

Cabinet Report

Report of Head of Policy and Programmes

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Wards affected: All Wards

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To: CABINET

Dates: 27 November 2025

South Oxfordshire Local Plan 2035 Review

Recommendation(s)

(a) That Cabinet approve the Regulation 10A review of the South Oxfordshire Local Plan 2035 and decide that the Local Plan should be revised

(b) That the timetable and format for the South Oxfordshire Local Plan 2035 revision is brought to Full Council (via Cabinet) at a later date through an update to the Local Development Scheme (LDS)

Implications (further detail within the report)	Financial	Legal	Climate and Ecological	Equality and diversity
	No	Yes	No	No
Signing off officer	Nicole Tyreman	Nick Bennett	Jessie Fieth	Lorne Grove

Purpose of report

1. To seek approval of the review undertaken on the South Oxfordshire Local Plan 2035, in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Strategic priorities

2. This report helps meet the Council Plan priorities by reviewing the South Oxfordshire Local Plan 2035, which contains a suite of policies, many of which are related directly to these priorities.
3. The related priorities are:
 - Action on climate change and nature recovery
 - Participation, accessibility, and accountability
 - Homes and infrastructure that meet local needs
 - Thriving, healthy, and inclusive communities

Background

4. Legislation introduced in 2018 requires that Local Plan reviews must be completed five years from the date of adoption – this ensures plans remain effective. Regulation 10A of the Town and Country (Local Planning) (England) Regulations 2012 (as amended) states that:

“10A. (1) A local planning authority must review a local development document within the following time periods – (a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents).”

5. The National Planning Policy Framework (NPPF), paragraph 34 also draws attention to the regulatory requirements for five yearly reviews:

“34. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁹. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

¹⁹ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).”

6. The South Oxfordshire Local Plan 2035 (Local Plan) was adopted at a meeting of Full Council on 10 December 2020. It sets out how development will be planned and delivered across South Oxfordshire to 2035, through a strategy and supporting policies

promoting sustainable development. These policies are used to help determine planning applications across the district. The Plan identifies appropriate sites for development, including new homes, employment spaces, essential infrastructure, shops, and community facilities. It also sets out how the district's valued historic and natural environments will be protected and enhanced.

7. As the Local Plan was adopted on 10 December 2020, it must be reviewed by 10 December 2025 to comply with Regulation 10A.
 8. To avoid confusion, it is useful to distinguish between a 'review', a 'revision', and a 'replacement':
 - A *review* is a preliminary step to decide whether an adopted plan requires revision or replacement.
 - A *revision* involves changing all or part of a plan, following the same statutory processes of consultation and independent examination as a new local plan.
 - A *replacement* is when a plan is superseded in whole or in part by another plan.
- Both 'revision' and 'replacement' can occur with or without a prior review, for example where a new plan period is being considered.
9. On 25 March 2021, South Oxfordshire Full Council decided to prepare a Joint Local Plan (JLP) with the Vale of White Horse District Council, as a replacement for the South Oxfordshire Local Plan 2035. Over the next three years this plan was prepared and consulted on, and on 9 December 2024 South Oxfordshire and Vale of White Horse submitted the Joint Local Plan to the Secretary of State for Housing, Communities and Local Government for examination by an independent Planning Inspector. Initial hearing sessions took place over three days from Tuesday 3 June 2025 to Thursday 5 June 2025. These sessions covered procedural and legal requirements, the Duty to Co-operate, and the housing and employment land requirements.
 10. Following these sessions, the Inspectors recommended in a letter dated 26 September 2025 that the Councils withdraw the JLP because, in their view, the Duty to Cooperate in Section 33A of the Planning and Compulsory Purchase Act 2004 has not been met. The letter also indicated that if the JLP was not to be withdrawn and the Inspectors had to proceed to issue a final report, the content of the report would likely be very similar to the letter. The Councils responded to the letter on 6 October and 20 October 2025, in the second letter requesting that the Inspectors reconsider their initial conclusions following a recent Ministerial letter on local plans at examination, together with legal points the Councils have raised, and Oxford City Council's latest published housing figures. The Council cannot adopt a local plan which the Inspectors recommend be not adopted. The withdrawal of a local plan is a matter for Full Council, and there is currently no decision or recommendation on the future of the JLP, this would require separate consideration by Full Councils for South and Vale. In this context, for the purposes of this Regulation 10A review, which requires a decision by 10 December 2025, the only realistic scenario is to recognise the uncertainty that currently exists and that either the Inspectors will reconsider their initial conclusions and the JLP will continue in its progress through the examination, or, irrespective of whether the JLP is withdrawn or the Inspectors confirm they continue to recommend it be not adopted (which for all practical purposes would amount to the same result) the JLP cannot

currently be fully relied upon to proceed to adoption as the future replacement for the South Oxfordshire Local Plan 2035.

