

Oxford City Council  
Planning Policy Team  
Planning & Regulatory Services (Post  
Point SA 3.1A)  
Oxford City Council  
Town Hall  
St. Aldate's  
Oxford  
OX1 1BX

**Our ref:** WA/2006/000013/PO-  
03/SB1-L01  
**Your ref:** Draft Oxford Local Plan  
2040  
**Date:** 05 January 2024

Dear Planning Policy Team

### **Draft Oxford Local Plan 2040**

Thank you for consulting us on the Draft Oxford Local Plan 2040. We have not completed the online questionnaire but have rather provided you with this letter which contains our comments and advice on the local plan.

Our aim is to assist you in preparing and implementing a sound, robust and effective plan that is reflective of national policy and your local evidence base so that it may deliver sustainable development in Oxford City.

Following a review of the draft local plan and the accompanying evidence base documents, we consider that the plan does not meet the tests of soundness in terms of being justified and consistent with national policy. Unfortunately, we consider the draft plan to be **unsound** as it is. We have provided you with details on the main soundness issues which are mainly related to the:

- provision and enhancement of green and blue features to provide ecological benefits.
- Protection of development from flood risk (including the absence of a standalone policy on Oxford Flood Alleviation Scheme)
- protection of water resources (including the absence of a standalone policy on water quality)

We have also provided you with comments to provide further clarity to the policies in the plan further below.

As we have discussed with you, we are keen to engage with you to ensure your local plan is sound and fit for purpose. Please refer to our comments below.

## Points of Soundness

### **Policy G2: Enhancement and provision of new Green and Blue features**

We do not consider policy G2 to be sound because it is NOT consistent with national policy NPPF (2023) paragraphs 185 to 188.

We welcome reference to blue features and corridors within the proposed local plan and we are pleased to see that opportunities to enhance blue corridors is included within policy G2. It is important to ensure the policy provides ecological benefits and, in that regard, the term ‘undeveloped buffer zone’ is open to misinterpretation and should be changed to ‘ecological buffer zone’.

To improve this policy, it is important for the policy to include a definition which describes how this zone should be designed and maintained specifically for wildlife. The policy should also include the fact that the/an ecological buffer zone is required for all developments which impact on a watercourse.

### **Policy G7: Flood risk and Flood Risk Assessments (FRAs)**

We do not consider policy G7 to be sound because it is NOT consistent with national policy, NPPF (2023) Paragraphs 165 – 175 and it is NOT justified because it does not reflect the flood risk evidence that has been provided.

We note that most of the comments/advice we provided during the Regulation 18/Preferred Options stage have been incorporated in the Policy G7 (and also G9) and we thank Oxford City Council Policy Planners for this. There are however some few points which should be included to improve the policy. The proposed amendments to improve this policy are highlighted below.

Firstly, we note the fifth bullet in the third paragraph of the policy states;

*“on sites within Flood Zone 1 in areas identified as Critical Drainage Areas.”*

This statement does not correspond with the outcome and details in the Strategic Flood Risk Assessment (SFRA) 2023 as there are no critical drainage areas defined in the current SFRA level 1 and 2 documents. This statement is referring to the SFRA level 1 and 2 dated 2011 and 2012. In this earlier SFRA, Critical Drainage Areas had been defined. These were removed in the 2017 SFRA. We recommend that you remove reference to critical drainage areas and replace it with texts which state that the development types as listed should be accompanied by a FRA when the sites are located within flood zones 1 but which have other sources of flooding such as surface water and ground water flooding.

We suggest this text to replace the bullet point five;

- ~~• on sites within Flood Zone 1 in areas identified as Critical Drainage Areas.~~
- *on sites within Flood Zone 1 in areas at risk of flooding from other sources such as surface water and ground water flooding.*

Secondly, we recommend that you add to bullet *h* and *i*, how high the resilience measures should be regarding design finished flood levels. Currently the policy text does not provide clear details on what the level should be.

