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**Oxford City Council response to
Inspectors' Matters and Issues**

Matter 3

Green Belt

November 2019

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Matter 3: Green Belt

Whether there are strategic and local level exceptional circumstances that justify the release of sites for development, and whether the approach towards compensatory improvements is sound.

Exceptional Circumstances

3.1 Although the NPPF does not define the term ‘exceptional circumstances’ recent case law has concluded that the question of whether circumstances are exceptional requires an exercise of planning judgement. In the case of *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078 (Admin), (hereafter “the Calverton case” Mr. Justice Jay set out five matters that should be identified and dealt with in order to ascertain whether ‘exceptional circumstances’ exist to justify releasing land from the Green Belt. Mr. Justice Jay stated at para. 51 that:

“... the planning judgements involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

- (i) the acuteness/ intensity of the objectively assessed need (matters of degree may be important);*
- (ii) the inherent constraints on supply/ availability of land prima facie suitable for sustainable development;*
- (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed; and*
- (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.”*

3.2 This Matters and Issues Statement firstly provides a summary of the “examination of all other reasonable alternatives”. It then goes on to look at the exceptional circumstances (both strategic and local). Finally the statement discusses the compensatory improvements to Green Belt.

3.3 As set out in paragraph 3.1 above, the Calverton case sets out five planning judgements involved with the ascertainment of exceptional which should at least be identified and grappled with (hereafter the “Calverton considerations”). These five

considerations can be clearly related to the Inspectors' question on this matter and the City Council has framed its response accordingly.

- 3.4 The first three Calverton considerations relate to the “strategic level exceptional circumstances” section of this Matters and Issues Statement (paragraphs 3.16-3.25). The fourth Calverton consideration relates to the “local level exceptional circumstances” section (paragraphs 3.26-3.30). Finally, the fifth Calverton consideration relates to the section entitled “whether the approach to compensatory improvements is sound” (paragraphs 3.31-3.40). The City Council considers that there are exceptional circumstances that justify the release of Green Belt sites for development and that the approach to compensatory improvements is sound. The City Council considers that, by framing our response in this manner, it provides clear evidence that we have identified and grappled with the appropriate planning judgements involved in the ascertainment of exceptional circumstances.

Examination of all other reasonable options

- 3.5 Paragraph 137 of the NPPF sets out a set of requirements that need to be undertaken by strategic policy making authorities prior to concluding the existence of exceptional circumstances to justify change to Green Belt boundaries. Paragraph 137 states:

Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable alternatives for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which take into account the preceding paragraph, and whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

- 3.6 As set out above, the case for making exceptional circumstances can only be demonstrated where a strategic plan-making authority has examined fully all other reasonable options for meeting its identified need for development. The Green Belt Review Background Paper (BGP.11) provides an analysis of the NPPF Paragraph 137 tests at paragraphs 4-14.

- 3.7 NPPF Paragraph 137(a) says that, before concluding exceptional circumstances exist, it must be demonstrated that a plan's strategy makes as much use as possible of suitable brownfield and underutilised land. The approach taken in Oxford's Local Plan 2036 has therefore been to ensure that underutilised sites are modernised and intensified and to focus development on brownfield sites in the city. It was found that there is insufficient capacity in the city simply by focusing on underutilised and brownfield land and as such the Council has sought to maximise the use of appropriate non Green Belt greenfield sites before looking at potential development sites within the Oxford Green Belt.
- 3.8 The Plan includes no new site allocations for employment sites, instead it seeks to modernise and intensify businesses at existing employment sites that support Oxford's key strengths. The Plan seeks to prioritise the allocation of new sites for residential development with the majority of these new allocations focusing on housing (and other residential uses allocated in appropriate locations).
- 3.9 NPPF Paragraph 137(b) considers that the density of developments should be optimised. The NPPF is clear that where there is an existing or anticipated shortage of land to meet identified housing needs, it is especially important that planning policies and decisions avoid homes being built at lower densities and ensure that developments make optimal use of the potential of each site. It goes on to identify that the use of significantly higher minimum densities for city and town centres should be used as well as a base minimum density for the plan area. Densities in the city and district centres have historically been higher than those in the remainder of the city. The Local Plan 2036 encourages appropriate densities and expects the city and district centres to be able to accommodate higher density development than the rest of the city. The Plan, in Policy RE2, cites 100 dwellings per hectare as an appropriate density for the city and district centres and requires efficient use is made of land throughout the city.
- 3.10 The City Council has examined all sources of capacity for housing on land within the city. The capacity for Oxford is set out in the Housing and Employment Land Availability Assessment (2019) alongside the Housing Trajectory. A full discussion on Oxford's capacity is set out in the Matters and Issues Statement 2 and the Housing Trajectory is discussed at length in the Matters and Issues Statement 4. The Matters and Issues Statement 2 sets out that Oxford has conducted an extensive search for land for housing within its boundary and has exhausted all sources of capacity that can be relied upon within the city's administrative boundary.
- 3.11 Paragraph 137(c) makes it clear that the strategy should be informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development. Since the publication of the Oxfordshire Strategic Housing Market Assessment (SHMA) (2014) (HOU.3), work has been on-going through

the “Post-SHMA work programme”. As part of this programme of co-operation with the other Oxfordshire authorities, discussions have taken place, which have led to the other Oxfordshire authorities accepting an apportionment of Oxford City’s unmet housing need.

