

Background Paper A(iii): Compliance with the Legal Requirements and Tests of Soundness

1 Introduction

- 1.1 This background paper lists the Legal Requirements and Tests of Soundness (**Table 1**) that will be used to assess whether the Core Strategy is sound. These are then addressed in turn with details of how the Core Strategy meets each of them.
- 1.2 According to PPS12: Local Spatial Planning (2008) Development Plan Documents (including the Core Strategy) will be sound if they:
- meet the legal requirements (here numbered tests 1-5);
 - are “justified” (here numbered tests 6 and 7); and
 - are “effective” (here numbered tests 8-10).

Table 1: Legal Requirements and Tests of Soundness

Legal requirements			
1	A	The plan has been prepared in accordance with the Local Development Scheme	
	B	The plan has been prepared in compliance with the Statement of Community involvement	
	C	The plan has been prepared in compliance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).	
2	The plan has been subject to sustainability appraisal.		
3	The plan has regard to national policy.		
4	The plan conforms generally to the Regional Spatial Strategy.		
5	The plan has regard to any sustainable community strategy for its area.		
Justification tests			
6	The plan is founded on a robust and credible evidence base.		
7	The plan is the most appropriate strategy when considered against the reasonable alternatives.		
Effectiveness tests			
8	The plan is deliverable.	A	Based on sound infrastructure delivery planning
		B	Ensure that there are no regulatory or national policy barriers to the delivery of the strategy, such as threats to protected wildlife sites and landscapes or sites of historic or cultural importance
		C	Ensure that partners who are essential to the delivery of the plan are signed up to it
		D	Be consistent with the Core Strategies prepared by neighbouring authorities, where cross boundary issues are relevant
9	The plan is flexible. <i>Plans should be able to show how the plan will handle contingencies, and where appropriate show what alternative strategies have been prepared to handle uncertainty and what would trigger their use</i>		
10	The plan is able to be monitored. <i>Plans must have clear arrangements for monitoring and reporting results to the public and civic leaders. The delivery strategy should contain clear targets or measurable outcomes to assist this process</i>		

2 The Legal requirements

Test 1(A): The plan has been prepared in accordance with the LDS

- 2.1 The Core Strategy was identified as a key priority in the very first Local Development Scheme (LDS) produced by the City Council in 2005 and has continued to be so in subsequent reviews of the LDS (including the recently produced LDS 2008-11). The Core Strategy is Oxford City Council's second Development Plan Document to reach this stage.
- 2.2 The Core Strategy has been prepared in accordance with the document profile set out in the Oxford Local Development Scheme. The profile (**Table 2**) describes the Core Strategy as:

A statement of vision and core policies and a spatial strategy that:

1. enables the delivery of sustainable development objectives;

Sustainability has been a key objective throughout the production of the document. The various strands of sustainability run through the document and in particular are clear in section 2 on responding to climate change. The vision and policies of the document have been thoroughly tested through the accompanying Sustainability Appraisal. (see also test 2)

2. reflects the most current planning policy;

Throughout the process of producing the document government and regional policy has continued to be updated. The Core Strategy has evolved over time to reflect these changes. (see also tests 3 and 4)

3. enables delivery of the housing allocation for the set period;

The housing policies of section 5 combined with the strategic locations for development of section 1 provide for the delivery of housing numbers in accordance with the allocated figures.

4. guides effective determination of planning applications;

The policies of the Core Strategy will provide a clear guide for the determination of planning applications particularly when combined with the more detailed policies of the other DPDs and saved Local Plan.

5. sets out in a key diagram the broad spatial strategy for the area;

The key diagram for the broad spatial strategy for the city is included in section one of the Core Strategy

6. updates the Proposals Map (if necessary).

The formulation of the Core Strategy policies has led to the necessity to update the Proposals Map. Appendix 6 includes proposed amendments to the adopted Proposals Map.

2.3 The Core Strategy has been produced in accordance with the timetable identified in the Local Development Scheme. The timetable for production of the document has been amended recently in line with the amended Development Plan Regulations (see also test 1c). However, the proposed submission document was published on 5th September 2008 in line with the date set out in the LDS.