In accordance with the Flood risk and coastal change Guidance (PPG) finished floor levels should be set above the 1% AEP flood level with an appropriate allowance for climate change to reduce the risk of flooding to property and future occupants. This should be at least 300mm above the design flood level. We recommend that finished floor levels are raised at least 300mm above this level. This will reduce the risk of flooding to people and property.

We suggest the bullet points *h* and *i* are amended to include the following:

- h) Finished floor levels at existing level with water exclusion *up to at least 300mm above the design flood level*
- i) Finished floor levels at existing level with a water resilient strategy *up to at least 300mm above the design flood level* (unless the development cannot be made safe).

Thirdly, we have reviewed the Sequential Test for the Local Plan, document BGP9b - [Document downloads - Planning Policy | Oxford City Council](#) and it is stated in Figure 3 of this document that 'Cumulative capacity of sites considered for allocation in the Local Plan 2040' in Flood Zone 3b (FZ3b) are 759 new homes. We have concerns about this as according to National Policy (NPPF paragraphs 165 – 175 and PPG Table 2) residential development should not be proposed in FZ3b. There should be a new bullet point 'n' in the policy text which states that as part of the criteria which should be met there should be a requirement for no increase in flood risk vulnerability, otherwise there will be an increase in dwellings in Flood Zone 3b.

We suggest a new bullet point *n* which reads:

*n) it will not result in an increase in flood risk vulnerability classification or intensification of use (such as an increase in the number of dwellings) within Flood Zone 3b.*

We would like to emphasise that without this additional point, policy G7 may imply that inappropriate development could be allowed in Flood Zone 3b. This would be contrary to National Policy (NPPF, 2023) and would put additional occupants at risk of flooding. We would like to add that we have reviewed the allocated sites in Chapter 8, and it is our understanding that you do not intend to allocate dwellings within FZ3b. Whilst some of your allocated sites include areas of FZ3b, the accompanying site assessments clearly state that more and less vulnerable development is not appropriate in FZ3b. Therefore, we are satisfied that you do not intend to locate new dwellings in FZ3b, however this should be clearly stated in your local policy to ensure developers are aware of this requirement.

The fourth point is that, NPPF (2023) states in paragraph 167; *'All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

*b) safeguarding land from development that is required, or likely to be required, for current or future flood management;.....'*

It is important to include a text to support the above policy statement in policy G7 because Oxford City is an important stakeholder in the Oxford Flood Alleviation Scheme (OFAS) project. We suggest that another bullet point (for example *e*) is included in the policy notes to ensure development proposals would safeguard land for future flood relief measures.

We suggest a new bullet point *e* which reads:

*e) where the proposed development will reduce flood risk, including by safeguarding land for future flood relief measures*

We have also suggested below the need for a standalone policy to discuss and address matters relating to the OFAS project.

We welcome the end statement which supports not culverting watercourses.

(We have provided separate comments on the Level 1 and 2 Strategic Flood Risk Assessment and Sequential Test which supports this policy).

### **A standalone policy for the Oxford Flood Alleviation Scheme (OFAS)**

Paragraph 4.43 acknowledges the Oxford Flood Alleviation Scheme (OFAS) as a partnership project however further details have not been included in the plan regarding its importance as a major and important infrastructure development for the City and has not promoted the safeguarding of land for the scheme. As recommended in our response at the Preferred Options stage of the Plan this should have been updated to reflect the progress that has been made during the intervening time.

The NPPF at paragraph 167 (b) states;

*'All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

.....

*b) safeguarding land from development that is required, or likely to be required, for current or future flood management;.....'*

The progress of the Scheme has advanced considerably since the Regulation 18/Preferred Options consultation with a Compulsory Purchase Order (CPO) having been made and a CPO Inquiry due to finish in January 2024. The Planning application is with the County Council as determining authority and we anticipate it will go to Planning Committee within the first few months of 2024. It would be irresponsible for the land required for the Scheme to be omitted from the Oxford Local Plan as the evidence is present to demonstrate it is needed. Also, Oxford City Council is a Partner for OFAS and has shown its support in public for the scheme at the recent CPO Inquiry.

