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Malcolm Rivett BA (Hons) MSc MRTPI
Planning Inspector
c/o Ian Kemp (Programme Officer)

Vale of White Horse Local Plan
Part 1 Examination

29th April 2016

By email

Dear Mr Rivett

Examination of the Vale of White Horse Local Plan 2031: Part 1

Thank you for your letter of 4th April 2016 (ref. HEAR18A). In your letter, you invited Oxford City Council to work with colleagues at the Vale of White Horse District Council to provide you with an **Agreed Statement of Fact (SoF)**.

We regret that despite our best endeavours we have been unable to secure agreement with colleagues at the Vale. Having not heard from Vale colleagues, the City Council on 22nd April provided the Vale with a draft SoF which addresses your request, and is concise and factual in describing the current position on the distribution of Oxford's unmet needs and the timescale for resolution. This draft is attached at **Appendix A** to this letter.

Nearly a week later (27th April) Vale responded with a substantially re-written statement which is incorrect and requested a response within 24 hours. We responded to the Vale late on 28th April with suggestions for amendments and an explanation why these changes were sought, but were told that in any case Vale was submitting their draft statement by 9am on 29th April. We have to conclude that Vale did not intend to reach an agreement and has failed to meet the Duty to Co-operate.

We therefore submit on behalf of the City Council the following documents:

- **Appendix A:** Statement of Fact (City Council)
- **Appendix B:** Letter to VWHDC with suggested track changes to their draft Statement of Fact appended

We record in our letter to the Vale that we believe the SoF drafted by Vale colleagues does not reflect the spirit of your request, and is incorrect in its presentation and goes well beyond the matters of fact sought. In light of the Vale's draft, we would like to make clear the following:

1. Members of the Oxfordshire Growth Board have confirmed that the post-SHMA process is on track. There has been no extension proposed to the agreed September 2016 deadline, and the Steering Group has been pushing hard to ensure that the work does not slip further. Following the letter from the West Oxfordshire examination Inspector all the Oxfordshire Council Leaders requested that the conclusion of the post-SHMA work was brought forward, but given that the programme is approaching completion imminently an all Councils officers group advised that this was not possible.



2. All partners except the Vale have accepted the principle of including a numerical target and strategic allocations for the Oxford unmet need in their current emerging plans or plan reviews. This has followed Inspectors' findings, and most recently from the West Oxfordshire examination. It is important that this principle is not undermined by a failure of the Vale Local Plan Part 1, which deals with strategic matters, to similarly include numerical provision for the Oxford unmet need.
3. The 15,000 working assumption figure representing the Oxford unmet need is a position firmly agreed by Growth Board partners. It is recorded in the papers for 19th November meeting of the Growth Board that *"Following consideration of the [Fortismere] report all authorities agreed a working assumption of 15,000 homes for Oxford City's unmet need. All authorities agree to work towards this in good faith, based on the previously agreed process which includes the review of the Oxford City's Local Plan."*
4. It is concerning that in their draft SoF, the Vale record that on the basis of the Oxford unmet need being deferred to Local Plan Part 2, the very earliest that delivery of the Oxford unmet housing need in the Vale would be 2020, just 11 years before the end of the Plan period. The SHMA is already carrying forward unmet need for Oxford from the previous Plan period and the city's deepening housing crisis is widely evidenced and acknowledged. It is no longer appropriate to postpone proper planning to meet this pressing unmet need. No other District is proposing to defer the Oxford unmet need to this extent.
5. The Vale approach is based on extending the negotiation over housing numbers before any proper planning is undertaken and this is forestalling essential housing delivery. Other factors may then be drawn in, such as a further review of the SHMA before 2020. We cannot take any assurance from the draft Core Policy 2, which effectively provides for negotiations to continue until Vale agree or an Inspector determines at a later date.

The City Council remains of the view that it is appropriate to set an initial minimum provision for Oxford's unmet need and that there is a requirement that sites are identified now within the current draft Local Plan, with the balance to be agreed and brought forward within two years from now. This would help avoid the draft Local Plan being out of date before adoption and bring it into line with the position that now exists in all the other Districts in the HMA. Without this we believe that the current work of the Growth Board will be undermined.

