

Inspectors' response to OCC.2

Question 1: Policy H3: Employer-linked affordable housing

We consider that this raises issues that may be best dealt with in the hearings. We have no further comments at this stage.

Question 2: Policy H8: Provision of new student accommodation

Criterion (b) is unacceptable for the reasons we have previously given. It is not appropriate to favour the students of one academic institution over another.

We have looked at the suggestion in 2.6 of the Council's response which suggests that, with the removal of criterion (b), criterion (a) should be amended to match Policy 46 of the Cambridge Local Plan. We are keen to facilitate a suitably worded solution, but if the Council's suggested text regarding student capacity is inserted into Policy E2, as discussed in OCC.1.AB in relation to Question 7, it creates a Catch-22 situation in which planning permission can only be granted for new academic floorspace if (in effect) there is corresponding new student accommodation, but new student accommodation will only be granted if the educational establishment exists in Oxford. This needs to be resolved in such a way that new academic institutions are not barred from Oxford through the interaction of these policies. Perhaps the simplest way of dealing with this is to say "existing or new educational institution".

We agree that (a) to (d) are enforceable. On the enforceability of the Oxford student parking ban in (e), are the Council aware of *R (Khodari) v Kensington and Chelsea RBC* [2017] EWCA Civ 333? On 11 May 2017, the Court of Appeal judged that Section 106 of the Town and Country Planning Act 1990 cannot be used to prevent occupants from applying for car-parking permits. This followed a similar judgment in Westminster. The judge however observed that the solution was found by the exclusion of each new flat from the schedule of streets in the statutory instrument that created the Controlled Parking Zone. That would preclude the residents, not being within the CPZ, from applying for parking permits within the CPZ.

A further minor point is that (a) needs to be qualified to allow for the circumstances in (f).

We would like the Council to formulate an appropriately worded modification that addresses these issues.

Provided the above issues are resolved, we think the locational restrictions may be best dealt with at the hearings.

Question 3: Policy H10: Accessible and adaptable homes

We note the suggested modification. This can be included in the schedule of main modifications in due course.

Question 4: Policy H15: Internal space standards

We have no further questions in relation to the nationally described space standards as referred to in the first paragraph of Policy H15.

As regards the second paragraph, we note that the Council acknowledge that the standards should not apply to student accommodation and extra care homes and that the size of such accommodation will be determined by other needs and functional requirements. Moreover, as regards HMOs, room sizes are governed by the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. In consequence, paragraph 2 is ineffective.

Paragraph 3 is unnecessary as it refers to existing Regulations.

The Council are invited to put forward a modification which deletes paragraphs 2 and 3 of the policy. If the Council wishes, it could insert a reference to the relevant Regulations in the supporting text.

Question 5: Policy RE3: Flood risk management

We have no further questions.

Question 6: Policy RE4: Sustainable drainage, surface water and groundwater flow

The modification is acceptable and can be included in the schedule of main modifications in due course.

Question 7: Policy RE5: Health, wellbeing and health impact assessments

We have no further questions.

Question 8: Policy RE6: Air Quality

We appreciate the Council's response, but there is an issue of effectiveness. As currently worded, the policy would enable a developer to argue that mitigation measures already included in the scheme would avoid unacceptable levels of exposure, in which case the proposal would not engage this part of the policy and an AQA need not be submitted. This is obviously not the Council's intention. We do however agree that our previously suggested words were also open to interpretation, and this issue needs more thought. Perhaps more appropriate

wording might be "*Planning applications for major proposals... which would carry a risk of exposing [individuals?] [people?] to unacceptable levels of air pollution..*" ?

We suggest "individuals" or "people" because the policy should surely also cover workers, shoppers, students and tourists?

Please can the Council give further consideration to these points and produce a suitable form of words that will form the basis of a main modification in due course.

Question 9: Policy RE7: Managing the impact of development

The change to criterion (b) is appropriate. However, we think the wording of (d) should simply stop at "transport impacts", because Policy RE7 has a wider application than the circumstances described in Policy M2, which relates to schemes requiring Travel Assessments and Transport Plans. There is no need for the policy to cross refer to Policy M2, although the supporting text might. In due course the Council should produce a main modification based on these comments.

