

Council



Listening Learning Leading

Contact Officer: Steven Corrigan

Tel: 01235 422526

E-mail: steven.corrigan@southoxon.gov.uk

Textphone: 18001 01235 422526

Date: 26 February 2020

Website: www.southoxon.gov.uk

Summons to attend a special meeting of Council

to be held on

THURSDAY 5 MARCH 2020 AT 6.00 PM

at

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK, CROWMARSH
GIFFORD**

Alternative formats of this publication are available on request. These include large print, Braille, audio cassette or CD, and email. For this or any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting.

A handwritten signature in black ink, appearing to read 'M Reed'.

MARGARET REED
Head of Legal and Democratic

Note: Please remember to sign the attendance register.

Agenda

Map

A map showing the location of Howbery Park is attached, as is a plan showing the location of the Fountain Conference Centre on the Howbery Park site.

1 Apologies for absence

To record apologies for absence.

2 Declarations of disclosable pecuniary interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

3 Urgent business and chairman's announcements

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chairman.

4 Public participation

Members of the public who wish to address Council on the agenda item for this meeting must register to do so in writing or by email to democratic.services@southandvale.gov.uk no later than 5.00pm on Wednesday 4 March 2020.

5 South Oxfordshire Local Plan 2034: options to progress (Pages 5 - 54)

Cabinet, at its meeting on 5 March 2020, will consider a report on the options to progress the South Oxfordshire Local Plan 2034.

The report of the head of planning, which Cabinet will consider, is **attached**.

Cabinet's recommendations will be circulated to councillors prior to the special Council meeting.

MARGARET REED

Head of Legal and Democratic



Birmingham airport


B4009 Watlington
M40 J6

A4074 Oxford


A4130 Didcot




Sat Nav: OX10 8BA

Brightwell

Benson

Wallingford

Centre for Ecology
& Hydrology
South Oxfordshire
District Council

Crowmarsh
Gifford

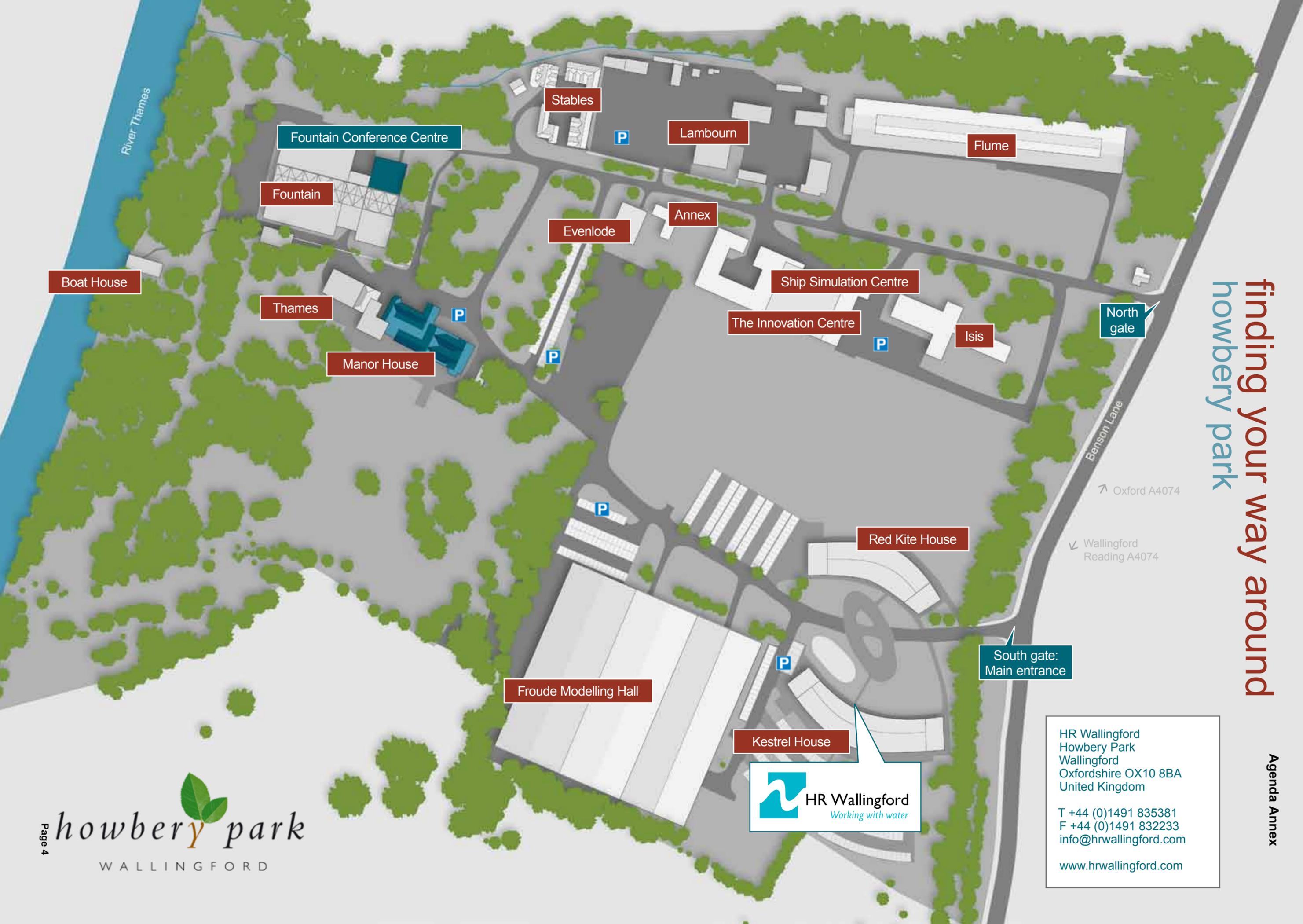
A4130 Henley
M40 J4 

A4074 Reading


London Heathrow


Agenda Annex

finding your way around howbery park



North gate

South gate:
Main entrance

HR Wallingford
Howbery Park
Wallingford
Oxfordshire OX10 8BA
United Kingdom

T +44 (0)1491 835381
F +44 (0)1491 832233
info@hrwallingford.com

www.hrwallingford.com



Cabinet Report



Listening Learning Leading

Report of Head of Planning

Author: Emma Baker

Telephone: 01235 422600

E-mail: emma.baker@southandvale.gov.uk

Wards affected: ALL

Cabinet member responsible: Cllr. Leigh Rawlins

Tel: 01189 722565

E-mail: leigh.rawlins@southoxon.gov.uk

To: CABINET

Date: 5 March 2020

South Oxfordshire Local Plan 2034 - options to progress

Recommendations

That Cabinet recommends to Council to:

- (a) note the update on the submitted Local Plan 2034 and related matters set out in the report,
- (b) leave the submitted Local Plan 2034 at examination and confirms this position to the Secretary of State for Housing, Communities and Local Government.

Purpose of Report

1. To report to councillors on the discussions with the Ministry of Housing Communities and Local Government (MHCLG); updates on the submitted Local Plan 2034 and related matters; and to consider, having assessed the risks, which option to progress for the submitted Local Plan 2034 (Local Plan).
2. Currently the Council cannot take any step-in connection with the adoption of the submitted Local Plan 2034 owing to a Temporary Direction being in place. However, following discussion with MHCLG and confirmation that the Secretary of State maybe minded to withdraw the Temporary Direction before this Cabinet meeting on 5 March, councillors will be able to consider this report on the Local Plan without being in breach of the Temporary Direction.

Corporate Objectives 2016 - 2020

3. The submitted Local Plan contributes towards four of the Council's six strategic objectives:
 - invest in the district's future;
 - unlock the potential of Didcot;
 - homes and jobs for everyone; and
 - build thriving communities.

Background

Previous Cabinet Recommendation

4. Officers reported to Cabinet on 3 October 2019 regarding progress on the Housing Infrastructure Fund (HIF) and provided three options to progress the submitted Local Plan. These options were:
 - a) continue submitted Local Plan at examination,
 - b) withdraw submitted Local Plan and progress a revised version of the Local Plan through consultation and
 - c) withdraw submitted Local Plan and start a new plan.

Cabinet resolved, in summary, to recommend to Council that it wanted to withdraw the Local Plan and start a new plan as soon as practicable. The Cabinet report and resolution is attached as Appendix 1.

Temporary Direction

5. Council was scheduled to consider the Cabinet recommendation on 10 October 2019. However, on 9 October, the Secretary of State issued the Council with a Temporary Direction under Section 21A of the Planning and Compulsory Purchase Act 2004 (as amended).
6. This means, whilst the Secretary of State considers his next steps, the Council cannot take any steps in connection with the adoption of the submitted Local Plan, and the submitted Local Plan has no effect while the Temporary Direction is in force.

Oxfordshire County Council Decision

7. Oxfordshire County Council received a letter on 3 February from MHCLG regarding discussions on a potential invitation from the Secretary of State to prepare and potentially approve South Oxfordshire's Local Plan. The County Council considered this at a meeting on 11 February and how to respond in the event of an invitation by the Secretary of State. The County Council resolved that if they were invited to prepare the Local Plan, they would accept the invitation, subject to financial assurance that all costs would be reimbursed.

Oxford City Local Plan

8. One of the influences on Cabinet's recommendation in October 2019 was the uncertainty regarding Oxford City unmet housing need. Since Cabinet made its recommendation, there has been a change in circumstances regarding the Oxford City Local Plan. The Oxford City Local Plan examination has progressed to the next stages, with hearing sessions held in December 2019. The Inspectors provided their interim conclusions to the City Council in January 2020. The Inspectors' interim conclusions made it clear that their preliminary view was the calculations of the overall housing need and supporting documents were sound. Oxford City Council, on behalf of the Inspectors, are currently consulting on main modifications from 14 February to 27 March 2020.

Activities since the Temporary Direction

Correspondence and meetings in relation to the Direction

9. Since the Secretary of State issued the Temporary Direction on the 9 October 2019, there have been a number of meetings and various exchanges of correspondence between officers, the Leader of Council and MHCLG.
10. To view the correspondence, please refer to the Council's website at the following link <http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/local-plan-2034>

Housing Infrastructure Fund (HIF) Update

11. At a meeting on 15 October 2019, Oxfordshire County Council's Cabinet resolved to authorise the County Council's Chief Executive in consultation with a cabinet member and the Leader of the County Council to approve the grant determination agreement, subject to confirmation from Homes England that the contract pre-conditions relating to the South Oxfordshire Local Plan had been met. Homes England have not yet signed the agreement.

The Oxfordshire Plan 2050

12. South Oxfordshire District Council has continued to engage actively in the production of the Oxfordshire Plan 2050, including attendance at the regular officer liaison meetings, Duty to Cooperate meetings and the councillor Oxfordshire Plan Sub-Group meetings. Officers have been proactively involved in the production of tender briefs for specialist evidence-based work streams and the assessment of the subsequent tender submissions, appointments and steering groups.
13. More recently, on 17 February 2020, a round table session on the Oxfordshire Plan 2050 was held to update councillors on the progress and scope of the Oxfordshire Plan 2050.

Local Plan examination

14. Officers have continued to verbally update the Local Plan Programme Officer appointed to oversee the Local Plan examination. Officers also wrote to the Inspectors via the Programme Officer on 13 February 2020 to confirm that the

Temporary Direction was still in place and that there continued to be constructive dialogue between officers, councillors and MHCLG.

OPTIONS TO PROGRESS THE SOUTH OXFORDSHIRE LOCAL PLAN

15. There are two options that officers believe would be currently open to the Council in relation to the Local Plan.
16. Councillors will recall from previous Cabinet Reports of July and October 2019, that there were three options presented with their associated advantages and risks. These were: Option A (continue submitted Local Plan at examination), Option B (withdraw submitted Local Plan and progress a revised version of the Local Plan through consultation) and Option C (withdraw submitted Local Plan and start a new plan). However, two of these options (B and C both involving withdrawing the Local Plan) may no longer be practical or prudent given the Secretary of State's clear intention to intervene to prevent this from happening. The Temporary Direction and correspondence with MHCLG leave little doubt that the plan will be progressing through examination, with or without the Council's support and involvement.
17. Notwithstanding the above comments, officers believe the Council now has two options which are as follows:
 - Option A) leave the submitted Local Plan to continue through its examination;
 - Option B) withdraw the Local Plan from examination.

