Park & Rides.

There is no evidence that visitors/ commuters to Oxford would want to park large distances away from Oxford and then catch what would have to be an infrequent bus journey to Oxford. Unless travelling to the centre of Oxford current bus routes do not provide easy access for most people commuting to Oxford. The vast majority of those travelling to Oxford will thus continue to drive there in their own cars.

POLICY RE6 - Air Quality

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not effective and may not be legally compliant.

As currently worded, this Policy would be inadequate in reducing current levels of pollution in Oxford which are already far too high and are adversely affecting the health of Oxford's residents. Developers are attempting to hide the impact of proposed developments behind forecast increase in cleaner vehicles in the future provided by motor manufacturers. These forecasts have been in the past totally inaccurate and in some cases fraudulent.

The Local Plan should set out a timetable to phase out the use of fuel burning vehicles within the City. We support Policy M4 which requires provision of electric charging points for all new residential development where parking is provided. There should also be a Policy requirement that by 2028 all cars within the City which have parking permits will be electric.

POLICY SP2 - Osney Mead

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not effective.

Osney Mead has been only partially occupied for many years and is a large area close to the City Centre which is crying out for redevelopment. The site should be prioritised for housing and would be convenient for both the railway station and the City. For some reason despite this the site remains predominantly brown field and from time to time the University announces some new proposal which comes to nothing. At the same time the University is actively seeking to build in the countryside such as at Begbroke.

The Council should be more forceful in requiring this site to be brought forward for housing, if necessary by way of compulsory purchase.

POLICY SP10- Oxford Science Park

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified or effective.

The Oxford Science Park is treated as one piece of land but is actually two and in the Site and Housing Plan published in 2013 was dealt with under Policies SP43 (Oxford Science Park at Littlemore) and Policy SP44 (Oxford Science Park at Minchery Farm). The area at Minchery farm covering 5.8 acres is owned by Oxford City Council and entirely vacant and the site could be made available immediately for housing rather than continue to sit vacant as it has for many years. Oxford Science Park at Littlemore nearby was opened in 1991 and still has vacant sites. There is no rational need nor is it justified to retain this site for employment purposes only and it should be brought forward for housing as quickly as possible.

POLICY SP24 - Marston Paddock

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

As set out in detail in our response to Policy G3 - Green Belt, the City's expansionist growth-centred strategy is inappropriate. It should instead be aiming to satisfy its own housing need, through releasing land earmarked for prospective employment and higher densities, rather than, as in this Plan, targeting Green Belt release both within the City and on land immediately adjacent to the City, but within other Authorities' areas, for urban extensions of the City. Neither is justified by the evidence, and there are no exceptional circumstances to outweigh the harm that it is acknowledged would be caused. Furthermore, there is no public support for Green Belt release.

It is also relevant to recall that the Inspector into the Vale Part 1 struck out a whole swathe of Green Belt sites on our submission that no housing allocation had been made to them, and there therefore there could not be exceptional circumstances. We can find no evidence of allocations to Green Belt sites within the City in this Plan. There is therefore no basis for moving to consider whether there are exceptional circumstances as no legitimate unmet need exists.

Conclusion

There are no exceptional circumstances to justify any review of the Green Belt and this site should be struck out of the Plan.

POLICY SP25 - St Frideswide Farm

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

As set out in detail in our response to Policy G3 - Green Belt, the City's expansionist growth-centred strategy is inappropriate. It should instead be aiming to satisfy its own housing need, through releasing land earmarked for prospective employment and higher densities, rather than, as in this Plan, targeting Green Belt release both within the City and on land immediately adjacent to the City, but within other Authorities' areas, for urban extensions of the City. Neither is justified by the evidence, and there are no exceptional circumstances to outweigh the harm that it is acknowledged would be caused. Furthermore, there is no public support for Green Belt release.

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This site is particularly vulnerable as it would undermine the gap between Oxford and Kidlington, one of the narrowest and most sensitive parts of the Oxford Green Belt, risking coalescence and the protection of Oxford's historic setting.

Conclusion

There are no exceptional circumstances to justify any review of the Green Belt and this site should be struck out of the Plan.

POLICY SP26 - Hill View Farm

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

As set out in detail in our response to Policy G3 - Green Belt, the City's expansionist growth-centred strategy is inappropriate. It should instead be aiming to satisfy its own housing need, through releasing land earmarked for prospective employment and higher densities, rather than, as in this Plan, targeting Green Belt release both within the City and on land immediately adjacent to the City, but within other Authorities' areas, for urban extensions of the City. Neither is justified by the evidence, and there are no exceptional circumstances to outweigh the harm that it is acknowledged would be caused. Furthermore, there is no public support for Green Belt release.

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Conclusion

There are no exceptional circumstances to justify any review of the Green Belt and this site should be struck out of the Plan.

