

Duty to Cooperate Scoping Document

South Oxfordshire and
Vale of White Horse
District Councils

May 2022



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1. Introduction

- 1.1. South Oxfordshire District Council and Vale of White Horse District Council are working together to produce a new Joint Local Plan. The production of the Joint Local Plan requires the Councils to engage with a wide range of local, regional, and national stakeholders, including local communities, to address the strategic issues facing the districts up until 2041.

2. What is the 'Duty to Cooperate'?

- 2.1. The District Councils have a legal 'Duty to Cooperate' with other local planning authorities and organisations on strategic planning matters that are driven by larger than local issues - issues that are likely to have an impact beyond the immediate Local Plan area.
- 2.2. The Localism Act 2011 introduced the Duty to Co-operate and imposes a duty on all Local Planning authorities to demonstrate wider cooperation in plan making with adjoining or nearby authorities and other organisations when preparing their development plan documents for 'strategic matters' and in relation to cross boundary issues.
- 2.3. Section 33A of the Planning and Compulsory Purchase Act 2004 establishes the Duty to Co-operate in law. It sets out that to maximise effective working on strategic matters throughout the preparation of Local Plans, authorities have a duty "...to engage constructively, actively and on an ongoing basis" This Duty applies to all local planning authorities, county councils and other prescribed bodies or persons as set out at Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.4. Paragraphs 24 to 27 of the National Planning Policy Framework (NPPF) recognise this duty and consider effective and ongoing joint working between strategic policy-making authorities and relevant bodies to be integral to the production of a positively prepared and justified strategy. Specifically, paragraph 26, identifies joint working as helping to determine where additional infrastructure is necessary, and whether development needs that cannot be wholly met within a particular plan area could be met elsewhere.
- 2.5. To demonstrate that the duty has been met, the NPPF requires strategic policymaking authorities to prepare and maintain statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. The National Planning Policy Guidance sets out how these Statements of Common Ground should be produced.

3. Our strategic planning matters

- 3.1. The strategic matters that need to be addressed through cross-boundary cooperation should be identified at the beginning of the Local Plan making process.
- 3.2. Paragraph 24 of the NPPF encourages strategic policy-making authorities to collaborate to identify the relevant strategic matters which they need to address in their plans.
- 3.3. A strategic matter is defined as “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including, in particular, that in connection with strategic infrastructure.”
- 3.4. The five Oxfordshire authorities (Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council) in partnership with Oxfordshire County Council, have committed to producing a joint strategic plan - the Oxfordshire Plan 2050.
- 3.5. The Oxfordshire Plan will set out a strategic planning framework and evidence base for Oxfordshire to support sustainable growth across the county to 2050. This will include a county-wide requirement for new homes and jobs and a strategy to deliver them, as well as the anticipated supporting infrastructure needed.
- 3.6. The Oxfordshire Plan is being prepared by a team of planning policy officers, mostly from the five Oxfordshire authorities and County Council. As part of the plan-making process, this core team undertake regular engagement with the five Oxfordshire authorities and County Council. Many of the strategic matters relevant to Oxfordshire will be discussed and addressed as part of the plan-making process for the Oxfordshire Plan 2050.
- 3.7. Below we have identified the strategic matters currently considered as potentially relevant to the districts. These matters will be further refined based on Duty to Cooperate discussions and the content of the Joint Local Plan.
 - **Housing need and supply**, including affordable housing, and the provision of sites for Gypsies and Travellers
 - **The supply of retail and employment land**
 - **The provision of infrastructure**, including health, education, utilities, flood risk and strategic sustainable transport links
 - **Conserving and enhancing our natural and historic environments**
 - **Addressing climate change**

4. Who should we cooperate with?

4.1. It is important to adopt a practical and realistic approach in deciding the area over which cooperation is needed and who to work with.

4.2. The Local Planning Authorities that border our districts could share cross-boundary strategic planning issues that could significantly impact on both planning areas. These are:

- Cherwell District Council
- Buckinghamshire Council
- Cotswold District Council
- Gloucestershire County Council
- Oxford City Council
- Oxfordshire County Council
- Reading Borough Council
- Swindon Borough Council
- West Berkshire Council
- West Oxfordshire District Council
- Wiltshire Council
- Wokingham Borough Council

4.3. We are also legally required to cooperate with the following prescribed bodies:

- The Civil Aviation Authority
- Clinical Commissioning Groups (NHS)
- The Environment Agency
- Highways England
- Highways Authorities (e.g. Oxfordshire County Council)
- Historic England
- Homes England
- Local Nature Partnership (Wild Oxfordshire)
- Natural England
- NHS England
- Office of Rail and Road
- Oxfordshire Local Enterprise Partnership (OxLEP)
- Mayor of London
- Transport for London
- Integrated Transport Authority
- Marine Management Organisation