Option A – support the submitted Local Plan to continue through its examination

18. Option A would allow the submitted Local Plan to continue through its examination, with South Oxfordshire District Council participating in the process. There may be a conditional letter from the Secretary of State about the Councils approach towards the progression of the examination, particularly around the development of new evidence that could harm or undermine the Local Plan, which would not be considered appropriate.
19. The Local Plan examination has been on hold since the Secretary of State issued the Temporary Direction. The timetable for the submitted Local Plan at examination is steered by the Planning Inspectors. Although the appointed Inspectors for the examination provided the Council with some initial questions prior to the Temporary Direction, the Inspectors have not issued their Matters nor a timetable for the hearing sessions. The Council has not been able to respond to the Inspectors' questions because the Temporary Direction prevents the Council undertaking work on the Local Plan.
20. If the Secretary of State withdraws the Temporary Direction and no new Direction is given, the Local Plan examination could progress swiftly without further delay. Subject to the Inspectors' management of the process, we could potentially see an Inspectors' Report in late autumn, with adoption of the Local Plan by the end of the year, December 2020.
21. By progressing with the Local Plan examination under Option A, the Council would be recognising that this will allow Councillors' concerns about the Plan (for instance

the scale of growth and weight given to responding to the climate emergency) to be rigorously and independently tested by the local plan Inspectors.

22. This option also recognises that the Council's planning policy officers are best placed to take the Plan through examination, given they developed the draft Plan and have the best experience, local knowledge, depth of information of sites, understanding of issues and awareness of community concerns to bring to the examination process. The staffing of other options is uncertain.

Option B – withdraw the Local Plan

23. Option B would seek the withdrawal of the Local Plan from examination. However, it is highly likely that if this Option is taken, it will result in another intervention by the Secretary of State, which could be wider than just the Local Plan. Although there are several types of intervention available, (e.g. just the local plan, plan-making, planning function), not knowing which one he would take, would delay progress of the examination and we would be vulnerable to more significant interventions which could have serious implications for the Council. The delay would also mean the commencement of any new local plan would be significantly delayed.

Advantages and Risks

24. The advantages and risks of both options are set out below, and also in a tabulated form at Appendix 2.
25. All advantages and risks identified for Option B are based on the assumption that the Secretary of State will intervene, which is based on correspondence from both the Secretary of State and MHCLG.

Shared Advantages of Options A and B

Development Certainty

26. Having an adopted Local Plan in place following examination provides greater certainty to all interested parties, local communities and businesses as to where and when new development will take place and certainty for neighbourhood development plans. It gives the Council greater influence over where development will take place, reducing the prospect for planning by appeal (speculative development) and associated costs.
27. The Core Strategy (2012) was adopted 8 years ago. There is a requirement in the National Planning Policy Framework (NPPF) (paragraph 33) to review local plans at least every 5 years. This is to ensure that the policies take into account any changes in circumstance affecting the area and/or any changes in national policy and guidance. The NPPF requires strategic policies to look ahead over a minimum 15 year period from adoption (paragraph 22), therefore, the Core Strategy runs to 2027. However, this has no bearing on whether a Plan is considered up to date.

Didcot Garden Town

28. The Garden Town Status of Didcot is underpinned by a commitment to deliver 15,000 homes by 2031. Proceeding with examination under these options provides the greatest protection to Garden Town Status. At this time, the Council is eligible for grant funding from Homes England to support and advance the garden town

implementation work. Having a Local Plan in place gives the Council a better opportunity for successful future funding bids.

Community Infrastructure Levy (CIL)

29. Continuing with examination under either option will enable the Council to update its CIL and capture land value increases.

Oxfordshire Housing and Growth Deal

30. The Deal agreed by all Councils and MHCLG provides funding towards some infrastructure projects in South Oxfordshire, such as at Watlington, Benson and Didcot. By continuing the examination under either option, the risk to the Deal is limited.

Shared Risks of Option A and B

Evidence Base

31. As time has progressed a number of evidence base documents are becoming more dated. They are likely to be satisfactory for the current examination, but this is a risk for examination.

Advantages of Option A

Local Democracy

32. Option A is likely to be the only option where the Council retains the authority to fully participate over the production, examination including modifications, and adoption of the Local Plan.

Timescales

33. Option A is the quickest and most certain route to an up to date Local Plan and to update the strategic policies of the Core Strategy (2012).
34. It is more likely under Option A that the Local Plan examination will precede the publication of the Oxfordshire Plan 2050 evidence base. This would minimise risk of it undermining the Local Plan and associated evidence base.

Duty to Co-operate

35. Since the previous Cabinet report dated 3 October 2019, the Oxfordshire authorities continue to support the Local Plan remaining at examination and leaving the Plan at examination under Option A helps to demonstrate that we have met the legislative requirements of the Duty to Cooperate.

Local Plan Soundness

36. Officers' believe the submitted Local Plan is legally compliant and it is sound.

Risks of Option A

Local Plan Soundness

37. There is a low risk that the submitted Local Plan is found unsound by the Inspectors, however Inspectors can, and do usually suggest Modifications to make the Local Plan sound if asked to do so by the Council and we have requested this. If the submitted Local Plan is found to be sound and is adopted or approved, there is a period of 6 weeks, post adoption, where the Plan is subject to legal challenge at the High Court. This is an inherent risk within any local plan process.

Advantages of Option B

Cabinet Recommendation

38. Option B is more closely aligned with Cabinet's recommendation to Council on 3 October 2019.

Housing Infrastructure Fund (HIF)

39. If Oxfordshire County Council are invited to prepare and adopt the Plan under Option B, they, as custodians of the HIF, could be well placed to implement it, giving assurance to Government and our communities relying on HIF schemes being implemented.

Legal challenge to adoption

40. If the submitted Local Plan is found to be sound, it could be adopted or approved by another body. There is a period of 6 weeks, post adoption, where the Plan is subject to legal challenge at the High Court. In these circumstances, as the Council would not be the decision maker, any associated legal and financial risks would sit with the other body and eventually be reimbursed by the Council.

Risks of Option B

Local Democracy

41. Option B is likely to trigger an intervention from the Secretary of State. Local decision making on the Local Plan (through examination and for adoption) would be lost. The Secretary of State can ask Oxfordshire County Council or another body to prepare and potentially approve the Local Plan. The County Council have determined that if asked by the Secretary of State, they will accept this invite.
42. There is a risk that another body recommends main modifications to the plan that are found sound, and these conflict with the Council's priorities.

Timescales

43. Option B would likely delay the examination of the Local Plan.

Duty to Cooperate

44. Option B could have a negative impact on our working relationships and reputation with neighbouring authorities, in particular Vale of White Horse District Council with shared officers for both Councils, as well as impacting on relationships, reputation and partnerships with Government and our communities. This could harm any successful outcome of future funding bids.

Local Plan Soundness

45. As stated above, an advantage of Option A is that officers' consider the submitted Plan to be sound. The soundness of the Plan is less certain under Option B as another body may not have the in-depth knowledge and background to justify policies that may undermine its soundness.

Legal challenge to adoption

46. If the submitted Local Plan is found to be sound the Secretary of State could ask the Council to consider adopting the Plan. There is a period of 6 weeks, post adoption, where the Plan is subject to legal challenge at the High Court. In these circumstances, the Council would be the decision maker and any associated legal and financial risks would sit with the Council.

Development Certainty

47. Option B is likely to delay the examination and the adoption of the Local Plan more than it would be under Option A. This may increase speculative planning applications, despite the Council having a strong five year housing supply. This could lead to planning appeals and associated applications for costs against the Council for perceived unreasonable behaviour.

Neighbourhood Development Plans

48. The risk is that uncertainty for Neighbourhood Development Plans will be more protracted under Option B that it would be under Option A.

Community Infrastructure Levy (CIL)

49. The risk is that an update to CIL will be more delayed under Option B that it would under Option A

Housing Infrastructure Fund (HIF)

50. The risk is that implementation of HIF could be slightly more delayed under Option B that it would be under Option A.

Assessment of Options

51. It is highly likely that regardless of whether the Council takes Option A or B, the result will be the continued progression of the Local Plan examination.
52. Progressing the Local Plan brings some important advantages. These include providing greater certainty to our communities, partners and neighbourhood plan steering groups about development in the District, and a lower risk of speculative applications and resultant appeals which are not policy complaint, unpopular with communities, and expensive and resource-hungry to service.
53. Option A is likely to be the quickest and most certain way to ensure that we have an up-to-date Local Plan since we adopted the Core Strategy in 2012.
54. Importantly Option A is likely to be the only option whereby the Council retains the authority to fully participate in the production, examination, modifications process, and adoption of the Local Plan.

55. Option B is more closely aligned with the Cabinet's previous recommendation to Council to withdraw the Local Plan; however, this option would likely trigger intervention from the Secretary of State and result in local decision-making on the Local Plan being lost. Oxfordshire County Council have determined that if asked they will accept an invitation from the Secretary of State to prepare and potentially adopt the Local Plan. There is a risk that another body recommends main modifications to the plan that are found sound and that could conflict with the Council's priorities.
56. Another key risk of Option B is that a Council decision for this option could have negative impact on our working relationships and reputation with neighbouring authorities, government and our communities.
57. If Option B is agreed and the Secretary of State invites Oxfordshire County Council to prepare and potentially adopt the Local Plan, all the costs incurred by the County Council could be reclaimed from this Council. We have no indication of what this might be, but it would be significant and could be beyond the Council's control, creating risks to the budget.
58. Option A is the quickest route to commencing a new local plan beyond the Local Plan 2034. The consequences of Option B are likely to mean a longer period before the Council could commence a new local plan.
59. Officers believe that the advantages and risks of Option A outweigh those of Option B and therefore, officers recommend Option A.

Modifications

60. The Inspectors may suggest modifications to the plan through the course of the examination and the limitations of this process was set out in the previous Cabinet report, 3 October 2019.
61. Option A would give the Council the opportunity to recommend modifications following the Inspectors' questions and the outcome of the hearing sessions. Officers have already started a Schedule of Modifications following the Regulation 19 consultation.
62. Officers understand that Councillors have concerns with certain aspects of the Plan as described in previous reports, e.g. Cabinet 3 October 2019 and a letter from the Leader of Council to the Secretary of State, dated 17 January 2020.
63. To assist, officers will explore with Councillors how some of the concerns can be addressed through potential modifications through the examination process. However, councillors must be aware that such modifications must be made for soundness or legal reasons and it is at the discretion of the Inspectors whether they are agreed.

Financial Implications

64. Any decision that has financial implications must be made with regard to the knowledge of the Council's overarching financial position.
65. The preparation of the Local Plan is primarily undertaken by the Planning Policy team and is supported by the production of an extensive evidence base with

significant input from other areas of the Council. Option A, to continue with the examination, would be met from the existing Planning Policy budget. Option B has unknown costs and it is not known if these can be met from the existing Planning Policy budget.

66. If the Secretary of State intervenes following a recommendation of Option B, the Council would be responsible for the costs associated with examination. At this time, it is unknown what form this intervention may take and therefore there is no precise estimate as to any costs that might be incurred. If the Secretary of State were to invite the County Council to prepare and potentially adopt the Plan then it is known from the letter of 3 February 2020 from the Director General of Decentralisation and Growth to the Chief Executive of the County Council that their costs would be fully recoverable. However, these costs could be a significant amount and it provides uncertainty for the Council.

Legal Implications

67. The Publication version of the South Oxfordshire Local Plan has been produced under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“Local Planning Regulations”).
68. Councils are required by law to prepare a Development Plan for their administrative area and the process for doing that is governed by statute. The regulations require councils to notify and invite comments from a range of specified persons and organisations on their development plan proposals.
69. In the absence of an up to date local plan, our ability to decide the type and location of development that comes forward is significantly weakened. There is a requirement to review local plans every five years. The Core Strategy was adopted in 2012.

Local Plan Intervention

70. The Temporary Direction was initially made under the provisions of Section 21A of the Planning and Compulsory Purchase Act 2004 (as amended). This means that the submitted plan has 'no effect whilst the direction is in force', this is set out in Section 21A(2) of the Planning and Compulsory Purchase Act 2004 (as amended).
71. The Secretary of State is also considering the use of powers under Section 27 of the 2004 Act. Section 27(1) and (2) of the 2004 Act provides:
- “(1) This section applies if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document.
- (2) The Secretary of State may— (a) prepare or revise (as the case may be) the document, or (b) give directions to the authority in relation to the preparation or revision of the document.”
72. Furthermore, he could exercise powers under Section 27A of, and paragraph 7B of Schedule A1 to, the 2004 Act and invite Oxfordshire County Council to prepare the Plan. Paragraph 7B of Schedule A1 to the 2004 Act provides:

“If the Secretary of State—

(a) thinks that a lower-tier planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, and

(b) invites the upper-tier county council to prepare or revise the document, the upper-tier county council may prepare or revise (as the case may be) the development plan document.”

