

Sent by email to: Planningpolicyconsultation@cherwell-dc.gov.uk

24/02/2025

Dear Sir/ Madam

Cherwell Local Plan

1. Thank you for consulting the Home Builders Federation (HBF) on the Cherwell Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

NPPF Transitional arrangements

2. The transitional arrangements in the latest National Planning Policy Framework (NPPF24) sets out in paragraph 234 that local plans that reach regulation 19 on or before the 12th of March and its draft housing requirement meets at least 80% of local housing need will be examined under the previous version of the Framework (NPPF23). It is the Council's contention that the housing requirement in the local plan is 80% of local housing need and as such the plan will be examined against NPPF23. However, there are questions as to whether this is the case given that the housing requirement includes an uplift to meet some of the housing needs of Oxford City. The housing requirement in the local plan is set out in COM1 at 20,042 homes between 2020 and 2042. This is an average of 911 dwellings per annum. Of this total requirement the Council state in paragraph 3.201 4,400 homes in this requirement are included to address the unmet needs of Oxford City. As such the proportion of the housing requirement to meet Cherwell local housing needs is 711 homes, 64% of the local housing needs assessment using the updated standard method.

3. What is not clear from NPPF24 is how the transitional policies should be applied if, as is the case in Cherwell, a significant proportion of the housing requirement is to meet the needs of another area. It would seem to HBF counterintuitive not to take into account what so ever the fact that 22% of Cherwell's housing requirement is to meet the needs of another area given that paragraph 62 of the NPPF states that in addition to local housing needs any needs that cannot be met within neighbouring areas should be take into account when establishing the number of homes to be planned for. It is also notable that in the Partial Review Local Plan adopted in 2020 the Council considered the housing needs of Oxford to be separate to that of Cherwell to the extent that the monitoring these separately and maintained a separate five-year land supply of housing sites specially to meet Oxford's unmet needs¹. This would suggest that Cherwell consider the 4,400 homes required to address Oxford's unmet housing needs as being separate to their own needs and not part of their own housing requirement. As such the Council's current position would appear to be is based on a decision to delay planning for the higher level of housing needs required by NPPF24.
4. HBF position in relation to paragraph 234a in NPPF 24 is that it is necessary to take account of the fact that the housing requirement in the plan includes a proportion to address the unmet needs of Oxford City, and that the housing requirement in the plan in relation to Cherwell's housing needs is only 64% of what NPPF24 considers their local housing needs to be. On this basis we consider that unless the plan is submitted prior to the 12th of March 2025 preparation of local plans in Cherwell must apply the policies in NPPF24. Against this latest version of the Framework the Cherwell Local Plan is unsound as it falls short of meeting housing needs in full. The Council should therefore seek to identify additional land to meet development needs in full as well as continuing to work with Oxford City to help address some of their unmet development needs.
5. If the Council is considering submitting this local plan prior to the 12th of March 2025 in order ensure the plan is examined under NPPF23, HBF would be concerned that there is insufficient time to give due regard to the outcomes of the regulation 19 consultation prior to submission. It is important that the Council has all the necessary submission documents and evidence base in place and it does not seek to try and address any short comings in the plan raised during this consultation after it has been submitted.

¹ Policy PR12a, Cherwell Local Plan 2011-2031 Part 1 Partial Review.

6. As the Council will be aware the Government has told the Planning Inspectorate that “Any pauses to undertake additional work should usually take no more than six months overall. Pragmatism should not be used to address fundamental issues with the soundness of a plan, which would be likely to require pausing or delaying the examination process for more than six months overall”. As such if there is any risk of delay in the examination then the Council must not submit this local plan and delay the reparation of a local plan that meets the needs of the district in full is required by the latest iteration of the NPPF and the standard method for housing needs it promotes.

Review policy

7. If the plan is submitted prior to the 12th of March and examined under NPPF23 then HBF consider it essential that there is a policy in the local plan that commits the Council to an immediate review. What is being proposed in paragraph policy IMPT1 is insufficient given that there will be a significant shortfall the number of homes Cherwell should be planning for on the basis of NPPF24. HBF considers that the local plan needs to include a specific review policy setting out clearly that the council will start preparing a plan immediately on the adoption of this plan, if it is found sound. In order to ensure that this policy is effective it will need to have consequences. HBF suggest a policy similar to that adopted in the Bedford Local Plan 2030 (see Appendix 1), which was examined under the transition arrangements in the 2019 NPPF. This policy required the Council to submit a new plan within three years of adopting the local plan 2030 and in the event that this submission date is not adhered to, the policies in the local plan which are most important for determining planning applications for new dwellings will be deemed to be ‘out of date’.

