

Supplemental pages submitted as part of Oxfordshire CLT Limited's consultation response to Oxford City Council's Local Plan 2040 consultation.

Introduction

Oxfordshire CLT Limited ("OCLT") is a registered community benefit society (registered number 30158R) made up of a committed group of local people working to acquire and manage affordable land for community use in Oxfordshire. OCLT's approach to housing is to provide sustainable and permanently affordable housing using a community land trust mode; that model provides for greater involvement in decision making by local people and those who live in the properties. OCLT currently has well over 200 members.

The housing system is clearly broken and has been so for decades. Whilst that is not solely a result of the planning system, planning policy and law determine what purpose land can be lawfully used for and as a result influences its end value. Both national and local planning policy have consistently referred to meeting community needs, but this has often resulted in unpopular developments that often serve more commercial interests.

Community-led housing is now a global phenomenon that has the following unique characteristics:

1. led and owned or under long term stewardship of the community
2. responds to local specific needs of the community that it is best placed to understand and recognise
3. schemes conform to the constitution of the community legal incorporation that will define the community of benefit, its mission goals, benefits to be retained and an asset lock to secure those benefits for the community in perpetuity.

Community-led housing is often delivered through community land trusts. Community land trusts are defined in section 79 of the Housing and Regeneration Act 2008 as a body corporate established for the express purpose of furthering the social, economic and environmental interests of a local community by acquiring and managing land and other assets in order to provide a benefit to the local community, and ensuring that the assets are not sold or developed except in a manner which benefits the local community.

OCLT is encouraged by the latest version of the National Planning Policy Framework ("NPPF"). Paragraph 70 requires local planning authorities to *"seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing"*. Importantly the NPPF distinguishes between community-led development and self-build/ custom-build housing as they provide different and distinct forms of housing. The Council's proposed Policy H14 conflates the two forms of development and is unsound on that basis. It also fails to seek policy opportunities to support small community-led development sites instead focusing on sites of 100 homes or more.

Paragraph 73 of the NPPF requires local planning authorities to support the development of entry-level exception sites and *"should comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of the NPPF"*. The Council fails to make such provision in Policy H14 or elsewhere and as a result Policy H14 as written is not justified and both the proposed policy and draft local plan in relation to community-led development is unsound.

The Council will be aware of the joint research in 2018 by Community First Oxfordshire, OCLT and the Oxfordshire Community Foundation to explore options on how community housing could be

delivered sustainably within Oxford. The Council received a grant from the government's Community Housing Fund and commissioned the study to:

- Examine and establish the needs for community led housing in Oxford.
- Undertake a feasibility study of how community-led housing can be practically delivered in Oxford.
- Identify viable opportunities and routes to delivery.
- Identify financial mechanisms for delivery that are sustainable, and
- Provide technical advice that can be shared with community-led housing groups.

As recognised by the Council, community-led housing is about local people playing a leading and lasting role in delivering solutions to local housing problems, creating genuinely affordable homes and strong communities in ways that are difficult to achieve through mainstream housing development. This led to a supportive (albeit weak) planning policy H7 in the Council's current local plan. It is therefore disheartening to see that community-led affordable housing has been conflated with custom-build and self-build housing, and opportunities to strengthen support for community-led housing have not been taken. It is particularly perverse when the Council has recognised the benefits that a community land trust can offer in developing affordable homes and is in advanced negotiations to sell three of its own sites to OCLT. One would expect strong and supportive planning policies to support delivery of this kind and that were consistent with the NPPF.

To date, 350 community land trusts in England have completed 1,711 affordable homes with a further 5,413 in the pipeline, according to estimates by the Community Land Trust Network, with the potential to deliver 278,000 with the right support. These projects provide for greater involvement of and control for the local community and the Council's local plan consultation glossary needs to define community-led housing so as to distinguish it from self-build and custom-build homes. We suggest that the definition of "community-led developments" in the NPPF is adopted.

Policy H14 Self-Build & Custom Housebuilding – unsound based on ineffectiveness and lack of justification, and inconsistent with the NPPF

Q4 Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

The Council's proposed policy reads very much like it has been lifted from a standard affordable housing policy that requires a set proportion of self-build and custom-build homes (including community-led homes) to be provided on sites over a certain size threshold, which lacks basic understanding of the sector.

We seek a response to the question why existing Policy H7, which included the following statement has been omitted and would urge that it is reinstated:

"Community-led housing – Proposals for community-led housing will be supported because of the benefits they are expected to bring in terms of community cohesion, permanent affordability and sustainable development."