Power to withdraw the Local Plan

73. Section 22 of the Planning and Compulsory Purchase Act 2004 provides the mechanism for a local planning authority to withdraw a local plan at any point before adoption.
74. Officers believe that any decision to withdraw the plan should be based on sound planning reason(s) with a robust rationale.

Duty to Cooperate

75. Section 33A of the Planning and Compulsory Purchase Act 2004 (as inserted by the s110 of the Localism Act 2011) (“S.33A”) provides that local planning authorities must co-operate with other local planning authorities in maximising the effectiveness with which activities such as the preparation of local plan/development plan documents are undertaken so far as they relate to strategic matters. This ‘duty to cooperate’ requires the local authority to engage constructively, actively and on an ongoing basis in any process by means of which activities such as the preparation of Local Plan are undertaken.
76. If the person(s) appointed to carry out the independent examination considers that the council has not complied with its duty under S.33A in relation to the preparation of its local plan, the person can neither recommend adoption nor modifications and in such cases, and the Council cannot then adopt the Local Plan.
77. The legal Duty to Cooperate will be examined by the appointed Inspectors in the examination. Relevant matters under the Duty would include the unmet need from neighbouring Oxford and infrastructure opportunities provided by the Growth Deal.

Conclusion

78. Cabinet is asked to note the updated position in relation to the Local Plan.
79. This report sets two options available to councillors with the associated advantages and risks. It also identifies the potential for modifications through the examination process. Cabinet is asked to consider the two options set out in this report and to make any recommendations to Council.
80. There are more advantages and less risks for Option A when compared to Option B, and significant uncertainties about the consequences of Option B. Therefore, officers recommend Option A.

Appendices

1. Report to and decision of Cabinet of 3 October 2019
2. Advantages and risks to options A and B (Table)

Background Papers

1. Report to and decision of Council of 18 July 2019
2. Report to and decision of Council of 20 December 2018
3. Report to and decision of Council of 28 September 2017
4. [Didcot Garden Town Housing Infrastructure Fund \(HIF\) Heads of Terms/Contract](#)
5. Oxford City Inspectors' Interim conclusions

Cabinet Report



Listening Learning Leading

Report of Head of Planning

Author: Emma Baker

Telephone: 01235 422600

E-mail: emma.baker@southandvale.gov.uk

Wards affected: ALL

Cabinet member responsible: Cllr. Leigh Rawlins

Tel: 01189 722565

E-mail: leigh.rawlins@southoxon.gov.uk

To: CABINET

Date: 3 October 2019

Local Plan 2034; options to progress

Recommendations

That Cabinet:

- (a) notes the progress officers have made in their discussions with Oxfordshire County Council, Ministry of Housing, Communities and Local Government and Homes England on options to protect the Housing Infrastructure Fund (HIF) offer made to Oxfordshire County Council and infrastructure projects that could be delivered by it,
- (b) considers the officer recommendation to progress with the submitted South Oxfordshire Local Plan 2034 through the examination process, Option A,
- (c) considers Options A, B and C, as set out in this report and recommends its preferred Option to Council.

Purpose of Report

1. To report to Councillors on the progress made in responding to the Council resolution of 18 July 2019 regarding the Housing and Infrastructure Fund (HIF) and to consider, having assessed the risks, which option to progress the Local Plan 2034.

Corporate Objectives

2. The emerging Local Plan contributes towards four of the Council's six strategic objectives:
 - invest in the district's future;
 - unlock the potential of Didcot;
 - homes and jobs for everyone, and
 - build thriving communities.

Background

3. At the Council meeting on 18 July 2019 it resolved to:
 - “(1) express its determination to maintain its housing land supply and avoid speculative development;
 - (2) express its continued support for the Housing and Infrastructure Fund (HIF) funding and infrastructure projects that could be delivered by it;
 - (3) ask officers to explore with Oxfordshire County Council, Homes England and the Ministry of Housing, Communities and Local Government options for protecting the HIF funding whilst enabling the council to address concerns about the current emerging Local Plan 2034 including (but not limited to) climate change issues, Oxford City's unmet housing need, and to report back to Cabinet and Council;
 - (4) recognising that the Climate Change Emergency is all too real and is recognised to be of key and statutory importance under the Climate Change Act 2008 and the associated objective of “zero carbon by 2050”, express its wish to do all that it can to respond through the Local Plan process;
 - (5) agree that as soon as practicable, alongside satisfactory progress being made on resolving issues in the emerging Local Plan, work on a subsequent Local Plan shall commence, strengthening climate change considerations.”

UPDATE ON OFFICER ACTIONS

Background

4. In March 2018, the Council and the other authorities in Oxfordshire signed the Oxfordshire Housing and Growth Deal (Deal). This committed the Councils to support the delivery of 100,000 new homes across Oxfordshire between 2011 and 2031. In return, over a period of five years, Government offered £215m of funding; £150m for infrastructure projects, £60m for affordable housing, and £2.5m for the preparation of a Joint Statutory Spatial Plan and £2.5 for wider administrative costs associated with the Deal. The Deal committed the Oxfordshire authorities to submitting outstanding local plans for examination by 1 April 2019 (South Oxfordshire & Oxford City).

5. Paragraph 010 of the Guidance¹ states that where a Deal is in place, it is appropriate for the Council to consider whether the Deal justifies uplifting our housing need beyond the standard method. The emerging Local Plan considered that the Deal justified an uplift in need to 775 homes per annum (in line with the SHMA recommendations for South Oxfordshire).
6. In March 2019, Oxfordshire County Council (OCC) was successful in bidding for £218 million of funding from the Government's Housing and Infrastructure Fund (HIF). It is intended this will contribute toward providing new infrastructure costing £234 million across South Oxfordshire and the Vale of White Horse districts. OCC are finalising an agreement with Homes England (on behalf of Government) before they will secure any of the offered funding. The infrastructure projects that would be delivered by HIF are:
 - a Didcot Science Bridge on the A4130 – going over the railway line and Didcot A Power Station site and joining the A4130 Northern Perimeter Road;
 - improvements to the A4130 from the Milton Interchange by making it a dual carriageway;
 - a new river crossing at Culham; and,
 - a bypass at Clifton Hampden.
7. These HIF schemes are identified in both South Oxfordshire and Vale of White Horse District Councils' emerging Local Plans to enable and support the delivery of development growth across Southern Oxfordshire. These schemes along with transport schemes identified through the Deal are intrinsically interlinked to each other and to some of the committed and planned housing development in the Didcot and Science Vale area, as set out in relevant local plans. These funding streams are part of a wider highway strategy to support the delivery of housing growth but to also mitigate the impact of existing and approved developments.
8. Officers have been working with colleagues from OCC since the outset of the preparation of the emerging Local Plan. This has enabled the assessment of transport and other infrastructure requirements arising from planned development. This has included joint working on transport evidence to both test the proposals in the emerging Local Plan and to determine what level of infrastructure would be necessary. This collaboration has informed policy requirements and supported the production of the Infrastructure Delivery Plan submitted with the emerging Local Plan to examination.
9. At each stage of the formal consultation process we have received detailed representations to the Local Plan from OCC.

Summary of progress

10. In response to part 3 of the 18 July resolution the following summary provides progress in exploring options with Homes England, as at the time of writing this report;

¹ Planning Practice Guidance – Housing Needs Assessment, Paragraph 010.

11. On 26 August 2019, the leader of the council received a letter (Appendix 13) from the Secretary of State for Housing, Communities and Local Government setting out his view that *“the HIF is contingent on identified housing sites coming forward in an adopted Local Plan and, as the previous Housing Minister set out, the government expects progress on your Local Plan in order to access this funding”*.
12. In addition, in relation to the Deal, the Secretary of State stated that *“should local decisions undermine that framework, the Government would be less inclined to provide local infrastructure funding, both now and in the future”* (his underlining).
13. On 5 September 2019 senior officers and councillors met with the Director General for Decentralisation and Growth, from the Ministry of Housing, Communities and Local Government (MHCLG), to discuss issues relating to the emerging Local Plan and the linkages to HIF and the Deal.
14. Following a positive discussion with South Oxfordshire District Council, officers from MHCLG offered to explore what options may exist, recognising the current democratic timescales, pressures and the shared desire to maintain existing Deal commitments. MHCLG officers have worked closely with council officers to look at ways that the ambitions can be achieved within the context of the HIF. A further letter (Appendix 18) following these discussions was received from the Director General for Decentralisation and Growth on 20 September 2019. It has become clear that the view of MHCLG, from meetings and letters of 26 August 2019 and 20 September 2019, that their preference is that the emerging Local Plan should remain in examination.
15. In the letter of 20 September 2019, it states that should the council choose to withdraw the plan *“it would immediately put at risk the significant investment that the Government has made available to South Oxfordshire and the wider County, including jeopardising the £218m recently allocated through the HIF (Didcot Garden Town)”*. The letter also says, *“this is because the funding is dependent on the delivery of specific sites”*.
16. However, the letter of 20 September 2019 is less categoric in relation to the Deal compared to the HIF, stating that *“withdrawing the plan will also undermine the wider ambitions and commitments of the Housing and Growth Deal and therefore potentially impact future investment to support ambitions either directly or as part of the Growth Deal of Oxford-Cambridge Arc.”*
17. There is a milestone within the Deal that the Local Plan is submitted, however that whilst this milestone was viewed as achieved, it is not clear whether government would continue the Deal should the plan be withdrawn, either with or without South Oxfordshire as Government’s position regarding this point is unclear.
18. MHCLG has acknowledged the ambitions for sustainable growth that the council wants to achieve. To this end they have indicated a willingness to engage in ways that they could assist the council in delivering their aspirations.
19. The current draft HIF contract is between Oxfordshire County Council and Homes England representing MHCLG. The contract contains a pre-condition obligation for South Oxfordshire to have a submitted Local Plan. Alongside this, officers from OCC have been exploring the option of whether a different mix of already approved housing sites and associated number of houses is sufficient to secure

the HIF given the current pressures and demands on existing infrastructure across the Didcot Garden Town area of influence. OCC officers remain in conversations with Homes England (on behalf of government) on this issue. Ultimately this will be a decision for Homes England to make as to whether it satisfies the conditions of the HIF. At this time officers are unaware of the position that Homes England will take regarding this decision.

20. MHCLG has been working with the council and partners to try and find a solution to HIF should the council choose to withdraw the emerging Local Plan. However, there are contractual constraints and government are reluctant to set a precedent when they have taken a firm line with other councils or areas in respect of the contractual restrictions on HIF. Officers have also explored the idea of pausing work on HIF for an agreed period of time and to secure an equal extension of milestone dates which potentially would allow the council to develop options without there being an immediate impact on the HIF offer discussions. The feedback from OCC and MHCLG officers is that the end date of HIF, March 2024, is a HM Treasury date and it is unlikely that Treasury would agree to change this date. Officers are advised that it is unlikely that HM Treasury would agree.

Maintaining housing land supply

21. Officers have continued to explore approaches to the council's five-year housing land supply and how this can best be maintained. Since the Council meeting, on 18 July there have been a series of updates to the National Planning Practice Guidance (NPPG). Included within these updates are helpful additions to the guidance relating to the demonstration of a housing land supply beyond five years and the utilisation of a 'stepped trajectory'.

"As set out in the National Planning Policy Framework, local planning authorities should identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. Local plans and spatial development strategies may be able to satisfy the tests of soundness where they have not been able to identify specific sites or broad locations for growth in years 11-15. However, if longer-term sites are to be included, for example as part of a stepped requirement, then plan-makers will need to demonstrate that there is a reasonable prospect that they are likely to come forward within the timescale envisaged."

NPPG, Paragraph: 019 Reference ID: 68-019-20190722

22. Officers have reviewed the potential to introduce a stepped trajectory into the Local Plan's housing supply calculation which better reflects the anticipated supply within the plan trajectory, noting the lead in times expected for larger strategic sites. This provides a positive five-year housing land supply in the first five years of the plan from this point forward and from adoption. Appendix 1 shows the revised position as it would relate to the submitted Local Plan (option A) and commentary on the other two options, B & C, is set out in terms of the five year housing land supply. It is not possible to determine exactly what the five year supply for Options B and C would be as the level of housing need and the level of housing supply are unknown at this time.

