



Planning Inspectorate

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

Inspectors' Matters, Issues and Questions for Examination (ID02)

Part 1

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Introduction

The Independent Examination into the South Oxfordshire and Vale of White Horse Joint Local Plan (the Plan) will involve phased hearing sessions during 2025. The deadlines for the submission of any hearing statements will be phased accordingly.

The following Matters, Issues and Questions (MIQs) will help inform the discussion at the first phase of hearing sessions.

Where relevant, we refer to the Councils' response (LPA02 and appendices) to our initial questions (IQ) set out in our Preliminary Matters and Initial Questions (ID01) in the MIQs.

Where we refer to the National Planning Policy Framework (NPPF) it is the December 2023 version. Similarly, any reference to Planning Practice Guidance (PPG), should be the version in force at the time the Plan was submitted.

The Planning and Compulsory Purchase Act 2004 (as amended) will be referred to throughout the MIQs as the 2004 Act. Similarly, unless specified otherwise, where reference in the MIQs is made to Regulations, we mean the local plan regulations set out in Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

The MIQs are accompanied by the Inspectors' Examination Guidance Note (ID03) and a draft Hearings Programme (ID04).

MATTER 1 – LEGAL AND PROCEDURAL REQUIREMENTS

ISSUE – Whether the Councils have complied with the relevant legal and procedural requirements

Plan preparation

- Q1.1 Has the Plan been prepared in accordance with the published Local Development Scheme, as required by section 19(1) of the 2004 Act?

Consultation

The Councils' response to IQ36 of the Inspectors' Preliminary and Initial Questions (ID01) indicates that they are satisfied that public consultation has been carried out in accordance with their Statement of Community Involvement (OCD02).

- Q1.2 Is there any substantive evidence that the public consultation that has been carried out during the preparation of the Plan has failed to comply with the Councils' Statement of Community Involvement (OCD02), as required by section 19(3) of the 2004 Act and other statutory consultation requirements?
- Q1.3 Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations and in different formats (such as in paper and online)?
- Q1.4 Was a consistent approach taken to public consultation across the two Council areas?

The Councils' response to IQ37 identifies and responds to the concerns raised in regulation 20 representations relating to consultation. The concerns related to the framing of the consultation questions and the brief time period available between the close of regulation 19 consultation and submission for the Councils to meaningfully engage with the representations.

- Q1.5 Is there any substantive evidence that the framing of consultation questions prevented any representations being made?
- Q1.6 What evidence is there that in preparing the Plan any representations submitted have been taken into account as required by Regulation 18(3)?

Strategic priorities

Section 19(1B) of the 2004 Act and paragraph 17 of the NPPF requires the identification of strategic priorities for the development and use of land in the Plan area. The Councils' response to IQ53 indicates that the strategic priorities are set out within the vision and objectives.

Whether and how the identification of strategic priorities has been part of the Duty to Cooperate process, and other potential issues relating to soundness, will be addressed in subsequent matters.

- Q1.7 Does the Plan contain appropriate policies to address the identified strategic priorities?

Strategic policies

Q1.8 Does the Plan clearly identify the strategic policies, as per paragraph 21 of the NPPF?

Appendix 2 of the submitted Plan proposes that 101 out of 105 policies are strategic. The Councils' response to IQ54 explains that the methodology used draws on Neighbourhood Planning Guidance from the PPG, whereby if a policy meets one or more of the seven considerations, it could be classed as strategic.

Q1.9 Is this a sufficiently clear, robust and reasonable approach?

Paragraph 22 of the NPPF requires strategic policies to look ahead over a minimum 15-year period from adoption.

Q1.10 In order to meet this requirement, the Plan must be adopted by 31 March 2026. Given the timescale for the Examination of the Plan is this realistic? Or should the Plan period be extended to 31 March 2042 to ensure a 15-year period from adoption?

Climate change

Q1.11 How does the Plan propose to secure development and the use of land that contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the 2004 Act?