Our suggestion would be to follow a similar approach to that taken by Vale of White Horse for the Thames Water Reservoir – Core Policy 14 of their Local Plan Part 1. This safeguards the land for the reservoir and states that development which may prejudice the implementation will be refused. The supporting text also provides a caveat for the situation in which the site is not required in the future.

Without the inclusion of a policy to safeguard this land we consider the Local Plan to be unsound as the evidence is in place to demonstrate the requirement and the approval process is well advanced to demonstrate the likelihood of implementation, its inclusion would also make it NPPF compliant.

The scheme should also be included in the section on the Central and West Oxford Areas of Focus for infrastructure as it is key infrastructure which will be implemented within the plan period.

Without a robust policy on the Oxford Flood Alleviation Scheme (OFAS) we do not consider the Local Plan to be sound because it is NOT consistent with national policy, NPPF (2023) Framework 14 particularly paragraph 167 and NOT justified as it is not based on proportionate evidence.

### **Policy G8: Sustainable Drainage Systems (SuDS)**

We do not consider policy G8 to be sound because it is NOT: consistent with national policy, NPPF (2023) Paragraphs 189 to 194.

The policy attempts to protect groundwater resources however it could be improved. Oxford City has areas where there is shallow Ground Water. You will note that in the introductory texts, we highlighted the need for a specific standalone water policy for the protection of ground water resources due to the unique situation in Oxford.

To improve this policy, it will be beneficial to include specific wording about sites that have shallow groundwater not being suitable for infiltration SuDS. We would therefore

prefer the inclusion of text that covers groundwater protection more explicitly and suggest that the policy wording is amended to include:

*'Where a site has potential for contamination, SuDS that rely on infiltration will be discouraged and other suitable methods should be adopted to protect the water environment unless it can be demonstrated that there will be no pathway of contamination. Infiltration SuDS measures would not be encouraged in areas that have shallow groundwater as these measures would not be suitable.'*

We welcome provisions within this policy to include a Foul and Surface Water Drainage Strategy for larger schemes, and the requirement for new developments to separate foul and surface water sewers and existing developments to explore the idea of separating combined sewers where possible.

### **A standalone water policy**

We previously highlighted the importance of having a separate water quality policy, rather than incorporating water quality elements into various other policies throughout the Local Plan. The draft Local Plan continues to have water quality elements included within various chapters but does not have a standalone water quality policy.

We would like to reiterate that the pressures on the water environment in Oxford are significant, and in some instances unique. Pressure on the water environment from development poses a big risk to meeting Water Framework Directive (WFD) objectives. Without a robust policy to protect the water resource in Oxford we do not consider the Local Plan to be sound because it is NOT consistent with national policy, NPPF (2023) Framework 15 (specifically Paragraph 180 e) and it is NOT justified because it is not based on proportionate evidence.

The standalone water policy should address the following subjects listed below and we have provided further details on each of these points below.

- Ensure water quality by meeting WFD Objectives
- Protect water courses
- Protect ground water resources

### **Policy to address water quality.**

Water quality has briefly been considered in Policy G6 (Protecting Oxford's Biodiversity), Policy G8 (Sustainable Drainage Systems), Policy R6 (Soil Quality) and Policy R7 (Amenity and Environmental Health Impacts of Development) although minimal detail is included on what pressures are being put upon the water environment and what measures may be taken to address these pressures. We have stated elsewhere that we welcome provisions within Policy G8 to include a Foul and Surface Water Drainage Strategy for larger schemes, and the requirement for new developments to separate foul and surface water sewers and existing developments to explore the idea of separating combined sewers where possible.

After reviewing the Draft plan, we would recommend that a separate water quality policy is included within the Local Plan due to the unique challenges posed to water quality in Oxford.

