

Planning Policy

Oxford Local Plan 2040

Duty to Co-operate Scoping Strategy

June 2021

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1. Introduction

Purpose of this Duty to Co-operate Scoping Strategy

This document seeks to identify the issues which the Oxford Local Plan 2040 will need to address that are likely to be strategic matters and which therefore fall under the duty to co-operate. It also seeks to identify those bodies with which co-operation may be necessary.

This document is the first step towards undertaking the duty in relation to Oxford's Local Plan processes. It will be updated as the project continues and as discussions progress and evidence is produced. It will form part of the evidence base for the Local Plan. As the project progresses more strategic issues may be identified and so they will be added to those listed here. Conversely it may become apparent that some of the potential topics identified here no longer constitute "strategic issues" and as such may fall away from future versions of this document.

Consultation on the Scoping Strategy

This is a draft Scoping Strategy for consultation with key stakeholders. Those stakeholders are the bodies identified as being key duty to co-operate partners. In addition, this Strategy has also been shared with other local planning authorities for them to consider if they feel they will be affected by the issues.

The City Council has tried to identify which Duty to Co-operate bodies will seek to be involved in discussions on which strategic issues related to the Oxford Local Plan 2040. This information is summarised in Table 4. This information is being consulted on, the City Council is keen to understand from Duty to Co-operate bodies:

- whether we have identified the right issues for your organisation
- whether additional strategic issues should be added to the list
- whether we have identified the best methods of engagement for your organisation

It would be appreciated if you could confirm the above or suggest improvements in response to this consultation in order that we can comply with the Duty to Co-operate with regards the Oxford Local Plan 2040.

Consultation will last from 30th June to 25th August 2021. Responses should be sent by e-mail to planningpolicy@oxford.gov.uk or by post to Planning Policy, Oxford City Council, St Aldate's Chambers, 109-113 St Aldate's, Oxford, OX1 1DS.

2. Requirements of the Duty to Co-operate

Duty to co-operate bodies

The Duty to Co-operate is a requirement of the Localism Act 2011 and the National Planning Policy Framework. It requires Local Planning Authorities and other prescribed bodies to engage, with a view to maximising the effectiveness of the preparation of development plan documents and other activities so far as they relate to strategic matters. This is normally most important in considering strategic issues such as the location of development and availability of strategic infrastructure.

It requires on-going, constructive and active engagement on the preparation of development plan documents and other activities. It is a 'duty to co-operate' not a 'duty to agree', but there must be genuine, positive and continuous dialogue with the intention of reaching agreement.

The legal basis for the Duty is set out in Section 110 of the Localism Act, which inserts Section 33A into the Planning and Compulsory Purchase Act 2004. It applies to all local planning authorities, National Park authorities and county councils in England, and to a number of other public bodies. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 specify which bodies this duty applies to.

Local planning authorities are bound by the statutory duty to co-operate. Plan making bodies are expected to co-operate with each other when preparing or supporting the preparation of policies which address strategic matters including those policies of Local Plans. The NPPF states that these authorities should produce, maintain and update one or more statements(s) of common ground throughout the plan-making process. The Statement of Common Ground will form part of the evidence required to demonstrate compliance with the duty to co-operate. The Statement of Common Ground will be produced at the next stage of plan production, it will draw from the responses to this Duty Cooperate Scoping Strategy. The authorities that will be part of the Statement of Common Ground will be:

- Oxfordshire County Council
- Cherwell District Council
- West Oxfordshire District Council
- South Oxfordshire District Council
- Vale of White Horse District Council

The bodies prescribed for the purposes of section 33A(1)(c) of the Act, as set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and relevant to Oxford are:

- The Environment Agency;
- Historic England;
- Natural England;
- Homes England;
- Oxfordshire Clinical Commissioning Group;
- The National Health Service Commissioning Board (NHS England);
- The Office of Rail and Road;
- The Highways Authority (Oxfordshire County Council);
- Highways England

The Planning Policy Guidance states that Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty, but local planning authorities and county councils in England, and prescribed public bodies must cooperate with them. Local planning authorities must have regard to their activities when they are preparing their local plans, so long as those activities are relevant to plan-making.¹

- Oxfordshire Local Enterprise Partnership;
- Oxfordshire does not currently have a LNP. On 28 January 2020 the Oxfordshire Growth Board provided its support for establishing a LNP for Oxfordshire. Progress is being made towards establishing an LNP with the support of funding from the Growth Board.

