

# Cabinet Report



Report of Head of Planning

Author: Sophie Horsley

Telephone: 07801203608

E-mail: [Sophie.horsley@southandvale.gov.uk](mailto:Sophie.horsley@southandvale.gov.uk)

Wards affected: All

Cabinet member responsible: Councillor Mike Murray

Tel: 01235 834125

E-mail: [mike.murray@causewayland.com](mailto:mike.murray@causewayland.com)

To: CABINET

Date: 7 August 2015

## Planning to address Oxford unmet housing need in Vale of White Horse

### Recommendations

Cabinet is requested to:

- a) endorse the approach that Oxford's unmet housing need might be in the range of 8,000 – 16,000 homes and that pending confirmation of quantum this range be used to frame options testing
- b) endorse the broad plan-making principles and approach to addressing our appropriate share of the unmet housing need as outlined in paragraphs 16-19 of this report.

### Purpose of Report

1. This report sets out to endorse a high level approach for the council to address its share of any unmet housing need arising from elsewhere in Oxfordshire. It is in effect a preparatory paper for the Issues and Scope consultation stage to help address, once defined and evidenced, the proportion of Oxford City unmet housing need that may fall to the Vale to plan for. This approach is in accordance with the submitted Local Plan Part 1 and Core Policy 2: Cooperation on unmet housing need for Oxfordshire.
2. This report is high level and the most appropriate timing and plan-making approach will depend on the outcome of two main work streams:
  - progress with the imminent Vale Local Plan 2031: Part 1 examination

- ongoing cooperative working by Oxfordshire authorities through the Growth Board, which seeks to quantify the level of unmet need and agree how it should be apportioned for each district to address through their local plans. The Vale is fully engaged in and committed to this work, though we continue to seek improvements to the process. Our high level approach set out in this report is in-addition to our cooperative work through the Growth Board.

## Corporate Objectives

3. The proposals in this report would contribute to the following corporate objectives:
  - a strong local economy
  - housing for people who need it
  - communities involved in decisions about development and other issues affecting their local area.

## Background

4. Under the predecessor<sup>1</sup> to the Growth Board, the six Oxfordshire councils prepared a Strategic Housing Market Assessment (SHMA) for Oxfordshire in 2013-2014 to inform plan-making, guided by an agreed Oxfordshire Statement of Cooperation, attached as appendix A.
5. In November 2014 the Oxfordshire Growth Board endorsed the principles of a proposed strategic work programme to quantify and apportion Oxfordshire's unmet need, for each district to then address in their own way through their own local plan processes. The agreed principles are as follows:
  - i. The district Local Plans are sovereign and all work should feed into Local Plans for them to determine the spatial future of the districts;
  - ii. A recognition, however, that the work must be collaborative and joined up to provide a county-wide spatial picture and strategy;
  - iii. A recognition that joint work on future spatial options, transport infrastructure and green belt will be required to feed into Local Plans;
  - iv. Recognition that the City cannot fully meet its housing needs and there is a need to agree on the level of unmet need. However, work on determining spatial options in Local Plans can commence alongside this;
  - v. A wish that the timescale for completing the review will be 12-18 months and that this should not hold up Local Plan timescales.
6. This work and process reflects the requirements of the legal Duty to Co-operate on plan-making. Extracts from the relevant guidance on the Duty is provided at Appendix B.

---

<sup>1</sup> The Spatial Planning and Infrastructure Partnership

7. An officer working group known as the 'post-SHMA project group' comprising representatives from Vale of White Horse, South Oxfordshire, West Oxfordshire, Cherwell, Oxford City and Oxfordshire County Council has been established and tasked by the Growth Board to draft a work programme. Vale officers have input into all aspects of developing and carrying out this programme to date, and have recently made suggestions as to how the process could be improved, which were considered at Growth Board on 30 July 2015.
8. The submitted Vale Local Plan 2031 Part 1 sets out in Core Policy 2 a commitment to assist in meeting Oxfordshire housing needs if required by a full or partial review of the emerging local plan, or through preparation of another development plan document (e.g. the Local Plan Part 2). An indicative timetable for this work is set out in the Local Development Scheme 2015-2018, although this will need to be updated to reflect onward progress with the local plan examination.

