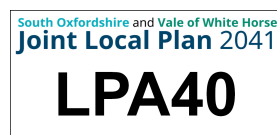


Policy and Programmes

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Inspectors Caroline Mulloy & Rachael Bust
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(sent via email to the Programme Officer)

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20 October 2025

Dear Inspectors Mulloy and Bust,

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

I am writing to ask you to reconsider the conclusions in your letter of 26 September 2025 in the light of the legal points we raised in our letter to you of 6 October 2025, the additional information set out below, and the recent Ministerial letter of 9 October 2025.

As an initial observation, I acknowledge that you have not sought the views of the Councils (or any other parties) on the conclusions in your letter. However, it is the case that, as matters stand, the examination remains open and on-going, and there is no reason why you should not reconsider those conclusions within the examination if you are provided with a sound basis to do so.

In his recent letter, Matthew Pennycook MP, Minister of State for Housing and Planning, wrote to Paul Morrison, Chief Executive of the Planning Inspectorate to outline his expectation that local plans submitted in the current plan-making system should be treated with an appropriate degree of flexibility. He specifically refers to the Duty to Cooperate (DtC), asking Inspectors to be proportionate in what is expected as the DtC evidence, and to consider the context.

As a plan submitted under the current plan-making system, his message is directly relevant to our Joint Local Plan. The Minister states:

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“In advance of the new plan-making system and mechanisms for cross-boundary cooperation coming into force, the final set of local plans being delivered within the current system remain essential to facilitating the effective delivery of housing, jobs and infrastructure. It is therefore critical that Inspectors approach examinations of current system plans with the appropriate degree of flexibility. The evidencing of expectations to establish whether the legal and soundness tests have been met – including with respect to the Duty to Cooperate – should be proportionate to the context in which plans in the existing system are being prepared.”

We note the new clarification from the Minister to the Planning Inspectorate on the role of pragmatism by examining Inspectors. Whilst wanting to avoid overly long examinations or the adoption of poor-quality plans, he welcomes approaches which enable plans to proceed *“by providing additional opportunities to clarify compliance with the Duty to Cooperate.”*

On this subject, there is further news we can share to bring you up to date. We acknowledge that the question of compliance with the Duty to Cooperate relates to what happened while the Joint Local Plan was being prepared, and that this preparation period ended on 9 December 2024 when the plan was submitted for independent examination

Nonetheless, the question of whether the submitted plan is sound, or can be made sound by modifications, is not so time limited. As explained in our letter of 6 October 2025 and expanded on below, the Councils consider that some of the criticisms which led to the conclusions in your letter of 26 September 2025 can be properly seen as raising matters of soundness rather than compliance with the DtC. We believe that recent events on Oxford’s housing numbers provide important context that deserves your consideration.

1) Oxford’s housing numbers

After the June 2025 hearings had closed (so you had no way of knowing), Oxford City Council published a Regulation 18 consultation on their new Oxford Local Plan 2042. This showed that the City Council’s preferred approach is now to use the stock-based Standard Method of the current NPPF (December 2024) for their housing need.

The figures work out as follows:

Oxford’s standard method number over their plan period is 21,740. Their preferred option is to set a (lower than the standard method) capacity-based housing requirement for Oxford in Policy H1, which would generate unmet need. Their provisional capacity in Oxford is ‘at least 9,851’. With the existing sites and provision of around 7,000 homes for Oxford in South Oxfordshire and Vale of White Horse, combined with adopted supply

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from other authorities (totalling 14,300), we calculate that there is more than enough to cater for the amount of unmet need this plan generates:

Oxford's housing need	21,740
Oxford's capacity	9,851
Unmet need for Oxford already agreed in South, Vale, West and Cherwell	14,300
Balance (surplus)	+ 2,411

Therefore, based on the latest Oxford published position, there would be no additional unmet need for the JLP to address to 2041. We responded to Oxford's consultation on 8 August 2025 welcoming this. We would be happy to submit both Oxford's Regulation 18 Local Plan consultation and our responses to our examination library, if helpful to you.