- 3.12 Each Oxfordshire authority has included proposals to meet an agreed element of Oxford City’s unmet need in their Local Plans. At this present time there are no known additional capacity options to deliver more of Oxford City’s unmet housing need in the surrounding districts.
- 3.13 It is of note that, in terms of the other Oxfordshire authorities’ ability to meet Oxford City’s unmet housing need, the meeting of the apportionment of that need has not avoided the Green Belt in Cherwell District Council, Vale of White Horse District Council and South Oxfordshire District Council’s Local Plans.
- 3.14 The Cherwell District Council “Post-Hearings Advice Note” from the Inspector at the Cherwell Local Plan Examination considered the approach to releasing Green Belt to meeting Oxford’s unmet housing need. The Inspector accepted Cherwell District Council’s strategy “to locate housing and infrastructure as close to Oxford as possible” even though “most of the allocations proposed are in the Oxford Green Belt”. The Inspector also set out that he considered that the case made by Cherwell District Council for “exceptional circumstances to justify the removal of land from the Oxford Green Belt” had been met. The Inspector stated that “the pressing need to provide homes, including affordable homes to meet the needs of Oxford, that cannot be met within the boundaries of the city, in a way that minimises travel distances, and best provides transport choices other than the private car, provide the exceptional circumstances necessary to justify alterations to Green Belt boundaries.” The Cherwell Inspector’s Post-Hearings Advice Note is appended to this Matter Statement at Appendix 3.1.
- 3.15 The City Council considers that it has examined fully all other reasonable options for meeting its identified need for development as required by Paragraph 137 of the NPPF. Having focused development on underutilised and brownfield land in the city, the Council has then gone on to maximise the use of appropriate non-Green Belt greenfield sites. Oxford has conducted an extensive search for land for housing within its boundary and has exhausted all sources of capacity that can be relied upon within the city’s administrative boundary and has included in the Local Plan a policy approach that appropriately optimises the density of development throughout the different parts of the city. Discussions with the other Oxfordshire districts have taken place and the neighbouring authorities have not avoided the Green Belt in their search to accommodate Oxford’s housing need. In conclusion in meeting as much of Oxford’s housing need as possible there are no alternative options which avoid the release of Green Belt inside or outside of the city.

Strategic level exceptional circumstances

- 3.16 Having been satisfied that the requirements of NPPF Paragraph 137 had been met, the City Council went on to consider the “strategic level” exceptional circumstances. The Green Belt Review BGP (BGP.11) makes the case for strategic level exceptional circumstances at paragraphs 15-42. A brief summary is provided in this response, as follows.
- 3.17 In order to establish the need for any changes or alterations to Green Belt boundaries a set of exceptional circumstances needs to be demonstrated. Demonstrating exceptional circumstances requires the presentation of a set of factors that come together to override the normal presumption that Green Belt boundaries should endure. There is no formal definition or standard set of assessment criteria for assessing exceptional circumstances. Rather it is for the local planning authority to determine whether exceptional circumstances exist to justify removing land from the Green Belt. This approach is set out in the case of Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin). Paragraph 3.1 of this response sets out what these planning judgements should entail. The following matters set out in the Calverton case are relevant to the determination of “strategic level exceptional circumstances:
- (i) *the acuteness/ intensity of the objectively assessed need (matters of degree may be important);*
 - (ii) *the inherent constraints on supply/ availability of land prima facie suitable for sustainable development;*
 - (iii) *(on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- 3.18 Oxford City Council considers that the following make up the set of factors that come together to override the normal presumption that Green Belt boundaries should endure (exceptional circumstances):
- High cost of housing;
 - Imperative to meet as much of Oxford’s housing need as possible;
 - Oxford’s potential for growth;
 - Lack of housing as a barrier to economic growth (at the local, sub-regional and national level);
 - Promotion of sustainable patterns of growth.

