

# Councils' Response to Main Issues

## Joint Local Plan



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## Introduction

This document sets out South Oxfordshire and Vale of White Horse District Councils' response to the main issues raised during the Pre-submission Publication Period for the Joint Local Plan, which ran for six weeks from 1 October until 12 November 2024.

Following the conclusion of the Publication Period, we read each response received and analysed the contents to identify the issues raised. We identified **thirteen main issues** which cut across the whole of the Joint Local Plan, which we reported on in Section 4 of the Regulation 22 Consultation Statement ([examination library reference CSD10](#)).

We also identified **key issues** raised per chapter, policy and topic relating to the Joint Local Plan, which we reported on in Appendix H to the Regulation 22 Consultation Statement ([examination library reference CSD10.1](#)).

The Regulation 22 Consultation Statement and its appendices were submitted to the Secretary of State in December 2024. We are now issuing responses to the issues identified as part of the examination of the Joint Local Plan.

We have provided responses to each of the **main issues** in this document. We will also be providing responses to each of the **key issues** in a separate table, which will follow.

## Main Issues

We identified thirteen **main issues** raised through representations to the Pre-submission Publication Period on the Joint Local Plan and reported these in our Regulation 22 Consultation Statement ([examination library reference CSD10](#)).

We have reproduced the thirteen main issues below and presented our response to each in turn.

### 1. Duty to Cooperate

#### Main issue raised

Respondents raised concerns that the plan has not complied with the Duty to Cooperate. In particular, there were concerns about Oxford's unmet housing need and other strategic matters, that if Oxford City Council have failed on Duty to Cooperate South and Vale must have failed too, and that there was an absence of Statements of Common Ground published alongside the Regulation 19 Publicity Period. Oxford City Council claim to have not been directly engaged on relevant JLP matters and also disagree with the strategic matters identified by South and Vale.

#### The councils' response

- 1.1 We have complied with the Duty to Co-operate in preparing the Joint Local Plan (JLP). This is evidenced by the Duty to Co-operate Statement of Compliance ([examination library reference CSD09.1](#)) which demonstrates that we have ensured that the JLP has been prepared with all necessary engagement with neighbouring authorities and Duty to Co-operate prescribed bodies, including on the issue of Oxford's unmet housing need. For more detail, including a log of engagements showing how they influenced the plan, along with meeting notes, please see the Council's response to the Initial Questions ([examination library references LPA02](#), [LPA02.1](#) and [LPA02.2](#)). To support our evidence, we have been preparing Statements of Common Ground (SOCG) with neighbouring authorities and relevant prescribed bodies. Several SOCGs were submitted alongside the JLP ([examination library references DUC01 to DUC09](#)), including a Joint Oxfordshire SOCG signed in December 2024 by all 5 Oxfordshire local planning authorities, including Oxford City Council ([examination library reference DUC02](#)). We are continuing to engage with relevant neighbouring authorities and prescribed bodies to finalise further SOCG, and we have recently submitted a SOCG agreed with Cherwell District Council and one with West Oxfordshire District Council.
- 1.2 We do not agree with the respondents suggesting that the JLP does not meet Oxford's unmet housing need. The JLP has consistently identified and planned for the agreed contribution to Oxford's evidenced unmet need, amounting to 6,780 homes for Oxford, as set out in Policy HOU01 (Housing requirement) and paragraph 6.10 of the plan. This need is an integral part of the JLP's housing requirement in each district and is addressed through a supply of sites across the districts. We have not ring-fenced the supply for Oxford to meet a ring-fenced need, and this is not a requirement of the NPPF. There is no additional

evidenced unmet housing need to meet, and we have continued to engage extensively with Oxford City Council's Local Plan development especially as regards the identification of Oxford's needs.

- 1.3 Some respondents suggested that as Oxford City Council's previous emerging Local Plan (which, following our publication period, was withdrawn on 27 January 2025), failed the Duty to Co-operate at examination, it must follow that our JLP has also failed the Duty to Co-operate. This suggestion is not justified, as the failures related to Oxford City Council's Duty to Co-operate and these are relevant to Oxford City Council's evidence and policies. Our JLP has been robustly supported by our effective approach to engaging constructively, actively and on an ongoing basis on relevant strategic cross boundary matters. There is no reason why the JLP should fail on the Duty to Co-operate on the basis that another neighbouring authority has failed in their preparation of their evidence and engagement.
- 1.4 We dispute Oxford City Council's representations that they have not been engaged on relevant strategic matters. Firstly, we have clearly demonstrated there was extensive and ongoing engagement with Oxford City Council on all of the overall potential strategic matters listed for discussion as part of the engagement topics under the Duty to Co-operate. This is evidenced by the Duty to Co-operate Statement of Compliance ([examination library reference CSD09.1](#)) and in greater detail in our response to the Inspectors' Initial Questions (IQs) ([examination library reference LPA02](#)). The strategic matters to discuss are not prescribed in legislation or national policy, because different planning authorities will have different strategic planning matters relating to the issues that are likely to arise in their areas. We believe that all relevant potential strategic planning matters are set out within the Duty to Co-operate Statement of Compliance. There are no suggestions from Oxford City Council, who make this criticism, about what strategic matters for discussion they think are missing. The potential strategic matters were clearly set out at initial scoping stage of the JLP, Oxford City Council were engaged on those. They were also engaged after the potential strategic matters were expanded to reflect the Oxfordshire Plan 2050 ceasing, which meant that the scope of the JLP had to change.
- 1.5 It is important to distinguish between matters which have the potential to be strategic matters but are not necessarily so, and those that are strategic matters because they meet the statutory definition in section 33A(4)(a) and (b) of the Planning and Compulsory Purchase Act 2004. The Statement of Compliance with the Duty to Co-operate ([examination library reference CSD09.1](#)) explains this at paragraphs 1.16 and 1.19. To identify any 'strategic matters' that would fall within the scope of the Duty to Co-operate, it is necessary to consider whether any aspects of the Joint Local Plan relate to any development or use of land that has or would have 'a significant impact on at least two planning areas'. We do not accept that any aspect of the JLP (whether by reason the development it proposes to bring forward or by reason of any evidenced needs that it does not address) presents a significant impact on Oxford City and another authority (be that South or Vale), and Oxford City Council has not claimed in their representation that the JLP has such impacts.

