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**Oxford City Council response  
to Inspectors initial questions  
and comments**

*Question 7*

July 2019

## **Question 7: Policies that make distinctions on the basis of the nature of the applicant**

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

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

### **Evidence and justification for Policy E3**

#### *Meeting the development needs of the area*

- 7.1 This policy is fundamentally linked to the wider employment strategy to maximise land availability for B1 uses and other uses fundamental to delivering the knowledge economy within the city. The basis therefore was about the type of development and not the applicants. The evidence base demonstrates that the greatest demand and growth will be for B1 office space through the Employment Land Assessment (ELA, ECO.1), which shows that the forecast need is for 135,004 sqm of additional employment floor space between 2016 and 2033 and 113,535 sqm of this need is for B1. Therefore, the policy is seeking to minimise loss of B1 to D1. This has been a significant loss in recent years and it is important to prevent further loss so that the current situation in terms of B1 floor space does not worsen rather than improve. The policy approach does not directly apply to the two Universities in the same way as they develop their academic floor space on existing University campuses and do not rely on conversion of commercial B1 office space. As research is commercialised through spin out companies these then occupy B1 office space and vacate the D1 space within the Universities.

7.2 Paragraph 5 of the NPPF, in respect of plan making, says that plans should provide a positive vision for the future of each area and a framework for addressing housing needs and other 'economic, social and environmental priorities...' Sufficient provision should be made for housing and employment amongst other uses and infrastructure needs (paragraph 20). Addressing economic priorities is precisely what Policy E3 is designed to achieve. It is acknowledged in many parts of the Plan and the associated evidence base that Oxford has tightly drawn boundaries alongside significant demands on its land. This means that it is not possible for all identified needs to be met within the city's boundaries (including housing need, see Policy H1 and the response to question 1). Therefore, it has been necessary to prioritise uses. The Plan acknowledges that Oxford's economic strengths should be prioritised, which are listed as it being a global centre for research, learning and healthcare. Background Paper BGP.16 (Language Schools and Private Colleges) explains that it was considered necessary for the policies of the Plan to support the economic objectives and not allow any detracting from their purpose (paragraph 8). In addition, the Use Class Order does not allow a permitted change of use from B1 to D1 except to a state-funded school or registered nursery. There is therefore clearly an ability for a level of management about change of use to be considered, particularly where it results in a loss of B1 space.

#### *Role of higher and further education institutions in Oxford's economy*

7.3 The success of Oxford's economy is shaped and driven by the presence of its two universities:

- The University of Oxford is ranked first in the Times Higher Education World University Rankings in 2018. The University contributed £5.8 billion GVA and supported 50,600 jobs in the wider UK economy in 2014/15 and £2.0 billion GVA and 28,800 jobs in Oxford City. It is the largest employer in Oxfordshire with 13,453 direct employees at 31 July 2016 representing 12,265 Full Time Equivalents. This figure does not include those employed solely by the colleges or by Oxford University Press, or casual workers or those employed on variable hour contracts.
- Oxford Brookes University is the highest placed UK institution in the 2018 QS rankings of world universities under 50 years old. It is amongst the world's top universities in 15 subjects and has earned recognition for the quality of a large number of its teaching areas. Oxford Brookes employs 2,800 full-time equivalent staff.

7.4 At Further and Higher Education (FE/HE) level the local population is supported by the City of Oxford College which provides a wide range of vocational and academic qualifications right up to apprentice and degree level. Also at FE/HE level, the

independent Ruskin College, nationally one of four specialist residential colleges targeting adult NEETs (Not in Education, Employment or Training), uniquely specialises in providing educational opportunities for adults with few or no qualifications. In doing so, Ruskin aims to change the lives of those who need a second chance in education by providing vocational degrees, apprenticeships, and access programs in a variety of public service and creative industries. Ruskin has been commended by the QAA for their support for students and were recognised as 'exemplary for widening participation' by Ofsted in 2016 and enjoys extremely high satisfaction and achievement rates. Ruskin is affiliated to the University of Oxford and works in partnership with Exeter and Kellogg Colleges. Combined, this knowledge cluster benefits the city's economy in a number of ways and ensures that Oxford remains an attractive location for a range of companies. It is also in a position to foster home-grown spin-off businesses.

- 7.5 While the roles performed by the City of Oxford and Ruskin Colleges in both Further and Higher Education are very different to the Universities, they make important contributions to both local and national economies through the provision of improved skill availability for employers and greater social inclusion and cohesion. As such they contribute to achieving the economic objectives of the Local Plan 2036. The City of Oxford College is the only state further education college in Oxford (other provision being in sixth forms that are part of schools) and Ruskin College is clearly a unique case.
- 7.6 The need for these institutions to be located in Oxford and the importance of their contribution to the local economy (as well as the social objective of providing education) is fully recognised and responded to by the Local Plan. These uses are recognised as economic priorities. Other than through Policies H8 and H9 (justified in response to question 9) the universities and other further and higher education providers are not restricted by policy. Therefore, the Plan has sought to accommodate D1 floor space needs for the City both for the two universities and wider educational needs.