- 3.19 Over the last decade, Oxfordshire’s cumulative economic growth has been higher than any other Local Area in the UK¹. This success brings with it challenges – not least housing affordability. Oxfordshire’s housing market is the fifth least affordable in the country relative to earnings, with a median prices to median earnings ratio of over ten and recruitment, transport congestion and pressure on other physical and social infrastructure.
- 3.20 Oxford city’s tight administrative boundary, combined with environmental constraints on development such as nature conservation designations, flood plain and the city’s unique historic landscape setting and heritage have resulted in an even more acute impact on house prices. The high cost of housing has many impacts, including on employers and key services who struggle to keep staff, such as schools and hospitals, and on families and communities who might be split up as a result of housing costs. It also impacts young families seeking homes of their own. The constrained supply of housing has an impact on the cost of housing and suppresses demographics of certain groups in the city making it a very unequal city. The City Council is committed to delivering as much housing as possible within (and close to) the city where it is needed. This is likely to improve affordability issues within the city.
- 3.21 Oxford’s historic housing need is well-documented and work has been on-going with the other Oxfordshire planning authorities so that each district council takes an agreed amount of the Oxford City’s unmet need. However it is also imperative that Oxford City meets as much of its own housing need as possible. Oxford’s historic under-supply of housing is a contributing factor in the high cost of housing and is widely recognised as the main barrier to economic growth. This has a negative impact on Oxford’s growth potential, which is seen by Government to be of paramount importance in delivering their post-Brexit economic strategy.
- 3.22 As Oxford’s housing need is already being put forward in the Local Plans of neighbouring authorities, Oxford must demonstrate that it is doing all it can to locate as much of its housing need as can be sustainably accommodated within the city. It is important that any growth in the city takes place without resulting in detrimental impacts to the special character and historic setting of Oxford, which give the city some of its unique qualities – qualities important to maintain in order that Oxford remains an attractive place to both live and work.
- 3.23 Housing is best located in sustainable locations. In the context of Oxford’s housing need, such locations include within, or as close to the city as possible. This is especially important as Oxford’s housing need is driven by the need to provide affordable housing. The provision of homes (including affordable homes) within (and close to)

¹ GDL.2 Oxfordshire Housing and Growth Deal Delivery Plan
<https://www.gov.uk/government/publications/oxfordshire-housing-deal>

Oxford will enable residents to travel shorter distances to employment, services (many of which are located in the city), and give people greater opportunities to travel by sustainable modes of transport than from development more remote from the city. Given Oxford's housing need is affordable housing driven, the location of affordable housing within and close to Oxford also means that residents who have existing social links to the city can benefit from living here.

- 3.24 The City Council has been arguing for many years that a feature of the lack of housing in the city is extended commuting, with work journeys needing to 'jump the Green Belt', and well beyond. Over half the city's workforce travels into Oxford, and with commuting distances increasing, the pressure on infrastructure is not sustainable, even with improvements to roads and public transport. In contrast, residents within the city exhibit some of the highest proportions of public transport and cycle use for journeys to work in the UK.^{2 3}
- 3.25 In conclusion, the factors summarised here, and presented in more detail in the Green Belt Review BGP (BGP.11) provide the fully justified and evidenced strategic level exceptional circumstances which paragraph 136 of the NPPF consider are needed when considering alterations to Green Belt boundaries.

Local Level Exceptional Circumstances

- 3.26 The planning judgements involved in the ascertainment of "local level exceptional circumstances" that a local authority should, "at least ideally identify and then grapple with" are set out in bullet point (iv) of paragraph 51 of the Calverton judgement which is quoted at paragraph 3.1 above. Bullet point (iv) states:
- (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed;*
- 3.27 The Inspectors previously asked as question enquiring about the "specific local characteristics that justify the release of sites from the Green Belt (Question 36 of IC.2). A detailed answer has been provided as part of Oxford City Council's Response to the second set of Inspectors' questions (Examination Library Reference OCC.2). Paragraphs 36.9-36.29 of this document provide a detailed response to this issue, which has been summarised here.
- 3.28 The Plan proposes eight sites for release from the Green Belt. The Oxford Green Belt Study (GRS.1) provides an assessment of each of the proposed sites against the five

² MOV.1 Local Transport Plan 4

³ MOV.7 Oxford Transport Strategy

purposes of the Green Belt. This assessment looked at the specific local level characteristics of each site as well as providing an overall rating.

- 3.29 The preservation of Oxford's special historic character and setting was prioritised as an important local level characteristic in coming to a decision as to which Green Belt sites to release for development through the Oxford Local Plan 2036. Paragraphs 57-64 of the Green Belt BGP provide an in-depth discussion of this issue.
- 3.30 Paragraphs 36.16-36.28 of OCC.2 looks at each site in turn setting out the local level characteristics that have led the Council to conclude that there are local level exceptional circumstances that justify the release of these particular sites from the Green Belt. Paragraph 133 of the NPPF states that "*the essential characteristics of Green Belts are their openness and their permanence*". The Green Belt Review BGP (BGP.11) provides a discussion about the issue of permanence. Paragraphs 36.16-36.28 of OCC.2 provide an overview of the nature and extent of the harm to the Green Belt of the release of each particular site. This overview was informed by the work carried out by LUC in the Oxford Green Belt Study (GRS.1) which provided an independent assessment of the contribution that each parcel of land made to the Green Belt purposes as set out in Paragraph 134 of the NPPF.