Other Duty to Co-operate bodies specified in the Regulations but considered not to apply in the context of Oxford are: Mayor of London, Transport for London, Integrated Transport Authorities, the Civil Aviation Authority (which has previously said they do not consider there are issues relevant to them in Oxford and the Marine Management Organisation.

¹ Paragraph: 030 Reference ID: 61-030-20190315

The Duty requires those bodies to:

- engage constructively, actively and on an on-going basis with other Duty to Co-operate bodies on the preparation of plans and supporting activities;
- have regard to activities of other Duty to Co-operate bodies; and
- consider joint approaches to relevant activities including plan making.

In addition to the legal requirements set out above, the National Planning Policy Framework emphasises the importance of joint working and co-operation between local authorities and other agencies on cross boundary issues and issues of shared interest. The NPPF sets out:

- that local planning authorities *“are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* (paragraph 24)
- that strategic policy-making authorities should *“collaborate to identify the relevant strategic matters which they need to address in their plans.”* (paragraph 25)
- that *“effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.”* (paragraph 26)
- that, *“in order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these.”* (paragraph 27)

There is further practical guidance in the Planning Practice Guidance.

Duty to co-operate issues

The Duty relates to strategic matters which are²:

- sustainable development or use of land that would have a significant impact on at least two planning areas;
- sustainable development or use of land for, or in connection with, infrastructure that is strategic and would have a significant impact on at least two planning areas; and
- a planning matter that falls within the remit of a county council or would have a significant impact on a county matter.

3. Strategic issues

For the purposes of this document, the strategic matters that may apply to the Oxford Local Plan 2040 have been identified as follows:

Homes needed in the area

Housing needs and provision is one of the top issues that the Local Plan must address, and where the duty to co-operate is essential. The NPPF states that authorities must work to address housing needs within their housing market area. It also expects authorities to co-operate on meeting one another’s housing needs if it cannot be accommodated within the authority where it arises.

Consistent with this guidance, the City Council is working jointly with neighbouring authorities to produce the Oxfordshire Plan 2050. Part of the evidence base for this plan includes the Oxfordshire Growth Needs Assessment, which sets out scenarios for housing and employment growth in the

² [33A\(4\)](#) of the Planning and Compulsory Purchase Act 2004

county. This will be distributed according to the spatial strategy of the Oxfordshire Plan. The district councils will continue to work together to support this process to assign housing requirements across the county according to an agreed spatial strategy.

Gypsy and traveller needs

The nature of provision for gypsies and travellers means that it is often a cross-boundary matter. Oxford currently has no Gypsy & Traveller sites; however there are several sites close to Oxford's boundary. In recent years, the Oxfordshire authorities have co-operated on planning for gypsies and travellers, and it is expected that co-operation will continue as part of the Oxfordshire Plan 2050 process, for which a county-wide needs assessment will form part of the evidence base.

Jobs needed in the area

Another issue for the Local Plan will be economic growth, ensuring that the city can continue to play its role in the local and national economy. The City Council is a board member of the Oxfordshire Local Enterprise Partnership (OxLEP) which has developed the Oxfordshire Local Industrial Strategy (LIS) in partnership with the business community, academic institutions and the other Oxfordshire Local Authorities. It has also signed a City Deal in 2014 with partners and the government to bring around £55.5 million of government funding (over £1.2 billion including private finance) that can be used locally to boost innovation and business growth, create jobs and help secure Oxfordshire's place as a world leader in technology, knowledge and expertise. Close working with the other Oxfordshire authorities and the LEP will be required in this area. However, Oxford's reach as a location to work goes beyond the Oxfordshire authorities, and will therefore require co-operation with a wide range of other local authorities, and other bodies.

