

## **Inspectors' note concerning the Council's response to the Inspectors' Initial Questions and Comments (Set 1) (Questions 8 to 12)**

### Question 8: Car parking

We do not have any issues regarding Oxford City Council's sustainable travel objectives, and there is no need for the Council to explain the background to these objectives. Rather, our point is that measures required by planning condition or s106 obligation should fairly and reasonably relate to the development for which planning permission is being sought. Whilst it may be reasonable, depending on circumstances, for the Council to seek no increase in parking in relation to the proposed development, it is not sound for the policy to also require a reduction in (or minimisation of) the existing levels of parking elsewhere on site, since this parking serves existing operations. Such an approach would not fairly and reasonably relate to the development being permitted, and would be contrary to the CIL Regulations governing s106 planning obligations, and to national policy. It should be added incidentally that the terms "reduction" and "minimised" are inconsistent with each other and do not explain what exactly is expected of a developer.

In addition, there is the question of whether the policy has regard to the reality of the site's operational requirements. Just taking one site, John Radcliffe Hospital (Policy SP42) as an example, this is a site with acknowledged existing parking stress; only granting planning permission for new facilities if parking is reduced elsewhere on the site may not have regard to operational issues on site. (The policy incidentally cannot require measures "in accordance with the Local Transport Plan" in any case, since that is not part of the development plan and has not been examined.)

Those policies which appear to require parking reductions for existing development are Policies SP8, SP9, SP10, SP11, SP42, SP55, SP56 and SP63 together with a further set of policies which require parking on certain sites to be "minimised": Policies SP20, SP21, SP22, SP23 and SP61. The reference to a reduction in parking, or for parking to be minimised, must be removed from all the policies referred to above.

There is also a lack of clarity over how no increase (or no net increase) in parking would actually work, which would create difficulties for development management staff in practice and could prove a bone of contention at appeal. We can think of four common scenarios which the policy and appendix do not clearly address. What would "no net increase" mean for example for new non-residential development on a new site? New non-residential development on a cleared redevelopment site which formerly had operational uses with parking? Non-residential redevelopment of an existing operational site with parking? Non-residential development as a floorspace expansion of an existing operation?

Neither the policy nor the Appendix have enough clarity and are thus ineffective.

However, there is a way forward. To ensure that requirements that are fairly and reasonably related to the development, to ensure that operational needs are properly recognised, and to ensure fairness and consistency of approach across all forms of non-residential development, whilst at the same time pursuing the Council's wider sustainability objectives, we suggest that the travel plan should be a starting point. That is because it is capable of taking into account "whole site" issues, whilst having regard to the overall objective of controlling private parking and encouraging modal shift. The Council have been willing to suggest this in relation to Sites SP8, SP9 and SP10 and partly in Appendix 7.3 but consistency of approach is needed in the plan. We suggest that this approach

should be taken to all development and that the “no net increase” approach (with further explanation as to what that means) should be applied to redevelopment sites. This would give a strong purpose to the travel plan requirement, enable proper attention to be given towards specific local conditions and operational requirements and impacts, and avoid the issues we refer to above. It would also obviate the need to have parking clauses within individual site policies.

Policy M3, Paragraph 5 would thus read:

The parking requirement for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development.

In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.

Where the proposal is for the expansion of an existing operation on an existing large site, a comprehensive travel plan should be submitted that looks at the development in the context of the whole site, and demonstrates that opportunities will be sought to enhance and promote more sustainable travel to and from the wider site. The travel plan will be kept under review to ensure that future opportunities to encourage a shift towards sustainable modes of travel are taken.

We propose that the Council take this on as a main modification. The relevant appendix would need to be altered to reflect the position.

Residential parking issues are covered in our other set of questions.

#### Question 9: Academic facilities and student accommodation

The Council’s response is noted. We raised further issues in Question 2 of our second set of questions and comments.

There are three points here.

Firstly, having considered the evidence, we consider that the threshold approach for the two universities may be appropriate, but it needs additional clarification. We note that Policy E2 seeks the provision of student accommodation in connection with university expansion and uses the expression “as necessary”. This appears to intimate that academic expansion which is not likely to increase student numbers would not require associated student accommodation, but the point is not clear enough. The point should be clearly stated in paragraph 2.15.

Secondly, the proposed reduction in the threshold carries an outstanding objection from Oxford Brookes University. We are likely to want to explore the issue of the threshold reduction at the hearings so we will not pursue the point at this time.

Thirdly, we have already pointed out the inequity in policies that favour certain academic and teaching institutions over others, in respect of academic expansion and in the provision of student accommodation. Planning policies and decisions concern the development and use of land, and should not favour or disfavour any person, company or group. We want to make it very clear, if we

have not already done so sufficiently, that this is not an acceptable feature of the plan. Policy H8(b) will need to be deleted, with the consequential deletion of Policy H8(f). We have already made similar points in respect of Policy E3. We look forward to receiving the relevant policy amendments from the Council.

#### Question 10: Employment sites

Concerning Policy E1, the unacceptable element of the policy is the requirement to demonstrate that the development will provide more jobs on site. The Council's suggested amendment ("and/or") does not address this. Major investment to improve productivity, ie output per person, can make the best use of land but will not necessarily result in more jobs on site. The NPPF says that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs, but it does not make jobs growth on individual sites a pre-requisite to business expansion. The policy seeks to impose an inappropriate additional restriction on business expansion contrary to the NPPF.

A very simple and acceptable way of expressing the first part of Policy E1 would be to say:

*Further employment development on existing employment sites will be supported where it makes the best and most efficient use of land and does not have unacceptable environmental impacts.*

It would not then be necessary to make the modification to Policy SP9 (BMW Mini).

We propose that the Council take this on as a suitable main modification.

#### Question 11 Securing opportunities for local employment, training and businesses

The comments we made previously remain as stated. There are several clear reasons for this.

- Whilst the NPPF seeks an economic vision and strategy having regard to local industrial strategies and other local policies, those strategies are separate from the development plan and are not part of it. It is not appropriate for local planning authorities to intervene through the planning process in local businesses' recruitment, materials procurement or pay policy because these items are outside of the realm of planning and are covered by other legislation. Planning should not seek to control matters that are covered by other legislation.
- The provision would not necessarily support business and could operate to reduce its efficiency and competitiveness contrary to the objectives of the NPPF. Businesses have to operate in much wider markets than those defined by the narrow boundaries of Oxford and Oxfordshire; locally procured resources may be more expensive and impose a higher cost burden on business than that procured elsewhere.
- Jobs, apprenticeships, materials procurement and pay levels do not fall into any of the items set out in s106 (a) to (d) of the Act which relate to the use of the land. Planning obligations cannot be used for these purposes.
- The Council are very unlikely to be able to enforce these requirements.

Policy E4 is unsound and must be deleted; there is no flexibility on this. The Council's suggested modification does not rectify the problem.

Paragraphs 2.23 and 2.24 can remain as expressions of encouragement for these initiatives but should be substantially amended to delete references to requirements and legal agreements. It should be clear that they cannot be determinative of a planning application. We look forward to the Council's amended wording.

Question 12: Sustainable design and construction

We note the submitted evidence and do not have any further questions or comments on this issue at the present time.

Jonathan Bore

Nick Fagan

26 July 2019