

## 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.

<b>Advantages and Risks shared by Options A and B</b>	
<b>Advantages</b>	<b>Risks</b>
<p><b>Development Certainty</b></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><b>Evidence Base</b></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><b>Didcot Garden Town</b></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><b>Community Infrastructure Levy (CIL)</b></p> <p>Continuing with examination under either Option will enable the Council to update its CIL and capture land value increases.</p>	
<p><b>Oxfordshire Housing and Growth Deal</b></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>	

<b>Advantages and Risks of Option A</b>	
<b>Advantages</b>	<b>Risks</b>

<p><b>Local Democracy</b></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><b>Local Plan ‘Sound-ness’</b></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><b>Timescales</b></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><b>Duty to Co-operate</b></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><b>Local Plan Soundness</b></p> <p>Officers' believe the submitted Local Plan is legally compliant and it is sound.</p>	
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<p align="center"><b>Advantages and Risks of Option B</b></p>	
<p><b>Advantages</b></p>	<p><b>Risks</b></p>
<p><b>Cabinet Recommendation</b></p> <p>More closely aligned with Cabinet's recommendation to Council on 3 October 2019.</p>	<p><b>Local Democracy</b></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><b>Housing Infrastructure Fund (HIF)</b></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><b>Timescales</b></p> <p>Would likely to delay the examination of the Local Plan.</p>
<p><b>Legal Challenge to adoption</b></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><b>Duty to Cooperate</b></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><b>Local Plan Soundness</b></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><b>Legal Challenge to Adoption</b></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><b>Development Certainty</b></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><b>Neighbourhood Development Plans</b></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><b>Community Infrastructure Levy (CIL)</b></p> <p>The risk is that CIL update will be more delayed under Option B that it would under Option A.</p>

	<p><b>Housing Infrastructure Fund (HIF)</b></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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