Neighbourhood plans

Q1.12 How has regard been had to the made Neighbourhood Plans in preparing the Plan?

Q1.13 Is there any specific conflict between any policies of the submitted Plan and any made or emerging Neighbourhood Plan? If so, how has this been resolved?

Q1.14 Does the Plan set an appropriate framework, and allow a suitable role, for existing and future neighbourhood plans in the Plan area?

Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) (CSD03)

The Councils' response to IQ47 summarises the process of preparing the SA.

Q1.15 Is there any substantive evidence to indicate that the SA has not informed the preparation of the Plan at each stage?

Q1.16 Is the methodology used in the SA appropriate and robust and was it based on reasonable and up-to-date evidence?

Q1.17 Should the baseline assessment of the SA (which formed the Technical Addendum to the SA Scoping Report (CSD03.1) have been undertaken earlier in the SA process? What effect does the baseline assessment have on the SA?

- Q1.18 Are the key sustainability issues identified comprehensive and are they suitably reflected in the SA objectives?
- Q1.19 How has the SA influenced the Plan's objectives?
- Q1.20 Are the likely significant environmental, social and economic effects of the Plan adequately and accurately assessed in the SA?
- Q1.21 How and when were the reasonable alternatives selected?
- Q1.22 What was the rationale behind the search parameters for alternative sites set out in paragraph 4.7.3 of the SA and in particular the site size?

The Councils' response to IQ51 summarises the reasonable alternatives to the proposed strategy set out within the Plan. There were 4 alternative options for the spatial strategy, 4 options for the housing requirement and 4 options for the employment land requirements.

- Q1.23 Does the SA therefore assess all reasonable alternative spatial strategy options, levels of housing and employment need, site allocations and other policies? Have adequate reasons been given as to why discounted options have not been selected?
- Q1.24 Is the anticipated no quantitative requirement for new retail floorspace, together with no representations, a sufficient reason to not explore and test alternative options for new retail floorspace?
- Q1.25 Does the SA support the spatial strategy or is there anything in the SA which indicates that changes should be made to the Plan?
- Q1.26 Have the 'carried forward' sites set out in Policy HOU2(3) and Policy JT1 (Tables JT1.4 and JT1.5) been subject to SA/SEA?
- Q1.27 Has the cumulative impact of the 'carried forward' sites and the proposed new allocations been assessed as part of the SA/SEA?
- Q1.28 How have consultation responses been taken into account in the preparation process?
- Q1.29 Have all of the specific mitigation measures identified in the SA been incorporated within the Plan?
- Q1.30 Have the measures in the monitoring framework set out in Table 7.2 of the SA to monitor the significant effects of the Plan been integrated into the monitoring framework for the Plan, or is the SA monitoring requirement to be undertaken as a separate standalone process?

In the Councils' response to IQ45, they indicate that they are satisfied that the SA is legally compliant.

- Q1.31 Overall, does the SA adequately assess the environmental, social and economic effects of the Plan in accordance with legal and national policy requirements?
- Q1.32 Is there any substantive evidence that the submitted SA including SEA does not meet the legal and national policy requirements?

Q1.33 The Councils' Schedule of Proposed Modifications (CSD01.1) includes two modifications for the SA. Are these necessary and are there any implications arising from these two modifications?

Habitats Regulations Assessment (HRA) (CSD04) and Appropriate Assessment (CSD04.1)

Q1.34 When and how was the Habitats Regulations Assessment (HRA) for the Plan carried out and reported?

Q1.35 Is the HRA methodology, including the scope and chosen impact pathways appropriate, robust and comply with the relevant legal requirements?

Q1.36 Have the 'carried forward' sites set out in Policy HOU2(3) and Policy JT1 (Tables JT1.4 and JT1.5) been subject to HRA?

Q1.37 Has the cumulative impact of the 'carried forward' sites and the proposed new allocations been assessed as part of the HRA?

Q1.38 When and how was the Appropriate Assessment (AA) for the Plan carried out and reported?