Provision of retail, leisure and other commercial development

Oxford city centre plays an important sub-regional role and co-operation with neighbouring authorities is essential as current and future populations will not shop exclusively in their own areas, but will travel to others. An update of the retail and leisure study is likely to be commissioned to understand likely need in the plan period.

Provision of infrastructure for transport

Strategic transport infrastructure requires cross boundary co-operation. Oxfordshire County Council is the highways authority who is responsible for producing the Local Transport Plan. Neighbouring authorities also have an important role to play in these matters. Highways England is responsible for the strategic road network including the vital A34 and so close co-operation with them is also key. Oxford has an important location on the rail network and there are significant improvement works taking place and planned in the area and so the Office of Rail and Road will need to be engaged with in this regard. Previously the Civil Aviation Authority has expressed that it is unlikely to get involved in planning in Oxford.

Provision of utilities infrastructure (including telecommunications, waste, water and energy)

A range of Duty to Co-operate bodies including the County Council, neighbouring authorities and the Environment Agency will need to be involved in framing the policies and proposals of the Local Plan in this regard. In addition other bodies (outside of the duty to co-operate) including Thames Water and energy and telecoms providers will need to be involved.

Flood risk and mitigation of climate change effects

Large parts of the city of Oxford are at risk of flooding so careful attention will need to be paid to this when drafting policies and proposals of the Local Plan. The Environment Agency will be a key Duty to Co-operate body. Oxfordshire County Council (as lead drainage authority) and Thames Water (although not a Duty to Co-operate body) will also have important roles to play. There are plans for

a major flood alleviation scheme in the Oxford (Oxford Flood Alleviation Scheme) area and so neighbouring authorities will need to be aligned with this.

Provision of health infrastructure and local facilities

Oxford is a regionally (and nationally) important location for health and medical research. Its hospitals serve a very wide catchment area. At local level Oxfordshire County Council has responsibility for public health and so will be important in helping frame the policies of the Local Plan. This topic is clearly where the two health related Duty to Co-operate bodies: NHS Oxfordshire Clinical Commissioning Group and NHS England will have important roles to play.

Provision of security, community and cultural infrastructure and other local facilities

Neighbouring authorities, Oxfordshire County Council and the Homes and Communities Agency may want to be involved in helping to frame the policies and proposals of the Local Plan in this field. Other bodies (outside of the Duty to Co-operate) including Thames Valley Police will also want to be involved.

Climate change mitigation and adaptation

Managing flood risk (discussed above) will be a key element of Oxford's climate change mitigation plans, involving the Environment Agency, Oxfordshire County Council and neighbouring authorities. Carbon reduction and associated emissions and air quality issues will also play a part in preparing the city for changes associated with climate change.

Conservation and enhancement of the natural and historic environment, including landscape

Oxford has a wealth of historic buildings and valuable landscapes that need careful consideration in the Local Plan. Historic England will have a key role to play in terms of the built heritage and also the views into and through the city and the famous spires. Oxford has a Special Area of Conservation at Oxford Meadows, this a European level protection and as such Natural England will be key to inputting into and assessing policies and proposals that may have an impact on that site. The Local Nature Partnership (when established) will also have a role to play in the wider natural environment topic.

4. Mechanisms for co-operation

Regular partnership meetings

The City Council is actively involved in a number of cross boundary and joint partnership relationships which will inform the preparation of the Local Plan. Many of these are formalised, regular meetings or forums where a variety of topics are discussed, some of these may be tailored for the purposes of producing the Local Plan.

These existing partnerships are an invaluable mechanism for facilitating Duty to Co-operate discussions. They enable regular direct contact with a range of Duty to Co-operate bodies and other bodies relevant to strategic priorities. It is likely that several of these partnerships will actively follow progress of the Local Plan, making it a standing agenda item at meetings and dedicating significant agenda time to discussing emerging work.