OPTIONS TO PROGRESS THE SOUTH OXFORDSHIRE LOCAL PLAN

23. This section of the report identifies three options that officers believe are currently open to the Council to progress the Local Plan.

24. An additional option was presented in one of the background papers to this report (18 July Cabinet/Council report; option 2) which considered the use of modifications as part of the examination process to address concerns of councillors, as understood by officers. The Inspectors undertaking the examination into the emerging South Oxfordshire Local Plan advised, on 5 July, via the Programme Officer that; (included within Appendix 2):

“As regards the future of the South Oxfordshire Local Plan, way forward is clearly a matter for the Council, but the Inspectors would like to make two very important points in respect of Option 2. Firstly, the changes referred to will presumably not have been subject to Regulation 19 consultation. Secondly, the Inspectors can only recommend main modifications where they are necessary to ensure the soundness or legal compliance of the submitted plan. Changes that are considered desirable for whatever reason by the Council and would amount to main modifications but are not necessary to remedy the soundness or compliance of the submitted plan will not be recommended by the Inspectors as main modifications and cannot be taken forward.”

25. This option is open to councillors, but any potential changes proposed to the emerging Local Plan need to address any soundness or compliance issues with the submitted plan, which could be considered by the Inspectors. Any modifications requested will be at the sole discretion of the Inspectors. This Option is not contained in detail within this report, but remains within Option A.

26. As part of officer discussions with MHCLG, in the Director General for Decentralisation and Growth letter, 20 September 2019 (Appendix 18), they suggest that:

“it is not uncommon for major and minor modifications to be sought during the examination process where there is a compelling and strong case for changes to improve the soundness of the Plan.”

27. Officers have already proposed main and minor modifications at the time of the submission of the Local Plan 2034 (Appendix 14) and the Inspectors have provided their initial comments on these. The inspectors advise, in the case of the main modifications, that they appear acceptable and necessary for soundness or effectiveness, and they ‘may be justified’. They refer to modifications relating to several of the strategic policies. However, the Inspectors have stated that some modifications *“are either not necessary for soundness or are not themselves sound and should not be taken forward”*, therefore a risk that any proposed modifications may not be accepted.

28. If the council sought to propose further modifications, given that the hearing sessions have yet to start, this may be more straightforward than during the course of the hearings. Any changes would need to be evidenced, if necessary, with corresponding Sustainability Appraisal work. It is helpful that the Inspectors have submitted their initial questions to us (Appendix 14), the last and third set was received 24 September 2019. Having received these questions, there is

potential to respond to any issues raised, especially those that reflect the issues raised by Council in July 2019.

29. The risks and benefits for each Option are set out in this report and should be read in conjunction with the background report, 18 July 2019. The options are summarised as follows:

Option A) Allow the emerging Local Plan to continue through its examination. Any modifications proposed during the examination will be considered at the sole discretion of the Inspectors.

Option B) Withdraw the Local Plan from examination and make changes to it ahead of a further regulation 19 consultation and resubmission to the Inspectorate for examination. The extent of the changes to the Plan that would be possible under Option B would be limited to no significant changes, in comparison to those that could be made under Option C. Any representations made at that Regulation 19 would be reported to and considered by the Inspector and would not be within the control of the Council.

Option C) Withdraw the Local Plan from examination. The Council would commence work on a new Local Plan. This will allow the Council to prepare a significantly different plan (subject to compliance with the law, and national policies and guidance). The Council would need to undertake at least two rounds of public consultations (Regulation 18 and 19) before submitting the new plan for examination.

Option A – Progress with the emerging Local Plan

30. Option A would allow the emerging Local Plan to continue through its examination. Any modifications made during the examination will be entirely at the sole discretion of the Inspectors.

31. Within this option, the scope to introduce fundamental changes to the Plan is very limited. This is because the Inspectors would only recommend making significant changes to the Plan, known as “main modifications”, if they considered that the changes were necessary to make the Plan “sound” (this is the key test that the Inspectors will be considering).

32. It is possible for the council to deal with some of the issues raised by Council in July by publishing supplementary planning documents (SPDs) that link to the adopted Core Strategy and the emerging Local Plan. These could add detail to the policies in the Plan but could not fundamentally change the policy direction. Supplementary Planning Documents are not subject to the same level of scrutiny and do not form part of the Council’s development plan, but are capable of being material considerations in the determination of planning applications. By way of example, this option could be used to address some, but not all, of the issues raised in relation to Climate Change and Biodiversity.

33. The current timetable for the emerging Local Plan at examination is steered by the Planning Inspectors, including any potential lengthening of the examination process to address any of the Inspectors’ concerns.

34. Although the Inspectors have provided the Council with some initial questions, they have not yet issued their Matters nor a timetable for the hearing sessions. The hearing sessions could possibly be later this year or early next and using the standard Inspectorate timetable for examination, an Inspectors report could be summer 2020, although if Modification consultation is undertaken, which is likely, it could be autumn 2020 before we receive an Inspectors report. This is an estimation of timing, as we are in the hands of the Inspectors.

Option A: Advantages

35. Option A is the quickest route to an up to date Local Plan. It is a statutory obligation for the Council to prepare a Local Plan. The National Planning Policy Framework 2019 (NPPF) requires Councils to maintain an up to date development plan and that they should also review their policies in the local plan at least once every five years.
36. The Core Strategy was adopted in December 2012 and prior to the latest version of the NPPF (2019) and updated Government Guidance. Option A provides the quickest route for the Council to update the strategic policies of the Core Strategy.

Housing Infrastructure Fund (HIF)

37. The emerging Local Plan identifies in both the plan itself and the supporting Infrastructure Delivery Plan the need for infrastructure projects which HIF will help deliver. Under this option, subject to contracts being signed by OCC and Homes England/MHCLG, local infrastructure necessary to support existing and proposed housing is more secure.
38. The Local Highway Authority (OCC) is of the view that both the HIF and the Deal projects are required to enable them to deliver their transport strategy and support existing and proposed housing growth. They raise no in principle objection to the submitted emerging Local Plan, subject to HIF being successful.
39. HIF schemes not only benefits existing and new development and our communities in South Oxfordshire, but also in the Vale of White Horse. The Vale of White Horse District Council adopted Local Plan Part 1 includes housing allocations that rely on infrastructure supported by HIF. For example, OCC's current position in the Sutton Courtenay / Culham / Clifton Hampden area is that one additional trip has a residual cumulative severe impact on the highway network, which has been supported by planning application appeal inspectors. This means it is unlikely that developments in the vicinity will be able to be supported by the Highways Authority. There is also a significant amount of committed growth in the area which has to be accommodated on the highway network which is currently presenting issues at peak times.

Housing and Growth Deal

40. The Deal agreed by all councils and MHCLG provides funding towards some infrastructure projects in South Oxfordshire, such as at Watlington, Benson, Wallingford and Didcot. By continuing the current plan, the risk to the Deal is limited. In addition, in reference to the 26 August 2019 letter (Appendix 13), there would be a greater likelihood of future funding.

41. The Deal also provides a three year housing land supply test for the purposes of decision making while the Oxfordshire Plan 2050 is under preparation. That gives the Council more protection against speculative development. The Deal also introduces a bespoke Housing Delivery Test for Oxfordshire to apply in the first three years following adoption of the Oxfordshire Plan 2050. The Housing Delivery Test is an annual measurement of housing delivery in each Council area. The consequences for not meeting this test is a presumption in favour of sustainable development.
42. Notwithstanding our current strong five year housing land supply, the absence of an up to date Local Plan could result in an uncoordinated approach to development, leading to inappropriate and incremental development being allowed on appeal that does not take account of cumulative implications and requirements for supporting infrastructure, with the potential for adverse environmental impacts. The locations where speculative applications are more likely to be pursued are those areas of the district which are located outside the Oxford Green Belt and the Areas of Outstanding Natural Beauty as these areas have higher protection under the NPPF.

Development Certainty

43. Having an adopted Local Plan in place provides greater certainty to all interested parties, including local communities and businesses, as to where and when new development will take place. By the same token it gives the Council greater control over where development will take place, reducing the prospect for planning by appeal (speculative development) and associated costs.
44. Progressing with the emerging Local Plan provides strength and certainty for neighbourhood plans, allowing them to progress and shape development in their area, avoid need for early review and allow them to contribute to the delivery of housing need.

Duty to Co-operate

45. An advantage of continuing with Option A is that the emerging Local Plan is widely supported by adjoining councils which helps meet the legislative requirement of the Duty to Cooperate. The Council has received a number of letters (Appendices 3, 7-9 & 21) from most of the Oxfordshire councils recognising the role that funding for infrastructure plays, raising concerns about potential impacts on their administrations, but acknowledging that the Council's decision will be in the best interests of South Oxfordshire's residents.
46. The fulfilment of our Duty to Cooperate is set out in our Statements of Common Ground included in the emerging Local Plan's evidence base. Statements of Common Ground are required to be produced to highlight agreement on cross boundary strategic issues with neighbouring authorities and other relevant organisations. Having a plan in place addresses questions of the County's development needs as a whole and helps reduce planning risk to our partners. These Statements of Common Ground help support the evidence that the Duty to Cooperate has been discharged, though this will be a matter of judgement for the inspectors.

47. Under any Option chosen by Council, officers and councillors will no doubt endeavour to demonstrate the Duty to Cooperate has been discharged.

Staying ahead of national policy changes

48. In February 2019 Government released its response to the technical consultation on updates to national planning policy and guidance. This sets out the Government's intention to review the standard method for assessing housing need. Government has stated that the existing standard method does not deliver their aspiration to deliver 300,000 homes a year, and so any review of the method will change the level of housing need, whether this be higher or lower.
49. Other external influences include the route options for the Oxford to Cambridge Expressway, which may open up new opportunities for growth, thus progressing the Local Plan under this option reduces this risk.

Reduced legal risk

50. Officers believe that the emerging Local Plan is legally compliant and would be found to be 'sound'. It is believed that Option A is the least likely of the options to result in a successful legal challenge against the Council. (Nevertheless, the plan's adoption could be challenged in a six-week legal challenge period following the date the Council decides to adopt the plan).

Local Plan Intervention

51. It is believed that it is unlikely that the Secretary of State would intervene in the plan making process under Option A. However, in a letter from MHCLG, 22 July 2019 (Appendix 4) they expressed concern about a delay to the Local Plan on the impact that a delay that would have on government's strategic priorities for Oxfordshire.

Didcot Garden Town

52. The Garden Town Status of Didcot is underpinned by a commitment to deliver 15,000 homes by 2031. Option A provides the greatest protection to Garden Town Status. At this time, we are eligible for grant funding from Homes England each year to support officer time and consultants to advance the development plan work.

Transport model

53. As mentioned above the Local Highway Authority (OCC) raise no in principle objection to the submitted emerging Local Plan, subject to HIF being successful. The Oxfordshire Strategic (SATURN) Transport model (OSM) provides part of the evidence for the emerging Local Plan and has assessed the cumulative impact of committed and planned development in the district. The model ceases to be WebTAG compliant at the end of November 2019, though the assessment took place well within its compliant timeframe. There is no alternative available at present, which may become an issue if the Inspector considers Modifications.

Option A: Risks

Local Plan 'Soundness'

54. There is a low risk that the emerging Local Plan is found unsound by the Inspectors, however Inspectors usually will suggest Modifications to make the local plan sound. If the emerging Local Plan is found to be sound and the Council adopt it, there is a period of 6 weeks, post adoption, where the Plan is subject to legal challenge at the High Court. This is an inherent risk within any Local Plan process, but if the risk materialises this could have significant financial implications.

Evidence Base

55. As time has progressed a number of evidence base documents are becoming more dated. Following updates, particularly an assessment of housing needs, they are likely to be satisfactory for the current examination.
56. Government has acknowledged that the existing standard method does not deliver their aspiration to deliver 300,000 homes a year, and so any review of the standard method could result in a different housing need whether it is higher or lower, which the Inspectors would ask us to consider if this change happened during the examination proceedings.

Option A: Conclusion and Recommendation

57. Option A is likely to be the quickest way to ensure that we have an up to date development plan since we adopted the Core Strategy in 2012, and this Option provides long term confidence to our communities and partners about development in the district and is less likely to result in speculative applications and resultant appeals.
58. The costs of progressing Option A have been met by the existing Planning Policy budget and avoids abortive costs.
59. This option is also the best opportunity to secure the provision of ongoing external infrastructure funding from HIF and the Deal, which is of particular benefit to the communities of Didcot and Science Vale. This is the only Option which meets the current pre-condition of the draft agreement between Homes England/Homes England and OCC. Furthermore, if housing delivery slows in Didcot, as a result of this funding potentially being withdrawn as a consequence of Council's decision of other Options, then it could have a consequential impact on the housing land supply for the rest of the district. These issues will affect our partners, including Vale of White Horse District Council and Oxfordshire County Council.
60. There are clear advantages over the disadvantages and officers therefore recommend Option A.

