



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

## **Matter 2 Hearing Statements**

May 2025



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## MATTER 2 – THE DUTY TO COOPERATE

ISSUE – Whether the Councils have complied with the legal duty to cooperate in the preparation of the Local Plan

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

**1.1.1** No. See responses below detailing why GDL believe this to be the case.

### Housing Needs and Supply

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

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

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

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

Q2.11 What discussions have taken place in relation to any potential unmet need beyond 2036 arising from the now withdrawn Oxford Local Plan 2040?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

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

- 1.1.2 Gladman propose to deal with the above questions in one response. The Councils did engage to some extent with neighbouring authorities on matters of housing need, as illustrated within Appendix 1 of the Response to Initial Questions. This engagement did include engagement with the other Oxfordshire Authorities including Oxford City Council. However, it is clear from the table of engagement in Appendix 1 of the response to initial questions this engagement was not effective. The engagement with Oxfordshire authorities that took place seem to be a series of meeting from 2021 which was prior to the abandonment of the Oxfordshire Plan in 2022, did not continue following the halt of work on the Oxfordshire Plan.
- 1.1.3 The Councils also suggest that they engaged with Reading Borough Council, with a meeting occurring in October 2023, in which housing needs were discussed. However, it seems that very little engagement happened following this meeting and none following Reading Borough Council's request for help meeting their unmet needs in future years, which Reading sent in August 2024.
- 1.1.4 Reading and the Councils have met 3 times since 2021 according to the Table of Engagement, at Appendix 1 of the response to the Inspectors. These meetings consisted of:
- 6/10/2023 – a general meeting on duty to cooperate which did discuss housing need
  - 13/08/24 – a meeting with a number of authorities to discuss the Lowland Fens evidence
  - 23/10/2024 – a further meeting to discuss the Lowland Fens study.
- 1.1.5 From this it does not seem that the Councils have constructively engaged with Reading on a number of strategic matters include housing, and other matters including infrastructure provision (discussed later at Q2.22). There has been no meeting early on in the plan making process of both the JLP and Readings' emerging Local Plan Partial update. There had been no discussions following on from the publication of the Joint Housing Needs Assessment of August 2024 (HES15.1) or following on from Reading Housing Needs Assessment in July 2024. Although Reading has not requested help from the Councils to meet any un-met needs in the emerging Local Plan Partial Update, there should have been more engagement on the matter given that the boundary of South Oxfordshire abuts the built-up area of Reading. In addition, if the SA undertook a full assessment of the reasonable alternatives, it would have shown that the area around Reading would have been a sustainable area for housing growth and this area should have been discussed.

- 1.1.6 Gladman dispute the fact that Reading does not have any unmet need and does not believe the approach taken by Reading in relation to the delivery housing within their regulation 19 consultation document to be sound. Reading have undertaken a capacity review which suggests that they have a capacity of 825 dpa, however based upon historic delivery Reading have only delivered an average of 406dpa over the past 13 years. In addition to this the capacity review does not provide full evidence of all the sites that Reading deems to be deliverable, Gladman have identified 2,005 units that potentially will not come forward. Many of these sites have active businesses with no evidence of them moving on. Gladman consider that Reading does have an unmet need now, that South and Vale should have considered. This is further discussed in Matter 3.
- 1.1.7 Reading and the Councils did enter into a statement of common ground in December 2024 (DUC07), this documents states that the Councils and Reading can currently meet their own needs. However, South and Vale deemed it to be premature to discuss the future unmet need of Reading following the request for help in August 2024. Gladman does not consider that this is the case, the Councils should be engaging in the matter now, and although Reading stated that they would be able to meet their needs based on the Reading Housing Needs Assessment, their emerging Local Plan Partial update has not been adopted or submitted.
- 1.1.8 Oxford City Council and Cherwell commissioned a Housing and Employment Needs Assessment (HENA), South and Vale were consulted on this document, however disagreed with the methodology. Given that South and Vale did not agree with this in principle it was not considered as an alternative, nor did South and Vale consider how they could help Oxford City Council meet the unmet needs identified within the HENA.
- 1.1.9 It cannot be disputed that Oxford City Council have unmet needs. South and Vale should have engaged further with Oxford City to try to resolve the disagreements regarding the housing needs figures and help address the unmet needs of Oxford City beyond the previously agreed Growth Plan unmet need figures. It does not seem that discussions on how the unmet needs could be delivered within the South and Vale areas have been had.
- 1.1.10 The Oxford Plan 2040, was withdrawn following the Inspectors recommendation and their conclusion that they had failed the duty to cooperate. This duty to cooperate failure was on the basis that the Council had not constructively engaged on an ongoing basis in relation to strategic matters of housing needs and unmet needs of housing. South and Vale should have been part of the engagement that did not happen on The Oxford Plan 2040. It must be the case that given the Oxford

City failed the duty to cooperate on The Oxford Plan 2040, through the plan making process to the point of withdrawal that South and Vale also did not engage constructively, given that South and Vales' plan was following on from the Oxford Plan 2040.

