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## South Oxfordshire and Vale of White Horse Joint Local Plan 2041 Examination

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### INSPECTORS' PRELIMINARY MATTERS AND INITIAL QUESTIONS

#### Introduction

As you are aware, we have been appointed by the Secretary of State to hold an Independent Examination of the South Oxfordshire and Vale of White Horse Joint Local Plan (the Plan). We look forward to working with the Council, representors, and the Programme Officer to progress the Examination.

We have commenced our preparation which has involved an initial read through of the Plan, the submitted evidence, and the representations. From this, some preliminary matters and initial questions (IQs) have arisen for which we seek some early clarification from the Councils.

These preliminary matters and initial questions are not exhaustive, and further reading may give rise to additional queries relating to legal compliance and/or soundness. The Councils' response will help to determine how best the Examination should proceed. It will also inform the Matters, Issues and Questions (MIQs) on the legal compliance and soundness of the Plan, and work towards establishing the examination timetable and format.

## **The Submission Plan**

The Councils have submitted the South Oxfordshire and Vale of White Horse Joint Local Plan: Pre-submission publication version October 2024 (CSD01). This is the Plan to be examined.

A revised version of the National Planning Policy Framework (NPPF) was published December 2024. The examination of the Plan, having regard to transitional arrangements, will be assessed for consistency in relation to the December 2023 version of the NPPF.

The Local Development Scheme (OCD01) indicates that the Plan is expected to be adopted in December 2025. The NPPF expects strategic policies to look ahead over a minimum 15-year period from adoption. However, were there to be any delays to the Plan there is a risk that this requirement would not be met.

Appendix 5 contains site allocation policies “carried forward” from previous local plans: the South Oxfordshire Local Plan 2035 and the Vale of White Horse Local Plan 2031 Part 1 and Part 2. In addition, Policy HOU2 and Policy JT1 identifies sites carried forward from previous plans as contributing to housing/employment land supply.

**Inspector Question (IQ) 1** What is the status of policies/allocations “carried forward”? Are these Saved policies? Are they allocated/to be examined as part of this Plan? How are they shown on the Policies Map?

The submission documents list includes a Schedule of Proposed Modifications (CSD01.1). **IQ2** Can the Councils confirm that these have not been subject to any consultation to date? If that is the case, the Examination will be based upon the Submission version of the Plan with due regard given to the Councils’ proposed schedule as a supporting document. If there has been some public consultation, please confirm the dates of the consultation.

**IQ3** Is the Policies Map collectively formed by CSD02.1 Emerging Policies Map – Vale of White Horse (PDF) (Publication Version); CSD02.2 Emerging Policies Map – South Oxfordshire (PDF) (Publication Version) and CSD02.3 Emerging Policies Map Booklet (Publication Version)?

## **Legal Compliance – the Duty to Cooperate**

### **General engagement and Statements of Common Ground**

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out a list of prescribed bodies to which the Duty to Cooperate (DtC) applies.

Paragraphs 24-27 of the NPPF identify the requirements for maintaining effective cooperation. Paragraph 27 requires effective and on-going joint working to be demonstrated through the preparation of one or more Statements of Common Ground (SoCG) to be produced and made publicly available through the plan making process. The Planning Practice Guidance (PPG) clearly sets out the scope of SoCG and identifies when they should be produced and what they should document.

The DtC Statement (CSD09.01) refers to separate SoCG being submitted with adjoining authorities in addition to the joint SoCG between the Oxfordshire authorities (DUC01). **IQ4** Can the Councils provide a timeframe for the submission of these SoCGs?

**IQ5** Are there any other SoCGs anticipated? If so, with whom and when can these be expected to be submitted?

**IQ6** Are there any other SoCGs expected with the prescribed bodies? for example, a SoCG with the Environment Agency?

**IQ7** Can the Councils provide the evidence of continuous engagement with the prescribed bodies?

The DtC Statement (CSD09.1) dated December 2024 was submitted for examination with the Plan. It identifies the Duty to Cooperate bodies and the strategic planning matters upon which engagement should take place.

**IQ8** Have all of the strategic planning matters been identified?

**IQ9** Have the strategic planning matters identified in the Duty to Cooperate Scoping Document (LPP12) been carried forward to the DtC Statement (CSD09.1)?

**IQ10** Can the Councils set out the structure and processes which they put in place to ensure that engagement continued following the decision to abandon the Oxfordshire Plan. It would be useful if this was produced in the form of a diagram setting out the various tiers of the hierarchy across which engagement took place, including at an officer and managerial level.