Table 1 sets out details of regular partnership meetings (including their frequency and role) that have a direct relevance to the Local Plan project. Meetings that include at least one of the Duty to Co-operate bodies are shaded in grey in the first column. In future versions of this document, this table will be updated to include details of specific conversations related to the project.

Group / Meeting	Regularity	Includes	Role
Oxfordshire Growth Board	Every two months	Oxfordshire authorities and non-voting members (CCG, Environment Agency, Homes England, two universities, Oxfordshire Skills Board and Oxfordshire LEP)	The Oxfordshire Growth Board is a Joint Committee charged with co-ordinating local efforts to manage economic, housing and infrastructure delivery, support the development of policy, and secure funding in the pursuit of these aims and oversee the delivery of related work programmes
Oxford-Cambridge Arc Leadership Group		Local authorities from across the Oxford Cambridge Arc. Chief Executives meet and Leaders meet.	Various groupings help develop and co-ordinate the work to feed into the government's planned Spatial Framework for the Oxford Cambridge Arc.
Oxfordshire Plan 2050 (JSSP)	Liaison group (fortnightly); Heads of Planning (monthly); Member Sub-group of the Growth Board (monthly)	All district and city councils in Oxfordshire and representatives of the County Council and LEP. Liaison Group of planning officers; Heads of Planning; and Member Sub-group (actually a sub-group of the Growth Board)	These groups provide regular input, advice and leadership to the Oxfordshire Plan 2050 project.
Oxfordshire Local Enterprise Partnership (LEP)	Executive Board meets monthly	The Oxfordshire Local Enterprise Partnership is a voluntary body made up of representatives from business, academia and the wider public sector	The Partnership is business led with senior academic figures and local authority members. It provides leadership and champions growth and innovation, helping to break down barriers and providing support mechanisms. Prepared the Local Industrial Strategy.
Oxford Strategic Partnership (OSP)	Every two months	City and County Councils, universities, Police, health bodies, local business and community organisations.	The Local Strategic Partnership helps to provide direction for the city's future, and respond to local priorities. Produced the Oxford Economic Growth Strategy
Oxfordshire Skills Board	Every two months	Board is made up of public and private employers, secondary, further and higher education skills providers and stakeholder groups.	Charged with understanding and communicating the needs of employers and providers in Oxfordshire relating to business development, employment and skills issues which impact on the economic well-being of the area. Works closely with the LEP.
Health and Wellbeing Board	Every two months	Includes local GPs, District and County Councillors, Oxfordshire Clinical Commissioning Group, Healthwatch Oxfordshire, and senior council officers	The Board seeks to provide strategic leadership for health and wellbeing across Oxfordshire, ensure that plans are in place and that action is taken to realise those plans. The Board produces the Oxfordshire Joint Health and Wellbeing Strategy.
Oxfordshire Leaders Group	Approximately six times a year	The Leaders of all the Oxfordshire Local Authorities	Key elements of the group's work include consideration of impacts of changes in government policy and guidance; agreement of county wide programmes; monitoring the impact on resources and services due to changes; implementing savings.
Oxfordshire Chief Executive's Group	Approx. six times a year	The Chief Executives of all the Oxfordshire Local Authorities	Advises and supports the Oxfordshire Leaders Group on the above issues
City and County Bilateral Meetings	As required	Senior officers and Members of both authorities	Used to discuss current work and emerging issues that affect both authorities. The group is used to sound out senior people on

			major issues and in turn allocates actions to officers of each council.
City and County Transport Bilateral Meetings	Approximately every two months	Senior officers of both the City Council and County Council together with cabinet members of both authorities.	Used to discuss important transport issues for example relating to emerging policies and programmes of work.
Oxford Green and Blue Spaces Network	Quarterly	City and County officers (several departments), Wild Oxfordshire (Local Nature Partnership), BBOWT (Wildlife Trust), Oxford University and additional amenity groups	The Green & Blue Spaces Network focuses on enabling partners to work collaboratively to improve Oxford's green spaces and blue corridors. The partnership has agreed three priority areas that support the delivery of the city's Green Space Strategy and also meet the objectives of individual partners: to ensure everyone living, working and visiting Oxford has easy access to open space; to increase and support volunteers; and to develop a meaningful PR campaign. These three objectives are underpinned by the two determinants of Funding and Biodiversity.
Oxfordshire Planning Policy Officers Meetings (OPPO)	Six times a year but more frequent if specific tasks required	Planning Policy Officers of all Oxfordshire authorities	Regular forum for authorities to provide update on plan progress to monitor joint strategy progress and to discuss other cross boundary issues.