I would emphasise that the City Council is striving for a positive agreed outcome to the Oxford unmet need issue in the Vale Local Plan examination context. The experience of the West Oxfordshire examination indicates that there is every prospect of achieving this.

Yours sincerely



David Edwards
Executive Director, Regeneration and Housing

Statement of Fact
Agreed between Vale of White Horse District Council and Oxford City Council

Parties: Vale of White Horse District Council (VWHDC)
Oxford City Council (the City Council)

Introduction

- 1.1 The City Council sent a letter to the Programme Officer, for forwarding to the Inspector, Malcolm Rivett, dated 1st April 2016 (Ref: HEAR18). The City Council confirmed with regret that it was not able to agree to revised wording to draft Policy CP.2 as set out by VWHDC in their proposed modification (Ref: DLP14 Schedule of Proposed Minor Changes Appendix 2, dated 1st February 2016). In its letter, the City Council stated its view that the Vale Local Plan 2031 Part 1 (LPP1) should include a minimum provision of housing towards Oxford's unmet housing need, in order to be consistent with the position that now exists in all the other Districts in the HMA.
- 1.2 VWHDC remains of the view that addressing the Oxford unmet need in the submitted plan is not appropriate, due to the timing of the joint Oxfordshire Growth Board work in relation to the anticipated adoption of the LPP1, and therefore the matter should be deferred to consideration in the Local Plan 2031 Part 2.
- 1.3 In response to the issues raised by the City Council, the Inspector issued a letter on 4th April 2016 (ref. HEAR 18A), in which he stated:
- "In the light of your comments about the plans which Cherwell and South Oxfordshire Councils are making in respect of Oxford's unmet housing needs, it is apparent that there may have been recent progress in the Oxfordshire Growth Board's work to agree the distribution of unmet needs in the County. Therefore, to assist my deliberations I would be grateful if you would work together with your colleagues at the Vale (to whom I am copying this letter) to provide me with an Agreed Statement of Fact as to the current position regarding the distribution of unmet needs and the timescale for any further resolutions in connection with the matter."*
- 1.4 The respective councils are pleased to be able to respond to the Inspector by way of this joint statement. The parties agree the following facts.

Agreed facts

- 2.1 The Oxfordshire Growth Board agreed last year a working assumption of 15,000 homes representing the Oxford unmet housing need to be accommodated in Oxfordshire but outside the City's boundaries by 2031.
- (Reference: Oxfordshire Growth Board 31st March 2016, Item 6: Post-SHMA Work Programme Update Report – appended)
- 2.2 Within the last year, two of the four Oxfordshire district Councils have declared a working assumption figure for additional housing towards meeting Oxford's unmet

housing need (over and above their own identified housing needs), pending conclusion of the post-SHMA work:

- South Oxfordshire District Council has adopted a working assumption of 3,000 homes within their district towards meeting Oxford's unmet housing need, pending conclusion of the joint post-SHMA work, as they prepare their new Local Plan 2031 (ref. SODC Refined Options Feb 2015).
- Cherwell District Council has adopted a working assumption of 3,500 homes within their district, pending conclusion of the joint post-SHMA work, as they take forward a Partial Review of the Cherwell Local Plan Part 1 to address the Oxford unmet need issue (ref. Cherwell Partial Review Issues & Scoping Jan 2016).

2.3 West Oxfordshire District Council has confirmed it will also address in the submitted WODC Local Plan 2031 any additional housing need (over and above its own objectively assessed housing needs) arising from the post-SHMA collective process outcome, representing a share of the 15,000 Oxford unmet housing need.

2.4 The Growth Board has confirmed that it will publish a Statement of Cooperation by the end of September 2016, setting out the agreed distribution of Oxford's unmet housing between the districts.

(Reference: Oxfordshire Growth Board 31st March 2016, Item 6: Post-SHMA Work Programme Update Report – appended).