## Unmet housing need

9. The Oxfordshire SHMA 2014 identifies objectively assessed need for housing as follows:

Housing Needed per Year (2011-31)	A. Demographic Base + Shortfall	B. To Support Committed Economic Growth	C. To Meet Affordable Housing Need in Full	D. Range: Housing Need per Year	E. Midpoint of Range
Cherwell	682	1142	1233	1090-1190	1140
Oxford	780	700	2058	1200 - 1600	1400
South Oxfordshire	552	749	965	725-825	775
Vale of White Horse	508	1028	683	1028	1028
West Oxfordshire	541	661	685	635-685	660
Oxfordshire	3063	4280	5624	4678 - 5328	5003

10. Oxford City are asking surrounding Oxfordshire districts to make provision for that part of Oxford's need that they are unable to accommodate. Their total need of 1,200-1,600 homes per annum equates to 24,000 – 32,000 homes from 2011-2031. Their own strategic housing land availability assessment (SHLAA) identifies capacity for around 10,000 homes, leaving a claimed unmet need in the range of 14,000-22,000 in the SHMA period 2011-2031. However, their SHLAA has not been carried out in a manner consistent with national practice guidance in that it continues to apply policy constraints from their pre-SHMA and out-of-date local plan.
11. South, Vale and Cherwell districts therefore commissioned Cundall to carry out a study on Oxford's housing land capacity which indicates the potential for 16,000 homes in Oxford if a less restrictive policy approach was applied. Until Oxford undertakes an NPPF-compliant SHLAA, this is the best available and up to date evidence of Oxford's housing capacity.
12. Based on these figures and an illustrative assumption that any unmet Oxford need is apportioned equally to the four districts, the following scenarios represent a plausible range for testing options to address Oxford unmet need:

- a. **Low** = 2,000 homes, being one quarter of the low point of the City's objectively assessed housing need (OAN) (24,000), less the capacity of the City as identified by Cundall (16,000)
- b. **Mid** = 3,000 homes, being one quarter of the midpoint of the OAN (28,000), less the capacity of the City as identified by Cundall (16,000)
- c. **High** = 4,000 homes, being one quarter of the high point of the City's objectively assessed housing need (OAN) (32,000), less the capacity of the City as identified by Cundall (16,000).

13. There is some precedent for using the mid-point, as the Cherwell Local Plan inspector found the mid-point of the objectively assessed need for Cherwell to be a sound approach for that plan.

### **Addressing Oxford unmet need**

14. The Vale considers that a local plan review by Oxford City may be the most appropriate way to determine the correct level of unmet need within the ranges noted above, but this is not the only way to robustly define the City's capacity. Pending a definitive and proven outcome on this number by whatever means, we can still:
- i. agree the broad plan-making principles and areas of search to guide this work. These are addressed in paragraphs 17-19 of this report
  - ii. commence work to investigate options to address unmet need (as we did for the local plan in anticipation of the 2014 SHMA, for the purposes of timely and efficient plan-making).
15. Before considering growth options, officers have explored ways to contribute to Oxford unmet need:

#### **i. Excess of Vale affordable housing provision.**

As our housing need is driven by economic factors, our affordable housing target of 35% would deliver around 1,000 more affordable homes than are required to meet our own affordable housing needs<sup>2</sup>. However, we need to provide our full OAN target of homes so any overprovision of affordable housing will still contribute to our overall supply of homes. The oversupply of affordable homes is difficult to accurately predict in advance as we can't guarantee all sites will deliver 35% (or any other proportion) affordable homes and account must be taken that we cannot secure affordable houses on sites less than ten units. Accordingly this approach could make only a limited contribution.

- ii. **Use of Vale Green Belt** to re-provide policy compliant uses currently within Oxford to enable Green Belt land in Oxford to be developed for housing. Examples

---

<sup>2</sup> The SHMA identified Vale affordable housing need of 273 homes per annum or 5,460 affordable homes 2011-2031. Assuming nil contribution from sites of 10 or less homes, and the LPP1 35% affordable housing target, our housing target and trajectory should yield around 6,600 affordable homes from 18,860 homes on sites of 11+ homes. This exceeds our affordable needs by approximately 1,100 homes. Whilst we may not secure 35% on all eligible sites, the trajectory includes sites that provide for 40% affordable housing negotiated under current saved policy.

would include allotments, playing fields, golf courses and park and ride facilities. Officers consider that this could be explored further, but that its potential for releasing significant capacity in the City may be limited.