#### *Scale and role of Private Colleges and Language Schools*

- 7.7 This background of the success of the universities, and in particular the globally-recognised "Oxford" brand, has encouraged the proliferation of a large number of privately run colleges and language schools in Oxford. These institutions run a variety of courses including summer language schools for young teenagers, GCSE and GCE courses and university entrance preparation programmes. Courses may take place throughout the academic year or within the main academic holidays and typically are away from the student's home, requiring accommodation to be provided by the institution or found by the student.

- 7.8 The growth of these institutions has been achieved via a change of use of floor space, particularly from B1 (Business) purposes (particularly B1 (a) (Offices)) thereby reducing the potential availability of employment floor space. Relevant applications are shown at Appendix 1 of BGP.16. This shows that during the lifetime of the Core Strategy there have been three successful applications in respect of the Change of Use from B1(a) Offices to D1 non-residential institution uses (all private colleges and language schools) totalling 2,487m<sup>2</sup> and two successful applications from B1 to student accommodation totalling 2,594 m<sup>2</sup>. This implies a total loss of 5,081m<sup>2</sup> of B1 floor space to education-related activities since the Core Strategy was adopted. Within the context of Oxford City (and its relative shortage of B1 floor space) this loss is considered to be appreciable particularly within the city centre.
- 7.9 There are wider implications for the city. These institutions offer mainly limited seasonal and short term employment whilst students requiring accommodation in term time add significant pressure and competition to the already stretched student housing market. This presence transfers also to the streets of Oxford where the numbers of students combined with tourists can place considerable pressure on the City's pedestrian permeability. Whilst these institutions do bring some economic benefit to the City through associated spending and income, there are also significant disadvantages to their presence which is encouraged by the global brand of Oxford rather than the necessity of being located in Oxford. Further, these institutions make little contribution to the strategic objectives as identified by the Local Plan 2036, particularly as once their course is completed the vast majority of these institutions' students will depart leaving very little or no legacy or benefit to Oxford, their host city (many language school and summer school students are in the city for only 2-3 weeks, for example). Their contribution to the local economy as compared to the two main institutions is insignificant. Table 6 of BGP.16 assesses the relative contributions to the Oxford Plan Strategic Objectives of the different types of education providers in the city. This table is appended to this response in Appendix 1.
- 7.10 The 2017 assessment of student housing requirements in Oxford (ECO.19) surveyed the 42 known private education institutions (which includes 23 known language schools and 8 summer schools), in order to assess the accommodation demands of the sector. In performing this work a clearer picture has been achieved of the markets served by these institutions and their scale of presence along with some indication of the anticipated demands on the housing supply both currently and in the future. Due to the response rate (55%), it is difficult to paint a complete picture. However, it is clear that demands on purpose-built student accommodation from non-university institutions is significant as the study found that two thirds (66.2%) of the private PBSA in the city is used by the non-university institutions. Six non-university educational institutions in Oxford own, or long-term lease, some PBSA and this accommodates 530 students.

Policy E3 will work alongside Policy H8, which aims to restrict occupations of new student accommodation, to make best use of land by ensuring sufficient student accommodation to meet their needs. Without Policy E3 the pressure on the existing stock of student accommodation will continue and the universities, in particular Oxford Brookes, will continue to struggle to compete to gain exclusivity rights on the existing stock of private student accommodation.

7.11 It should be noted that the restrictions of the policy do not apply to all private educational institutions. Independent schools that are providing statutory primary and secondary education are excluded. The table below shows the various types of courses offered by private educational institutions in the city and the age ranges of students they teach. From this it will be seen that language schools predominantly run courses for those aged up to 21 (but do admit older students), summer schools cater for students aged 18 or under (but aim preparation for university courses at slightly older students) and the independent colleges, sixth forms and schools have students across the age ranges. The policy applies to language schools and summer schools that educate, generally, those who come from outside the city and who generate accommodation requirements and who are enrolled on courses in the city to prepare for university or to learn English.