Signed

Signed

Name:
Adrian Duffield

Name:
David Edwards

Position:
Head of Planning

Position:
Executive Director

Date:

Date:

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Adrian Duffield
Vale of White Horse District Council
Head of Planning Services
By email

28th April 2016

Dear Adrian

Vale of White Horse Local Plan Part 1 Examination Statement of Fact

Thank you for your draft Statement of Fact in relation to Examination documents HEAR18, HEAR18A and HEAR18B. To confirm, we received this at 18:34 on 27th April 2016, having submitted to you our suggested draft on 22nd April 2016.

Having discussed this with colleagues, we are of the view that your Statement as drafted is not in the spirit of what has been requested by the Inspector. We put forward amendments to better reflect the agreed position at Growth Board and its partners. Please see the attachment to this email.

There are some particular points we feel are neither necessary nor helpful to make clear to the Inspector the Growth Board position. I explain further below, referring to the paragraphs in your draft letter.

- **Paragraph 6** – Quote from Cherwell Inspector is superfluous and taken out of the context of the section of the report within which it sits.
- **Paragraphs 8 & 9** – you draw the conclusion that the November 2015 OGB considered an additional unmet need for Oxford will not be known until the new Oxford City Local Plan is adopted in 2019. In fact, the OGB has clearly agreed that the scale of the Oxford unmet need is significant, and explicitly recognised the need to move ahead with addressing this need on the basis of the agreed 15,000 figure. The November 2015 papers state:

“Following consideration of the [Fortismere] report all authorities agreed a working assumption of 15,000 homes for Oxford City’s unmet need. All authorities agree to work towards this in good faith, based on the previously agreed process which includes the review of the Oxford City’s Local Plan.”

This has also been recognised by Cherwell District Council in their recent Issues consultation (see quote added in amended Vale Statement under heading ‘Cherwell District Council’).

- **Paragraphs 10 & 11 and 17 & 18** – the quotes from the West Oxfordshire Inspector, Mr Simon Emmerson, are taken out of context. Mr Emmerson also made clear the potential immediate implication of the apportionment; the full paragraph states:

*“In eventually considering the soundness of this plan (following the further work and consultation on the matters of concern in this Note) regard would have to be given to any apportionment to West Oxon made by the OGB. **If any such apportionment is made***



then that would become part of the housing need for the district. Any such apportionment is not immediately a definitive housing requirement, since it must be taken through a local plan process to test its deliverability and environmental impact. Nevertheless, it will be a figure of considerable significance and weight, since it will have emerged from an evidence-based process to inform spatial options for growth outside Oxford City. My initial view is that it would need to be taken into account in calculating the 5 year land supply.” (WODC Examination Doc IN 015, para 7.6) (our emphasis)

- **Paragraph 14** – the quote you include from the Cherwell Inspector, Mr Nigel Payne, is only one selectively-used element of a wider justification for Mr Payne’s recommendations. The Cherwell examination hearings took place in December 2014, at which point the joint work of the Growth Board to apportion the Oxford unmet need was only in its early stages. The Vale Local Plan had not yet been submitted at the time of the Cherwell examination. Since the Cherwell examination, there has been opportunity, and a very pressing need, to address the Oxford unmet need issue within the current Vale Local Plan Part 1.

The more relevant reference is the West Oxfordshire Inspector Simon Emmerson’s interim findings following examination hearings, dated 15th December 2015, in which he states:

“If the local plan were to proceed to adoption without having regard to any apportionment that had been made by the OGB, it would immediately be out of date. Such a plan would be inconsistent with one of the aims of the plan-led system which is to bring more certainty as to where development would take place.” (WODC Examination Doc IN 015 para 7.7)

- **Paragraph 20** – The City Council does not agree with your wording, *“It will be the preparation, submission and examination of the Oxford City Council’s Local Plan Review that provides the statutory process for identifying and confirming a definitive unmet housing need figure for Oxford.”* You will be aware of the Oxford SHLAA 2014 which, following open Check and Challenge, concluded overall potential for 10,362 homes within Oxford’s boundaries compared with an OAN figure (from the SHMA) of 24,000 – 36,000 homes. The Oxford SHLAA 2014 was further scrutinised by independent ‘critical friend’ Fortismere Associates (commissioned by the Growth Board) who confirmed that it complied with Planning Practice Guidance. Therefore the SHLAA figure is the most up-to-date and robust figure in existence.

