

Statement of Common Ground with Oxford City Council

This document addresses action number 5 and was raised at the Matter 2 hearing session:

Statement of Common Ground (SOCG) with Oxford City Council

Statement of Common Ground between

**Oxford City Council,
South Oxfordshire District Council, and
Vale of White Horse District Council**

Joint Local Plan 2041 Independent Examination

July 2025



SOUTH OXFORDSHIRE AND VALE OF WHITE HORSE
JOINT LOCAL PLAN 2041 INDEPENDENT EXAMINATION

STATEMENT OF COMMON GROUND

between

(i) South Oxfordshire and Vale of White Horse District Councils

and

(ii) Oxford City Council

PRELIMINARY

1. This Statement of Common Ground (SoCG) has been agreed between (i) South Oxfordshire and Vale of White Horse District Councils (South and Vale) and (ii) Oxford City Council (Oxford). It records matters that are agreed between South and Vale, on the one part, and Oxford, on the other part, in relation to the preparation of the South Oxfordshire and Vale of White Horse Joint Local Plan 2041 (the JLP). It also sets out matters that are not agreed in relation to the preparation of the JLP, and each parties' summary position in relation to those matters of disagreement. The purpose of the SoCG is to inform the Independent Examination of the JLP.
2. The JLP was submitted for Independent Examination on 9 December 2024.

CHRONOLOGY OF EVENTS

3. The following chronology of events is agreed. For the avoidance of doubt it is not agreed by Oxford that the events evidence active and constructive

engagement on an ongoing basis with Oxford on the preparation of South and Vale's draft plan.:

- 21 April 2021: OPPO meeting where South and Vale inform OPPO of intention to prepare JLP to 2041 and Oxford informs OPPO of progress on Oxford Local Plan (OLP) to 2040. [Doc 001 in [LPA02.2](#)]
- 12 May 2022: JLP Issues Consultation (Reg.18 part 1) [Doc 015 in [LPA02.2](#)]
- 27 June 2022: Oxford response to JLP Issues Consultation [Response 298 in Part L of [CSD10](#), [website link to responses](#)]
- 3 August 2022: work on the Oxfordshire Plan 2050 ended and housing needs to be addressed via individual local plans [Doc 023 in [LPA02.2](#)]
- 12 August HOP 2022: Oxford's position is that at this meeting Oxford and Cherwell informed other parties of their intention to move at pace and that they would be happy to work together on housing needs evidence. South and Vale's position is that the meeting was not informed of such an intention nor were they invited to work on a joint basis on housing needs evidence. The Oxford Local Plan Inspectors noted this disagreement [Para 11 of [LNP05](#)]
- August 2022: Oxford (and Cherwell) commission consultants to prepare HENA [para 11 of [LNP05](#)]
- 9 September 2022: HOP meeting at which Oxford informs other local authorities that HENA had been commissioned [Doc 028 of [LPA02.2](#)]
- 27 September 2022: FOP meeting noted growth committed in existing adopted local plans was set and new local plans would address housing issues that were previously to be dealt with by Oxfordshire Plan 2050 [Doc 030 of [LPA02.2](#)]
- 18 November 2022: South and Vale consultation response on OLP Preferred Options [Doc A in [LPA02.4](#)]
- 2 December 2022: South and Vale provide Oxford (and other authorities) with their updated LDS and intention to procure a Housing Needs Assessment, and indicate a willingness to discuss a joint commissioning of this work [Doc 036 of [LPA02.2](#)]

