

Cabinet Report



Report of Head of Planning

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To: CABINET

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A Joint Local Plan

Recommendations

To recommend Council to:

(a) agree, subject to the agreement of South Oxfordshire District Council, the preparation and production of a Joint Local Plan with South Oxfordshire District Council.

(b) approve the Joint Local Development Scheme (March 2021) attached at Appendix 1; and delegate any updates to the Head of Planning in consultation with the Cabinet Member for Corporate Services and Transformation.

(c) agree the principle of governance to prepare and produce a Joint Local Plan under Section 28 of the Planning and Compulsory Purchase Act 2004, and to delegate the detailed arrangements to the Head of Legal and Democratic, in consultation with the Head of Planning and the Cabinet Members for Corporate Services and Transformation and Democratic Services.

Purpose of Report

1. To consider the case for preparing a Joint Local Plan, instead of separate local plans for South Oxfordshire and Vale of White Horse district councils. During plan-preparation the current adopted Local Plans would continue to be in force as the development plan against which planning decisions are made, but the next plan would be prepared as a joint plan over the next 3 to 4 years. Upon adoption, the new Joint Local Plan would replace the separately adopted Local Plans for South and Vale.

2. The Appendix to this report provides a Joint Local Development Scheme (LDS), which contains a project plan for the proposed Joint Local Plan. The recommendations to Council seek a delegation to the relevant head of service in consultation with the Cabinet Members regarding the scoping and agreement of the detailed governance arrangements and updates to the LDS.

Corporate Objectives

3. The preparation of a new Joint Local Plan will help support all of the new Corporate Plan 2020-2024 themes. These are as follows:

Vale of White Horse Corporate Plan 2020-2024, adopted October 2020

- Providing the homes people need
- Tackling the climate emergency
- Building healthy communities
- Building stable finances
- Working in partnership
- Working in an open and inclusive way

South Oxfordshire Corporate Plan 2020-2024, adopted October 2020

- Protect and restore our natural world
- Openness and accountability
- Action on the climate emergency
- Improved economic and community well-being
- Homes and infrastructure that meet local needs
- Investment that rebuilds our financial viability

Background

4. Both councils have adopted local plans in place: Vale Local Plan 2031 Part 1 adopted December 2016, Vale Local Plan 2031 Part 2 adopted October 2019 and South Oxfordshire Local Plan 2035 adopted December 2020. However, planning policy does not stand still, and it takes several years to prepare, consult and go through an examination on a new plan, so work needs to start on the plan or plans that will replace the adopted plans. This is to ensure we have an up to date local plan, in line with government requirements.
5. There is a rare, and perhaps unique, opportunity to bring the plans together. The timing currently for the new plans align, and there is significant overlap and consensus in each council's new Corporate Plan (see paragraph 3 above).
6. Vale has an existing LDS adopted in February 2020 which sets out a timetable for preparing a new local plan for Vale, named the Vale Local Plan 2041. In 2020 work did not keep to timetable, because the COVID-19 pandemic impacted on staff resources, and in practical terms restricted the scope for consultations and events. During the summer of 2020 the Vale policy officers assisted with the South Oxfordshire Local Plan examination. In order for new policies and approaches to be developed, officers need to be guided by the Corporate Plan, which was adopted in October 2020. Although preliminary work has started on the evidence base for the new Vale local plan, such as

the Vale Call for Sites (issued in April 2020), this can be transferred directly into the Joint Local Plan evidence base; therefore no work will be wasted.