Table 2: Extract of the Local Development Scheme 2008-11

Document	Core Strategy		
Lead Section	Planning Policy team		
Scope	City Wide	Status	DPD
Priority	High		
Synopsis	A statement of vision and core policies and a spatial strategy that: <ol style="list-style-type: none"> 1. enables the delivery of sustainable development objectives; 2. reflects the most current planning policy; 3. enables delivery of the housing allocation for the set period; 4. guides effective determination of planning applications; 5. sets out in a key diagram the broad spatial strategy for the area; 6. updates the Proposals Map (if necessary). 		
Chain of Conformity	<ul style="list-style-type: none"> ▪ Consistent with national planning policy and PPSs. ▪ In general conformity with RPG9 and the emerging South East Plan. ▪ Influenced by the 'saved' Local and Structure Plans, and the Community Strategy. ▪ All LDDs to be in conformity with Core Strategy. 		
Timetable			
Key Milestones		Timescale	
Evidence gathering and pre-production including early stakeholder and community engagement (including: Issues & Options published June 2006)		<i>January – June 2006</i>	
Consultation on Preferred Options Report and SA Report (6 weeks) (PO doc published March 2007)		<i>March – May 2007</i>	
Consideration of representations on proposals and discussions with community and stakeholders		<i>March – August 2007</i>	
Produce further preferred options		<i>September 2007- February 2008</i>	
Consultation on further preferred options		<i>March – April 2008</i>	
Consideration of representations on further PO document		<i>March – May 2008</i>	
Publication on proposed-submission document		<i>September – October 2008</i>	
Consideration of representations		<i>October 2008 – November 2008</i>	
Submission of DPD to Secretary of State		<i>November 2008</i>	
Pre-examination meeting		<i>February 2009</i>	
Examination period		<i>April 2009</i>	
Receipt of Inspector's Binding Report		<i>Sept 2009</i>	
Estimated date of adoption and publication		<i>Dec 2009</i>	
Management arrangements	Planning Business Unit Manager → Members Steering Group → Portfolio Holder → Executive Board → Council		
Resources	<ul style="list-style-type: none"> ▪ Internal: The Planning Policy team (excludes time devoted to other team core activities). ▪ Also internal administration and technical support. ▪ LDF budget to cover consultation, printing and design costs, examination costs. ▪ Other City Council officers and members time and input. ▪ External resources: Specific LDF budget allows for possible use of consultants for other aspects of preparation. ▪ Stakeholder Resources: LSP to provide additional link to the community. ▪ Representatives of stakeholder groups to attend meetings, contribute to preparation etc. ▪ Development Industry expertise. 		
Involving stakeholders and the community	Wide stakeholder and community involvement using a range of consultation methods to described in the adopted SCI.		

Test 1(B): The plan has been prepared in compliance with the SCI

- 2.4 Oxford's Statement of Community Involvement (SCI) was adopted in October 2006. As the production of the Core Strategy began before that date, the earlier stages were carried out in line with the Town and Country Planning (Local Development) (England) Regulations 2004 and then the emerging SCI. The latest stages of production (including the public consultation on the proposed submission document) are being carried out subsequent to the amended regulations (see also test 1c) and as such, these stages are being carried out in accordance with those regulations.
- 2.5 A key aspect of the Core Strategy production has been continuous and wide-ranging community involvement. Full details of this involvement are contained in the Consultation Statement which accompanies the Core Strategy document. The Consultation Statement identifies the processes, results and outcomes of the consultation and involvement. In brief the use of a variety of consultation tools and methods has led to a broad range of people and interests becoming involved in the process. Use of the internet, exhibitions, workshops, drop-in sessions, questionnaires and press releases amongst other has been valuable.
- 2.6 Consultation reports were published on the City Council's website after each stage of public consultation. These reports outlined in detail for each of the stages of production, who was involved, how they were involved, what their comments were, and how those comments were addressed in the Core Strategy. The Consultation Statement accompanying the Core Strategy summarises each of these (Issues and Options, Preferred Options and Further Preferred Options Consultation Reports) with the full reports appended.
- 2.7 The Audit Commission recently complimented the approach to public involvement in the Local Development Framework. In their report on Strategic Housing Services (July 2008) they state:

"Public consultation over planning issues is strong. The approach to consultation on the Local Development Framework is positive. The statement of community involvement meets planning regulations on consultation, is integrated into community strategy consultation arrangements, promotes early engagement using a wide range of existing and tailored forms of consultation, is adequately resourced and will be regularly reviewed. The Council uses a variety of means to ensure that all of the population has a reasonable opportunity to comment on the LDF.

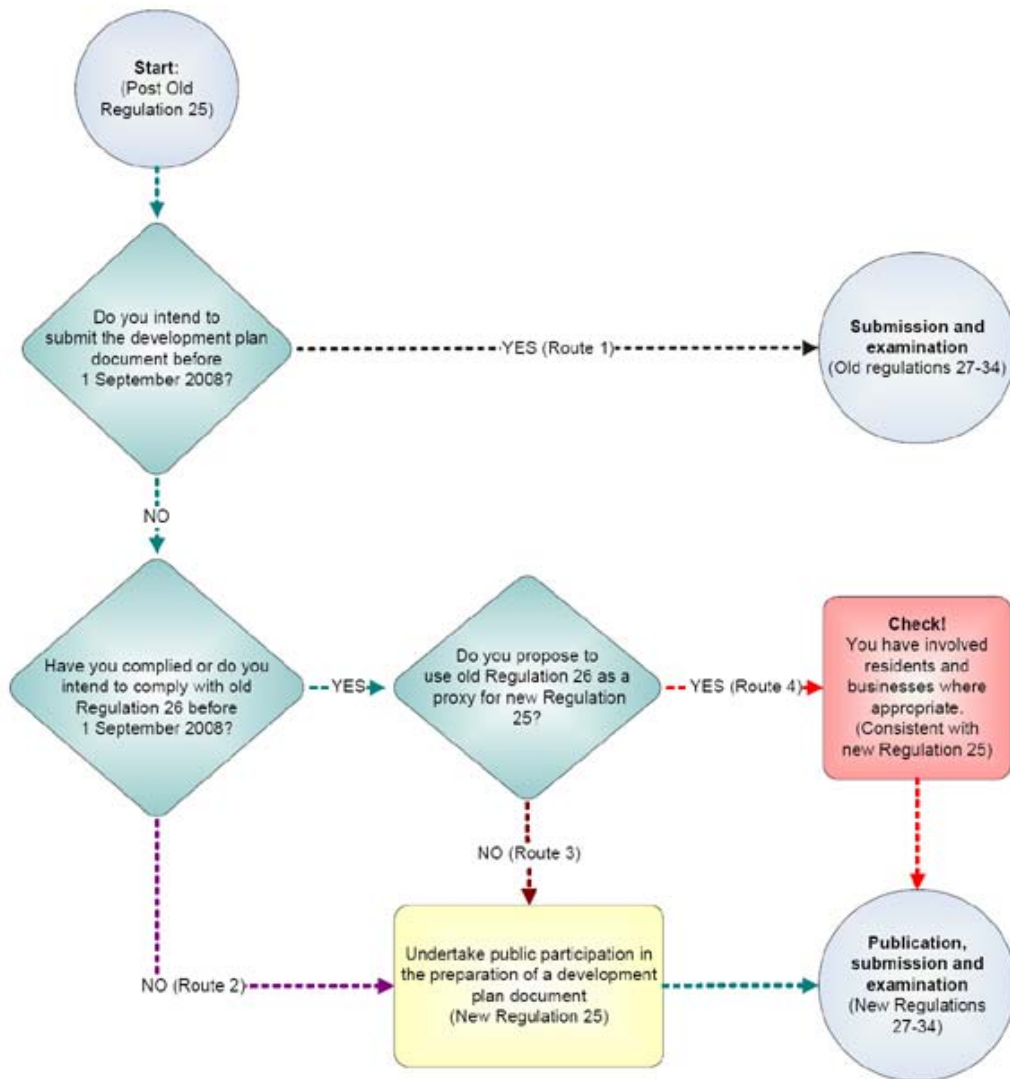
"Lectures to students are used to capture the views of some of the younger population; accessible venues are used for displays to ensure that disabled people are not excluded; displays and mailshots are targeted on places where responses are known to be low; and consultations are timed to ensure that they do not conflict with school runs or other busy times. A particularly

