

Joint Statement of Common Ground between
Cherwell District Council, Oxford City Council, South Oxfordshire District Council,
Vale of White Horse District Council and West Oxfordshire District Council

Submission Draft (Regulation 19) Oxford Local Plan 2040
March 2024

Introduction

1. National planning policy emphasises the importance of local planning authorities working collaboratively on strategic matters that cross administrative boundaries such as the provision of new homes, jobs and infrastructure.
2. Such joint working should be captured in a statement of common ground which is essentially a written record of the strategic matters that are being addressed and explaining where effective co-operation is and is not happening throughout the plan-making process.
3. A statement of common ground forms part of the evidence base which is needed to demonstrate that local planning authorities have complied with the Duty to Co-operate when local plans are considered at examination.
4. Neither South Oxfordshire District Council nor the Vale of White Horse District Council agree that the Duty to Co-operate has been fulfilled by Oxford City Council and in their view the submission draft Local Plan 2040 is not ready for independent examination. West Oxfordshire District Council has also raised previous concerns about the lack of engagement on the issue of housing need as a strategically important matter. More details are set out in their responses to the Regulation 19 consultation. Without prejudice to those concerns, all the Oxfordshire Local Planning Authorities (LPAs) have engaged with Oxford in production of this statement and are signatories to it.

Purpose of this Statement of Common Ground

5. This joint Statement of Common Ground has been prepared specifically in relation to Oxford City Council's Regulation 19 submission draft Local Plan 2040. It is a Statement of Common Ground for Oxford's Local Plan, made between the City Council and all other Oxfordshire LPAs.
6. This Statement of Common Ground focuses on the key strategic matters of housing need, housing capacity and unmet housing need.
7. Additional Statements of Common Ground will be produced between Oxford City Council and the Oxfordshire Districts as bi-lateral statements on other strategic and cross boundary issues.
8. This joint statement has been prepared and agreed by the following parties (listed in alphabetical order):

- Cherwell District Council
 - Oxford City Council
 - South Oxfordshire District Council
 - Vale of White Horse District Council
 - West Oxfordshire District Council
9. The statement has been prepared by the Oxfordshire Planning Policy Officers Group (OPPO) and agreed by the respective senior officer of each Council as reflected in the signatories below.
10. OPPO comprises the planning policy manager (or equivalent) from each Council and meets regularly, every month or every other month, to discuss plan-making, including strategic matters of cross boundary importance. Various mechanisms for cooperation exist, including regular partnership meetings and forums as set out in Table 1 of the City Council’s General Statement of Common Ground ¹.

Strategic Matters

11. This Statement of Common Ground focuses on the key strategic matters:
- Housing need
 - Housing capacity
 - Unmet housing need
12. Under each heading the statement outlines:
- Matters of principle where the parties agree; and:
 - An outline of the current position of the Local Planning Authorities.

Housing Need – matters of principle:

13. The parties agree the following:
- The assessment of housing need is a strategically important matter which has important cross-boundary implications for local plan-making, in particular the provision of an appropriate number and type of new homes;
 - Housing need is an unconstrained assessment of the number of homes needed in an area and is the first step in deciding how many homes to plan for;
 - In order to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method in national planning guidance;

¹ <https://www.oxford.gov.uk/downloads/file/2081/general-statement-of-common-ground-august-2023>

- The outcome of the standard method is an advisory starting-point for establishing a housing requirement; and
- There may be exceptional circumstances which justify an alternative approach to assessing housing need. Any alternative approach should reflect current and future demographic trends and market signals.

Housing Need – Current position of the LPAs:

14. To inform the preparation of their respective Local Plans, Oxford City Council and Cherwell District Council have jointly commissioned housing need evidence in the form of the Oxfordshire Housing and Economic Needs Assessment (HENA) 2022. Both authorities consider that the HENA presents a robust and unconstrained assessment of housing need for the period 2020 – 2040. Both the Oxford Local Plan (Regulation 19, November 2023) and the Cherwell Local Plan Review (Regulation 18, September 2023) present the HENA’s Economic Baseline Scenario (Scenario 3), as the most appropriate assessment of need in current circumstances.
15. Oxford City Council has presented what they consider to be their exceptional circumstances to justify departing from the standard method in terms of establishing housing need in a Background Paper as part of their evidence base.
16. The Oxford City Regulation 19 submission draft Local Plan (November 2023) identifies an objectively assessed housing need figure for Oxford of 1,322 dwellings per annum (compared to 762 dwellings per annum under the standard method).
17. On the same basis, the most recent Regulation 18 consultation document for the emerging Cherwell Local Plan (September 2023) assumed as a working figure an objectively assessed housing need figure for Cherwell of 1,009 dwellings per annum (compared to 742 dwellings per annum under the standard method).
18. South Oxfordshire District Council and Vale of White Horse District Council consider that they were not fully or sufficiently involved in developing the methodology of the HENA. South and Vale do not agree that exceptional circumstances exist for departing from the standard method when assessing local housing need nor do they agree with all the housing and economic scenarios identified in the HENA.
19. South and Vale consider that Oxford City Council has failed to meet the Duty to Cooperate.
20. To inform the preparation of their new joint Local Plan, South Oxfordshire District Council and the Vale of White Horse District Council have commissioned housing need evidence in the form of a local housing need assessment.

21. South Oxfordshire District Council and the Vale of White Horse District Council consider that their local housing need assessment presents a robust and unconstrained assessment of housing need for the period 2021 – 2041.
22. On the basis of this assessment, the most recent Regulation 18 consultation document for the emerging joint South Oxfordshire and Vale of White Horse identifies an objectively assessed housing need figure of 605 dwellings per annum for South Oxfordshire and 628 dwellings per annum for the Vale of White Horse based on the Government’s standard method².
23. West Oxfordshire District Council have expressed previous concerns in March 2023 regarding the HENA and the fact that whilst the Council was aware that the work was being commissioned, no opportunity was given to input into the report in terms of the overall approach and geographic scope. Concerns have also been expressed about a number of the methodological assumptions underpinning the HENA.
24. To inform its own emerging Local Plan to 2041, West Oxfordshire District Council is in the process of commissioning its own local housing need assessment to feed into further Regulation 18 consultation in June 2024.
25. Cherwell does not have any concerns about Oxford’s compliance with the Duty to Cooperate in respect of strategic housing matters. None were raised in its response to consultation on Oxford’s Proposed Submission Plan (Reg.19).

Housing Capacity - matters of principle:

26. The parties agree the following:
 - To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; and
 - The overall aim should be to meet as much of an area’s identified housing need as possible.

Housing Capacity - Current position of the LPAs:

27. To inform their Local Plan 2040, Oxford City Council have produced a Housing and Economic Land Availability Assessment (2023) which identifies a total housing capacity for Oxford City of 9,612 homes in the period 2020 – 2040 (481 dwellings per annum).
28. This is reflected in Policy H1 of the Oxford City submission draft local plan which identifies a capacity-based housing requirement of 9,612 homes over the plan period 2020 – 2040.

² Calculated using the 2022 affordability ratio

29. In their most recent Regulation 18 consultation document (September 2023) Cherwell District Council identified a total housing capacity of 24,206 dwellings over the period 2020 – 2040 based on circumstances at that time.
30. South Oxfordshire and the Vale of White Horse District Council are currently in the process of consulting on a Regulation 18 local plan with a refreshed assessment of housing capacity in both Districts. That demonstrates that there is sufficient capacity within both districts to meet the identified housing and employment needs.
31. South and Vale have serious concerns about the capacity of Oxford; that by not maximising capacity this means that cross boundary matters are not dealt with and unmet housing need is inflated. More details are set out in South and Vales responses to the Regulation 19 consultation.
32. West Oxfordshire District Council has also expressed previous concerns in March 2023 that Oxford City Council has not sought to fully maximise potential housing capacity within its own administrative boundaries.
33. West Oxfordshire District Council is currently in the process of preparing an updated assessment of its own potential housing capacity to 2041 which will inform further Regulation 18 local plan consultation in June 2024.