## 2. Timetable and Plan Period

### Main issue raised

Respondents raised concerns that the Joint Local Plan's accelerated timetable, as set out in the Local Development Scheme, is too ambitious. They questioned whether it allowed for sufficient engagement and review. Others questioned if it would allow for a 15-year plan period.

### The councils' response

- 2.1 In respect of the accelerated timetable for submission, this was achieved. The period for representations to be made was in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). All representations were comprehensively processed in accordance with the Regulations and a detailed consultation statement (examination library reference [CSD10](#) and [CSD10.1](#)) was submitted setting out the main issues raised in representations and also the key issues by chapter, policy and topic. The plan was submitted in accordance with the timetable in the Local Development Scheme (LDS, [examination library reference OCD01](#)) on 9 December 2025.
- 2.2 In the respect of the 15-year plan period from adoption, the plan runs until the end of March 2041, meaning adoption is required prior to end of March 2026 in order to achieve a full 15-year period. The plan was submitted for examination almost 16 months ahead of the time it needs to be adopted by. The LDS anticipates adoption of the plan in December 2025, so the plan has been submitted for examination with sufficient time to allow for the plan to look ahead over a minimum 15 year period from adoption.

## 3. Spatial Strategy

### Main issue raised

Some respondents raised concerns about the over-concentration of growth in Science Vale, and that the strategy would not allow smaller settlements to grow and thrive.

### The councils' response

- 3.1 Our spatial strategy has been developed in accordance with national policy. Paragraph 16 of the NPPF makes it clear that local plans should be prepared with the objective of contributing to the achievement of sustainable development. We tested four different options for the spatial strategy in the Sustainability Appraisal of the JLP ([examination library reference CSD03](#), Table 4.3) to understand how the options performed against different objectives. The option of a more dispersed pattern of development including at smaller villages performed significantly worse against the SA objectives (see Table 5.1) than our chosen spatial strategy option. The option we chose continues the two districts' current strategy, with Science Vale forming an important focus in order to help direct development where social, economic and environmental sustainability can best be achieved. This benefits those who live and work in our districts. We

have clearly stated the reasons why our preferred approach to the spatial strategy is justified compared to other options, and this is set out in the Spatial Strategy Topic paper ([examination library reference TOP08.2](#)), summarised at paragraph 5.8. Choosing to avoid a concentration of our future growth focussed in a location where the local economy is growing would mean that the alignment of growth between business and people becomes weaker, travel distances will be greater for the workforce and it risks the strategy being both a barrier to economic growth and to increasing carbon emissions from our commuters. Paragraph 9 of the NPPF also says that planning policies should play an active role in guiding development towards sustainable locations, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. With Science Vale being home to our districts best economic opportunities, the strategy is locally specific and it achieves the goal of guiding development to the most sustainable location.

- 3.2 In relation to smaller settlements, as explained in our Settlement Assessment and Hierarchy Topic Paper ([examination library reference TOP05.2](#)), we have developed a new combined settlement hierarchy which covers both South and Vale districts, based on evidence in the JLP settlement assessment (contained in the topic paper). Higher tier (larger) settlements are where jobs are concentrated and where public transport is more readily available, directing growth to them represents a much more sustainable approach than directing growth to smaller settlements. We do however value the role that Neighbourhood Development Plans have in settlements of all sizes, including smaller settlements, and we have allowed in the spatial strategy at SP1 Part 11 for local communities to bring forward allocations in small neighbourhood plans, where they wish, even if there is a zero requirement. There is very strong support and take up locally for neighbourhood planning and a track record of communities wishing to make housing allocations, sometimes just new homes or sometimes homes to deliver local priority infrastructure like a bypass or a new community hub.
- 3.3 Paragraph 109 of the NPPF in relation to promoting sustainable transport states:
- ‘109. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.
- 3.4 Our spatial strategy takes account of this national policy consideration by focussing development at Science Vale, rather than in smaller settlements in the more rural parts of our districts.

## 4. Housing Requirement and Supply

### Main issue raised

Many respondents raised concerns about the housing requirements proposed in the Joint Local Plan, suggesting the need is greater. Respondents suggested the plan should account for further unmet need from either Oxford or other adjacent authorities, that it should draw from Cherwell District and Oxford City Councils' Housing and Economic Needs Assessment (HENA) and/or the Oxfordshire Growth Needs Assessment (OGNA), and that there should be a greater housing requirement to accommodate further economic growth. Respondents were concerned the plan is over reliant on large sites, which may cause delivery issues.