7. For South, the existing LDS was adopted in March 2020 containing the timetable for the South Oxfordshire Local Plan 2035. This local plan was adopted in December 2020 and so this project has been completed. A decision on a new plan is needed, with a new LDS to project plan. On 18 July 2019 South's Council resolved to: "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." South also agreed its new Corporate Plan in October 2020.
8. There are several **advantages** to preparing a Joint Local Plan, including:
 - a) South and Vale both now have recently adopted local plans and for the first time, timetables align making a joint plan a possibility.
 - b) South and Vale have new Corporate Plans with a good degree of overlap and shared ambition. There is common ground, with numerous themes and issues in the Corporate Plans which are shared and can be addressed through common planning policy approaches, supported by a shared evidence base where necessary. Such an approach links to other policy areas where a joint approach is already in place, e.g. Joint Homelessness and Rough Sleeping Strategy, economic development and leisure strategies.
 - c) Planning challenges are similar across southern Oxfordshire, including climate change and affordable housing.
 - d) Opportunity to have one shared planning policy approach for South and Vale.
 - e) Developing one set of consistent policies would be more efficient for processing planning applications, appeals and enforcement work including the planning Specialists Team, but also for Land Charges and those dealing with public enquiries, including councillors.
 - f) Simpler for service users e.g. common community groups and local agents working across both councils.
 - g) Supports the development of a Joint Design Guide and Joint Design Codes.
 - h) Opportunity to plan Didcot and Science Vale comprehensively in one plan instead of two plans. Opportunity to resolve other strategic issues e.g. infrastructure deficiencies.
 - i) Opportunity to deal with common matters arising from the Oxfordshire Plan 2050, such as growth requirements directed to shared cross-boundary locations.
 - j) Significant potential cost savings (see separate section below at paragraphs 27-29).
 - k) Opportunities for maximising commitment to effective strategic planning, supporting more certainty for communities and those investing in economic development.
 - l) Stronger position for strategic influencing the Oxfordshire Plan 2050 the Arc spatial framework and masterplanning – with the whole of southern Oxfordshire taking one approach.

m) Better able to engage with, and influence, developers at scale.

9. There are also a number of **disadvantages** to preparing a Joint Local Plan, including:
- a) A Joint Plan covers a larger area and could possibly be seen as less local (although we would continue to have a dedicated officer team supporting neighbourhood planning to provide fine-grained community-led planning).
 - b) Perception of being less democratic, with South or Vale Councillors effectively involved in influencing decisions on the other Council; political sovereignty.
 - c) Vale has already started the new Vale Local Plan 2041, there would be a period of transition to coordinate a Joint Local Plan and for South to catch up with initial new plan stages.
 - d) Possible lack of appetite following recent position with the South local plan adoption process and the subsequent submitted case for judicial review.
 - e) The Councils' democratic processes are separate, but this can be resolved by establishing appropriate joint governance arrangements that are sustainable over the plan period (3 to 4 years) and based on common objectives.

Why the Council needs to revise/ undertake a new local plan

10. Vale's Local Plan Part 1 was adopted in 2016 and Vale Local Plan Part 2 in 2019, South Oxfordshire's Local Plan was adopted in December 2020. Planning regulations require councils to review local plans at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. The National Planning Policy Framework states that policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. Having an up-to-date plan can assist the Councils in defending planning appeals and housing land supply.
11. Local Plans normally take at least 3 - 5 years to prepare, examine and adopt, with evidence gathering, statutory consultation stages and examination. To meet the 5-year timetable we should be preparing new or revised local plans for both councils now. It is usual for councils to follow this practice. Both councils took 3 to 6 years to undertake their current adopted plans (Vale's being in two parts at around 3.5 years each part so a total of 7 years, South's in one document taking 6 years).
12. The existing adopted Local Plans for South and Vale were based on the previous Corporate Plans. The context for the plans is changing, with the new Corporate Plans and the Oxfordshire Plan 2050, which is being prepared and is scheduled for adoption in just over 2 years (June 2023) and updated National Planning Policy Framework (NPPF) (February 2019).

How a Joint Local Plan could work

13. This will be long term planning for the 2030s-40s. Growth is already planned for Vale until 2031 and for South until 2035. Furthermore, both existing plans have strategic sites which will deliver beyond their current plan periods (1,883 homes for Vale beyond 2031 and 2,815 homes for South beyond 2035).