4.4. There are a number of other, non-prescribed, bodies (not subject to the legal Duty to Cooperate) that we will be engaging with through the plan-making process, such as:

- Berkshire, Buckinghamshire, and Oxfordshire Wildlife Trust (BBOWT)
- Chilterns Area of Outstanding Natural Beauty Conservation Board
- North Wessex Downs Conservation Board
- Office for Nuclear Regulation
- Sports England
- Town and Parish Councils
- Neighbourhood Development Plan groups

5. How shall we cooperate?

5.1. The engagement required will vary depending on the nature of the issues being addressed and could range from consulting on an issue to preparing joint evidence.

5.2. For some strategic matters the most effective outcomes may be achieved through cooperation by a small number of neighbouring local planning authorities while for other matters there may be a need for cooperation over a wider area involving both neighbouring and other local planning authorities and bodies.

5.3. To demonstrate that the duty has been met, policy-making authorities are required to prepare and maintain Statements of Common Ground, documenting the progress made during the process of planning for strategic cross-boundary matters. The statement should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. The National Planning Policy Guidance sets out more detailed advice on how Statements of Common Ground should be produced, including what activities should be documented and the level of detail they are expected to contain.

5.4. Table 1 below sets out in more detail who we intend to engage with during the plan-making process and which strategic matters we intend to engage them on, in respect of the Duty to Cooperate.

6. Consultation Questions

- 6.1. Details of how to respond to the following consultation questions and to provide any other comments on this document are set out in section 7 below.
- 6.2. Have we identified all the strategic planning matters? (see paragraph 3.7 above).
- 6.3. In respect of the Duty to Cooperate, have we identified all the local authorities and organisations that we need to engage in the plan-making process? (see paragraphs 4.2 and 4.3 above and Table 1 below).
- 6.4. Do you have any comments on Table 1 below, regarding which strategic matters we intend to engage neighbouring authorities and prescribed bodies on?

7. How to respond

- 7.1. Your views on this document will help shape the plan-making process for the South Oxfordshire and Vale of White Horse area.
- 7.2. We are inviting comments on this document between 12 May and 23 June 2022. You can provide comments by using the survey form on either of our websites:

<http://www.southoxon.gov.uk/jointlocalplan>

<http://www.whitehorsedc.gov.uk/jointlocalplan>
- 7.3. You can find further information and other consultation documents on the above website addresses.
- 7.4. Please contact us on 01235 422425 or email haveyoursay@southandvale.gov.uk for support to access the consultation materials.

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
Cherwell District Council	Consideration of unmet needs from the plan area, if any arise	Meeting needs for retail and employment land Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on habitat/wildlife conservation arising from travel implications and recreational pressure of new development Impact on the significance of heritage assets arising from proposed development located close to the shared administrative boundary	Downstream impact of new development on flood risk Cross-boundary sustainable travel implications arising from new residential development
Buckinghamshire Council	Consideration of unmet needs from the plan area, if any arise Impact of housing need on cross-boundary sustainable travel	Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on habitat/wildlife conservation arising from travel implications of new development Impact on nature conservation/Chilterns AONB arising from the location and design of development close to the boundary, and travel implications Impact on the significance of heritage assets arising	Cross-boundary sustainable travel implications arising from new residential development

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
				from proposed development located close to the shared administrative boundary	
Cotswold District Council	Consideration of unmet needs from the plan area, if any arise	Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on the significance of heritage assets arising from proposed development located close to the shared administrative boundary	
Gloucestershire County Council	Impact of housing need on cross-boundary sustainable travel		Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on the significance of heritage assets arising from proposed development located close to the shared administrative boundary	Cross-boundary sustainable travel implications arising from new residential development

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
Oxford City Council	Consideration of unmet needs from the plan area, if any arise	Meeting needs for retail and employment land Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on habitat/wildlife conservation arising from travel implications and recreational pressure of new development Impact on the significance of heritage assets arising from proposed development located close to the shared administrative boundary	Downstream impact of new development on flood risk Cross-boundary sustainable travel implications arising from new residential development
Oxfordshire County Council	Impact of housing need on sustainable travel across Oxfordshire		Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on habitat/wildlife conservation arising from travel implications Impact on the significance of heritage assets arising from proposed development	Sustainable travel implications arising from new residential development