The Councils' response to IQ40 indicates that likely significant effects have been resolved except for those relating to atmospheric pollution for Oxford Meadows SAC, Aston Rowant SAC and Cothill Fen SAC.

Q1.39 Is there any substantive evidence to indicate that the likely significant effects are not appropriately resolved (excluding those relating to atmospheric pollution for Oxford Meadows SAC, Aston Rowant SAC and Cothill Fen SAC)?

The Councils' response to IQ41 indicates that a draft HRA Methodology Paper is being prepared, and further modelling work is required for air quality. In the current absence of the further modelling and assessment work, the potential for any likely significant effects on the Oxford Meadows SAC, Aston Rowant SAC and Cothill Fen SAC remains uncertain.

Q1.40 What is the current position of Natural England and the Councils on the HRA and AA conclusions and in particular, the latest progress and timetable for further modelling and assessment work?

Q1.41 What conclusions can be drawn from the further modelling and assessment work? Do the conclusions appropriately resolve the remaining uncertainties of the likely significant effects? Would any further assessment work be required?

Q1.42 What are the potential implications of this further modelling and assessment work for the Plan? Would any potential modifications be required?

Q1.43 Overall, does the HRA and AA comply with the relevant legal requirements and are the conclusions appropriate as to whether there would be any likely significant effects?

Equalities

Public authorities are required under section 149 of the Equality Act 2010 to have due regard to the following 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 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.

The Councils have carried out an Equalities Impact Assessment of the Plan (CSD06). This concludes that the assessment found no evidence that the Plan will have a negative impact on people with protected characteristics.

However, the Councils' response to IQ38 summarises several concerns raised in representations made under regulation 20 that the Plan would be likely to adversely affect persons who share relevant protected characteristics. In so far as they relate to potential issues of soundness, we will deal with those in subsequent matters and questions.

Q1.44 Is there any substantive evidence to indicate that the requirements of section 149 of the Equality Act 2010 have not been met?

Appendices

Q1.45 Are all the definitions in the Glossary in Appendix 1 of the Plan consistent with those in the NPPF Annex 2 or otherwise justified?

Regulation 8(4) & (5) require that the policies in a local plan must be consistent with the adopted development plan unless the plan being examined contains a policy that is intended to supersede another policy in the adopted development plan and the plan states that fact and identifies the superseded policy.

Q1.46 Is Appendix 3 of the submitted Plan clear on the status of previous adopted policies?

Appendix 5 sets out the site allocations which have been 'carried forward' from previous Local Plans.

Q1.47 In the Councils' response to IQ1, paragraph 8, a modification (MM10) is suggested to clarify that the contents of Appendix 5 of the Plan are policies. However, MM10 contained within CSD01.1 amends employment land capacity for Policy JT1. Is there a modification missing?

Supplementary Planning Documents

Q1.48 What existing and proposed Supplementary Planning Documents (SPD) are there? What is the intended relationship of SPDs with specific policies in the Plan and what purpose will they serve? Is this clear and appropriate?

MATTER 2 – THE DUTY TO COOPERATE

ISSUE – Whether the Councils have complied with the legal duty to cooperate in the preparation of the Local Plan

N.B the duty to cooperate concerns the preparation of the Local Plan as far as it related to strategic matters. This covers the period up to, but not after the submission of the Local Plan and strategic matters are defined in S33A(4) of the Planning and Compulsory Purchase Act 2004. Issues of soundness will be dealt with under other matters.

