



Ministry of Housing,
Communities &
Local Government

Rt Hon Robert Jenrick MP

*Secretary of State for Housing, Communities
and Local Government*

**Ministry of Housing, Communities & Local
Government**

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3 March 2020

Dear Sue

LOCAL PLAN INTERVENTION AND HOLDING DIRECTION

Following South Oxfordshire District Council Cabinet's decision on 3 October 2019 to recommend withdrawing the emerging South Oxfordshire Local Plan ("the Plan"), I wrote to you on 9 October setting out that Government remains committed to making sure every community has an up-to-date and sufficiently ambitious Local Plan. Plans should provide a positive vision for the future of local areas; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

In my 9 October letter I raised concerns that withdrawing the Plan would be likely to create uncertainty and expose communities to speculative planning applications. As set out below, the policies in South Oxfordshire's most recently adopted Local Plan have not been kept up-to-date. According to your own timetable, if you were to withdraw the Plan, local people would have to wait for over four years before they could benefit from the certainty provided by an up-to-date and sufficiently ambitious plan. Failing to progress the Plan means failing local communities.

My 9 October letter also notified you that because my concerns I was exercising my powers under section 21A of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"), to direct South Oxfordshire District Council not to take any step in connection with the adoption of the Plan, while I considered whether to give a direction in relation to the Plan under section 21 of the 2004 Act.

I then wrote to you on 7 January 2020 setting out that I was considering Local Plan intervention under sections 21, 27 and 27A of the 2004 Act. I offered you the opportunity to outline by 31st January if there are any exceptional circumstances as to why you do not have a plan in place that I should take into account when making a decision on next steps.

I have now had the opportunity to consider this matter, including your Council's representations and those from third parties.

Section 27 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.”

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.”

Your Council is failing to do certain things that it must do in connection the preparation and adoption of the Plan: the requirement to set out the strategic policies to address the priorities for the development and use of land in your area (as required by section 19(1B) of the 2004 Act) and to submit every Development Plan Document for independent examination (as required by section 20(1) of the 2004 Act).

As such, I am satisfied that action under sections 27(2) and section 27A of, and paragraph 7B of Schedule A1 to the 2004 Act is justified.

I have also considered the following Local Plan intervention policy criteria¹:

- **The least progress in plan-making has been made:** more than two thirds of English Councils have adopted a Local Plan since South Oxfordshire² (December 2012). Assuming South Oxfordshire withdraw the Plan and meet their target for adopting a new Local Plan in June 2024, based on current Local Development Schemes, only one Council in England would have an older Local Plan than South Oxfordshire.
- **Policies in plans have not been kept up to date:** considering the June 2024 adoption target for a new Local Plan, the relative housing requirements for the Core Strategy and the emerging plan and the significant scale of policy updates proposed in the emerging plan³, it seems reasonable to assume that policies have not been kept up to date.
- **There was higher housing pressure:** South Oxfordshire has the 57th least affordable council area in England⁴ so there is higher housing pressure in South Oxfordshire.

¹ As set out in the 2017 Housing White Paper: 'Fixing the Broken Housing Market'

² South Oxfordshire Core Strategy 2027

³ As set out in Appendix 14 of the Plan

⁴ According to 2018 ONS affordability ratios

- **Intervention would have the greatest impact in accelerating Local Plan production:** considering SODC's target for adopting a new Local Plan is June 2024, directing SODC to progress their plan and adopt it by December 2020 could accelerate plan production by three years and 6 months.
- **The wider planning context in the area; the extent to which authorities are working co-operatively to put strategic plans in place:** South Oxfordshire District Council's October 2019 Cabinet recommended that the Council withdraw from the Oxfordshire Statements of Common Ground linked to the emerging South Oxfordshire Local Plan 2034⁵. Such action would be likely to impact negatively on other emerging plans locally, including Oxford City and the Joint Oxfordshire Plan.
- **The wider planning context in the area; the potential impact on neighbourhood planning activity:** There are 41 designated neighbourhood planning areas in South Oxfordshire with around 20 groups currently preparing plans; either their first plan or an update to a plan that is already in force⁶. Delays associated the Local Plan could significantly slow down neighbourhood plan progress and could also disincentivise other communities from coming forward to start the process.

I have also considered letters in response to my request for you to set out any exceptional circumstances as to why you do not have a plan in place that I should take into account when I make a decision on next steps. These include those from the South Oxfordshire District Council Chief Executive on 10 January, and from you on 17 January and 14 February. The various matters raised in these letters have been taken into consideration.

Having considered South Oxfordshire's performance against the intervention policy criteria, I am satisfied that intervention action is justified.

Having considered all of the above, in my judgement, there is a clear case for me to take Local Plan intervention action.

Pursuant to the powers in section 27(2)(b) of the 2004 Act I have decided to give a number of directions to South Oxfordshire District Council in relation to the Plan. In particular I direct that South Oxfordshire District Council:

- 1) Progresses the Plan through examination and adoption by December 2020.
- 2) Report monthly (from the date of this letter) to my officials on progress of the Plan.

One of the matters that I expect your council to report monthly on is how you will ensure that the Plan delivers a sufficient supply of new homes, in line with national policy. The National Planning Policy Framework sets out that in addition to the relevant local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for⁷.

I will continue to closely monitor your plan-making progress. Should a significant delay occur, should you fail to comply with the directions in this letter without a good reason or should the Plan fail at examination, I will consider taking further intervention action to ensure that an up-to-date Local Plan is in place in South Oxfordshire.

⁵ South Oxfordshire District Council Press Release, 3 October 2019

⁶ South Oxfordshire District Council neighbourhood planning list and map, accessed on 25 February 2020

⁷ Paragraph 60, NPPF 2019

I previously gave a direction to the Council under section 21A of the 2004 Act, whilst I considered whether to make a direction under section 21 of the 2004 Act.

Section 21A of the 2004 Act provides:

“(1) If the Secretary of State is considering whether to give a direction to a local planning authority under section 21 in relation to a development plan document or other local development document, he may direct the authority not to take any step in connection with the adoption of the document—

- (a) until the time (if any) specified in the direction, or
- (b) until the direction is withdrawn.”

I have now had the opportunity to consider this matter. In light of the plan making directions set out in this letter, I have decided to withdraw the Holding Direction on the Plan and take no action at this time pursuant to section 21 of the 2004 Act. This is to have immediate effect.

Finally, I would like to reiterate I remain committed to working with you constructively to ensure that South Oxfordshire is able to deliver the high-quality homes and infrastructure required to support jobs and growth in the local community. My officials will be in touch with your officers to discuss next steps.

A handwritten signature in black ink that reads "Robert Jenrick." Below the signature is a horizontal line.

THE RT HON ROBERT JENRICK MP