### **Spatial options for future growth**

16. The Vale needs to commence work to identify ways of meeting Oxford's unmet housing need within its district to be considered for testing against sustainability criteria.

### **Option testing principles**

17. In considering options to accommodate Oxford unmet need by further housing site allocations, we should have regard to the following key principles set out in Oxfordshire County Council's consultant's brief as the basis for setting criteria for achieving sustainable development and good place-making in Oxfordshire:

- i. the spatial relevance of options to meeting Oxford's needs: locating homes where there are strong existing or potential links with Oxford, and the use of sustainable and inclusive travel to the City as a whole will be maximised
- ii. support for the objectives of the Strategic Economic Plan for Oxfordshire: linking housing and community development to places of employment and growth potential to minimise the need for travel and for new or extended infrastructure, in ways that maintain and improve the quality of the County's environmental assets
- iii. use of opportunities offered by investment in strategic infrastructure: linking the location of additional housing provision to major nationally and locally planned or proposed infrastructure investment, e.g. East-West rail, Great Western electrification; potential new or enhanced rail stations; proposed rapid transit bus links and associated new Park & Ride sites
- iv. the ability to minimise the distance travelled to local services, e.g. schools, retail and community facilities, whilst providing opportunities for active travel through cycling and walking
- v. the ability to create attractive, mixed and well-balanced communities
- vi. the potential capacity and capability of strategic infrastructure: education, health, security, cultural infrastructure, the utilities e.g. water and electricity; and also whether provision of new infrastructure would support other policy objectives e.g. raising attainment, developing skills in the emerging workforce
- vii. flood risk and the sequential approach set out in the NPPF
- viii. impacts on designated landscape areas, heritage and bio-diversity assets and also the opportunities available through development to significantly enhance the environment and deliver strategic green infrastructure; and
- ix. deliverability, viability and the potential to fund infrastructure and affordable housing.

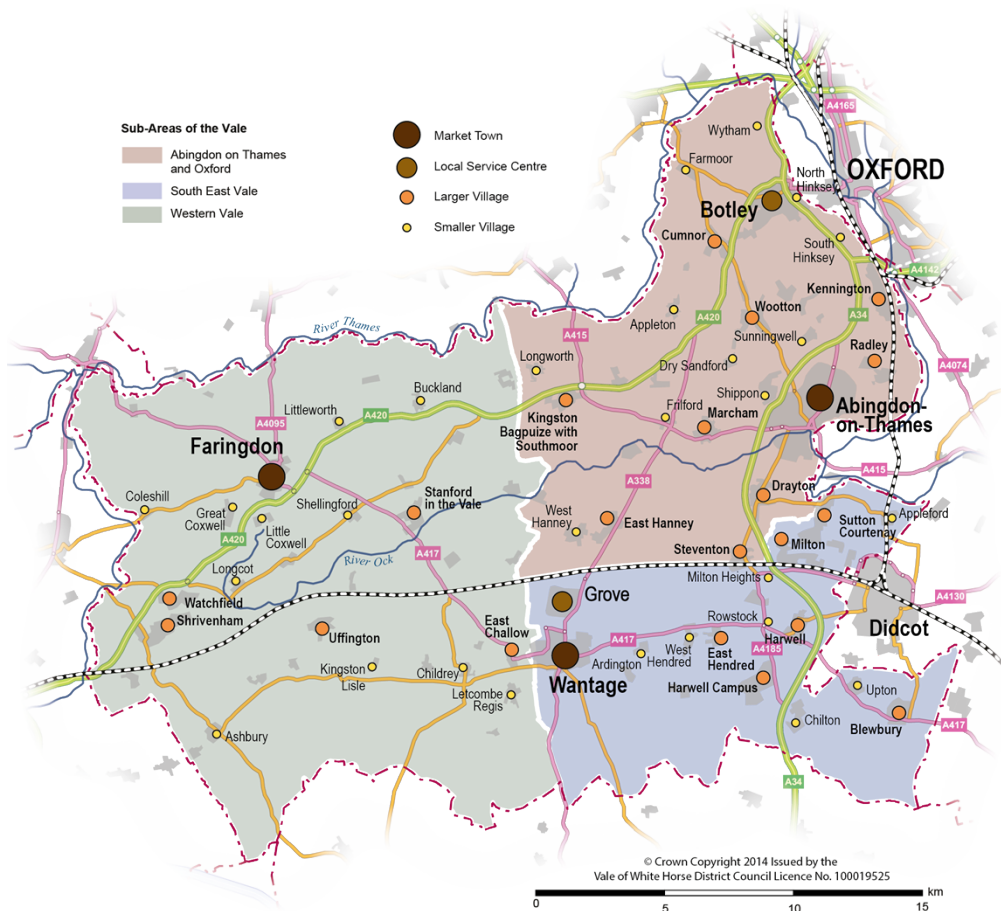
18. In considering how we address unmet housing need, we should also consider how options accord with the LPP1 spatial strategy. Our LPP1 spatial strategy is consistent