Unmet Housing Need - matters of principle:

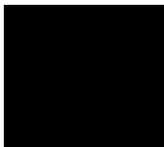
34. The parties agree the following:
 - Any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for, and that this should inform Local Plan strategies where it is practical to do so and is consistent with achieving sustainable development;

Unmet Housing Need - Current position of the LPAs:

35. Oxford City Council have identified a total housing need of 26,440 (1,322 dwellings per annum) for the period 2020 – 2040 set against a total capacity of 9,612 dwellings (481 dwellings per annum).
36. On this basis (as set out in the Regulation 18 Part 2 consultation), the City Council consider there to be an unmet housing need of 16,828 homes in the period 2020 – 2040, of which 14,300 homes have already been identified in currently adopted Local Plans, resulting in a remaining, residual unmet need of 2,528 homes (126 dwellings per annum).
37. In December 2023, the City Council wrote to each of the Oxfordshire local planning authorities to formally ask whether those authorities would be able to meet any of this residual unmet need. The Oxford City letter and the responses of each Council are appended to this statement.

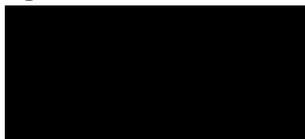
38. In their most recent Regulation 18 consultation (September 2023) Cherwell District Council recognised that it could be necessary to accommodate limited additional unmet need from Oxford City in the period to 2040 in addition to the 4,400 it has already committed to delivering as part of its adopted development plan. It stated that it would keep this under review as its Plan process continued and that it would continue to discuss the strategic priority of housing need across Oxfordshire with neighbouring Local Planning Authorities.
39. In their most recent Regulation 18 consultation (January 2024) South Oxfordshire District Council and the Vale of White Horse have consulted on a local plan housing requirement which incorporates the existing agreed unmet needs of Oxford City of 4,950 for South Oxfordshire and 2,200 for the Vale of White Horse District.
40. Beyond this, South Oxfordshire District Council and the Vale of White Horse District Council do not consider there to be any additional unmet need to plan for, more details are set out in their responses to the Regulation 19 consultation.
41. As part of its adopted Local Plan, West Oxfordshire District Council has already committed to delivering 2,750 new homes to assist Oxford City in the period 2021 – 2031. Given that it is still in the process of establishing its own housing need and capacity and that the housing need and capacity assumptions of Oxford City to 2040 have yet to be tested through examination, West Oxfordshire District Council have not formed a view on additional unmet need beyond that which is already committed in its adopted Local Plan.
42. The signatories to this Statement of Common Ground from each of the Councils are set out below.

Signed on behalf of Cherwell District Council:



David Peckford
Assistant Director Planning and Development
Date: 26/3/24

Signed on behalf of Oxford City Council:



David Butler
Head of Planning and Regulatory Services
Date: 26.3.24

Signed on behalf of South Oxfordshire District Council and Vale of White Horse District Council:



**Mark Stone
Chief Executive
Date: 27 March 2024**

Signed on behalf of West Oxfordshire District Council:



**Giles Hughes
Chief Executive
Date: 27/3/24**

Appendices:

1. Letter from the Chief Executive of Oxford City Council to the Chief Executives of the Oxfordshire Districts
2. Response from South Oxfordshire and Vale of White Horse District Councils
3. Response from West Oxfordshire District Council
4. Response from Cherwell District Council

Caroline Green
Chief Executive, Oxford City Council

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Mark Stone
Chief Executive
South Oxfordshire District Council

22 December 2023

SENT VIA EMAIL

Dear Mark

Oxford Local Plan 2040: Formal request to assist with Oxford unmet housing need

I write to you regarding the Oxford Local Plan 2040 and in particular the challenge Oxford faces in meeting its housing needs.

You will be aware that Oxford City Council has recently published its Regulation 19 stage of the Local Plan 2040, which considers how to manage the competing challenges facing the city of housing, the economy, environment and infrastructure. A fundamental challenge in this is that the housing need for Oxford far exceeds the capacity of the city: this is a long-standing issue and has been discussed for many years with the Oxfordshire local planning authorities through various collective forums and collaborative working initiatives both at officer and member levels.

We all worked collectively to address the unmet need identified in our current Local Plan 2036, through the Oxfordshire Growth Board forums, and ultimately this culminated in an apportionment of the unmet need for each district. Subsequently, each district incorporated their apportionment into the current round of Local Plans and included site allocations accordingly. It is a very positive step that many of the identified sites related to Oxford unmet need are already now under construction, and several more are in the planning process.