As we set out in our letter to you of 6 October 2025, at that time the Joint Local Plan was being prepared there was undisputed evidence that if the former standard method was used to assess Oxford's housing need (as we had argued it should and as their local plan Inspectors had found was the case), there was no additional unmet need beyond the provision already made by the JLP (together with provision made by other partners). In the light of Oxford's latest figures, we ask you to reconsider the position you set out in your letter that *"it should have been obvious that there was a reasonable prospect of unmet need in this period"*, because that was not the case when the Joint Local Plan was being prepared and has subsequently turned out not to be the case.

Thinking back to the Minister's new letter and the need for DtC evidence to be *"proportionate to the context"*, in our case we've fully addressed Oxford's unmet housing needs from their adopted Local Plan, which was found sound. When preparing the JLP in 2023-24 we also looked beyond their adopted plan to their emerging plan period to 2040, and it is undisputed that Oxford's future need was also being accommodated when it was assessed in accordance with the Standard Method (as it should have been). With plan preparation running in parallel, then Oxford slipping behind during 2024 as a result of their Inspectors' decision, the Oxford local plan wasn't ultimately at the right stage for updated Oxford unmet need figures to inform our JLP. This doesn't mean our plan should fail - especially given the Minister's view that the final set of local plans under the current system *"remain essential to facilitating the effective delivery of housing, jobs and infrastructure"*. Especially so here in the context of Oxfordshire being vital to the national economy. Any concerns about how the Joint Local Plan makes provision for Oxford's needs relate to matters of soundness of the plan (which we make further comment on below under point 3).

We are aware from recent engagement with Oxfordshire planning policy officers, that Oxford is currently taking advice on whether to adjust and extend their plan period. Oxford is also updating the capacity through work on their SHLAA, taking account of the Environment Agency's new flood mapping. We imagine that this could reduce Oxford's

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surplus of around 2,411 homes that we calculate in the table above. It could also, in theory, generate some new additional unmet need, although at the moment in early stage emerging work, it appears there would still be a surplus. The Oxfordshire authorities are following a joint process and timeline for discussing and confirming this.

This is, of course, not relevant to the period when the Joint Local Plan was in preparation, because Oxford's plan is only now reaching this stage, but it may have a bearing on matters of soundness. It is important to share this with you as context for our proposal in point 3 below.

2) PINS checklist

We would be more than happy to be among the first authorities to complete the new PINS checklist if that would help consolidate and summarise the examination material. We are aware that our DtC evidence of engagement is lengthy, with LPA02.1 (table of entries 61 pages long), LPA02.2 (compilation of minutes and correspondence amounting to 483 pages) and LPA28 (revised table of engagement, 53 pages).

We would be happy to use the checklist to make it clearer and to assist you in determining whether proportionate evidence has been provided on compliance with the DtC in the context in which the Joint Local Plan was prepared. If you would like us to present the previously submitted information using this new checklist, we would welcome this.

3) Proposals for modifications

We have already touched on the question of soundness and explained that we consider some of the criticisms in your letter relate to the soundness of the Joint Local Plan rather than legal compliance concerning the DtC.

First, on the topic of unmet housing need, we'd like to highlight the approach taken by the Inspector for the Waverley Local Plan (Jonathan Bore) in his report dated 1 February 2018. At the time, the adopted Woking Core Strategy showed a clear unmet housing need in an adjacent borough (para 26 of report). However, the Waverley Local Plan didn't include any provision for that need (para 27). Despite this, Inspector Bore considered it a matter of soundness - not a failure to comply with the DtC:

"Whilst the submitted plan does not contain any allowance for unmet housing need arising in Woking District, this is a matter dealt with through modifications to the housing requirement and does not demonstrate any failure under the Duty to Co-operate." (para 15)

We recognise that deciding whether something falls under the DtC or is a soundness issue involves planning judgment, and different views are possible. But even in a case where a plan doesn't make any allowance for clear unmet need from a neighbouring

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area (in an adopted, not just an emerging plan), it can still be treated as a soundness issue and so capable of being addressed through modifications to the submitted plan.