with the Strategic Economic Plan and provides a flexible approach to accommodating growth in a range of sustainable locations.

## Broad areas of search

19. It is suggested that the starting point for this work is the Vale Local Plan spatial strategy and its sub-areas as defined in Core Policy 3 of LPP1:

- i. Abingdon-on-Thames and the Oxford Fringe Sub-Area
- ii. South East Vale Sub-Area
- iii. Western Vale Sub-Area



Sub areas of the Local Plan 2031

20. Table 1 below provides an initial high level assessment of these broad spatial areas against the principles set out in paragraph 17 and is considered alongside the proposed growth within the Local Plan Part 1.

**Table 1: Broad spatial areas of search - preliminary assessment**

<b>Spatial Area 1: Abingdon and the Oxford fringe sub area</b>		
<p>This sub-area borders the south and west of the administrative area of Oxford City and contains a large area of Green Belt designated land. It contains the market town of Abingdon-on-Thames, the district's largest and most sustainable settlement, along with the Local Service Centre of Botley, located close to the western edge of Oxford City. It also contains a number of the Vale's most sustainable larger villages including Cumnor, Kingston Bagpuize with Southmoor, Radley and Wootton. There are already excellent public transport links to Oxford, with a railway station located at Radley and proposed new park and ride facilities..</p> <p>Growth options could include a number small scale sites already identified as suitable for proposed release from the Green Belt and/ or potential allocation of additional strategic urban extensions at sustainable settlements that are outside the Green Belt designation.</p>		
<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>• strong alignment with existing spatial strategy</li> <li>• close proximity to Oxford</li> <li>• existing bus routes to Oxford including regular service from Abingdon</li> <li>• proposals for new park and ride facilities (proposed in LTP4<sup>3</sup>; Cumnor and Lodge Hill)</li> <li>• generally good opportunities to access higher order services in Oxford, Abingdon and Botley</li> <li>• a range of secondary schools with some expansion capacity</li> <li>• market interest/demand and viability likely to be high; with positive contribution to 5YRHLS</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>• congestion and air quality issues in Abingdon gyratory / AQMA, but potential southern road link could improve position</li> <li>• Thames floodplain limits opportunities in parts of sub-area</li> <li>• Potential impact on and loss of sensitive landscapes including Green Belt (depends on sites identified)</li> <li>• risk of settlement coalescence in some locations</li> </ul>	<p><b>Scale considerations</b></p> <ul style="list-style-type: none"> <li>• Good opportunities exist to address unmet need in this sub-area in accordance with existing spatial strategy at all levels within identified range.</li> </ul>

<sup>3</sup> Local Transport Plan 4 draft produced by Oxfordshire County Council 2015-2031 (<https://www.oxfordshire.gov.uk/cms/content/local-transport-plan-ltp4>)

## Spatial Area 2: South East Vale sub area

The South East Vale Sub-Area corresponds closely to the Vale part of the Science Vale area. It is the spatial focus for employment and housing growth in the district including enterprise zone designations covering parts of Milton Park and Harwell Campus and is therefore consistent with the Oxfordshire Strategic Economic Plan .

It comprises land in an east-west arc between the A417 and the Great Western railway, between the towns of Wantage and Didcot, and includes several larger villages such as Grove.

A large part of the sub-area is designated as AONB.

