

Oxford City Council updated modifications following IC.1C and IC.2A

11 October 2019

The following document follows the latest correspondence from the Inspectors contained within IC.1C and IC.2A and summarised in the associated covering letter. This latest correspondence from the Inspectors set out further recommendations and guidance on how policies should be modified or in some cases deleted to address the Inspectors identified soundness concerns and make the plan sound.

The Inspectors set out four categories in their covering note to IC.1C and IC.2A. The City Council have followed that structure in this document and under each section have updated or put forward modifications in line with the Inspectors advice.

1. Proposed policies and changes for which acceptable modifications have been put forward by the Council
2. Policies for which suggested modifications were broadly acceptable but required small changes
3. Policies for which the Council's previous suggested modifications required further development
4. Policies or parts of policies that will need to be deleted

In addition, the Inspectors brought to the City Council's attention that the new Planning Practice Guidance and NPPF seek policies to promote digital communications and as such the Council have suggested a new policy to seek to address this to ensure the plan is consistent with national policy. This is set out in section 5 of this document.

1. Proposed policies and changes for which acceptable modifications have been put forward by the Council

- 1.1. This includes all modifications and deletions that were previously suggested by the council in response to Inspectors questions and accepted.
- 1.2. These accepted modifications are set out in an attached schedule to this note. In addition to those noted in this section of the Inspectors covering note the schedule also picks up the related SP policy changes linked to the accepted change to Policy M3. These relate to SP2, SP8, SP9, SP10, SP11, SP20, SP21, SP23, SP42, SP55, SP56, SP61 and SP63, which were mentioned but never previously set out in full.
- 1.3. The schedule also picks up the agreed deletion of SP64: Wolvercote Paper Mill from section 4 of the covering note, which had been suggested previously by the City Council in document reference OCC.2 as part of the response to Question 49.
- 1.4. The schedule also includes the suggested modification to Policy RE1 that was set out within OOC.1L in response to Question 12 of the Inspectors initial questions. No further comments were made or questions asked to date on this and it was not listed in the covering note to IC.1C and IC.2A. The council were unsure if it was agreed so if it is not it would need to be removed from the schedule.

2. Policies for which suggested modifications were broadly acceptable but required small changes

2.1. This section sets out suggested updates to the previously suggested modifications to H15, RE6, RE&, Paragraph 6.10 and SP24 to SP31 to try and address the Inspectors' comments and further guidance on how the policies should be modified to ensure address their soundness concerns.

Policy H15: Internal space standards (response to Inspectors' comments in IC.2A relating to OCC.2 question 4)

2.2. This modification follows the Inspectors request that council put forward a modification which deletes paragraphs 2 and 3 of the policy. It also includes the suggested insertion to the supporting text to reference the relevant Regulations.

Suggested modification to Paragraph 3.69:

The government introduced a nationally described space standard in March 2015. Local authorities now have the option to adopt the nationally described space standards, or have no space standard at all; space standards cannot be set locally. The City Council has carefully considered the local need for space standards and the viability impact of taking such an approach and decided to adopt the nationally described standards. In addition minimum bedroom sizes for HMOs are governed by the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.

Modification to Policy H15: Internal space standards

Planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level12.

~~The standards for bedroom sizes and dimensions will be applied to new build HMOs and other communal accommodation including extra care housing and student accommodation.~~

~~For properties converted to HMO, bedroom sizes should be in accordance with the Government's mandatory minimum room sizes for licensed HMO13.~~

Policy RE6: Air Quality (response to Inspectors' comments in IC.2A relating to OCC.2 question 8)

2.3. The following modification is proposed in response to the Inspectors' comments.

Suggested modification to Policy RE6:

Planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to poor air quality is minimised or reduced.

The exposure of both current and new occupants to air pollution during the development's operational and construction phases, and the overall negative impact that proposals may cause to the city's air quality, will be considered in determining planning applications. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts.

Sensitive uses including residential development, schools and nurseries should be located away from areas of poor air quality, with site layout designed to reduce impact and with any residual impact mitigated through air quality measures.

Planning applications for major proposals (10 or more dwellings or 1000 square metres) which would carry a risk of exposing individuals ~~are likely to expose residents~~ to unacceptable levels of air pollution must be accompanied by an Air Quality Assessment (AQA).

Where the Air Quality Assessment indicates that a development would cause harm to air quality, planning permission will not be granted unless specific measures are proposed and secured to mitigate those impacts.

Planning applications for proposals that involve significant demolition, construction or earthworks will also be required to submit a dust assessment as part of the AQA, to assess the potential impacts and health risks of dust emissions from those activities. Any appropriate site-specific dust mitigation measures will be secured as part of the Construction Management Plan (CMP).

Further guidance on meeting the requirements of the policy is set out in the Oxford City Council's Air Quality Planning Application Guidance Note and the up to date IAQM guidelines which applicants are expected to follow.