Furthermore, the statutory Development Plan sets a housing target in light of evidence on objectively assessed need, and potential for sustainable and deliverable development. The Oxford Core Strategy is the statutory development plan, having been found sound by two Planning Inspectors, and therefore contains the only ‘definitive’ capacity for housing delivery in the City. This has a housing target of 8,000 dwellings over 20 years to 2026, reflecting the constrained nature of Oxford.

In short, the overall scale of the Oxford unmet need, and the need to fully address this by 2031, is not in doubt. These principles have been clearly agreed by the Growth Board and reflected in the 15,000 working assumption reflecting the Oxford unmet need.

Paragraph 22 – The City Council cannot agree this statement as worded. Given the precedent set by the West Oxfordshire examination, the Vale Local Plan Part 1 has to make provision for the Oxford unmet need in order to be sound.

We also note your statement (paragraph 22) that a commencement to delivery on the Oxford unmet need would not start until 2020 at the earliest, should the Part 1 Plan proceed to adoption. Given the Plan period is until 2031, this would give only 11 years to deliver the full Oxford unmet need (in the thousands), probably reliant on a number of sites with varying rates of delivery. This seems entirely unrealistic, and adds further weight to the view that the Part 1 Plan must make provision for the Oxford need, to allow for likely lead-in times.

I hope this letter helpfully explains why substantial amendment to your letter is required. I attach a track changed version for your consideration. Note also that any jointly agreed 'Statement of Fact' should not be on a Vale headed letter, and would therefore also request this amendment to the format.

Given that we have received your response to our draft Statement so close to the Inspector's deadline, we would ask that you respond to us by 12 noon tomorrow, 29th April. If we have not had a considered response by then, we will be obliged to send our originally drafted Statement of Fact to the Programme Officer together with our proposed amendments to your draft, as attached to this email, together with this cover letter.

Yours sincerely

Matt Bates
Team Leader, Planning Policy

Encl. Track change amendments to VWHDC Draft Statement re Oxfordshire unmet needs
Oxford City Council draft Statement of Fact dated 22nd April 2016





27 April 2016

Dear

DRAFT

Statement of fact: current position regarding the distribution of Oxfordshire unmet needs - April 2016

1. The City Council sent a letter to the Programme Officer, for forwarding to the Inspector, Malcom Rivett, dated 1 April 2016¹. The City Council confirmed with regret that it was not able to agree to the revised wording to draft Core Policy 2 as set out by the Vale of White Horse District Council in their informal suggested modifications². In its letter, the City Council stated its view that the Vale Local Plan 2031: Part 1 should include a minimum provision of housing towards Oxford's unmet housing need.
2. In response to the issues raised by the City Council, the Inspector issued a letter on 4 April 2016³, in which he stated:

"In the light of your comments about the plans which Cherwell and South Oxfordshire Councils are making in respect of Oxford's unmet housing needs, it is apparent that there may have been recent progress in the Oxfordshire Growth Board's work to agree the distribution of unmet needs in the County. Therefore, to assist my deliberations I would be grateful if you would work together with your colleagues at the Vale (to whom I am copying this letter) to provide me with an Agreed Statement of Fact as to the current position regarding the distribution of unmet needs and the timescale for any further resolutions in connection with the matter".

3. The following statement responds to the Planning Inspector's letter dated 4 April concerning the Examination of the Vale of White Horse Local Plan 2031: Part 1 and the distribution in Oxfordshire of unmet housing need for Oxford.

¹ Oxford City Council Letter to Programme Officer, 1 April 2016

² ADD

³ Letter from Inspector regarding Oxford City Council, 4 April 2016

4. The Oxfordshire authorities are working together to fully address the results of the 2014 SHMA for the county, including the needs of the city of Oxford. This process is being overseen by the Oxfordshire Growth Board (OGB).

