

Northern Gateway AAP Comment Form

Introduction

1. Policy NG1 enables and Policy NG2 provides for a scale of development that is not consistent with Policy CS6 of the adopted Oxford Core Strategy. Both Policies NG1 and NG2 maximise the development potential of Northern Gateway by 2026 by increasing the B1 floorspace to 90,000 sq m (a 64% increase on the maximum allocation of Policy CS6) and increasing the number of homes to 500 (a 150% increase on the maximum allocation of Policy CS6). This is not part of the strategic allocation of the development plan and does a lot more than simply *"add the extra level of site-specific detail to support the Core Strategy allocation...."* as stated in paragraph 2.11 of the Submission AAP.
2. The Inspector's Report on the Core Strategy provides very helpful guidance on this matter. The Inspector particularly emphasised the traffic problems around Northern Gateway. At paragraphs 4.137 to 4.139 of his report he said:
*"As matters stand at the moment, there appears little doubt that the existing main road network could not accommodate any additional traffic generated here without very severe increases in congestion. To be acceptable, any development must show that the site can be developed in a sustainable manner, with priority given to non-car modes of access, and that the nearby road system can accommodate any additional traffic in an acceptable manner.
"Very little detailed work has yet been carried out to assess the likely generation of movements, the split between car and non-car modes and its distribution across the road network. There are still a great number of unknowns. It is the Council's intention to consider these as part of the preparation of the Northern Gateway AAP."*
3. As a result, the Inspector referred to the need for *"other work"* to demonstrate that an acceptable scale of development can be achieved with appropriate mitigation measures. At paragraph 4.144 of his report, the Inspector said:
"The plan gives a range of scale of development and it may well be that an acceptable scheme could only be achieved at the lower end of the scale suggested by the policy. That is for other work to demonstrate."
4. And at paragraph 4.150:
"Only further, detailed master-planning, through the AAP, will be able to demonstrate whether an acceptable development can be achieved in practice and what form/scale it could be, together with possible mitigation measures."
5. And at paragraph 4.152:
"The AAP will consider the detailed impact and mitigation measures, which will have the effect of setting a ceiling to the scale of the development."
6. However, there is no evidence that *"other work"* or *"detailed master-planning"* has demonstrated that *"an acceptable development can be achieved in practice"* and certainly not that the maximum end of the scale of development, as now proposed, would be acceptable in relation to the environmental impacts.

7. The proposal to maximise the scale of development at Northern Gateway does not properly balance the development needs against the environmental impacts. This is contrary to paragraph 8 of the NPPF which says that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. And paragraph 152 of the NPPF says:
"Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued."
8. There will be significant adverse environmental impacts arising from the scale of development proposed in the Submission AAP, particularly in relation to traffic but also hydrology, noise, air quality, biodiversity and landscape and visual impacts. The significance of these adverse impacts would be lessened with a much reduced scale of development and appropriate mitigation measures. The AAP, therefore, does not provide the most appropriate strategy for the development of Northern Gateway.

Policy NG1

9. The Submission AAP proposes a scale of development well in excess of that suggested as a maximum in Core Strategy Policy CS6. The large scale of the proposed development has been partly enabled by the proposal of Policy NG1 to release 7.5 hectares of land to the south of the A40 from the Oxford Green Belt. The true purpose of this proposal is confirmed in paragraph 32 of the LPA's Northern Gateway Background Paper 1: Conformity with the Core Strategy, which says:
"This amendment to the Green Belt means that an additional 7.5 hectares of land has become available for the Northern Gateway development. This is a significant increase on the 16 hectares that were allocated in the Core Strategy. This factor has in part, led to the review of the quantum of development proposed, as discussed above."
10. However, this flies in the face of the Core Strategy Inspector's comments in relation to Core Strategy Policy CS4 (Green Belt) when he said:
"The Northern Gateway AAP will consider small scale, minor changes to the Green Belt boundary in the immediate vicinity of the currently safeguarded land, where this may be necessary to achieve a suitable and appropriate site for development. Land here will only be released from the Green Belt if exceptional circumstances are shown to exist and all the following criteria are met:
 - *the need to do so has been justified."*
11. And at paragraph 4.147 of his report, the Inspector said:
"It will be for the AAP master-planning exercise to examine in detail the merits and justification of including the Green Belt land and, through the identification of specific proposals, provide the exceptional circumstances to justify the inclusion of any Green Belt areas within the development site."
12. The Inspector was clearly indicating that a small-scale review of the Green Belt might be justified to deliver the scale of development proposed in Core Strategy Policy CS6. Core Strategy Policy CS4 subsequently said that the Northern

Gateway AAP *"will consider"* small scale minor changes to the Green Belt boundary *"where this may be necessary to achieve a suitable and appropriate site for development"*.

13. The LPA, however, has gone much further than that and, contrary to Core Strategy Policy CS4, taken the small-scale review of the Green Belt as an opportunity to maximise the development potential of Northern Gateway, resulting in a scale of development well in excess of the maximum suggested in Core Strategy Policy CS6.
14. Removal of land south of the A40 from the Green Belt is inconsistent with the finding in the Planning Inspector's report of October 1994 on the Local Plan Review 1991-2001 that land either side of the A40 appears as an extension of the Green Belt land to the south and north west and comprises part of the landscape setting of Oxford. The City Council agreed in 2005, when adopting the 2001-2016 Plan, to retain this (with other) Green Belt land in the Green Belt, as it was said to "protect Oxford's special character and its landscape setting".
15. Removal of land south of the A40 from the Green Belt is inconsistent with national guidance on Green Belt boundaries since the A40 is a more clearly defined boundary than the track known as Joe White's Lane. The inspector, in her 1994 report referred to above, and having this track in mind, stated that she saw no logic in terminating the Green Belt at a tree lined track.
16. Removal of land south of the A40 from the Green Belt is inconsistent with the Turley review of the Green Belt's finding that there would be adverse impact on the Wolvercote with Godstow Conservation Area if development on this land took place.
17. Removal of land south of the A40 from the Green Belt pays no regard to the City Council's Consultation on Options for the Northern Gateway when 73% of the respondents to the question on the Green Belt stated that the boundary should remain as it is (along the line of the A40).

