

[REDACTED]

From: Evelyn Sanderson [REDACTED]
Sent: 13 March 2026 13:49
To: Planning Policy
Subject: Reg 19 additional submission by Friends of the Fields Iffley
Attachments: Details of the Pre-Action Protocol on Judicial Review letter sent to Oxford City Council on behalf of Friends of the Fields Iffley on 3 March 2026 .pdf; Local Plan 2045 Comment Form - fillable.pdf

Categories: Handled by [REDACTED]

Dear Planning Policy Team

Friends of the Fields Iffley (FOFI) will be making a submission on your Reg 19 consultation portal later today.

To accompany the FOFI online submission, please find attached

- FOFI's Local Plan 2045 Comment Form which covers issues around the Reg 19 process that cannot be submitted via the online form (to follow via your consultation portal)
- Details of the content of the Pre-Action Protocol letter sent to Oxford City Council as referred to in FOFI's comment form.

Kind regards
Evelyn Sanderson
Friends of the Fields Iffley



Oxford Local Plan 2045

Submission Draft COMMENT FORM

Part A

You only need to
fill Part A in once

Your name: Evelyn. Sanderson

Organisation (if applicable): Friends of the Fields Iffley

Address:

Email:

Date: 13 March 2026

Data protection:

Please note that your response will be made available for inspection by the public in paper form at the Council's offices, or other locations as appropriate for the purpose of facilitating public access.

Your personal details will be properly safeguarded and processed in accordance with the requirements of the General Data Protection Regulation (GDPR) 2018. Your information will be used for The Oxford Local Plan 2045 Proposed Submission Consultation only, and we will only store your data until the Oxford Local Plan 2045 is accepted. Information you give in this form could be shared with the Independent Examiner at the examination stage of the Local Plan process.

We cannot accept anonymous comments.

- ☐ If you are happy for us to state your name and the first line of your address and postcode when publishing your response(s), please tick this box.
- ☐ If you would rather all personal details except your name and a non-specific address (e.g. Oxford) to be obscured, please tick this box.

Do you wish to speak at the examination hearings?

(Please note that the Inspector will decide who to invite to speak)

Yes ☒ No ☐

Do you wish to be notified when:

the Council submit the Oxford Local Plan 2045 to the Government?

☒ ☐

the Inspector's Report is published?

☒ ☐

the Oxford Local Plan 2045 is adopted by the Council?

☒ ☐

GENERAL ADVICE

For advice on making a comment, please see the accompanying notes page. It is also available at www.oxford.gov.uk/oxford-local-plan-2045

When completing the form,

- You only need to complete Part A once
- Use Part B to make your specific comments. You may complete Part B multiple times to comment on different parts of the Oxford Local Plan 2045.
- Cover concisely all the information and evidence you feel supports or justifies your view, as this will normally be your only opportunity to tell us about it.
- Be as precise as possible.

HOW TO SUBMIT YOUR COMMENTS

Please submit completed forms by email or post to:

planningpolicy@oxford.gov.uk

Planning Policy Team

Oxford City Council
Town Hall
St Aldate's
Oxford
OX1 1BX

If you have any questions please feel free to get in touch with the Planning Policy Team

T: 01865 252847

planningpolicy@oxford.gov.uk

www.oxford.gov.uk/localplan2040

Please ensure your comments reach us by **4.00pm on Friday 13th March 2026.**

Thank you for participating.

DETAILS OF YOUR COMMENT

Part B

Please read the accompanying notes before completing Part B. The notes explain what we mean by soundness and legal compliance. These are questions that we are expected to ask consultees.

Please use a new Part B for each point you are commenting on. Attach all completed forms to Part A.