- 6 January 2023: Published HENA made available by Cherwell [Doc 039 of [LPA02.2](#)]
- 17 March 2023: South and Vale consultation response to Oxford Reg 18 pt2 consultation on housing needs raises issues about methodology, exceptional circumstances, and capacity in HELAA [Doc B of [LPA02.4](#)]
- 27 March 2023: joint meeting of South and Vale and Oxford to discuss South and Vale's comments on HENA [Doc 044 of [LPA02.2](#)]
- 19 April 2023: South and Vale hold workshop to discuss Joint Housing Needs Assessment, attended by Oxford (and other authorities). The workshop focused on the need for specialist housing but Oxford sought and obtained confirmation from South and Vale that the assessment of specialist housing need would be derived from a Standard Method calculation of housing need [Doc 46 in [LPA02.2](#)]
- 26 April 2023: OPPO meeting at which Oxford indicates it is still reviewing the Reg 18 pt2 consultation responses on housing and aiming for Reg.19 pre-submission of OLP by November/December 2023. South and Vale indicate they are aiming for Reg.18 consultation on JLP at the end of August 2023 [Doc 047 of [LPA02.2](#)]
- 26 June 2023: joint meeting of South and Vale and Oxford to discuss progress on JLP and OLP, Oxford identifies its additional unmet need as 1,404 dwellings (2036-2040), South and Vale indicate they will commission consultants to review HENA and HELAA. Both parties suggest that the next OPPO should consider how to take forward the conversation about Oxford unmet need [Doc 050 of [LPA02.2](#)]
- 30 June 2023: OPPO meeting at which Oxford seeks ideas on how to progress housing conversation and South and Vale express concern at using FOP given the cessation of the Oxfordshire Plan 2050. South and Vale note new LDS with additional 2 months to allow additional member engagement as a result of elections but maintaining expected submission date [Doc 051 of [LPA02.2](#)]
- 19 July 2023: OPPO meeting at which Oxford proposes using OPPO to address the conversation on housing need with reference back into

each council's own internal reporting lines and indicates it will prepare a paper setting out figures to inform that consultation. South and Vale indicate a formal request needs to be made by Oxford on unmet need. South and Vale aiming for Reg 18 pt2 consultation in October/November 2023 [Doc 053 of [LPA02.2](#)]

- 11 August 2023: Oxford circulate a draft note on housing need arising from their draft Local Plan 2040 for comment ahead of OPPO meeting on 5 September 2023 [Doc 056 of [LPA02.2](#)]
- 25 August 2023: South and Vale provide comments on Oxford's draft note [Doc 056 of [LPA02.2](#)]
- 5 September 2023: OPPO meeting considers an updated Oxford note on housing need arising from their Local Plan 2040 with comments received collated, and also a separate note prepared by Oxfordshire County Council (Oxfordshire) on agreed provision, completions and delivery of the unmet housing need. South and Vale state a 3 month delay for Reg 18 due to HIF with aim to consult in January 2024 [Doc 060 of [LPA02.2](#)]
- 3 October 2023: OPPO meeting, at which Oxford confirms timetable for OLP, with Reg.19 pre-submission in early/mid November 2023; South and Vale aim for approval of Reg 18 in late November/early December 2023; and discussion of structures for SoCG to support OLP [Doc 063 of [LPA02.2](#)]
- 7 November 2023: OPPO meeting at which Oxford indicates its full Council is to make a decision on publication of the OLP that evening ahead of the planned early/mid November 2023 start of consultation. South and Vale indicate that the Reg 18 pt2 will go to Scrutiny committees in November and Cabinets in December 2023 [Doc 069 of [LPA02.2](#)]
- 6 December 2023: OPPO meeting at which Oxford indicates that its Reg.19 publication period had commenced and a formal request for help with its unmet need would be made shortly. South and Vale confirm their timetable [Doc 071 of [LPA02.2](#)]