### The councils' response

- 4.1 Our approach to, and justification for, the housing requirement in the plan is set out in paragraphs 4.1 to 4.10 of the Housing Requirement, Affordable Housing, and Gypsies, Travellers, and Travelling Show People Topic Paper ([examination library reference TOP03.2](#)). The Sustainability Appraisal of the JLP at both preferred options ([examination library reference LPP03](#), Table 4.4) and proposed submission ([examination library reference CSD03](#), Table 4.4) stages considered four alternatives for the districts' housing requirements. Two of these options (option b: maintaining the existing levels of housing need, and option d: reflecting the Oxfordshire Growth Deal in a new housing needs assessment) tested alternative housing requirements higher than those in Policy HOU1 (Housing requirement). Furthermore, we also tested a lower housing requirement of just following the standard method, without an uplift for the agreed unmet need (option c).
- 4.2 As we set out in detail in the Housing Topic paper referenced above, Paragraph 61 of the NPPF is clear that local authorities should use the standard method for assessing local housing need unless there are exceptional circumstances for using an alternative approach. There are no such circumstances in South Oxfordshire and the Vale of White Horse. This has also recently been found to be the case for our neighbours, the Inspectors for the Oxford Local Plan 2040 examination reached a conclusion that is consistent with our position: 'there is no justification for moving away from the standard method for identifying the local housing need for Oxford City' ([examination library reference LNP05](#), paragraph 64). We therefore believe that the JLP has planned for a sound housing need and requirement.
- 4.3 We have set out how the housing requirement in the plan will provide sufficient homes to support forecast economic growth in response to the Inspectors' Initial Question 56 ([examination library reference LPA02](#), pages 71 to 73). This shows that the housing requirement will provide a surplus of 4,553 workers against the expected need.
- 4.4 Regarding housing supply and delivery, the councils have submitted housing land supply statements which demonstrate that the plan provides a 5 year land supply for each district (as at December 2024): 5.59 years in South Oxfordshire ([examination library reference OCD08.1](#)) and 7.0 years in the Vale of White Horse ([examination library reference OCD9.1](#)).



- 4.5 The latest housing trajectory for the plan in the proposed modifications ([examination library reference CSD01.1](#), MM06 and MM07) includes a breakdown of our expected housing delivery over entire the plan period. For South Oxfordshire, there is only one future year where housing delivery falls slightly below the requirement (2031/32), but this is offset by most other years far exceeding this. In the Vale of White Horse, housing delivery is consistently above the requirement until 2039, where supply marginally drops below the requirement. However, again, this is mirrored by years of significant over-delivery prior to this. For both councils, the trajectories demonstrate a consistent meeting, or exceeding, of the housing trajectory for the vast majority of the plan period.
- 4.6 There are a number of large housing sites in the plan, which will deliver in the medium to long term (where they don't already have permission or are building out). However, there is a significant supply in both districts from both large and small sites in the short term and there are policies in the plan that support the delivery of windfall sites throughout the plan period. The total supply significantly exceeds the total requirement in both districts, by 24% in South and 35% in Vale, which mitigates against the impacts of delivery issues that a large site or sites may experience. The plan provides a 5 year land supply from the intended date of adoption (December 2025) in line with the requirement of NPPF paragraph 69. Beyond this, we are confident that the housing supply in each district will continue to provide the councils with a rolling 5 year housing land supply.

## 5. Economic Growth

### Main issue raised

Respondents raised concerns that the need for employment land has been underestimated, particularly within the context of evidence from other organisations that proposes a greater need (e.g., Oxfordshire Local Enterprise Partnership's Strategic Economic Plan, HENA and Advanced Oxford's Oxford Innovation Engine). Some respondents raised concerns that Policies JT1, JT5 and supporting text paragraph 7.38 are contrary to paragraphs 88 & 89 of the NPPF (2023) in that they seek to limit both the location and type of employment development that would be acceptable in rural areas, outside existing settlements, without providing any evidenced justification for this departure from national policy.

### The councils' response

- 5.1 The Employment Land Needs Assessment (ELNA) ([examination library reference HES08](#)) sets out a requirement for 25.8 hectares of employment land in South Oxfordshire and 113.2 hectares in Vale of White Horse and form the evidential basis for the requirements in Policy JT1 of the JLP. As explained in the following paragraphs, the ELNA is a robust, comprehensive and balanced assessment of the employment land needs in the districts, which provides an accurate assessment of the level of employment need.
- 5.2 The ELNA is an objective study that provides empirical evidence, and therefore draws its conclusions and recommendations independently of evidence from

other organisations. Nonetheless, the ELNA recognises various challenges and opportunities highlighted in the Oxfordshire Local Enterprise Partnership (OxLEP) Local Industrial Strategy 2019 ([examination library reference HES05](#)). It also recognises the Local Industrial Strategy's ambition to oversee the necessary 'transformation of science and technology parks and creation of new hubs'.

5.3 To take in turn the alternative suggestions for what the plan should use to inform the JLP's employment policies:

- i) The Oxfordshire Local Enterprise Partnership's Strategic Economic Plan (SEP). The ELNA acknowledges the OxLEP Strategic Economic Plan 2016 ([examination library reference HES06](#)), in particular referring to Oxfordshire's key economic assets identified and conceptualised as the 'Knowledge Spine' in the SEP. At the time of writing the ELNA, OxLEP was undertaking a refresh of the SEP. The ELNA's authors therefore consulted the chief executive of Oxfordshire LEP. This provided an update on the work-in-progress SEP (since published in December 2023, [examination reference HES03](#)) and provided insight into Oxfordshire-wide considerations such as emerging floorspace needs and other market signals. The ELNA consultants also conducted broad engagement with a range of stakeholders including property agents and landowners, which enriched the local economy insights informing the ELNA. Our employment strategy responds to the aspirations in the SEPs by translating the support for the Knowledge Spine concept in Oxfordshire into Policy SP1 (spatial strategy), and also through both the quantum of our employment land supply (which exceeds the employment requirement) and its distribution pattern, which aligns with positive policies in the JLP supporting employment development.
- ii) The Oxford City and Cherwell District Housing and Economic Need Assessment (HENA). On the suggestion to use the HENA to identify economic needs, South and Vale councils were not involved in that study and at the time of writing the ELNA, the HENA had not been considered through examination and was subject to outstanding objections. Subsequently Oxford's Local Plan was withdrawn, following hearing sessions in June 2024. In their letter of conclusions of 11 September 2024 ([examination library reference LNP05](#)) the Oxford Local Plan Inspectors noted the fundamental concerns raised about the approach and methodology of the Oxfordshire Growth Needs Assessment (OGNA) and later the HENA (paragraphs 10 and 12). The Inspectors concluded that the methodological issues raised by respondents were substantiated, with the assumptions on the employment rate and commuting flows having "very significant effects on the outcome of the different scenarios tested", which were "deliberate policy choices or at least clear objectives to be achieved" (paragraph 15). Given these methodological failings, the HENA is not a robust evidence base and it would have been inappropriate for the ELNA to take account of its findings.
- iii) The Oxfordshire's Innovation Engine (OIE) report 2023 was produced by representatives from the science and innovation sector – Advanced Oxford (a link to the report is included in [Advanced Oxford's Regulation 19](#)

