

## South Oxfordshire and Vale of White Horse Joint Local Plan EIP

### Matter 2: Duty to Co-operate

**Issue: Whether the Councils have complied with the legal duty to cooperate in the preparation of the Local Plan**

Q2.1 Have all the 'strategic planning matters' been adequately identified? If not, which ones should have been identified and why? Are there any other strategic matters on which the Councils have engaged? What was the outcome of this engagement?

1. HBF's concern relates to the strategic matter of unmet housing need which has been identified as a strategic planning matter by the Council. However, as set out in our representations, we do not consider the Councils to have co-operated in a manner that has maximised the effectiveness of the local plan with regard to the unmet housing need of Oxford City.

Q2.2 In response to IQ10 of the Inspectors' Preliminary and Initial Questions (LPA02), the Councils set out the structure and processes which were put in place following the decision to abandon the Oxfordshire Plan. Have the various tiers of those structures, including the Oxfordshire Planning Policy Officers Group, the Planning Advisory Group and PAG Officer Group provided effective mechanisms to enable constructive, active and ongoing engagement?

2. The structures put in place should have enabled constructive engagement on these issues. However, from the evidence presented by the Council this has not occurred. What was once a clear and shared objective to plan for economic growth and housing needs collectively has now fractured into individual LPAs seeking to turn their back on this ideal and not plan for the unmet needs of Oxford beyond what has already been agreed, nor have the Councils collectively considered the economic growth implications of restricting housing growth in what is an area of national economic importance.

Q2.3 Has the additional information included in the Councils' response to the Inspectors' Preliminary and Initial Questions (LPA02, LPA02.1, LPA02.2, LPA02.3, LPA02.4) sufficiently demonstrated that they have met the Duty to Cooperate?

3. No. There remain concerns as to why the Councils have refused to acknowledge the potential for any unmet

needs to arise in Oxford after the end of the existing agreements reached with VoWH and SODC on this issue. HBF acknowledges that when considering some issues there may be disagreement between parties, but it would appear from the evidence that SODC and VoWH decided not to engage with Oxford City on the matter of their unmet housing needs outside of what had already been agreed. There does not appear to be any consideration given by the Councils as part of their duty to co-operate to the growing need for homes in Oxford resulting from the severe shortage of affordable housing and the impact of economic growth on housing needs in the city and across the County and how this would be addressed in a city with a very limited capacity to deliver new homes. The Councils state in paragraph IQ14.11 of LPA02 that they were not persuaded that Oxford had demonstrated there would be any other unmet need over the plan period, but HBF could find no assessment as to how this decision was arrived at.

4. Given that the Council acknowledged there were unmet housing needs in Oxford to assume that these would not continue in future is not a constructive approach to engagement. Based on the standard method at the time the regulation 19 consultation was being prepared Oxford's housing needs based on the standard method were 793 dwellings per annum (dpa). This is 312 dpa above the capacity constrained requirement set out in the withdrawn Oxford Local Plan. In addition, the Councils will have been aware that this figure was due to increase significantly to 1,087 dpa on the adoption of the NPPF24 with a new Standard Method – a shortfall of over 600 homes each year based on supply expectations in the Oxford Local Plan 2040. There is a strong possibility that there would be unmet housing needs in Oxford post 2031 and 2036 and that engagement on the potential scale of these needs was required prior to the submission of the local plan.
5. However, despite this the Council state in paragraph IQ14.12 of LPA02 that *“No progress had been made whether there will be unmet needs or in establishing a revised figure for unmet needs”*. However, it does not appear that the Councils have tried to work with Oxford City Council to identify what these unmet needs will be. Whilst an exact figure may not have been agreed there does not need to be a precise figure to facilitate co-operation and a response to addressing those unmet housing needs. The need to know the precise figure of unmet housing needs before any co-operation can take place was considered at the examination of the Tonbridge and Malling Local Plan which the inspector considered not to have met the duty to co-operate. At the EIP, TMBC argued that it was necessary to have a precise figure before active and constructive engagement can commence. The inspectors examining the plan strongly disagreed stating:

*“It should have been clear at this time (i.e. 4 months prior to submission of your plan) that there was a strategic matter relating to unmet housing need. An active process of ongoing constructive engagement might or might not have led to a more positive outcome. However, what is certain is that, if parties choose not to engage with each other, there will be little prospect of difficult but important cross border issues being resolved.”<sup>1</sup>*

6. SODC and VoWH have taken a similar approach to TMBC in that they have chosen to ignore the issue of Oxford's unmet needs post 2031 and 2036 on the basis that this was not agreed. However, as is made clear by

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<sup>1</sup> Post Hearing Letter. Examination of Tonbridge and Malling Local Plan. 2 March 2021.

the Inspector examining the TMBC Local Plan it does not need an exact figure to co-operate on this matter. The Councils approach to Oxford's unmet housing needs later in the plan period is to ignore the issue and push any consideration back to future plan making. Clearly such an approach is not only unsound, having regard to paragraph 35c but also indicates that the Council have not looked to maximise the effectiveness of plan making as required by the Duty to Co-operate.

7. A similar approach has been taken by the Councils in considering Reading's unmet needs. Paragraph 4.6 notes that unmet needs in Reading when using the standard method results in a shortfall of 954 homes. The Councils response to Reading's request for support in August 2023 is set out in paragraph 4.7 of DUC07 and notes that as discussion had been on the basis that Reading would meet their own needs so no provision had been made and that a joint exploration would be required. However, no indication is made that any such exploration took place despite the regulation 19 consultation Reading Local Plan Partial Update including a requirement in policy H1 of 825 dpa – some 53 dpa short of the standard method for Reading BC. As with Oxford's unmet needs the Council have seemingly ignored the issue on the basis that there was uncertainty as to what the figure might be without any attempt to follow this issue up and properly engage with the issue at hand.