Duty to Co-operate.

8. The Council have not yet published any statements of common ground (SoCG) with neighbouring areas. In particular it will be necessary to have agreed as statement of common ground with Oxford City Council. While the Council have outlined in their interim Duty to Co-operate Statement that they have reached an understanding that 4,400 dwellings and at the meeting no additional accommodation was requested a formal statement as to what has been agreed and where there are differences is still necessary. For example, Cherwell’s decision to deliver the 4,400 homes across the whole plan period is inconsistent with what previous agreements and the partial review of the Cherwell local

plan adopted in 2020, and it is not clear whether this was discussed with Oxford prior to publication of the local plan.

9. It will also be necessary to set out evidence the process behind the decision to remove their support for the Housing and Economic Needs Assessment that was jointly commissioned with Oxford City. It is notable that in paragraph 4.8 of the Duty to Co-operate Statement the Council say, *“Based on the conclusions of the Oxford Local Plan Inspectors, Cherwell District Council is no longer reliant on this study to inform its housing and employment needs”*. It is HBF’s understanding that Cherwell decided prior to the hearings that they no longer supported the outcomes of the HENA. It would have been helpful to understand the decision making with regard to this change of position and the engagement with Oxford City both before and after this decision being made. HBF recognise that changing administrations can have different priorities, but this does not remove the need for active co-operation on such matters through the plan making process. Without further evidence it is not possible to state whether the Cherwell has co-operated constructively, actively and on an ongoing basis with Oxford, and indeed with the other LPAs in Oxfordshire, on the issue of housing and economic needs.

Spatial Strategy

10. HBF are concerned that the Council have chosen not to include a policy on the spatial strategy for the Cherwell as a whole. Instead, the Council has chosen to focus specific area based spatial strategies. Whilst these individual strategies are help it is necessary to have an overarching strategy to bind these together and ensure that the plan as a whole is cohesive and recognises the interrelationships between settlements as well as with the rest of Oxfordshire and Oxford City in particular. HBF would recommend that a policy is included in the local plan clearly setting out the Council’s spatial strategy for the area as whole.

Plan period

The plan period is unsound as it is inconsistent with national policy

11. HBF do not agree with the Council’s decision to use a plan period that starts in 2020, over three years prior to the local plan being submitted for examination. Such an approach fundamentally misunderstands that local plans are forward looking, and it is not consistent with national policy to include delivery of development in the period prior to which

development needs are assessed. For example, the standard method which takes account of past supply through the affordability uplift to determine housing needs moving forward. The uplift in housing delivery will to some extent take into account past over supply in that it will have increased supply in the market potentially limiting increases in houses prices in Cherwell and reducing the housing needs assessed using standard method.

12. This approach is clear from paragraph 2a-00420201216 which notes that when setting the baseline for the standard method the current year is used as the starting point for calculating growth. The standard method also requires the affordability adjustment to be the most recent data, for in this case it is the median affordability ratio for 2023 that was published in March 2024. This adjustment is to reflect the price signals in the market and ensure that housing needs are responding to these signals which suggests that the starting point for any plan should be the year to which the affordability ratio relates.
13. As such it is neither logical nor consistent with national policy for the plan period to start in 2020. It should start in 2024 the year in which the assessment was calculated. Most recently the Inspectors examining the West Berkshire Local Plan and North Norfolk Local Plan have, following similar concerns, required the plan period to be extended in response to paragraph 22 of the NPPF and for the starting point of the plan to be brought forward a year to reflect national policy with regard to the assessment of housing needs. In particular we would point the council to paragraph 6 of the Inspector's post hearing note on the North Norfolk Local Plan which states in relation to a plan period starting in 2016 and ending in 2036:

"Turning to the base date of the plan, this should correspond to the date from which the housing needs of the district are quantified. As set out in paragraph 12 below, this should be April 2024. The plan period should therefore be 2024-40."