Thames Water have identified part of this sub-area as their preferred location for a new reservoir to assist in managing water supply for the wider South East Region, should this be required (to be confirmed in 2019 Water Catchment Management Plan).

Pros	Cons	Scale considerations
<ul style="list-style-type: none"> <li>• strong alignment to the Strategic Economic Plan with Science Vale identified as part of the 'knowledge spine' for economic growth in Oxfordshire</li> <li>• Didcot (and Appleford) rail service to Oxford</li> <li>• existing bus routes to Oxford</li> <li>• service enhancement at Didcot station improving access to Oxford</li> <li>• access to employment opportunities</li> <li>• a range of secondary schools with some expansion capacity</li> <li>• identified transport network investments – roads, public transport, sustainable and smarter travel options</li> </ul>	<ul style="list-style-type: none"> <li>• some areas relatively distant from Oxford</li> <li>• A34 at or over capacity with limited opportunities for additional growth without long-term solutions being identified – therefore potential secondary impact on Oxford Meadows SAC if significantly increase growth in this area that may be forced to use the A34 to access Oxford. Whilst a package of significant new highway infrastructure is planned this will not be able to accommodate additional growth without significant further enhancements</li> <li>• risk of settlement coalescence in some locations</li> <li>• the very significant scale of already planned or committed growth in this area may limit market appetite for additional housing development, or at least very significantly reduce prospects for increasing output/delivery in the short/medium term, therefore likely to be negative impact on 5YRHLS.</li> </ul>	<ul style="list-style-type: none"> <li>• Unclear how development in this sub-area could contribute to unmet need in the medium term (some areas of sub-area relatively distant from Oxford/ A34 at or over capacity/ market capacity issues/ there would be a need for new and additional infrastructure to the currently identified package)</li> </ul>



### Spatial Area 3: Western Vale sub area

A predominantly rural area located to the west of the Vale. The market town of Faringdon is the main settlement in the sub-area and forms the main centre for the area. There are also a number of larger villages including Shrivenham and Watchfield, which also houses the Defence Academy of the United Kingdom and a campus for Cranfield University.

The area generally has public transport connectivity issues compared to other parts of the district, with the exception of the premium Route 66 service between Swindon and Oxford. A large part of the area is designated as AONB.

<b>Pros</b>	<b>Cons</b>	<b>Scale considerations</b>
<ul style="list-style-type: none"><li>• Premium Bus Route 66 providing public transport along the A420 to Oxford</li></ul>	<ul style="list-style-type: none"><li>• this sub area is not well related to Oxford</li><li>• services/ facilities and employment opportunities in this sub-area are not sufficient to accommodate a significant increase in additional growth</li><li>• modest public transport connections to Oxford apart from the A420 corridor</li><li>• few development opportunities in this sub-area (apart from those identified in Local Plan) in accordance with the LPP1 spatial strategy.</li><li>• Large area constrained by AONB</li><li>• Faringdon market town, the main settlement in the sub area, already has significant growth allocated.</li></ul>	<ul style="list-style-type: none"><li>• Unclear how development in this sub-area could contribute to unmet need – relatively distant from Oxford, would not support sustainable access to Oxford/ services and facilities in sub-area are not sufficient to accommodate a significant increase in growth</li><li>• Lack of spatial options to deliver unmet need due to the nature of the sub area and significant amount of growth already allocated at Faringdon, the main settlement.</li></ul>

## **Next Steps**

21. The high level assessment above requires further development and testing in order to ascertain which Sub-Area has the greatest potential for accommodating unmet need. Building on this work, the following main outcomes and steps are required to identify suitable sites to accommodate Oxford's proven unmet housing need:

- to identify spatially focused areas of search, taking into account factors like topography, landscape, settlement pattern, access to services and transport corridors, and identify what constraints and opportunities they offer  
  
and in an iterative process
- to test the refined areas of search against the principles set out at paragraph 17, and the assessment criteria that are derived from them, taking into account any other constraints or opportunities
- to consider which refined area of search or combination of them provides the most spatially coherent approach.

22. Once the scale of Oxford's unmet need and Vale's share of it is proven, the results of the option testing process can inform a decision on the most appropriate method to bring forward additional housing.

