

To: Council
Date: 27 January 2025
Report of: Head of Planning and Regulatory Service
Title of Report: Withdrawal of Oxford Local Plan 2040

Summary and recommendations	
Purpose of report:	To approve the withdrawal of the Oxford Local Plan 2040 from Examination.
Key decision:	No
Cabinet Member:	Councillor Louise Upton, Cabinet Member for Planning
Corporate Priority:	Strong, fair economy Good, affordable housing Thriving communities Zero carbon Oxford A well-run council
Policy Framework:	The Local Plan is a statutory requirement. The scope of the policies is wide and encompasses all of the Council's corporate priorities

Recommendation(s): That Council:	
1.	Approve the withdrawal of the Oxford Local Plan 2040 and the publication of the withdrawal statement;
2.	Note the Cabinet decision to approve the Local Development Scheme 2025-2030;
3.	Authorise the Head of Planning and Regulatory Services to make any necessary minor corrections not materially affecting the document prior to publication.

Appendices	
Appendix 1	Cabinet Report
Appendix 2	Withdrawal Statement

Introduction and background

1. The Oxford Local Plan 2040 was approved for consultation and submission to the Secretary of State for examination at a meeting of full Council on 7th November 2023. Following initial hearings in June 2024, which were focused on legal matters, duty to cooperate, housing need and housing requirement only, the appointed Inspectors wrote to the City Council recommending that the Plan be withdrawn from examination. This report summarises the reasoning the Inspectors set out for coming to this conclusion, the reasons why Council is recommended to withdraw the Plan.
2. The LDS 2025-2030 will come into effect from the date of approval was approved at Cabinet (Cabinet report attached as Appendix 1) and sets out a timetable for preparation of the Local Plan 2042. The Oxford Local Plan 2042 will be prepared to take the place of the Oxford Local Plan 2036 and will be a review and update of the already drafted Oxford Local Plan 2040 once that is withdrawn from examination.

Summary of Inspectors' letter recommending withdrawal

3. The Inspectors' letter identifies a number of concerns, with an overall recommendation to withdraw the OLP2040 from examination. The letter is not clear about the relevance of many of the issues raised to the soundness of the plan and stops short of identifying where the issues raised would result in the plan not being found sound. There is only one key concern that it is stated led to the recommendation to withdraw the Plan from examination, and that is a failure of the duty to cooperate. A failure of a duty to cooperate cannot be rectified at examination in accordance with legislation. The Inspectors cite the failure to involve South Oxfordshire, Vale of White Horse and West Oxfordshire District Councils in the methodology and detailed preparation of Housing and Economic Needs Assessment (HENA), which was jointly commissioned with Cherwell District Council, as the key failing of the duty to cooperate. It is not usual to involve non-commissioning bodies with the details of a commissioned piece of work, but in the view of the Inspectors, the fact that the whole of Oxfordshire was looked at to derive the housing need figure for Oxford and Cherwell meant that they should have been involved in the detailed running of the commission.
4. The Inspectors raised other concerns, which could potentially have been resolved at examination, and which have implications in terms of the next steps. In particular, the Inspectors said that the Council has not proved exceptional circumstances to justify moving away from the National Planning Policy Framework's (NPPF) 'standard method' for assessing housing need, and they raised concerns with some of the technicalities of the HENA. Indeed, the inspectors suggested that the Government advocates for the use of the standard method, including in places such as Oxford.

Implications of Inspectors' letter

5. The Inspectors' letter leaves the only realistic option as withdrawal of the Oxford Local Plan. As noted in the letter itself, it would be possible to continue with the examination and to then receive a full report, but this would inevitably result in significant cost to the Council, using resources and time to still lead to the conclusion that the plan cannot be adopted. Legal advice taken is that there are not grounds for a legal challenge to this letter, which in any event would be a risky, slow and resource-intensive procedure. For these reasons, withdrawal of the plan is recommended as the only viable option in response to the Inspectors' letter. A draft of the withdrawal notice that would need to be issued is attached as Appendix 2.
6. On withdrawal of the Oxford Local Plan 2040, it effectively does not exist as a project or emerging plan for planning purposes. The Oxford Local Plan 2036 will remain as the up-to-date plan with statutory policies (alongside the statutory policies in neighbourhood plans). In order to review the local plan and ensure it is sound, it is necessary to follow all statutory processes, which means two formal rounds of consultation are required before it can be submitted again (a "Regulation 18" preferred options, proposed in the LDS to take place in summer 2025, and "Regulation 19" publication consultation, proposed to take place at the end of 2025, allowing for submission of the plan in Spring 2026).

Financial implications

7. The withdrawal of the Local Plan 2040 does not itself have direct cost implications, however, preparation of the new plan will be necessary. The timetable of the Local Development Scheme has been structured to enable key work to progress whilst minimising financial implications. In particular, much of the existing evidence base and policy drafting will still be relevant and can continue to be used.
8. There are exceptions to this, as some evidence will need to be reviewed, in particular Employment Land Needs Assessment and jobs forecasting that took place as part of the HENA, and a Green Belt review to update the work in-line with the revised NPPF. Much of the evidence base and supporting documents can be largely undertaken in house, using existing staff resources, but there will be a need for some technical input.
9. A revised budget has been calculated, and the work can be resourced by existing Planning Policy staff and can be funded by existing Planning Policy budgets and reserves. The financial implications of producing a local plan include the costs of a local plan Examination (including Counsel's advice periodically throughout the preparation of the plan).

Legal issues

10. The legal implications of the Inspectors' letter are described in the main body of this report.

Level of risk

11. There is no direct risk identified from withdrawal of the Local Plan 2042.

Equalities impact

12. There are no equalities impacts arising from this report. An Equalities Impact Assessment is not necessary for this report as it merely proposes withdrawal of the plan.

Carbon and Environmental Considerations

13. The withdrawal of the Local Plan 2040 does not itself have any environmental impacts. The Local Plan 2040 had a strong set of environmental policies, but they were not at a stage whereby they could be implemented with full weight. There will be a delay to implementation of these policies, but that is inevitable following the Inspectors' letter.

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Background Papers: None