Whether the approach to compensatory improvements is sound

- 3.31 Compensatory improvements are discussed as the final Calverton planning judgement involved in the ascertainment of exceptional circumstances. The fifth paragraph states:
- (v) *the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent."*

- 3.32 Policies SP24-SP31 of the Oxford Local Plan 2036 each set out a requirement to provide compensatory improvements. Each policy contains the following text:

Compensatory improvements should be made to surrounding areas of remaining Green Belt in accordance with the Identification of Opportunities to Enhance the Beneficial Use of Green Belt Land Report (LUC, 2018).

- 3.33 Paragraph 138 of the NPPF states:

They [strategic plan-making authorities] should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

3.34 The Examination Library document “Identification of opportunities to enhance the beneficial use of the Green Belt” (GRS.3) (hereafter the “GB Opportunities Report”) produced by LUC, sets out a range of potential GI enhancements in the locality of each site proposed to be released from the Green Belt by the plan. The GB Opportunities Report seeks to “identify the opportunities to enhance the Green Infrastructure on Green Belt land adjacent or in close proximity to the sites proposed for release realizing the multifunctional benefits that the enhancement of this land could bring.” LUC undertook a detailed review of a wide range of evidence base and guidance documents covering GI issues within the city.

3.35 The GB Opportunities Report selected a range of deliverable opportunities for each site, which were sourced from various strategies from the City Council and partner organisations including Oxfordshire County Council. Internal consultation has subsequently taken place within the Council to examine the type of compensatory improvements that could be delivered for each Green Belt site on City Council land.

3.36 The approach taken by LUC follows the recently published Paragraph 002 Reference ID: 64-002-20190722⁴ of the Planning Practice Guidance which states:

Where it has been demonstrated that it is necessary to release Green Belt land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:

- *New or enhanced green infrastructure;*
- *Woodland planting;*
- *Landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);*
- *Improvements to biodiversity, habitat connectivity and natural capital;*
- *New or enhanced walking and cycling routes; and*
- *Improved access to new, enhanced or existing recreational and playing field provision.*

3.37 The GB Opportunities Report sets out the potential GI enhancements that could be achieved for each site. For each site the GB Opportunities Report focuses on potential enhancements and opportunities that form part of the suite of evidence base documents (as set out in Table 1: Existing GI Evidence of the GB Opportunities Report). LUC was asked as part of their brief to look at opportunities that were located within the proposed site for release or the wider site where only part of a site is proposed for release, on Oxford City Council owned land and opportunities that formed part of existing projects such as pedestrian and cycle scheme proposals being taken forward by Oxfordshire County Council. Improvements to Conservation Target Areas and

⁴ <https://gov.uk/guidance/green-belt>

improvements to existing parks in the locality were also suggested as possible improvements for compensation as Conservation Target Areas already have a mechanism for improvements. All of the compensatory improvements suggested as part of the report can be delivered through the usual planning mechanisms – conditions, Section 106 Agreements and the Community Infrastructure Levy. As the off-site improvements and compensation are located on land which is governed by local authority landowners, often in existing recreation, or biodiversity use, improvements should be straightforward.

- 3.38 Improvements to Oxford City and Oxfordshire County Council owned land and schemes can be secured through the appropriate use of conditions, Section 106 Agreements and the Community Infrastructure Levy (where appropriate). Appendix 3.2 is a Statement of Intent signed by the Planning Policy team and the City Council’s Active Communities team. This shows in more detail some of the potential improvements on Green Belt land, owned and managed by the City Council, that the Active Communities team are ready to deliver once resources are made available. This helps to demonstrate the deliverability of Green Belt improvements, even if they are not on the developer’s own land.
- 3.39 This approach is also in line with Paragraph 003: Reference ID 64-003-20190722⁵ which states that consideration will need to be given to the appropriate use of conditions, section 106 obligations and the Community Infrastructure Levy to secure the improvements where possible.
- 3.40 The City Council considers that the approach taken in the plan accords with the guidance set out in the PPG and as such is justified and effective in its ability to deliver compensatory Green Belt improvements.

Conclusions

- 3.41 The City Council considers that there are exceptional circumstances to justify the release of land from the Green Belt and that the planning judgements involved in determining whether exceptional circumstances exist have been soundly made. The City Council also considers that the approach to compensatory improvements set out in the Plan is sound.
- 3.42 In summary, the Plan’s approach, which includes focusing new residential development on underutilised and brownfield land in the city, and maximising the use of appropriate non-Green Belt greenfield sites, has not provided sufficient available

⁵ <https://gov.uk/guidance/green-belt>

land to accommodate the city's housing need. In fact, Oxford has conducted an extensive search for land for housing within its boundary and has exhausted all sources of supply that can be relied upon with the administrative boundary of the city. This has led to constructive discussions with neighbouring authorities, which have not avoided using Green Belt land in their search to accommodate Oxford City's housing need. Having exhausted all sources of supply, within and outside the city, Oxford City Council reviewed its Green Belt in line with the tests set out in National Planning Policy. The Plan's approach to Green Belt is therefore positively prepared and effective and in line with National Planning Policy.

