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Mark Stone
Chief Executive
South and Vale District Council
Abbey House
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2 December 2024

SENT VIA EMAIL

Dear Mark

South Oxfordshire and Vale of White Horse Joint Local Plan 2041

Thank you for your letter dated 26 November 2024. I can confirm that Oxford City Council remains committed to working closely with neighbouring districts with regards to the matters you raise. The City Council continues to work with partners and stakeholders in a positive and proactive way to resolve identified issues which are affecting us all. I also note your comments about the proposed Oxford Local Plan 2040 (OLP2040), which I have addressed at the end of this letter.

With regards to the Duty to Cooperate in respect of your Joint Local Plan 2041 (JLP2041), Oxford City Council is surprised by the assertions made in your letter, especially within the context of comments made by South Oxfordshire and Vale of White Horse District Councils (South and Vale) on the preparation of the Oxford Local Plan 2040. Our comments in our representations and again here are made on the basis that the duty to cooperate applies to all cross boundary strategic matters, not solely in consideration of unmet need.

A significant number of strategic issues were identified in your Duty to Cooperate Scoping Note (2022), and many of these have been dismissed later in the process, on the basis that since there would be no unmet need, engagement did not need to take place. The scoping note however does say that Oxford City Council will be engaged with on a wide range of matters at various points of plan-making, including when evidence was being scoped and prior to publication. We have identified a number of issues which clearly still remain as duty to cooperate issues about which we ought to have been engaged with, but were not. The onus is not on us to identify issues that may be arising from your plan (although we did when given the opportunity).

There are a number of specific Duty to Cooperate Points which I would like to take this opportunity to address in the order you have raised them in your letter. Firstly, with regards to the timing of the comments being made by the City Council, it is entirely reasonable for us to have identified issues with the preparation of the JLP2041 when it was formally published for public consultation. That is the purpose of public consultation. The suggestion that all of these concerns should have been raised by us earlier in the process is particularly a surprise in the context of our previous comments at the Regulation 18 stage. Having regard to the level of detail and associated evidence base being published at your Regulation 18 stage, we proactively sought to raise areas of concern with you.



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Unfortunately, South and Vale have not engaged the City Council on those matters which we previously raised and moreover have not fully addressed these in the submission draft of the JLP2041, for reasons which have not been explored with us in the context of s.33A engagement. Amongst those issues raised initially in our Regulation 18 response, which we then needed to raise again at Regulation 19 because they had not been addressed, was housing matters and the associated evidence base.

Furthermore, we were also not engaged by South and Vale on relevant strategic matters or key issues arising from new material which has been prepared since your Regulation 18 consultation (and which accordingly are all still matters relating to the “preparation” of the plan). For example, the strategic matter of Lowland Fens has only been raised with us at the initial scoping stage. Therefore, the Regulation 19 consultation was the first and only opportunity we had to comment on this strategic matter when evidence had been produced. We were informed that the study was to be undertaken and also told that we would be contacted if cross-boundary issues arose. We were not in fact contacted. The next we saw of the study (which looks across the city’s boundary), was when it was published at Regulation 19. We therefore commented with our concerns about this study at the first available opportunity. Clearly, the outputs should have been discussed with us before it was published, and indeed our own knowledge of these matters within the city could have been of benefit to your work.

We have not been party to the preparation of evidence base documents in support of the JLP2041. Therefore, we cannot be aware of what matters are being addressed or what issues are arising until we have the opportunity to assess them ourselves, especially when matters have not been brought to our attention. Indeed, I agree that there has been ample opportunity for raising these at OPPO and other meetings by South and Vale. However, this has not happened. The engagement of the City Council by South and Vale on the strategic matters within the scope of the duty to cooperate has not occurred. It seems the cross-boundary implications were not followed through by South and Vale after identifying them as such in their Scoping Note 2022.

With regards to the suggestion that we have been engaged on Statements of Common Ground; we have not yet received a draft bi-lateral statement of common ground, despite proactively prompting your policy team to prepare one. We envisage this will include an explanation of our respective positions on a wide range of matters relevant to the South and Vale Joint Local Plan 2041. A starting point for identifying what to include could be your DTC Scoping Note, which you shared with us in 2022. In addition, I have been made aware that a draft County-wide statement of common ground was shared with us which we have replied to. Unfortunately, it made many assertions of agreement on matters that we had not actually been engaged on at all, let alone matters which were subject to post-engagement agreement.

Lastly, I note your policy team were in touch with us on 21 November regarding a first (and, in passing, it is notable that it was indeed going to have been the first) formal Duty to Cooperate meeting, which was held on 28 November. To our surprise, during this meeting your officers advised that Duty to Cooperate would not in fact be covered and instead advised us that this was a discussion on soundness issues only. We were advised Duty to Cooperate is dealt with by your letter. Accordingly, there have been no formal DTC meetings at all.

It seems evident to us that your suggested timetable of resolving any issues in the next 3 weeks is wholly unrealistic given the significance of the cross boundary strategic matters being considered. Indeed, we were advised in the officer meeting highlighted above (and in subsequent correspondence from your policy manager) that your submission deadline is the 9 December 2024. I also note that within the last week we have been asked to respond to the scoping of a Water Cycle Study (not published at Regulation 19 stage) within 3 working days, which we will seek to do, but we do note that this is very late in the day and is indicative of wider failures in the context of s.33A.



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We will certainly do our absolute best to assist proactively, but this is a very weighty ask of my officers at a very late stage of your plan preparation process. Despite best endeavours by the City Council, I trust that you understand my concerns over how effective the engagement starting at this late stage, over such a short time period, on matters of such significance for our districts, can be.

Oxford Local Plan

With regards to the OLP2040, in January officers will take a report to a meeting of our full Council for a decision on how to proceed, which will be accompanied by a draft Local Development Scheme (including associated timetable). We have spent the last several months proactively working through next steps, taking legal advice, reviewing options and assessing risks, as I am sure you would expect. We have also taken the opportunity to set out our genuine and significant concerns with the Inspector's conclusions and recommendations. This was done not with any expectation that the decision would be overturned, but instead with the aim of seeking some additional clarity. I'm sure you will have noted that the most recent response to us from the Planning Inspectorate did not address or engage with any of these concerns or indeed add any further clarity.

In due course, we will be in touch on ongoing Duty to Cooperate matters arising from any next steps we take in respect of a Local Plan for Oxford. Until the papers are published as part of our democratic process it would be improper to confirm the details of the approach to be recommended outside of that process.

Yours sincerely

Caroline Green
Chief Executive



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