[representation](#)). The report states that demand exceeds supply, particularly in terms of laboratory/innovation space, and that this mismatch is driving inflation in rents. The innovation real estate analysis concludes that 'there have been many positive developments within the local business environment in the last decade since OIE 2013 was published. There is a growing stock of innovation space with many new developments in the pipeline which will add much needed capacity into the system in the next 5 years' (page 52). This assessment does not conflict with the findings of the ELNA, rather it aligns with the ambition of the JLP to support a flourishing local economy including in the science and innovation sector.

- 5.4 As set out in the ELNA and explained in the Employment Needs Topic Paper ([examination library reference TOP02.2](#)), the methodology is in conformity with both the NPPF and the PPG, as it presents robust evidence supporting clearly defined designations and allocations of land for employment uses. While concerns have been raised that the ELNA may underestimate the level of need – an assertion which we contest – even if this position were accepted, when all sources of supply in the Joint Local Plan are taken into account, we have built in flexibility and the total employment land supply exceeds the requirements set out by the ELNA. For further details on the methodology of the ELNA, including the range of scenarios tested and how it takes account of market signals and sectoral needs, please refer to our response to the Inspectors' initial question IQ25 ([examination library reference LPA02](#)).
- 5.5 The Sustainability Appraisal of the JLP at the preferred options stage ([examination library reference LPP03](#), appendix L) assessed the options of planning for the level of employment land need identified by the ELNA. Of these options, a hybrid approach using the labour demand scenario for office uses and a past take-up scenario for industrial uses, scored the highest when considered against eleven social, economic and environmental sustainability objectives. This hybrid approach is the preferred approach in the ELNA, and consequently used to determine the employment land requirements specified in the JLP.
- 5.6 The concerns regarding policies JT1 and JT5 and supporting text paragraph 7.38 being contrary to NPPF paragraphs 88 and 89 arose from respondents who felt that the policies don't support development of all types of businesses in rural areas. We do not agree that this is the case.
- 5.7 The NPPF states:
- '88. Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
  - b) the development and diversification of agricultural and other land-based rural businesses...
89. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be

found adjacent to or beyond existing settlements, and in locations that are not well served by public transport...'

- 5.8 These paragraphs are in a subsection of the NPPF entitled 'Supporting a prosperous rural economy' and should be read in this context. Policy JT5 (Supporting the rural economy) recognises the context and makes provision for what would be acceptable in the countryside.
- 5.9 Furthermore, 'growth' and 'expansion' are terms that refer to existing businesses. Therefore, the NPPF paragraph 88(a) requires local plans to enable growth and expansion of businesses that are already established in rural areas. Policy JT5 clearly allows for this at Part 1. It goes beyond this requirement by also allowing for the creation of new enterprises in rural areas, providing that they are sustainable land-based or agricultural businesses, or tourism and visitor economy businesses (under Policies JT6 and JT7) or related to an approved infrastructure scheme.
- 5.10 Policy JT5 also aligns to the requirements of NPPF paragraph 89 because its focus is to support rural economy businesses in the countryside. The JLP defines 'the countryside' in the footnote to Policy JT5 as 'outside settlements which fall within Tiers 1-4 of the settlement hierarchy as defined in Policy SP2 (Settlement hierarchy)'. Taken together, the JLP's employment policies set a positive framework for economic development proposals in our rural areas, sensitive to their surroundings, and provide for both locations adjacent to and beyond existing settlements, as per the NPPF paragraphs 88-89.

## 6. Allocated Sites

### Main issue raised

Some respondents raised concerns around the deliverability of the allocated sites in the Joint Local Plan. Others were concerned about the new requirements for Gypsy and Traveller pitches and specialist housing for older people on some of the allocated sites, which respondents felt were not appropriately evidenced. Respondents raised concerns over the site selection process, suggesting there was insufficient justification for the selection of the allocated sites and that reasonable alternatives had not been appropriately considered.

### The councils' response

- 6.1 On the concerns about the deliverability of the JLP's allocated sites, the test for a site to be included in a Local Plan is not a 'delivery' test. The requirement in the NPPF (paragraph 69) is to identify some specific 'deliverable' housing sites for the first five years, then specific 'developable sites or broad locations' for the years 6-10, and where possible, 'developable sites or broad locations' for years 11-15 of the plan period. Definitions of these terms are in the Annex 2 of the NPPF, with 'deliverable' housing sites being those where evidence can demonstrate they will deliver homes in the next 5 years and 'developable' sites being those in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