Type of institution	Type of course	Age ranges				
		Under 16	16-18	18-21	21-24	Over 24
Language schools	Undergraduate degree or diploma courses			✓		
	Foundation year courses		✓	✓	✓	✓
	Preparation for university courses			✓		
	A level/IB courses		✓	✓		
	GCSE or similar	✓	✓			
	Language courses		✓	✓	✓	✓
Summer schools	Preparation for university courses	✓	✓	✓	✓	
	A level/IB courses		✓			
	Language courses	✓	✓			
Independent colleges, sixth forms or schools	A level/IB courses		✓	✓	✓	✓
	GCSE or similar	✓	✓	✓	✓	
	Language courses		✓	✓	✓	✓
	Other	✓	✓	✓	✓	✓

*Types of courses offered by different types of Oxford Private Colleges and Language Schools and the ages of the students on these courses (Table 7 of 2017 study)*

*Policy restriction on the basis of the applicant*

7.12 The policy is not considered restrictive on the basis of the applicant but on the basis of what is provided by the applicant. The policy is a reflection of the limited capacity of Oxford and the need to prioritise uses that are most needed in the city as set out in the

employment evidence supporting the Plan. It prioritises economic growth, by identifying the important contribution of the universities to the economy of the city and limiting competing demands which not only have a far lesser importance to the economic growth of the city but which also do not have needs that need to be met within the city. Expansion of existing language schools, summer schools and other private education institutions that do not provide statutory primary or secondary education, further or higher education is still allowed for by Policy E3, if criteria a-c are met. These criteria are important as they ensure there is no conflict with delivery of priority uses in the city. The proliferation of private education institutions has resulted in loss of valuable B1 business space. The policy aims to prevent further unfettered growth of these institutions, which has an impact in terms of numbers of students seeking accommodation and conflict with other business community or other educational use (e.g. the universities) or residential use for spaces that are under high demand, particularly city centre offices. The economic and social contribution of these institutions to the city is very minimal compared to that of educators such as the universities and schools.

- 7.13 The Local Plan is to be read as a whole and its component policies are not to be applied in isolation. Oxford's unique combination of circumstances is discussed at length elsewhere, namely the high local demand for housing and employment space and physical constraints. What should also be taken into consideration is the global "Oxford" brand based on the knowledge economy. This has attracted a broad range of investment and enterprise that makes the economy diverse and resilient, with a unique economic and knowledge environment that makes the City a global technology cluster and a key employer not just for the City but the entire County.
- 7.14 Fundamentally, these institutions are not required in order to meet any identified needs of the city. They are not required by the two Universities to provide language courses for future students as they offer their own courses. There are other less constrained locations in the county with more land availability that could accommodate these facilities and still offer accessibility into Oxford, so still taking advantage of links to Oxford and offering the 'Oxford brand'. Therefore, their negative impacts are considered to outweigh their benefits and it is considered that their unfettered expansion is not necessary in order to meet any of the priority needs in the city and indeed may conflict with them. Furthermore, their needs could potentially be met elsewhere.

### **Modifying Policy V7: Consider changing reference to “state schools” to “schools”**

- 7.15 The section of policy V7 in question is intended to facilitate and prioritise the sustainable delivery of statutory education services in the context of an increasing level of need as identified by the LEA. The emphasis is on the delivery by providers that are established on the basis of statutory educational provision and under the explicit oversight of the LEA, which would be more likely to be focussed on the needs of the communities that are to be served. However, in order to ensure effectiveness of the policy we agree that the word ‘state’ should be deleted from the policy. This will align more clearly with Policy E3, as statutory education providers are expressly excluded from Policy E3 and therefore should be picked up in Policy V7.

Appendix 1:

Local Plan 2036 Economic Objective	Assessment of contribution to Local Plan 2036 Objectives			
	Universities	City of Oxford College	Ruskin College	Private colleges
<p><b>1. To build on Oxford’s economic strengths as a global centre for research, learning and health care</b></p>	<p>UoO is ranked No 1 in the world with especial expertise in teaching and research across a wide range of pure &amp; applied disciplines including medicine, science, engineering, business and humanities.</p> <p>OBU’s primary function as a new university is as a teaching university but has a global research reputation in a number of disciplines (e.g. engineering, business studies, built environment, medicine and health)</p>	<p>Whilst CoOC does not contribute to global research it provides a vital “foundation” level in the City’s education provision and infrastructure not only equipping young people to progress to Higher Education and research (both locally and elsewhere) and also through its strategy and mission providing a talent pipeline for local businesses.</p>	<p>Affiliated to the UoO Ruskin College has a global reputation in its specialist fields. With its global links with trade unions it has enabled many of its graduates to contribute positively in such areas as education and health around the world.</p>	<p>Private colleges do not contribute to global research in these areas but do provide income to Oxford upon which brand they trade. This brand gives sufficient “pull” for these colleges to recruit considerable numbers of international students.</p>
<p><b>2 To remain at the heart of the Oxfordshire economy and an important contributor to the national economy in its key strengths in the knowledge intensive businesses (such as education, health, science and technology, and as a leading environmentally sustainable city)</b></p>	<p>UoO contributed £5.8 billion GVA and supported 50,600 jobs in the wider UK economy in 2014/15 and £2.0 billion GVA and 28,800 jobs in Oxford City.</p> <p>In 2010 OBU was estimated to contribute £382m to the UK economy and to support approx. 2800 jobs in the wider economy.</p> <p>Pre-qualification those training at UoO and OBU (e.g. Nursing, Medicine, and Teaching) will contribute directly to the local skill requirements.</p>	<p>CoOC works locally and nationally with 1,250 business clients to enhance the development of the local workforce. This is mainly via apprenticeship and foundation/first degree routes but also in some specialisms, e.g. furniture, to level 7. The provision is geared primarily towards equipping local people to meet the skill needs of local employers through a predominant vocational based, employer supported curriculum.</p>	<p>Ruskin College contributes to the development and enhancement of national and local level workforces through access courses, training in leadership and education as well as first degree routes. The provision is geared towards the dual aim of enabling educationally disadvantaged and discouraged people to meet their full potential whilst at the same time meeting the knowledge and skill- needs of national and local employers and public service (e.g. health and social services).</p> <p>Ruskin has strong links with Oxfordshire Social Services with up to 75% of Social Work graduates employed</p>	<p>Private colleges do not contribute to the national economy in these knowledge intensive businesses. They will normally not be associated with these industries locally or nationally and many of those trained at these institutions will return overseas once finished. Therefore these skills gained will not contribute to the City or its local economy.</p>