11. It is therefore appropriate, given this uncertainty, to consider whether any elements of the South Oxfordshire Local Plan are in need of revision, in circumstances where there may not be a replacement by the JLP. Only if no revisions to any part of the South Oxfordshire Local Plan are necessary, would it be possible to conclude the review on the basis that no further action needs to be taken. Turning to housing requirements, Policy STRAT2 of the South Oxfordshire Local Plan 2035 sets a requirement of 18,600 dwellings to meet the Council's minimum housing needs from 2011 to 2035, plus an additional requirement of 4,950 dwellings to meet unmet needs from Oxford City Council's area from 2021 to 2035. Para 242 of the current NPPF (December 2024) states:

"Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies in this Framework will apply to any subsequent plan or strategy produced for the area concerned."

12. Para 242 of the NPPF will be applicable if the JLP is withdrawn (or is otherwise not adopted). Any future revisions to the South Oxfordshire Local Plan 2035 prepared now, or later, would be considered a "*subsequent plan*" and would need to be consistent with the current NPPF. They would not benefit from the transitional arrangements in para 234 of the NPPF.

13. Para 34 of the NPPF deals with the five yearly review of local plans and states:

"... Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future."

14. The current NPPF has a different methodology for calculating housing need compared to when the Local Plan was prepared. At that time, the housing requirement was based on the 2014 Strategic Housing Market Assessment ("SHMA") and the Oxfordshire Growth Deal, which established a requirement of 775 dwellings per year, or 18,600 dwellings over the period from 2011 to 2035. That latter figure appears in Policy STRAT2, plus a separate uplift to address Oxford's unmet needs. By contrast, the current Standard Method identifies a need of around 1,235 dwellings per year for South Oxfordshire (excluding any uplift to address Oxford's unmet need). Under paragraph 62 of the NPPF, this new standard method figure of 1,235 would be expected to inform any new or revised plan prepared outside transitional arrangements.

15. Whilst the South Oxfordshire Local Plan's 775 dwellings per year was higher than the former Standard Method's 627 dwelling per year, it is substantially lower than the current standard method figure of 1,235 dwellings per year.

16. Accordingly, if the JLP examination does not proceed further, having regard to the relevant guidance (most notably in para 34 of the NPPF and similar guidance in the PPG at para ID:61-062-20190315), Policy STRAT2 cannot be considered up to date, as it reflects only 63% of the relevant current local housing need.

17. Revisions to the housing requirement of the South Oxfordshire Local Plan 2035 are therefore necessary if that requirement is not going to be replaced by an adopted JLP.

Given this conclusion, it is unnecessary to undertake an assessment of the other policies at this time because, whatever the conclusion of such an exercise, the need to revise the housing requirement of the South Oxfordshire Local Plan 2035, if there is to be no JLP, will not change. As noted above, a conclusion that no further action needs to be taken following a review is only possible if the conclusion of the review is that no revisions are needed to any part of the South Oxfordshire Local Plan 2035. That could be the case if the JLP examination proceeds, but at the present time that is uncertain. Statutory provisions (s.26(3) Planning and Compulsory Purchase Act 2004) require any revisions to follow the full plan-making process. Section 19(1) requires that revisions are prepared in accordance with the Local Development Scheme (LDS). Section 15 requires Full Council approval for the LDS to take effect. It is that exercise of updating the LDS that will provide an appropriate opportunity to either update the timetable for the completion and adoption of the Joint Local Plan, or to consider the nature and extent of whatever local plan revisions are required.

18. As such, decisions on the format and timetable of revisions to the Local Plan must be deferred until a revised LDS is prepared and approved. This will allow more time for the outcome of correspondence with the Planning Inspectorate about the Joint Local Plan, and for the Council to explore other plan-making options in a scenario without the JLP.