Section 3 of the DtC Statement (CSD09.01) sets out a summary of the various meetings undertaken during Plan preparation. Whilst the table provides some information regarding engagement with DtC bodies it does not provide sufficient evidence to demonstrate that the DtC has been met.

For example, the table in section 3 refers to ‘as per published board minutes’, ‘notes filed’, or ‘note of meeting produced’; however, these are not included.

For **IQs 11 to 35**, the following information should be provided to demonstrate effective and on-going joint working for the Plan.

- i) A record of the meetings/workshops/discussions in terms of minutes, notes or summaries.
- ii) The topics covered, and the strategic matter affected.
- iii) The outcome, actions or action lists arising from the meeting
- iv) Identify any areas of disagreement and how attempts have been made to resolve them.
- v) How the engagement influenced the development of the evidence base and Plan policy.

Can the above information be provided for each of the entries in the table in section 3.

**IQ11** The first three lines of the table in Section 3 refers to meetings held “at various dates throughout the JLP Plan preparation period 2021-2024” with all Oxfordshire Local Authorities; the Oxfordshire Growth Board; and Oxfordshire County Council. Can a more detailed list be provided of these meetings which took place during the course of Plan preparation including the information i-v set out above.

**IQ12** A number of the entries included in the table in Section 3 relate to engagement on other Council's Plans. Can a **separate** table be provided relating to specific engagement on the Plan itself, including the evidence base, subdivided into topic areas, together with information i-v set out above.

### **Engagement on the housing requirement/needs/unmet needs/supply**

The table at Section 3 of the DtC Statement (CSD09.01) sets out a summary of engagement undertaken in relation to the housing requirement, needs, unmet needs and supply. Early engagement (2021-2022) appeared to be centred around the now abandoned Oxford Growth Needs Assessment (OGNA), Oxford's emerging Local Plan and unmet need. However, no minutes of the meetings have been provided in terms of discussions surrounding the housing requirement and why the OGNA was abandoned. For example, reference is made to a meeting which was held 27/03/23 relating to housing need and supply with Oxford City which states that actions are in a note; however, this note is not available.

**IQ13** Can the information set out at i-v above be provided for those meetings.

Other meetings referred to in the table are in relation to the housing need of other authorities, i.e. Swindon, Cherwell. Later entries (October/November 2024) refer to the meetings regarding this Plan in terms of housing need and supply; however, these meetings were close to the submission date (9 December 2024) of the Plan.

**IQ14** Can the Councils provide evidence of **early** and **continuing** engagement throughout the Plan process specifically on the preparation of the evidence base for housing needs and the requirement for the Plan (as opposed to other Council's plans) including the information set out at i-v. Whilst no unmet housing need has been identified, there may be other strategic or cross-boundary issues arising from the evidence base.

**IQ15** Can the Councils provide evidence of engagement in relation to Oxford City's Unmet Housing Need and how the unmet need is met within the Plan?

Oxfordshire Councils prepared a Joint Housing and Economic Land Availability Assessment Methodology (HELAA).

**IQ16** However, what specific engagement took place on the Councils own HELAA?

Reference is made to 'bespoke informal engagement with all Oxfordshire authorities' at paragraph 2.36 of the DtC Statement regarding the assumptions used in the Councils own HELAA.

**IQ17** Is there supporting evidence of these meetings? How did engagement influence the outcome of the HELAA and subsequent policy outcomes?

**IQ18** Can the Councils provide evidence of engagement regarding site allocations which lie adjacent to neighbouring districts?

A number of entries in the Table in Section 3 of the DtC Statement refers to meetings held with regards to the Oxfordshire Gypsy and Traveller, Travelling Showperson and Boat Dweller Accommodation Assessment 2024 (GTAA) (HES13.1).

**IQ19** Can evidence be provided of that engagement?

**IQ20** Which cross-boundary/strategic issues arose during the preparation of the GTAA and how were those resolved?

**IQ21** Were any cross-boundary/strategic issues identified in terms of the approach which the Plan took to accommodating the needs arising from the GTAA? If so, how were those resolved? Can evidence be provided of this engagement?

### **Engagement regarding employment need, land and supply**

The table at Section 3 of the DtC Statement (CSD09.01) sets out a summary of engagement undertaken which includes reference to employment land matters.