- 1.1.11** Following the withdrawal of the Oxford Plan 2040, Oxford City Council have raised their concerns through the representation of South and Vale's plan. There does not appear to have been any discussions on unmet need post 2036 following the withdrawal of the Oxford Plan 2040. This should have taken place prior to the submission of the plan, following the receipt of receiving Oxford City Council representative on the regulation 19 draft plan. The engagement has not improved post the withdrawal of the plan, and there has not been a Statement of Common Ground published. The Councils have not engaged constructively with all parties on matters of housing need. There is a dispute based upon Oxford City's unmet need which should be dealt with prior to the adoption of this plan. The unmet needs should be addressed for the whole plan period not just prior to 2031.
- 1.1.12** Furthermore, further discussions with Reading and the West Berkshire HMA authorities should be had to understand the unmet needs from Reading Borough Council. The lack of Duty to Cooperate is not something that can be rectified and is a legal showstopper to the plan.

## Infrastructure

### Q2.22 What engagement has taken place in relation to the Third Thames Crossing

- 1.1.13** Section 33A(4) of the Planning and Compulsory Purchase Act 2004 describes strategic matters as development of a use of land that has or would have a significant impact on at least two planning areas, in particular strategic infrastructure that has or would have a significant impact on at least two planning areas.
- 1.1.14** In June 2024 Reading Borough Council produced Reading Transport Strategy 2040. The strategy sets out transport improvements / priorities for the area, including a new cross over the river Thames to the east of the town to relieve congestion within Reading. The crossing route currently being explored is shown in Figure 1 below.
- 1.1.15** The Cross-Thames Travel Multi-Modal scheme links the administrative areas of Wokingham Borough Council (WBC) and Reading Borough Council (RBC) via SODC. It is described in the Transport Strategy as being of strategic importance to Reading and the wider area and has been included as a priority scheme within Transport for the South East's Strategic Investment Plan. The

need for a crossing is recognised by SODC, which is also a partner on the multi-agency Cross Thames Travel Group.

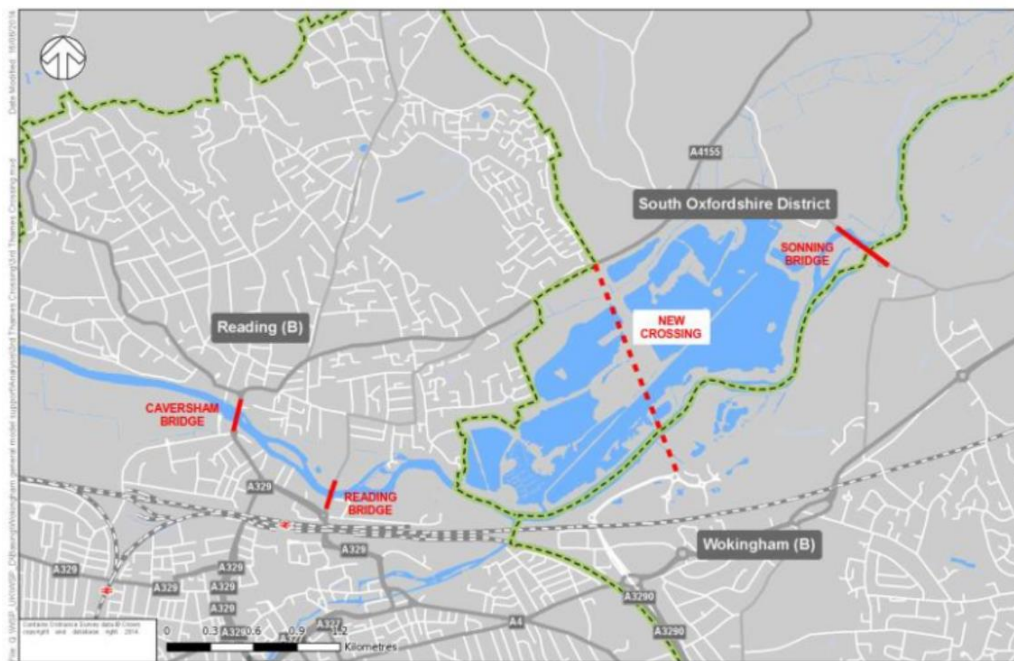


Figure 1: Route of Thames Crossing

- 1.1.16** Despite reliance on SODC to facilitate delivery of the new crossing, there is a lack of constructive engagement between Reading, SODC and VoWH. It is noted that an agreed position<sup>1</sup> has been seemingly reached with Wokingham Borough Council (WBC) that a lack of certainty regarding delivery means land should not be safeguarded. However, WBC has safeguarded land for the crossing in its emerging Plan<sup>2</sup>. The reasons for this inconsistency between the various LPAs plans / policy is unclear, and undermines the Council's claims that engagement on cross boundary transport issues has been effective.
- 1.1.17** Whilst Local Plans should be deliverable, they should also be aspirational. The new crossing has been a longstanding option for relieving congestion within Reading but differing political views on its appropriateness remain, with SODC remaining sceptical. It is noted that the Councils oppose the other key infrastructure proposal – such as the South East Strategic Reservoir to the south-west of

<sup>1</sup> Statement of Common Ground between South Oxfordshire and Vale of White Horse District Councils And Wokingham Borough Council (December 2024)

<sup>2</sup> See Regulation 19 Policies Map and draft Policy SS16

Abingdon-on-Thames, but this does feature in the Plan as a safeguarded proposal. It is unclear why the Council has considered it appropriate to safeguard land for the reservoir but not for the new crossing.