- 19 December 2023: joint meeting of South and Vale and Oxford at which Oxford indicated that South and Vale's concerns about the HENA and HELAA would be matters for the OLP examination to consider and a formal request would be made for assistance on meeting unmet need [Doc 074 of [LPA02.2](#)]
- 21 December 2023: South and Vale submit Reg.19 representations on OLP, including critiques of HENA and HELAA provided by their consultants [Doc C of [LPA02.4](#)]
- 22 December 2023: Oxford writes to South and Vale indicating unmet need of 2,528 dwellings (2020-2040) and asking for assistance [Doc 075 of [LPA02.2](#)]
- 9 January 2024: OPPO meeting at which Oxford confirm intention to submit OLP for examination by the end of March 2024 and South and Vale confirm the start of their Reg18 pt2 consultation the next day [Doc 076 of [LPA02.2](#)]
- 10 January 2024: South and Vale publish Preferred Options version of JLP for Reg.18 consultation [Doc 077 of [LPA02.2](#)]
- 19 January 2024: South and Vale letter replies to Oxford's request on unmet need [Doc E of [LPA02.4](#)]
- 22 February 2024: Oxford responds to JLP Reg.18 consultation [[CSD10](#), [website link to responses](#)]
- 8 March 2024: OPPO meeting at which Oxford reiterates its intention to submit OLP for examination at the end of March 2024. South and Vale note closure of Reg 18 pt2 consultation and plan for October/November for next consultation to try and submit before June 2025 deadline [Doc 082 of [LPA02.2](#)]
- 16 April 2024: OPPO meeting at which Oxford indicates OLP has been submitted for examination and South and Vale confirm their timetable [Doc 087 of [LPA02.2](#)]
- 11-13 June 2024: OLP examination hearings [para 1 of [LNP05](#); Doc 090 of [LPA02.2](#)]

- 18 June 2024: OPPO meeting at which Oxford indicated their Inspectors would report shortly after the Elections and South and Vale confirm their timetable [Doc 095 of [LPA02.2](#)]
- 17 July 2024: OPPO meeting at which Oxford indicated their Inspectors' decision was expected in early August 2024 and South and Vale indicated aiming for Reg.19 publication of JLP in November/December 2024 [Doc 097 of [LPA02.2](#)]
- 15 August 2024: OPPO meeting at which Oxford indicated it was awaiting news on the OLP from the Inspectors. South and Vale indicate the new LDS which accelerates the programme with Reg 19 in October and rapid submission in December 2024; also expressed intention to reach out for Statements of Common Ground over the next 3 months [Doc 100 of [LPA02.2](#)]
- 11 September 2024: OLP Inspectors write to Oxford [[LNP05](#)]
- 12 September 2024: OPPO meeting at which Oxford indicated the position was the same as the previous meeting and South and Vale share updated version of the Joint Statement of Common Ground which was agreed for Oxford's Plan [Doc 102 of [LPA02.2](#)]
- 25 September 2024: Oxford write to the OLP Inspectors [[LPA27](#)]
- 27 September 2024: Oxford publishes the Inspectors' letter of 11 September 2024 and the Oxford letter of 25 September 2024
- 1 October 2024: South and Vale publish Reg.19 pre-submission JLP for representations [Doc 106 of [LPA02.2](#)]
- 10 October 2024: OPPO meeting at which South and Vale suggested that councils consider the previously shared draft joint Statement of Common Ground and come back to at future OPPO having formed views on the Reg 19 Plan. Oxford suggested that a fresh look would be helpful as it is to support a different plan [Doc 108 of [LPA02.2](#)]
- 7 November 2024: OPPO meeting, meeting reviewed the draft content of the joint Statement of Common Ground for the JLP and agreed to come back to it at the next meeting; Oxford offered to work on a bilateral Statement of Common Ground with South and Vale and South and Vale confirmed that would be helpful [Doc 115 of [LPA02.2](#)]