**IQ22** Can the Councils set out a specific timeline which indicates when and with whom engagement took place on the evidence base for employment, including the methodology and geography of the Employment Land Needs Assessment (ELNA) for the Plan?

**IQ23** Can evidence (i-v) be provided for each of the entries in the timeline of this engagement?

The Functional Economic Market Area has been defined by commuting data, administrative boundaries, housing and commercial data. In addition to South

Oxfordshire and the Vale of White Horse, it also includes Oxford and West Oxfordshire.

**IQ24** What engagement has been undertaken on the definition and outcome of this part of the methodology? Can evidence be provided for this?

**IQ25** Are there any outstanding concerns regarding the methodology for the ELNA? If so, what evidence is available of engagement that has taken place to resolve concerns?

Several meetings were held with West Berkshire regarding their employment land unmet need.

**IQ26** Was this resolved? **IQ27** Can any evidence be provided of this engagement and confirmation of the outcome of discussions?

The employment land supply exceeds requirement, and this is reflected in the Plan's approach to employment.

**IQ28** What would be the implications for adjoining authorities? **IQ29** How have the Councils engaged with adjoining authorities on the potential implications?

**IQ30** Are there any outstanding concerns regarding the employment land and requirements? If so, what engagement has been undertaken to resolve these concerns?

### **Engagement regarding the Lowland Fens Study (NHL06)**

Appendix 1 of the DtC Statement states that records show that Oxford City Council were invited to discuss the Lowland Fens Study.

**IQ31** Is there evidence to support this stance?

**IQ32** What engagement took place with other prescribed bodies and adjoining authorities in relation to the Lowland Fens Study?

### **Engagement regarding transport and infrastructure**

**IQ33** The table in section 3 includes reference to several meetings relating to transport and infrastructure; however, is there evidence (i-v) to support these meetings?

**IQ34** Are there any unresolved issues relating to transport and infrastructure and if so, what attempts have been made to resolve those issues, including supporting evidence?

**IQ35** What engagement has taken place on the Infrastructure Delivery Plan? Is there evidence to support this?

We suggest that any additional information provided by the Council could be an addendum to the DtC Statement.

### **Public Consultation**

Councils are required by Section 19(3) of the Planning and Compulsory Purchase Act 2004 to prepare their local plans in accordance with their statement of community involvement.

**IQ36** Are the Councils satisfied that they have prepared the Plan in accordance with their statement of community involvement (OCD02)?

**IQ37** Were any concerns raised in the representations made under regulation 20 that the consultation failed to comply with the statement of community involvement and if so, what is the Councils response to this? (OCD02)?

### **Equalities**

Public authorities are required under section 149 of the Equality Act 2010 to have due regard to the following aims when exercising their functions:

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation) and persons who do not share it; and c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

An Equality Impact Assessment (CSD06) of the Plan has been carried out. This concludes that the policies within the Plan will have either a positive or no direct impact on all people with protected characteristics. The assessment found no



evidence that any of the policies will have a negative impact on people with protected characteristics.

**IQ38** Were any concerns raised in representations made under regulation 20 that the Plan is likely to adversely affect persons who share relevant protected characteristics as defined in section 149 of the Equality Act 2010?

### **Habitats Regulation Assessment**

A Habitats Regulations Assessment Preliminary Screening Report (CSD04) in December 2023 screened all proposed policies and site allocations at the preferred options stage of plan preparation. The conclusion at that stage was that the majority of proposed policies were unlikely to significantly affect a European site, however, those which propose certain sites for development may do. Paragraph 2.3.1 indicated that an Appropriate Assessment evaluating the implications of the plan, either alone or in combination with other plans or projects would accompany the Regulation 19 stage of the plan preparation.

**IQ39** Was a version of the Habitats Regulation Assessment (Appropriate Assessment) published alongside the proposed submission documents for public consultation in accordance with Regulation 19?

**IQ40** How has the Habitats Regulation Assessment and Appropriate Assessment informed the plan preparation and policy formulation process?

The Habitats Regulation Assessment Appropriate Assessment (CSD04.1) in paragraph 7.3.2 indicates that likely significant air pollution effects cannot be currently ruled out for Oxford Meadows SAC, Cothill Fen SAC and Aston Rowant SAC. Discussions with Natural England are underway as to the scope of modelling work to inform the assessment of air quality effects and an update will be published once this work is completed. The SoCG with Natural England (DUC05) reaffirms the need for this modelling work.