Policy NG2

18. Policy NG2 does not provide the most appropriate strategy for the development of Northern Gateway. As explained above, Policy NG2 provides for a scale of development that is not consistent with Policy CS6 of the adopted Oxford Core Strategy.
19. At the Oxford Core Strategy Examination, Inspector Fenton examined the Northern Gateway policy which allowed for a lower (55.000 m²) and higher end ceiling (80.000m²) and initially indicated that this allocation was sound. However, following a successful legal challenge to an allocation of 4,000 houses elsewhere in the City, it was agreed that the allocation at the Northern Gateway

would be capped at 55,000m² in order to maintain a better home/jobs balance (see Further Proposed Changes para 1.26 and para 1.30).

20. This FPC then became the basis of the current Core Strategy Policy CS6 which has a ceiling of 55,000m² within the plan period(see appendix 2 ,Inspectors report) . This new Core Strategy allocation for the Northern Gateway policy was examined by both Mr Fenton and Mr Pratt. The second part of the Final Inspector's report states that in order to make the policy on Northern Gateway sound the upper ceiling of 80,000 m² needed to be deleted (Annex 1A page 4). Since the jobs/homes balance in the City has not improved in the intervening period, reintroducing the 80,000m² ceiling remains an unsound approach.
21. At paragraph 33 of Part Two of his report into the Oxford Core Strategy, the Inspector said:
"We therefore consider it is vital that any policy for the Northern Gateway recognises that the development is dependent upon securing of measures designed to mitigate the impact on the local and strategic road networks."
22. The Submission AAP says that the proposal for a strategic link road to the west of the A34 is *"beyond the scope of the AAP"* as the impacts of such a road have not been assessed and its alignment is shown on land in Cherwell District. Nevertheless, a lot of the documentation supporting the Submission AAP refers to the strategic link road. In particular, paragraph 36 of Northern Gateway Background Paper 1: Conformity with the Core Strategy says:
"Traffic modelling completed to date concludes that transport solutions can be developed to mitigate the impact of Northern Gateway."
23. And paragraph 37 of the same Background Paper says that the strategic link road has been taken into account in the traffic modelling. Therefore, the traffic modelling which shows that the traffic impacts of the maximum scale of development at Northern Gateway can be mitigated includes the strategic link road. This means that a strategic transport measure beyond the scope of the AAP has been relied upon to help mitigate the transport impacts and so "enable" the maximum development potential of Northern Gateway.
24. This is confirmed by the Submission AAP itself. Figure 6 on page 27, Indicative Phasing Plan, includes the strategic link road as part of phase 4 of 6 phases of the development of Northern Gateway. In addition, page 99 of the Sustainability Appraisal for the Northern Gateway AAP Options Document, February 2014, says:
"The Preferred Strategy proposes overall a greater amount of development than envisaged in the Core Strategy, in terms of both employment and housing development. However a higher order of transport mitigation is also proposed."
25. According to the traffic modelling this *"higher order"* of transport mitigation measures includes the strategic link road.
26. However, relying on this strategic transport measure in this way to help mitigate the *"very severe increases in congestion"* (paragraph 4.138 of the Inspector's

report into the Oxford Core Strategy) arising from the scale of development now proposed is not effective. Provision of the strategic link road is beyond the scope of the AAP and there is no evidence that it can actually be delivered.

27. There is also a contradiction in listing the off-site strategic link road as a preferred option (p.16 Options Document), which was supported by 87% of respondents, and then identifying that this road is '*beyond the scope of the AAP*' (para 6.8 Submission Document). At the very least, this is a significant undermining of the consultation process, but also raises questions about the overall legality and soundness of the AAP.

Conclusion

28. Policies NG1 and NG2 are not consistent with the development plan (Core Strategy Policies CS4 and CS6). The Submission AAP, therefore, fails to comply with paragraph 8(4) of Part 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012 which says:

"Subject to paragraph (5), the policies contained in a local plan must be consistent with the adopted development plan."

29. Paragraph (5) does not apply in this case as the LPA has not stated that Policy NG2, in particular, is to supersede Core Strategy Policy CS6.

30. The Submission AAP, therefore, is not legally compliant.

31. In addition, the need to release 7.5 hectares of land from the Oxford Green Belt via Policy NG1 to deliver the agreed scale of development in Core Strategy Policy CS6 has not been demonstrated. So the scale of the proposed development at Northern Gateway and the need for Policy NG1 have not been justified. The Submission AAP, therefore, is not justified. For this reason the Submission AAP is not sound.

32. Finally, the scale of the development at Northern Gateway proposed by Policy NG2 is much larger than that suggested as the maximum in the development plan. It has not been justified and it has not been demonstrated that the measures required to mitigate the environmental impacts (particularly the traffic impacts) of such a large-scale development can be delivered. The Submission AAP, therefore, is not justified and is not effective. For this reason, the Submission AAP is not sound.

Policy NG1 needs to be omitted and the wording of Policy NG2 needs to be amended to ensure the scale of the proposed development is properly justified and is consistent with adopted Core Strategy Policy CS6. There will need to be other consequential changes throughout the Submission AAP.