- 3.43 The Plan's approach to determining the most appropriate areas of Green Belt to release and setting the new Green Belt boundaries is also justified as it is evidenced appropriately by technical studies (including the Oxford Green Belt Study (GRS.1) and the Green Belt Opportunities Report (GRS.3) and the Green Belt Review Background Paper (BGP.11)).
- 3.44 The City Council considers that the strategy is appropriate and that there are in fact no alternative options for meeting housing need which avoid the release of Green Belt land inside or outside the city.

Appendix 3.1 Cherwell Inspectors' Post Hearing Advice Note

Cherwell Local Plan 2011-2031 (Part 1)
Partial Review – Oxford’s Unmet Housing Need
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Post-Hearings Advice Note

Preamble

This Note sets out, in brief, the preliminary conclusions I have reached about the *Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need* (the Plan) as submitted, taking account of what I heard at the hearings in February 2019, and the various written submissions that have followed on from them. It deals with a series of points that have been made about the Plan and most importantly, at this stage of the process, sets out some changes that are required to make the plan sound. While I have briefly outlined my position on some key issues, my full reasoning will be provided in my final report.

The Quantification of Oxford’s Unmet Housing Need (the figure of 4,400 that represents Cherwell’s Apportionment)

This 4,400 figure, which provides the basis for the Plan, has drawn a lot of criticism both at the Hearings, and since. In particular, the Review of the Oxfordshire SHMA 2014 and Oxford City SHMA Update 2018 produced by ORS suggests that the base figure that leads to the identification of Oxford’s total unmet need as 15,000 units, of which Cherwell’s share is 4,400, is significantly inflated. I note that the Inspectors charged with examining the recently submitted Oxford Local Plan 2036 have raised some preliminary questions about Oxford’s base figure of 1,356 dpa suggesting, amongst other things, that the issue could have a bearing on the level of unmet need which would have to be accommodated in neighbouring authorities, and could potentially affect the amount of land released from the Green Belt.

With that in mind, some participants have suggested that the Examination should be suspended until Oxford’s housing needs, and following on from that, its unmet needs, are quantified through the examination of the Oxford Local Plan.

I appreciate, to some, that seems a reasonable position to take. Indeed, it might be said that some means of looking at the housing and other needs of Oxford, and the surrounding Boroughs, simultaneously, in a strategic way, would be a good idea. However, that is not the way in which the planning system is currently set up.

The Planning Inspectorate has a duty to appoint Inspectors to carry out an independent examination expeditiously on submission and is not involved in discussions between authorities about timetabling, or anything else, before Plans are submitted. I would also observe that the Council’s adopted Local Plan includes an undertaking to conduct a partial review to address Oxford’s unmet housing need within two years of adoption. That partial review is the subject of this examination.

In that context, there can be no reasonable justification for suspending the examination to allow the Oxford examination to be advanced to its final stages.

Turning to the 4,400 figure itself, it has been arrived at through what I regard as a robust process where Oxford, and (most of) the surrounding authorities, co-operated, through the Oxfordshire Growth Board (OGB) to identify Oxford's unmet need, and apportion it between them. In many ways, the OGB is a model of how the duty-to-co-operate should work.

The ORS Report criticises the basis for the 4,400 figure for Cherwell, but it offers no alternative. Likewise, it might well be argued that the figure is based on a SHMA that is of some vintage, but the Oxfordshire SHMA 2014 is the only basis for considering Oxford's needs in the context of the wider HMA before the examination and I consider the figure to be robust when considered against the (2012 version of) the Framework and the associated Guidance.

I accept that the Inspectors examining the Oxford Local Plan might have raised some preliminary questions about Oxford's housing needs, but they have yet to reach any conclusions on the matter and are likely to be some way off doing so.

All in all, like my colleagues who examined Local Plans in West Oxfordshire, and the Vale of White Horse, I find nothing problematic in the Plan's reliance on the figures produced and agreed through the OGB. I consider that the 4,400 figure provides a sound basis for the Plan.

The Strategy

Put simply, the approach taken is to locate the housing and infrastructure required as close as possible to Oxford, along the A44 and A4165 transport corridors. To my mind, while most of the allocations proposed are in the Oxford Green Belt, this is an appropriate strategy because it is that most likely to foster transport choices other than the private car and minimise travel distances, and least likely to interfere with the delivery of housing elsewhere in Cherwell.

Exceptional Circumstances

The Council has set out why it considers that the exceptional circumstances to justify the removal of land from the Oxford Green Belt are in place. I agree that the pressing need to provide homes, including affordable homes, to meet the needs of Oxford, that cannot be met within the boundaries of the city, in a way that minimises travel distances, and best provides transport choices other than the private car, provide the exceptional circumstances necessary to justify alterations to Green Belt boundaries.

