

The Local Plan 2045 will be used to ensure Oxford is a fairer, greener and healthier city

OXFORD LOCAL PLAN 2045

OXFORD CITY COUNCIL

Oxford City Council Response to Inspectors' Matters, Issues, and Questions

Matter 13: Design and Heritage

Issue 1 – Design – Policies S2, HD1 and HD12

Q1 Is it sufficiently clear what is meant by 'high-quality design' for the purposes of Policies S2 and HD1? How will these policies be implemented and will they be effective?

The City Council is very aware that the built environment of Oxford is already 'high-quality'; the city is world renowned for its exceptional architecture and spaces. The Local Plan has an important role in protecting and enhancing this quality but also in seeking to ensure that new development adds to this richness and does not detract from it. As identified in the policy context of S2 "*good design is a fundamental part of achieving many of the aims of the Plan*". In line with the strategy, we know that the level of growth and change is significant over the plan period and so policies S2 and HD1 provide a framework for this to be managed sensitively.

As identified in the introduction and policy context for HD1, Oxford contains buildings spanning every major period of British architectural history from the 11th century onwards. The starting point for the Local Plan is to build on this richness, to provide the space for modern and contemporary among the historic. Neither Policy S2 nor Policy HD1 are style specific, they do not seek to impose an architectural language, but to encourage applicants to be thorough in their design process, take account of particular local features and present a considered response to their site. They do this by being specific about the considerations that are expected to inform design and which will be used by decision makers assessing proposals.

Policy HD1 sets out clearly that good design is "*responsive to its context, creates or enhances local distinctiveness, and ensures that the amenity of the natural environment is protected*". Policy S2 and Appendix 1.1 list the following design issues: context, built form, movement, public spaces, identity and character, nature, resources, homes and buildings, and lifespan. Within these parameters it is intended that there is a good deal of flexibility for the designer, which will help bring forward excellent buildings and spaces which may even become the heritage assets of the future.

The requirement of HD1 is the submission of a design rationale through a constraints and opportunities plan in a design statement. As set out in HD1 this is likely to be incorporated in the Design and Access Statement which is part of the national list of validation requirements for most applications.

Appendix 1.1 sets out the thought and design process which the City Council considers is likely to result in 'high-quality' design. This appendix forms a design checklist, using a series of questions and prompts to guide the applicant through a considered approach to their site. The answers to these questions will also form part of the assessment of a planning application and will be used to understand the design rationale behind the proposal. The appendix has been informed by the National Design Guide, so many applicants will be familiar with the concepts, but it has been tailored to an Oxford setting for effectiveness. Many of the design issues are the subject of policies elsewhere in the Plan and so references are provided where appropriate. References are also provided to other sources of information such as on biodiversity, heritage and sustainability.

As the strategic design policy, S2 also references the provisions of the policies for the Areas of Focus, the City and District Centres and the site allocations in terms of more specific design

requirements. As those policies are locally specific, they can provide more detailed guidance which fits within the overall strategic framework for design.

Policies S2 and HD1 are supported by the City Council's promotion and encouragement of early pre-application advice and the City Council's own Design Review Panel (all major proposals are encouraged to visit at least once); both of these offers are noted in the policy implementation section. In addition, the City Council employs two urban designers and encourages the uses of digital modelling of proposals and currently uses the VuCity 3D model to test and assess schemes. As such, a good deal of support is available from the City Council for applicants in the area of urban design.

Q2 Is it clear to users of the Plan what the submission of a compliant constraints and opportunities plan would entail? What is the justification for this approach and is the policy sufficiently flexible to be effective? Has this requirement been adequately tested to ensure that it is viable and deliverable?

As set out in response to question 1 above, the City Council considers that it has been clear through Appendix 1.1 what is expected of applicants in terms of supporting evidence on the design rationale of schemes. The vast majority of schemes will be required to submit a Design and Access Statement; through this approach we have sought to provide more detail in terms of what will be assessed in this regard.

Appendix 1.1 provides a potential structure for the DAS although it is clear that not all questions will need to be answered where they are not relevant to the proposal, or where the application is for a smaller or less complex scheme. HD1 makes it clear that the expectations for the level of detail required to support an application will be proportionate on the type and size of proposal. Whilst the list of questions in Appendix 1.1 is fairly long at 33, it is considered that this will help the many major and complex schemes that tend to come forward in Oxford and Policy HD1 is clear that the submission should address "*the relevant checklist points*" set out.

This approach builds on the approach taken in the Oxford Local Plan 2036 at Policy DH1 and Appendix 6.1 of that Plan. In the current Local Plan, there are more than 50 questions in the design checklist and none of the prompts, cross references or links to other policies are provided. We consider that the new more refined approach offers greater support and direction in a more streamlined way, making it more effective and easier to use. Nonetheless the experience of using the adopted design checklist has been positive, particularly in helping applicants who may have limited professional architectural support at applicant stage consider how to develop their proposals and structure their Design and Access Statements for submission.