Joint working on strategies and infrastructure planning

Many of the partnerships detailed above have produced and adopted/published joint strategies as part of their work consistent with the requirements of the Duty of Co-operate. This illustrates that the process of engagement and co-operation has been effective in those cases in the sense that it has resulted in outcomes that all parties considered they could sign up to. Many of these strategies have direct relevance to the Local Plan. In addition, several of the partnerships have/will jointly commission studies or evidence base work which will influence the policies of the Local Plan.

Table 2 details many of the jointly produced strategies and jointly commissioned studies that relate to the Local Plan. Strategies and documents that were produced by or commissioned by at least one prescribed body for the Duty to Co-operate are shaded grey in the first column. In future versions of this document, this table will be updated to include new strategies and evidence base documents related to the project.

Project/document	Produced by/involved	Role/purpose
Oxfordshire Local Industrial Strategy (July 2019)	Oxfordshire Local Enterprise Partnership (as table 1 above)	This LIS sets out an ambition for Oxfordshire to leverage its existing strengths to become one of the top three innovation ecosystems globally by 2040. It sets out how Oxfordshire's strengths and assets are to be built on, to deliver transformative growth, which is clean and sustainable and delivers prosperity for all communities across the county. The LIS is intended to deliver the aims of the National Industrial Strategy, which is the government's long term plan to boost productivity. The LIS notes <i>'Oxfordshire has been at the centre of innovation in the UK for centuries. National and local investments have built up a network of science parks and innovative firms across the county, and now wider investments in the region offer the opportunity to cement the area's reputation as one of the best locations in the world to innovate.'</i>
Oxfordshire Local Industrial Strategy-	Oxfordshire Local Enterprise	Prepared by the LEP, it translates the ideas and aspiration of the Local Industrial Strategy into a programme of delivery. This programme initially covers the 10 years until 2030.

Oxfordshire Investment Plan (August 2020)	Partnership (as table 1 above)	
Oxfordshire Housing and Growth Deal (2018)	All Oxfordshire councils and Oxfordshire LEP Approved and signed off by central government (Ministry of Housing, communities and Local Government)	The Oxfordshire authorities signed a Housing and Growth Deal with the Government which comprised £215 million of new funding to be granted to support the ambition to plan for and deliver 100,000 homes in Oxfordshire by 2031. This was linked to a number of other commitments from Government and the Oxfordshire councils, on affordable housing and infrastructure delivery and the adoption of an Oxfordshire-wide statutory joint plan (the Oxfordshire Plan 2050).
Oxfordshire Strategic Housing Market Assessment (SHMA) (April 2014) and Oxfordshire Growth Needs Assessment	Jointly commissioned by all Oxfordshire districts with County Council in support. To be replaced by the Oxfordshire Growth Needs Assessment, commissioned as part of work on the Oxfordshire Plan 2050.	The SHMA was a technical study to help the Oxfordshire districts understand how many homes will be needed in the period 2011 – 2031. It also considers the housing needs of specific groups such as older people, minority groups and people with disabilities. The OGNA sets out the growth needs for the county for housing and employment. Through the Oxfordshire Plan 2050 process, this will be distributed between the districts according to the spatial strategy.
Oxford Economic Growth Strategy (January 2013)	Produced by the Oxford Strategic Partnership	This strategy seeks to establish a shared narrative on the future direction of the Oxford economy; and define clear strategic priorities, objectives and actions for delivering and managing economic growth in Oxford over the next ten years.