The Various Allocations

With one exception, that I deal with below, I regard the various allocations, and the process by which they have been arrived at, as sound, in principle. There are, however, detailed points that I need to address at this stage.

First, and most fundamental, is the allocation proposed in Policy PR10 – Land South East of Woodstock. I do not believe that the impact on the setting, and thereby the significance, of the nearby Blenheim Palace World Heritage Site (WHS) would be unacceptable, considered in isolation. However, notwithstanding the potential for screen planting, it is my view that the development of

the site for housing would represent an incongruous extension into the countryside that would cause significant harm to the setting of Woodstock, and the character and appearance of the area. That, alongside the travel distance to Oxford (which is likely to tempt residents away from more sustainable travel choices like public transport or cycling notwithstanding the proximity of the site to a proposed Park & Ride facility), and the impact on the setting and significance of the WHS, lead me to the conclusion that the allocation is unsound. I make some suggestions as to how this might be dealt with under the heading 'Main Modifications' below.

Second, I have no doubt that the North Oxford Golf Club is a much-valued facility. However, the site it occupies is an excellent one for the sort of housing the Plan proposes, given its location so close to Oxford Parkway, with its Park & Ride, and its proximity to the centre of Oxford. In that light, I do not find the allocation proposed in Policy PR6b – Land West of Oxford Road unsound, in principle.

I raised a question at the hearings about the reference in the policy (under criterion 17) to the need for any application to be supported by enough information to demonstrate that the tests contained in paragraph 74 of the (2012) NPPF are met, so as to enable development of the golf course. Policy PR6c – Land at Frieze Farm allocates land for a replacement golf course and from what I saw of the existing golf course, it could, if necessary, provide equivalent or better provision in terms of quantity and quality, on a site very close to the existing facility.

On that basis, notwithstanding questions around whether the existing gold course is surplus to requirements, which are addressed under criterion 21 in any event, the tests in paragraph 74 have been met and criterion 17 can be deleted.

In terms of Policy PR9 – Land West of Yarnton, I have some sympathy with the points made in relation to the depth of development allowed for in the overall allocation. From what I saw of the site, there is scope for the developable area to extend westward and this might well provide the scope for a development more interesting in its design and layout. I return to this matter below.

Density

As submitted, the various allocation policies in the Plan each refer to an expectation that dwellings would be built to conform with an approximate average net density. The Council has proposed what I would regard as a Main Modification (MM) removing these references. To my mind, that is a reasonable course. Each of the allocation policies sets out the number of dwellings to be provided on each respective site, so the reference to density is superfluous.

There are other issues raised on the subject too. Most important is the suggestion that in anticipating relatively low-density developments, the land take from the Green Belt proposed by the Plan is greater than it might be. However, in allocations of the type proposed, land take is not the only consideration. Higher density developments, on smaller sites, on the edge of what in some cases are quite small-scale settlements, would appear out of place and have a markedly harmful impact on their surroundings.

Some additional capacity may be possible, a matter I discuss further below, but overall, the Council has struck a broadly sensible balance between the extent of the land proposed to be removed from the Green Belt, and the need to accommodate development that respects its context. I see nothing unsound in that approach.

Access/Highways

It is fair to note at the outset that building 4,400 homes to accommodate Oxford's unmet need anywhere in Cherwell is likely to have significant impacts in traffic terms. However, as I have alluded to above, the principle of siting the required allocations along an established transport corridor is a sound one. I accept that traffic along this transport corridor is already relatively heavy, but the route clearly offers the best opportunity to provide incoming residents with opportunities to travel by means other than the private car. Moreover, development along the corridor can reasonably be expected to contribute to transport improvements along it, including those that encourage means of access into Oxford by means other than the private car.

It was put to me that if the land covered by Policy PR6c – Land at Frieze Farm was allocated for housing, then a link road between the A44 and A34 could be provided that would alleviate congestion at the roundabouts to the south. That might assist but I do not consider the possibility sufficient reason to justify allocation of the site, or part of the site, for housing. That said, there may be other reasons why housing on the site might prove necessary (see below).

I recognise that the allocations, and other factors, will lead to changes to the highway network, like the closure to vehicular traffic of Sandy Lane. However, while such changes might be inconvenient, to some, the impact they would involve is not such that it renders the Council's approach unreasonable, or the Plan unsound.

Main Modifications

The Council has already proposed a series of changes to the Plan and consideration will need to be given as to whether these are in fact MMs. As a guide, I consider that anything that meaningfully changes an actual Policy, or in the case of supporting text, goes to the heart of the approach, will be a MM and will need to be consulted upon. Anything that falls short of a MM is a matter for the Council. I have covered the example of the deletion to references to approximate average net densities above and this provides a guide as to where the line should be drawn.