imaginative approach has been to make use a car factory canteen to consult with blue collar workers at one of biggest local employers. Shifting away from traditional forms of consultation will help the Council to gain more representative feedback on its proposals. However, although the service has a good understanding about who is responding to consultation by age (mainly over 45s) it has not so far assessed how diverse consultees are in other respects" (paragraph 34).

Test 1(C): The plan has been prepared in compliance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)

- 2.8 The early stages of the Core Strategy were produced through the process set out in the now superseded PPS12. This means that the Issues and Options, Preferred Options and Further Preferred Options stages were carried out and that both fed into the Core Strategy document. PPS12 was revised during the latter stages of the Core Strategy production. This meant that the later stages of the production process needed to be amended in order that the final document was in compliance with the new procedures of the amended regulations.
- 2.9 As the Core Strategy was already at quite an advanced stage, one of the transitional routes set out in the new PPS12 and associated Plan Making Manual, was chosen to complete the process. Transitional route 4 was considered to be most appropriate (see **Figure 1** overleaf). This route enables the work already carried out under the old regulation 26 to be used as a proxy for the new regulation 25 and allows work to proceed onto publication, submission and examination under the new regulations. Using a transitional route means that the work already completed over the past two and a half years on the Core Strategy is not wasted, nor delayed but does mean that the Core Strategy can be completed under the new regulations.

Figure 1: Transition Arrangements ¹



Test 2: The plan has been subject to Sustainability Appraisal

- 2.10 A full Sustainability Appraisal (SA) process has been carried out alongside the production of the Core Strategy. This began at the start of the process in January 2006 with the production of the LDF Sustainability Appraisal Scoping Report. This document brought together relevant social, environmental and economic baseline information, identified key sustainability issues for the SA to address and formulated a SA framework, consisting of sustainability objectives, indicators and targets. The Scoping Report was consulted on between January and March 2006.
- 2.11 The SA process continued throughout the initial stages of the Core Strategy production. As issues were identified through the SA process, they were addressed in the drafting of the Issues and Options, Preferred Options and Further Preferred Options documents of the Core Strategy and are detailed in

¹ Taken from *Plan Making Manual*: <http://www.pas.gov.uk/pas/core/page.do?pagelD=65590>

the SA report. The Preferred Options document was accompanied by a full Sustainability Appraisal and was subject to a six-week period of consultation between March and May 2007. An addendum was published alongside the Further Preferred Options document that was subject to a six-week period of consultation between March and April 2008.

- 2.12 As work began on the drafting of the proposed submission Core Strategy, the input from the Sustainability Appraisal was again valuable in formulating the policies; particular instances of its direct influence are set out in the SA report. The SA report was updated to accompany the submission Core Strategy and is published alongside it.
- 2.13 The Sustainability Appraisal was carried out by officers within the Planning Policy section of the City Council and independently audited by Riki Therivel of Levitt Therivel Consultants, an expert in this field. The LDF Scoping Report and the Sustainability Appraisal (with updates) are available as separate documents and can be viewed on the City Council's website.