Policy RE7: Managing the impact of development (response to Inspectors' comments in IC.2A relating to OCC.2 question 9)

2.3. The Inspectors have indicated that the change to criterion (b) is appropriate, and thus the change is reflected below. However, the Inspectors recommended that the wording of criterion (g) should be deleted following 'transport impacts' to make the policy sound. They recommended that the modification proposed in OCC.2 that refers to Policy M2 should instead be referred to in the supporting text and not the main body of Policy RE7. In response to this we suggest the modification below.

Suggested modification to Policy RE7:

Suggested modification to Policy RE7 and supporting text:

vii. Managing the impact of development

4.25 Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Oxford's constrained nature results in the close proximity of many uses. This, combined with the railway and major roads (A34 and the Ring Road), can result in noise, light and air pollution. RE7 seeks to ensure that standards of amenity are protected.

4.26 Applicants must ensure that any transport impacts likely to occur as a result of the development are assessed and managed in compliance with Policy M2.

Policy RE7: Managing the impact of development

Planning permission will only be granted for development that:

- a) ensures that the amenity of communities, occupiers and neighbours is protected; and
- b) does not have unacceptable ~~unaddressed~~ transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
- c) provides mitigation measures where necessary.

The factors the City Council will consider in determining compliance with the above elements of this policy include:

- d) visual privacy, outlook;
- e) sunlight, daylight and overshadowing;
- f) artificial lighting levels;
- g) transport impacts, ~~including the assessment of these impacts within the Transport Assessments, Travel Plans and Delivery and Servicing Management Plans Policy T2;~~
- h) impacts of the construction phase, including the assessment of these impacts within the

Construction Management Plans;

i) odour fumes and dust;

j) microclimate;

k) contaminated land; and

l) impact upon water and wastewater infrastructure

Paragraph 6.10 and Appendix 6 (high quality design and placemaking) (response to Inspectors' comments in IC.2A relating to OCC.2 question 14)

2.4. In response to the comments made by the Inspectors we propose the following modification.

Suggested modification to Appendix 6: Design of external areas:

- Are all spaces clearly defined and have a purpose? This should include well defined private and public spaces, including a choice of open space.
- Are all external public spaces such as streets and parks overlooked by windows serving habitable rooms in buildings and adjacent activity.
- Has left over space and awkward corners been avoided?
- Does the landscaping provide opportunities for sensory richness?
- What type of street furniture, *floorscaping*, lighting and public art is proposed (where appropriate)? ~~(public art which contributes to local distinctiveness should be provided on all schemes of 20 dwellings or more (gross) or over 2000m². Details of the public art should be submitted with a planning application).~~
- How is car parking integrated into the development so that it doesn't have a negative impact on the experience of using outside spaces? How has landscaping been used to help integrate parking into the street scene?
- How will lighting impact on the surrounding area?
- Have Secure by Design principles been incorporated?

Suggested modification to Paragraph 6.10

6.10 Public art is an excellent way to add interest, create a sense of place and provide a focal point. The public art could contribute to creating local distinctiveness, by saying something about the place it is in. It might reflect a historic use or event of the area, or the purpose of the new development. It can inject fun, quirkiness and a sense of personality. *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.* Public art should not be seen as an embellishment of a scheme or appear as an add-on or afterthought. Rather, it should be part of design considerations from the start and integrated into the overall design concept. ~~A developer will be expected to show how public art has been designed in at an early stage.~~ A temporary piece, an event or a curated space might be accepted if they offer something worthwhile. Creating multi-functional public art might help to achieve a well-loved design, for example public art that can be used as seating. ~~Details of the public art should be submitted with a planning application.~~

Policies SP24 to SP31: sites released from the Green Belt (response to Inspectors' comments in IC.2A relating to OCC.2 question 36)

2.5. In response to the comments made by the Inspectors, the following modification is suggested.

Suggested modification to paragraph 9.145:

9.145 ~~The City Council considers that exceptional circumstances existed to justify alterations to the Green Belt boundary, due to the need to support Oxford's economic success and its dependence on the delivery of additional housing to meet housing need. The Green Belt Study (LUC, 2017) assessed the potential release of sites SP24-SP31 from the Green Belt. These sites have been released from the Green Belt because their impact on it ranges from between a low to a moderate impact rating on the overall purposes of the Green Belt. The following sites have therefore been released from the are-in-Green Belt and are allocated for development. currently, although the Green Belt Review as part of the Local Plan proposes their removal (as well as the removal of the land at St. Catherine's College, which is shown on the Policies Map as site SP66, but which does not have a detailed site allocation policy because development of the site has largely happened as only minor elements are proposed. Furthermore, the site is small and separated from the rest of the Green Belt by a wall and the removal from the Green Belt is intended to formalize the existing situation.~~

3. Policies for which the Council's previous suggested modifications required further development

3.3. This section includes those listed in the covering letter as well as incorporating the Inspectors previous recommendations associated with the deletions of E3 and G7 so that they can be addressed together as they are interlinked.

Policy E2 and E3 (response to Inspectors' comments in IC.1C relating to OCC.1.AB question 7)

3.4. The Inspectors set out in IC.1C that there should not be a requirement for a need for the development to be demonstrated in planning applications, so the modification to Policy E2 proposed by the Council was not considered by the Inspectors to be acceptable in addressing their identified soundness concerns. As a result, the following modification removes any references to institutions needing to be located in the city.