- Q2.1 Have all the ‘strategic planning matters’ been adequately identified? If not, which ones should have been identified and why? Are there any other strategic matters on which the Councils have engaged? What was the outcome of this engagement?
- Q2.2 In response to IQ10 of the Inspectors’ Preliminary and Initial Questions (LPA02), the Councils set out the structure and processes which were put in place following the decision to abandon the Oxfordshire Plan. Have the various tiers of those structures, including the Oxfordshire Planning Policy Officers Group, the Planning Advisory Group and PAG Officer Group provided effective mechanisms to enable constructive, active and ongoing engagement?
- Q2.3 Has the additional information included in the Councils’ response to the Inspectors’ Preliminary and Initial Questions (LPA02, LPA02.1, LPA02.2, LPA02.3, LPA02.4) sufficiently demonstrated that they have met the Duty to Cooperate?
- Q2.4 What is the progress with the remaining Statements of Common Ground? Are there any outstanding issues?
- Q2.5 In overall terms, have the Councils engaged constructively, actively and on an ongoing basis with all relevant organisations on strategic matters of relevance to the Plan’s preparation to maximise the effectiveness of the preparation of the Plan?

Housing Needs and the Housing Requirement

- Q2.6 Who have the Councils engaged with in terms of housing needs and the housing requirement? When did this take place and what form did it take?
- Q2.7 Specifically, what discussions took place regarding the use of the Local Housing Need Figure, and the Joint Housing Needs Assessment (JHNA)?
- Q2.8 Did discussions take place with regards to the use of an alternative housing needs figure? If so, what was the outcome of those discussions?
- Q2.9 What discussions took place regarding adjoining authorities unmet need and in particular Oxford City’s unmet need, and whether the Plan could accommodate any unmet need? What evidence is there to support this?
- Q2.10 What discussions have taken place in relation to whether the previously agreed unmet need for Oxford has been fully accommodated in the Plan

taking into account the base date of the Plan (2019/20, 2020/21)? Where is the evidence to support this?

- Q2.11 What discussions have taken place in relation to any potential unmet need beyond 2036 arising from the now withdrawn Oxford Local Plan 2040? If so, where is the evidence for this?
- Q2.12 In response to IQ14, the Councils refer to a specialist housing needs workshop (19 April 2023) for the Joint Housing Needs Assessment (JHNA) to which neighbouring local planning authorities and Oxfordshire County Council were invited. What was the response to this engagement and how was feedback taken on board in the JHNA?
- Q2.13 What engagement took place on the JHNA between this workshop and submission of the Plan?
- Q2.14 The Councils set out under response to IQ16 and IQ17 the specific engagement which took place in relation to the Housing and Economic Land Availability Assessment Methodology (HELAA). How did the Councils take account of the responses received to that engagement? In particular, how were concerns raised in relation to density assumptions addressed?
- Q2.15 Overall, have the Councils engaged constructively, actively and on an ongoing basis with all relevant organisations in relation to housing need and the housing requirement?

Employment

- Q2.16 Who have the Councils engaged with in terms of employment provision? How did the Councils take account of responses received and what was the outcome of engagement?
- Q2.17 What specific constructive, active, and ongoing engagement has taken place on the Employment Land Needs Assessment (ELNA) (HES08 and HES08.1) for the Plan?
- Q2.18 Does employment provision raise issues which would have a specific impact on two or more planning areas?
- Q2.19 Are there any outstanding concerns regarding the Duty to Cooperate on employment land matters or unmet need for employment land? Have these been resolved?

Habitat Regulations

- Q2.20 Who have the Councils engaged with in relation to the Habitats Regulations Assessment?

Infrastructure

Q2.21 Who have the Councils engaged with in terms of infrastructure?

Q2.22 What engagement has taken place in relation to:

- Third Thames Crossing
- Cowley Branch Line
- Strategic reservoir
- Other transport issues
- Infrastructure Delivery Plan

Q2.23 What was the outcome of this engagement?

Lowland Fens Study

Q2.24 Does the Lowland Fens Study raise any significant strategic or cross-border issues?

Q2.25 Who have the Councils engaged with in relation to the Lowland Fens Study (NHL06)?

Q2.26 What was the outcome of this engagement?

MATTER 3 – THE HOUSING TARGET/REQUIREMENT

ISSUE – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the overall provision for housing and the housing requirement?