Test 3: The plan has had regard to national policy

- 2.14 The Core Strategy is consistent with national planning policy. Care has been taken to ensure that it helps to meet the key objectives of government policy such as the delivery of housing and affordable housing, sustainable development and the effects of climate change, sustainable transport provision, urban and brownfield regeneration and the sequential test in terms of location for example.
- 2.15 Throughout the process, as new policy has been developed and Planning Policy Statements published, the policies and proposals of the Core Strategy have been reviewed. For example since the start of the Core Strategy production process some 5 PPSs have been published (supplement to PPS1, PPS3, PPS6 consultation, PPS12 and PPS25) along with amended regulations, several good practice guides, and other forms of government advice.
- 2.16 The Core Strategy also acknowledges that national policy will continue to develop, and that we will need to be flexible enough to adapt to accommodate it, for example the reference to the forthcoming Community Infrastructure Levy in Section 3.4: "The Government is currently revising the way that developer contributions are collected...If developer contributions are sought through this method, then the appropriate methodology will be set out in a review of the Planning Obligations SPD. Area Action Plans, and accompanying Supplementary Planning Documents, will consider how and when new infrastructure will be delivered to support new strategic development."

Test 4: The plan conforms generally to the Regional Spatial Strategy

- 2.17 Care has been taken to ensure that the Core Strategy is in general conformity with the emerging South East Plan. The Draft South East Plan was submitted to the government in March 2006, shortly after the beginning of the Core Strategy production process. The Examination in Public was carried out between November 2006 and March 2007. The examination process was followed keenly by officers working on the Core Strategy who attended several days of the hearings. This was a crucial point as the Preferred Options Document for the Core Strategy was being drawn up at the time.
- 2.18 The Panel Report of the South East Plan was not published until August 2007. The Panel Report made some important recommendations for change in relation to Oxford including a revision of the housing numbers and the proposal for a Strategic Development Area south of the city. As such it was considered appropriate to produce a Further Preferred Options document (published in March 2008) as a reaction to the Panel Report and an attempt to amend and broaden the strategy for the city in response. When the government response to the Panel Report was published in July 2008 along with proposed amendments for public consultation, every attempt was made to reflect those changes to the Plan in the policies and proposals of the Core Strategy. Every effort has been made throughout the Core Strategy production to ensure that the strategy and policies reflect the emerging Regional Spatial Strategy.
- 2.19 The key spatial policy (**Table 3**) and cross-cutting policy areas (**Table 4**) identified in the South East Plan and their links into the Core Strategy are summarised below. **Background Paper A(ii): Links with other relevant documents** gives a detailed summary of the relationships between the policies of the Core Strategy and of the South East Plan.

Table 3: Links between SEP Spatial Strategy Policy Areas and Core Strategy

SEP Spatial Strategy Policy Areas	Links with the Core Strategy
Regional hubs	Central Oxfordshire is identified in the SEP as a sub-region with a focus on growth and regeneration. Oxford is identified as a regional hub which is a growth point and centre for significant change. The Core Strategy's policies on the strategic locations for development (Section 1) supports that focus. (Policies CS6-8 – providing for growth and Policies CS4, CS6 and 8 – providing for regeneration).
Strategic Development Areas	The Core Strategy recognises the Strategic Development Area for south of Oxford through Policy CS9 and its supporting text.
Urban focus and renaissance	The focus of the Core Strategy on providing for growth within the urban area (CS1,2 and 3) and particularly through using growth as a catalyst for regeneration in Barton (CS8) and a trigger for urban renaissance in the West End (CS6) clearly addresses this SEP cross-cutting issue.
Tackling regeneration and social inclusion	Section 4 contains a suite of policies to promote social inclusion and improving quality of life. Regeneration is the focus of Policy CS4: Regeneration areas and Policies CS6 (the West End) and 8 (Land at Barton) in particular

	accommodating growth as a catalyst for regeneration.
Maintaining separation of settlements	Policy CS5: Green Belt reinforces at a city-level the policy approach of the SEP at regional level.
Supporting and protecting our rural areas	This policy area is less directly relevant to the urban area of Oxford, however by accommodating so much growth in the city the Core Strategy could be seen as supporting this aim.

Table 4: Links between SEP Cross-cutting Policy Areas and Core Strategy

South East Plan Cross-cutting Policy Areas	Links with the Core Strategy
Sustainable development	A theme that runs throughout the Core Strategy, locating development in sustainable locations (e.g. CS1 and 2).
Climate change	Section 2 on responding to climate change and policies on transport (CS15 and 16) in particular reflect this policy area.
Resource use	Particularly Section 2, policies on energy and natural resources.
Sustainable design and construction	Section 2 and the policies on energy and natural resources, waste and recycling and flooding address this policy area.
Supporting an ageing population	Policies to encourage a mix of dwelling type (Policy CS25) and the development of amenities to support housing in the various localities (Sections 4 and 5).
Sustainable communities and character of the environment	Policies of Section 5 on mix of dwellings and affordable housing, combined with the policies of Section 3 on providing the infrastructure and facilities required to support this help to build sustainable communities. The importance of the character of the environment is addressed in Policies CS20: Urban design, townscape character and the historic environment and CS14: Biodiversity and CS23: Green spaces in particular.
Infrastructure and implementation	A particular focus in Section 3, a suite of policies addressing various aspects of infrastructure provision.
Use of public land	Strategic locations for development, particularly in the West End (Policy CS6) and Barton (Policy CS8), include significant landholdings of the City and County Councils and other semi-public bodies such as the Oxford and Cherwell Valley College and the rail industry.

2.20 There are many other relevant plans, policies and strategies (including the Community Strategies (see test 5) and the Regional Economic Strategy for example) that it has been important to ensure continuity with. Further details on the conformity of the Core Strategy with these plans can also be found in **Background Paper A(ii): Links with other relevant documents**.