3.5. The Inspectors also stated that applicants should not be 'required to jump over hurdles to demonstrate...their contribution towards the local economy.' The modification previously proposed listed the four economic objectives of the Local Plan and said that new development should demonstrate a clear and direct contribution to all these objectives but this has been removed. As the Inspectors acknowledge, planning applications 'should be assessed on their effects against the background of the development plan.' Reference to this in the policy is therefore proposed in the modification.

3.6. The Inspectors have also said in IC.1C that it is not clear what 'student capacity' means in the previously proposed modification. The proposed modification shown below attempts to overcome this concern.

Suggested modification to Policies E2 and E3 and supporting text:

ii. Teaching and research

2.11 *The success of Oxford's economy is shaped by the presence of its two universities; The University of Oxford and Oxford Brookes University. In addition and linked to this, Oxford is also a major centre for teaching hospitals and home to a number of acute and specialist medical research organisations. This benefits the city's economy in a number of ways: its research capabilities, the ready supply of graduates and clustering effect mean that Oxford is an attractive location for a range of companies, and it is also in a position to foster home-grown spin-off businesses.*

2.12 *The world renowned University of Oxford is ranked first in the Times Higher Education World University Rankings 2018. It has around 13,000 employees³ (not including those employed solely by the colleges or by Oxford University Press or casual workers). Oxford Brookes University is the highest placed UK institution in the 2018 QS rankings of world universities under 50 years old and has earned recognition for the quality of a large number of its teaching areas. Oxford Brookes employs 2,800 full-time equivalent staff*

2.13 *Thus the two universities have a significant economic impact on the city as direct employers, purchasers of goods and services, hosts to over 30,000 students and in the research and development opportunities that they facilitate and inspire.*

2.14 *Oxford's cluster of medical research organisations and facilities together employ around 17,000 people or 13% of Oxford's total workforce. These assets link closely with healthcare research undertaken at the universities who both have plans to expand medical and clinical research, thus creating more opportunity for discovery and growth. The health sector in Oxford is a catalyst for the wider region's biotechnology sector which in 2017 comprised 163 companies of which 496 were based in Oxford. Oxford has numerous strengths in particular biotechnology subsectors, including drug discovery and development, diagnostics, medical technology and imaging.*

2.15 *The City Council is committed to supporting the sustainable growth of the two universities and thus maximising the related economic, social and cultural benefits which they bring to Oxford. Due to the limited availability of land and the competing demands for development sites in the city, it is important that the universities are encouraged to focus growth on their own sites; both institutions have indicated that they have the potential to deliver more of their own needs through redevelopment. In addition to the universities and schools in Oxford, the city also has a large and established market in other forms of education provision; the Oxford name attracts potential students from across the world. There are a large number and wide range of language schools and*

private colleges in Oxford. It is ~~also~~ important that their growth and impacts of these educational institutions is ~~are~~ managed, in particular any associated growth in student accommodation (see Policy H8: Provision of new student accommodation and Policy H9: Linking the delivery of new university academic facilities to the delivery of university provided residential accommodation). Unchecked growth in student numbers without provision of student accommodation would have a detrimental impact on the availability and price of homes for the general population. The policy requires that any additional student accommodation need created is matched by a corresponding provision of suitable student accommodation. This will not necessarily be purpose built student accommodation; use of university accommodation out of term time and homestay accommodation may also be suitable for some institutions.

2.16 Policies relating to the development of the hospital and university sites should be read in conjunction with the relevant site policies in Chapter 9 of this Local Plan.

Policy E2: Teaching and research

Planning permission will be granted to support the growth of the hospitals, through the redevelopment and intensification of their sites in Headington as set out in the site allocations, including to increase their teaching and research function.

Applications for all new education, teaching and academic institutional proposals (other than the expansion of schools providing statutory education) should clearly demonstrate how they support the objectives of and accord with the wider policies of this development plan.

Planning permission will only be granted for new or additional academic or administrative floorspace for educational institutions if it can be demonstrated that Policy H9 is met or, where this policy does not apply, that a suitable form of student accommodation for all students will be provided, with controls in place to ensure that the provision of accommodation is in step with the expansion of student places.

In particular, planning permission will be granted to support the growth of the University of Oxford through the redevelopment and intensification of academic and administrative floorspace on existing University of Oxford and college sites.

Planning permission will be granted to support the growth of Oxford Brookes University through the redevelopment and intensification of academic and administrative floorspace on their existing sites at Headington Hill and Gipsy Lane.