A strength of this approach (encouraging designers through a considered design approach to their site) is that there is no one answer to the question "what does good design look like?" – there are many possible answers and solutions for sites in Oxford. The approach is not forcing developers into any particular solution which could have viability or deliverability concerns. At Appendix 1 of the Local Viability Assessment Update (SUP.002) it is identified that Policies HD1 (then identified as Policy HD8) has "no costs to development" and therefore "*no additional cost*"

implications for the assessment. That Appendix also identifies that the objectives of Policy HD12 (then identified as Policy HD15) "*can be achieved with little or no additional cost*" and therefore have "*no additional cost"* implications for the assessment.

As long as the applicant has been through this considered approach to design and can explain and demonstrate their rationale within the parameters set by the policy, then there will be nothing preventing permission being granted. Good design in this sense, can be achieved thoughtfully and cheaply, or alternatively, more expensively depending for example on the choice of materials and finishes.

Q3 Are the requirements in Policies S2, HD1 and HD12 justified, consistent with national planning policy and based on robust, up to date evidence? Have these requirements been adequately tested to ensure that they are viable and deliverable?

There is a clear direction in national policy to take the issue of design quality seriously in Local Plans and in decision making. In paragraphs 131-134 of the NPPF it is clear that design is a matter for a Local Plan, that a design guide or code should be prepared either as part of a Plan or an SPD, and that they should take account of the National Design Guide. The approach of the City Council at policies S2, HD1 and HD12 fits within this national policy framework.

Policy HD12 provides specific design guidance for the incorporation of bin and bike stores and external servicing features into proposals. This could be viewed as a very specific matter with limited impact, however experience in Oxford has consistently shown that these are important matters which have an outsized impact on the street scene and local amenity. We have seen that such detailed matters, if not considered as part of the original design can hugely detract from the quality of a scheme overall. We have a similar policy in the adopted Local Plan at Policy DH7 and this has proved an important policy in decision making.

This has become even more important in recent years where proposals to retrospectively add sustainability features such as charging and secure storage for e-bikes, rainwater storage, battery storage and renewable energy generation are becoming more popular. The City Council wants to encourage such measures, but they do need to be sited carefully.

As explained at question 2 above, the approach of these policies is not to force developers into any particular solution which could have viability or deliverability concerns. At Appendix 1 of the Local Viability Assessment Update (SUP.002) it is identified that Policy S2 is a "*land use issue only*" and therefore no cost implications for the assessment. As long as the applicant has had a considered approach to design and can demonstrate their rationale within the parameters set by the policy, then there will be nothing preventing permission being granted. Good design in this sense, can be achieved thoughtfully and cheaply or alternatively, more expensively depending for example on the choice of materials and finishes.

Issue 2 – Density, Views and Building Heights – Policies HD2 and HD6

Q1 What are the implications of the approach towards greater densities in Oxford? Would this lead to more tall buildings in the city? How has the High Buildings Study been considered in formulating this approach?

The City Council considers that the policies on density, and on views and building heights align well and will result in schemes which make efficient use of land and deliver much needed homes whilst protecting the heritage value of the Oxford skyline and significant views. In developing the strategy and approach of the Local Plan the City Council has sought to accommodate as much of our housing need as possible as explained at Matter 2. The Plan aims to increase densities and efficient use of land in a way that respects the city's historic character and unique identity, whilst also ensuring high-quality and sustainable development. Because we cannot meet our housing need within our boundaries, it is particularly important that we make all efforts to find housing capacity. As part of ensuring we have left 'no stone unturned' in the search for housing capacity, as well as searching thoroughly for sites, we need to consider density and capacity of each site in our assumptions carefully.

The approach has been to identify achievable and deliverable densities in Oxford's context, focussing on the efficient use of land. Background Paper 16 on efficient use of land (BGP.003) sets out in detail the approach the City Council has taken in defining the densities of Policy HD2. A key consideration in identifying appropriate densities is ensuring that they are set at a level that is achievable and will come forward. Achievable density does have limits. What is marketable will vary depending on the characteristics of the area. An area that is well connected, with a range of services in reach and good public transport will support higher density development that provides little parking and that is generally smaller and with less amenity space.

There is not a simple direct correlation between heights and densities. However, density and capacity will be limited by the heights that can be achieved, what is marketable and desirable. In Oxford the evidence is that this will often be houses and mid-rise flats, which then have significantly more value. Whilst it is important to maximise housing capacity, this should not be at the expense of other needs and considerations, or people's living conditions and the general attractiveness or liveability of the city. Viability evidence identifies that between about 7 and 12 storeys, residential developments are not viable because the extra costs of construction in order to make them safe outweigh the additional value from greater height until around 12 storeys is reached (see the Local Viability Assessment Update (SUP.002) at paragraph 6.9). In addition, taller buildings will need more space between them and increases in density become limited.