Paragraph 2.70 references the broad nature of community-led housing that can be delivered "through several approaches including community land trusts, co-housing and co-operatives and can involve homes that are market sale, shared ownership, market or affordable rent, rent to buy, or a combination of all." Whilst a variety of organisation types can be used to deliver community-led housing, community-led housing is inspired by a failure of the market economy to deliver suitable,

affordable, secure and accessible homes for people. On that basis, it is generally understood that community-led housing seeks to address local housing problems by creating genuinely affordable homes; a definition that the Council lifts from Homes England's Community Housing Fund Prospectus. On that basis, community-led affordable housing requires its own local plan policy instead of being conflated with self-build and custom-build housing that is often less focused on affordability and addressing the needs of the most vulnerable¹. For example, it is not understood what is meant by "community plots" at paragraph 2.69, which appears to be another misunderstanding of the difference between community-led development and self-build/ custom-build plots.

Policy H14 requires on residential sites of 100 homes or more, 5% of the site area developed for market residential use to be made available for self-build/ custom-build plots (including community-led housing) unless they are conditioned to be brought forward through affordable housing. The site threshold according to BGP5 Specialist Housing Need has been increased from 50 or more to 100 or more on the basis that 50 plots for self-build housing could come forward over the plan period, which is ample supply due to only 3 people having been added to the local register since it was started in 2021; this is in stark contrast to the number of people in housing need registered on the Council's waiting list and illustrates the obvious distinction between the forms of housing covered by Policy H14. Furthermore, the development on a plot by plot basis envisaged by Policy H14 might be adequate for custom or self-build housing individuals, but community-led housing delivering affordable homes seek to create a self-sustaining and close residential community that might share obligations such as property management (often through a cooperative model) that is not served by such a plot by plot approach.

Paragraph 70 of the NPPF requires local planning authorities to "seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing". Policy H14's focus is on sites of 100 homes or more that and fails to support small sites as required by the NPPF. There are no policies proposed by the Council that support small community-led development sites that are not provided via larger market housing sites; this omission ignores the progress that community land trusts have made around the country on smaller sites and will stifle community-led sites coming forward on small sites in Oxford, contrary to the policy's purported aim.

Policy H14 requires plots to be serviced, which is highly restrictive and more in accordance with self-build and custom-build homes rather than those provided by community land trusts such as OCLT. This clearly evidences the conflation between these different forms of housing provision and demonstrates the Council's lack of understanding. This misconception exposes a lack of soundness for Policy H14 and as currently drafted cannot be justified on the basis that it will not effectively support community-led housing aside from self-build and custom-build homes. Furthermore, there is no justification for excluding brownfield sites where only flat development is provided. A self-contained apartment building providing affordable homes delivered by a community-led housing organisation within a wider flat development would support the aims of Policy H14 and so should not be arbitrarily excluded.

Paragraph 2.71 purports to "help encourage and support community-led housing schemes to come forward", but for the reasons set out in this response the policy will fail due to a fundamental

¹ There is also concern on the basis that the statutory definition in the Self and Custom Housebuilding Act 2015 has not been legally tested as being properly applied to the benefit of all community-led housing, therefore we recommend that a separate policy requirement be created for the avoidance of doubt.

misunderstanding of how these schemes are sourced, funded and operated. For example, it is not simply another avenue for providing affordable homes, but at its core community-led housing is delivered by and for local people and through a community land trust approach secures affordable housing in perpetuity by taking it outside of the Right to Buy entitlement. It is not just a form of self-build or custom-build housing but a distinct and valuable form of housing provision that requires its own policy. The Council without a community-led housing policy for affordable housing fails to encourage and support these types of housing schemes when there are a host of best practice examples from other local authorities² that have successfully worked with community-led organisations. This failure is particularly disappointing when a number of community-led organisations offered to meet with officers in order to share their knowledge of the sector during its previous local plan consultation.

Q5 What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination.) It would be helpful if you could suggest revised wording for the policy or text in question.

Community-led housing is often delivered through not for profit organisations such as community land trusts. They are led by members of the local community, they can apply asset locks to secure affordable housing in perpetuity through a community land trust, and they can be most attuned to the housing needs of their local community.

