

Policy and Programmes

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The Planning Inspectorate
(sent via email to the Programme Officer)

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Dear Inspectors Mulloy and Bust,

Examination of the South Oxfordshire and Vale of White Horse Joint Local Plan 2041

Thank you for your letter dated 26 September 2025, setting out your conclusion that our Joint Local Plan (JLP) has not met the Duty to Cooperate in Section 33A of the Planning and Compulsory Purchase Act 2004, which cannot be remedied during the examination of the plan. You have invited us to either withdraw the JLP from the examination, or to ask for an Inspectors' report setting out your conclusions, which you state would be likely to be very similar to the contents of your letter.

As I am sure you appreciate, any formal decision on withdrawal of the Joint Local Plan will require a decision of our Full Councils, after considering recommendations from their respective Cabinets. Conversations on this course of action and others are ongoing. In terms of timescales, any decision is likely to be brought to the Council meetings scheduled for December 2025. We will let you know what recommendations will be taken to Full Councils in due course.

The councils wish there to be no doubt that we are deeply disappointed by the conclusions reached in your letter and that we consider them to be unwarranted, having regard to the evidence presented, and lacking coherent explanation.

We have taken legal advice and consider that the conclusions reached in your letter include material legal errors and that, were such conclusions to be repeated in a final report, we would have a case to have those conclusions quashed by the Court.

We are taking advice on the various implications and likely outcomes of the options ahead of us. The councils are (and always have been) interested in effective plan-making so as to best deliver for the communities and businesses of South Oxfordshire and Vale of White Horse, and as such any recommendations by Cabinet Members and decisions taken by members on the next steps will have the best interests of our residents, districts and councils as their basis.

We will resist setting out in full detail our concerns regarding the inadequate and flawed reasoning put forward in your letter, but will summarise some of the key points.

We are concerned that at the very outset of your discussion on whether there are any “*strategic matters*” that engage the DtC, you draw attention to South and Vale being “*within the Oxfordshire Housing Market Area*”. As you know, housing market areas are simply not a feature anymore of the calculation or assessment of local housing need under the standard method.

Your letter misapplies the definition of what is a “*strategic matter*” by identifying matters which in your view “*could clearly have an impact on Oxford City*”, when the statute refers only to (and requires there to be) a matter which “*has or would have a significant impact on at least two or more planning areas*.” This is not an issue of poor phrasing, because nowhere does your letter identify, let alone explain, what the significant impacts are (or would be) on Oxford and the areas of South and/or Vale arising from what the JLP does or does not include.

You draw attention to the Oxford Local Plan Inspectors’ finding that, under the Standard Method for calculating housing need (which they recommended Oxford should use instead of the approach they had chosen which resulted in a higher number), there would be a significant shortfall in capacity within Oxford City Council’s area. However, that Inspectors’ finding was before taking into account the housing provision proposed in the JLP to address Oxford’s needs (some 6,780 homes) and provision in the adopted Oxfordshire local plans.

The Oxford Inspectors’ finding was only known to us in South and Vale in late September 2024, when Oxford City Council published their Inspectors’ letter recommending the withdrawal of the Oxford Local Plan. This triggered the inevitable consequence that Oxford City Council would have to start its plan-making afresh, including a new assessment of Oxford’s capacity in the light of the changed guidance of the proposed new NPPF (which called for Green Belt reviews where local authorities had unmet needs, and introduced the concept of grey belt).

There was undisputed evidence available to you that the provision already made in the JLP to meet the agreed Oxford unmet needs was more than sufficient to accommodate in full the shortfall in Oxford’s capacity, if its local housing needs were assessed using the Standard Method (as South and Vale consistently argued and as the Oxford Inspectors found they should be). It was therefore illogical to suggest that the Oxford

Local Plan Inspectors' finding supported the existence of unmet need, when regard was had to our provision of 6,780 homes for Oxford in the JLP.

That illogicality is repeated in your finding (at para 42) that for the period beyond 2031/36, if the Standard Method was used for Oxford *"it should have been obvious that there was a reasonable prospect of unmet need in this period."* That is not what the undisputed evidence showed. The actual scale of provision made by the JLP (and by our other partners in Cherwell and West Oxfordshire) to meet Oxford's needs was demonstrably sufficient to meet the Standard Method's local housing need for Oxford to 2040.