Test 5: The plan has had regard to any sustainable community strategy for its area

2.21 The relevant Community Strategies for Oxford are Oxford's Sustainable Community Strategy 2008-12 (2008), the Oxfordshire Community Strategy (2004) and the Draft Sustainable Community Strategy: Oxfordshire 2030 (2008).

2.22 The five flagship issues of Oxford's Sustainable Community Strategy 2008-12 and their links to the Core Strategy are summarised below (**Table 5**).

Table 5: Links between Oxford's Sustainable Community Strategy and Core Strategy

Oxford's Sustainable Community Strategy Flagship Issues	Links with the Core Strategy
Affordable Housing	Section 5: Maintaining a balanced housing supply (particularly Policies CS24: Level of housing growth, CS25: Mix of housing and CS26: Affordable housing).
Health and Social Inclusion	Section 4: Promoting Social Inclusion and Improving Quality of Life (urban design, townscape character and the historic environment, community safety, cultural and community development, green spaces, leisure and sport).
Climate Change	Section 2: Responding to climate change (policies on energy and natural resources, waste and recycling, flooding and biodiversity).
Quality of the public realm	Section 4: Promoting Social Inclusion and Improving Quality of Life (urban design, townscape character and the historic environment, community safety)
Safer, Stronger more Cohesive City	Section 4: Promoting Social Inclusion and Improving Quality of Life (particularly Policy CS21: Community Safety).

2.23 The eight ambitions of the Oxfordshire Community Strategy (2004) and their links to the Core Strategy are summarised below (**Table 6**).

Table 6: Links between Oxfordshire Community Strategy Ambitions and Core Strategy

Oxfordshire Community Strategy (2004) Ambitions	Links with the Core Strategy
Key workers and housing	Section 5: Maintaining a balanced housing supply (particularly Policies CS24: Level of housing growth, CS25: Mix of housing and CS26: Affordable housing).
Safe and supportive communities	Section 4: Promoting social inclusion and improving quality of life (particularly Policy CS21: Community Safety and CS22: Cultural and Community Development).
Transport	Section 3: Providing infrastructure to support new development (particularly Policies CS15: Supporting access to new development, and CS16: Supporting city-wide movement).
Economic prosperity	Section 6: Strengthening Prosperity (sustainable economy, employment sites, the universities and hospitals, retail, sustainable tourism) and Policy CS7: Northern Gateway.
Education and lifelong learning	Section 3: Providing infrastructure to support new development (particularly Policy CS18: Access to education).
Environment	Section 2: Responding to climate change (policies on energy and natural resources, waste and recycling, flooding and biodiversity).
Health and wellbeing	Section 4: Promoting Social Inclusion and Improving Quality of Life (urban design, townscape character and the historic environment, community safety, cultural and community development, green spaces, leisure and sport).
Recreation, culture and leisure	Section 4: Promoting Social Inclusion and Improving Quality of Life (particularly Policies CS22: Cultural and community development; and CS23: Green spaces, leisure and sport).

2.24 Throughout the production of the Core Strategy the Oxford Strategic Partnership has been involved in the process and kept informed of progress with Core

Strategy officers attending their meetings. This involvement has been a two-way discussion with the Partnership informing the Core Strategy, and the emerging Core Strategy informing the emerging Sustainable Community Strategy.

- 2.25 The Oxfordshire Partnership has recently produced a new draft strategy: the Draft Sustainable Community Strategy: Oxfordshire 2030 (2008). As this and the recently adopted Oxford's Sustainable Community Strategy 2008-12 are the more up-to-date community strategies, **Background Paper A(ii): Links with other relevant documents** goes through each of the Core Strategy policies, drawing out the linkages between them and both draft strategies.

3 The Justification tests

Test 6: The plan is founded on a robust and credible evidence base

- 3.1 The policies as set out in the Proposed Submission Core Strategy have only been formulated after a two and a half year process of collecting evidence and testing options and alternatives. This started with the collection of baseline information and analysis of other relevant plans, policies, and programmes in the Scoping Report for the Sustainability Appraisal (see test 2).
- 3.2 The Scoping Report identified many lines of investigation that needed to be followed and the commissioning of a series of studies to feed into the Core Strategy. The main studies that have informed the Core Strategy include:
- Strategic Housing Land Availability Assessment
 - Strategic Housing Market Assessment
 - Strategic Flood Risk Assessment
 - Transport Modelling
 - Appropriate Assessment
 - Employment Land Study
 - The Economic Role of the Higher Education, Health and Retail Sectors in the Oxford Economy
 - Retail Needs Study and Retail Needs Update
 - Oxford Hotels and Short-stay Accommodation Study
 - Open Space, Sport and Recreation Assessment (PPG17 Assessment)
 - Oxford Indoor Facilities Strategy
 - Oxford City Green Spaces Study
 - Ecological and Biodiversity studies (for land at Barton, Summertown, Northern Gateway, and Southfield Golf Course)
 - Housing Viability Study
 - Planning Obligations Viability Study
- 3.3 In addition, detailed discussions have taken place with many stakeholders and service providers, including the following:
- Oxfordshire County Council
 - Neighbouring District Councils

- SEEDA
- Environment Agency
- Natural England
- Highways Agency
- Thames Water
- Oxford Economic Partnership
- Universities
- Thames Valley Police
- NHS Trusts
- Public Transport Providers
- Registered Social Landlords
- Various landowners

3.4 The Background Papers that are published alongside the Core Strategy provide more details on each of these lines of investigation. The studies that have been produced are also available to read in full.