POLICY SP27 - Land West of Mill lane

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

As set out in detail in our response to Policy G3 - Green Belt, the City's expansionist growth-centred strategy is inappropriate. It should instead be aiming to satisfy its own housing need, through releasing land earmarked for prospective employment and higher densities, rather than, as in this Plan, targeting Green Belt release both within the City and on land immediately adjacent to the City, but within other Authorities' areas, for urban extensions of the City. Neither is justified by the evidence, and there are no exceptional circumstances to outweigh the harm that it is acknowledged would be caused. Furthermore, there is no public support for Green Belt release.

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Conclusion

There are no exceptional circumstances to justify any review of the Green Belt and this site should be struck out of the Plan.

POLICY SP28 - Park Farm

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

As set out in detail in our response to Policy G3 - Green Belt, the City's expansionist growth-centred strategy is inappropriate. It should instead be aiming to satisfy its own housing need, through releasing land earmarked for prospective employment and higher densities, rather than, as in this Plan, targeting Green Belt release both within the City and on land immediately adjacent to the City, but within other Authorities' areas, for urban extensions of the City. Neither is justified by the evidence, and there are no exceptional circumstances to outweigh the harm that it is acknowledged would be caused. Furthermore, there is no public support for Green Belt release.

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Conclusion

There are no exceptional circumstances to justify any review of the Green Belt and this site should be struck out of the Plan.

POLICY SP29 - Pear Tree Farm

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

As set out in detail in our response to Policy G3 - Green Belt, the City's expansionist growth-centred strategy is inappropriate. It should instead be aiming to satisfy its own housing need, through releasing land earmarked for prospective employment and higher densities, rather than, as in this Plan, targeting Green Belt release both within the City and on land immediately adjacent to the City, but within other Authorities' areas, for urban extensions of the City. Neither is justified by the evidence, and there are no exceptional circumstances to outweigh the harm that it is acknowledged would be caused. Furthermore, there is no public support for Green Belt release.

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This site is particularly vulnerable as it would undermine the gap between Oxford and Kidlington, one of the narrowest and most sensitive parts of the Oxford Green Belt, risking coalescence and the protection of Oxford's historic setting.

Conclusion

There are no exceptional circumstances to justify any review of the Green Belt and this site should be struck out of the Plan.

POLICY SP30 - Land East of Redbridge Park & Ride

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

As set out in detail in our response to Policy G3 - Green Belt, the City's expansionist growth-centred strategy is inappropriate. It should instead be aiming to satisfy its own housing need, through releasing land earmarked for prospective employment and higher densities, rather than, as in this Plan, targeting Green Belt release both within the City and on land immediately adjacent to the City, but within other Authorities' areas, for urban extensions of the City. Neither is justified by the evidence, and there are no exceptional circumstances to outweigh the harm that it is acknowledged would be caused. Furthermore, there is no public support for Green Belt release.

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Conclusion

There are no exceptional circumstances to justify any review of the Green Belt and this site should be struck out of the Plan.

POLICY SP31 St Catherine's College Land

CPRE Oxfordshire considers this policy to be unsound on the grounds that it is not justified, effective or consistent with national policy.

As set out in detail in our response to Policy G3 - Green Belt, the City's expansionist growth-centred strategy is inappropriate. It should instead be aiming to satisfy its own housing need, through releasing land earmarked for prospective employment and higher densities, rather than, as in this Plan, targeting Green Belt release both within the City and on land immediately adjacent to the City, but within other Authorities' areas, for urban extensions of the City. Neither is justified by the evidence, and there are no exceptional circumstances to outweigh the harm that it is acknowledged would be caused. Furthermore, there is no public support for Green Belt release.

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Conclusion

There are no exceptional circumstances to justify any review of the Green Belt and this site should be struck out of the Plan.

POLICY SP33 Bertie's Place

CPRE Oxfordshire supports the inclusion of this site, on the proviso that planning permission should only be granted if sufficient open space is provided on Plots A and B for the needs of the local population, and the approach to biodiversity protection remains as outlined.

POLICY SP35 - Court Place Gardens

Part of this site is valuable unrestricted access green space and should remain as such. The western part of the area is a Site of Local Importance for Nature Conservation, and the eastern part has been recognised for its high biodiversity by Thames Valley Environmental Records Centre (TVERC).

CPRE Oxfordshire does not oppose the inclusion of this site, but adequate accessible green space must be retained, potentially through restriction of development to the land which has already been built on.

POLICY SP44 - Lincoln College Sports Ground

CPRE Oxfordshire supports the inclusion of this site, on the proviso that planning permission should only be granted if sufficient publicly accessible open space is maintained as outlined and there are no adverse impacts in relation to the Bartlemas conservation area or Lye Valley SSSI.

POLICY SP53 - Oxford University Press Sports Ground

As identified in the draft Local Plan itself, the key priority for Oxford is housing, not employment land. It would be particularly absurd to give up valuable open space for further employment land. (See also our response to the overall Spatial Strategy and Policies H1 - Scale of New Housing Provision and RE2 - Efficient Use of Land.)

This policy is also in contradiction with Para 1.26 that states '*no new employment sites are identified*'.

Any development of this site must be prioritised for housing, although we note that this is also a valuable open space and welcome the intention to retain public open space and the playing pitch facilities incl. the pavilion (unless alternative suitable provision is made).