Assumptions on density also need to be deliverable and strike the right balance. The examples in Appendix 2 of the Background Paper (BGP.003) show that high densities can be achieved without becoming high-rise, although the densities expected in city and district centres may require buildings taller than prevailing heights. There may be circumstances where high-rise developments are an appropriate response, but the densities of HD2 are set at a level that will not require this, given that suitability will be case-by-case and won't be known without detailed design and testing of that design (in accordance with Policy HD6: Views and Building Heights).

The housing mix policy H5 is also flexible about the mix of unit sizes in these locations in order to enable this high density.

Much work has been carried out on the issue of tall buildings in Oxford; the High Buildings Study (HER.001b) and the View Cones Study (HER.002) provide helpful evidence for the Local Plan. The High Buildings TAN (HER.001a) helps apply the findings of the study and supports the delivery of Local Plan policy. Page 31 of the TAN identifies that there are "areas of greater potential" where new high buildings are more likely to be appropriate and "dynamic areas" where the Local Plan (the 2036 Local Plan albeit a similar spatial strategy is proposed in the 2045 Plan) is expected. It can be seen from this mapping that all of the district centres are included in these areas and as such the City Council has confidence that the application of the highest densities to these areas (in addition to the city centre) is evidenced and appropriate.

For these reasons, the City Council is confident that the densities can be increased in line with HD2 without causing harm to the heritage value of the skyline and views.

Q2 Is Policy HD2 sufficiently clear in relation to what is expected of the density of development and what the implications of higher densities could be? Should the Plan include a minimum density standard for city and town centres and other locations that are well served by public transport, consistent with paragraph 130 of the Framework?

Policy HD2 identifies the City Council's expected approach to densities in all parts of the city.

Densities are specified for:

- the City and District Centres - all of which as per NPPF paragraph 130a are "well served by public transport": over 100dph;
- Gateway sites (mixed areas on the edges of city on the main road network): over 80dph; and:
- Most other locations: over 60dph.

These densities have been tested and are considered to be achievable and deliverable in the Oxford context asset out at question 1 above. Each are expressed as "*indicatively taken to be over Xdph*". This gives a clear expectation of the Plan and will ensure that every opportunity is taken to make best use of the sites that come forward with a view to maximising capacity within the city. The City Council has long been of the view that densities are only ever a function of the design process, and are not an aim or ambition in themselves, as appropriate densities will not necessarily mean appropriate design. Another factor to consider is that many of the sites that come forward, especially in the city and district centres, are likely to be mixed-use and so a simple density calculation is less likely to be helpful.

This policy approach builds on the adopted policy of the 2036 Plan at Policy RE2 which uses the same phrasing: "*High-density development (for residential development this will indicatively be taken as 100dph) is expected in the city centre and district centres*". The City Council considers that this policy has been effective and useful in decision making; the 2045 Plan goes further by including other locations in the policy with appropriate densities.

Q3 Is the delivery of Policy HD2 over-reliant on flatted developments? How much of this type of accommodation been delivered in the city in the last five to ten years and how does it relate to identified housing needs?

The City Council's approach to densities (as set out above at question 2) has long been that achieving a specific density is not an end in itself, but simply an indicator of good design alongside other policies of the Local Plan such as indoor and outdoor space standards, housing mix and parking standards for example. The City Council's aim has been to maximise housing capacity whilst ensuring that good standards of living conditions are delivered and that housing mix meets identified needs.

The City Council does not as a matter of course monitor the delivery of houses and flats separately, focussing instead on the delivery of homes overall. However, a review of major residential schemes permitted over the past 10 years (as reported in the Authority Monitoring Reports) reveals the following:

Majors 2016 - 2026		
	Number of Flats	**Number of Houses**
2016	40	0
2017	101	6
2018	73	40
2019	46	2
2020	134	0
2021	172	181
2022	94	0
2023	384	292
2024	8	37
2025	38	195
2026	87	99
Total	**1177**	**852**

It is considered that this is a good mix between the two forms of housing and does not demonstrate an over reliance on flatted development. This is noteworthy in a city environment which is reliant on brownfield redevelopment of primarily small sites.

However, the Local Plan does not make a distinction between delivery of houses and flats, simply referring for example in Policy H5 to homes with different bedroom numbers. The Plan does make different policy requirements for flats where there are specific details which are important to address such as outdoor space standards for example. The focus of the City Council has been on delivering much needed homes and ensuring efficient use of land, without specifying whether those are houses or flats (or in any other format). Background Paper 1 on Housing Need Requirement and Mix (BGP.001a) sets out how the analysis of the Updated Housing Needs Assessment (HEA.001) and information from the Council's Housing Team has informed Policy H5: Mix of dwelling sizes. This explains that for example there is a long wait for 1 bedroom homes and this is expected to be a long-term trend. The mix set out at Policy H5 responds to this information with a clear expectation of the mix that is required to meet local needs.