Q1. Which part of the document do you wish to comment on? (please give the relevant paragraph or policy number)

Paragraph	N/A	Policies Map	N/A
Policy Number	SPS8	Sustainability Appraisal	N/A

Q2. Do you consider that the document:

- | | | |
|---------------------------|--------------------------------------|-------------------------------------|
| (a) is legally compliant? | ☐ Yes | ☒ No |
| (b) is sound? | ☒ Yes | ☐ No |
| | ☐ | ☐ |

Q3. Do you consider that the document is **unsound** because it is not: (tick as appropriate)

- | | | | |
|--------------------------|-------------------------------------|--------------------------------------|-------------------------------------|
| (a) positively prepared? | ☒ | (c) effective? | ☒ |
| (b) justified? | ☒ | (d) consistent with national policy? | ☒ |

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

This submission by Friends of the Fields Iffley covers the Legal failings in Oxford City Council's Local Plan 2045 process. It is in addition to the Friends of the Fields Iffley response made via your online consultation portal, as no option is given on the portal to comment on the issues as set out below.

Legal failings in Oxford City Council's Local Plan 2045 process

Friends of the Fields Iffley are a local community group working to save SPS8 Land at Meadow Lane, a group of ancient fields in the Iffley Village rural Conservation Area, from 'development', have issued a 'pre-action' letter to Oxford City Council raising issues around the overall Local Plan process. These include the lack of Reg 18 consultation results in deciding to approve the

Please use an extra sheet if completing a paper copy.

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. It would be helpful if you could suggest revised wording for the policy or text in question.

Action Oxford City Council is expected to take and proposals for ADR

The Council should undertake to refer the question of whether to submit the Plan to the Secretary of State for examination pursuant to s.20 of the 2004 Act to its Full Council and not rely on the 26 January 2026 resolution. The Council must also undertake at that meeting to:

- Place before members at the least a summary of the consultation responses received at both Regulation 18 and 19 stages.
- Ensure that councillors who currently sit or were previously on the Shareholder and Joint Venture Group (SJVG) for Oxford City Housing Limited (OCHL) do not participate and vote in the debate on the decision whether to submit the Local Plan for examination, so long as the Local Plan contains allocations of land owned and promoted by OCHL.

Please use an extra sheet if completing a paper copy.

This is the end of the comment form

Details of the Pre-Action Protocol on Judicial Review letter sent to Oxford City Council on behalf of Friends of the Fields Iffley on 3 March 2026

Matter Being Challenged

The resolution of the Council, taken at a meeting of its Full Council on 26 January 2026, to (amongst other things): “Authorise submission of the Oxford Local Plan 2045 to the Secretary of State for examination, following Regulation 19 consultation and any minor amendments made according to recommendation 3 or 4 and subject to there being no matters raised in the consultation that are considered to materially impact upon the Plan strategy.”

Proposed Grounds of Claim

Ground 1

- By s.20(2)(a) Planning and Compulsory Purchase Act 2004 (“the 2004 Act”), the Council is under a mandatory statutory duty not to submit a plan for examination unless the relevant requirements under the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”) have been complied with.
- By Regulation 18(3) 2012 Regulations, the Council must ‘take into account any representation made to them in response to invitations under [Regulation 18(1)]’ when preparing the local plan.
- Moreover, by Regulation 8(2) and (3) Environmental Assessment of Plans and Programmes Regulations 2004 (“the 2004 Regulations”) a plan or programme for which an environmental assessment is required by the 2004 Regulations, shall not be submitted to the legislative procedure before the account has been taken of the opinions expressed in response to the invitation referred to in Regulation 13(2)(d).
- The Council conducted a consultation on the Oxford Local Plan 2042 between 27 June to 8 August 2025. That consultation amounted to an invitation for representations for the purposes of Regulation 18(1) of the 2012 Regulations and an invitation to express opinions for the purposes of Regulation 13(2)(b) of the 2004 Regulations.
- Contrary to the requirements of Regulation 18(3) of the 2012 Regulations and Regulation 8(2) of the 2004 Regulations, and thereby s.20(2) of the 2004 Act, the Council did not take into account the representations made in the 2025 consultation prior to resolving whether to submit the plan for examination. Indeed, the Regulation 18 Consultation Report only became available after the Council resolved to submit the plan to examination.
- The statutory duty at s.20 of the 2004 Act may only be discharged by the Full Council. Part 5 of the Council’s Constitution provides that only the Full Council shall be responsible for development plan documents. It follows that it was the Full Council which needed to be satisfied that s.20 of the 2004 Act had been **complied with; in particular, it was Full Council which needed to take into account the consultation responses at the Regulation 18 stage. It was impossible for the Council to comply with that duty, without at the**