~~The expansion of both universities must be accompanied by the provision of student accommodation as necessary and in accordance with Policy H8.~~

~~Planning permission will be granted to support the growth of the hospitals, through the~~

~~redevelopment and intensification of their sites in Headington as set out in the site allocations, including to increase their teaching and research function.~~

~~iii New academic or administrative floorspace for private colleges/language schools~~

~~2.17 In addition to the universities and the schools in Oxford, the city also has a large and established market in other forms of education provision; the Oxford name attracts potential students from across the world. There are a large number and wide range of language schools and private colleges in Oxford⁷; many of these are located in the city primarily to use the 'Oxford' brand and do not necessarily have an operational need to be in Oxford. The 2017 report by Cambridge Centre for Housing and Planning Research found that 37% of all students in Oxford are at various non-university institutions. The private colleges and language schools that responded to the survey (55% of identified institutions) gave their maximum likely number of students they have on courses at any one time. This added up to 20,892 students, although many of these students are on very short courses (such as those on summer language courses). 2.18 Such institutions offer some economic benefit to the city in that they are direct employers (albeit in many cases this is short term seasonal work) but the economic impact and contribution to the economic objectives of the Local Plan is much more limited than that of the two universities in that they are only language teaching establishments. Many premises in these uses have a low employment density and therefore do not make very efficient use of land. There has been significant growth in the number and size of such language schools, private colleges and their student accommodation since 2012.~~

~~2.19 Students at private colleges and language schools often require purpose built student accommodation which reduces opportunities available for accommodation for those who need general housing or student accommodation for one of the two universities. 2.20 For these reasons and the severe shortage of land in Oxford, the Local Plan takes a strict approach to restrict any further growth of these institutions to allow opportunities for land and development opportunities to be directed to meeting more pressing needs, such as housing, student accommodation for the Universities or B1 uses. 2.21 The approach allows for, and will encourage, existing language schools and private colleges to make more efficient use of their current floorspace. The ability also remains for summer schools to use university floorspace out of term time. 2.22 With regards to this policy restriction on growth there are exclusions for specific reasons: • The City of Oxford College is excluded as it provides state funded further education to local people including sixth form, vocational courses, 7 Examples of types of Language Schools, Private Schools and Colleges include: Further Education Colleges; Adult Learning Colleges; Higher Education Colleges; Independent Schools; Summer Language Schools; Term-time language~~

~~Schools; University Preparation Colleges; Private Tutorial Colleges; Private Schools for International Students; and Independent Preparatory Schools. This excludes schools. Proposed Submission Document 29 apprenticeships and supports young people who are not in education, employment or training (NEETs). This is a vital role in Oxford's economy in that it enables the provision of additional educational opportunities for secondary school age pupils in the context of the current under performance of secondary education in Oxford. • Ruskin College is excluded due to its unique social benefits in providing vocational degrees, apprenticeships and access programmes for adults with few or no qualifications seeking to change the lives of those who need a second chance in education. • Independent schools and boarding schools are also excluded as they provide primary and secondary education.~~

~~Policy E3: New academic or administrative floorspace for private colleges/ language schools~~

~~Planning permission will not be granted for new or additional academic or administrative floorspace for private colleges on sites not currently in use as a private college on 1 January 2018. Planning permission will only be granted for new or additional academic or administrative floorspace on existing private college sites if the proposal does not result in: a) a net loss of B1 floorspace or floorspace that could potentially be used for B1; or b) a net loss of residential accommodation or floorspace that could potentially be used for residential accommodation; and if~~

~~c) an increased need for student accommodation in addition to that already provided for in Oxford.~~

~~In addition it must be demonstrated for all new teaching and research proposals that the new development has a clear and direct contribution to all four economic objectives of the Local Plan:~~

~~• To build on Oxford's economic strengths as a global centre for research, learning and health care~~

~~• 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)~~

~~• To reduce inequalities across Oxford, particularly in employment, health and education~~

~~• 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"~~

~~The following institutions are exempt from the requirements of this policy: • City of Oxford College (Activate Learning); and • Ruskin College; and • Independent schools providing statutory primary and secondary education~~

~~The City Council will support the appropriate growth of these institutions through the expansion or modernisation of their existing or allocated sites.~~

Policy H8: Provision of new student accommodation (response to Inspectors' comments in IC.2A relating to OCC.2 question 2)

3.7. IC.1C sets out that the Inspectors consider criterion b of Policy H8 to be unsound and recommend in the document that it is deleted to make the plan sound. This modification is shown below. We understand that a modification to criterion a to restrict occupation to students of institutions already existing in the city would not be considered sound by the Inspectors, so we do not propose any other modifications to this Policy.

Suggested modification to Policy H8:

Policy H8: Provision of new student accommodation

Planning permission will only be granted for student accommodation in the following locations:

- On or adjacent to an existing* university or college campus or academic site, or hospital and research site, and only if the use during university terms or semesters is to accommodate students being taught or conducting research at that site; or
- In the city centre or a district centre; or
- On a site which is allocated in the development plan to potentially include student accommodation.