The important factor for the City Council is that the homes that come forward meet local need and provide a quality living environment for occupants.

Q4 How would Policy HD6 ensure that very high-density developments would not harm views of the historic skyline in the Historic Core Area? Is Policy HD6 sufficiently clear what is expected of applications for planning permission in respect of tall buildings that would exceed 15 metres in height?

The City Council has considered the direction of national policy alongside the local circumstances and evidence on heights and density to find a balanced approach on the two issues which will help deliver much needed housing capacity.

It is worth noting that since the adoption of the 2036 Local Plan in 2020, the same very-high density requirement has been in place in the city and district centres. Whilst Policy HD6 is more explicit and introduces density figures for other parts of the city in addition, those highest densities of HD6 remain as is currently in the adopted Local Plan. As the most sensitive area of the city for tall buildings is the city centre core it is considered that the 2045 Local Plan does not introduce more risk to the historic skyline.

Policy HD6 requires that applications for buildings that exceed 15 metres will be required to provide additional information to enable officers and decision makers to fully assess the potential impacts of those schemes. This additional information is clearly set out and includes: a visual impact assessment, use of 3D modelling and a heritage impact assessment where appropriate. All of these tools are widely used and understood by applicants although support can be provided by the City Council where necessary. The City Council has found that where the appropriate information is provided up front and at the right level of detail, this has enabled a prompt assessment of impact and/or harm and enabled a swift response to consultations or planning applications. The City Council wants to do what it can to facilitate prompt decision making/advice provision, being clear in the Local Plan policy what is expected of schemes can assist with this. The inclusion of these additional pieces of information with an application will ensure that there is no delay with officers seeking additional information in order to assess an application.

To help provide greater clarity for applications for buildings exceeding 15m we would suggest a main modification to insert Appendix 2 of the High Buildings TAN as a new Appendix 6.4 (Indicative Building Height Thresholds) to the Local Plan.

Policy HD6: Paragraph 4:

Applications for any building that exceeds 15 metres (or the height set out in Appendix 6.4 ~~that the High Buildings TAN says may be impactful in that area~~ if that is higher) will be required to provide extensive information so that the full impacts of any proposals can be understood and assessed, including:

And Appendix 6.4 could be created as follows:

APPENDIX 6.4 INDICATIVE BUILDING HEIGHT THRESHOLDS

The wording of this appendix is included as an annex to the Council's response to Matter Statement 4.

And renumber any subsequent page numbers.

Q5 Are the requirements set out in policies HD2 and HD6 justified, consistent with national planning policy and based on robust, up to date evidence? Have these requirements been adequately tested to ensure that they are viable and deliverable?

Yes, the City Council considers that both policies HD2 and HD6 meet the tests of soundness.

Policy HD2: Making efficient use of land

In terms of the National Policy Framework, Paragraph 130 of the NPPF states: "*Where there is an existing or anticipated shortage of land for 37 meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site*". This is demonstrably the case in Oxford with its unmet housing need, and so the policies of the Local Plan seek to ensure that efficient use is made of land and that densities are used as a tool to deliver this. In this regard it is considered that the policy approach is justified.

In terms of viability, the Local Viability Assessment Update (SUP.002) looked at a wide range of development typologies when assessing the impact of the Plan's policies, thirteen of which were different sizes of residential site, houses and flats, and different densities of flatted development (see Table 4.1.1). The findings of this assessment were used to inform the requirements of the Local Plan. At Appendix 1 of the Viability Assessment it is identified that Policy HD2 (then identified as Policy HD8) has "no costs to development" and therefore "*no additional cost*" implications for the assessment.

In terms of deliverability, the work carried out to inform the densities of Policy HD2 involved an assessment of schemes which had already come forward in the city and the underlying densities at the different location types included in the policy. This is detailed in Background Paper 16 Efficient use of Land (BGP.003) and in particular at Appendix 1. This work shows that the proposed densities provide a "*significant uplift in the average density of residential*

development within these areas" as required by NPPF paragraph 130a; but also that recent schemes are delivering at these higher levels. In addition, Appendix 2 sets out some example densities from elsewhere as a reference to what can be achieved and has been achieved in other locations. All this work was reviewed by officers of the City Council's Urban Design and Heritage Team to ensure the practical implication and locally specific aspects of the selected densities.

Policy HD6: Views and building heights

In terms of the National Policy Framework, paragraph 203 of the NPPF states: "*Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats*". In the Oxford context the historic skyline created by the collection of nationally and internationally significant buildings in the city centre is a key heritage asset. The topography of Oxford and its setting means that this skyline can be viewed as a single entity whose composition varies according to the direction of viewing. These features mean that the city is particularly sensitive to the impacts of taller buildings, and care needs to be taken over the design and placement of such development where it is proposed so that taller buildings do not negatively impact on views of the iconic skyline. For this reason, it is justified that Policy HD6 seeks to set a framework for new developments which may impact on this asset.