- 6.2 In the JLP we have done better than broad locations and we have identified a trajectory of housing supply for the whole plan period of 15 years (with a number of sites delivering beyond the end of the plan as well). All the allocation sites in the Joint Local Plan are currently allocated in existing local plans, with several sites at the planning application or pre-application stage. We have been working positively with the site promoters to prepare Statements of Common Ground, to set out progress on delivery of the allocated sites. Our allocations sufficiently address our requirements and provide headroom should some sites be delayed in coming forward. Furthermore, our housing land supply statements ([examination library reference OCD08.1](#) – South Oxfordshire and [examination library reference OCD09.1](#) - Vale of White Horse) provide a detailed assessment of the housing sites we are expecting to deliver in the next 5 years (i.e. the deliverable supply).
- 6.3 On the JLP's requirements to deliver specialist housing and pitches for the travelling community on some of the allocated sites, we have submitted evidence on the need for Gypsy and Traveller pitches (please see [examination library reference LPA01](#)) and the need for specialist housing for older people ([examination library reference TOP03.2](#)). We set out the reasons for locating these needs on the allocated sites in the Housing Requirement, Affordable Housing, and Gypsies, Travellers, and Travelling Show People Topic Paper ([examination library reference TOP03.2](#), paragraphs 4.33 – 4.54). We assessed the equalities impacts of including specialist housing and traveller pitches on allocated sites, and this scored positively for meeting the needs of people who share protected characteristics relating to age and race ([examination library reference CSD06](#)). We believe these form an appropriate evidence base to justify the councils' policies on delivering specialist accommodation on some of the allocated sites.
- 6.4 In terms of how we have selected sites and whether we should have allocated instead the omission sites put forward by respondents, we consider that our site selection process and the consideration of alternatives is appropriate, as referenced in our response to the Inspector's Initial Questions, IQ46 ([examination library reference LPA02](#), paragraph IQ46.18) and covered under our response to main issue 10 on Sustainability Appraisal below.

## 7. Net Zero Carbon Buildings

### Main issue raised

Respondents raised concerns that Policy CE2 exceeds national requirements and is inconsistent with the December 2023 Written Ministerial Statement, without setting out sufficient justification for departure from national policy. Respondents suggested this would cause viability and delivery issues.

### The councils' response

- 7.1 We provided a response to this main issue in our answer to the Inspectors' Initial Questions ([examination library reference LPA02](#), pages 90-92, paragraphs IQ66.7-IQ66.14). Our response addresses the justification for a departure from the December 2023 Written Ministerial Statement, as well as

Policy CE2's (Net zero carbon buildings) impact on viability and delivery. Our response is as follows:

IQ66.7 The second policy in Chapter 4 that includes a requirement going beyond current/planned building regulations is Policy CE2 – Net Zero Carbon Buildings. This policy requires the use of the energy metrics Space Heat Demand (part 1 of the policy) and Energy Use Intensity (EUI) (part 2 of the policy) to achieve net zero carbon buildings. We are aware that the 2023 WMS 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. However, the 2023 WMS does contemplate that such additional requirements may be justified at examination subject to impacts on viability, housing supply and affordability; and provided they are expressed as % uplift of a dwelling's TER (Target Emissions Rate set by Building Regulations), using a specified version of SAP.

IQ66.8 To consider this further, we commissioned consultants Bioregional to produce an addendum to the Net Zero Carbon Study, to review Policy CE2 in light of the 2023 WMS ([examination library reference CEQ14.5](#)) assessing its impact on South and Vale's local net zero carbon targets. The addendum demonstrates that local circumstances to justify a policy departure from the 2023 WMS are evident. The addendum compared Policy CE2 against a 2023 WMS compliant Future Homes Standard (FHS) policy to establish if these policy approaches would align with local net zero carbon targets for South and Vale. Both South Oxfordshire and Vale of White Horse have set targets to become carbon neutral districts by 2045. To assess compliance with this target, the study established a carbon budget for operational carbon emissions from new build housing in South and Vale.

IQ66.9 The study modelled the estimated operational carbon emissions associated with both Policy CE2 and the two potential Future Homes Standard specifications (FHS Options 1 and 2), representing the planned national standards referred to in the 2023 WMS, over the period of 2025 (expected plan adoption) to 2045 (the local net zero target year). The findings show that both Future Homes Standard Option 1 and Option 2 resulted in a level of residual operational carbon emissions from new build housing in 2045 that exceeds the carbon budget set to align with the districts' net zero target dates of 2045, whereas Policy CE2 did not contribute any emissions from new build housing and does not exceed the carbon budget set in the study. This confirms that only Policy CE2 aligns with the councils' net zero targets.

IQ66.10 The study also identified the inadequacies and inaccuracies associated with building regulations (outlined in section 1 of the addendum), notably how the Target Emissions Rate (TER) measured

through the Standard Assessment Procedure (SAP) excludes unregulated energy which can account for up to 50% of carbon emissions in new builds. This further supports the need for Policy CE2, as a policy which does not go beyond existing or planned national standards would result in substantial residual emissions, making local net zero targets unachievable.

IQ66.11 The study highlights how South and Vale are well positioned to be national leaders in net zero local plan policy. The districts are home to two major science and innovation centres driving low-carbon innovation, demonstrating that ambition and expertise in sustainable building practices are embedded within the region.

IQ66.12 The addendum, when read alongside the wider Net Zero Carbon Study findings, provides a strong evidence base to justify that Policy CE2 can be successfully implemented, and crucially needs to be implemented to help meet our 2045 local net zero targets. Task 3 of the Net Zero Carbon Study ([examination library reference CEQ14.1](#)) demonstrates the feasibility of achieving the policy targets within Policy CE2, and the policy has also been rigorously costed (Task 4 – [examination library reference CEQ14.2](#)) and determined to be viable in the districts' Viability Report ([examination library reference ITV04](#)), as further explained in our response to IQ67. The Joint Local Plan Viability Report ([examination library reference ITV04](#)) assesses the cumulative impact of all policies in the plan, and includes bespoke costs for achieving the standards in Policy CE2 (which were established in Net Zero Carbon Study Task 4 – Cost Analysis, [examination library reference CEQ14.2](#)).