## **Options**

23. This report addresses a range of options and scenarios for addressing unmet need, for potential testing. For the (to be proven) level of unmet need, all reasonable alternatives to meet it need to be considered in plan-making, in accordance with Strategic Environmental Assessment regulations.

24. If a level of unmet housing need cannot be properly defined, the council could instead take a unilateral decision on the level of unmet need this district will plan for. The same plan-making principles and approach to testing alternative options would be appropriate.

## **Financial Implications**

25. Additional homes would attract additional CIL and s106 income, an additional New Homes Bonus (subject to the continuation of this scheme), and in due course planning service income.

26. Planned growth is also a lever for bid funding awards from Central Government / Local Enterprise Partnership e.g. to support infrastructure provision.

## **Legal Implications**

27. The duty to cooperate in plan-making is a legal duty on councils as well as an examination test of soundness (in terms of plan effectiveness through cooperation).

## **Risks**

28. Whilst not a duty to agree, the absence of agreement could increase the risks of plans not being found sound at examination. In either event, positive and timely progress towards addressing known unmet need is likely to improve the prospects of the local plan being found sound at examination.

## **Other implications**

29. The district housing target would increase by a proportion of the proven unmet housing need and the district would be responsible for maintaining a five year housing land supply for any increase in its housing target.

## **Conclusion**

30. Overall, the high level approach set out in this report seeks to find ways to address our potential proportion of Oxford City's unmet housing need. The approach accords with Local Plan Part 1, Core Policy 2. Cabinet is asked to consider and endorse a range of homes as potential scenarios, as set out at para.12, to enable testing of options and to endorse the broad plan-making principles and areas of search, as set out in this report.

## **Background Papers**

### **Appendix A**

#### **Oxfordshire Statement of Cooperation 2013**

##### **Introduction**

1.1. This Statement of Cooperation outlines the matters on which the six Oxfordshire local authorities will continue to cooperate. In particular, it sets out how the Parties will manage the outcomes of the Strategic Housing Market Assessment, should any of the Local Planning Authorities in Oxfordshire not be able to meet their full objectively assessed housing need.

##### **Parties to the Statement**

2.1. The Statement of Cooperation is agreed by council Leaders from the following local authorities: Cherwell District Council; Oxford City Council; Oxfordshire County Council; South Oxfordshire District Council; Vale of White Horse District Council; West Oxfordshire District Council.

##### **Purpose of the Statement of Cooperation**

3.1 The purpose of this Statement of Cooperation is to set out the scope and structure of cooperation between the Parties on a range of issues. In particular, it outlines the process and arrangements for cooperation between local authorities should one of the Parties be unable to accommodate their objectively assessed need identified in the Oxfordshire Strategic Housing Market Assessment (SHMA).

##### **Background**

4.1 The National Planning Policy Framework (NPPF) outlines the national policy requirements in relation to planning across administrative boundaries at paragraphs 178-181. The NPPF requires local planning authorities to work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated. The NPPF also outlines that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the NPPF.

4.2 For example in relation to housing the NPPF requires LPAs to use a valid evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area. The NPPF states that housing need should be established by conducting a Strategic Housing Market Assessment (SHMA). The SHMA will also identify the extent of the housing market area. The NPPF also requires that Local Plans seek to meet objectively assessed development requirements including unmet requirements from neighbouring authorities.

4.3 The requirements of the NPPF are reinforced by the legal Duty to Cooperate introduced by the Localism Act. The duty to cooperate:

**requires** councils and public bodies to engage constructively, actively and on an ongoing basis in relation to planning of sustainable development;

**requires** councils to consider whether to enter into agreements on joint approaches or prepare joint local plans (if a LPA); and applies to planning for strategic matters in relation to the preparation of Local Plans, and other activities that prepare the way for these activities

**applies** to planning for strategic matters in relation to the preparation of Local Plans, and other activities that prepare the way for these activities

4.4 The Duty to Cooperate is a legal requirement of the plan preparation process and non-compliance cannot be fixed at Examination by the Planning Inspectorate – the plan cannot be adopted. In addition policies developed through the duty must also be found sound (i.e. evidence based and deliverable).

### **Scope of Cooperation**

5.1 Each of the Parties will engage constructively, actively and on an on-going basis in any process that involves the following: the preparation of development plan documents; the preparation of other local planning documents; the planning and prioritisation of infrastructure and investment in Oxfordshire to support economic growth of the area; activities that support any of the above so far as they relate to sustainable development or use of land that has or would impact on more than one of the Parties.