In terms of viability, the Local Viability Assessment Update (SUP.002) at Appendix 1 identifies that the objectives of Policy HD6 (then identified as Policy HD9) is a "land use issue only" and therefore have "*no additional cost"* implications for the assessment.

In terms of deliverability, Policy HD6 is an evolution of a long-term approach taken by the City Council to ensure that the historic skyline which is so distinct to Oxford and nationally significant is retained and enhanced. That the skyline remains as a widely appreciated features that encapsulates Oxford's unique character, whilst Oxford has still evolved and responded positively to change over time, is testament to the success of the policy approach. The policy approach has changed over time and become more flexible, being more positively worded toward opportunities for exceeding the height, if it can be demonstrated its positive, justified and appropriate.

Issue 3 – Heritage Assets and Archaeology – Policies HD3, HD4 and HD5

Q1 Are the Plan's heritage policies consistent with the approach to conserving heritage assets in the Framework, having particular regard to the tests in paragraphs 213-216? ***and***

Q2 Are Policies HD3, HD4 and HD5 positively prepared, justified, effective and consistent with national planning policy?

The assessment of the impact of proposals on the historic environment is an important factor in Oxford with its wealth of high-quality assets. For this reason, the City Council has taken the approach to include three policies on heritage assets in the Local Plan. These policies do not reproduce national policy however, but provide a locally specific framework to guide development. Whilst the option of including a large suite of policies addressing the wide range of designated and non-designated assets was tested through the plan making process, the approach taken was to simplify this, taking designated assets together in Policy HD3, non-designated assets together in Policy HD4, and archaeology in Policy HD5. The reasoning and justification for this approach is set out below.

HD3: Designated Heritage Assets

The NPPF at paragraph 203 states:

"*Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:*

d) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;

e) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

f) the desirability of new development making a positive contribution to local character and distinctiveness; and

g) opportunities to draw on the contribution made by the historic environment to the character of a place."

As Oxford has over 1,500 listed buildings, 18 Conservation Areas, 10 Scheduled Ancient Monuments and 15 Registered Parks and Gardens, it is considered in this context that it is appropriate, in a city like Oxford, to provide certainty about the Local Plan's approach and strategy for these assets.

Policies HD3 is 'positively prepared', it opens with the phrase: "*Planning permission will be granted for development that respects and draws inspiration from Oxford's designated heritage assets, responding positively to their significance, character and distinctiveness and enhancing it where possible*". This is in line with other policies of the Local Plan and the spatial strategy at Policy S1 which seek to enable development. Whilst the second paragraph of HD3 refers to the NPPF, this limited reference is to defer to the national policy and not to repeat it in full. It is

considered that this limited reference is helpful to set the context for the following paragraphs which set locally-specific requirements for the submission of supporting evidence as part of applications, and also the considerations that decision makers will be using to assess applications. These considerations offer clarity to the user of the Plan on how the general, national policy approach to heritage assets apply specifically in Oxford, for example in Policy HD3 with the relationship to the River Cherwell at f) and on key views at g). It is considered that this approach is justified in the context of Oxford's wealth of heritage assets. This approach is very similar to the policy approach taken in the adopted Local Plan at Policy DH3 which has been working effectively since that plan was adopted in 2020. The main difference between the adopted and proposed approach is that discussion of 'harm' is now deferred to the NPPF in HD3 as is appropriate.

To make the policy more effective and to address comments raised by Historic England in their Regulation 19 representation it is suggested that references to 'heritage statement' in the policy implementation section and main policy text box could be changed to 'heritage assessment' as follows:

Policy implementation 1st bullet point:

- *Proposals will need to consider the potential for direct impact upon the significance of a heritage asset, and/or its setting and where there is potential for impact on a designated heritage asset the application should be accompanied by a heritage ~~statement~~ assessment. The policy sets out expectations for what this should cover, and Historic England have produced guidance on what should be included in a heritage ~~statement~~ assessment and how they should be structured (Statements of Heritage Significance: Analysing Significance in Heritage Assets).*

Policy HD3 3rd paragraph:

The understanding of harm will be based on an understanding of context, including a description of the designated heritage asset and its significance, and an assessment of the impact of the proposed development on its significance. In cases where a proposal could result in less than substantial harm, this will need to be clearly and convincingly justified within the heritage ~~statement~~ assessment. Substantial harm to or loss of significance of a designated heritage asset should be exceptional in the case of Grade II assets and wholly exceptional in all other cases, and planning permission or listed building consent will only be granted if the requirements of paragraph 214 (or the equivalent in any update) of the NPPF can be demonstrated as set out in a heritage ~~statement~~ assessment.