**IQ41** Can the Councils provide an update on progress with the modelling work required to inform the assessment of air quality impacts on these European Sites and the timescale for a potential update to CSD04.1?

**IQ42** Will the scope of the modelling work on air quality involve any in-combination work in relation to plans and projects in neighbouring authorities?

The DtC Statement (CSD09.1) in paragraph 2.37 refers to the Oxfordshire authorities, led by the County Council, having worked on an Explanatory Note to consider air quality effects of their plans in-combination with each other.

**IQ43** Can the Councils explain what is the purpose of this Explanatory Note? Is it likely to be submitted to the Examination? How will it affect the Plan being examined?

**IQ44** Are there any outstanding concerns from Natural England (or other representators) about the Habitats Regulations Assessment including the Appropriate Assessment? If so, what are they and what is being done to resolve them?

### **Sustainability Appraisal and Spatial Strategy Options**

The NPPF in paragraph 32 states that local plans...should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed the relevant economic, social and environmental objectives (including opportunities for net gains).

**IQ45** Are the Councils satisfied that the submitted Sustainability Appraisal (SA) meets the relevant legal requirements?

**IQ46** Are there any outstanding concerns raised in representations that the SA did not meet the relevant legal requirements and if so, what is the Councils response to this?

**IQ47** How has the SA informed and influenced the preparation of the Local Plan at each stage?

**IQ48** How has it been recorded/reported and is it available to the Examination?

A consultation period closed on the 17 January 2025 for the Sustainability Appraisal Technical Addendum to the Scoping Report (CSD03.1).

**IQ49** When will the consultation responses and any commentary from the Councils be available for the Examination?

**IQ50** Are there any implications from this Technical Addendum for the Examination?

The local plan preparation process requires consideration of “reasonable alternatives”. These should take account of the objectives and geographical scope of the plan.

**IQ51** What were the reasonable alternatives considered in the preparation of the Plan in terms of:

(a) the amount of housing, economic and other development to be accommodated?  
and

(b) the spatial strategy for accommodating that development, including the settlement hierarchy?

**IQ52** Was a higher housing growth option considered during the plan preparation process?

### **Strategic Priorities**

Local planning authorities must identify strategic priorities for the development and use of land in their area in accordance with section 19(1B) of the Planning and Compulsory Purchase Act 2004 (as amended).

**IQ53** What are the Councils’ strategic priorities for the development and use of land in the joint plan area?

### **Strategic and Non-Strategic Policies**

The NPPF in paragraph 21 states that plans should make explicit which policies are strategic policies. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Planning Practice Guidance (PPG) on plan-making provides further advice on strategic policies. The PPG Neighbourhood Planning Paragraph: 076 Reference ID: 41-076-20190509 also sets out further guidance on how a strategic policy is determined.

Appendix 2 of the Plan identifies 101 out of a total of 105 policies to be strategic, leaving only 4 policies deemed to be non-strategic.

**IQ54** Do each of the 101 policies meet the criteria for strategic policies set out in national policy and guidance?

### **Housing Requirement/Housing Needs/Housing Supply**

Section 5 of the HNA (HES15.1) sets out the joint housing need for both Councils based on the Standard Method in accordance with the NPPF utilising 2014-based household projections. Paragraph 5.6 states that in assessing the appropriate mix of housing, it is necessary to establish demographic projections to align with the number of homes identified by the standard method. The HNA has, therefore, undertaken demographic projections based on the latest official projections. It has utilised a 10-year migration trend variant of the 2018 based household projections, adjusted to take account of the Census 2021 and mid-year population estimates. Paragraph 5.7 then goes on to explain how the model aligns this recent trend household growth with the LHN target.

**IQ55** Is the method used to align the two approaches appropriate?

Paragraph 4 of the Executive Summary of the HNA states that the “Employment Land Needs Assessment yielded a projected jobs growth for both areas which is consistent with achieving a balance between the number of workers in the areas and the number of jobs when sustainable commuting flows have been allowed for. There is no requirement for a higher dwelling target to accommodate the projected workforce”.

**IQ56** How has this conclusion been arrived at? **IQ57** What evidence is there to support this assumption?

The Plan seeks to continue to meet the agreed unmet housing needs of Oxford City by the inclusion of an annualised figure. **IQ58** Does the Plan make provision to meet the agreed unmet housing needs in full, bearing in mind the base date of the Plan and previous delivery?

**IQ59** As the Plan does not include a separate trajectory of the Oxford City unmet need how is it intended to monitor progress in delivering that unmet need?