IQ66.13 In the appendix of the addendum, it also sets out how local plans in Cornwall, Bath & North East Somerset, and Central Lincolnshire have successfully adopted ambitious energy standards using alternative energy-based metrics and calculation methods. These local plans demonstrate the feasibility and effectiveness of using energy-based metrics to deliver genuine carbon reductions, supporting the case for going beyond the limitations of TER and SAP as outlined in the 2023 WMS. The appendix of the addendum sets out how actual application monitoring in those local plan areas has shown, so far, that there has been no drop-off in application numbers and thus no indication that these policies are impeding housing supply.

IQ66.14 In summary, the addendum clearly sets out that there are demonstrated local circumstances to justify departure from the 2023 WMS, as the policy approach set out in Policy CE2 is necessary for both South and Vale to achieve their shared net zero carbon target date of 2045. We refer you to the full addendum and wider Net Zero Carbon Study to read through the full study context, analysis and findings to justify the inclusion of Policy CE2 in the Joint Local Plan.'

## 8. Biodiversity Net Gain

### Main issue raised

Respondents raised concerns about the plan requiring 20% Biodiversity Net Gain, which exceeds the national requirement for 10% Biodiversity Net Gain. They were concerned this increase lacked sufficient justification, would impact viability, and that there may not be a sufficient supply of off-site credits within the districts.

### The councils' response

- 8.1 We have set out in detail our justification for requiring 20% Biodiversity Net Gain (BNG) in the districts in accordance with the PPG (Paragraph: 006 Reference ID: 74-006-20240214) in our Justification for Higher Biodiversity Net Gain Topic Paper ([examination library reference TOP04.1](#)). We have also summarised our justification in our response to the Inspectors' Initial Question IQ63 ([examination document LPA02](#)). Our response addresses the concerns raised in this main issue under three key headings: the local need for a higher percentage, the local opportunities for a higher percentage and the financial viability of a higher percentage. Our response is as follows:

‘...a 20% BNG requirement is justified based on:

- i. The local need for a higher percentage (Topic Paper Section 5)

The rate of expansion of built-up areas in the districts in recent decades has been well above comparative regional and national figures. This expansion has placed increasing pressure on the districts' biodiversity, as habitats have reduced and become increasingly fragmented. This has resulted in biodiversity declining above comparative regional and national figures, as evidenced by Thames Valley Environmental Records Centre's (TVERC) exploration of habitats and species trends ([examination library reference NHL14](#)). Development pressure in the districts will remain high to 2041, with significant greenfield allocations, meaning that pressure on the districts' biodiversity will continue to increase over the plan period. The Joint Local Plan provides a critical opportunity to take action to support nature recovery and to ensure that future development leaves our natural environment in a better state, in alignment with wider district, county, regional and national ambitions.

- ii. The local opportunities for a higher percentage (Topic Paper Section 6)

The Assessment of Sites' BNG Potential ([examination library reference NHL11.1](#)) considered how much BNG might feasibly be delivered on sites in the districts, taking account of both Joint Local Plan site allocations and typical windfall developments likely to come forward over the plan period. The assessment found that many sites will be able to meet a 20% BNG requirement on-site, with some strategic



allocations having the potential to deliver much higher onsite gains, possibly providing a supply of units for other developments. Section 6 of the topic paper addresses opportunities for delivering BNG off-site in the districts, where this is needed to help meet BNG requirements. The topic paper points to a growing habitat bank market, with established habitat banks already operating in both districts and a pipeline of future sites expected to come forward over the plan period.

iii. The financial viability of a higher percentage (Topic Paper Section 7)

The Joint Local Plan Viability Report ([examination library reference ITV04](#) and [examination library reference ITV04.01](#)) demonstrates that 20% BNG, when considered in combination with the costs associated with other Joint Local Plan policies, is viable to deliver in the districts.'

8.2 The viability of 20% BNG is also addressed in more detail in our response to the Inspectors' Initial Question IQ65 ([examination document LPA02](#)).

## 9. Sewage Treatment Works Capacity

### Main issue raised

The Environment Agency raised significant concerns about sewage treatment work capacity and water quality. They said a detailed Water Cycle Study is needed to show that development can be delivered, supported by sufficient infrastructure, without negative impacts on water quality.

### The councils' response

- 9.1 At the Regulation 19 stage (1 October 2024) we published our Water Cycle Study Scoping Report ([examination library reference CEQ18](#)). This considered how the Joint Local Plan will affect the water environment. The Scoping Report identified that further work (including detailed modelling) was required to understand impacts on sewage treatment work capacity and water quality.
- 9.2 We therefore commissioned a Water Cycle Study (WCS) Detailed Report that assesses sewage treatment work capacity and impacts on water quality in more detail. Where potential issues have been identified by the study, appropriate mitigation is recommended, including:
- the delivery of infrastructure upgrades, in accordance with the Infrastructure Delivery Plan ([examination library reference CSD05.1](#)); and
  - ensuring alignment between infrastructure upgrades and new development, as required by Joint Local Plan Policy CE8 - water quality, wastewater infrastructure and drainage.
- 9.3 The WCS Detailed Report will be submitted to the Inspectors as part of the examination shortly. We have reviewed the recommended mitigations and

consider the submitted JLP appropriately addresses them, so that no modifications are needed.

- 9.4 We engaged closely with the Environment Agency in producing the WCS Detailed Report, including discussing and agreeing the scope and methodology for the assessment, as well as sharing draft findings with the Environment Agency for comment prior to finalising the report. We also engaged with Thames Water (the wastewater service provider for the districts) throughout the project. We have also engaged with neighbouring authorities where sewage treatment work catchments cross administrative boundaries. Neighbouring authorities provided data on planned development in their areas which has fed into the assessment to ensure that cumulative impacts are considered. We have also shared the draft report with neighbouring authorities and provided them with the opportunity to comment, prior to the report being finalised.
- 9.5 We set out in our response to the Inspectors' Initial Question IQ5 ([examination library reference LPA02](#)), that we intend to complete statements of common ground with the Environment Agency and Thames Water, and these are currently underway.