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
Reading Borough Council	Consideration of unmet needs from the plan area, if any arise	Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on nature conservation/Chilterns AONB arising from the location and design of development close to the boundary, and travel implications Impact on the significance of heritage assets arising from proposed development located close to the shared administrative boundary	Impact of new development on flood risk Cross-boundary sustainable travel implications arising from new residential development
Swindon Borough Council	Consideration of unmet needs from the plan area, if any arise	Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on habitat/wildlife conservation arising from travel implications and recreational pressure of new development Impact on nature conservation/North Wessex Downs AONB arising from the location and design of development close to the boundary, and travel implications	Cross-boundary sustainable travel implications arising from new residential development

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
				Impact on the significance of heritage assets arising from proposed development located close to the shared administrative boundary	
West Berkshire Council	Consideration of unmet needs from the plan area, if any arise	Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on habitat/wildlife conservation arising from travel implications and recreational pressure of new development Impact on nature conservation/Chilterns and North Wessex Downs AONBs arising from the location and design of development close to the boundary, and travel implications Impact on the significance of heritage assets arising from proposed development located close to	Cross-boundary sustainable travel implications arising from new residential development

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
				the shared administrative boundary	
West Oxfordshire District Council	Consideration of unmet needs from the plan area, if any arise	Meeting needs for retail and employment land Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space, and cross-boundary sustainable travel implications arising from new residential development	Impact on habitat/wildlife conservation arising from travel implications and recreational pressure of new development Impact on nature conservation/North Wessex Downs AONB arising from the location and design of development close to the boundary, and travel implications Impact on the significance of heritage assets arising from proposed development located close to the shared administrative boundary	Sustainable travel implications arising from new residential development

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
Wiltshire Council	Consideration of unmet needs from the plan area, if any arise	Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space and cross-boundary sustainable travel implications arising from new residential development	Impact on habitat/wildlife conservation arising from travel implications and recreational pressure of new development Impact on nature conservation/North Wessex Downs AONB arising from the location and design of development close to the boundary, and travel implications Impact on the significance of heritage assets arising from proposed development located close to the shared administrative boundary	Cross-boundary sustainable travel implications arising from new residential development

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
Wokingham Borough Council	Consideration of unmet needs from the plan area, if any arise	Impact of development in existing and new retail centres and out of centre locations on the catchment of relevant centres in each authority	Sufficiency of infrastructure capacity, including school places, health care, utilities, open space and cross-boundary sustainable travel implications arising from new residential development	Impact on nature conservation/Chilterns AONB arising from the location and design of development close to the boundary, and travel implications Impact on the significance of heritage assets arising from proposed development located close to the shared administrative boundary	Impact of new development on flood risk Cross-boundary sustainable travel implications arising from new residential development
The Civil Aviation Authority	Impact of housing location and height	Impact of employment development location and height	Impact of infrastructure location and height		Impact of renewable energy infrastructure location and height, specifically wind turbines
Clinical Commissioning Groups	Impact of housing need on supply of health provision		Sufficiency of health care provision and implications arising from new residential development		

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
The Environment Agency				Impacts on nature conservation	Impact of new development on flood risk
Highways England	Impact of housing need on highway infrastructure	Impact of employment development on highway infrastructure	Sufficiency of highway infrastructure capacity and sustainable travel implications arising from new residential development		Sustainable travel implications arising from new residential development
Highways Authorities	See above Oxfordshire County Council, Buckinghamshire County Council, Gloucestershire County Council, Reading Borough Council, Swindon Borough Council, Wokingham District Council, West Berkshire Council, Wiltshire County Council				
Historic England				Impact on the significance of heritage assets	

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
Homes England	Facilitating the delivery of homes		Sufficiency of infrastructure capacity, including school places, health care, utilities, open space and sustainable travel implications to allow new homes to be delivered		
Local Nature Partnership (Wild Oxfordshire)				Impacts on nature conservation	Increasing and enhancing biodiversity Carbon offsetting schemes
Natural England				Impacts on Nature Recovery Network Impacts on habitats/wildlife conservation	Nature Recovery Network Increasing and enhancing biodiversity Carbon offsetting schemes

Table 1	Housing need and supply	The supply of retail and employment land	The provision of infrastructure	Conserving and enhancing our natural and historic environments	Addressing climate change
NHS England	Impact of housing need on supply of health provision		Sufficiency of health care provision and implications arising from new residential development		
Office of Rail and Road	Impact of housing need on rail movement strategic highway network	Impact of employment development on rail movement and strategic highway network	Sufficiency of rail and strategic highway infrastructure capacity and implications arising from new residential development		
Oxfordshire Local Enterprise Partnership (OxLEP)		Meeting needs for employment land and the economic potential of Oxfordshire			Supporting a low carbon economy
Mayor of London					
Transport for London					
Integrated Transport Authority					
Marine Management Organisation					



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