5.2 The engagement required of Parties includes, in particular considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities paragraph 5.1 where there are cross border issues and for LPAs considering whether to prepare joint local development documents. Parties have also agreed that they will act expediently when undertaking joint work related to the activities in paragraph 5.1 to avoid unreasonable delay.

5.3 A current example of implementing the requirements of this Statement is the joint work being undertaken in relation to accommodating housing need identified for Oxfordshire. The new Oxfordshire SHMA has been jointly commissioned by the Parties. The SHMA work will take place over the summer 2013. Once this technical work has established the scale of housing required across the housing market area each Local Planning Authority (LPA) must assess the implications for their own area. If we assume that an increase in housing is required, in some or all authorities, those which see an increase in need will have to assess potential new locations for housing sites. Should any of the Oxfordshire LPAs be unable to accommodate their objectively assessed need identified in the SHMA, the remaining Oxfordshire authorities must seek to accommodate this unmet need. As part of ongoing cooperation between the Parties on this issue to ensure that any unmet need is accommodated in accordance with national policy, a process has been agreed and is included in Appendix One of this Statement.

### **Cooperation Structure**

6.1 The Parties will use the existing partnership arrangement of SPIP to act as a co-ordinating body for this joint working. An outline of the Duty to Cooperate structure in Oxfordshire is shown in Appendix 2.

6.2 The SPIP Executive meets every 6 weeks and the SPIP Board every 3 months. Additional meetings may be required to facilitate timely progression of work and this will be accommodated. SPIP will report its discussions and agreed actions back to the officers

group via their Programme Manager as necessary. In addition SPIP will report its discussions and agreed actions to any or all of the following as it is deemed necessary:

6.3 SPIP will be supported by an Oxfordshire Planning Policy Officer group (OPPO) to help deliver the technical work required as part of the agreed process. This group will meet every six weeks or more often as required. OPPO will provide progress updates to SPIP via the SPIP Programme Manager.

6.4 As part of this the Parties will ensure that the scope of cooperation identified in section 7 is applied to other bodies covered by the Duty to Cooperate. These bodies include:

Environment Agency; English Heritage; Natural England; Civil Aviation Authority; Homes and Communities Agency; Clinical Commissioning Groups; Office of the Rail Regulator; Highways Agency; Integrated Transport Authorities; Highway Authorities; Neighbouring Local Planning Authorities outside Oxfordshire.

## **Resources**

7.1 Each of the Parties will contribute at least one experienced planning officer to be on the OPPO group.

7.2 If consultants are used on a joint basis to complete work associated with this Statement their costs will be apportioned equally among the Parties. The SPIP Programme Manager will be responsible for co-ordinating authorisation from SPIP of any joint work required to complete the process.

## **Intellectual Property Rights**

8.1 Subject to the rights of third parties, the Parties will share equally the intellectual property rights to all data, reports, drawings, specifications, designs, inventions or other material produced or acquired including copyrights in the course of their joint work. The Parties agree that any proposal by one of them to permit a third party to utilise the documents and materials produced by the partnership shall be subject to the agreement of all other Parties. Any changes, amendments or updates made to the documents and materials, if made under the terms of the Statement of Cooperation, shall be jointly owned by the Parties.

## **Requests under the Freedom of Information Act**

9.1 Each of the Parties will deal with Freedom of Information requests in accordance with the requirements of the Act. To ensure that all relevant information is issued, if any of the Parties receives a Freedom of Information request in respect of joint work associated with the Statement of Cooperation the request will be shared with the other Parties via the SPIP Programme Manager at the earliest opportunity.

## **Duration**

10.1 This Statement of Cooperation will remain in perpetuity. The content of this Statement will be reviewed annually or at the request in writing of one of the Parties. Amendments will require the agreement of all the Parties.

## **Limitations**

11.1 The Statement of Cooperation is an operational document. It is not a formally binding legal agreement and the partnership is not a legal entity. This Statement does not fetter the discretion of any of the Parties in the exercise of any of their statutory powers and duties.