Option B – Withdraw the Local Plan and progress a revised version of the Local Plan through publication (Regulation 19)

61. This Option would see the withdrawal of the Local Plan from examination. The Council would then propose changes to the plan and undertake a further regulation 19 publication before resubmitting the Plan for examination. The extent of changes will need to fall within the remit of regulation 19 publication – i.e. not

constitute a fundamental re-write of the Plan/introduce significant new subject areas for the plan to cover.

- 62. By way of example, Option B could include the removal of a site or sites, the inclusion of policies relating to climate change or the review of the uplift above the standard method (although the validity of Option B would need to be reviewed depending on precisely what changes the Council proposes to introduce). The cumulative impact of any proposed changes could necessitate a new Local Plan to be prepared as the changes could be considered so significant as to depart from the substance of the existing Plan.
- 63. Whilst Councillors may select this option to progress their preferred aspirations, by virtue of opening up the Local Plan to another regulation 19 publication this will provide an opportunity for others to raise new issues beyond those which Councillors may wish to focus on. These matters would be considered at the subsequent examination.

Timescale and financial implications

- 64. This option would delay the Local Plan process by several months as set out below and would include the preparation of any additional evidence required. This would have cost implications, but until we know the extent of changes and what additional/updated evidence is required it is difficult to estimate whether this can be achieved within existing policy budget. Once officers were clear on the Council’s decision and direction, if necessary, we would bring a report back to consider financial implications. The Plan would require a consultation period (Reg. 19 publication) of at least six weeks. The extent of this would depend on what evidence is required to support the Council’s intended requested planning policy changes. The indicative timetable below has been adjusted to account for the latest information on when evidence to support the Plan will be available.

October 2019	Withdraw emerging Local Plan
October 2019 – March 2021	Review of emerging Local Plan on the basis of conducting a further consultation (regulation 19) subject to the impact of the changes requested. (This assumes the Oxfordshire Mobility Model is operation in August 2020.)
April 2021	Third regulation 19 Publication
September 2021 – June 2022	Resubmission and Examination in Public
July 2022	Inspector’s report
September 2022	Adoption

Option B: Advantages

Freedom to make changes

65. The key advantage of this option is to enable councillors to review aspects of the emerging Local Plan. For example, the Council could choose to reduce the supply of homes proposed in the Plan, review which sites should be allocated for development and change the natural environmental policies within the plan, as well as any further minor changes. The cumulative effect of these changes would need to be considered. These changes would need to be based on current or updated planning evidence, and compliant with national policies and guidance.

Amount of Oxford City's unmet housing need

66. The Examination of the Oxford City Local Plan could, in time, provide an accurate number of their unmet housing need, prior to the publication of a revised South Oxfordshire Local Plan so that the final level of unmet housing need can be incorporated within the South Oxfordshire Local Plan.

The Council may need to withdraw from the Statement of Common Ground, which also commits the Council to providing Oxford unmet need.

Option B: Risks

Housing Infrastructure Fund

67. Following the commentary in paragraphs 10 to 20 above, if HIF is withdrawn by Homes England/MHCLG due to the pre-condition, it would result in a loss of funding for OCC for major infrastructure projects necessary to mitigate existing and proposed developments in Didcot and Science Vale area.
68. Due to the current severe² impact on the road network around Didcot caused by existing development, the loss of HIF funded infrastructure improvements would leave this impact unresolved. Additionally, the withdrawal of HIF would impact on the agreed Didcot Garden Town Delivery Plan.
69. Any loss of HIF is likely to lead to an objection from OCC as the Highways Authority insofar as the emerging Spatial Strategy would not have guaranteed funding. A departure from the spatial strategy which focusses on the Science Vale area would then constitute a significant change, at which point Option B would have a higher risk and Option C should be progressed instead.

Housing and Growth Deal

70. One of the milestones of the Deal was the submission of a Local Plan by 1 April 2019, so the Local Plan withdrawal in this option could impact on the continuation of the Deal with or without South Oxfordshire. The Deal Delivery Plan states that:

“Failure to achieve milestones will result in [the] deal being reviewed and potentially further payments could be withheld.”

71. The Oxfordshire Plan 2050 and the freedoms and flexibilities (i.e. 3 year housing land supply and the Housing Delivery Test) could also be affected by this option. However, it is important to note that discussions between officers and Homes England/MHCLG continue and any updates at the time of council meetings will be verbally reported.

² NPPF Paragraph 109

Evidence base update

72. Under this option extensive updating and the provision of additional evidence will be required. The range of this additional evidence will depend on the level of changes proposed. This will require additional officer time and incur costs to support this. Some of our evidence is over five years old and our transport evidence update will be challenging as the model has almost come to the end of its life and it could not be used again to prepare a local plan.
73. Officers would need to update the Housing Needs Assessment, the retail and economic data underpinning a number of pieces of evidence and the Viability Assessment, Sustainability Appraisal and Habitats Regulations Assessment. These are fundamental parts of a Local Plan's evidence. Depending on the scope of review under this option further studies may be required as the conclusions of one study may then need to be incorporated and assessed with reference to another study. This may further extend the period and which would impact on existing evidence that would need to be updated to be robust. The initial point at which some of this evidence was gathered is becoming more dated the longer the plan making process takes. It is more likely that there would be challenges to the 'soundness' of the plan under this option.

Housing land supply

74. This option could have longer term impacts on our housing land supply, subject to when we can secure an adopted local plan. However, our most recent evidence suggests there is sufficient headroom in our land supply to provide time for a Regulation 19 version of the Local Plan to be produced and submitted.

Oxford to Cambridge Arc

75. The emerging Local Plan would have to respond to any future announcements on the Oxford to Cambridge Expressway route, and any associated development opportunities. In the event that the route crossed South Oxfordshire it could necessitate a departure from the current spatial strategy. As above, this would then constitute a significant change, at which point Option C should be progressed rather than Option B.

Neighbourhood Development Plans

76. There is a risk that emerging Neighbourhood Development Plans face uncertainty regarding the number of homes they should be planning for while the Council prepares this revised plan.

Adjoining councils and partnerships

77. Should Council decide to withdraw the plan and either the Deal, HIF, or unmet housing need are affected, there is a risk that this would affect the plans yet to be adopted across the County.
78. If this situation arises, it could have a negative impact on our working relationships and reputation with neighbouring authorities, and partners in Government, as mentioned above.

Duty to Cooperate

79. There is a risk, that the legal duty to cooperate might not be met if the council's actions are directly jeopardising the Plans' of neighbouring Districts.

Lack of an up to date local plan

80. Site promoters may see a withdrawn plan as an opportunity to submit speculative planning applications, despite having a strong housing supply. This could lead to planning appeals and associated applications for costs against the Council for perceived unreasonable behaviour.
81. Certain parts of the district are more vulnerable to speculative developments and officers believe, from our recent experience of losing our housing land supply, that greenfield sites on the edge of settlements outside the AONB and Green Belt will be at most risk. This is because these areas do not benefit from the high level of protection in national planning policy.
82. Those who proposed alternative sites through the emerging Local Plan, which were rejected by the Council could also use this opportunity to submit speculative planning applications. Many of the sites omitted from the emerging Local Plan fell in areas not within the Green Belt or AONB, such as those located on the edge of Reading, Thame, land at Harrington and Didcot. This could potentially result in unplanned sites being determined by planning inspectors rather than the Council. This also places at risk the level of appropriate infrastructure that would be required to mitigate their development proposals and may potentially result in piecemeal infrastructure responses.

Local Plan intervention

83. Officers believe that it is unlikely that the Secretary of State would intervene in the plan making process under Option B, however in order to mitigate against this risk we would need to be clear that we were progressing with plan making. Although a low risk, then this would be a higher risk than Option A.

Community Infrastructure Levy (CIL)

84. Officers have commissioned evidence on viability to support a review of the Community Infrastructure Levy (CIL) and increased charging rates supplemented by a revised Supplementary Planning Document. This evidence is based upon the emerging Local Plan and the cumulative need for infrastructure for the sites and level of growth proposed. As the evidence becomes out of date so will the SPD, which will require a generic update rather than any site specific content until the Local Plan has been reviewed.
85. In the interim, Town and Parish Councils will continue to receive a lower level of CIL funding. Funding gaps created from any from loss of funding would not be filled by CIL.
86. However, we need to recognise that following the changes in September to CIL and Section 106, there may be an opportunity, in any event to update CIL.

Legal risk

87. Section 22 of the Planning and Compulsory Purchase Act 2004 provides the mechanism for a local planning authority to withdraw a local plan at any point before adoption. The Council could choose to withdraw the emerging Local Plan from examination by following the process set out in Regulation 27 of the Town and Country Planning Act. They could then review the Plan, and, subject to the level of change could go back a stage in plan making process and undertake a further Consultation (Regulation 19 - publication).
88. Any decision to withdraw the plan should be based on a sound planning reason(s) and a rationale, to minimise the risk of legal challenge to such a decision.
89. There could be an additional risk of progressing a third consultation (Regulation 19) version of the plan that the legal Duty to Cooperate might not be met if the Council's actions directly jeopardise the Plans of neighbouring districts. If the Council's legal duty is not met, an inspector would have no choice but to recommend non-adoption of the revised Plan.

Option B: Conclusion and Recommendation

90. There are some disadvantages to Option B, such as a delay in timescales and potential additional costs in comparison with option A. It would also add uncertainty for our communities and neighbourhood plan groups. Furthermore, it could place the Deal and HIF schemes/projects at greater risk with consequences for housing land supply and infrastructure in the Science Vale area and around Didcot.
91. Any loss of HIF is likely to lead to an objection from OCC as the Highways Authority insofar as the emerging Spatial Strategy would not have guaranteed funding. A departure from the spatial strategy which focusses on the Science Vale area would then constitute a significant change, at which point Option B would have a higher risk and Option C should be progressed instead.
92. However, Option B would provide the Council with an opportunity to make limited changes to the plan to address some of the concerns of councillors, as understood by officers.
93. On balance officers do not recommend this approach, as we believe the disadvantages considerably outweigh the advantages to the Council and that some factors are sufficiently outside of the Council's control which would necessitate a new Local Plan rather than progressing a third Regulation 19 version of the Local Plan.

Option C – Withdraw the Local Plan and embark upon a new Local Plan

94. This Option would see the withdrawal of the Local Plan from examination. The Council would then develop an entirely new Local Plan. This would be subject to two periods of consultation at regulation 18 and regulation 19 stage (publication).
95. Councillors could select this option to develop an aspirational new Local Plan focussed, for example, on environmental and Climate Change which can fully reflect their ambitions, subject to the development of an appropriate supporting evidence base.

96. This option would lead to Council to withdraw from the current Statements of Common Ground with other Oxfordshire authorities as preparing a fundamentally different Plan would be inconsistent with what is committed to within the Statements of Common Ground. Officers would then draw up new Statements of Common Ground with Oxfordshire authorities.

Timescale and financial implications

97. The indicative timetable below indicates the anticipated programme for preparing a new Plan.
98. The financial implications will need to be assessed in the context of a new Local Plan, estimated timescales and the existing policy budget. Once the Council has decided on which option and direction it wishes to take, if necessary, officers will report back to Cabinet/Council regarding any financial implications.

October 2019	Withdraw emerging Local Plan
October 2019 – August 2021	Draft Reg 18 Local Plan production
August 2022	Consultation on Reg 19 Local Plan
February 2023 – November 2023	Submission and Examination in Public
December 2023	Inspector’s report
February 2024	Adoption

Option C: Advantages

Freedom to make changes

99. The main advantage of this option is for the Council to set a new direction for a new Local Plan, which does not exist under any other Option. Option C provides the widest scope to pursue councillors broad ambitions across the Local Plan, subject to an appropriate evidence base. This would positively contribute to the Climate Change emergency which was declared in April 2019. The Council would not be limited to the current adopted Core Strategy policies. These changes would need to be based on new planning evidence, and compliant with national policies and guidance.