14. The evidence base for the Oxfordshire Plan 2050 will be used for any new local plans and its preparation is already in progress. This will need to be supplemented by some additional local plan evidence base studies that give more local detail or cover non-strategic policy areas not being dealt with by Oxfordshire Plan.
15. A Joint Local Plan would be flexible to accommodate differing needs across both districts, and potentially adaptable to accommodate the Government's planning reforms (whenever these are implemented).
16. A Joint Local Plan could incorporate district-specific elements as required. For example, it could have specific policies for separate spatial areas including South or Vale districts, Western Vale, Eastern Vale, the AONBs, etc. Policies could apply to both districts, or certain policies could apply to just one district, for example to achieve local distinctiveness or address a particular issue specific to one area or one district. The Joint Local Plan could have separate housing requirements for South and Vale, or for sub areas, which could be monitored against separately, in a (potentially joint) annual Authority Monitoring Report.
17. A Joint Local Plan would still provide a strong role for neighbourhood plans e.g. encouraging neighbourhood plans to contain land allocations, which is currently more common in South than Vale.

Timetable

18. The timetable for a Joint Local Plan is set out in the proposed Joint Local Development Scheme at Appendix 1. This Local Development Scheme contains the programme for planning policy work, including the Joint Local Plan, Community Infrastructure Levy updates, Statement of Community Involvement update, and Supplementary Planning Documents (SPDs).
19. The timetable for the next local plan (whether separate or joint) must run in parallel with, but slightly behind, the Oxfordshire Plan 2050 as that will contain the strategic decisions on scale and broad locations for development.
20. In summary the timetable for the production of a joint plan is proposed as follows:

Oxfordshire Plan 2050 timetable		Joint Local Plan timetable	
Reg 18 (part 2)	June/Jul 2021	Scoping (inc evidence base commissioning)	Spring- Autumn 2021
Reg 19	Feb/Mar 2022	Reg 18	Summer 2022
Submission	Sep 2022		
Inspector's report	Feb 2023	Reg 19	Summer 2023
Adoption	June 2023	Submission	Winter 2023/24
		Adoption	Autumn 2024

- Governance influences resourcing
- Resource influences timetabling
- As does milestone being reached for the Oxfordshire Plan 2050

- External factors – e.g. planning reforms may impact on timetable

Options

21. Options include preparing a Joint Local Plan for South and Vale, preparing two separate Local Plans, one for each council, or produce no plan at this stage.
22. A Joint Local Plan has advantages and disadvantages set out in paras 8-9 above. These are both planning advantages (e.g. more comprehensive planning for Didcot, simplicity for our service users) and also practical advantages (like cost savings and more efficient use of officer time).
23. Rejecting the joint plan recommendation and continuing with the status quo of preparing two separate Local Plans produces similar results (a new up-to-date plan) and reduces some risks of joint working but misses out on the cost savings and efficiencies and the opportunity for planning to be more joined up. Another option would be closer collaborative working on two local plans. For example commissioning joint evidence base studies (already doing this wherever possible) or a joint examination of two separate local plans.
24. If councillors choose not to do a Joint Local Plan, then officers would recommend we review our current Local Plan, as previously agreed by Council.
25. 'No plan' is an option but it is not recommended because it risks first Vale, and then later South, falling into a situation of having no up-to-date local plan and being exposed to the presumption in favour of sustainable development in line with the NPPF and penalties imposed by Government. There is theoretically an option to leave the review of our Local Plans entirely to the Oxfordshire Plan 2050 process, but the Oxfordshire plan would then need to include all strategic policies and allocations, including allocations where neighbourhood plans do not allocate sufficiently. This approach is beginning to be used in some parts of the UK. However, covering both strategic and non-strategic matters is not the currently agreed scope of the Oxfordshire Plan 2050, and if it was, there would be significant delays because of the scale of work involved, impacting on the delivery of the Oxfordshire Plan and its funding, which all parties would have to agree.
26. With the Joint Local Plan option there are two governance options, for an informal arrangement under Section 28 of the Planning and Compulsory Purchase Act, or a formal committee including the County Council under section 29 of the same Act. These are explored further in the paragraphs below (paras. 30 – 33).