14. HBF believe the same approach should be taken with the plan period in this local plan. There is no justification for the plan starting a number of years prior to the point at which the housing needs for this local plan are calculated and the plan period should be modified to start from 2024.

CSD2 Achieving Net Zero Carbon Development Residential

15. The proposed policy position would require all new development to demonstrate net zero operational carbon from total energy use (both regulated and unregulated) by achieving a 63% reduction in regulated emissions on site compared to 2021 building regulations and achieving improvements in Target Fabric Energy Efficiency (TFEE) of between 9% and 24% depending on the dwelling typology. All improvements will be calculated using SAP. In addition, development will need to deliver sufficient renewable energy on or near site equal to the development's total energy demand. If this cannot be achieved, then the council will require an offsetting payment.
16. With regard to the carbon reduction and energy efficiency targets our understanding is that these are broadly in line with what will be achieved as part of the Future Homes Standard and as such HBF would question whether it is necessary to include these in the local plan. Whilst HBF would agree with the Councils that there is a need to act to reduce carbon emissions we believe improvements in technical building standards should be delivered through building regulations. This has the distinct advantage over delivering a variety of different approaches across the county, in that it provides a single approach that all developers understand and can be rolled out at scale. This allows supply chains and skills to be improved prior to implementation and ensure that improvements to building standards are actually deliverable from the point at which they are introduced.
17. However, if the Councils chooses to go beyond current future standards it must be done in a way that is consistent with national policy and robustly assesses its consequences and gives consideration as to how the requirements are consistent with the written ministerial statement (WMS) published on the 13th of December 2023 which continues to be relevant for the purposes of considering policies such as CSD2. The WMS sets out concerns that setting local standards increases complexity, reduces economies of scale and adds to the cost of building new homes and states that such policies should be rejected with a well-reasoned and robustly costed rationale which ensures:
 - That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
 - The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).

18. Taking the second point first, it would appear that the requirements are broadly based on the TER and use SAP as the assessment method and are consistent with the WMS. With regard to the first bullet point HBF would question whether the Council has fully considered the impact of what is being proposed on housing supply. Achieving net zero and delivering higher fabric energy efficiency standards will require different skills, process and new supply chains to be developed. These will take time to implement, and it is not clear from the Council's evidence whether this has been considered. HBF would have expected detailed consideration as to the potential impact of this policy on when development will commence and the number of homes that will be delivered each year. Without such considerations the policy is not justified and should be removed from the local plan.
19. HBF is also concerned that the Council Viability Assessment (VA) may underestimate the cost of achieving net zero carbon. The VA uses a 3% uplift to take account of increased costs resulting from the 2021 Building Regulations which target a 31% reduction in carbon emissions compared to the 2013 Building Regulations. The VA then a further £90 per sqm to meet the requirements of CSD2 – an 6.7% increase to build costs for new houses and 4.5% increase for flatted development. It is not clear how these costs were arrived at and whether this includes any assessment as to how much offsetting may be required and the likely cost of this.
20. Clarity is required within the final paragraph of the policy which states that SAP is not an accurate predictive energy model and will not be suitable for demonstrating the achievement of this benchmarks. This would appear contradictory to earlier in the policy which states that SAP will be used to assess compliance with parts i. and ii of the policy. Clarification is provided in paragraph 3.31 of the supporting text that the use of other methods only relates to the optional energy efficiency standards. To avoid confusion and provide clarity to the decision make this should be stated in the policy itself.

CSD5: Embodied Carbon

The policy is unsound as it is inconsistent with national policy.

21. This policy requires development of 50 or more dwellings to limit upfront embodied carbon 675 kgCO₂e/m²GIA. HBF do not consider this requirement to be consistent with national policy. The Planning and Energy Act 2008 permits council to set energy efficiency standards to exceed to set out in building regulations, but it does not state that LPAs can set specific

standards with regard to the embodied carbon in new buildings. Nor is it included as one of the optional technical standards set out in PPG that local authorities can choose to implement where there is supporting evidence. This is a new technical standard, and such standard should not be established on an ad-hoc basis through local plans. In addition, HBF is concerned that the requirement to undertake an accurate whole life carbon assessment is compromised by the lack of data across building material as to their embodied carbon. Until there is greater accuracy, we question whether the whole life carbon assessments can be sufficiently robust at present to be part of decision making. It is also not evidence from the Council's VA whether the cost of meeting the proposed embodied carbon requirement has been included in the cost of development.