Second, we'd also like to draw your attention to the Central Bedfordshire Local Plan, examined by Inspectors Matthew Birkinshaw and Helen Hockenhull. In their 15 July 2021 report, they considered a situation where Central Bedfordshire Council had agreed to help meet neighbouring Luton's housing need by providing 7,350 homes. However, Luton argued that the plan didn't clearly address the 'where and how' those homes would be delivered, or how affordable housing nomination rights would work. The Inspectors concluded these were soundness issues, not DtC failures. They said (at paras 24 and 25):

“Having read and heard a significant amount of evidence on this matter, it is clear that the issues, and the strategic sites, are well known to both Councils who simply hold different views on the most appropriate strategy for the future expansion of Luton. In our opinion, this is a soundness matter. The Duty to Cooperate is not a duty to agree and having discussed and debated the issue over a number of years, it is unlikely that any further agreement could have been reached on the ‘where and how’ when the parties are so diametrically opposed on which direction Luton should expand...”

Similarly, LBC seek changes to the Plan in order to address concerns regarding the provision of affordable housing, affordable housing nomination rights and transport infrastructure. These matters relate to the effectiveness, and thus soundness, of the Plan. Although further dialogue could have been pursued, we are not convinced that this would have significantly narrowed the issues any further or led to agreed policy outcomes...”

In short, it's clear that the Central Bedfordshire Inspectors saw the mechanics of how the unmet need would be delivered as matters of policy effectiveness and so matters properly addressed as issues of soundness. They went on to propose various modifications to address those soundness issues.

We'd be happy to share copies or extracts of these reports if it would help you consider whether the concerns raised in your letter can properly be seen as soundness matters.

Third, we would also like to address further points with you through modifications to the plan. We have a suggestion. Since our JLP is running ahead of the new Oxford Local Plan, meaning that the final number of homes needed in Oxford in the JLP plan period was unknown at the point at submission and remains unknown, we could propose a modification to Policy HOU1 and paragraph 6.10 to provide a 'reserve' position.

This could for example propose that should the next Oxford Local Plan (currently at Regulation 18 stage) generate additional unmet need that South and Vale are asked to contribute to accommodating, those homes will be provided through the surplus in the

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Joint Local Plan at Policy HOU2, and by extending the arrangements in the Memorandum of Understanding for longer, so that households from the Oxford waiting lists are given priority for a larger number of affordable homes in South and Vale (number to be determined by the agreed scale of the unmet need and set out in an updated MOU). These MOU arrangements are already delivering homes for Oxford. Latest figures from our Lettings Team show that in Vale, we are ahead of target on number of affordable homes we've advertised for those in housing need from Oxford. We have fast tracked over 350 Oxford City housing register applications and assisted Oxford to address the needs of those they owe a homeless duty to by allocating a property to nearly 80 Oxford applicants in this most acute category.

Although no formal decisions have been made yet, if the Joint Local Plan doesn't go ahead, it's unlikely we could prepare a new plan under the current local plan system in time for the Government's December 2026 submission deadline. With Local Government Reorganisation coming in April 2028, and the statutory instruments for the new local plan machinery not yet in place, there is unlikely to be enough time to prepare another plan even under the new regime. We think a modification to the JLP is the quickest and most pragmatic way that any additional Oxford unmet need, were it to be needed once processes described in (1) are further advanced, could be addressed within South and Vale.

This proposal would meet the Minister's wish to see local plans adopted which meet housing needs over the plan period. In our case, this approach of progressing the JLP would have the advantage of making provision for our gypsy and traveller communities and expanding the Dalton Barracks allocation, which without the JLP, are pressing needs which could be left unachieved.

We note the Minister's revocation of the Nick Boles March 2014 letter, providing Inspectors with the option to recommend as part of the examination that a Green Belt review is undertaken to consider whether additional sites could be identified, in line with national policy, to meet development needs. We think this could be of merit in our case, considering the wider opportunities at Dalton Barracks Garden Village for example. We are already in discussions with the other Oxfordshire districts about commissioning a new joint Green Belt study.

In the light of this information, our proposals for potential modifications, and the Minister's message in his letter, we kindly ask you to reconsider your initial letter. The JLP remains at examination, and these matters are material to that examination. We would welcome discussion of next steps with you via the Programme Officer if helpful.

Yours sincerely,



Policy Manager

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