Financial Implications

27. A new Joint Local Plan offers significant savings over preparing two separate local plans.
28. The savings from working together would include some savings on the evidence base (with shared rather than separate consultancy commissions, in particular halving the costs of Sustainability Appraisal and Habitats Regulations Assessment), and one set of public consultations not two. More significant savings would arise from the examination stage, with one Inspector, one programme officer, and one QC. The cost for the examination of a joint local plan would be similar to a single local plan, but costs would be split 50:50 between the councils.

29. Recent experience has shown it has cost approximately £1 million per local plan per year of plan preparation to deliver a plan found sound at examination. Officers anticipate the costs could be reduced with a joint plan by approximately one third in total, excluding staff costs.

Legal Implications

30. There are two principal governance options for the preparation and adoption of a Joint Local Plan, which are set out in the Planning and Compulsory Purchase Act 2004 sections 28 and 29. More information is available at www.gov.uk/guidance/plan-making.

31. Section 28 allows two or more local planning authorities to prepare joint local development documents (LDDs – which includes local plans). Although the relevant county council in two-tier areas can be part of the plan-preparation process (if invited by the Local Planning Authorities (LPA)), they cannot be part of the formal decision-making as this remains the responsibility of the individual LPAs. Under Section 28, the final, formal decisions at key local plan stages (consultations, publication, submission, adoption) are made either separately by each council or via a voluntary joint committee.

32. Section 29 was introduced in the 2004 Act to enable County Councils to continue to have a strategic planning role working with Districts. Section 29 of the Act allows for the decision-making on joint local development documents to be conferred on a joint committee through an order of the Secretary of State. In two-tier areas like Oxfordshire, county councils are a formal partner in the joint committee and therefore would have equal membership on a committee formed under Section 29.

33. Given the context of Development Plan making across Oxfordshire, with a strategic Plan underway already (the Oxfordshire 2050 Plan), and a shared management and policy team already in place for South and Vale, officers recommend that in principle a Joint Local Plan is prepared in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004. This would involve either formal decisions at key local plan stages (consultations, publication, submission, adoption) being made separately by each council or via a voluntary joint committee. Delegated authority is sought for the Head of Legal and Democratic, in consultation with the Head of Planning and Cabinet Members for Corporate Services and Transformation and Democratic Services, to establish the appropriate detailed governance arrangements.

Risks

34. All local plans, whether single or joint, have risks involved in their preparation. They take several years to prepare, and the context is ever changing. For example, there can be changes to external factors such as Government policy, or changes to the local plan system itself through planning reforms, or local government reorganisation. Changes to the council's priorities or administration can also bring need for revisions, which can be hard to deliver if a plan is at the post-submission stage. There can be risks if staff resources or budgets fall short. Many of these risks are the same whether a plan is separate or joint. We manage these risks by identifying them in a risk register, and preparing contingencies and mitigations to adapt to them if they materialise.

35. For a joint South and Vale local plan, some risks are set out in the disadvantages section at paragraph 9 above. There is a current application for a judicial review of the

South Oxfordshire Local Plan which could challenge priorities and resources for South on plan making. Local authority elections in May 2023 could also provide further challenges and thus a policy cross-party member steering group can help reduce the risks. The drive to make fast progress on a new plan is a stronger imperative for Vale than South due to the time that has passed since adoption. In summary the key additional risk, over and above the risks from preparing separate local plans, is delivering a joint plan which both councils can agree on during plan preparation stages and can adopt at the end. This can be managed through good practices in member involvement, and it can be monitored using the risk register to track emerging or diminishing risks over time.