Amount of Oxford City’s unmet housing need

100. The Examination of the Oxford City Local Plan will have been completed to provide an accurate number of their unmet housing need, prior to the publication of a new South Oxfordshire Local Plan so that the final level of unmet housing need can be incorporated within the South Oxfordshire Local Plan.

Transport model

101. The Oxfordshire Strategic (SATURN) Transport model (OSM) will no longer be WebTAG compliant at the end of November 2019, meaning that any future testing of site scenarios and levels of growth in South Oxfordshire will need to be undertaken in the new Countywide model that is currently under development. The new model moves away from the traditional type of transport model we have been using and, instead, is to be the first Oxfordshire Mobility Model (OMM) which has a greater focus on modal shifts and alternatives to car based transport. This model is still in development and is not expected to be available for use until at least August 2020, but is complementary to a new Local Plan timescale. For clarity, this is the same as Option B.

Evidence base

102. In commencing a new Local Plan we would develop a new suite of evidence base studies to be prepared, some of which could be prepared jointly with neighbouring authorities in Oxfordshire, Berkshire and Buckinghamshire. Having a sound up to date evidence base limits opportunity for legal challenge and assisting in defending planning appeals.

Options C: Risks

Housing and Infrastructure Fund

103. It is clear from the dialogue which has taken place with MHCLG, Homes England and Oxfordshire County Council, that the Housing and Infrastructure Fund may not continue in its current form if the Council chooses to progress with a new plan under this option. This is subject to the outcome of the OCC work on alternative sites and whether Homes England will accept alternative sites contractually and vary the clause within the draft agreement which relates to the South Oxfordshire Local Plan. If HIF is lost, it would result in a funding shortfall for major infrastructure projects necessary to mitigate existing and proposed developments in Didcot and Science Vale area.

Housing and Growth Deal

104. Option C potentially places the Oxfordshire Housing and Growth Deal at risk. Should the Deal be withdrawn, it could result in a funding shortfall for some major infrastructure projects necessary to mitigate existing and proposed developments in Didcot and Science Vale area. This could have an impact on the housing land supply. The infrastructure impacts on the highway network would be primarily in Didcot and the surrounding villages in Science Vale.
105. The withdrawal of the Deal may also result in a loss of the three year housing land supply test for the purposes of decision and the future bespoke Housing Delivery Test for Oxfordshire.
106. Although the Council has identified a small number of housing schemes to benefit from some of the £60m Deal funding to accelerate the delivery of affordable housing, this is unlikely to be available if the Deal falls (with or without South Oxfordshire).
107. There are also potential longer term implications for Oxfordshire's ability to attract future funding from government if the Deal were withdrawn.

Oxfordshire Plan 2050

108. The withdrawal of the Growth Deal funding could also put the Oxfordshire Plan 2050 at risk. Whilst there may remain an ambition from the districts to progress a strategic County wide plan, the capacity funding of £2.5m could be lost. Each Council would then be required to make a contribution to the ongoing costs of this project, which are not currently budgeted for.

Development Certainty

109. Option C would remove certainty from the current plan making process to all interested parties, including local communities, neighbourhood plan groups and businesses.
110. Notwithstanding a strong five year housing land supply, based on the minimum standard method, the council will not have an up to date plan in place. This could result in a number of speculative planning applications being submitted to the Council and the potential for an increasing number of appeals on non-allocated sites, which do not take account of cumulative implications and requirements for supporting infrastructure, with the potential for adverse environmental impacts, with related applications costs.
111. Certain parts of the district are likely to be particularly vulnerable to speculative development and based on our recent experience, greenfield sites on the edge of settlements outside the AONB and Green Belt will be at most risk. This is because these areas do not benefit from the higher level of protection set out in national planning policy.

Oxfordshire Councils and partner relationships

112. There are risks to the relationships that our Council has with its neighbouring councils and with Government (Appendix 13). A number of Councils have written to the Leader of the Council regarding their concerns.

Local Plan intervention

113. Section 27(1) and (2) of the Planning and Compulsory Purchase Act 2004 allows for the Secretary of State to intervene in the plan making process (at any time before a Plan is adopted). This poses a financial risk, a reputational risk and procedurally the Council would lose control of its plan making powers. Under this option, the risk is higher than Option A, but lower than Option B. Officers believe this is a low risk providing the Council is clear after withdrawing its emerging Local Plan, what it does next in plan making terms.

Oxford to Cambridge Expressway

114. Other risks include the route options for the Oxford to Cambridge Expressway, which may open up new opportunities for growth. Under this option we would have to respond to any future announcements on the Oxford to Cambridge Expressway route, and any associated development opportunities. This may require a different spatial strategy in a new Local Plan.

Duty to Cooperate

115. There is a risk, as with option B that the legal duty to cooperate might not be met if the council's actions are directly jeopardising the Plans' of neighbouring Districts.
116. Any withdrawal of HIF funding could have an immediate impact on our neighbouring authority, the Vale of White Horse District Council. Any loss of funding could affect the delivery of housing sites within the Vale and without the delivery of those sites, it is likely that they would not be able to demonstrate a five or three year housing land supply. There is a possibility that this could lead to further planning implications for South Oxfordshire District Council should we undermine their ability to provide sufficient sites against their housing requirement including the potential for a request to meet their resultant unmet housing need. This is calculated to be in excess of 5,000 homes.

Didcot Garden Town

117. The Garden Town Status of Didcot is underpinned by a commitment to deliver 15,000 homes by 2031, which requires delivery of sites in the Didcot area which are reliant on infrastructure being provided by HIF. This option risks the loss of Garden Town Status. This risk is higher under Option C than it would be for Option B given the timescales involved.
118. There are two sites which relate to the Didcot Garden Town that are allocated in the South Oxfordshire Emerging Local Plan 2034; Land Adjacent to Culham Science (STRAT 9) and Didcot A Power Station (H2- New Housing in Didcot).

Legal Risk

119. Section 22 of the Planning and Compulsory Purchase Act 2004 provides the mechanism for a local planning authority to withdraw a local plan at any point before adoption. The Council could choose to withdraw the emerging Local Plan from examination by following the process set out in Regulation 27 of the Town and Country Planning Act.
120. Any decision to withdraw the plan should be based on a sound planning reason(s) and a rationale, to minimise the risk of legal challenge to such a decision. Officers believe the risk of challenge is lower under Option C than Option B.

Community Infrastructure Levy (CIL)

121. Officers have commissioned evidence on viability to support a review of the Community Infrastructure Levy (CIL) and increased charging rates supplemented by a revised Supplementary Planning Document. This evidence is based upon the emerging Local Plan and the cumulative need for infrastructure for the sites and level of growth proposed. As the evidence becomes out of date so will the SPD, which will require a generic update rather than any site specific content until the Local Plan has progressed enough.
122. In the interim Town and Parish Councils will continue to receive a lower level of CIL funding. Funding gaps created from any from loss of funding would not be filled by CIL. Should the council wish to progress an update to the current CIL charging schedule this could be linked to the 2012 adopted Core Strategy as an interim measure, pending the adoption of a new Local Plan.

Options C: Conclusion and Recommendations

123. There are more advantages and less disadvantages to Option C than under option B. Noticeably around the ability of councillors to set a new direction for the development plan.
124. The disadvantages under Option C are similar to Option B, though the timescale is longer than Option A or B. Officers believe the impact of Option C on the HIF proposal and the Deal is the same as that as Option B. The loss of infrastructure funding is a key factor for Science Vale and around Didcot. It would also add uncertainty for our communities and neighbourhood plan groups.
125. Officers do not recommend option C, as we believe the disadvantages outweigh the advantages, however, notwithstanding this, officers would advise that Option C presents a better route for a robust plan than Option B which meets the aspirations of the council should Option A not be acceptable. This is recognising the risk in the age of the evidence base and the likely scope of legal challenge to the soundness of the plan.

Work on a subsequent Local Plan

126. This review is already timetabled within the Councils Local Development Scheme. The Local Development Scheme will need to be updated to reflect the latest progress of the emerging Local Plan and the subsequent Local Plan.
127. Additional resource and finance will be required to progress a new Local Plan alongside a review of the Plan in Option A or B. Evidence compiled to support a review of the Local Plan under Option A or B will not support a new Local Plan.
128. Consideration will also need to be given to the updates to the Community Infrastructure Levy (CIL) that would normally follow the adoption of a new Local plan or where there has been a substantial change in circumstances. Officers believe that a review could be undertaken following changes to the CIL legislation in September 2019.

Examination Update

129. We have received three sets of initial questions from the Inspectors appointed to undertake the examination of the South Oxfordshire Local Plan. Officers have commenced work on responding to these questions in the absence of any mechanism to 'pause' the examination, and no Council decision to withdraw.
130. The hearing sessions and matters statements will need to be prepared for the Oxford City Council Local Plan hearings. Officers believe that these may be received over the next few weeks and will provide an update to the meeting. Any reasons for withdrawal of the Local Plan will have implications for how we can respond to these matters.

Financial Implications

131. Any decision that has financial implications must be made with regard to the knowledge of the council's overarching financial position. This is as reflected in the council's medium term financial plan (MTFP) as reported to Full Council each February as part of the budget setting report. The February 2019 MTFP and the budget report showed that the council was due to receive £3.3 million less in revenue funding than it planned to spend in 2019/20 (with the balance coming from reserves and accumulated New Homes Bonus). This funding gap is predicted to increase to over £6 million per annum by 2023/24. Every decision should be made in cognisance of the need to substantially reduce this funding gap over the medium term and to eliminate it after five years.
132. The preparation of the South Oxfordshire Local Plan is primarily undertaken by the Planning Policy team and is supported by the production of an extensive evidence base with significant input from other areas of the council. The work of this team is met from the existing Planning Policy budget. The total costs of the production of a Local Plan for South Oxfordshire have been estimated at approximately £5 million.
133. Each Option has costs associated with it. Option A will require existing staff resource already budgeted for, recognising there is a need to recruit permanent staff to facilitate the examination process and to participate in the Oxford City examination hearings. In addition it will require the full funding of the next Local Plan.
134. The additional cost of pursuing Option B would be an estimated £500,000 to £600,000 over a 16 month period. The Council would still incur the full costs of a new Local plan as this would commence immediately afterwards. This would require many of the evidence documents that support the current plan to be redrafted or recommissioned. Currently, we do not have an indication of the Inspectors' time spent on the emerging Local Plan to date. However, their daily rate is circa £1000 per day per Inspector.
135. Over a five year MTFP, Option C would potentially have a lower cost implication than Option B or C as it removes the need for any further costs to be incurred with the emerging Local Plan. Officers estimate that Option C would require around an additional funding of £2 million over the MTFP period, although this would be brought forward expenditure than additional expenditure. We will also have to review the existing budget for a new Local Plan based around the above estimate of costs. This would be subject to another report.
136. Progressing with Option A, without main modifications, could be covered within the existing Planning Policy budget whereas Options B and C would require a re-profiling of this budget. However, officers believe that for Option A updates can be covered from within the existing policy budgets as much of the evidence base can have addendum reports rather than necessitating a complete rewrite, the costs of a new local Plan would be incurred immediately after the Local Plan had been adopted
137. Progressing with Option A, B or C will require planning officer resource to support the necessary contractual requests for additional work and to review additional material. As the work programme for the team was focussed on the necessary preparatory work for the examination, it shifts the timescale back and will create

some management challenges which will require a flexible approach to officer resource.

138. Potential resource funding will be required for Development Management for the determination of additional major planning applications and subsequent planning appeals. We have been advised by Oxfordshire County Council officers of their concerns for capacity to support an increase in the workload of Development Management. This would also likely be relevant to other statutory bodies, but it is for them to address.
139. If the Secretary of State intervenes in the Council's plan making we would be responsible for the costs associated with this process. At this time, there is no precise estimate as to any costs that might be incurred if this happened. Officers would recommend that any attempt to step into the plan making process was robustly defended.
140. The potential loss to OCC should the HIF funding be withdrawn would total £218 million. If HIF does not progress, Oxfordshire County Councils abortive costs to date are around £1 million.
141. The potential loss of funding associated with Deal, including the accelerating affordable housing fund, would be approximately of £145 million over the remaining three years.
142. As an indication of costs that might be incurred by Oxfordshire partner councils, and recognising the shared commitment to DGT, the financial implications to Vale of White Horse Council with the potential loss of infrastructure to deliver Valley Park in Didcot, amounting to £59,322,512.
143. It is possible that there may be further financial implications that would have a direct impact depending on the range of sites allocated by a future Local Plan. There would be a significant amount of investment from developers and site promoters of the sites allocated within the Local Plan. Appendix 15 is a letter from Carter Jones acting for CEG for the Culham and Culham No.1 allocations. Appendix 18 is a letter from Homes England in relation to the Chalgrove Airfield allocation. These letters represent only two of our strategic allocations, but together they would be providing £330 million of infrastructure funding either directly through S106, which under Options B and C is at risk of being lost. Cumulatively, the funding from developers as well as the risks of loss of the £218 HIF and the Growth Deal funding, this represents a cumulative financial risk of investment in infrastructure that is very significant. Currently identified funding from developers could not be guaranteed under Options B and C.