22. As with reducing carbon emissions from operational energy use HBF considers it best that such matters addressed at a national level to avoid different approaches and standard being set in different areas. The housebuilding industry is working with the Future Homes Hub it to develop a roadmap to reducing embodied carbon and whilst Councils may want to go further faster HBF have concerns that this will impact on the deliverability of development with a disproportionate impact on SME developers.
23. Therefore, HBF consider the policy to be inconsistent with national policy and unjustified. As such it should be deleted.

CSD9 Water resources and waste water infrastructure

24. The fourth paragraph of CD09 will in effect require developers to show that there is capacity within the water and waste water network to support new development. HBF agrees that there must be sufficient water resources waste water infrastructure capacity to serve new development, however this is for the Council and water company to determine as part of the preparation of this local plan and the through the Water Resource Management Plan. It cannot be left to the development management process to assess on a case by case basis. If there is insufficient waste water treatment capacity to address the needs of development in future, then the only assumption must be that the plan is not deliverable over the plan period and as such unsound.
25. The capacity of the water and waste water network are not a land use planning matter for consideration on an application by application basis as Water companies are subject to statutory duties under S37 and 94 of the Water Industry Act 1991 (WIA 1991). Section 37

of the Act, set out below, imposes a statutory duty on all water companies to provide and maintain adequate infrastructure and potable water supplies.

“S37 General duty to maintain water supply system etc. (1) It shall be the duty of every water undertaker to develop and maintain an efficient and economical system of water supply within its area and to ensure that all such arrangements have been made— (a) for providing supplies of water to premises in that area and for making such supplies available to persons who demand them; and (b) for maintaining, improving, and extending the water undertaker’s water mains and other pipes, as are necessary for securing that the undertaker is and continues to be able to meet its obligations under this Part. (2) The duty of a water undertaker under this section shall be enforceable under section 18 above— (a) by the Secretary of State; or (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, by the Director.”

26. Section 106 of the WIA 1991 confers a power to connect to a public sewer. Section 106(1) states that the owner of any premises or the owner of any private sewer which drains premises, shall be entitled to have its drains or sewer communicate with the public sewer of any sewerage undertaker and therefore discharge foul water and surface water from those premises or that private sewer.
27. Specifically, in relation to wastewater, the Supreme Court considered this matter in 2009 – see *Barratt versus Welsh Water* [2009] UKSC 13. Paragraph 23 of the decision is salient. Given its importance in the context of wastewater it is recited in full below:

*“The right to connect to a public sewer afforded by section 106 of the 1991 Act and its predecessors has been described as an “absolute right”. The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker. Thus, in *Ainley v Kirkheaton Local Board* (1891) 60 LJ (Ch) 734 *Stirling J* held that the exercise of the right of an owner of property to discharge into a public sewer conferred by section 21 of the 1875 Act could not be prevented by the local authority on the ground that the discharge was creating a nuisance. It was for the local authority to ensure that what was discharged*

into their sewer was freed from all foul matter before it flowed out into any natural watercourse.”

28. Consequently, it is inappropriate to include a policy in the local plan requiring a housebuilder, or other applicants for development, to assess the capacity or otherwise of the water company to provide water supply and wastewater connections as they are an attempt to get applicants to do things for which they are not legally responsible. Rather it is the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans, not applicants. If the water company is unable to supply those needs, this needs to be disclosed in the Water Resource Management Plan (WRMP). HBF recognises that this could represent a significant barrier to the delivery of the local plan, but it should not be addressed through capacity assessment by new development but through plan making and as such the fourth paragraph of CSD9 should be deleted.

CSD12 Biodiversity Net Gain

The policy is unsound as it is unjustified.

29. HBF could not find any justification for requiring a 20% net gain in biodiversity on strategic allocations and in Nature Recovery Network Core and Recovery Zones. In considering the soundness of this policy it is necessary to take account of paragraph 74-006-20240214 of PPG which states that:

“... plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”.