- 1.1.18 The crossing scheme is recognised within the Reading Transport Strategy and feasibility work has been undertaken underpinning the need for the new crossing. Whilst there remains some ambiguity in its delivery, the scheme should be recognised in the JLP in order to provide certainty in policy terms and to encourage future investment. Policy IN<sub>3</sub> caters for situations where delivery of infrastructure / transport scheme is still being explored, particular criterion 4 which states that:

*'Land in the districts will continue to be safeguarded for schemes to support the future movement of people until such time that it is deemed no longer required, the scheme has been delivered, or an equivalent scheme is delivered and subsequently shown to achieve the intended outcome' (Gladman Emphasis)*

- 1.1.19 It is unclear why other uncertain infrastructure proposal are safeguarded within the JLP whilst the Third Thames Crossing has been discounted.
- 1.1.20 Without the crossing scheme being recognised within the JLP, there is potential for the delivery of this crossing to be frustrated which will in turn constrain the future growth of Reading.
- 1.1.21 There has not been a Duty to Cooperate on the matter of bringing forward the third Thames Crossing. Reading have clearly indicated the need for a crossing point and have reached out to South Oxfordshire and other authorities to try to secure its delivery. Within the Table of Engagement<sup>3</sup>, there is no indication that any discussions on the matter have been had.
- 1.1.22 Furthermore, in the Statement of Common Ground between Reading and the Councils (DUCo7), the three Councils identify a strategic matter is the delivery of Infrastructure however from the response given in the SoCG it is clear there has been very little discussion on this matter and there is a disagreement. Reading have included the crossing point within their emerging plan, however South and Vale have not, given that they deem it to be undeliverable. There has been no engagement on how to deliver the crossing point, or come up with alternatives to the strategic issue. This has been a clear failure of Duty to Cooperate.

<sup>3</sup> Appendix 1, The Councils' response to the Inspectors Question (LPAo2)



## Q2.22 What engagement has taken place in relation to the *Strategic Reservoir*

- 1.1.23** The JLP safeguards land a new reservoir under Policy IN7. Affinity Water and Thames Water ('the Providers') have taking forward the proposal through the NSIP process. Whilst the infrastructure providers are not Prescribed Bodies within The Town and Country Planning (Local Planning) (England) Regulations 2012, they should be signatories to this process where they have a role in the matters covered in a Statement of Common Ground. The Oxfordshire County Council SOCG (DUCo6) and Reading SOCG (DUCo6) refers to the reservoir proposal, but the Providers do not appear to have been involved in the process. Given the regional importance of the new Reservoir, and its cross-boundary influence in terms of water resource management, it is surprising that this strategic issue has not been addressed in SOCGs with any of the other relevant prescribed bodies.
- 1.1.24** The Providers have undertaken numerous studies to refine the proposals, most recently as part of an option testing exercise in Summer 2024. GDL do not object to the inclusion of this Policy but note that boundary of the safeguarded land does not appear to reflect the land requirements as set out in the Providers preferred Option shown in the 2024 consultation<sup>4</sup>. Refinement of the IN7 policy boundary is required.
- 1.1.25** It is also noted that Criterion 2 of IN7 does not reflect the current position of the proposed reservoir as the Resources Management Plan has been approved by Government and was published in October 2024, following approval from the government, which put into question the extent to which the Councils have engaged the Providers on this important strategic issue.

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

- 1.1.26** The information in the Councils' response to the preliminary initial question does not sufficiently demonstrate that the Duty to Cooperate has been met. The Council have published at table of engagement at Appendix 1 of the response, which summarises the meetings, and emails which had taken place, with the evidence of this. However, this demonstrates that there were disputes that

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<sup>4</sup> [Document library - Thames Water Resources Management Plan](#)

were not resolved and effectively dealt with. The matter of unmet need should have been discussed further before either Oxford City or South and Vale progressed with their plan. The withdrawal of the Oxford City Plan 2040 clearly demonstrates that this is the case.

- 1.1.27** Furthermore, there was very little engagement with Reading Borough Council on key strategic matters including housing delivery, and key infrastructure delivery such as the third Thames crossing. There has not been any further evidence which sufficiently demonstrates that the Duty to Cooperate has been met.