Planning permission will only be granted for student accommodation if:

a) student accommodation will be restricted in occupation to full-time students enrolled in courses of one academic year or more; and

~~b) new student accommodation (other than accommodation developed by an institution on a campus site) will be restricted in occupation in perpetuity to students attending the University of Oxford, Ruskin College or Oxford Brookes University; and~~ b) for developments of 20 or more bedrooms, the design includes indoor communal amenity space for students to gather and socialise; and

~~c)~~ c) a management regime has been agreed with the City Council that will be implemented on first occupation of the development (to be secured by a planning obligation); and

~~d)~~ d) the development complies with parking standards that allow only operational and disabled parking, and the developer undertakes and provides a mechanism to prevent residents from parking their cars anywhere on the site, and anywhere in Oxford (unless a disabled vehicle is required), which the developer shall thereafter monitor and enforce; and

~~e)~~ e) a management strategy is agreed if it is intended there will be occupants other than students of the named institutions outside of term times. Planning permission will not be granted for developments that would lead to the loss of student accommodation unless new student accommodation is available for occupancy, within a reasonable and acceptable

timeframe, by students of the same university or institution. New accommodation should be equivalent in amount, mix and affordability to the rooms being lost.

*An existing university or college campus or academic site is one that exists at the time the Plan is adopted.

Policy G5: Outdoor sports (response to Inspectors' comments in IC.2A relating to OCC.2 question 12) and Policy G7: Other green and open spaces (response to Inspectors' comments in IC.2A relating to OCC.2 question 13)

- 3.8. The intention of Chapter 5 of the Plan (Protecting and enhancing Oxford's green and blue infrastructure network) is that it works as a whole. The whole chapter has been informed by the Oxford Green Infrastructure Study, which assessed the value and contribution of all open space within the city. The Chapter identifies a Green and Blue Infrastructure Network (in G1). In addition to sites within the network, policies also protect specialist functions of green and open spaces, including Green Belt, biodiversity, allotments and sports pitches.
- 3.9. Not all green spaces were assessed in the Oxford Green Infrastructure Study as being of strategic value as green spaces, so not all spaces were considered to need protection. The NPPF definition of open space is: 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.' The study assesses whether green spaces offer important opportunities for sport and recreation or act as visual amenity and are of public value meeting the definition of open space and requiring protection under Policy G1, G4 or G5 (biodiversity sites and Green Belt are clearly defined through separate processes). Therefore, any green spaces not considered worthy of protection under Policy G1, G2, G3, G4 or G5 are considered not to have public value as offering important opportunities for sport, recreation or visual amenity. It is for this reason that Policy G7 attempted to address green spaces that we do not consider to meet this definition. This was to make it clear that these spaces are not prevented from being developed (ie they would also not be caught by the NPPF definition of open space and paragraph 97. Some of these spaces are allocated for development or included on the housing trajectory, if there is a known interest in their development, for example William Morris Close Sports Ground (SP66) and Former Iffley Mead Playing Fields (SP39).
- 3.10. IC.1C sets out that the Inspectors consider the inclusion of Policy G7 to be unsound and recommend in the document that it is deleted to make the plan sound. Therefore, a modification to delete this policy is proposed. Amending Policy G5 to copy the wording in paragraph 97 of the NPPF, whilst also deleting Policy G7, we think would be confusing. It would not be clear how G5 interacts with G1 or the other policies of the chapter. As an alternative, we propose a modification to the text relating to G1, which we consider makes it clear that the policies of the chapter do protect existing open space, sports and recreational buildings and land of public value, in accordance with the NPPF, albeit across a suite of policies rather than all in one policy. For clarity, we also propose additional definitions in the Glossary for open space as well as indoor sport and recreation facilities

(based on the NPPF definitions). We have not proposed any amendments to G5 in addition to those already proposed in OCC.2.

Suggested modifications to paragraph 5.4:

Most of the city's parks have a range of functions and are an important recreational resource. These are protected as part of the Green and Blue Infrastructure Network. Some open spaces have a specialist function that is protected, which might be biodiversity, Green Belt, allotments or open air sports. These sites might be in or outside of the Green and Blue Infrastructure Network. Policies G2, G3, G4, and G5 set out specific considerations in relation to these sites. Any open space protected by Policy G1, G2, G3, G4 or G5 is considered to have public value and to meet the definition of open space set out in the Glossary. Any other green space that has not been assessed as having public value worthy of its protection under these policies is considered not to meet the definition of open space and is not protected.

Suggested modifications to Policy G5:

~~Outdoor~~ Indoor and Outdoor sports and recreation facilities

The City Council will seek to protect ~~outdoor sports facilities~~ sports and recreational buildings and land.

Indoor sports facilities:

Existing indoor sports and recreational facilities should not be lost unless:

- a) an assessment has been undertaken which has clearly shown the facility to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Outdoor sports facilities:

Where development will lead to the loss of an outdoor sports facility, proposals must compensate for this loss with improved provision in terms of quantity and quality. Consideration will be given to the need for different types of sports pitches as identified in the Playing Pitch Study. Any replacement provision should be provided in a suitable location equally or more accessible by walking, cycling and public transport, and accessible to local users of the existing site where relevant.

~~d)~~

Suggested modification to include new paragraph to follow 5.16:

Indoor sport and recreation facilities are also important to supporting the health and well-being of communities. Often these facilities are linked to outdoor facilities and help enhance their usefulness and capacity, for example changing rooms and pavilions. Indoor sport and leisure facilities are also protected pursuant to policy G5 unless they are shown to be surplus or are to be replaced. Some indoor sport and recreation facilities have a much wider community function. These facilities will be also be considered as community facilities and proposals relating to these will be considered under Policy V7.