3.5 The collection of evidence was complemented and supplemented with input from the community involvement at the Issues and Options stage and Preferred and Further Preferred Options stages. Comments from the public and other stakeholders was thoroughly analysed and options and alternatives that were identified were thoroughly tested before moving onto the next stage. **Background Paper A(i): Links between the stages of the DPD production**, traces the policies through the various stages and identifies why alternatives along the way were not carried forward.

Test 7: The plan is the most appropriate strategy when considered against the reasonable alternatives

3.6 From the very beginning of the Core Strategy process every care has been taken to ensure that all reasonable alternatives have been considered. The Issues and Options Document was published in June 2006 and was accompanied by a questionnaire which asked respondents to rank various issues by order of priority. This gave people the opportunity to consider the big choices for the city. (See the Consultation Statement for more details.) This stage was followed up by the Preferred Options stage. This set out explicitly the Council's preferred options for a policy area with the alternative options that were available. In drafting the Preferred Options Document every care was taken to ensure that the alternative options were realistic and meaningful. Where a potential option was considered to be unrealistic it was not incorporated in the choice (rejected options are listed in Table 9 of the Sustainability Appraisal). At this stage the Sustainability Appraisal was very useful in assessing and testing the benefits and negative aspects of the various options, including in many cases the "business-as-usual" option. (See the Sustainability Appraisal for more information.) At every stage stakeholders and

members of the public were given the opportunity to propose or suggest other options that they considered were missing.

- 3.7 This work meant that when it came to drafting the policies of the Core Strategy there was an additional level of confidence in the policy direction as all reasonable alternative options had been considered and tested against those that were taken forward. This approach to choosing between the various policy options has been systematic and transparent. Details of the options have been set out in **Background Paper A(i): Links between the stages of the DPD production**. That background paper sets out in a table format each of the issues identified at Issues and Options Stage which are then linked to the policy area and options set out in the Preferred Options or Further Preferred Options Document. These are then linked via details of the consultation outcomes and evidence base to the policies of the submission Core Strategy.
- 3.8 A clear example of the way in which this approach worked was the consideration of Southfield Golf Course as a strategic location for development. In the Preferred Options Document land at Southfield Golf Course was included as an option for accommodating significant levels of new housing. Whilst this may not have been an obvious option, the City Council considered it was important to include it in the discussion as, in terms of size, it could have potentially accommodated a good proportion of the housing allocation. As this option was tested at preferred options stage it became apparent that this was not an option that would be taken forward. Various pieces of evidence including ecological and hydrological studies and public consultation fed into the assessment and it was decided not to take this option forward.
- 3.9 Another example is the policy approach taken for Land at Barton (CS8). At Preferred Options stage five options for this land were considered. These included continuing the safeguarded status and identifying the site for a whole range of uses including hospital and university use, employment, commercial as well as residential. Public consultation on these options showed clearly that residential use was the most popular of these options. This consultation outcome was backed up by other forms of evidence or changes in circumstance that pointed towards the same conclusion: the housing figures of the South East Plan had been revised upwards; further work had been carried out on the SHLAA; the increased emphasis on regeneration as a City Council (including potential support from English Partnerships towards this aim); and the loss of Southfield Golf Course as an option; collectively pointed towards the selection of the second option for Barton and the identification of the location for residential use (with supporting amenities).
- 3.10 It can be seen that there was a logical and systematic approach to the drafting of policies and that all reasonable alternatives were explored and assessed before decisions were taken on the final form of the policies.

4 The effectiveness tests

Test 8(A): The plan is deliverable – based on sound infrastructure delivery planning

- 4.1 The key issues of infrastructure provision and developer funding are discussed in section 3 of the Core Strategy. This is in recognition of the importance of ensuring that the vision for Oxford is delivered and that the Core Strategy does not simply remain a series of policies and proposals.
- 4.2 Appendix 6 of the Core Strategy contains an implementation table. This table identifies the lead agency, delivery mechanism, timescale and funding for each policy of the Core Strategy. This systematic approach to considering all aspects of implementation has been valuable in ensuring that the plan is deliverable.
- 4.3 **Background Papers D(i),(ii) & (iii)** relating to infrastructure and quality of life give more detail on the background work that has gone on in framing the policies and the ways in which it has been ensured that the Core Strategy is deliverable from an infrastructure planning point of view. In addition to specific infrastructure requirements for the strategic development areas, the background papers address important infrastructure issues for the city as a whole including:
 - transport;
 - housing;
 - education;
 - health;
 - social and community facilities;
 - indoor and outdoor sports facilities;
 - green infrastructure
 - libraries;
 - utilities and waste.
- 4.4 The City Council already has an adopted Planning Obligations Supplementary Planning Document which addresses many of these issues in detail from the point of view of developer contributions. At section 3 of the Core Strategy it is acknowledged that government policy on developer contributions may change in the near future and proposes a method whereby existing policy could be adapted to accommodate those changes.