It appears that community-led housing is being introduced on a very limited policy basis without properly understanding the benefits that it can contribute, and feels as if it is a token gesture that does not commit the Council, landowners or developers to engage with this growing sector. As currently written, the policy will not encourage and support community-led housing schemes come forward and is contrary to the revised NPPF.

It is important to understand that community-led housing groups will only be able to take up opportunities if a policy serves to reduce the land value by identifying community-led housing as a necessary use in the first instance; this is even the case when considering affordable housing provision as community-led groups' lending rates are often more expensive than large commercial registered providers. Community-led housing therefore needs to be embedded into the valuation of a site, culminating in a price that should make it viable for a group to deliver that form of housing.

Community-led housing is not a single form of development or tenure, but rather it responds to the needs of a specific community in a moment in time. Local plan policies therefore need to recognise and be responsive to this flexibility. There needs to be a clear policy on supporting community-led homes not only on larger sites, but also on small sites through exception criteria that are often found in rural exception sites.

² Policy 2 Spatial Development of Cornwall Council's Local Plan (adopted 2016) explicitly supports the delivery of community based initiatives that help make communities more resilient. Cheshire West and Chester Local Plan Policy SOC 3 Housing Mix and Type (adopted 2015) also includes a commitment to work with community land trusts to help bring forward land and schemes. Arun District Council's Local Plan (adopted 2018) permits planning obligations to include prescriptive restrictions to deliver affordable housing that require developers to endow to community land trusts a proportion of land for the delivery of affordable housing or other community purpose. See also the Waterbeach New Town's 2019 SPD setting out South Cambridgeshire District Council's support, subject to viability, for working with community land trusts in the provision of new towns, contributing to a broader mix of housing.

Proposal – On all proposed developments of 50 or more dwellings (gross) the Council will require active consideration of proposals for community-led affordable housing that have been informed by genuine consultation with local community-led housing groups.

Proposal – The Council will support local community based initiatives that help to make communities more resilient in environmental, economic and/ or social terms that are brought forward or supported by a local community organisation.

Exception sites have the ability to recognise the unique value of community-led housing. Community land trusts that provide such housing are not for profit, they are led by members of the local community, they can apply asset locks to secure affordable housing in perpetuity, and they can be most attuned to the housing needs of their local community. In order to fulfil the Council's aim of supporting and encouraging community-led housing schemes to come forward it should create a community-led exception policy on land which is not already allocated for housing.

Proposal - Where necessary to meet local affordable housing needs, schemes for 100% affordable housing may be permitted on small sites which would otherwise not be appropriate for housing adjacent to or within existing settlements including those within the Green Belt, be proportionate in size to them, be appropriate to the level of affordable housing need, not compromise the protection given to areas or assets of particular importance, and comply with any local design policies and standards. Where it is essential to enable the delivery of affordable housing to meet local needs, a small, subsidiary element of market housing may be permitted on such sites.

The tenure split and housing mix must be reflective of the most up to date housing needs information.

Schemes will only be permitted where it can be demonstrated that the properties will remain affordable in perpetuity.

Schemes must be modest and in keeping with the form and character of the settlement and local landscape setting.

Schemes must be supported by an up to date housing needs survey.

The scheme must be led by a legitimate local community group such as a Parish Council or community land trust, and the scheme has evidence of meaningful public engagement and local community support.

This provides a 'community right to grow', and gives landowners and developers a significant incentive to work through the community land trust structure to embed community participation and control in development. It is based on East Cambridgeshire Local Plan policy GROWTH 6 with an associated SPD6. It has been incredibly successful in bringing forward more high quality development in the district, as have rural exception sites in rural areas.

Bringing forward such a policy would also facilitate community land trusts unlocking sites that may not be developable by commercial for-profit developers and therefore be at a market price that would be economically feasible.

Furthermore, the Council should demonstrate that they have actively considered the requirement for a number of allocated sites' affordable housing provision to be delivered by a community-led housing organisation. Precedent has already been set by the London Borough of Southwark's Local Plan 2022 that requires the Aylesham Centre and Peckham Bus Station (NSP74) to have its intermediate housing provided by a community land trust. Such an approach is clearly supportive of community-

led schemes and accepted as justified and sound, and we encourage the Council to review its site allocations accordingly.

The policy proposals set out above will genuinely help to encourage and support community-led schemes to come forward consistent with the NPPF. Their previous success has been evidenced by the work of a number of councils with similar affordable housing problems and strong interest in addressing those issues from community-led organisations. As a result they are both sound and justified policies.