We would like to see acknowledgement within the Local Plan that there are significant pressures on the water environment within Oxford, and acknowledgement that Oxford Sewage Treatment Works (STW) is a site of high concern in terms of performance with limited capacity to accept any additional flows associated with growth. We re-emphasise the expectation that there should be a commitment between the city council and Thames Water to ensure Oxford STW is resilient to future demand and that future developments should not proceed until capacity is available to accept an increase in

flows. Oxford City was the second place in the country to have a freshwater river designated bathing water. It would be good see the specific water quality policy have put some focus on this and consider what commitments can be made to help ensure the designation remains.

The Local Plan relies on evidence base supporting information to help shape its policies. A Water Cycle Study (WCS) has been produced which should identify if there is enough wastewater capacity for new developments within Oxford. This document should provide the evidence base for the Local Plan, however, there is no inclusion of the findings of the Water Cycle Study within the Local Plan and therefore no evidence of the unique pressures to the local water environment presented. (We have provided separate comments on the Water Cycle Study).

As previously mentioned, having a standalone water quality policy would benefit the Local Plan. A water quality policy should outline the need and make a commitment to protect and enhance the waterbodies within Oxford and explain what impacts any developments within the area might have on water quality. This policy should link with the relevant River Basin Management Plan objectives, the Water Cycle Study, Water Framework Directive and Environment Act Regulations to assess the existing pressures on the water environment and measures to protect and enhance water quality via new developments could be identified within the policy. Unique water quality issues within the area, such as the limited capacity at Oxford Sewage Treatment Works (STW) to accept any further growth and the designated bathing water could be clearly outlined within the Local Plan.

Whilst water quality has been considered as part of the draft Oxford Local Plan, we consider that there is an opportunity to give increased prominence to the current issues around water quality within the area and would recommend that a separate policy is included within the Local Plan.

### **Policy to address the protection of water courses and water dependent habitats/environment.**

We stated before at the preferred options consultation stage that it is important to have specific and robust policies on rivers and streams and their riparian corridors as such a policy would promote the opening of new ecological networks and connectivity between ecologically important sites through the river network. We note however that this has not been considered.

We would like to reiterate how vital it is to have strong and specific policies on rivers and streams to include their riparian corridors and it remains our recommendation that this proposed Local Plan is amended to include a specific rivers and streams policy which will detail:

- How this requirement applies to **all** development which impacts on a watercourse.
- How this should be measured from the top of the watercourse bank.
- Guidance on the type of long-term landscape and ecological management plans which might be appropriate for this buffer.
- How opportunities for de-culverting of watercourses should be actively pursued and state that planning permission will only be granted for proposals which do not involve the culverting of watercourses, and which do not prejudice future opportunities for de-culverting.

These details are currently not contained within the submission and are required to promote the opening of new ecological networks and connectivity between ecologically

important sites through the river network as well as creating specific river corridor habitat which enables wildlife including protected species such as otter to thrive within the Cherwell catchment. In turn this will support:

- Biodiversity - safeguarding protected species and habitats, highlighting opportunities for habitat creation.
- Water Framework Directive objectives - no deterioration and water body improvements.

NPPF Framework 15 specifically Paragraph 180 e, supports the need for policies to improve local environmental conditions such as water quality, considering relevant information such as river basin management plans. Therefore, in requesting that this policy be added to the Local Plan we are asking the Local Authority to apply best practice to the management and maintenance of the watercourses in the district. Without such a policy we consider the Local Plan to be unsound.

### **Policy to address the protection of ground water resources.**

There was previously a policy G9 in the Preferred Options plan for – Ground water flows and sensitive sites. It is not clear to us why this policy has been removed.

Following a review of Policy R5: Land contamination and Policy R6: Soil Quality we consider that issues about bringing land back into beneficial use is adequately addressed. In that regard we do not have concerns with Policies R5 in relation to that. However, we do not consider that these policies address matters regarding the protection of ground water resource. Risks to ground water and controlled waters have not been addressed and specifically included in the draft plan at the level of detail we would prefer.