5. A Statement of Cooperation was signed by all councils in September 2013 (**Appendix 1**). This has since been supplemented by a set of principles agreed by the Growth Board in November 2014 (**Appendix 2**), and reaffirmed by the Growth Board on several occasions since.

~~6. The Planning Inspector presiding over the Cherwell Local Plan Examination concluded that the OGB process:~~

~~*“Should materially assist satisfactory on-going co-operation”.*~~

~~7.6. In November 2015, a report to the OGB confirmed a ‘working assumption’ of 15,000 homes for Oxford City’s unmet need:~~

~~*“All authorities agree to work towards this in good faith, based on the previously agreed process which includes the review of the Oxford City Local Plan”.*~~

~~*“The Board should note that the ‘working assumption’ is a working figure to be used by the Programme as a benchmark for assessing the spatial options for growth and is not an agreed figure for the true amount of unmet need”.*~~

~~8. As made clear to the OGB in the report of November 2015⁴, a definitive unmet housing need for Oxford will not be known until the Oxford City Local Plan Review is adopted, currently planned for 2019.~~

~~9.7. OGB is currently managing a process to identify a working apportionment of the unmet need for the five Oxford authorities with a stated completion date of September 2016. That process uses the confirmed 15,000 ‘working assumption’ of unmet need as the starting point basis for a high level study of 36 broad spatial options located across Oxfordshire which is intended to help the OGB identify what an appropriate working apportionment might will be.~~

~~10. The Oxfordshire authorities recognise that the working apportionment figure, to be derived from the OGB process, will need to be tested through each council’s respective plan-making processes (described below). The Planning Inspector presiding over the West Oxfordshire Local Plan Examination stated in his Preliminary Findings Report⁵ that:~~

~~11.~~

~~12.8. *“Any such apportionment is not immediately a definitive housing requirement, since it must be taken through a local plan process to test its deliverability and environmental impact”.*~~

~~13.9. The need for formal testing through the statutory plan-making process recognises the fact that the OGB process does not include any stages of consultation on options or areas of search, nor is any SEA process to be incorporated as part of the methodology. For this reason tThe apportionment figure will have limited weight in itself but will be the important starting point basis for each district to consider an appropriate level of apportionment to test potential~~

⁴ ~~ADD~~

⁵ ~~<http://www.westoxon.gov.uk/localplan2034>~~

[site options](#) through its own plan making process, [in light of the jointly prepared evidence on sustainable growth options produced by the Growth Board](#).

- 14.10. The currently stated position of each Oxfordshire authority for how they intend to address unmet need is as follows:

Cherwell District Council

11. Cherwell District Council commenced a partial review of their Local Plan (adopted July 2015) in January 2016 with the publication of an 'Issues Consultation'. ~~This refers to the 15,000 'working assumption' of unmet need (at paragraph 2.16) and states that Cherwell will adopt a 'working figure' of 3,500 homes for planning purposes 'until completion of the countywide work in Summer 2016'. This states:~~

~~*While [the joint] work has not been finalised, on 19 November 2015 the Oxfordshire Growth Board agreed a total working figure for Oxford's unmet need of 15,000 homes - that is the level of need that cannot presently be met by Oxford City Council. (para 2.12)*~~

~~*"Allowing for these possibilities [i.e. apportionment apportionment outcomes] might suggest a working figure for Cherwell of approximately 3,500 homes, until completion of the countywide work in Summer 2016." (para 2.17)*~~

15. Cherwell has stated that its revised plan will be submitted in June 2017 with adoption timetabled for March 2018⁶. ~~On this basis, it is assumed that the delivery of housing to address unmet need would commence in 2019.~~ Cherwell's adopted Local Plan 2031: Part 1 sets a strategic policy framework for the district up to 2031. It makes a clear commitment towards addressing the district's contribution to unmet need within the Local Plan review, which has recently commenced. ~~It is notable that the Planning Inspector presiding over the Cherwell Local Plan 2031: Part 1 stated in his report⁷ that the OGB process could:~~

16.