Legal Implications

144. The Publication version of the South Oxfordshire Local Plan has been produced for publication under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("Local Planning Regulations").
145. Local authorities are required by law to prepare a development plan for their administrative area and the process for doing that is governed by statute. The

regulations require local authorities to notify and invite comments from a range of specified persons and organisations on their development plan proposals.

146. In the absence of an up to date Local Plan, South Oxfordshire's ability to decide the type and location of development that comes forward is significantly weakened. There is a requirement to review Local Plans every five years and the Core Strategy, which was adopted in 2012, prior to the current national planning guidance and policy.
147. In the writing of this report, regard has been given to legal advice provided by counsel engaged to advise the council on the Local Plan. A copy of the advice has been circulated to all Councillors on a confidential basis. This is not for publication or discussion in public because it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Power to withdraw the Local Plan

148. Section 22 of the Planning and Compulsory Purchase Act 2004 provides the mechanism for a local planning authority to withdraw a local plan at any point before adoption.
149. Officers believe that any decision to withdraw the plan should be based on sound planning reason(s) with a rationale, to minimise the risk of legal challenge to such a decision. A person aggrieved by a decision to withdraw the Plan might seek to undertake a judicial review of that decision.

Duty to Co-operate

150. Section 33A of the Planning and Compulsory Purchase Act 2004 (as inserted by the s110 of the Localism Act 2011) ("s33A") provides that local planning authorities must co-operate with other local planning authorities in maximising the effectiveness with which activities such as the preparation of local plan/development plan documents are undertaken so far as they relate to strategic matters. This 'duty to cooperate' requires the local authority to engage constructively, actively and on an ongoing basis in any process by means of which activities such as the preparation of Local Plan are undertaken.
151. If the person appointed to carry out the independent examination considers that the council has not complied with its duty under s33A in relation to the preparation of its Local Plan the person can neither recommend adoption nor modifications and in such cases, and the council cannot then adopt the Local Plan.
152. Under Option A the legal Duty to Cooperate will be examined by the appointed inspectors in the current examination.
153. Under Options B and C there is a risk to the ability to demonstrate that the Duty to Co-operate has been discharged. This will be felt particularly by Vale of White Horse District Council, where Options B and C and a resultant loss of HIF, will immediately impact on their ability to demonstrate a five-year supply of housing land, bringing with it reputational, environmental and potentially financial risks to that Council.

154. Should the Council choose Option B or C, this would impact on Oxford City whose Plan is being examined. Options B and C will signal withdrawal of a significant element of housing delivery that the City Local Plan is reliant upon.

Conclusion

155. Cabinet is asked to note the updated position in relation to the emerging Local Plan. Cabinet is also asked to consider the options set out in this report, the recommendation(s) from Scrutiny Committee and to make any recommendations to Council.
156. This report sets the options available to members with the advantages and disadvantage, estimated costs and timescales.
157. Option A is likely to be the quickest way to ensure that we have an up to date development plan since we adopted the Core Strategy in 2012, and this Option provides long term confidence to our communities and partners about development in the district and is less likely to result in speculative applications and resultant appeals. The costs of progressing Option A have been met by the existing Planning Policy budget and avoids abortive costs.
158. This option is also the best opportunity to secure the provision of ongoing external infrastructure funding from HIF and the Deal, which is of particular benefit to the communities of Didcot and Science Vale. This is the only Option which meets the current pre-condition of the draft agreement between Homes England/Homes England and OCC.
159. Option B is considered to be the worst of the three options as the impacts upon the council and its communities are highest. Option B adds an additional stage into a plan making process which has already taken a number of years. The updates to the evidence base which are required are unlikely to be a positive addition to the soundness of the emerging Local Plan.
160. Furthermore, it could place the Deal and HIF schemes/projects at greater risk and any loss of HIF is likely to lead to an objection from OCC as the Highways Authority insofar as the emerging Spatial Strategy would not have guaranteed funding. A departure from the spatial strategy which focusses on the Science Vale area would then constitute a significant change, at which point Option B would have a higher risk and Option C should be progressed instead.
161. Option C would enable the plan making process to move forward with a lower risk approach to addressing any of the council's outstanding concerns. The disadvantages under Option C are similar to Option B, though the timescale is longer than Option A or B. Officers do not recommend option C, as we believe the disadvantages outweigh the advantages, however, notwithstanding this, officers would advise that Option C presents a better route for a robust plan than Option B which meets the aspirations of the council should Option A not be acceptable.
162. There are clear advantages over the disadvantages and officers therefore recommend Option A.

Background Papers

1. Report to and decision of Council of 18 July 2019
2. Report to and decision of Council of 20 December 2018
3. Report to and decision of Council of 28 September 2017.

Appendix:

- Appendix 1 – Housing trajectories for the options
- Appendix 2 - 2019-07-05 Letter from the Planning Inspectorate to SODC
- Appendix 3 – 2019- 07-10 Letter from OCC to SODC
- Appendix 4 – 2019-07-22 Letter from Kit malthouse to SODC
- Appendix 5 – 2019-07-24 Letter from SODC to all Partners
- Appendix 6 – 2019-07-30 Letter from SODC to MHCLG
- Appendix 7 – 2019-07-31 Letter from West Oxfordshire District Council to SODC
- Appendix 8 – 2019-08-08 Letter from Oxford City Council to SODC
- Appendix 9 – 2019-08-09 Letter from Vale of White Horse to SODC
- Appendix 10 - 2019-08-14 Letter from SODC to Planning Inspectorate
- Appendix 11 – 2019-08-19 Letter from SODC to Oxford City Council
- Appendix 12 – 2019-08-19 Letter from SODC to Planning Inspectorate
- Appendix 13 – 2019-08-26 Letter from MHCLG (Robert Jenrick) to SODC
- Appendix 14 – 2019-09-05 Inspectors correspondence and questions
- Appendix 15 – 2019-09-20 Letter regarding land adjacent to Culham Science Centre
- Appendix 16 – 2019-09-17 Letter from SODC to MHCLG
- Appendix 17 - 2019-09-19 Letter from UKAEA to SODC
- Appendix 18 – 2019-09-20 Letter from MHCLG (Tom Walker) to SODC
- Appendix 19 – 2019-09-24 Letter from Homes England to SODC regarding Chalgrove
- Appendix 20 – 2019-09-25 Economic Benefits associated with Oxford Science Village
- Appendix 21 – 2019-09-26 Letter from Ian Hudspeth to SODC

Minutes

OF A MEETING OF THE

Cabinet



Listening Learning Leading

HELD ON THURSDAY 3 OCTOBER 2019 AT 6.00 PM

MEETING ROOM 1, 135 EASTERN AVENUE, MILTON PARK, MILTON,
OX14 4SB

Present:

Cabinet members: Councillors Sue Cooper (Chair), Pieter-Paul Barker, Robin Bennett, Maggie Filipova-Rivers, Andrea Powell, Leigh Rawlins and David Rouane

Officers: Steven Corrigan, Adrian Duffield, Holly Jones, Suzanne Malcolm, Adrianna Partridge, Margaret Reed, Andy Roberts and Mark Stone

Apologies:

David Turner tendered apologies.

20 Declaration of disclosable pecuniary interest

None.

21 Urgent business and chairman's announcements

None.

22 Public participation

Nine members of the public addressed Cabinet on the emerging South Oxfordshire Local Plan:

David Pryor, Chair of Didcot First, addressed Cabinet. He urged Cabinet to recommend the adoption of the Local Plan. He expressed the view that Didcot had experienced fragmented investment with insufficient infrastructure and facilities to support the population growth. The Local Plan and the associated HIF funding provided an opportunity for Didcot to benefit from much needed infrastructure - new roads and bridges, which could support economic growth, provide much need facilities and regenerate the town.

Iain Duff addressed Cabinet on behalf of East Hagbourne Parish Council. He expressed concern that Cabinet may recommend the withdrawal of the Local Plan which could lead to further speculative planning applications. The parish council had successfully fought off a number of applications and as the Local Plan had progressed the number of speculative planning applications had decreased. He expressed concern that withdrawal of the Local Plan could also jeopardise the Housing Infrastructure Fund funding and the construction of an alternative road to Oxford. He urged Cabinet to recommend the adoption of the Local Plan.

Michael Tyce addressed Cabinet on behalf of CPRE Oxfordshire. He stated that the Local Plan provided for twice as many houses as even the Government thinks are required. A failure to deliver the five year supply would lead to predatory development. The proposed level of housebuilding in the plan would result in an unsustainable level of population growth, straining communities and services and have a detrimental impact on the countryside and settlements. He urged Cabinet to recommend the withdrawal of the plan. He expressed the view that the risk to Government funding was unlikely having regard to the funds to support house building in neighbouring authorities. He stated that a new plan for the district would provide an opportunity to provide the number and kind of homes required in the right places taking account of the climate emergency and allow an assessment of Oxford's unmet need. He urged Cabinet to recommend the withdrawal of the plan.

Patrick McGuirk addressed Cabinet on behalf of Haseley Brook Action Group. He expressed the view that there is a need for sustainable and affordable housing located near areas of employment. He welcomed the provision of sites near Oxford to provide much needed affordable housing for nurses, teachers and other public sector and key workers. He expressed concern regarding the proposed allocation at Chalgrove which would encourage a car based settlement. Any proroguing of the Local Plan would encourage speculative development to the detriment of local communities. He urged Cabinet to recommend the adoption of the Local Plan and lobby for the removal of the Chalgrove site at examination stage.

Kathy Rushton addressed Cabinet on behalf of Save Culham Green Belt. She stated that the proposals for Culham would lead to the loss of wildlife and open fields. She urged Cabinet to recommend the withdrawal of the plan. The provision of new large scale developments in the countryside was incompatible with the climate emergency. She questioned the need for the projected housing and population growth, which would lead to further traffic congestion in the area, and Oxford City's unmet housing need figure. She stated that the provision of housing on land adjacent to Culham Science Centre should not be linked to new road infrastructure, that whilst UKAEA backs the bypass and river crossing it has not expressed a need for housing on the adjacent land and that housing in Culham should not be linked to Didcot Garden Town when Abingdon is Culham's local town.

Ian Chapman addressed Cabinet on behalf of UKAEA. He urged Cabinet not to jeopardise the HIF which is required to deliver much need infrastructure in the district to support local businesses. The Culham Science Centre is a growing site and needs the infrastructure to continue to make it attractive – other locations existed. Whilst stating that additional sustainable housing is required in the district, he did not consider it was a matter for UKAEA to offer a view on its location.

Nigel Hewitson addressed Cabinet on behalf of Killinchy Aerospace Holdings Limited and its operating subsidiary Martin-Baker. He referred to the fact that Gowling WLG had addressed Cabinet previously on why Chalgrove Airfield is not available and as to the incompatibility of Baker-Martin's operations alongside a housing development. He stated that deliverability is a key to the soundness of the Plan and the Inspectors will be looking for evidence as to how the homes proposed at Chalgrove will be delivered on the site within the plan period, taking into account, among other matters, the existence of Martin-Baker's active use. He questioned Homes England's suggestion that it could accommodate Martin-Baker's operations alongside a housing development. It was not the case that the nature of testing and manufacture at the site will change during the plan period. Any relocation of the existing operation was not possible due to uncertainty over CAA licensing, safety and security risks and the risk of noise nuisance claims. He stated that Chalgrove is not deliverable and therefore the housing allocation should be removed from the draft plan by main modification.

Richard Harding addressed Cabinet on behalf of Extinction Rebellion. He referred to a number of extreme weather events that had occurred during 2019 around the world and in the UK which all pointed towards a climate emergency. He stated that the proposed Local Plan did not address the climate emergency and provides a vision for a commuter and car based society with housing developments dotted around the district supported by further road networks. He stated that there was no analysis of the impact of new developments on emissions, no plan to reduce current emissions and no targets for emission reduction and renewable energy. He stated that the plan contravened Government policy and the Climate Change Act of 2008, the international Paris Agreement and the council's own declaration of a Climate Emergency. He urged Cabinet to recommend the withdrawal of the draft local plan and then formulate a plan with environmentally sustainable growth targets and plans to protect the environment and develop a wide ranging plan for carbon emission reduction across the District.