Suggested modification to include additional definitions in the Local Plan Glossary:

Indoor sport and recreation facilities: *This may include, for example, swimming baths, skating rinks, gyms, dance halls, indoor courts and leisure centres as well as facilities linked to outdoor sports such as pavilions and changing rooms.*

Open space: *All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.*

Suggested modification to section Vii Other green and open spaces:

vii. Other green and open spaces

~~5.19 Most green and open spaces in Oxford are protected as part of the Green and Blue Infrastructure Network, for their biodiversity value, as allotments, as part of the Green Belt or for outdoor sport. However, there are some sites which do not meet any of the criteria for protection. Because of the exceptional need for development within Oxford it is appropriate to consider development proposals for these sites in exceptional circumstances, following the approach set out in Policy G7.~~

~~Policy G7: Other green and open spaces~~

~~Proposals for development on green and open spaces which are not protected by Policy G1 and which have not been allocated for development, must be accompanied by detailed information (in the Design and Access Statement or Planning Statement) demonstrating that:~~

- ~~a) there is an exceptional need for the development that it can be demonstrated overrides the existing benefits it provides; and~~
- ~~b) the development will bring benefits to the community, for example through delivery of community led housing; and~~
- ~~c) there are not suitable alternative sites where development could reasonably be located that would result in less or no harm; and~~
- ~~d) the proposals will lead to improvements in biodiversity or amenity value; and~~
- ~~e) consideration has been given to the layout of any proposed development in order to avoid impacts on biodiversity and any other important features of any green space within a development site, such as its contribution to townscape or the setting of a heritage asset; and~~
- ~~f) any proposals adjacent to watercourses should demonstrate how the watercourse will be protected and promoted as part of the development.~~

Suggested modification to Paragraph 5.19:

~~Most green and open spaces in Oxford are protected as part of the Green and Blue Infrastructure Network, for their biodiversity value, as allotments, as part of the Green Belt or for outdoor sport. However, there are some sites which do not meet any of the criteria for protection. Because of the exceptional need for development within Oxford it is appropriate to consider development proposals for these sites in exceptional circumstances, following the approach set out in Policy G7.~~

Policy G7: Other green and open spaces

~~Proposals for development on green and open spaces which are not protected by Policy G1 and which have not been allocated for development, must be accompanied by detailed information (in the Design and Access Statement or Planning Statement) demonstrating that:~~

- ~~a) there is an exceptional need for the development that it can be demonstrated overrides the existing benefits it provides; and~~
- ~~b) the development will bring benefits to the community, for example through delivery of community led housing; and~~
- ~~c) there are not suitable alternative sites where development could reasonably be located that would result in less or no harm; and~~
- ~~d) the proposals will lead to improvements in biodiversity or amenity value; and e) consideration has been given to the layout of any proposed development in order to avoid impacts on biodiversity and any other important features of any green space within a development site, such as its contribution to townscape or the setting of a heritage asset; and~~
- ~~f) any proposals adjacent to watercourses should demonstrate how the watercourse will be protected and promoted as part of the development.~~

Policy SP17: Government Buildings and Harcourt House (response to Inspectors' comments in IC.2A relating to OCC.2 question 34)

3.11. In response to the comments made by the Inspectors in IC.2A we propose the following modification.

Suggested modifications to 9.110:

9.110 The site is adjacent to student accommodation in John Garne Way and opposite academic uses of the Oxford Centre for Islamic Studies (OCIS) a Recognised Independent Centre of the University of Oxford. The pedestrian and cycle way of Cuckoo Lane runs through the middle of the site and is rural in character enclosed by mature vegetation. In terms of its ecological features the site is within a wildlife corridor ~~and in the vicinity of a SLINC~~ and within 600m of the New Marston Meadows SSSI. It should be retained as a green route as well as being enhanced for cycling and walking. The site is adjacent to the Headington Hill and the St Clement's and Iffley Road Conservation Areas. There is a high potential for archaeological interest as the site is near identified Civil War defences and the Fairfax siege line.

9.111 OCIS is keen to use this site as an expansion to their existing site on the opposite side of the road for student accommodation, visiting lecturers, staff and their families with some ancillary teaching and social space. This type of allocation would enable OCIS to focus their development around their existing site. This site is on the Marston Road with good public transport links to the city centre and hospitals. ~~Student accommodation would be suitable on this part of this part of the site adjacent to existing student accommodation. It has~~ There is footpath access from the site along Cuckoo Lane to the Oxford Brookes University Headington campus. Consideration must be had of the impact of proposals on the Headington Hill Conservation Area. There is no footway along Marston Road for part of the

site. Any new development should include a footway and a pedestrian crossing to integrate the site with the Islamic Centre opposite.

9.112 Given the existing pressures in the Gas Network and the increases that the new development proposed would create, upgrades to the network may be required. As such early discussion with the Gas Network is recommended to ensure that the timely delivery of infrastructure takes place to support development.