- 17.12. ~~*"Only be harmed by Cherwell not meeting its own full district OAN, but that if it does then that will at least mean that the pressures on the city of Oxford will not be made any worse by a failure to deliver the necessary level of new housing in this district and the sustainable development of the county as a whole will be materially assisted"*~~

South Oxfordshire District Council

- 18.13. South Oxfordshire District Council is currently preparing an update to its Local Plan (existing Core Strategy adopted in 2012). A 'Refined Options' consultation document published in February 2015 stated the Council's intention to use a 'working assumption' of 3,000 new homes for Oxford, on top of housing required for its own needs. The current version of the SODC Local Development Scheme⁸ states the intention to submit their plan to the Secretary of State in May 2017 with

⁶ ADD

⁷

http://www.cherwell.gov.uk/media/pdf/d/9/Cherwell_Local_Plan_Inspector's_Report_with_Main_Modifications_2015.pdf

⁸ [http://www.southoxon.gov.uk/sites/default/files/2016%2001%2028%20SODC%20Local%20Development%20Scheme%202016-2019%20\(1\)_0.pdf](http://www.southoxon.gov.uk/sites/default/files/2016%2001%2028%20SODC%20Local%20Development%20Scheme%202016-2019%20(1)_0.pdf)

adoption timetabled for April 2018. ~~It is assumed on this basis that delivery of housing to address unmet need would commence in 2019.~~

West Oxfordshire District Council

~~19.14.~~ West Oxfordshire District Council submitted a plan to the Secretary of State in July 2015. The Planning Inspector prepared his preliminary findings in December 2015 and agreed to a suspension of the examination until December 2016.

~~20.15.~~ The Planning Inspector's Preliminary Findings⁹ concluded that the housing requirement in the submitted plan was not justified. The Inspector also made several references to Oxford's unmet need and ~~implied that as more work was needed to address the need for housing in West Oxfordshire district, concluded that~~ planning for Oxford's unmet need to be accommodated in the district, should also take place at the same time.

~~21.16.~~ At the time of the report it was thought the OGB process would report an apportionment figure in July 2016, although this is no longer the case. West Oxfordshire District Council is nevertheless now committed to addressing Oxford's unmet need within its current emerging Local Plan, with main modifications expected in late 2016 following conclusion of the OGB apportionment process.

Oxford City Council

~~22.17.~~ Oxford City Council has started a review of its Local Plan (existing Core Strategy adopted March 2011) with a stated submission date of December 2018 and adoption timetabled for October 2019. On this basis, ~~it is assumed~~ Vale of White Horse DC anticipate that sites allocated in Oxford's new plan will start to come forward from 2020.

~~23.~~ ~~It will be the preparation, submission and examination of the Oxford City Council's Local Plan Review that provides the statutory process for identifying and confirming a definitive unmet housing need figure for Oxford.~~

Vale of White Horse

~~24.18.~~ Vale of White Horse District Council is progressing its Local Plan 2031: Part 1. The plan was submitted to the Secretary of State in March 2015 and is currently at Examination (the existing Local Plan was adopted in 2006). The plan seeks to address the Objectively Assessed Need for housing for the Vale in full, to expedite accelerated housing delivery and to support economic growth. The plan also makes a ~~clear~~ commitment to contribute towards addressing unmet housing need for Oxford, which will be addressed either through the Local Plan 2031: Part 2. However the appropriateness of the wording proposed has not yet been confirmed by the Inspector.

~~25.19.~~ ~~There is a clear and unequivocal commitment embedded within policy wording (Core Policy 2 Local Plan 2031: Part 1) to submit Local Plan 2031: Part 2 within two years of the adoption of Local Plan 2031: Part 1. Indeed, t~~The Council's

⁹ <http://www.westoxon.gov.uk/localplan2031>

current Local Development Scheme¹⁰ states that work will commence on the Local Plan 2031: Part 2 in 2016 with submission timetabled for February 2018 and adoption in December 2019, ~~(i.e. irrespective of the adoption date for the Local Plan 2031: Part 1)~~. On this basis, sites contributing towards unmet need can be expected to start delivery in 2020.

Add signatures

¹⁰ http://www.whitehorsedc.gov.uk/sites/default/files/2016-01-27_VoWH%20LDS%20Final%20combined%20v1.pdf