As the Oxford Local Plan 2040 looks slightly further ahead to 2040, the evidence needs to revisit the housing need for Oxford and the subsequent level of need that cannot be accommodated within the city boundaries. The updated housing need evidence is set out in the Housing and Economic Needs Assessment (2022) (HENA) and the updated evidence on capacity is set out in the Housing and Economic Land Availability Assessment (2023) (HELAA). The HENA identifies a housing need in Oxford of 1,322 dwellings per annum. [The Housing Need Background Paper 1](#) sets out the exceptional circumstances for not using the Standard Method and explains how the need figure has been derived. The housing requirement set out in the submission draft Oxford Local Plan 2040 is 481 dwellings per annum, which is based on the capacity identified in the HELAA (9,612 homes over the plan period).



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Oxford City Council, PO Box 10, Oxford, OX1 1EN



The level of unmet need in the Local Plan 2040 is therefore calculated as follows:

Total need 2020-2040	26,440
Total capacity 2020-2040	9,612
Unmet need 2020-2040	16,828
Provision already made in current local plans (which had not been delivered before 2020)	14,300
Remaining unmet need 2020-2040 to be addressed	2,528

The Oxford Local Plan 2040 includes a number of policies designed to maximise housing capacity and delivery in order to minimise unmet need, including:

- Site allocations for residential development, including minimum housing numbers where appropriate;
- Minimum housing numbers and capacity assumptions being based on highest appropriate density assumptions;
- Including assumptions for windfall housing developments within the capacity assessment;
- Allowing housing on all employment sites;
- Assessing all greenfield sites for their intrinsic value and allowing development on some (where surplus or can be replaced, in compliance with NPPF approach);
- Not allowing loss of dwellings
- Including a policy preventing the loss of existing homes; and
- Allowing uses other than new homes only in city and district centres and where already established as a lawful use, and also not allocating new sites outside the areas for other uses, thus prioritising housing.
- Delivery of housing, particularly affordable housing, is a key priority of the City Council, and there are further measures from across the council more widely to increase the supply of housing in Oxford, including setting up the housing company OX Place to deliver over 2,000 homes in the next 10 years, including on sites that would not be considered commercially viable. It has already successfully delivered 6 schemes in the city, with two more to be available shortly, delivering 215 homes so far (including 20 homes at The Curve, Between Towns Road; 90 homes at Railway Lane, Littlemore and 43 homes in Rose Hill).

However, despite taking a very positive approach to delivering housing in Oxford, the highly constrained nature of the city and the lack of land for expansion of the city means there is a limited supply of new sites and not enough to meet identified needs. The tightly drawn boundary around the city and lack of available land means that that there is simply no way that a greater number of homes can be delivered in a sustainable manner.

A substantial amount of work has been undertaken between respective authorities to address the Duty to Co-operate in recent years. As part of this process, officers from our Planning Policy Team have been liaising with officers from your authority throughout the preparation of the OLP2040 and in the lead up to the Regulation 19 stage consultation through various channels. We intend to set up further meetings in January to discuss the Statement of Common Ground that we would like to have in place between our respective authorities before the end of March when we formally submit the OLP2040 for Examination.



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We appreciate that districts in Oxfordshire are at different plan-making stages. We also understand the very real pressure you have in meeting your own needs. However, under the 2011 Localism Act and the provisions of the National Planning Policy Framework (NPPF), I am writing to you now to formally ask whether your authority would be able to meet any of Oxford's unmet housing need? I look forward to hearing from you on this important issue and would be grateful for a response by 31st Jan 2024.

Yours sincerely



Caroline Green
Chief Executive



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Caroline Green

Mark Stone
Chief Executive

Via email

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Abbey House,
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OX14 3JE

19 January 2024

Dear Caroline

Oxford Local Plan 2040: Formal request to assist with Oxford unmet housing need

I write to respond to your formal request from 22 December 2023. It was surprising to receive this request at such a late stage in the process of the preparation of your Local Plan 2040.