			locally in local services. This is also the case for Community Development and Youth Work graduates.	
<b>Local Plan 2036 Economic Objective</b>	<b>Assessment of contribution to Local Plan 2036 Objectives</b>			
	<b>Universities</b>	<b>City of Oxford College</b>	<b>Ruskin College</b>	<b>Private colleges</b>
<b>3 To reduce inequalities across Oxford, particularly in employment, health and education</b>	The Universities do not generally have the purpose of educating people from Oxford although some students will be local to Oxford. However many graduates from both Universities now live and work in the area.	CoOC contributes significantly to this objective. The College is a major provider of Further Education courses and enables young people, particularly those from disadvantaged backgrounds, to continue their education through academic and vocational routes. Both campuses are well equipped to assist students with special needs and ESOL. In partnership with other institutions (e.g. OBU) CoOC also provides Access to Higher Education routes, Foundation and First Degrees which are geared towards local needs. With a range of partners CoOC works to assist people from economically deprived and rural communities across Oxfordshire to improve their work readiness. CoOC (as part of Activate Learning) manages two ESF programmes to support the long term unemployed into work	Ruskin College recruits nationally and internationally and provides a route for the educationally disadvantaged to fulfil their potential and progress their careers.  Overall Ruskin's graduate employment rate is at 75%. They have recently launched an apprenticeship in care, health, and business administration.  Student satisfaction is at 96.7% for FE. Achievement remains at 98%.	Private colleges recruit nationally and internationally. These institutions do not generally have the purpose of educating people local to Oxford although some students (e.g. for exam retakes) will be local to Oxford.

		and minimise those at risk of becoming NEET. It is also the deliverer of the Work & Health Programme for the county.		
<b>4</b> <b>To provide a diverse range of employment opportunities to meet the needs of the city's businesses and residents, allowing Oxford to grow and function sustainably, and with a skilled workforce ready to fill the employment opportunities that arise.</b>	UoO is the largest employer in Oxfordshire (13,453 direct employees in July 2016 excluding those employed solely by the colleges, Oxford University Press, casual workers and variable hours contracts) representing a considerable range of employment opportunities across the full range of skill and occupational levels. As the County's 8 <sup>th</sup> largest employer OBU directly employs 2,800 FTE staff with others being employed on a contractual basis. As with UoO many of these roles will provide employment for local people at a range of skill and occupational levels.	The diversity of employment at City of Oxford College falls between the Universities and private colleges. Employment at these colleges provides a diverse range of opportunities for local residents at a variety of skill levels in a range of disciplines (both academic and vocational) for both teaching/tutoring staff and those engaged in support work (e.g. IT support admin. Building management, etc.). The college also supports part-time employment opportunities for some of its students through a "Student Crew" model operating on the campus.	The range of employment at Ruskin College is akin to the Universities but at a reduced scale and scope due to the smaller range of courses taught. Due to its specialisms Ruskin has need of specific skills and knowledge made easier to accommodate by the cluster of HEIs in Oxford. As well as the academic staff there will be a range of opportunities for local residents at a variety of skill levels in a range of disciplines.	The range of employment opportunities at private colleges is generally limited to teaching and administrative / support staff. Due to the seasonal nature of much of this provision (e.g. summer schools, short language courses) many of the employment opportunities are of a limited duration and will be attractive as a second or supplementary income for individuals rather than a main income