- 12 November 2024: Oxford submit Reg.19 representations on JLP [Response 689886840 in Consultation Responses]
- 20 November 2024: OLP Inspectors write to Oxford in reply to letter of 25 September 2024 [[LPA27](#)]
- 26 November 2024: South and Vale write to Oxford requesting information on what Oxford will do with OLP and asking for any information on identifying housing need [App. 2 of [CSD09.1](#)]
- 28 November 2024: joint meeting of South and Vale and Oxford to discuss Oxford's Reg.19 representations [Doc 119 of [LPA02.2](#)]
- 2 December 2024: Oxford reply to South and Vale's letter of 26 November on OLP, stating that a decision will be made by Council in January regarding how to proceed with the OLP and that it would be improper to confirm the approach outside the Council process, and repeating the concerns raised at Reg 19 regarding what Oxford considered was a lack of engagement on strategic matters [App.3 of [CSD09.1](#)]
- 5 December 2024: OPPO meeting where South and Vale indicate intention to submit the JLP on 9 December 2024 and Oxford indicate that a report will go to members in January 2025 on the next steps for the Oxford Local Plan. Meeting discussed the content and timing of the Joint SoCG to support the JLP and Oxford noted that there is not yet a bilateral SoCG with the city, South and Vale indicate that this will likely be post-submission [Doc 122 of [LPA02.2](#)]
- 5 December 2024: Email from South and Vale enquiring about Cherwell's reference in their interim Duty to Co-operate Statement to Oxford and Cherwell's meeting and agreement to unmet need [Doc 127 of [LPA02.2](#)]
- 6 December 2024: Joint Oxfordshire Authorities SoCG agreed by all (including Oxford) [[DUC02](#)]
- 9 December 2024: Email response from Oxford to email of 5 December explaining that at a DtC meeting in October 2024 between Cherwell and Oxford, Cherwell were advised that the 2036 Local Plan was the current position and that this would be explored further in time. Oxford

reiterated the offer to enter into a SoCG with South and Vale if that would assist and maintained that its position on the JLP (including on unmet need) remained as set out in its submitted Reg. 19 representations [Doc 127 of [LPA02.2](#)]

- 9 December 2024: South and Vale submit JLP for independent examination [[LPA03](#)]

It is agreed that the point of submission is the point at which any engagement ceased to be relevant for the purposes of the statutory duty; however, for completeness:

- 14 January 2025: OPPO meeting where South and Vale confirm submission and appointment of Inspectors and Oxford confirmed that the Council report will be seeking approval to withdraw the Oxford Local Plan and a new LDS with Reg 18 in June/July 2025, Reg 19 in November/December 25 and submission in April 2026. Oxford asked about a bilateral SoCG but were told it had not yet been drafted [Doc 128, [LPA02.2](#)]
- 7 February 2025: South and Vale share a first draft bilateral SoCG with Oxford [Oxford City Matter 2 statement, [WS2/21](#), appendix 2]
- 11 February 2025: Oxford reply by letter to the first draft bilateral SoCG [Oxford City Matter 2 statement, [WS2/21](#), appendix 3]
- 13 February 2025: OPPO meeting where South and Vale stated that the bilateral SoCG with Oxford had been shared and a letter received which will be responded to that day. Oxford confirm work has started on 2042 Local Plan and they will be in touch to cover DtC aspects
- 14 February 2025: South and Vale respond to Oxford's letter of 11 February [Oxford City Matter 2 statement, [WS2/21](#), appendix 4]
- 28 February 2025: Oxford respond to South and Vale's letter of 14 February [Oxford City Matter 2 statement, [WS2/21](#), appendix 5a]
- 10 March 2025: South and Vale respond to Oxford's letter of 28 February [Oxford City Matter 2 statement, [WS2/21](#), appendix 6]

- 12 March 2025: OPPO meeting where South and Vale provide update on Inspectors questions and the drafting of the bilateral SoCG with councils.
- 18 March 2025: South and Vale's Deputy Head of Legal writes to Oxford's Head of Legal [Oxford City Matter 2 statement, [WS2/21](#), appendix 7]
- 10 April 2025: Oxford propose setting up a new Duty to Cooperate Forum to supplement bilateral DtC meetings on individual plans. Meeting discusses the merits and practicalities of this with draft terms of reference to discuss at the next meeting
- 14 April 2025: Oxford's Head of Legal responds to South and Vale's Deputy Head of Legal's letter of 18 March [Oxford City Matter 2 statement, [WS2/21](#), appendix 8]
- 6 May 2025: South and Vale's Deputy Head of Legal responds to Oxford's Head of Legal's letter of 14 April [Oxford City Matter 2 statement, [WS2/21](#), appendix 9]
- 23 May 2025: Oxford's Head of Legal responds to South and Vale's Deputy Head of Legal's letter of 6 May.