## 10. Sustainability Appraisal (SA)

### Main issue raised

Respondents raised concerns that the Sustainability Appraisal had not appropriately considered reasonable alternative options for the spatial strategy, economic growth, and the site selection process. Some respondents were concerned that the Sustainability Appraisal had been undertaken too late in the process and has not meaningfully informed plan preparation. Oxford City Council raised that the SA Scoping Report omitted the assessment of the future state of the environment without implementation of the plan.

### The councils' response

- 10.1 We worked with specialist SA consultants and exercised evaluative judgment to arrive at options on which to base a proportionate and robust assessment of 'reasonable alternatives' through Sustainability Appraisal (SA). We identified an appropriate range of reasonable alternatives to our preferred spatial strategy, as well as alternative levels of housing and employment growth, and 43 reasonable alternative sites (for housing or employment development) which met our site selection parameters. The detailed outcome of how each option or site performed against the SA objectives can be found in the Sustainability Appraisal (SA) and Appendices (Publication Version) ([examination library reference CSD03](#)). Summaries of these outcomes can also be found in paras 3.32 to 3.33 of the Spatial Strategy Topic Paper ([examination library reference TOP08.2](#)), paras 2.42 to 2.49 of the Site Selection (incorporating Sequential Flood Risk and Exception Test) Topic Paper ([examination library reference TOP07.1](#)) and paras 4.1 to 4.5 of the Employment Needs Topic Paper ([examination library reference TOP02.2](#)).
- 10.2 Sustainability Appraisal was not undertaken too late and fully informed our plan preparation. SA is an iterative process, broken down into five distinct stages (as

illustrated in a flow diagram within the Government's PPG). The second stage involves 'developing and refining alternatives and assessing effects', including:

- Development of the Local Plan options including reasonable alternatives; and
- Evaluation of the likely effects of the Local Plan and alternatives.

- 10.3 The SA process runs in parallel with local plan preparation and this second stage happens at around the same time as the Regulation 18 stage of plan making and prior to preparation of the publication version of the Local Plan. During public consultation on our Regulation 18(2) Preferred Options version of the JLP, several respondents expressed concern that the SA had failed to test sufficient reasonable alternatives to the proposed site allocations. To address these concerns, we applied a series of site selection parameters and shortlisted 43 additional housing and employment sites which were subjected to SA. The SA findings were then considered by officers in order to determine the individual sustainability merits of allocating each site in the Plan as an alternative to our preferred sites.
- 10.4 The outcome of this assessment is described in paragraphs 2.42 to 2.49 of the Site Selection (incorporating Sequential Flood Risk and Exception Test) Topic Paper ([examination library reference TOP07.1](#)). The SA Report was updated at the Regulation 19 Publication stage to reflect the additional assessment work undertaken, with Appendices H and I containing summary and detailed appraisals of the sites and alternatives respectively ([examination library reference CSD03](#)).
- 10.5 The SA appraised all 21 sites in the JLP that did not benefit from a form of planning permission at Regulation 19 stage. It also assessed the 43 alternative employment and housing sites, and one alternative site boundary for the land at Dalton Barracks. These assessments were therefore available during the publication period of the proposed submission plan.
- 10.6 This process allowed the submission version of the plan to be properly informed by SA. Reasonable alternatives have been considered and the results of consultation on the SA have been taken into account.
- 10.7 In order to address the matter raised by Oxford City Council, we published an SA Technical Addendum for public consultation between 6 December 2024 and 17 January 2025 ([examination library reference CSD03.1](#)). This Addendum provides detail on the likely evolution of the baseline in the absence of the Joint Local Plan, in relation to each of the topic areas set out in the original SA Scoping Report. All representations received have now been published on the councils' websites ([examination library reference LPA07](#)), as well as being summarised and reviewed at IQ49 and IQ50 in the councils' responses to the Inspectors' Initial Questions ([examination library reference LPA02](#)). We explain at IQ49.5 that having reviewed and carefully considered each representation, we do not consider that any updates are needed to the SA Technical Addendum, and no changes are required to the content of the JLP.

## 11. Habitats Regulations Assessment (HRA)

### Main issue raised

Respondents raised concern that a Habitats Regulations Assessment had not been published alongside the Regulation 19 version of the plan, and were particularly concerned about air quality impacts on Oxford Meadows, Cothill Fen and Aston Rowant SACs. Natural England acknowledged receipt of the draft HRA report and reserved their position regarding the soundness and legal compliance tests in relation to HRA prior to the end of the publication period.