least a summary of the responses before it, at the time it took the decision, see *Save Stonehenge World Heritage Site Ltd v. Secretary of State for Transport* [2024] EWHC 339 (Admin) at [142]-[149].

- **There can be no serious scope to dispute that the Council has acted in breach of s.20(2) (a) of the 2004 Act by resolving to submit a plan for examination without complying with the duties to take account of the representations made at the earlier stage of consultation.**

Ground 2

- By s.20(1)(b) of the 2004 Act, the Council must not submit a plan unless they consider it is ready for independent examination. A document will not be ready for independent examination unless the Council consider it to be sound. To be sound, a document must be positively prepared, justified, effective and consistent with national policy (see paragraph 36 NPPF).
- Policy SPS8: Land at Meadow Lane was the subject of evaluation against the sustainability objectives in the Sustainability Appraisal. That appraisal identified a raft of uncertainties, e.g.:
 - Ecology: noting the site is ‘highly ecologically constrained’ by virtue of (inter alia) supporting a habitat for scarce invertebrates and badgers. There is no evidence whatsoever to demonstrate the site could be delivered and, even so, at what quantum, without causing harm to those ecological receptors.
 - Heritage: the site lies within the Iffley Conservation Area and within the setting of three listed buildings (Tudor Cottage, Townsend Close and Wall and Gate of Townsend Close). There is again no evidence whatsoever that the site could be developed and, if so, at what quantum, without conflicting with the statutory duties at s.66 and 70 Planning (Listed Buildings & Conservation Area) 1990.
- The Council therefore did not have a rationally sufficient evidential basis from which it could reasonably have concluded that the allocation was justified, effective and consistent with national policy. Indeed, that is plain to see by the fact the Council is unable to anticipate delivery of any quantum on the site at all, without the evidence to understand how much (if any) development could come forward. Such an approach is the antithesis of a document which is sound, it was irrational to include such an allocation.

Ground 3

- At the beginning of the meeting [REDACTED], declared their membership of the Shareholder and Joint Venture Group (SJVG) for Oxford City Housing Limited (OCHL) which owns the Meadow Lane land. Those members, however, continued to participate and vote on the item.
- The SJVG is described as follows: ‘The Council has two wholly-owned companies - Oxford City Housing Ltd and Oxford Direct Services ... Each company is an independent legal entity which is entirely separate from the Council. The responsibility to represent the Council as shareholder or owner of each company and joint venture is an executive function

which is carried out by the Shareholder and Joint Venture Group which is a committee of the Cabinet.’