*Q2.4 What is the progress with the remaining Statements of Common Ground? Are there any outstanding issues?*

8. This is for the Council to answer but clearly the issue of Oxford City's housing needs remains an outstanding issue to be addressed.

*Q2.5 In overall terms, have the Councils engaged constructively, actively and on an ongoing basis with all relevant organisations on strategic matters of relevance to the Plan's preparation to maximise the effectiveness of the preparation of the Plan?*

9. No. As set out above and in our representations the Councils have not engaged constructively with Oxford City Council to maximise the effectiveness of plan making in SODC and VoWH.

**Housing Needs and the Housing Requirement**

*Q2.6 Who have the Councils engaged with in terms of housing needs and the housing requirement? When did this take place and what form did it take?*

10. For the Councils.

*Q2.7. Specifically, what discussions took place regarding the use of the Local Housing Need Figure, and the Joint Housing Needs Assessment (JHNA)?*

11. For the Councils.

Q2.8 Did discussions take place with regard to the use of an alternative housing needs figure? If so, what was the outcome of those discussions?

12. For the Councils.

Q2.9 What discussions took place regarding adjoining authorities' unmet need and in particular Oxford City's unmet need, and whether the Plan could accommodate any unmet need? What evidence is there to support this?

13. For the Councils.

Q2.10 What discussions have taken place in relation to whether the previously agreed unmet need for Oxford has been fully accommodated in the Plan taking into account the base date of the Plan (2019/20, 2020/21)? Where is the evidence to support this?

14. It would be most helpful to understand how the Councils have considered their position with regard to whether any unmet needs from Oxford were actually addressed prior to this plan period commencing. The position taken by the Councils, as set out in their response to IQ58 of LPA02, in relation to the delivery of homes in VoWH towards Oxford's unmet needs is that between 2019/20 and 2020/21 these needs have been met in full. However, such a position does not consider that the VoWH Local Plan has a plan period of 2011/12 to 2030/31 and that homes delivered in 2019/20 and 2020/21 can't automatically be considered as addressing the unmet housing needs of Oxford. Looking at delivery in VoWH in the first half of the plan period in their adopted local plan the Council delivered 10,169 homes – a shortfall of 111 homes against needs over the same period of 10,280. Therefore, to state that the unmet needs of Oxford were addressed in 2019/20 and 2020/21 seem to be repurposing delivery during these two years to meet the needs of Oxford that was also addressing shortfalls in the adopted local plan.

15. This points to a concern raised by OCC regarding the lack of identified supply to meet their needs. Without the Councils stating what sites will be delivered to meet Oxford's unmet needs there is the risk that delivery will be repurposed to support whichever is the most favorable position to the Councils. As such the failure to grapple with this matter indicates that the Councils have not looked to maximise the effectiveness of plan making through the duty to co-operate and ensure that the plan will meet the needs of Oxford in full.

Q2.11 What discussions have taken place in relation to any potential unmet need beyond 2036 arising from the now withdrawn Oxford Local Plan 2040? If so, where is the evidence for this?

16. As set out above this is the key issue that appears to have been ignored or dismissed by SODC and VoWH. The time limited nature of these agreements was also noted by the Inspectors examining the Oxford City Local Plan who stated in paragraph 29 of their post hearing note:

*"We appreciate that the Regulation 18 consultation on the joint Local Plan for South Oxfordshire and*

*the Vale of White Horse includes commitments to honour existing agreements, but these are clearly time limited to 2031 and 2036 respectively. In any case, even taking the Council's position, there would be a residual unmet need in the order of 2,500 homes. There has been no attempt as far as we can see, to discuss how and where this might be met"*

17. However, since the publication of this letter no attempts appear to have been made by the Councils to address this most pertinent of questions. The Councils seemingly dismiss this in paragraph IQ14.12 of LPA02 on the basis that no progress has been made by Oxford in establishing a revised figure for unmet need and that up to that point the issue of unmet needs could only be resolved by the inspectors. However, this does not remove the fact that prior to the Oxford City Local Plan EIP it was clear that no attempts had been made by SODC or VoWH to consider anything beyond the existing agreements. Whilst there were disagreements as to how housing needs are assessed, no attempt has been made to even engage with Oxford to try and identify what unmet needs there might be given the evident constraints on development in Oxford. HBF considers this to be far more than a failure to agree the level of unmet need but a failure on the part of VoWH and SODC to engage with the issue of unmet housing need outside of current agreements.

Q2.12 In response to IQ14, the Councils refer to a specialist housing needs workshop (19 April 2023) for the Joint Housing Needs Assessment (JHNA) to which neighbouring local planning authorities and Oxfordshire County Council were invited. What was the response to this engagement and how was feedback taken on board in the JHNA?

18. For the Councils.

Q2.13 What engagement took place on the JHNA between this workshop and submission of the Plan?

19. For the Councils.

Q2.14 The Councils set out under response to IQ16 and IQ17 the specific engagement which took place in relation to the Housing and Economic Land Availability Assessment Methodology (HELAA). How did the Councils take account of the responses received to that engagement? In particular, how were concerns raised in relation to density assumptions addressed?

20. For Councils.

Q2.15 Overall, have the Councils engaged constructively, actively and on an ongoing basis with all relevant organisations in relation to housing need and the housing requirement?

21. No, the Councils have not engaged constructively with Oxford City Council or Reading Borough Council on the issue of unmet housing needs outside of existing agreements. This is a clear failure of co-operation on a key strategic issue for the area and has severely limited the effectiveness of plan making in SODC and VoWH.

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