Communication at formal stages of Local Plan production

The Duty to Co-operate bodies, as well as other relevant organisations and the wider public will be invited to submit comments to inform the Local Plan preparation. The format and methods used will be detailed in a future Consultation Statement which will also summarise the responses that have been received.

The Sustainability Appraisal Scoping Report was published for consultation simultaneously to consultation on this Duty to Cooperate scoping report on 30th June 2021. All the statutory consultees are contacted, together with the other Oxfordshire local authorities as listed in Table 3.

In June 2021 an issues consultation was launched with the aim to involve as many people as possible early in the process of producing the new Local Plan. Whilst it is not a statutory stage of consultation, the City Council considers that it is important that at an early stage of engagement, before any policy approaches are drafted, is the best time to engage people so that they can really shape the plan. The aim is to involve those who might not normally engage with planning.

At later stages the consultation methods will be adapted to suit the stage of the project. Table 3 summarises the additional specific communications about the Local Plan with external stakeholders at each formal stage of the Local Plan's production. In future versions of this document, this table

will be updated to include details of communication with Duty to Co-operate bodies at formal stages of the Local Plan.

Table 3: Local Plan communications with external stakeholders at formal stages			
AAP stage	Date	Communication	Partner organisation contacted / invited
Sustainability Appraisal Scoping Report consultation 30 th June- 25 th August	30.06.21	Notification of consultation	Environment Agency English Heritage Natural England Highways Agency Oxfordshire County Council Cherwell District Council South Oxfordshire District Council West Oxfordshire District Council Vale of White Horse District Council
Issues consultation 30 th June- 25 th August	30.06.21	Notification of consultation	Duty to Co-operate bodies Specific consultation bodies General consultation bodies Additional organisations/bodies
Duty to Co-operate Scoping Strategy	30.06.21	Document circulated for consultation	Duty to Co-operate bodies Additional Local Planning Authorities
Preferred Options consultation	Scheduled for Summer 2022	Notification of consultation	Duty to Co-operate bodies Specific consultation bodies General consultation bodies Additional organisations/bodies
Proposed Submission consultation	Scheduled for Summer 2023	Notification of consultation	Duty to Co-operate bodies Specific consultation bodies General consultation bodies Additional organisations/bodies

Local Plan meetings with external stakeholders

In addition to the periods of more formal consultation (Table 3), there will also be a significant degree of contact between the City Council and a number of the Duty to Co-operate bodies on a more informal basis in order to inform the drafting of the Local Plan’s policies and proposals. This will principally take the form of dedicated meetings, telephone conversations and email exchanges.

Consultation questions

The City Council has tried to identify which Duty to Co-operate bodies will seek to be involved in discussions on which strategic issues related to the Oxford Local Plan 2040. This information is summarised in Table 4 below. This information is being consulted on, the City Council is keen to understand from Duty to Co-operate bodies:

- whether we have identified the right issues for your organisation
- whether additional strategic issues should be added to the list
- whether we have identified the best methods of engagement for your organisation

It would be appreciated if you could confirm the above or suggest improvements in response to this consultation in order that we can comply with the Duty to Co-operate with regards the Oxford Local Plan 2040. Thank you for your help.

Table 4: Summary of strategic issues and relevant Duty to Co-operate bodies

	Homes needed	Gypsy & traveller needs	Jobs needed	Retail/leisure /commercial development	Infrastructure for transport	Utilities infrastructure	Flood risk & climate change	Health infrastructure and local facilities	Security/community/cultural infrastructure	Climate change mitigation & adaptation	Natural and historic environment/landscape
Oxfordshire County Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cherwell District Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
West Oxfordshire District Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
South Oxfordshire District Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vale of White Horse District Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Environment Agency						✓	✓			✓	
Historic England											✓
Natural England							✓			✓	✓
Homes England	✓	✓									
NHS Oxfordshire Clinical Commissioning Group								✓			
NHS England								✓			
Office of Rail and Road					✓						
Highways England					✓						
Oxfordshire Local Enterprise Partnership	✓		✓	✓	✓						