It is agreed that none of the events post-submission has any relevance to whether there was compliance with the Duty to Co-operate during the JLP's preparation.

LEGAL PRINCIPLES

4. It is agreed that the requirements of the Duty to Co-operate (DtC) are set out in section 33A of the Planning & Compulsory Purchase Act 2004.
5. It is agreed that co-operation under the DtC between the parties was required in the preparation of the JLP so far as relating to a strategic matter.
6. It is agreed that a strategic matter for the purpose of the Duty to Cooperate means the sustainable development or use of land that has or would have a significant impact on both of the two planning areas of South and/or Vale on

the one hand, and Oxford on the other hand, including in particular the sustainable development or use of land for or in connection with strategic infrastructure that has or would have a significant impact on the two planning areas of South and/or Vale and Oxford.

7. It is agreed that where there is or would be no significant impact on both of the two planning areas of South and/or Vale and Oxford, there is no requirement for co-operation.
8. It is agreed that whether there is or would be a significant impact on two or more planning areas is to be assessed by reference to both the policies and proposals of the submitted JLP and the absence of policies and proposals of the submitted JLP.
9. It is agreed that it is a matter of planning judgment whether the sustainable development or use of land has or would have a significant impact on both of the planning areas of South and/or Vale and Oxford.
10. It is agreed that the Inspectors' statutory duty is to undertake an assessment and to form a planning or evaluative judgment on whether it would be reasonable to conclude that there had been compliance by the Councils with the duty (s.20(7)(b)(ii) of the 2004 Act). i.e. the Inspectors are required to form their own judgment of what it is reasonable to conclude (see *Zurich Assurance Ltd v Winchester City Council* [2014] EWHC 758 (Admin) paras.113 and 114).
11. It is agreed that whilst in the first instance it is for the plan-making authority to form the evaluative judgments on whether a matter is a strategic matter and the duty to cooperate has been met and that these judgments are the subject of a wide margin of discretion (see Zurich at paras 109, 111, and 113, and Barker Mill at paras 56 and 57), the decision on whether it is *reasonable* to conclude that the duty has been met is one for the Inspectors.

11A It is agreed that in making their decisions the Inspectors are required to give a wide margin of appreciation or discretion to the judgments of the plan-making authority.

12. It is agreed that forming the requisite judgment(s) necessarily includes a review of all of the relevant evidence up to the point of submission, and it is not an exercise in or limited to assessing whether the plan-making authority's judgment was rational i.e. reasonable in a Wednesbury sense.

13. It is agreed that there is no presumption in favour of the Duty to Cooperate being met whether because the plan-making authority says it has or for any other reason.

14. Oxford's position is that the assessment required of the Inspector is a rigorous one. As Paterson J held in *R (on the application of Central Bedfordshire Council) v Secretary of State for Communities and Local Government* [2015] EWHC 2167 (Admin) in a passage endorsed by Sir Ross Cranston in *R (St Albans District Council) v SSCLG* [2017] EWHC 1751 (Admin) by Sir Ross Cranston at para.38:.

“[50] To come to a planning judgement on a duty to co-operate involves not a mechanistic acceptance of all documents submitted by the plan-making authority but a rigorous examination of those documents and the evidence received so as to enable an Inspector to reach a planning judgment on whether there has been an active and ongoing process of cooperation. The key phrase in my judgment is “active and ongoing”. By reason of finding there were gaps as the Inspector has set out, he was not satisfied that the process had been either active or ongoing”.