30. It is important to note that the starting point is that local plan should not seek a higher requirement. This is different to a permissive policy allowing local plans to seek a higher level of BNG where justified, and the HBF would argue that it should be considered a high

bar with regard to the evidence required to justify such a policy. There must be a very clear and robust justification that the area is significantly worse than the country as whole and that this decline is directly related to the new development rather than, for example, the result of changes in agricultural practices or industrial pollution. It is not sufficiently robust to highlight declines in species that whilst an important issue is not necessarily as a result of new homes being built.

31. However, the HBF could find no clear justification as to why it is necessary for those sites that are required to deliver 20% BNG to do so. The Council has undertaken an Ecological Assessment of Potential Allocated sites which shows that only one of these sites is there a high risk of causing a net loss in biodiversity and the majority having a low overall ecological risk. This would suggest that the harm arising from these sites is not significantly greater than other development, or that the harm from new residential development has had such a significant impact biodiversity in the district so as to require the strategic allocations to go beyond 10%.
32. Turning to the delivery of a 20% net gain requirement it is necessary for the Council to recognise that BNG is site specific depending on both the existing site characteristics and the ability of development to both mitigate and provide additional gain without an understanding of the baseline level of biodiversity it is difficult to gauge the cost of meeting the higher requirements in this local plan. Whilst broad assumption can be used it must be remembered that the level of BNG required could be significantly higher than expected increasing costs or substantially reducing developable area of a site. It was not clear from the Council's evidence whether such considerations have been taken into account. For example, we could find no detail in the VA as how the per dwelling cost for BNG was arrived at, and whether 20% was expected to be achieved wholly on site or whether any offsetting would be required. A higher level of offsetting could see the cost of delivering BNG increase significantly, especially if these have to be delivered offsite there is insufficient offsetting capacity locally to meet demand. Without further evidence the 20% requirement on strategic sites is unjustified and should be removed from the policy.
33. If the 20% requirement is considered to be sound it will be necessary for soundness that flexibility is included in the local plan with regard to the percentage of net gain required above the statutory minimum. The policy should clearly state that where this is impacting the viability and deliverability of a development that any BNG requirement will be reduced to the 10% statutory minimum.

34. Finally, the fourth paragraph requires net gain delivery to follow the biodiversity hierarchy. However, the fifth paragraph then states that offsite delivery should be guided by the priorities in NRN and LNRS or where they can secure the greatest benefits for Oxfordshire. This appears to rule out the delivery of net gains outside of Cherwell or Oxfordshire. It is in the developer's interest to deliver net gains as close as possible to the development as the metric includes a multiplier which increases the units that must be delivered in order to achieve the necessary net gains where net gains are delivered outside of the district. However, there may be cases where it is necessary to do so, and this should be recognised in CSD12. HBF would therefore recommend the policy is amended as suggested below:

Where the required delivery of biodiversity net gain is not possible on-site, gain should, where possible, be ~~delivered~~ guided by the priorities within the NRN and LNRS, projects identified in the Council's Green and Blue Infrastructure Strategy, or where they can secure the greatest benefits to Oxfordshire's wildlife and ecosystems. The Council recognise that where it is not possible to deliver net gains in Cherwell or Oxfordshire, then credits can, as a last resort, be delivered elsewhere in the country or through the purchase of national credits.

COM1: District Wide Housing Distribution

The policy is unsound as it is not consistent with national policy and is unjustified.

The housing requirement

35. The housing requirement for the plan period 2020 to 2042 is set out in COM1 as 20,042 homes (911 dpa). This is based on the use of the previous standard method for the period 2020 to 2024, the current standard method of 711 dpa for a period 18 years and the addition of 4,400 homes to address some of Oxford City's unmet needs.
36. As set out earlier in our representations the HBF does not consider the plan period to be sound. The standard method for assessing housing needs takes account of any past under or over delivery from previous years and as such there is no need for the inclusion of the requirements for the years 2020/21 to 2023/24 in the local plan. The Council will therefore need to amend plan period to start from 2024/25. This will in turn reduce the housing

requirement by 2,921 homes to 17,121 (951 dpa) and the overall supply by 4,477 homes to 20,110.