Test 8(B): The plan is deliverable – with no regulatory or national policy barriers to the delivery of the strategy

- 4.5 PPS12 explains this test with the use of two examples: threats to wildlife sites and landscapes or sites of historic or cultural significance.

- 4.6 With regards to wildlife sites, Policy CS14 states: "Development will not be permitted that results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity." It is considered that this is a strong policy reflecting the value the City Council (and local residents) put on ecology and biodiversity. The policy goes on to explain that sites of International and national importance (the SAC and SSSIs), must be protected from any development that will have an adverse impact. The Appropriate Assessment Screening Opinion that accompanies the document illustrates the work that has gone on into ensuring that the policies of the Core Strategy do not have an adverse impact on the Special Area of Conservation. In terms of local sites, the policy states that no development should have a significant adverse effect upon a site that is designated as having local importance for nature conservation or as a wildlife corridor, save in exceptional circumstances where the importance of the development outweighs the harm, and where it is possible to compensate for the damage caused by providing adequate replacement habitat. Finally Policy CS14 addresses the fact that species and habitats of importance for biodiversity are found across Oxford. It makes it clear that these will be expected to be protected from harm, unless the harm can be appropriately mitigated.
- 4.7 The strategic locations for development of the Core Strategy (Policies CS6-8) have been carefully considered in this respect. The West End area does not contain any designated wildlife sites however there are policies in the Area Action Plan to improve the biodiversity of the area through for example, improvements to Castle Mill Stream. The land at Northern Gateway has no wildlife designations and an ecological study has been carried out which concluded that: "On the basis of the field survey undertaken and the background records received, there is no evidence to suggest that the Site supports ecological interest sufficient to prevent the principle of development." That ecological study is published in full as part of the evidence base. At Barton there is a locally designated wildlife site; Bayswater Brook is designated as a Site of Local Importance for Nature Conservation (SLINC). The Ecological Study for Barton states (at paragraph 2.63): "This (the SLINC) would need protecting with an appropriate buffer zone, probably in the form of a linear nature park. The ecological survey did not find any major constraints on development." It is considered therefore that this designation will not prevent the delivery of Policy CS8; further details on this can be found in **Background Paper C(iii): Oxford's biodiversity** and in **Background Paper B: Spatial strategy**.
- 4.8 The second PPS12 example is landscapes or sites of historic or cultural significance. Policy CS20 explicitly addresses this area as it is particularly important in a city like Oxford with its world famous historic environment and skyline. The policy states: "Planning permission will only be granted for development that: demonstrates high-quality design; respects and draws inspiration from Oxford's unique historic environment, both above and below

ground; respects the unique townscape and character that exists in different areas of Oxford; preserves and enhances the character and appearance of the surrounding area, and does not have any adverse impact on historic buildings, their settings, or views of the skyline.”

4.9 In terms of the strategic locations for development, the West End contains a conservation area, many listed buildings and some scheduled ancient monuments. Part of the background work into the West End Area Action Plan was an assessment of the historic environment to ensure that the policies and proposals did not harm the historic environment (or views into or through it) and also enhance those features where possible. It is not considered that these features would prevent delivery of the West End; more details can be found in the West End Area Action Plan. The land at Barton is open land which is in part used as sports fields and allotments. There are no regulatory or national policy barriers to its development in this regard. Similarly the land at Northern Gateway which includes open grazing land, the Park and Ride site and the service area; there are no regulatory or national policy barriers to its development in terms of landscapes of historic or cultural significance. More details on the strategic locations can be found in **Background Paper B: Spatial strategy**.

4.10 It is considered that flooding could be viewed as another potential regulatory or national policy barrier. Clearly flooding is an important consideration in Oxford and as such a Strategic Flood Risk Assessment has been carried out and is published alongside the Core Strategy. It is considered that the flooding issue will not be a barrier to the delivery of the strategy. Further details on the implications of the SFRA are provided in **Background Paper C(ii): Responding to flood risk**.

Test 8(C): The plan is deliverable – partners who are essential to the delivery of the plan are signed up to it

4.11 Throughout the Core Strategy reference is made to other (non-planning) roles of the City Council and partner organisations in the development of a strong and sustainable community. At the end of each section there is a box giving details about the implementation of the policies and proposals. These boxes identify ways in which the policies can be implemented through the planning system, for example through planning applications or future documents. However they also importantly identify ways in which the policies will also be delivered by means outside the scope of the planning system, such as through other city council initiatives or through partnership working with named partners. This is recognition of the fact that there is now much greater need to work with other bodies and organisations to deliver the much broader policy objectives of the Core Strategy (as opposed to the narrow land-use policies of the Local Plan). The role of other agencies in areas such as health, education, community safety and other organisations such as the business community and registered social

landlords are key to delivering the vision for Oxford and the Core Strategy recognises this.