The major change required to the Plan to make it sound is the deletion of Policy PR10. This gives rise to a necessity to make provision for 410 dwellings, 50% of which are to be affordable housing, elsewhere. While I do not seek to rule out other approaches the Council might wish to take, there seems to me to be several ways in which this might be addressed:

1. There could be scope to divide the 410 dwellings around some of the other allocations, without having any undue impact on the character and appearance of the general area;
2. That could be combined with additional dwellings on the Policy PR9 allocation which could lead to a better-designed layout (see above); or
3. There may be the possibility that the Policy PR6c – Land at Frieze Farm allocation could accommodate some housing (and possibly the link road) as well as any replacement golf course. However, this would necessitate further land-take from the Green Belt for which exceptional circumstances would need to be demonstrated. This might prove difficult to justify unless options 1 and 2 above and any other options outside the Green Belt were shown to be unsuitable.

The other major change I have set out is the deletion of criterion 17 in Policy PR6b – Land West of Oxford Road. On my analysis, that deletion would not necessitate any other change to the policy in general, or criterion 21 that deals with the provision of a replacement golf course in particular. However, that may be an aspect the Council would want to consider further.

On another issue, there are several references in the policies of the Plan to the (2012 version of the) NPPF. While the Plan is being examined under the auspices of that document, any planning applications that flow from the Plan will be considered against the February 2019 (or any subsequent) version. On that basis, while forms of words taken from it can be retained, specific references to the NPPF should be removed throughout the various policies.

Concluding Remarks

There are several matters here that will require careful consideration by the Council, and I am content for time to be allowed for that to take place (though I would appreciate an early indication of how long might be required). What the Council have already proposed, and what I cover here, may also require updates to the Sustainability Appraisal and other parts of the evidence base. The Council will need to consider such matters too.

Once all MMs, and any associated updates to the evidence base have been put together, I will want to consider them, and may have further comments having done so. After that, the MMs and associated updates will need to be consulted upon, of course, and it may be that another Hearing is required to discuss the results of that process. Alternatively, it may then be possible for me to proceed to my report. I will of course, keep this under review.

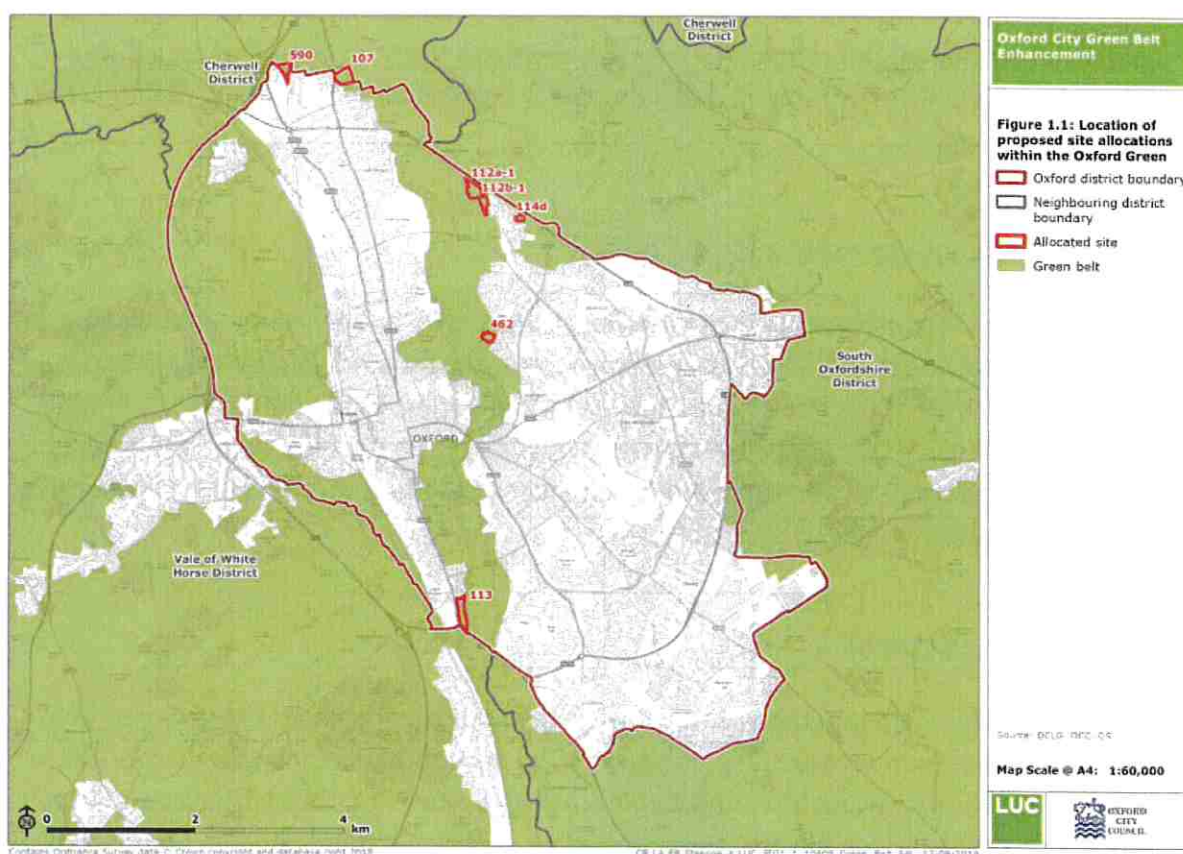
Paul Griffiths
INSPECTOR

10 July 2019

Appendix 3.2: Statement of Intent between the Planning Policy Team and the Active Communities Team