- Section 24.4 of the Oxford City Council’s Constitution related to the Planning Code of Conduct provides that members of the Shareholder and Joint Venture Group should not participate in the determination of planning applications made by the Council’s housing delivery companies.
- Specifically 24.4 states that: c) Avoiding perception of bias Councillors must listen to the advice of the Monitoring Officer if they may be perceived as having made up their minds in advance or having closed their minds to opposing viewpoints. If a member is a Cabinet member or represents the Council on an outside body and the Council or the outside body is the applicant then particular care should be taken by the member to avoid the perception of bias. If a member is a member of the Shareholder and Joint Venture Group or is otherwise responsible for acting as shareholder or owner of the Council’s companies and joint ventures they must not determine planning applications submitted by those companies and joint ventures. The member can choose to speak during the public speaking slot at a Planning Committee or Planning Review Committee meeting but they must notify the chair of their intentions before the meeting begins and must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is debated.
- Section 24.4 is very clear that Council members who are also members on the SJVG should not participate in planning decisions. That principle must apply here to decisions to allocate land where the principle of development is established.
- More generally, a decision is liable to be quashed if it were tainted by apparent bias. The legal test for the appearance of bias is set out in *Porter v. Magill* [2002] 2 AC 357 at [103]: ‘The question is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased’.
- Whether there is apparent bias is to be judged from the point of view of a reasonable observer having regard to all material facts which that observer would have been able to ascertain as a member of the public. Each case turns on its own facts: *Resolution Chemicals Ltd v. H Lundbeck A/S* [2014] 1 WLR 1943, [36]. The principle of apparent bias applies in the context of local government decision-making: *R (Lewis) v. Redcar and Cleveland Borough Council* [2009] 1 WLR 83, [71] [98], [113].
- More particularly, the High Court quashed the grant of planning permission in *R (Kelton) v. Wiltshire Council* [2015] EWHC 2853 (Admin), on the basis that one of the participating members was a director of the affordable housing provider which had been identified as a prospective partner to the market element of the development.
- A reasonable observer, knowing that [REDACTED], sat on a committee with a responsibility to ‘to represent the Council as shareholder or owner’ of a company which owned and was promoting land within the Plan for residential development, would conclude there was a real possibility that those councillors were biased in favour of the company’s interests. This also applies to [REDACTED] given their previous involvement with the promoter company.

- Given that, it was inconsequential for those councillors to simply say that ‘they did not have a conflict of interest and considered themselves to take the wider public interests to this matter’ as is recorded in the minutes. That is no answer to the claim of apparent bias.
- The correct course would have been for those councillors to have withdrawn from that debate of the Local Plan item and not participated or voted on the matter, given the Oxford City Housing Ltd owns the land which is comprised in SPS8 Land at Meadow Lane.
- Indeed, that is how the matter has been approached in the past. For example, we note that on 8 March 2022 the minutes of the Oxford City Planning Committee record that: ‘[REDACTED] [REDACTED] stated that the officer’s report included three references which implied the applicant was Oxford City Homes Ltd (OCHL), the Council’s wholly- owned housing company. Whilst OCHL was not the applicant, staff from OCHL had provided some consultancy support for the application. He stated that as the Cabinet Member for housing delivery he had regular engagement with OCHL, and whilst he had not discussed this particular application he would, for the avoidance of any appearance of bias, withdraw from the meeting whilst it was decided.’
- The decision of the Council to resolve to submit the Plan was therefore tainted by apparent bias.
- But for the participation of those councillors the Local Plan would not have been submitted with the inclusion of Policy SPS8: Land at Meadow Lane. That is because it was only by virtue of the decision of those councillors to vote down a motion (proposed by [REDACTED] [REDACTED] and seconded by [REDACTED]) to delete that allocation, that the Plan has been resolved to be submitted still with the allocation.

Action the Council is Expected to Take and Proposals for ADR

The Council should undertake to refer the question of whether to submit the Plan to the Secretary of State for examination pursuant to s.20 of the 2004 Act to its Full Council and not rely on the 26 January 2026 resolution. The Council must also undertake at that meeting to:

- Place before members at the least a summary of the consultation responses received at both Regulation 18 and 19 stages.
- Ensure that councillors who currently sit or were previously on the Shareholder and Joint Venture Group (SJVG) for Oxford City Housing Limited (OCHL) do not participate and vote in the debate on the decision whether to submit the Local Plan for examination, so long as the Local Plan contains allocations of land owned and promoted by OCHL.