- 4.12 As mentioned above (test 8A), the implementation table at Appendix 6 identifies the lead agencies for each of the policies. It has been crucial to identify who the key partners in delivery are. Throughout the Core Strategy process the City Council has been in detailed discussions with a vast array of stakeholders and service providers, some of whom are identified at test 6 (see the Consultation Statement for more details). This process has ensured that individual service plans and other organisations corporate plans have been fully taken into consideration in the drafting of policies and that likewise those bodies are aware of emerging Core Strategy policies that may impact on them. It has been a complex process to identify, make contact with, hold discussions with and come to an agreed way forward with so many other bodies; however, it is considered that this has strengthened the Core Strategy and will mean it is much more likely to be deliverable than if it had been drafted in isolation.
- 4.13 It is worth noting that the Highways Agency and (to some extent) the Environment Agency have had some concerns on the detail of the Core Strategy. Throughout the production of the document, every effort has been made to try and address the areas of concern with these and other stakeholders. Many meetings have taken place and agency input has fed into the evidence base studies that have informed the Core Strategy. Dialogue continues with both the agencies to try and resolve the outstanding areas of concern and this will continue as long as it is necessary. It is considered however, that the outstanding areas of concern do not prevent the progress of the Core Strategy to the next stage.
- 4.14 The City Council and it's partners will not end the Core Strategy process with the publication of the document, but will continue to seek ways to work together to deliver the proposals and associated infrastructure. The City Council will continue to assist potential developers through the planning (and associated) process to ensure smooth and timely delivery of the vision.

Test 8(D): The plan is deliverable – it is consistent with the Core Strategies prepared by neighbouring authorities, where cross boundary issues are relevant

- 4.15 As mentioned above (test 6) discussions have been held both with the County Council and the neighbouring authorities throughout the Core Strategy process (and their LDF processes). The Oxfordshire Policy Officers Group (with a representative of each district and the County) meets every quarter to discuss progress, draft policies and good practice.
- 4.16 The biggest cross-boundary issue between Oxford and its neighbours currently is the South Oxford Strategic Development Area. The potential for an SDA south of the city has been the subject of much debate over recent years. It was not

included in the adopted Oxfordshire Structure Plan 2016, nor in the draft South East Plan. However the City Council have been promoting the concept for some time. The SDA was introduced into the South East Plan through the Panel Report and accepted by the government in their proposed changes (currently out for consultation). As mentioned above (test 4) the City Council were keen to incorporate this proposal in the Core Strategy and produced the Further Preferred Options in response. South Oxfordshire District Council (SODC) has opposed the SDA proposal which would involve development of existing Green Belt land, but in July 2008 they launched a consultation on the proposed urban extension with the intention that this inform the SODC Core Strategy Preferred Options (due to be published in Autumn 2008). The City Council is responding to the consultation to state that we look forward to working with SODC to achieve a well-integrated urban extension.

4.17 Should the SDA proposal be confirmed, new paragraph 22.20 of the South East Plan will read: "The review and subsequent plan-making will be carried out collaboratively by Oxford City Council and South Oxfordshire District Council to a timetable and in a form to be agreed by the Government Office for the South East." At the current time it would seem appropriate (and in line with the proposed wording of the South East Plan) for the two authorities to produce a joint AAP for the area and Oxford City Council will be promoting this approach. In the meantime the Core Strategy has addressed this as key issue governing the strategy for the city during the plan period, and Policy CS9 expresses the City Council's intentions. Discussions will continue with officers at South Oxfordshire District Council and with GOSE over the future of this proposal and the project to produce a planning document to guide development.

4.18 Other issues (although perhaps not quite described as cross-boundary issues) include those where development is proposed close to the boundary between the city and a neighbouring authority. In that context the City Council has been actively involving Cherwell District Council in the discussions surrounding the strategic development area at Northern Gateway including a joint site visit with officers from Cherwell.

Test 9: The plan is flexible

4.19 It has been clear throughout the production of the Core Strategy that the delivery of the spatial strategy is going to be an extended process, not a short-term event. It is also recognised that despite best efforts to anticipate the future of the city, it is likely that circumstances will change over time and that potential opportunities at the time of submission may not come forward for example. It is therefore very important that the Core Strategy and the Local Development Framework as a whole continues to be relevant and effective.

4.20 The approach that has been taken in drafting the policies and proposals therefore has been to ensure a level of flexibility. The inclusion of a contingency

plan, both in terms of housing delivery and employment growth (section 1 and Policy CS10), is one key mechanism through which we can ensure that delivery of the strategy will not be impossible should a site fail to come forward. This gives an additional element of flexibility to the plan to cope with unexpected circumstances.

- 4.21 Policy CS24 (Level of housing growth) and the supporting text, set out how the City Council will respond if monitoring reveals that housing completions have fallen more than 15% below the trajectory rate and a review of the deliverability of planned sites indicates that the housing trajectory is unlikely to be recovered over the next five years. This mechanism links to Policy CS3 which sets out the City Council's approach to the development of greenfield land. In this way it is anticipated that the Core Strategy will be able to react to changing circumstances.
- 4.22 It should be recognised however that unlike many other Local Planning Authorities there is already a very limited choice as to where development can be accommodated in Oxford and that therefore the range of contingency options is very limited.

Test 10: The plan is able to be monitored

- 4.23 The framework for monitoring is set out in detail in Appendix 4 of the Core Strategy. The monitoring framework builds on the earlier work begun in the Sustainability Appraisal and links through to the Annual Monitoring Report (AMR), which will be the mechanism for reporting. In brief, the monitoring framework identifies the appropriate indicators and targets for each of the policies of the Core Strategy. These are then linked (where possible) to the core, local and contextual indicators of the AMR where the monitoring will be reported.
- 4.24 In some cases, more detailed monitoring frameworks will be produced in other Development Plan Documents, for example where Area Action Plans are being brought forward to implement the strategic locations for development identified in the Core Strategy.