15. It is agreed that the evaluative judgment falls to be made following the principles set out in paras. 10 to 13.

15A It is Oxford's position that there is no inconsistency between the principle laid down in Central Bedfordshire and the reasoning in Zurich or Barker Mill. Central Bedfordshire establishes the degree of scrutiny which Inspectors are

expected to apply when applying the approach laid down in Zurich and Barker Mill. Further, it is Oxford's position that, even were South and Vale's position on the law to be accepted in its entirety, the evidence does not show that the duty to cooperate has been discharged and, therefore, the very limited areas of difference on the law, are in no sense determinative.

16. It is South and Vale's position that the principle expressed in the Central Bedfordshire case applies only to the issue of whether there has been legally sufficient engagement and that it is for the plan-making authority to form planning or evaluative judgments on what are strategic matters and on what extent of engagement is required on those matters in the first instance, and that those judgments are then subject to assessment by the Examining Inspectors in accordance with the principles set out in paras. 10-13.
17. It is South and Vale's position that, as a matter of law, a plan-making authority's engagement with a local plan for an adjacent area can be (but not necessarily must be) part of the engagement on any strategic matters in relation to the preparation of the plan-making authority's own local plan. Whether that is the case (or not) will depend upon the particular facts and circumstances, including any over-lapping timescales for preparation of the respective plans. The term "*engage*" in s.33A(2) PCPA 2004 is not defined or limited only to engagement as regards the plan-making authority's own plan.
18. It is Oxford's position that whilst constructive participation in a neighbouring planning authorities plan might, in an appropriate case, evidence the discharge of the DTC, the evidence shows that South and Vales participation in the Oxford Local Plan was not *constructive* engagement on the strategic matters which fell to be grappled with and therefore this is not a relevant legal principle here.
19. It is agreed that where co-operation is required, the duty is to co-operate it is not a duty to agree.

20. It is agreed that where co-operation is required, the duty is to engage constructively, actively, and on an on-going basis in the preparation of the JLP so far as relates to any strategic matter.

STRATEGIC MATTERS

21. The parties do not agree on whether the JLP gives rise to strategic matters in relation to its implications for Oxford.

ENGAGEMENT

a) South and Vale's position

22. It is the position of South and Vale that it was a reasonable planning judgment for them to conclude there were no strategic matters with significant impacts on two or more planning areas arising from what the JLP proposed or did not propose, so there was no requirement for engagement with Oxford under the DtC and the concerns raised related to matters of soundness.

23. It is also the position of South and Vale that to the extent that there were *potential* strategic matters affecting South/Vale and Oxford, it was a reasonable evaluative judgment for them to conclude, having regard to the chronology of events (refer to chronology above), that their engagement on those matters via consideration of all issues raised by Oxford in its representations, via direct meetings or workshops with Oxford, via discussion at OPPO, PAG and FOP meetings, and via involvement in the processes of the OLP (both during its preparation and during its examination), was active, on-going, and constructive engagement to address those issues, to the extent that was reasonable in all the circumstances

b) Oxford's position

24. It is the position of Oxford that there are strategic matters with significant impacts on both authorities, which South and Vale had a duty to cooperate with Oxford on as part of the preparation of the JLP. Oxford does not consider

that the Duty to Cooperate was met, because there was no meaningful, active or constructive engagement on:

- Housing need and requirement including unmet need arising from Oxford
- Employment need, requirement and supply within the identified FEMA

both of which it considers are Duty to Cooperate issues in relation to the JLP.

25. For clarity, whilst the Regulation 19 response from Oxford City Council raises additional strategic matters (Cowley Branch Line and Lowland Fens) Oxford have reflected on these matters and their implications and accept that, unlike the other two matters, these are not strategic.

Signatories

Signed on behalf of Oxford City Council



David Butler

Director of Planning and Regulation

Date: 11.07.2025

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



Tim Oruye

Head of Policy and Programmes

Date: 10.07.2025