37. However, the housing requirement is also based on delivering the 4,400 homes to help address Oxford's unmet needs across the whole of the 22-year plan period. While HBF welcomes the fact the council is honouring the current commitment we are concerned that the agreement relating Oxford's unmet needs, and which triggered the partial review of the Cherwell Local Plan 2011-2031 expected these be addressed by 2031. In order to ensure the delivery of these homes as agreed the Council will need to ensure they are delivered as was agreed. This will mean that between 2024 and 2031 in addition to 711 dpa to meet Cherwell's housing needs a further 628 dpa will need to be added to the requirement in order to meet Oxford City's unmet housing needs. This would mean a total requirement for that period of 1,339 dpa. At the very least HBF would expect these needs to be addressed during the timeframe of the adopted Oxford City Local Plan which runs to 2036 – which would add 366 dpa to the 711 dpa required to meet Cherwell's needs and result in a housing requirement between 2024 and 2036 of 1,077 dpa.
38. In addition to the HBF have some concerns as to whether the Council have fully considered the potential for housing needs in Cherwell, and indeed across Oxfordshire in general, to be higher than that arrived at using the standard method. A key part in any assessment of housing needs is ensuring that there will be sufficient homes to meet the growth ambitions for an area. This is established in paragraph 67 of NPPF23 which states that the housing requirement “... *may be higher than the identified housing need if, for example, it includes provision for neighbouring areas or reflects growth ambitions linked to economic development or infrastructure investment*”. Paragraph 86 reinforces this position stating that planning policies should “...*seek to address potential barriers to investment, such as inadequate infrastructure, services or housing*”.
39. Until relatively recently Cherwell considered that the potential for economic growth in Oxfordshire would require higher levels of housing delivery than that supported by the standard method. This was quantified in the Housing and Economic Needs Assessment (HENA) that was commissioned in partnership with Oxford City Council. While it is recognised that the HENA was not considered by the Inspector's examining the Oxford City Plan not to provide robust evidence base to support moving away from the standard method that does not mean that there is no need to consider that issue as part of the preparation of this local plan.

40. It has been long recognised that the supply of housing in and around Oxford is a key barrier to investment in the county with the NIC stating in its report on the Cambridge Oxfordshire corridor “... *rates of house building will need to double if the arc is to achieve its economic potential*”. Given that Oxfordshire has one of the most dynamic economies in the country, and one that is globally recognised with regard to industries such as life sciences, it is clearly necessary for the councils to consider whether the outcomes of the standard method are consistent with the level of economic growth expected in future. Indeed, the importance of Oxfordshire was again recognised in the 2024 Autumn Budget which capital investment being identified to support East West Rail to connect Oxford, Milton Keynes and Cambridge in order to unlock land for new development and the economic potential of this area as whole.
41. Now that the HENA has been withdrawn from the evidence base supporting this local plan it is not clear what evidence has been prepared to consider whether the level of housing growth being proposed by the Council will be sufficient to support the economic growth expectations for the county as a whole and Oxford City in particular. Given the focus on Oxfordshire as a key growth centre it is vital that the ambitions for the area are not stifled by unambitious local plans that seek to bake in lower numbers. What is also notable is that the new standard method published for consultation in July would require the local planning authorities in Oxfordshire to deliver a minimum of 5,300 new homes – which is between the two economic growth scenarios proposed in the HENA. Whilst the standard method of assessing needs is based on an uplift to housing stock, and does not take into account ambitions for economic growth, it does reflect the scale of housing that is needed to address the housing crisis in Oxfordshire which in turn provides an indication, given that insufficient housing is considered a barrier to investment in the area, of what is likely to be required to attract the investment needed to support economic growth across the county. HBF recognises that if the Cherwell Local Plan is submitted in line with the transitional arrangements, then they will not be assessed against the level of need set out in the new standard method, but it is necessary to have regard to the level of growth that the current government consider necessary to address the housing crisis Oxfordshire.

Housing Supply over amended plan period

42. As set out above over a policy compliant plan period of 2024 to 2042 the Council expect 20,110 homes to be built. This is nearly 3,000 more homes than the proposed housing

requirement in COM1. This is a substantial and welcome 17% buffer above what is required, providing flexibility to ensure needs are met in full over the plan period. However, HBF consider that the unmet needs outlined in the adopted Oxford City Local Plan should be delivered by 2031 as originally agreed. This will require the Council to deliver at least 1,339 dpa between 2024 and 2031 and means there is shortfall in delivery in the first five years of the plan post adoption of nearly 2,500 homes. Even if the delivery of Oxford's unmet needs is extended to 2036 there remains a shortfall in the first five years post adoption of 616 homes.