## **Gypsies and Traveller Accommodation**

The NPPF expects strategic policies, as a minimum, to provide for objectively assessed needs to be met including the housing needs for different groups in the community.

The Gypsy and Traveller, Travelling Showperson and Boat Dweller Accommodation Assessment (GTAA; HES13.1) was published December 2024, post submission, publication and consultation on the Plan.

**IQ60** How does the requirement for Gypsy and Traveller pitches and Travelling Show Person plots compare to the previous GTAA/evidence of need?

**IQ61** Can the requirement identified in the GTAA 2024 be accommodated on existing sites and sites identified within the Plan?

**IQ62** Are there any implications for the content of the Plan and/or the evidence base arising from the revised Planning Policy for Travellers Sites published in December 2024? In particular, does the GTAA 2024 take account of the revised definition of Gypsies and Travellers in defining existing and future needs?

## **Biodiversity Net Gain**

The Biodiversity Net Gain (BNG) guidance in the PPG in Paragraph: 006 Reference ID: 74-006-20240214 is clear that plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified.

**IQ63** What is the justification for the 20% requirement in Policy NH2?

**IQ64** How would the requirement be implemented?

**IQ65** How would this requirement affect the viability of relevant development?

## **Climate change and improving environmental quality**

The Written Ministerial Statement made on 13 December 2023 Planning – Local Energy Efficiency Standards Update states that the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations.

**IQ66** Can the Councils provide justification for the policy requirements in Chapter 4 going beyond the current/planned building regulations?

**IQ67** Can the Councils provide evidence to demonstrate that development would remain viable in the Plan area with those requirements?

**IQ68** Do the policies provide sufficient flexibility where applicants can provide evidence that meeting the higher standards would not be technically feasible or viable?

### **Infrastructure Delivery Plan**

The Infrastructure Delivery Plan (IDP) (CSD05.1) sets out the infrastructure requirements for the large-scale site allocations AS1-AS5 and AS8-AS10 together with the Didcot Garden Town Area.

**IQ69** What about the infrastructure requirements for other site allocations proposed within the Plan?

The IDP considers infrastructure requirements for the categories of education; transport and highways; leisure; green infrastructure and open space; healthcare; utilities and other.

**IQ70** Has digital infrastructure been considered?

**IQ71** Would the green infrastructure category encompass biodiversity and nature conservation?

**IQ72** Would social and cultural infrastructure, such as theatres, libraries etc be considered?

**IQ73** Are all infrastructure requirements within each one of the large-scale site allocations required to be delivered at the same time; or should the IDP include any phasing periods to indicate prioritisation of the requirements within each site?

Paragraph 4.4 of the IDP refers to an Education Topic Paper being produced by Oxfordshire County Council.

**IQ74** What stage has this reached, and when is it anticipated to be submitted?

**IQ75** Are there any outstanding changes/updates arising from any ongoing engagement with other bodies or other concerns with IDP? If so, how are the Councils proposing to resolve these?

## **Modifications**

The starting point for the Examination is that the Council have submitted a Plan which they consider to be sound, legally compliant and ready for examination. Nevertheless, we will also consider any changes that have subsequently been suggested by the Council, along with those changes put forward by other parties seeking to amend the Plan.

For us to be able to recommend any Main Modifications, to make the Plan sound/legally compliant, if necessary, the Council must invite us to do so in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended). We note that this formal invitation was included within the covering letter for the submission of the Plan and supporting documents. In the interests of transparency, this request will need to be published on the Examination website.

Main Modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Main Modifications must be subject to consultation and in some cases further Sustainability Appraisal and Habitat Regulations Assessments might also be required.

In addition to Main Modifications, there could be Additional Modifications which are changes which do not materially affect the policies in the Plan. We do not recommend Additional Modifications; the Council is accountable for such changes, and they fall outside the scope of the Examination.

## **Next Steps**

We would appreciate the Councils response to the questions within this letter by no later than **21 February 2025**.

When we have considered the Councils responses at this preliminary stage, we will then be able to continue our preparation for the MIQs and working towards establishing the Examination timetable.

In the meantime, if the Councils require any clarification on any of the above matters, please contact us through the Programme Officer.

A copy of this letter will need to be added to the Examination website. However, at this stage we are not inviting or proposing to accept any comments on this letter from any other parties.

*Caroline Mulloy and Rachael Bust*

Inspectors

3 February 2025