Response ID ANON-M2Q4-48J6-G

Submitted to Oxford Local Plan 2045 Submission Draft (Regulation 19) Consultation
Submitted on 2026-03-13 14:41:31

Contact Information

1 Name

Name:
Evelyn Sanderson

2 Email Address

Email:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ty are you responding to this consultation?

Charity or Community Group

7 If you are commenting on behalf of someone else, please state their name here. If you are representing more than one person or group we suggest making a separate submission for each.

acting as agent?:

Data Protection Notice and Notification Options

8 Are you happy for the first line of your address and postcode to be published with your response(s)?

I do NOT want my address and postcode to be published with my response.

9 Do you wish to be notified when:

the Council submits the Oxford Local Plan 2045 to the Government?, the Inspector's report is published?, the Oxford Local Plan 2045 is adopted?

10 If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? Please note: while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

Yes

11 If you wish to participate in the hearing session(s), please tell us why you consider this to be necessary. Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

reason to attend hearings:

I am chair of the local community Group Friends of the Fields Iffley, representing around 450 Oxford residents who are calling for SPS8 Land at Meadow Lane, to be removed from Local Plan 2045. The current allocation is unsound and the process not legal.

Policy SPS8: Land at Meadow Lane

355 Do you consider that Policy SPS8 is sound?

No

356 If you do NOT consider policy SPS8 to be sound, please select your reasons why from the choices below. Please give precise details for your reasons in the box below - if you wish to support the soundness of the policy please also use this box to set out your comments.

policy is NOT positively prepared, policy is NOT justified, policy is NOT effective, policy is NOT consistent with national policy

sps8 comments:

Policy is NOT positively prepared

It is not positively prepared as it disregards and misinterprets the clear evidence that has emerged that this site is not suitable for sustainable development.

SPS8 policy and site specific SA criteria have not been adequately or accurately updated to take into account the latest evidence base from the Council's own surveys since allocation to LP2036 and new relevant context (e.g new local plan policies allowing housing on employment sites).

SPS8 has not been adequately reviewed against an accurately updated site specific SA criteria and as a result, there has been a failure to identify serious risks of significant negative sustainability impacts (in particular, biodiversity, heritage, access and transport) arising from any development on this site.

The SPS8 should have been added to the other sites Table 3: Sites that have been considered

<https://mycouncil.oxford.gov.uk/documents/g8200/Public%20reports%20pack%20Monday%2026-Jan-2026%2017.00%20Council.pdf?T=10>

(i.e. they passed the first stage of filtering), but that were not proposed to have a site allocation policy (p191 - 192) and that have not been taken forward in the LP2045 process from the Reg 18 to allocation at Reg 19 due to risks associated with high sensitivity / unlikely to provide 10+ dwellings / loss of amenity.

The reasons why SPS 8 Land at Meadow Lane should be removed from LP2045 are that there are similar or higher levels of uncertainty to those of already removed sites for achieving any sustainable development on Land at Meadow Lane.

Biodiversity (already documented priority species including rare, scarce and protected species) comfortably meeting the criteria for formal designation as a City Wildlife Site and included in the recently published Local Nature Recovery Strategy. There is significant uncertainty about the ability to mitigate loss of biodiversity. It has high multifunctionality and should be Core Green Infrastructure.

Heritage (very sensitive ancient meadow providing the rural setting in Iffley's Conservation Area). Any development here is likely to generate substantial harm to this setting and loss of key views from the Principal Quiet Route for Active Travel.

Access and transport (winding, narrow lanes with poor sight lines along with designation and heavy use as designated Principal Quiet Route for Active Travel). Significant uncertainty about the ability to mitigate harms to safety and leisure use.