South Oxfordshire and Vale of White Horse District Councils submitted formal representations to your Regulation 19 stage Local Plan 2040 consultation on 21 December 2023. You may not have been aware of this at the time of your letter.

These were submitted in the context of us having previously submitted individual responses to your March 2023 Housing Need consultation and your November 2022 Preferred Options consultation, at the Regulation 18 stages.

Our recent representations to your Regulation 19 stage Local Plan 2040 reiterate our earlier responses to state that, as matters stand at present, your emerging Local Plan 2040 fails the legal duty to cooperate. We have also identified several soundness issues, and set out our long-standing concerns relating to the flaws in your evidence base on housing need and housing capacity, which inform your Regulation 19 local plan.

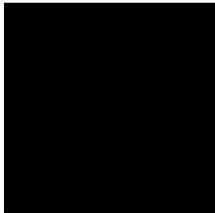
You are aware of these concerns because we have responded at your formal plan consultation stages (Regulation 18 and 19) and we have also engaged in officer meetings about your Housing and Economic Needs Assessment (HENA) and Oxford Housing and Employment Land Availability Assessment.



Considering this context and a lack of progress in resolving these matters, neither South Oxfordshire District Council nor Vale of White Horse District Council can currently agree to meet any unmet housing need that exists for the period after 2036 i.e. new unmet housing need that has not previously been accommodated, as we are not persuaded by your evidence base (given its deficiencies).

We would ask you to reflect carefully on your current intentions to submit your Regulation 19 local plan, as presently formulated, for independent examination and would ask that instead, you engage with us on a more appropriate and productive way forward. However, we will in any event engage with you regarding any content that may be appropriate for a Statement of Common Ground.

Yours sincerely



Mark Stone
Chief Executive

GILES HUGHES

Chief Executive
[REDACTED]
[REDACTED]

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**WEST OXFORDSHIRE
DISTRICT COUNCIL**

30 January 2024

Caroline Green
Chief Executive
Oxford City Council

VIA EMAIL

Dear Caroline

Oxford Local Plan 2040

Many thanks for your letter of 22 December 2023 regarding the above, in particular the formal request you have made to West Oxfordshire District Council to assist in meeting the housing need which you have identified for Oxford City in the period 2020 to 2040.

Our two Councils have a record of working constructively with each other, and with other partners, to address cross boundary planning issues in Oxfordshire. There is a mutual understanding of the challenges facing our two authorities, and dialogue can help support a holistic approach on important issues like housing, employment and the environment.

West Oxfordshire's Executive Members and Leader are committed to the duty to co-operate and look forward to future meetings to address our mutual concerns and mutually best outcomes for our residents and businesses in West Oxfordshire and the City.

As you may be aware, we are currently in the process of updating our own Local Plan to 2041. We are still at a relatively early stage having undertaken two informal public consultations on the general scope and content of the plan and potential future patterns of development as well as a call for potential development sites.

Over the next few months, we will be working up the draft plan in more detail with a view to further informal consultation taking place in June/July. It is anticipated that this will include consideration of a new draft housing requirement for the period 2021 - 2041.

To inform this process, we are currently in the process of commissioning our own local housing needs assessment in line with national policy and will shortly be undertaking an assessment of potential capacity in the form of a housing land availability assessment.

You will appreciate that it is only once we have completed these and other studies and progressed the draft plan to a more advanced stage, that we will be in a position to understand whether or not the District Council is able to assist you in any way in relation to the housing need you have identified.

Continued...../

30 January 2024
Caroline Green
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In parallel with this, there is of course the matter of whether the level of housing need identified in your draft plan is justified, effective and consistent with national policy.

I note that 1,322 dwellings per annum is greater than Oxford's latest standard method figure and whilst I am aware you consider there to be exceptional circumstances to justify such a departure, this matter is likely to be considered at the independent examination into your Local Plan.

Given the above, I'm sure you will appreciate that we are unable to commit one way or another at this point in time.

You will be aware that we have raised some concerns, in terms of the assumptions made in your supporting evidence and engagement with the other Oxfordshire local authorities on this strategic matter.

I believe it would be helpful to both authorities to maintain and indeed increase the level of dialogue taking place over the next few months as our own Local Plan starts to take shape and your draft plan advances towards independent examination.