Policy HD3 4th paragraph:

A heritage ~~statement~~ assessment must include information sufficient to demonstrate:

To make the policy more effective the following additional wording could also be added to criterion b) and c) as follows:

b) That the development of the proposal and its design process have been informed by an understanding of the significance of the heritage asset including its setting, that enhancements to significance and its appreciation have been identified where possible, and that harm to its

significance has been avoided or where it's not possible, any harm has been minimised through thoughtful design; and

c) That, in cases where development would result in harm to the significance of a heritage asset, the level of harm has been properly and accurately assessed, that alternative designs to respond to heritage constraints and/or opportunities have been explored, and that measures are incorporated into the proposal that mitigate or reduce the harm where appropriate and/or deliver other heritage benefits.

Furthermore, a further subheading and additional text could be added to make the policy more effective:

Specific considerations for scheduled monuments
Proposals within the site or setting of scheduled monuments should consider the potential for non-designated heritage assets of archaeological interest, which could be of demonstrably equivalent significance to scheduled monuments. Where present, impacts on these assets will need to be addressed in line with the requirements of Policy HD5 and the NPPF.

HD4: Non-Designated Heritage Assets

The focus of Section 16 of the NPPF on conserving and enhancing the historic environment is focussed (understandably) on designated heritage assets. Paragraph 216 is the only reference to non-designated assets: "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*". As set out in the Policy context for HD4, we have a well-developed register of non-designated heritage assets called the Oxford Heritage Asset Register with currently over 125 additional assets, and this register is kept open with a nomination form on our website. Also, as identified in the Policy context section, this list is not exhaustive. It is considered that the approach taken in HD4, to provide clarity on what may constitute a non-designated heritage asset in the Oxford context and the approach that will be taken in assessing applications that affect them, is appropriate and in line with the NPPF.

The intention of Policy HD4 is to be positively prepared in line with the approach for designated assets at HD3. However, it is considered that a small change to the wording would make this more explicit; it is proposed that the second paragraph of Policy HD4 could be amended as follows:

Planning permission will ~~only~~ be granted for development affecting a local heritage asset or its setting ~~if~~ where it is demonstrated that due regard has been given to the impact on the asset's significance (including its setting) and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development.

The approach of HD4 is very similar to the policy approach taken in the adopted Local Plan at Policy DH5 which has been working effectively since that plan was adopted in 2020. The main difference between the adopted and proposed approach is that discussion of 'harm' is deferred to the NPPF in HD4 as is appropriate.

HD5: Archaeology

There are two references to archaeological interest in the NPPF in relation to plan making. At paragraph 205b it says that LPAs should maintain a historic environment record to predict the likelihood that currently unidentified assets, particularly sites of historic and archaeological interest will be discovered in the future. It is clear that the likelihood of sites of archaeological interest being discovered in Oxford is high. Policy HD5 therefore identifies the specific area where this is most likely, the City Centre Archaeological Area and this is identified on the Policies Map. The second reference at NPPF paragraph 207 states that "*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*". As such Policy HD 5 sets out what will be expected to support applications in this regard. It is considered that this approach is in line with the NPPF and adds particular value to the Local Plan as a locally-specific application of national policy.

Policy HD5 is 'positively prepared'; it is framed around the information that will be required to assess applications where there is likelihood to be unidentified assets. The policy facilitates the granting of permission even in areas of the highest likelihood of unidentified archaeological remains, subject to the appropriate investigations having taken place. It is considered that the inclusion of a policy on archaeology is justified in a city where this is an issue for many applications which come forward. For reference the most recent Annual Monitoring Report published for the city records that there were 53 applications with archaeological implications in the past year (Annual Monitoring Statement for Archaeological Assets 2024 | Oxford City Council). Policy HD5 takes a similar approach to the adopted policy DH4 of the 2036 Local Plan, we have found that this policy is effective, it is clear to applicants what supporting information is required as part of a relevant application and enables the City Council's archaeologist to access the information needed in order to respond promptly to consultations.

To make the policy more effective and to ensure consistency with references in Policy HD3 the references in the 'Policy implementation section' and policy text could be amended from 'heritage statement' to 'heritage assessment' as follows:

Policy implementation 1st bullet point:

- *The medieval core of the city (the City Centre Archaeological Area defined on the Policies Map) has an exceptionally high concentration of archaeological remains, as do some allocated sites and other known locations, so the policy requires that any significant breaking of the ground in these locations will require an archaeological assessment within the heritage ~~statement~~ assessment.*

Policy HD5 1st paragraph:

Within the City Centre Archaeological Area, on allocated sites where identified, or elsewhere where archaeological deposits and features are suspected to be present (including upstanding remains), applications should be accompanied by a heritage ~~statement~~ assessment. A heritage ~~statement~~ assessment should include and be informed by a description of impacted

archaeological deposits or features (including where relevant their setting) that should as a minimum be informed by relevant information from the Oxford Historic Environment Record.

Policy HD5 2nd paragraph:

The heritage ~~statement~~ assessment or, if appropriate, archaeological desk-based assessment should contain:

The 7th paragraph of the policy text could also be amended to make it more effective as follows:

Proposals which would or may affect archaeological deposits or features that are designated heritage assets will be considered against the relevant policy approach ~~(Draft Policy HD2 Listed Buildings, Draft Policy HD4 Scheduled Monuments)~~(Policy HD3: Designated Heritage Assets).