Suggested modifications to Policy SP17:

Policy SP17: Government Buildings and Harcourt House

Planning permission will be granted for residential, student accommodation and academic institutional uses at the Government Buildings site. ~~Student accommodation should only be located on the half of the site north of Cuckoo Lane.~~ Planning permission will not be granted for any other uses.

This site would only be suitable for academic institutional uses provided that it can be demonstrated that it can be demonstrated that there are no more than the threshold number of students of the relevant university living outside of university provided accommodation (in accordance with Policy H9).

Development should not have an adverse impact upon the setting of Headington Hill and the St Clement's and Iffley Road conservation areas. Development should include a footway along the site frontage and a pedestrian crossing to connect with the existing footway network on the western side of Marston Road. Cuckoo Lane should be enhanced as a pedestrian and cycle route whilst retaining its green character. Green features and landscaping ~~should be included in the site, including 10% public open space, which~~ should be designed with consideration of how to link to Headington Hill Park.

Planning permission will only be granted if it can be proven that there would be no adverse impact on the New Marston Meadows SSSI.

Development proposals should reduce surface water runoff in the area and should be accompanied by an assessment of groundwater and surface water flows. Development must incorporate sustainable drainage with an acceptable management plan.

A biodiversity survey may be required to assess the biodiversity value of the site and where appropriate it should be demonstrated how harm will be avoided, mitigated or compensated.

4. Policies or parts of policies that will need to be deleted

Policy H2 (response to Inspectors' comments in IC.1C relating to OCC.1.AB question 5)

- 4.1. IC.1C sets out that the Inspectors consider Part (a) of Policy H2 criteria (ii), which relates to affordable housing contributions from small sites, to be unsound and recommend in the document that it is deleted to make the plan sound. The Council have set out the associated modification below.
- 4.2. This modification will also necessitate the deletion of paragraph 3.18 and the deletion of Appendix 3.1. This will require subsequent changes to renumber appendices and paragraphs throughout the plan. This is not set out below but will be picked up in a comprehensive modification schedule in due course.
- 4.3. We have not included any suggested modifications below to any other parts of Policy H2 as this is simply to set out the removal of criteria (ii) within part (a) of the policy as requested. We anticipate that it may be necessary to address other parts of the policy where representations have been made through our written statements ahead of hearings as part of responding to Matters and Issues. We have previously identified a minor modification to the policy to remove reference the reference "PPG para 7", which is shown below along with a correction to the reference to Appendix 3.1 in the same sentence as it should refer to Appendix 3.3.

Suggested modification to Policies H2 part (a) criteria (ii) and supporting text:

Paragraph 3.18

~~3.18 The City Council recognises the role of small scale house builders in delivering new homes in Oxford, and the importance of small sites to the supply of new housing, the majority of which are sites of less than 10 homes due to the urban and constrained nature of sites in Oxford. The City Council has tested its approach, including undertaking viability study to assess the level of affordable housing contribution that could reasonably be required from new residential developments. This has shown that the affordable housing requirements, as set out in the policy to be viable (in light of all other policy requirements), including the contributions required from smaller developments. Owing to Oxford's significant need for affordable housing and because the majority of Oxford's housing is delivered from small sites, contributions will be required from sites of 4-9 units. These sites have made significant contributions to delivering affordable housing, and they will be needed in future to help deliver affordable housing.~~

Policy H2: Delivering Affordable Homes

Planning permission will only be granted for residential development if affordable homes are provided in accordance with the following criteria:

- a) Contributions from self-contained residential developments (C2 and C3, including retirement homes, sheltered housing, but excluding student accommodation and employer-linked housing)
 - i) Affordable housing from larger sites
Where sites* have a capacity for 10 or more homes (gross) or exceed 0.5ha, a minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market (defined in the Glossary). At least 40% of the overall number of units should be provided as on-site social rented dwellings. The remaining element of the affordable housing may be provided as intermediate forms of housing provided that they are affordable in the Oxford market. The affordable homes must be provided as part of the same development (“on-site”) to ensure a balanced community. Where affordable housing is provided on-site it should incorporate a mix of unit sizes (see policy H4 on housing mix).
 - ~~ii) Affordable homes through financial contributions from smaller sites:
Where sites* have a capacity of 4-9 homes (gross), a financial contribution will be sought towards the provision of affordable housing elsewhere in Oxford. The contribution will be equivalent to 15% of the gross development value (see Appendix 3.1).~~
- b) For new student accommodation of 20 student units (or 4 or more self-contained student units), a financial contribution should be secured towards delivering affordable housing elsewhere in Oxford. The contribution will be calculated using the formula in Appendix 3.2. Alternatively, the affordable housing contribution can be provided on-site where both the City Council and the applicant agree that this provision is appropriate. For mixed-use developments of student accommodation with general housing a pro-rata approach will be used to determine whether a contribution is required, and how much this should be.

* site area includes everything within the red line boundary of the planning application, which may include existing properties which are being materially altered.