Unlikely to deliver more than 10 homes (the LP2036 allocation for 29 homes has been reduced to no minimum housing allocation (p189, Table 1: Sites with allocation policies in Chapter 8 that are currently allocated in the Oxford Local Plan 2036:). Inconsistent with OCC policy of not allocating sites to LP 2045 where assessments show that they do not have the capacity for 10+ dwellings and the treatment of other sites on this basis (1 Pullens Lane, 2 Harberton Mead, Land off Harolde Close)

Loss of amenity: There is growing support from local schools for the use of this biodiverse, tranquil and enclosed site for outdoor education as Meadow School Iffley to benefit areas with high indices of deprivation. Schools say that it would benefit mental and physical health, learning, skills and employment, sense of place and belonging. There is an urgent funding opportunity, with the Meadow School Iffley proposal to be included in RBOR National Heritage Lottery bid as a potential cornerstone project. However viability for this bid is compromised if this site is not removed from LP 2045 prior to the lottery deadlines: draft plan May 2026, final deadline Oct 2026.

Policy is NOT justified

The site has no minimum housing allocation (i.e. a 'zero' allocation). The Council is therefore accepting that the site is so constrained that it may be unable to deliver any development in a sustainable and/or policy compliant manner. It is therefore unjustifiable to allocate it, particularly as other sites have to be able to provide a minimum of 10 homes.

The reasonable alternatives for housing in Oxford are on the brownfield sites currently designated for employment. Policy E1 now makes it possible for land-owners to deliver housing on employment sites. It would be even more effective to redesignate them for housing, particularly as there have been so many 'windfall' sites for new tech companies in redundant retail and offices.

Policy is NOT effective

Again, a zero allocation makes no guaranteed or reliable contribution to meeting housing needs and so cannot be effective. Oxford City Council have not been able to deliver housing on the Horse Fields over the 5 year period of the current Local Plan. They have now learnt about how sensitive the site is, in particular for ecology, the conservation area and access and have reduced the number of houses on the allocation from 32 to effectively zero, with no certainty of being able to deliver any housing at all. This is clearly not an effective policy.

357 Do you consider that Policy SPS8 is legally compliant? If you do NOT consider policy SPS8 to be legally compliant, please give precise details for your reasons in the box below - if you wish to support the legal compliance of the policy please also use this box to set out your comments

No

sps8 legal compliance comments:

The fact that the policy is not positively prepared, effective or justified means that it cannot meet the tests of soundness or legal compliance.

In addition, please refer to information on the separate Comment Form submitted by email to planning policy, concerning the legal failures of process.

358 Please set out, as precisely as possible, what change(s) you consider necessary to make the policy legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above. You will need to say why the suggested change will make the Local

Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

suggested changes to make sps8 sound:

SPS8 Land at Meadow Lane should be removed from LP 2045 in order to make the plan sound and legally compliant.

Sustainability Appraisal

537 Do you wish to comment on a specific part(s) of the Sustainability Appraisal? Please state the relevant section or paragraph reference(s):

references for further comment chap 1:

The Sustainability assessment of SPS8 Land at Meadow Lane plays down the impacts of development across many different topics. For instance, the section on housing delivery is erroneously scored as ++ with no comment give to clarify that no housing number has been stipulated - effectively a zero allocation for housing.

538 Do you consider the Sustainability Appraisal to be sound?

No

539 Do you consider the Sustainability Appraisal to be legally compliant?

No

540 Do you consider the Sustainability Appraisal to comply with the duty to cooperate?

Don't Know/Not Applicable

541 Please give details, as precisely as possible, of why you consider that the stated part(s) of the Sustainability Appraisal is not legally compliant or is unsound or fails to comply with the duty to co-operate. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

reasons chapter reference is sound or unsound:

See comments above around the erroneous assessment of this site that downplays its already high sensitivity and cannot promise to deliver any housing. This is unsustainable, not properly prepared and therefore both unsound and not legally compliant.

542 Please set out what change(s) you consider necessary to make the stated part(s) of the Sustainability Appraisal legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above (please note: non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why the suggested change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

suggested changes to make chapter sound:

SPS8 should be removed from the Local Plan in order to make the plan sound and legally compliant.