In drafting these three policies, the City Council has worked closely with Historic England as the statutory consultee on these matters. Historic England has supported the approach taken in the Local Plan. We have a Statement of Common Ground with Historic England (COM.015). In Appendix A of the Statement of Common Ground there is a summary of Historic England's Regulation 19 response. They support policies HD3, HD4 and HD5 subject to some amended references, and some amendments to Policy HD3.

Issue 4 – Health Impact Assessments

Q1 Is Policy HD7 justified, effective and consistent with paragraph 96 of the Framework, which requires planning policies to aim to achieve healthy, inclusive and safe places?

Yes, the City Council considers that Policy HD7 is justified, effective and consistent with paragraph 96 of the National Planning Policy Framework (NPPF).

The policy directly supports the NPPF objective of achieving healthy, inclusive and safe places by ensuring that the health implications of major development proposals are properly assessed and addressed through the development management process. The supporting text recognises that the built and natural environment are key determinants of health and wellbeing and that planning decisions can have a significant influence on both physical and mental health outcomes. The policy therefore seeks to ensure that health considerations are embedded within the design and assessment of major development proposals from the outset.

The policy is justified by the evidence that health outcomes are influenced by a wide range of planning matters, including housing quality, access to services and facilities, active travel opportunities, environmental quality, green infrastructure, air quality, climate resilience and social inclusion. These themes are reflected throughout the Local Plan and align with the Plan's overarching vision of creating “a healthy and inclusive city to live in”. The policy provides a mechanism to assess how major development proposals interact with those objectives and whether mitigation is required.

The Council considers the policy to be effective because it establishes a clear and proportionate framework for Health Impact Assessments (HIAs). It only applies to major development proposals and sets out the minimum matters that an HIA must address, namely:

- the characteristics of the site and surrounding area;
- the identification of affected population groups and existing health inequalities;
- the assessment of positive and negative health impacts; and
- mitigation and monitoring measures.

The policy also expressly states that the level of detail should be proportionate to the development proposed and agreed with the case officer, thereby ensuring flexibility in its application and avoiding unnecessary burdens where impacts are limited. In addition, the policy is supported by Appendix 6.2 and a dedicated Technical Advice Note, which will assist applicants in preparing HIAs and provide consistency in implementation.

The policy is consistent with paragraph 96 of the NPPF because it positively seeks to promote healthy, inclusive and safe communities and supports development that improves health outcomes and reduces health inequalities. The NPPF requires planning policies to create places that promote social interaction, are safe and accessible, enable active and healthy lifestyles, and support healthy communities. Policy HD7 helps deliver these objectives by ensuring that the likely health effects of major development are identified, considered and responded to through the planning process.

Furthermore, Policy HD7 does not operate in isolation. It complements a range of other Local Plan policies relating to active travel, green infrastructure, air quality, accessibility, community facilities, climate resilience, amenity and high-quality design. Together these policies form a comprehensive framework for promoting healthy placemaking, with Policy HD7 providing an important assessment and monitoring tool to ensure that health outcomes are properly considered across major developments.

For these reasons, the Council considers that Policy HD7 is justified by the evidence base, capable of being implemented effectively, and fully consistent with national policy objectives relating to healthy, inclusive and safe places.

Q2 Would a separate Health Impact Assessment be necessary for all site allocations? If so, would this requirement consistent with Public Health England Guidance which advises that health impact assessments are a useful tool to use where there are expected to be significant impacts?

Sites have only been allocated in the Local Plan if they have been assessed as likely to delivery major development. Major development is expected to have significant impacts and a HIA would be required. Therefore, it will nearly always be the case that applications related to site allocations will need to provide a health impact assessment, because of the expected significant impacts. Appendix 6.2 is clear that the scope of the HIA should be discussed and agreed to ensure a proportionate response. Of course, there could be instances where a minor application comes forward on an allocated site, and this would not trigger the need for an HIA.

Q3 Is it sufficiently clear what is meant by 'large scale development' for the purposes of Policy HD7? How will the policy be implemented and how will it be effective in this regard?

HD7 clearly states that Health Impact Assessments should be submitted for all major development proposals. Major development is clearly defined in the glossary. The Policy HD7 does not make reference to 'large scale development'. The policy clearly explains the minimum requirements of what is expected and signposts to Appendix 6.2 and the Council's Technical Advice Note for additional information and guidance on how to complete a fully effective HIA and what level of detail is required in proportion to the development, agreed with the relevant case officer. Major development may be expected to have significant impacts, and, as such, using major development as the trigger for submission of a HIA is considered to be a clear and justified threshold.

Q4 Is Policy HD7 sufficiently clear how any potential adverse health and wellbeing impacts from residential or other development that is not 'large scale' would be dealt with? Is the policy effective in this regard?