The same illogicality is compounded by the finding (in para 26) that *"there is a clear distinction between the principle of unmet need and how that unmet need would subsequently be accommodated."* If any unmet need from Oxford would be fully accommodated by what was proposed in the JLP (which was the case, using the Standard Method to assess that need), it is illogical to treat that unmet need as a strategic matter which required engagement (or further engagement) under the DtC. Any issues as to the precise details of the accommodation made by the JLP could, and should, have been dealt with by you as matters of soundness.

We are also troubled by your quoting from a comment by Oxford about the status of a note prepared by Oxfordshire County Council [LPA02.1 record 060] that *"politics that stop it from being a commonly agreed note"* as a reason for setting aside that information which showed how Oxford's unmet need (using the Standard Method) could be fully accommodated by existing development plan allocations that were being maintained by the JLP. Instead you have given weight to Oxford City Council's Note on Oxford's Housing Numbers 2023, which Oxford did not correct or revise after we and other districts provided detailed feedback and constructive comments on in August 2023 [LPA02.1 record 056].

Your conclusions on whether there were any *"strategic matters"* engaging the DtC show no signs, before reaching those conclusions, of applying any margin of appreciation or discretion (let alone a substantial or wide margin) to the views of South and Vale that, on a proper analysis of the evidence, there were no such matters arising from what the JLP proposed and did not propose. This is despite the agreement in our Statement of Common Ground between South/Vale and Oxford [LPA38] that:

"(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."

(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."

We are also troubled by the implications of your findings (in paras 29 and 33) that South and Vale's letter to Oxford City Council on 19 January 2024 asking them not to submit the Oxford Local Plan for examination but to *"engage with us on a more appropriate and productive way forward"*, coupled with South and Vale's subsequent engagement in that examination, meant that the letter *"did not demonstrate that the Councils had explored whether the unmet need could be delivered in the JLP areas"* and the involvement in the Oxford Local Plan examination meant *"there is a significant gap in meaningful engagement between January 2024 and 28 November 2024 outside the formal examination process."*

These findings seem to suggest that it is your view that the DtC requires a plan-maker not merely to urge that a neighbouring LPA engage with it, rather than submit a plan to examination, but that if nonetheless, the neighbouring LPA proceeds to an examination, the plan-maker which urged further engagement is not entitled to await the independent adjudication that will arise from that examination (which it sought to avoid). Instead your findings suggest that in order to show adequate engagement under the DtC in its own plan-making, a plan-maker is obliged to develop forward proposals that are wholly inconsistent with the case it is advancing in the examination. Not only does this unfairly treat the plan-maker subject to the DtC as less entitled than any other party in making its case in the examination of a neighbouring plan, it also subverts the proper processes of plan-making which expressly entail that an examination provides a mechanism for independent adjudication on disputed matters. It would have undermined our case at Oxford's examination if we had, in parallel, been expected to be seeking common ground on accommodating additional unmet need that we did not agree was needed, and ultimately the Oxford Inspectors' shared our concerns.

Having outlined these serious concerns, the Councils wish to end on a more positive note. We remain proud of the Joint Local Plan and committed to its vision and policies, which we consider are bold, innovative and ground-breaking in many ways. From nature recovery, dark skies and renewables, to affordable housing, self-build and net zero carbon, we had submitted a plan at the cutting edge of planning practice. As councils, we were recently independently assessed in the Climate Scorecards as the number 1 and 3 district councils in the country on our approach to planning and land use for climate change. Our plan more than met our housing and employment requirements, with our desire to transform our garden communities, deliver quality at our strategic housing allocations and harness the exceptional opportunities at our brownfield employment campuses. As a joint local plan, we were already inherently cooperating in way that we believe will stand us in good stead for the next chapter of local government re-organisation. Our commitment to transforming local plans so that they are accessible and engaging for multiple audiences, by using interactive mapping and digital planning, has been recognised through being finalists for three national awards. Finally, we are truly sad that with no Stage 2 hearings, you did not get to hear from all of our talented team of officers and consultants on their topics, nor get the chance to explore the responses from thousands of consultees, including support from many community members and individuals. We would have enjoyed the debate and working with you to identify any modifications to the plan.

Finally, the Councils are very appreciative of all of the hard work carried out for the Examination by our Programme Officer Ian Kemp and are grateful to you as Inspectors for the way in which you conducted the Examination hearings (notwithstanding our disagreements with the conclusions reached). The Councils intend to inform the Programme Officer of the timetable for our formal decision making as soon as that is settled and will provide any further update on the outcomes of that process as soon as possible.

Yours sincerely,



Policy Manager