For example, whilst policy G6 states that development that will have an adverse impact on any Site of Special Scientific Interest (SSSI) will not be permitted, there is no reference to or consideration of the impact of development upon the hydrogeology of the Lye Valley SSSI. It is stated for each site that is near to or has the potential to impact the valley that;

*‘Planning permission will only be granted if it can be demonstrated that there would be no adverse impact upon surface and groundwater flow to the Lye Valley SSSI.’* Whilst this appears to give due consideration to groundwater, it does not give much detail.

Appendix 1 does include some high-level notes about groundwater (page 318). As part of these assessments, future Applicant would likely need to produce and review detailed and sufficiently long-duration baseline data records of controlled waters at sites. There is also aspects relating to climate change impacts to controlled waters, and how schemes are designed to account for this, and that should be included in the plan. For these reasons, it is essential to have a policy in the local plan about ground water or controlled waters protection or at least some notes on the risks and need to protect this resource (in terms of quality, quantity and movements). Without such a policy we consider the Local Plan to be unsound.

### **Points to provide further clarity to the policies in the plan.**

#### **Policy S1 Spatial Strategy and Presumption in Favour of Sustainable Development**

Planning permission will be granted where development proposals accord with the policies of the Plan. The City Council, through its policies and decisions, will aim to positively pursue sustainable development and achieve sustainable growth in the delivery of homes, jobs and services to create a network of healthy, well-connected, high-quality areas where people want to live, play, learn and work in line with the vision

and objectives of the Local Plan. To help achieve this it will aim to ensure development is located to:

Bullet point f of this policy then states;

*'f) prevent new development in locations where it would damage important blue and green infrastructure networks, public open space, and flood plain'*

We suggest you include amend this point to make it clearer. We suggest the text below:

*'f) prevent new development in locations where it would ~~damage~~ have a negative impact on important blue and green infrastructure networks, public open space, and result in loss of flood plain'.*

### **Policy S3: Infrastructure Delivery in New Development**

This policy supports the delivery of the infrastructure necessary to enable the development set out in the Local Plan. Whilst we support this policy, we consider that the need for this policy to address and support the point we have made previously regarding wastewater drainage and discharge issues within Oxford City. This is a unique challenge in regard to water quality in Oxford and we have provided further comments above under points of soundness to that effect.

### **Policy G9: Resilient Design and Construction**

We have reviewed sections 4.61 to 4.66 and bullet points related to policy G9. We support this policy as it details an awareness around climate change, adaption and resilience.

Property Flood Resilience is referenced in the SFRA level 1. The SFRA section includes reference to Property Flood Resilience best practice. Throughout the SFRA, climate change is included. You may wish to direct applicants to the SFRA for more information on Property Flood Resilience and climate change.

### **Policy H11: Homes for travelling communities.**

We thank Oxford City policy planners for this policy and welcome inclusion of flood risk requirements. When the suggested amendments are made to policy G7, please note that this should be reflected in this policy, or this policy should adhere to it. We have no further comments.

### **Policy H12: Homes for boat dwellers**

We support the fact that Planning permission will only be granted for new residential moorings on Oxford's waterways where, proposals would not impede navigation, navigational safety, or operational requirements of the waterway.

We suggest that to ensure the safety of residents/people occupying these developments, access, and egress in the event of a flood and or evacuation plans should be considered. We would support the inclusion of a bullet point to highlight that safe access and egress should be investigated/provided or an evacuation plan should be provided.

It could also be highlighted in the supporting text that all of this type of development should be in line with policy G7, in particular in relation to safe access and egress.

We are happy to have a discussion with you concerning this matter.

### **Final Comments**

We have reviewed Chapter 8 and the allocated sites for development in Oxford City. We would send you further comments separately on the allocated sites in Chapter 8 shortly. We trust the above comments are useful and we look forward to working with you to produce a sound and robust local plan for the Oxford City Emerging Local Plan.

Our comments are based on our available records and the information as submitted. If you have any questions, please do not hesitate to contact me.

Yours faithfully

**Miss Judith Montford**  
**Planning Specialist**

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