

To: Cabinet

Date: 22 January 2025

Report of: Head of Planning and Regulatory Service

Title of Report: Withdrawal of Oxford Local Plan 2040 and approval of Local Development Scheme 2025-2030

Summary and recommendations	
Purpose of report:	To approve the withdrawal of the Oxford Local Plan 2040 from Examination and to approve the Local Development Scheme 2025-2030, which sets out the work programme for the revised Oxford Local Plan 2042.
Key decision:	Yes
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, and the LDS sets out the timetable for its production. The scope of the policies is wide and encompasses all of the Council's corporate priorities

Recommendation(s): That Cabinet:	
1.	Recommend Council to approve the withdrawal of the Oxford Local Plan 2040 and the publication of the withdrawal statement;
2.	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.
4.	Agree to the removal of the CIL Charging Schedule from the Planning Inspectorate so that an alternative Examiner (independent of the Planning Inspectorate) may be appointed.

Appendices	
Appendix 1	Withdrawal Statement
Appendix 2	Local Development Scheme 2025-2028
Appendix 3	Risk Assessment

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need and housing requirement only, the appointed Inspectors wrote to the City Council recommending that the Plan be withdrawn from examination.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 and also the next steps for replacing the Oxford Local Plan 2040, set out in the Oxford Local Development Scheme 2025-2030, also put forward for approval.
2. The Oxford Local Development Scheme (LDS) is a project plan that sets out timescales for the preparation and revision of documents forming part of Oxford City Council's Development Plan, and other planning policy documents. The Local Plan is the name for the document that contains the majority of the Council's statutory planning policies. The focus of the work programme set out in the LDS 2025-2030 is the Oxford Local Plan 2042, which is to be a review and update of the already drafted Oxford Local Plan 2040 once that is withdrawn from examination.
3. The LDS provides details on what the Development Plan documents will contain and the geographical area they will cover. The LDS is an important tool to enable local communities and interested parties to keep track of the Development Plan documents' progress and to ensure that they are aware of when opportunities for involvement are likely to arise. It is a statutory requirement that all local planning authorities prepare and maintain a LDS. The LDS 2025-2030 will come into effect from the date of approval and will supersede the existing LDS 2022-27. The Local Plan 2042 will be prepared to that timetable as far as is practicable. Any changes to the LDS timetable will need a further decision of Cabinet.

Summary of Inspectors' letter recommending withdrawal

4. 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.

5. 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

6. 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, use resources and time to 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.
7. 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 and "Regulation 19" publication consultation).
8. The Government recently consulted on a revised NPPF. The revised plan will need to follow the new NPPF. Key features of the revised NPPF that are relevant include the move to use the revised standard method to assess housing need, and the introduction of the Grey Belt.
9. Alongside the Inspectors' findings relating to the HENA, this gives a very clear focus of the revised local plan, which is to review again the Green Belt (although an initial internal review suggests very little if any Grey Belt land is likely to be identified in Oxford) and to revise the approach to Housing Need. The rest of the Local Plan 2040 is largely unaffected by the NPPF or Inspectors' letter, and is unlikely to need any significant change, which means the work programme can

be relatively short, even with the return to Regulation 18. However, enough time needs to be given to consider which parts of the evidence base may need a refresh and to consider new sites or sites to remove because work has commenced, for example, as well as to redo the capacity assessment (HELAA). In addition, we need to allow enough time for discussions to ensure that the Duty to Cooperate is met with regards to cross-boundary strategic matters.

10. The scope and work programme for returning to a Regulation 18 consultation are set out in the Local Development Scheme 2025-2030 Appendix 2), which is also put forward for approval.

Local Development Scheme for the Oxford Local Plan 2042

11. Because of the delay to the plan, it is highly unlikely at the time of adoption that there will be the legally required 15 years left to run to the end date of the plan, if this date remains as 2040. Therefore, it is proposed that the end date of the plan be extended to 2042.
12. The scope of the first 'Regulation 18' consultation is not strictly set out in Regulations, so is open to shaping in a way that makes it most appropriate, meaning it can be focused on key changes we need to make. This helps to create conditions for an ambitious but relatively quick timeline when compared to other plans in Oxfordshire and elsewhere in the country.
13. A key consideration in setting the timeline is that there be minimal time from the date five years after adoption of the Oxford Local Plan 2036 (which was June 2020) to adoption of the new Local Plan 2042. This is important, because within 5 years from adoption a plan is automatically considered in-date (assuming other conditions are met), but after that it is not. Another key consideration in setting the timeline is that only plans submitted before December 2026 can be examined under the Planning Act 2004. This date is confirmed in the NPPF Consultation dated 24 September 2024. After that date there is very likely to be a new Local Plan process in place as enabled by the Levelling Up and Regeneration Act, forthcoming secondary legislation and new national planning policy and guidance.
14. The Oxford Local Plan 2042 will replace the Oxford Local Plan 2036. This document, as well as any neighbourhood plans, will form the statutory Development Plan for Oxford. Following the Council meeting to approve the pre-submission draft of the OLP2042, that draft will be used as a material consideration for development management decisions; its weight will be limited initially, but increases as it proceeds towards adoption.
15. The proposed timetable set out in the LDS would mean only a few months between June 2025 and the Council meeting to approve the submission draft of the Oxford Local Plan 2042. The Oxford Local Plan 2016-2036 has sufficient flexibility to deal with a twenty-year period and the policies within it place Oxford in a strong position to manage growth and change effectively over this period. The Plan will remain a relevant and appropriate plan to guide development in the city until such time as it is replaced.

CIL Charging Schedule- procuring an alternative examiner

16. A partial review of the Community Infrastructure Levy (CIL) Charging Schedule is currently underway. The partial update to the Charging Schedule was consulted on from November 2023 to January 2024 and it was submitted to the Planning Inspectorate on 27th June 2024. The Planning Inspectorate has not yet assigned an Examiner to carry out the examination. The Planning Inspectorate has confirmed they are struggling to find an Examiner to undertake the examination as there are no available inspectors. Unlike a local plan examination, a CIL examination does not need to be carried out by the Planning Inspectorate but may be undertaken by an independent Examiner. However, the recommendation agreed by Cabinet on 12th June 2024 was that the CIL Charging Schedule be submitted to the Secretary of State (effectively the Planning Inspectorate) for examination. Therefore, in order to proceed with appointing an alternative Examiner (and there are Examiners available who have confirmed they could take on the work very quickly), Cabinet is asked to agree to the removal of the submitted CIL Charging Schedule from examination by the Planning Inspectorate.

Financial implications

17. 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.

18. 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.

19. 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

20. The legal implications of the Inspectors' letter are described in the main body of this report. The preparation and publication of the Local Development Scheme is a statutory requirement under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The Council is required to monitor compliance with the timescales for document production and their revision set out in the LDS and to make this information publicly available. Compliance with the LDS is monitored and published through the Council's Authority Monitoring Report.

Level of risk

21. A risk assessment has been undertaken (Appendix 3). All risks have been mitigated to an acceptable level.

Equalities impact

22. 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 and the timetable for producing a new plan. The Council will continue to monitor equalities impact as the revised local plan is developed.

Carbon and Environmental Considerations

23. The LDS is merely a timetable and work programme, so it 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