## **Dispute Resolution and Termination**

12.1 In the event of a dispute at OPPO that cannot be resolved these will be escalated to SPIP Executive via the SPIP Programme Manager. If the matter cannot be resolved by SPIP Executive then the matter concerned will be referred to the SPIP Board. If the matter is not able to be satisfactorily resolved, the Parties should put it in writing and keep it on file.

12.2 Those decisions in respect of agreement and dispute will be clearly logged and submitted, if necessary, as part of the evidence to each respective LPAs Local Plan examination to demonstrate how the Duty to Cooperate has been complied with.

12.3 Parties can terminate their involvement at any time. If the Statement of Cooperation is terminated, the Parties agree that any reports, studies or any other information which has jointly been prepared can be used by each of the Parties separately.

## **Appendix B:**

### **National Planning Policy Guidance extracts on the Duty to Cooperate**

#### **What is the duty to cooperate and what does it require?**

National Planning Policy Guidance Paragraph: 001 Reference ID: 9-001-20140306

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.

#### **How does the duty to cooperate relate to the Local Plan test of soundness?**

Paragraph: 002 Reference ID: 9-002-20140306

The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness.

The Local Plan examination will test whether a local planning authority has complied with the duty to cooperate. The Inspector will recommend that the Local Plan is not adopted if the duty has not been complied with and the examination will not proceed any further.

If the Inspector finds that the duty has been complied with the examination will also test whether the Local Plan is sound. The test of soundness, set out in full in the National Planning Policy Framework (paragraph 182), assesses whether the Local Plan is:

- positively prepared;
- justified;
- effective; and
- consistent with national policy.

In assessing whether the Local Plan is effective the Inspector will assess whether it is deliverable within the timescale set by the Local Plan and if it demonstrates effective joint working to meet cross boundary strategic priorities. If a Local Plan is found unsound at the examination the Inspector will recommend that it is not adopted (although an Inspector



must recommend modifications that would make a Local Plan sound if asked to do so by the local planning authority).

## Appendix C

### Motion proposed by Cllr Sharp and agreed by Council on Wednesday 16 July

'Council recognises that following the issue of the Oxfordshire Strategic Housing Market Assessment in 2014, and its identification of Oxford City's Objectively Assessed Need (OAN) for new housing, it is likely that Oxford City will be unable to meet its OAN in full, and so will look to its neighbouring authorities, including the Vale, to assist. Council considers that Oxford City's existing local plan from 2011 and its development policies contain many constraints on development and hinder the City's ability to meet its own OAN. Council therefore calls upon Oxford City to immediately carry out a full review of its local plan in order to meet as much of its own OAN as is sustainably possible. Council notes the recent Inspector's report following Examination in Public of the Cherwell District Council Local Plan, and his comment:

"I am satisfied that it is appropriate for this plan to proceed on that basis [meeting its own full district OAN], provided that there is a firm commitment from the Council to play its part in addressing the needs of Oxford city through that joint process [to fully address the OANs of the whole county] in the near future, once those needs have been fully clarified/confirmed."

Council confirms its intention to meet its appropriate share of Oxford's Unmet Need and supports the Cabinet in its work to help identify and assess how Oxford's Unmet Need could be accommodated. The Council will continue to work within the Oxfordshire Growth Board to strengthen the joint working across the county to identify and accommodate the unmet need in Oxfordshire. Council recognises that this work is underpinned by the following principles:

- The district Local Plans are sovereign and all work should feed into Local Plans for them to determine the spatial future of the districts;
- A recognition however that the work must be collaborative and joined up to provide a county wide spatial picture and strategy;
- A recognition therefore that joint work on future spatial options, transport infrastructure and green belt will be required to feed into Local Plans;
- Recognition that the City cannot fully meet its housing needs and there is a need to agree on the level of unmet need. However work on determining spatial options in Local Plans can commence alongside this;
- A wish that the timescale for completing the Review is 12 – 18 months and that this should not hold up Local Plan timescales.

As a means to progressing these objectives Council endorses Cabinet's intention to consider and consult on strategic options to provide evidence for the Growth Board which will be robust in providing a sound proposal for Oxfordshire. Council is committed to the resolution of unmet housing need in Oxfordshire, the adoption of Local Plan Part 1 and the development and adoption of Local Plan Part 2 on the earliest possible timetable that is compatible with good governance and public consultation.'