Question 10: Policy G2: Protection of biodiversity and geodiversity

We expect the Council to update us on the further transport modelling at the examination hearings and we have no further questions at this stage. The Council's proposed modification to Policy G2 appears acceptable and should be included in the schedule of main modifications in due course.

Question 11: Policy G3: Green Belt

The proposed modification is agreed and can be included in the schedule of main modifications in due course.

Question 12: Policy G5: Outdoor sports

The proposed modification is unacceptable; it does not accord with the NPPF because it applies the three criteria in NPPF paragraph 97 (a) to (c) only to indoor sports facilities. The NPPF makes it clear that they should apply to existing open space, sports and recreational buildings and land, including playing fields. There must be clear criteria to enable proposals to be assessed. The heading of the policy needs to make it clear that it deals with open space and recreation, not just sports facilities (see our comments in relation to Question 13, below). Please will the Council provide us with appropriate wording to ensure that the policy accords with the NPPF.

Question 13: Policy G7: Other green and open spaces

We refer to our previous comments. This policy is not in accordance with the NPPF and is unsound. It introduces exceptional circumstances and community benefits tests which have no basis in the NPPF and applies in effect a Local Green Space policy without the appropriate steps towards designation. If Policy G5 is modified so that it is in accordance with the NPPF, it will in any case cover all existing open space (because paragraph 97 of the NPPF does not just deal with sports spaces). This policy should be deleted. Please will the Council produce the appropriate main modification in due course.

Question 14: Paragraph 6.10 and Appendix 6 (high quality design and placemaking)

The modification to Appendix 6 is acceptable. The Council might like to refer also to floorscape materials.

In paragraph 6.10 the proposed deletions are acceptable, but the added text is not yet appropriate because of the word "essential". In reality, many factors go into the achievement of good public realm, and public art is only important in certain circumstances. We suggest wording such as this: "The Council will work with developers to bring about the incorporation of public art into schemes where this is important to establish or reinforce a sense of place and identity".

Question 15: Policy DH2: Views and building heights

We have no further questions or comments. The suggested modification is acceptable and should be included within the schedule of main modifications in due course.

Question 16: Policy DH3: Designated heritage assets

The suggested modification to Policy DH3 is acceptable and should be included within the schedule of main modifications in due course.

The suggested modification to Policy SP35 is not necessary for soundness because the protection of the setting of heritage assets, which include conservation areas, is already covered by Policy DH3. It should not therefore be taken forward.

We note the Council's comments arising from their discussion with historic England and have no further comments on this subject.

Question 17: Policy DH4: Archaeological remains

The suggested modification is acceptable and should be included within the schedule of main modifications in due course.

Question 18: Policy DH5: Local Heritage Assets

The suggested modifications to both Policy DH5 and paragraph 6.39 appear acceptable and should be included within the schedule of main modifications in due course.

Question 19: Policy DH6: Shopfronts and signage

The suggested modifications to both Policy DH6 and paragraph 6.43 appear acceptable and should be included within the schedule of main modifications in due course.

Question 20: Policy M1: Prioritising walking, cycling and public transport

The suggested modification to Policy M1 appears acceptable and should be included within the schedule of main modifications in due course.

Question 21: Policy M2: Assessing and managing development

The suggested modifications to Policy M2 and paragraph 7.21 appear acceptable and should be included within the schedule of main modifications in due course.

Question 22: Policy M3: Motor vehicle parking

The suggested modifications appear acceptable and should be included in the schedule of main modifications in due course.

Question 23: Policy M5: Cycle parking

We note the suggested modifications, which should be included in the schedule of main modifications in due course.

Question 24: Policy V1: Ensuring the vitality of centres

We note the suggested modification, which should be included in the schedule of main modifications in due course.

Questions 25 to 29: Policies V2 to V6: Shopping frontages in the city centre / The Covered Market / District and Local Shopping Frontages / Sustainable tourism / Cultural and social activities

The suggested modifications appear acceptable and should be included in the schedule of main modifications in due course. We have no other comments.

Question 30: infrastructure and cultural and community facilities

We have no further comments on this policy.