Paul Boone, Chair of Chalgrove Airfield Action Group, addressed Cabinet opposing the inclusion of Chalgrove Airfield in the Local Plan as a housing site. The site was unsustainable and should be removed from the plan. The proposed housing numbers would increase traffic, there was insufficient public transport or cycleways and only one road serving the site. He also questioned whether the site was deliverable which could jeopardise the plan.

23 Local Plan 2034: options to progress

Cabinet considered the report of the head of planning on the progress made in responding to the Council resolution of 18 July 2019 regarding the Housing and Infrastructure Fund and, having assessed the risks, the options to progress the Local Plan 2034.

Councillor Leigh Rawlins, Cabinet member for planning, thanked the public speakers for their addresses. He thanked councillors and officers for the work they had done.

He explained that the purpose of the Cabinet report is to update councillors on the progress made in responding to the Council resolution of 18 July 2019; and to consider, having assessed the benefits and risks, which option to progress the Local Plan.

The report set out three options for progression of the Local Plan for the district. Option A is the officers recommended option, which is to continue with the Local Plan examination. Option B is to withdraw the Local Plan from examination and re-consult on a revised

Regulation 19 in due course. Option C is to withdraw the Local Plan from examination and to re-start the Local Plan. The advantages and risks of those options are set out in the report for each option.

Having considered the officer's report, he moved the following motion seconded by Councillor Andrea Powell.

"That Cabinet recommends Council to:

1. withdraw the emerging South Oxfordshire Local Plan 2034, for the following reasons:
 - the uplift above the standard method from 627 homes to 775 homes a year is excessive, and the existence of the Growth Deal should not be used as a justification for this uplift
 - the overall supply of homes in the Local Plan period is considered excessive as it is over 5,000 homes greater than the need identified for South Oxfordshire, even allowing provision for Oxford City's unmet housing need.
 - the Local Plan does not give sufficient weight to responding to the climate emergency that we face as recognised by the decision of Council of 11 April 2019
 - concerns about site selection issues including:
 - that the scale of Green Belt release is not justified
 - flawed site selection having regard to the sustainability and deliverability of strategic allocations
 - concerns about the impact of the housing mix delivery and density policy
2. withdraw from the Oxfordshire Statements of Common Ground linked to the emerging South Oxfordshire Local Plan 2034
3. agree to commence work as soon as practicable on a new ambitious Local Plan, to seek to address the above concerns
4. request a report on the merits of a joint Local Plan with neighbouring authorities
5. request the Ministry of Housing, Communities and Local Government to provide financial support to support a new ambitious Local Plan
6. explore other opportunities for funding
7. bring forward revenue expenditure on a new Local Plan currently estimated at £2 million into the next Medium-Term Financial Plan period, representing the most cost-effective option
8. ask officers to prepare a new Local Development Scheme and work programme and bring this to Cabinet for approval."

In moving the motion, Councillor Rawlins stated that he had been on a journey in respect of the Local Plan. Whilst he knew many of the perceived shortfalls prior to his election as a councillor in May 2019 he knew more now. He and other Cabinet members had considered the benefits and importance of infrastructure funding. He noted that the inspectors had advised that there is very limited scope to make changes via the examination process. In respect of option B – there are a number of drawbacks, despite it seeming to offer a faster resolution. Those drawbacks were made greater by threats and pressures made with the objective of forcing option A. Given the challenges that the council faces with finance he stated that option C offered the most cost effective option over time and, as officers advise, carries less risk than option B.

He stated that the administration would continue to take forward reasonable arrangements with partners and that the council's housing land supply is and will remain robust to avoid speculative development. The motion provides the best way forward for the district, a new local plan with a solid evidence base, designed more coherently than the previous divided administration was able to put in place, able to respond to the climate emergency and reduce long commuting.

Cabinet members spoke in support of the motion. The new administration was elected in May 2019, in part, to address concerns regarding the Local Plan. A new local plan would address the climate emergency. It would provide an opportunity to develop a plan to address social, economic and environmental issues. In respect of the threat to infrastructure funding, the view was expressed that the justification existed for the infrastructure without the new housing. Consideration of infrastructure funding issues should not override consideration of other issues. The Local Plan was based on outdated data.

RESOLVED TO RECOMMEND COUNCIL: to

1. withdraw the emerging South Oxfordshire Local Plan 2034, for the following reasons:
 - the uplift above the standard method from 627 homes to 775 homes a year is excessive, and the existence of the Growth Deal should not be used as a justification for this uplift
 - the overall supply of homes in the Local Plan period is considered excessive as it is over 5,000 homes greater than the need identified for South Oxfordshire, even allowing provision for Oxford City's unmet housing need
 - the Local Plan does not give sufficient weight to responding to the climate emergency that we face as recognised by the decision of Council of 11 April 2019
 - concerns about site selection issues including:
 - that the scale of Green Belt release is not justified
 - flawed site selection having regard to the sustainability and deliverability of strategic allocations
 - concerns about the impact of the housing mix delivery and density policy
2. withdraw from the Oxfordshire Statements of Common Ground linked to the emerging South Oxfordshire Local Plan 2034
3. agree to commence work as soon as practicable on a new ambitious Local Plan, to seek to address the above concerns
4. request a report on the merits of a joint Local Plan with neighbouring authorities
5. request the Ministry of Housing, Communities and Local Government to provide financial support to support a new ambitious Local Plan
6. explore other opportunities for funding
7. bring forward revenue expenditure on a new Local Plan currently estimated at £2 million into the next Medium Term Financial Plan period, representing the most cost-effective option
8. ask officers to prepare a new Local Development Scheme and work programme and bring this to Cabinet for approval

The meeting closed at 7.10pm

APPENDIX 2

Advantages and Risks Options A and B

The advantages below are different from the previous cabinet reports in July and October 2019. This is because officers assume that both Option A and Option B would proceed to examination and the main difference being who (e.g. the District Council under Option A and the County Council under Option B) has the ability to participate in process.

Advantages and Risks shared by Options A and B	
Advantages	Risks
<p>Development Certainty</p> <p>Having an adopted Local Plan in place following examination provides greater certainty to all interested parties, local communities and businesses as to where and when new development will take place and certainty for neighbourhood development plans. It gives the Council greater influence over where development will take place, reducing the prospect for planning by appeal (speculative development) and associated costs.</p> <p>The Core Strategy (2012) was adopted 8 years ago. There is a requirement in the NPPF (paragraph 33) to review local plans at least every 5 years. This is to ensure that the policies take into account any changes in circumstance affecting the area and/or any changes in national policy and guidance. The NPPF requires strategic policies to look ahead over a minimum 15 year period from adoption (paragraph 22), therefore, the Core Strategy runs to 2027. However, this has no bearing on whether a Plan is considered up to date.</p>	<p>Evidence Base</p> <p>As time has progressed a number of evidence base documents are becoming more dated. They are likely to be satisfactory for the current examination, but this is a risk for examination.</p>
<p>Didcot Garden Town</p> <p>The Garden Town Status of Didcot is underpinned by a commitment to deliver 15,000 homes by 2031. Proceeding with examination under</p>	

<p>these Options provides the greatest protection to Garden Town Status. At this time, the Council is eligible for grant funding from Homes England to support and advance the garden town implementation work. Having a Local Plan in place gives the Council a better opportunity for successful future funding bids.</p>	
<p>Community Infrastructure Levy (CIL)</p> <p>Continuing with examination under either Option will enable the Council to update its CIL and capture land value increases.</p>	
<p>Oxfordshire Housing and Growth Deal</p> <p>The Deal agreed by all councils and MHCLG provides funding towards some infrastructure projects in South Oxfordshire, such as at Watlington, Benson and Didcot. By continuing the examination under either Option, the risk to the Deal is limited and the HIF schemes are not delayed.</p>	

Advantages and Risks of Option A	
Advantages	Risks

<p>Local Democracy</p> <p>The only option where the Council retains the authority to fully participate over the production, examination including modifications, and adoption of the Local Plan.</p>	<p>Local Plan ‘Sound-ness’</p> <p>There is a low risk that the submitted Local Plan is found unsound by the Inspectors, however Inspectors can, and do usually suggest Modifications to make the Local Plan sound if asked to do so by the Council and we have requested this. If the submitted Local Plan is found to be sound and is adopted or approved, there is a period of 6 weeks, post adoption, where the Plan is subject to legal challenge at the High Court. This is an inherent risk within any Local Plan process.</p>
<p>Timescales</p> <p>The quickest and most certain route to an up to date Local Plan and to update the strategic policies of the Core Strategy (2012).</p> <p>The Local Plan examination is likely to precede Oxfordshire Plan 2050 evidence being published. This would minimise risk of it undermining the Local Plan and associated evidence base.</p> <p>The Oxfordshire Plan 2050 will provide an opportunity for wider environmental and climate change planning policies that could ambitious.</p>	
<p>Duty to Co-operate</p> <p>Since the previous cabinet report 3 October 2019, the Oxfordshire authorities continue to support the Local Plan remaining at examination and leaving the plan at examination helps to demonstrate that we have met the legislative requirements of the Duty to Cooperate.</p>	

<p>Local Plan Soundness</p> <p>Officers' believe the submitted Local Plan is legally compliant and it is sound.</p>	
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<p align="center">Advantages and Risks of Option B</p>	
<p>Advantages</p>	<p>Risks</p>
<p>Cabinet Recommendation</p> <p>More closely aligned with Cabinet's recommendation to Council on 3 October 2019.</p>	<p>Local Democracy</p> <p>Likely to trigger an intervention from the Secretary of State. Local decision making on the Local Plan (through examination and for adoption) would be lost. The Secretary of State can ask Oxfordshire County Council or another body to prepare and potentially approve the Local Plan. The County Council have determined that if asked by the Secretary of State, they will accept this invite.</p> <p>There is a risk that another body recommends main modifications to the plan that are found sound, and these conflict with the Council's priorities.</p>

<p>Housing Infrastructure Fund (HIF)</p> <p>If Oxfordshire County Council are invited to prepare and adopt the Plan, they as custodians of the HIF could be well placed to implement it, giving assurance to Government and our communities relying on HIF schemes being implemented.</p>	<p>Timescales</p> <p>Would likely to delay the examination of the Local Plan.</p>
<p>Legal Challenge to adoption</p> <p>If the submitted Local Plan is found to be sound, it could be adopted or approved by another body. There is a period of 6 weeks, post adoption, where the Plan is subject to legal challenge at the High Court. In these circumstances, as the Council would not be the decision maker, any associated legal and financial risks would sit with the other body and eventually be reimbursed by the Council.</p>	<p>Duty to Cooperate</p> <p>This Option could have a negative impact on our working relationships and reputation with neighbouring authorities, in particular Vale of White Horse District Council with shared officers for both Councils, as well as impacting on relationships, reputation and partnerships with Government and our communities. This could harm any successful outcome of future funding bids.</p>
	<p>Local Plan Soundness</p> <p>As stated above, an advantage of Option A is that officers' consider the submitted Plan to be sound. The soundness of the Plan is less certain under Option B as another body may not have the in-depth knowledge and background to justify policies that may undermine its soundness.</p>

	<p>Legal Challenge to Adoption</p> <p>If the submitted Local Plan is found to be sound the Secretary of State could ask the Council to consider adopting the Plan. There is a period of 6 weeks, post adoption, where the Plan is subject to legal challenge at the High Court. In these circumstances, the Council would be the decision maker and any associated legal and financial risks would sit with the Council.</p>
	<p>Development Certainty</p> <p>The risk is that this is likely to be more delayed than it would be under Option A. This may increase speculative planning applications, despite the Council having a strong five year housing supply. This could lead to planning appeals and associated applications for costs against the Council for perceived unreasonable behaviour.</p>
	<p>Neighbourhood Development Plans</p> <p>The risk is that uncertainty for Neighbourhood Development Plans will be more protracted under Option B that it would be under Option A.</p>
	<p>Community Infrastructure Levy (CIL)</p> <p>The risk is that CIL update will be more delayed under Option B that it would under Option A.</p>

	<p>Housing Infrastructure Fund (HIF)</p> <p>The risk is that this HIF could be slightly more delayed under Option B than it would be under Option A.</p>
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