Statement of Intent between Planning Policy Team and the Active Communities Team (Oxford City Council)

1.1 This Statement of Intent sets out the position reached internally between two departments at Oxford City Council and is structured in two parts. The first part of the Statement of Intent sets out the compensatory improvements to existing Green Belt that can be implemented on City Council owned land. The Statement of Intent then goes on to discuss two examples of how both informal and formal playing pitches can be compensated where development is proposed on these sites. Paragraph 6.1.9 of the Matter 6 Statement (sites) provides a discussion regarding the interpretation of paragraph 97 of the NPPF in relation to how compensatory improvements can be either qualitative or quantitative in nature. The Statement of Intent has been signed by each manager to demonstrate that both parties agree to the contents herein.



Map 1: Green Belt sites proposed for allocation in the Oxford Local Plan 2036

1.2 Map 1 shows all of the Green Belt sites that the Plan proposes for allocation. The study carried out by LUC about potential enhancements to the remaining Green Belt can be found in the Examination Library (reference GRS.3). A link to the study is provided here: <https://www.oxford.gov.uk/downloads/file/5731/grs3> - [identification of opportunities to enhance the beneficial use of green belt land](#)

Green Belt Sites

St Frideswide Farm (SP24)

1.3 A number of potential Green Belt improvements were outlined for this site in GRS.3. In addition to those within the site, the City Council's Active Communities team confirms that there is potential for improvements in Green Belt nearby that are on land owned and managed by the City Council including to the cricket pitches and football pitches nearby. Specific potential enhancements in the management plan for the park include nets for the cricket pitches and improvements to the tennis courts.

Hill View Farm and Land West of Mill Lane (SP26 and SP27) and Park Farm (SP28)

1.4 The City Council's Active Communities team is able to confirm that there is significant potential for habitat improvements nearby within the Marston Gap. This area includes sites of high biodiversity interest, including SSSIs with land owned and managed by the City Council.

Land East of Redbridge Park and Ride (SP30)

1.5 The City Council owns and manages significant areas within the vicinity of the site (in addition to the site itself). There is significant potential for biodiversity enhancement within the vicinity of the site such as native shrub planting, as set out in GRS.3 and this could take place on City Council owned land outside of the site. The improvements would be in addition to wildlife corridor enhancements along the Weir Mill Stream that would take place within the site itself.

Marston Paddock (SP24)

1.6 The Showman's Field is in the vicinity of the site and is also included in the Green Belt and under City Council ownership and control. A part of this site includes part of the original marsh that would have included Court Place Farm. Great Crested Newts were previously known to inhabit this site and could be attracted back again if compensatory improvements were made to the area.

Pear Tree Farm (SP29)

1.7 There is very good potential to work with the Freshwater Habitats Trust to develop the semi-wetland area adjacent to Cutteslowe Park. The City Council owns the field, but it's currently under an agricultural tenancy. It is managed by the City Council's Parks team as a wildlife area as this low lying area next to the Cherwell has become too wet to farm. Some ponds have already been created but the whole habitat could become high value if fenced and managed through conservation grazing and with semi-wetland areas.

Potential enhancements to compensate for the loss of playing pitches on allocated sites

Jesus and Lincoln Colleges (SP41 and SP44)

1.8 Compensation for loss of pitches that is not accommodated within either of these sites could be to enhancements of nearby facilities. Cowley Marsh Park has an underutilised pavilion and grass pitches that could be significantly enhanced. Oxford Spires School also has grass pitches with community access, including a cricket pitch, which could all be substantially enhanced to enhance capacity.

Valentia Road (SP62)

1.9 A small housing development on the open space would have to lead to improvements to the remaining area. The site has very low use and play equipment that is in good condition. Enhancements would be particularly to enhance biodiversity on what is a relatively underused grassed area, including natural play areas that offer something different to the more popular facilities in the vicinity.

Signed:



Name: Hagan Lewisman

Position: Active Communities Manager

Date: 08/11/19.

Active Communities Team
(Oxford City Council)

Signed:



Name: Carolyn Ploszynski

Position: Planning Policy and Place
Manager

Date: 8/11/19

Planning Policy Team
(Oxford City Council)