### The councils' response

- 11.1 Neither the Planning & Compulsory Purchase Act 2004 nor the Local Planning (England) Regulations 2012 impose any legal requirement to publish a Habitats Regulations Assessment (HRA) at Regulation 19 stage, or that an HRA must accompany plan submission.
- 11.2 Regulation 105(1) of the Habitats Regulations 2017 states that, where a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the plan-making authority for that plan must, **before the plan is given effect**, make an appropriate assessment of the implications for the site in view of that site's conservation objectives. So, for the Joint Local Plan, the legal requirement is for South Oxfordshire and Vale of White Horse District Councils (as joint plan-making authorities) to have carried out an appropriate assessment in accordance with the Habitats Regulations and to be able to conclude that there will be no adverse effects on the integrity of a European Site before the plan is adopted.
- 11.3 In accordance with Reg 105(2) of the Habitats Regulations 2017, we shared a copy of our draft HRA AA (Appropriate Assessment) report with Natural England for review and comment on 5 November 2024. We also considered it appropriate to share the draft HRA AA with our neighbouring authorities (Oxford City, Cherwell, West Oxfordshire, Swindon, West Berkshire and Buckinghamshire). Following a meeting on 6 November 2024, Natural England confirmed via email that it was unable to agree the HRA as drafted because likely significant air pollution effects could not currently be ruled out for Oxford Meadows, Cothill Fen and Aston Rowant SACs.
- 11.4 In light of the above, we revised the HRA Appropriate Assessment Report, to record that these three European Sites are 'screened-in' for further assessment in respect of atmospheric pollution due to the potential for likely significant effects. We submitted the HRA AA Report on 9 December 2024 ([examination library reference CSD04.1](#)).
- 11.5 Since JLP submission, we have been working with Natural England to agree the scope of modelling work required to inform the assessment of air quality impacts on Oxford Meadows, Cothill Fen and Aston Rowant SACs. The modelling is now underway and an update to the December 2024 HRA Appropriate Assessment Report will be published once this work is completed.

11.6 For more information about the HRA, please see our responses to the Inspectors' Initial Questions ([examination library reference LPA02](#), questions 39-44).

## 12. Viability

### Main issue raised

Respondents raised concerns with the robustness of the findings in the Viability Report and that the cumulative effect of the policies in the plan may make development unviable.

### The councils' response

- 12.1 The Joint Local Plan Viability Report ([examination library reference ITV04](#)) and the Joint Local Plan Appendices ([examination library reference ITV04.1](#)), provided by our specialist viability consultants Aspinall Verdi, tested the impact of all relevant Joint Local Plan policies on the viability of a suite of different development typologies in different market areas in the districts, and on the viability of the larger site allocations. This included testing the cumulative effect of all policies with other development value and cost assumptions, including land value. The report demonstrates that development would be viable to implement in the districts with the Joint Local Plan's policy requirements.
- 12.2 The findings of the Viability Report and Appendices are based on a robust evidence base that has regard to all policies that would have a cumulative impact on Plan viability. The overarching objective of the report, stated in paragraph ES3 (page i), is 'to provide a robust evidence base upon which SODC / VOWH can make informed decisions regarding their policies and site allocations'. Paragraph ES8 (page ii) confirms that the report and appendices have 'had regard to the cumulative impact of the emerging Joint Local Plan policies. The impact of each of the policies, either direct or indirect, is set out in the policies matrix (Appendix 1)'. This Policies Matrix (see Appendix 1, pages 1-148) exemplifies how Aspinall Verdi have undertaken a detailed matrix analysis which outlines how the directly influential policies have both shaped the viability typologies and the assumptions adopted within their appraisals. Table 3.1 (pages 20-28) particularly highlights which Joint Local Plan Policies have a direct impact on viability and how the evidence for their costs have been taken into account.
- 12.3 The Viability Report was produced in consultation with development industry professionals (for example, registered providers, developers and landowners); Aspinall Verdi explain on page 30 how such stakeholders were consulted on costs (via a stakeholder workshop and requests for written feedback). The workshop slides and feedback are available at Appendix 2 and 3.
- 12.4 The Viability Report provides robust detail regarding Aspinall Verdi's viability assessment method (see pages 30-45). This can be read in conjunction with their Land Market Paper (Appendix 4) and Residential Market Paper (Appendix 6). The Land Market Paper provides the detailed research and analysis carried out in respect of the area's land market evidence base and assumptions in respect of Benchmark Land Values (BLV) to inform the Viability Report's

approach to land values. The Residential Market Paper reviews the existing evidence base, by providing a detailed residential market analysis and the background to the market housing value assumptions made in appraising the districts' residential development typologies.

- 12.5 The 'BCIS Construction Costs' used for the viability calculations are included at Appendix 7. This can be viewed in conjunction with Appendix 5 (pages 254-257) where the Typologies Matrix provides a detailed breakdown of the site typologies considered, their affordable housing and housing mix requirements, alongside their associated costs included in the viability calculations (such as costs from contributions and construction costs impacted by policy requirements).
- 12.6 Appendix 8 (page 340) then provides detailed residential appraisals for each typology. Sensitivity analysis tables can be found in Tables 1-9 within each typology. There are also summary tables provided, for ease of review, at the end of each batch of appraisals. These documents can also be read in conjunction with the Residential Viability Results (pages 69-106 of the main Viability Report).
- 12.7 The council therefore consider that the Viability Report and its findings are robust, and evidence based. As Aspinall Verdi confirm in paragraph 2.1 of their report, their 'financial viability assessment has been carried out having regard to the various statutory requirements comprising primary legislation, planning policy, statutory regulations and guidance' and this includes the National Planning Policy Framework (December 2023) and Planning Practice Guidance (2024).

### **13. Proposed Changes to the National Planning Policy Framework (NPPF)**

#### **Main issue raised**

Some respondents noted that the Joint Local Plan would align poorly with the proposed changes to the National Planning Policy Framework which were consulted on earlier this year, in particular concerning housing need.

#### **The councils' response**

- 13.1 Following both the close of the period for formal representations on the pre-submission publication version of the Joint Local Plan (12 November 2024) and its subsequent submission for examination (9 December 2024), on 12 December 2024 the Government released the updated National Planning Policy Framework. The transitional arrangements contained in the December 2024 NPPF (in Annex 1) mean that the Joint Local Plan is being examined under the relevant previous version of the Framework.
- 13.2 In the Inspectors' Preliminary Matters and Initial Questions ([examination library reference ID01](#), page 2), the Inspectors confirmed the following: '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'.

- 13.3 Therefore, the degree of alignment with the new NPPF of December 2024, or its earlier consultation draft, is not relevant to the examination of the Joint Local Plan.

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