I note your intention to formally submit your plan by the end of March 2024 and I am aware that Officers are currently exploring the possibility of a statement of common ground to assist with this process.

I believe this would be helpful in terms of potentially addressing any areas of difference as well as highlighting where there are any outstanding issues to be debated through examination.

I will speak to my Planning Policy Manager to ensure he is aware of the situation.

In the interim, if you would like to further discuss any of the above, please let me know.

Yours sincerely

A solid black rectangular box used to redact the signature of Giles Hughes.

GILES HUGHES
Chief Executive

Chief Executive's Office



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Caroline Green
Chief Executive
Oxford City Council

By email:
[REDACTED]

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Please ask for: **David.Peckford** [REDACTED] [REDACTED]

Email: [REDACTED]

Our Ref:

Local Plan

8 March 2024

Dear Caroline

Oxford Local Plan 2040: Formal Request to Assist with Oxford Unmet Housing Need

Thank you for your letter dated 22 December 2023 in which you formally ask whether this authority would '*...be able to meet any of Oxford's unmet housing need*'. My apologies for the delay in responding while officers have considered matters.

May I begin by recognising the cooperative work undertaken between our officers on assessing housing needs following the cessation of work on the Oxfordshire Plan in August 2022 and the countywide work on housing need that had been taking place up until that point.

The Housing and Economic Needs Assessment (HENA) produced by our two authorities in December 2022 is a key part of our local plan evidence base and relied upon in producing a draft of our emerging Plan which we consulted upon from September to November 2022.

The 2020 adopted Partial Review of our 2015 Local Plan provides unambiguous commitment to delivering 4,400 homes in the interest of meeting the identified unmet housing needs of Oxford. Development briefs have been prepared and decisions are emerging for a number of these sites.

The proposed spatial strategy within the consultation draft of our new, emerging Plan highlights a commitment to ensure the successful implementation of the committed 4,400 homes.

The proposed housing requirement for the emerging Plan (Table 3) suggests a potential allowance for Oxford's unmet housing need for the period to 2040 (Table 2) having considered the conclusions of the HENA.

Our Plan requires further preparation and evidence will be tested at respective Local Plan Examinations. However, it is clear that we have engaged positively in joint working and ensured that the possibility of accommodating some additional housing to assist Oxford to 2040 is within the scope of our consideration. Officers are mindful of the need for this consideration to comply with the NPPF's requirements for a positively prepared Plan.

We note that the Proposed Submission Oxford Local Plan 2040 identifies a housing need of 26,440 dwellings (1,322 p/a) for the Plan period (2020-2040) based on Scenario 3 (Economic baseline) of the HENA. This level of need was highlighted in our consultation draft. We note that

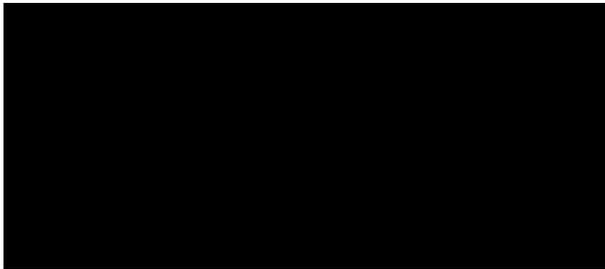
the estimated capacity of Oxford has increased from 9,140 homes (2020-2040) to 9,612 dwellings for the Plan leaving a suggested unmet need of 16,828 dwellings.

We also recognise that 14,300 dwellings of this unmet need have already been committed on sites outside the City boundaries in adopted district Local Plans. As you highlight, this leaves an proposed 2,528 to provide.

On that basis, and without prejudice to the further scrutiny required (please see our response to your Local Plan consultation), it is noted that the extension of your Plan period by four years from 2036 to 2040 means that the additional housing you are seeking to provide for is less than that proposed for your last Plan.

Consideration of that challenge will require the cooperation of all Oxfordshire's authorities and I agree that a Statement of Common Ground will be helpful to that process. I will ensure that my officers continue to work positively with your officers on these important cross-boundary issues as you take your Plan to submission and as our own Plan, and our own understanding of housing potential, evolves.

Yours sincerely



Gordon Stewart
Chief Executive