Options

19. There are two options to consider regarding this review:
20. **Option 1:** Approve the Regulation 10A review of the South Oxfordshire Local Plan 2035 and decide that the Local Plan should be revised, but defer to a later revision of the Local Development Scheme (LDS) the particular way in which such revision should be brought forward.
21. This approach would comply with Regulation 10A by making the required review decision within five years of adoption. It would also allow the Council to prepare revisions to the LDS at a later date, creating an opportunity to confirm whether that will be the Joint Local Plan with a new longer timetable, or to explore different plan-making options. If the JLP does not proceed, deferring the LDS update would provide flexibility for the Council to take account of emerging Government reforms to the plan-making system, so that the most appropriate process can be chosen for preparing revisions to (or a replacement of) the Local Plan. Considerations are likely to include policy and process changes being driven by government, as well as the context of spatial development strategies being introduced to sit above local plans, and the timescales for local government reorganisation.

Option 2: Not to approve the Regulation 10A review of the Local Plan.

This option is not recommended, as undertaking a five-yearly review is a statutory requirement. Should the review not be approved, South Oxfordshire District Council would not be meeting a legislative requirement and this could be the subject of a legal challenge.

Financial Implications

22. There are no direct financial implications for publishing the Regulation 10A review itself. The financial implications of each option are as follows:

Option 1: Minimal additional cost, as officers would prepare options within existing resources, and members could consider the costs of alternative local plan options through an update to the Local Development Scheme.

23. **Option 2:** No immediate cost, but failure to meet statutory requirements could result in a legal challenge, with potentially significant cost implications.

Legal Implications

24. The recommended option (Option 1) meets the five-yearly review statutory requirement set out in Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Regulation 10A requires the Council to make a decision on whether the Local Plan should be revised, but does not require the form or details of any revision to be set out at this stage (unless the decision is not to revise). This approach also allows more time for the outcome of the JLP examination, and, in a scenario where the JLP does not proceed to adoption, enables the Council to explore different plan-making options for updating the policies in the Local Plan.

Climate and ecological impact implications

25. The Local Plan Review has no direct climate or ecological impacts. The completion and approval of the Regulation 10A review of the South Oxfordshire Local Plan 2035 is a statutory procedural requirement. It does not itself introduce or amend planning policies, nor does it set the detailed framework for future development.

26. The climate impact assessment tool is not required for this decision as the climate and ecological impacts will be fully assessed and addressed at the point when any revisions to, or replacement of, the Local Plan are prepared.

Equalities implications

27. In making decisions the Council is required to have regard to its equalities duties, in particular those set out in section 149 of the Equality Act 2010: to eliminate discrimination, harassment and victimisation; to advance equality of opportunity between people who share a protected characteristic and those who do not; and to foster good relations between people who share a protected characteristic and those who do not.

28. The approval of the Regulation 10A review of the South Oxfordshire Local Plan 2035 is a statutory procedural requirement. It does not itself introduce or amend planning policies, nor does it set the detailed framework for future development. As such, it has no direct equalities implications. Equalities impacts will be fully assessed and addressed at the point when any revisions to, or replacement of, the Local Plan are prepared.

Risks

29. The risks associated with the different options are presented in this report, particularly the risk of not meeting legislative requirements, which could result in the potential for a Judicial Review. These risks are resolved by the recommended decision in this report.

Other Implications

30. The National Planning Policy Framework sets out at paragraph 78 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old, unless these strategic policies have been reviewed and found not to require updating. As the housing requirement set out in STRAT2 will be more than five years old, the council will need to assess its housing land supply (for the purposes of determining planning applications) against the new standard method figure of 1,235 dwellings a year, unless the Joint Local Plan proceeds to adoption. This is higher than the annualised average target of 981 dwellings per year set by the adopted Local Plan 2035.

Conclusion

31. This Regulation 10A review concludes that revisions to the South Oxfordshire Local Plan 2035 are necessary if it is not possible to progress the Joint Local Plan. In light of the correspondence with the Inspectors, there is uncertainty over whether the Joint Local Plan will replace the South Oxfordshire Local Plan 2035 policies. The Council must therefore consider a likely delay to the adoption of the Joint Local Plan, or if the JLP does not go forward, the need to revise the South Oxfordshire Local Plan 2035 directly, alongside exploring other plan-making options, through the preparation of an up to date Local Development Scheme. This will ensure that policies remain effective and consistent with national policy.
32. It is recommended that the Council proceed with Option 1, approving the Regulation 10A review and deciding that the Local Plan should be revised, but deferring to a later update of the Local Development Scheme the particular way in which such revisions should be brought forward. This approach provides a structured, evidence-based basis for maintaining an effective Local Plan, allows scope for the JLP to form that revision depending on the outcome of the examination, while also retaining flexibility to respond to Government reforms to the plan-making system and to identify the most appropriate process for preparing revisions (or a replacement) of the South Oxfordshire Local Plan 2035.

Background Papers

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