NB. This matter focuses on the housing target/requirement for the Plan and the evidence base which underpins it. The broad assumptions within the Joint Housing Needs Assessment (JHNA) (HES15.1) will be addressed, including the methodology used to align the respective requirements arising from the JHNA and the Local Housing Need assessment. Affordable housing, specialist housing need and other housing policies will be addressed in Part 2 Hearings.

Policy HOU1

- Q3.1 Is the calculation of the housing target/requirement set in Policy HOU1 consistent with the Local Housing Need standard methodology set out in national guidance?
- Q3.2 Are there exceptional circumstances which warrant the Plan taking a different approach to the Local Housing Need standard methodology? If so, what evidence is there to support this?
- Q3.3 The Councils' response to IQ58 sets out how the Plan takes account of the previously agreed Oxford City's Local Plan 2036 unmet need. Does this response sufficiently demonstrate that the Plan accommodates the unmet need in full?
- Q3.4 Is the approach of meeting Oxford's City's unmet need in terms of the use of a stepped trajectory and also not identifying a separate trajectory, justified and consistent with national policy?
- Q3.5 How does the Local Housing Need calculation compare to the calculation of housing need set out in the JHNA (HES15.1)?
- Q3.6 The JHNA defines the specialist housing need for affordable housing and specialist housing need including for older people for the Plan area. Is the use of a 10-year migration trend variant of the 2018 based household projections, adjusted to take account of the 2021 Census and mid-year population estimates, an appropriate demographic basis for determining housing need? Are the assumptions contained within the Study justified?
- Q3.7 Is the approach used to align the recent trend household growth with the LHN target set out at paragraph 5.7 onwards of the JHNA and explained in the Councils' response to IQ55 justified? Are the migration rates utilised to match the LHN figure justified?
- Q3.8 Paragraph 4 of the Executive Summary of the HNA together with the Councils' response to IQ56, sets out how the housing target/requirement (31,020) would meet the projected jobs growth/workforce of 16,082 workers as determined in the Employment Land Needs Assessment (ELNA). Are the assumptions set out at IQ56.7 of the Councils' response and Table 56.1 of the Councils response, justified?

- Q3.9 The Councils conclude at IQ56.8 that the Plan's housing requirement/target would yield a surplus of 4,553 economically active persons compared to that required to support the forecast jobs growth. Is there any evidence to suggest that this conclusion is not justified?
- Q3.10 In overall terms, are the respective housing requirements for South Oxfordshire (16,530 homes) and Vale of White Horse (14,490 homes) between 1 April 2021 and 31 March 2041 set out at Policy HOU1 of the Plan appropriate and justified?

MATTER 4 – EMPLOYMENT LAND REQUIREMENT

ISSUE – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the provision for the employment land requirement.

Policy JT1

- Q4.1 Is the employment requirement set out in Policy JT1 for 25.8 hectares in South Oxfordshire and 113.2 hectares in the Vale of White Horse justified?
- Q4.2 Are the assumptions made, and data used in terms of employment forecasts in the Employment Land Needs Assessment 2024 (ELNA) (HES08/HES08.1) relevant and up to date?
- Q4.3 Is the preferred option in the ELNA to forecasting employment land requirements; by using the labour demand scenario for office uses and the past take up scenario for industrial uses justified? Is there robust evidence to support any alternative approach?
- Q4.4 Are the plot ratios justified and appropriate for the plan area?
- Q4.5 Does the ELNA include an appropriate and justified vacancy related allowance in the employment requirement calculations for flexibility?
- Q4.6 Does the evidence provide a robust and positive basis for the future of the area? Is the methodology/approach consistent with national policy and guidance?
- Q4.7 Does the Plan provide sufficient existing and new employment land to meet the employment requirement? Is the distribution justified for the Plan area?
- Q4.8 Is the Plan's approach towards unallocated employment sites consistent with national policy, and is it justified and effective? Is it sufficiently flexible to cater for changing employment trends?

End of the Inspectors' Matters, Issues and Questions for the Examination Part 1