43. With regard to the trajectory provided in Appendix 2, HBF would have expected a similar table to have been provided in the evidence base on the expectations for each site. On the basis that the Council has broken down supply into broad categories this evidence must be readily available and is necessary for all parties to properly consider whether the rate of delivery on each site is justified. It is our experience that where site by site trajectories are not provided, they are asked for by inspectors in order to ensure effective scrutiny of the local plan. For more information on what is expected we would refer the Council to the Preliminary Questions published recently by the inspector examining the Bristol Local Plan². Question 62 and Appendix 1 provide some indication of the detail required. Rather than wait to be asked we would suggest that such a trajectory as part of the evidence supporting the submitted local plan.

Smaller sites of less than 1 ha

44. HBF could not find any evidence to show that at least 10% of the Council's housing needs will be delivered on sites of less than one hectare as required by paragraph 70 of the NPPF. The delivery of such sites is important in ensuring that SME house builders are able to gain allocations within local plans and the certainty this brings with regard to its future development. The current Government continue to recognise the importance of this sector stating the recent consultation on the proposed reforms to national planning policy.

"Small and medium sized builders are essential to meeting our housing expectations and supporting local economies. They also build out the majority of small sites. Their business models often rely on identifying and securing small sites and building them out quickly. The Government is concerned that SME

² <https://www.bristol.gov.uk/residents/planning-and-building-regulations/planning-policy-and-guidance/local-plan/local-plan-review/local-plan-examination/local-plan-examination-library-inspectors-documents>

housebuilders are not able to access the small sites that they need, and that local planning authorities are not bringing forward small sites in their plans to the level set out in the NPPF”.

45. The Council must provide the necessary evidence showing the council meet the requirements of paragraph 70 of the NPPF. If it cannot meet this requirement, it must allocate more sites of less than one hectare in the local plan to ensure it is consistent with national policy on this matter.

COM2 Affordable Housing

The policy is not sound as it is unjustified.

46. HBF support the decision to use a variable requirement based on the geography which is supported by the evidence. However, HBF consider the viability evidence does not support a 30% or 35% affordable housing requirement on brownfield land and that this requires additional further variations as to the affordable housing requirements. Paragraph 5.5 of the VA notes that on affordable housing indicates that the viability on brownfield sites is marginal or negative, yet no variation has been made to take account of this within COM2. Given part of the Council's spatial strategy is to revitalise the district's urban centres and encourage investment it would appear to be counterintuitive to place affordable housing requirements that could make residential development in the urban area unviable. HBF would therefore suggest that the policy is amended to include reduced affordable housing requirement on brownfield development in the urban centres of the district.
47. Elsewhere in these representations we have noted that the costs relating to BNG and achieving net zero carbon homes may be underestimated and further work is needed to justify the costs used. In addition, the Council will also There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This is expected to be introduced in later this year and is estimated to cost in the region of £2,000 to £3,000 per plot on sites of ten more units. The VA will need to be updated to include this additional cost in order for the Council to consider any potential impact on the deliverability of this policy and the local plan in general.

COM5 – Residential Space Standards

The policy is not sound as it is unjustified.

48. This policy will require 10% of all homes to be built to part M4(3). This is an optional technical standard and as required by PPG it is necessary for it to be justified on the basis of both need and any impact on the viability and affordability of housing. With regard to need the evidence indicates that there will be an increase in the number of people with impaired mobility or mobility problem unsurprising given the aging population. On the basis of Figure 4.6 in the Affordable and Specialist Housing Needs Assessment this group will be about 6% of the population in 2042. They will also form around 10% of the expected population growth between 2020 and 2042. On this basis 10% may seem appropriate but it is important to note that not all those with a mobility problem will need a wheelchair accessible home. It is also likely that those with a mobility problem may well be in the same household or indeed be living in specialist accommodation. Therefore, while there is clearly a need for some homes to be built to the higher standard HBF do not consider the 10% requirement for M4(3) to be justified.

COM13: Settlement Gaps

The policy is unsound as it is not consistent with national policy and is unjustified.