Other implications

How a Joint Local Plan fits with the Oxfordshire Plan 2050

36. Both South and Vale councils are already engaged in a joint plan – the Oxfordshire Plan 2050 – which is being prepared jointly by all Oxfordshire’s Districts and Oxford City Council. This will contain Oxfordshire-wide strategic policies. It will identify the scale of future growth to the year 2050 and set development principles, as well as showing some broad locations for accommodating that growth (at a high level) and elements like nature recovery. It currently will not contain detailed land-use allocations.
37. A Joint Local Plan would implement and identify sites for the numbers and broad locations for growth set out in the forthcoming Oxfordshire Plan 2050. It would, for example, allocate land for housing, employment, renewable energy, green and community uses, as well as setting the brief for neighbourhood plans.
38. Preparation of a Joint Local Plan would be aligned with and follow closely behind the Oxfordshire Plan 2050. The aim would be for the Oxfordshire Plan 2050 to be examined first to establish the overall strategy for Oxfordshire before the Regulation 19 consultation stage (the last public engagement on the preferred plan) of the Joint Local Plan.
39. Preparing a Joint Local Plan would reduce duplication and increase the priority that the councils could give to the Oxfordshire Plan 2050 as it reaches important decision stages. It would also provide more scope for undertaking other important policy work in line with the Corporate Plans e.g. Community Infrastructure Levy updates, Infrastructure Delivery Plan updates, preparing Supplementary Planning Documents, and planning monitoring tasks.

Oxford - Cambridge Arc Spatial Framework

40. Following Government announcements in March 2020 and more recently on 18 February 2021, work is commencing, led by a specialist team at the Ministry of Housing, Communities and Local Government (MHCLG), on a long-term spatial framework for the Ox-Cam Arc. Both South and Vale are within the geographic areas of the Oxford-Cambridge Arc, which will cover the five counties of Oxfordshire, Northamptonshire, Buckinghamshire, Bedfordshire and Cambridgeshire. The Spatial Framework will plan for growth in the Arc area, setting policies on the economy, the environment, transport, infrastructure and housing.
41. Once implemented, the Spatial Framework will have the status of national planning and transport policy, and therefore Local Planning Authorities will have to have regard to

the Spatial Framework when making planning decisions. We will need to engage with this and address how future work on the Arc can feed into the Oxfordshire Plan 2050 and Joint Local Plan. The larger geography of a Joint Local Plan could provide more scope for influencing emerging Arc thinking and provide a more joined up way of addressing opportunities and threats.

How it fits with Planning Reforms

42. The Government's planning reforms envisage plan-making outputs being not so much a document but as data. This data would be map-based and machine readable. Government has proposed there would be no generic development management policies set locally, these would be set nationally.
43. The new Joint Local Plan could aim to either follow the existing plan-making system or be ready for the next system (e.g. mapping growth/ renewal/protection areas, working on Design Guides and/or Design Codes). This would be subject to what the Government propose as transitional arrangements, including at what stage we were in the plan making process.
44. It should be noted that at this time the Government proposals are just that, i.e. proposals only. The Government made clear in a [Ministerial Statement](#) on 19 January 2021 that local planning authorities should not hold up work on local plans to wait for the planning reforms.

Conclusion

45. Officers recommend that the advantages of a Joint Local Plan outweigh the disadvantages (see paragraphs 8-9) and that a Joint Local Plan is progressed for South and Vale. Officers recommend that the Joint Local Plan is, in principle, prepared using the provisions of Section 28 of the Planning and Compulsory Purchase Act 2004, with key decisions being made separately by each council or via a voluntary joint committee. Officers are seeking a decision on the principle of a joint local plan, with the governance arrangements to be established using delegated authority in consultation with the Cabinet member.

Background Papers

- Proposed Joint Local Development Scheme (Appendix 1)