Yes. Policy HD7 is proportionate in only requiring a Health Impact Assessment for major development. For development below this threshold, potential health and wellbeing impacts would continue to be assessed through the wider policy framework of the Plan. Policies relating to design, amenity, green infrastructure, air quality, flood risk, climate resilience, transport and community facilities all contribute to protecting and enhancing health and wellbeing and apply according to the scale and nature of development. The policy is therefore effective, as it targets the HIA requirement at development most likely to have significant health impacts, while ensuring smaller schemes are addressed through other relevant Local Plan policies.

Issue 5 – Living Conditions – Policies R8, HD8, HD9 and HD10

Q1 Policy R8 states that planning permission will not be granted for sensitive development close to the Sewage Treatment Works, unless it is accompanied by a technical assessment, prepared in consultation with Thames Water, that shows there will be no adverse amenity impact on future occupiers of the proposed development or that sufficient mitigations can be incorporated to ensure that any potential for adverse impact will be avoided. What is the justification for this requirement and is the policy sufficiently flexible enough to be effective?

Sewage treatment works can generate impacts such as odour, noise and operational disturbance. The NPPF requires proposals to secure a good standard of amenity for existing and future users of land and to prevent unacceptable pollution impacts. Where sensitive uses such as housing, schools or care facilities are proposed close to a treatment works, there is a risk that future occupiers could experience adverse living conditions.

The requirement for a technical assessment prepared in consultation with Thames Water is justified because the sewerage undertaker is best placed to advise on the operation, capacity and potential nuisance effects associated with the treatment works. This technical assessment should also ensure that there will be no significant adverse impacts on future occupiers; this cannot be achieved solely through fixed distances criteria, as odour and other amenity impacts are highly site-specific.

Policy R8 helps avoid future land-use conflicts that could otherwise place pressure on the continued operation of essential wastewater infrastructure.

The policy does not impose an absolute prohibition on sensitive development near the sewage treatment works. Instead, it allows permission where either the technical assessment demonstrates that there will be no adverse amenity impact, or where suitable mitigation measures can be incorporated to avoid adverse impacts. This approach is effects-based rather than distance-based, allowing future advances in mitigation or changes in the operation of the treatment works to be considered without requiring a policy review, and is therefore considered sufficiently flexible.

Q2 Is it sufficiently clear what is meant by 'sensitive development' for the purposes of Policy R8? How will the policy be implemented and how will it be effective?

The term "sensitive development" is sufficiently clear when read in the context of planning practice and the supporting text. It is not necessary for the Plan to provide an exhaustive definition or list of sensitive development types; instead the term is understood to mean a proposed use or occupation which may be particularly susceptible to adverse amenity impacts arising from its proximity to sewage treatment works. This provides an appropriate basis for assessing individual applications, while avoiding unnecessarily prescriptive definitions which could fail to accommodate changes in development types over the plan period, or development which may only be sensitive in certain circumstances.

The policy contains a clear mechanism for implementation through the submission of a technical assessment prepared in consultation with Thames Water. By permitting development where impacts can be shown to be acceptable, or adequately mitigated, Policy R8 is effective in protecting the amenity of future occupiers whilst avoiding an unnecessarily restrictive approach to development.

Q3 Are the requirements set out in policies HD8, HD9 and HD10 justified, consistent with national planning policy and based on robust, up to date evidence? Have these requirements been adequately tested to ensure that they are viable and deliverable?

The three policies address important and complementary aspects of sustainable development, ensuring that new development in Oxford makes efficient use of available land while respecting the city's distinctive character, protecting its historic environment and promoting the health and wellbeing of existing and future residents. The policies respond to the importance of delivering high-quality residential development and ensuring that new homes provide acceptable living conditions for existing and future residents, as is required by the NPPF.

The City Council commissioned BNP Paribas Real Estate to prepare the Oxford Local Plan Viability Assessment published in December 2025 (SUP.002). This assessment considers the ability of development in Oxford to accommodate the emerging Local Plan requirements alongside other development costs and planning obligations. In relation to the three policies, the assessment identifies no additional development costs, on the basis that the objectives of policy HD8 can be achieved through best-practice design.

In terms of policy HD9, the Nationally Described Space Standards are incorporated into the viability assessment assumptions. These standards are already required by the extant Local Plan and therefore do not represent an additional policy cost. The application of these nationally recognised standards provides clarity and consistency for developers, decision-makers and future occupiers, and is considered to be consistent with national policy objectives in relation to good design, and the creation of healthy high-quality places.

The development typologies incorporate sufficient site area to accommodate outdoor amenity space requirements as outlined in policy HD10, helping to create attractive and healthy neighbourhoods. The viability assessment accounts for these requirements in its assumptions about development capacity. The Council considers that this provides an appropriate basis for concluding that the requirements of these policies have been adequately considered through the Plan's viability assessment.