49. HBF does not consider COM13 to be consistent with national policy which makes no provision, outside of Green Belt, for the prevention of coalescence or separation of settlements. While there may be reason for maintaining separation on the basis of particular views or the setting of listed buildings this does not require what are likely to become de-facto Green Belts around Banbury, Bicester and Heyford Park used to prevent sustainable development on the edge of these settlements. Looking at the proposed gaps Appendix 4 in relation to Banbury, for example, it is clearly the Council's intention to create a belt round Banbury where development will be restricted rather than address specific points at which the separate character of a settlement may be impacted on by development. For example, the Banbury-Hanwell gap extends to both east and west of Hanwell to areas where there is clearly limited risk that the character of Hanwell will be impacted upon by development on the edge of Banbury.

50. In addition, the settlement gaps proposed at Banbury extend into neighbouring West Northamptonshire. This is clearly shown in Figure 2.1 (page 14) of the Landscape Evidence – Green Gaps Assessment. This shows that the settlement gap proposed between Kings

Sutton and Nethercote, Overthorpe, Warkworth and Middleton Cheney relate to land in West Northamptonshire. CDC cannot designate land as a settlement gap within this local plan that is outside of its boundary and as such it is unsound. There is also no indication from the interim Duty to Co-operate Statement that West Northamptonshire Council are supportive of this blanket approach to preventing development around Banbury and would seek a similar designation in a future local plan.

51. As such the HBF do not consider the proposed gaps to be consistent with national policy or justified. In some cases, the proposed gaps extend well beyond the potential point at which the character of settlement may be affected. Consideration of the character of settlements can still be taken into account, but this should be specific and targeted rather than the blanket approach that is set out in COM13 and appendix 4.

RUR1 – Rural Areas Strategy

This policy is unsound as it is not effective.

52. This policy sets out that 565 homes will be delivered in rural areas through the allocation of sites in both the local plan and neighbourhood plans. HBF agree that there is a need to identify how many homes should be delivered in rural areas. There is a need for such homes in order to improve the sustainability of rural communities and in particular increase the delivery of affordable housing in these areas. Therefore, whilst the Council may not be relying on development in these areas to meet their housing needs in full, they are a critical part of overall supply.
53. It is expected that the majority of these homes will be delivered through neighbourhood plans given that only one site of 44 homes has been allocated in a rural area. As such HBF are concerned that there is no certainty as to when, or even if, neighbourhood plans will come forward in these areas. Of the eight areas identified in the policy only 5 have made NDPs, with only one, Bletchington, Hampton Gay & Polye includes an allocation for housing. However, this is also an allocation that was made in the Local Plan Review. Given that there is no requirement to prepare or review NDPs and even if they do it is not mandatory for them to allocate sites to meet need, HBF have no confidence that the Council can rely on new NDPs coming forward or current NDPs being reviewed in order to meet the needs of these communities.

54. As such HBF do not consider this policy effective. It is our position that the only sound approach is for the council to allocate sites in these areas as part of this local plan to meet identified needs.

Conclusion

55. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in the NPPF. I can therefore confirm that the HBF would like to participate in any hearing sessions held at the examination in public on the matters raised in our representations and that we would like to be kept informed of the submission and examination of the local plan.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Behrendt', with a stylized flourish at the end.

Mark Behrendt MRTPI
Planning Manager – Local Plans
Home Builders Federation
Email: mark.behrendt@hbf.co.uk
Tel: 07867415547

Appendix 1: Review Policy from Bedford Local Plan 2030.

Policy 1 - Reviewing the Local Plan 2030

The Council will undertake a review of the Local Plan 2030, which will commence no later than one year after the adoption of the plan. An updated or replacement plan will be submitted for examination no later than three years after the date of adoption of the plan. In the event that this submission date is not adhered to, the policies in the Local Plan 2030 which are most important for determining planning applications for new dwellings will be deemed to be 'out of date' in accordance with paragraph 11 d) of the National Planning Policy Framework 2019.

The plan review will secure levels of growth that accord with government policy and any growth deals that have been agreed. The planning and delivery of strategic growth will be aligned with the delivery of planned infrastructure schemes including the A421 expressway, Black Cat junction, East West Rail link and potentially the A1 realignment.

The review will also serve to build stronger working relationships with adjoining and nearby authorities and may result in the preparation of a joint strategic plan based on a wider geography.