Question 31: Policy V8: Utilities

We consider that this policy's approach to digital facilities is unnecessary given that any prospective occupier choosing premises will take into account the quality of available infrastructure and where necessary will take steps to ensure such infrastructure is provided. However, we think that the policy probably does not affect the plan's soundness so we have no further comments on this subject at this stage.

The modifications relating to sewerage network capacity are acceptable and should be added to the schedule of main modifications in due course. The Council's suggested additional text proposed in response to Regulation 19 consultation on this subject should not be included as main modifications.

Question 32: Policy SP1: Sites in the West End

The modification is acceptable and should be added to the schedule of main modifications in due course.

Question 33: Areas of Change

The suggested modifications to create new policies and to alter paragraph 9.2 appear acceptable and can be included within the schedule of main modifications in due course. It might be possible to include them all under one modification number.

Question 34: Policy SP17: Government Buildings and Harcourt House

We agree with the Council that the policy should be more flexible in order to make the most efficient use of land and bring about a high quality development. Consequently we consider that the requirement to restrict student accommodation to the part of the site north of Cuckoo Lane should be deleted from the policy. To the same end, the policy should allow the development to take advantage of any open space within safe and close walking distance of the proposal rather than provide it on site.

Please will the Council produce a suitably worded modification for our consideration.

Question 35: Policy SP19: Land surrounding St Clement's Church

The modification is acceptable and should be included in the schedule of main modifications in due course. We are likely to explore the implications of the final negatively worded sentence of this and other policies at the hearings.

Question 36: Policies SP24 to SP31: Sites released from the Green Belt

The modification is generally acceptable but the first two lines should read “..exceptional circumstances existed to justify alterations to the Green Belt boundary, due to..” That is because the Green Belt boundary has already been undertaken, and on the adoption of the plan the Green Belt boundaries will have been altered. Please can the Council adjust the wording of this modification as indicated.

We should like to thank the Council for their comments on our questions in relation to Green Belt circumstances. We have no further comments on this policy at this stage. Green Belt boundary alterations are likely to form a topic at the examination hearings.

Questions 37 to 41, 46, 50, 51: Policies SP34, SP39, SP41, SP42, SP44, SP53, SP62, SP65, SP66: Canalside land / Former Iffley Road Playing Fields / Jesus College Sports Ground / John Radcliffe Hospital Site / Lincoln College Sports Ground / Oxford University Press Sports Ground / Bayards Hill Primary School playing fields / William Morris Close Sports Ground

The Council’s comments are noted and we have no further questions at this stage. We are likely to schedule an agenda item, or items, at the hearings to deal with particular issues relating to these sites which we want to explore further. The issues are likely to include:

- the balance of acceptable uses (particularly in the light of negatively-worded policies)
- consistency and reasonableness in respect of playing field retention and loss and compensatory provision.

Question 42: Policy SP48: Nielsen, London Road (Thornhill Park)

We note that the suggested amended policy has arisen through a Statement of Common Ground and we have no further questions. The modification can be included in the schedule of main modifications in due course.

Question 43: Policy SP49: Old Power Station

The suggested modification is acceptable and can be included in the schedule of main modifications in due course.

Question 44: Policy SP51: Oxford Brookes University Marston Road Campus

The suggested modification is acceptable and can be included in the schedule of main modifications in due course.

Question 45: Policy SP52: Oxford Stadium

The Council's comments and suggested modification are noted. We are likely to want to explore the issues raised in a hearing session and have no further comments at this stage.

Question 46: Policy SP53: see above

Question 47: Policies SP55 to SP57: Radcliffe University Quarter / Ruskin College Campus / Ruskin Field

The Council's comments are noted.

The suggested modification to Policy SP56 appears acceptable and can be included in the schedule of main modifications in due course.

The suggested modification to Policy SP57 is a minor modification and need not be included in the schedule of main modifications.

Question 48: Policy SP62: Valentia Road site.

The Council's comments are noted. We would urge the Council to see whether it is possible to agree a statement of common ground in respect of the Headington Neighbourhood Plan in advance of the hearings.

Question 49: Policy SP64: Wolvercote Paper Mill

We note the Council's intention to delete this policy, which is appropriate. The modification should refer to Policy SP64. This can be included in the schedule of main modifications in due course.

Questions 50 and 51: Policies SP65 and SP66: see above.