If an applicant can demonstrate particular circumstances that justify the need for a viability assessment, and through an open book exercises, demonstrate the affordable housing requirement to be unviable, a cascade approach should be worked through with the City Council until development is viable as set out in Appendix 3.13 ~~PPG Para 7.~~

Across all types of development, where the number of dwellings proposed falls below the

relevant thresholds set out above to require affordable housing, the Council will consider whether or not the site reasonably has capacity to provide the number of dwellings that would trigger a requirement to make a contribution towards affordable housing. This is to ensure that developers may not circumvent the policy requirement by artificially subdividing sites or an inefficient use of land.

This policy will apply to all types of residential development including conversions and changes of use.

* See Appendix 3.3 for more details

Policy E4 Securing Opportunities for Local Employment, Training and Businesses (response to Inspectors' comments in IC.1C relating to OCC.1.AB question 11)

4.4. IC.1C sets out that the Inspectors consider Policy E4 to be unsound and therefore recommend that it is deleted to make the plan sound. However, the inspectors stated that they have no objection to the inclusions of a 'neutral reference in the supporting text to point applicants in the direction of the employment strategy'. A suggested modification to this effect is set out below.

Suggested modification to Policy E4 and supporting text:

iv. Securing opportunities for local employment, training, and businesses

2.23 New development offers a significant opportunity to secure real benefits for the local community beyond those directly related to the use provided. The construction phase of a development offers the chance for local people to be employed in the building industry; ~~Community Employment Plans (CEPs)~~ Employment and Skills Plans (ESPs) ~~linked to legal agreements~~ can make provision for example for apprenticeships and training or links to local schools and colleges. Similar mechanisms can be used to secure commitment from the developer to procuring material and labour locally, keeping the income in the local community which then gets recycled in local shops and services. This approach can also be extended into the operational phase of development with agreements to secure a proportion of the longer-term workforce or supply chain locally for example. Another option is to commit to paying employees the Oxford Living Wage and only using contractors who pay this higher level than the National Living Wage.

2.24 The City Council is keen to make sure that every opportunity to secure community employment training and procurement benefits from new development is explored and pursued where possible. Thus, applicants are encouraged to submit an ESP alongside all major development proposals. ESPs ~~Much of this will should~~ be employer-led and the approach taken will vary according to the size of the scheme, the type of development, and the long-term ownership/ management regime. ~~Community Employment Plans~~ Employment and Skills Plans have an important role

~~in securing the opportunities that arise from new development. These issues should be considered in all major developments; and the City Council will require information demonstrating the applicants approach alongside planning applications. The level of detail and commitment to such social clauses will vary according to the scale and type of development. Where appropriate the City Council will secure these commitments through a legal agreement. The City Council supports the growth of social enterprises and co-operatives.~~

~~Policy E4: Securing opportunities for local employment, training, and businesses~~

~~Planning permission will only be granted for development over 45 residential units or 1000m² non residential floorspace where it is accompanied by detailed information demonstrating that the applicants can secure the opportunities for:~~

- ~~a) Securing construction jobs for local people~~
- ~~b) Providing construction apprenticeship opportunities~~
- ~~c) Linking with local schools and colleges~~
- ~~d) Procuring a proportion of construction materials locally~~
- ~~e) Securing jobs for local people in the operational phase~~
- ~~f) Procuring a proportion of on-going supply chain needs locally~~
- ~~g) Paying all employees (other than apprentices) the Oxford Living Wage~~
- ~~h) Only using contractors who commit to paying the Oxford Living Wage~~
- ~~i) Other social clauses as appropriate to the development~~

5. Suggested additional policy on Digital Infrastructure

5.1. The Inspectors brought to the City Council's attention that the new Planning Practice Guidance and NPPF seek policies to promote digital communications. In response to this the Council have suggested a new policy to seek to address this to ensure the plan is consistent with national policy. The suggested policy is set out below.

Suggested modification to introduce a new Policy V9 and appropriate supporting text:

8.31 Digital Infrastructure comprises physical telecommunications components such as fixed broadband and mobile connectivity, which improves the lives of citizens and business productivity. The NPPF, Future Telecoms Infrastructure Review (FTIR), and other policy documents issued by Building Digital UK (BDUK), all refer to the importance of high-quality digital infrastructure to the UK economy.

8.32 Delivery of full fibre broadband infrastructure, as well as mobile infrastructure including 5G, is a priority to achieve the government's targets set out in the FTIR.

The council recognises the importance of this and has implemented a range of complementary initiatives aimed at achieving government targets for full fibre and 5G coverage. This includes setting up a digital infrastructure partnership with all Oxfordshire district councils as well as Oxfordshire County Council. This partnership collectively agrees under a Memorandum of Understanding to collaborate on all aspects of digital infrastructure delivery and attracting commercial operators to invest in building digital infrastructure both in the city and the county as a whole.

Policy V9

Planning permission will be granted for all new major developments where:

- a) They are served by full fibre broadband capable of gigabit download speeds; and
- b) The full fibre broadband connections are available at the point of releasing for sale where relevant and that the cost of the services are at market rates, preferably offering broadband services from more than one service provider; and
- c) Developers work with a recognised network carrier to design appropriate duct infrastructure for the installation of fibre broadband by a range of operators; and
- d) Other forms of digital infrastructure, such as facilities supporting mobile phone broadband, are included wherever possible.