

## **Divisions Affected - All**

### **CABINET DECISION**

**15 JULY 2025**

## **OXFORDSHIRE MINERALS AND WASTE LOCAL PLAN UPDATE ON PROCESS OF PRODUCING THE MINERALS AND WASTE LOCAL PLAN**

### **Report by Director of Economy and Place**

#### **RECOMMENDATION**

The Cabinet is **RECOMMENDED** to:

- approve the cessation of the preparation of the new Minerals and Waste Local Plan under the current plan-making process and authorise the production of a new Minerals and Waste Local Plan under the new plan-making process in accordance with the Levelling Up and Regeneration Act 2023
- delegate to the Director of Economy and Place in consultation with the Director of Law and Governance and Monitoring Officer
  - (a) to put in place changes to the Minerals and Waste Development Scheme to reflect this and
  - (b) to carry out a review within 6 months if the provisions of the Levelling Up and Regeneration Act have not been brought into force by that time or earlier if necessary.

#### **Summary**

1. The County Council is the Minerals and Waste Planning Authority for Oxfordshire and responsible for producing the Oxfordshire Minerals and Waste Local Plan which, alongside the District Authority Local Plans, forms the Development Plan for Oxfordshire.
2. It was agreed by Cabinet in December 2022 to prepare a new Minerals and Waste Local Plan, which, upon adoption, will replace the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (OMWCS) (2017). The Core Strategy remains the County Council's Development Plan Document until it is replaced. The Core Strategy will continue to be relevant minerals and waste planning policy during the time the new plan takes to be produced. There will be no change to the risk of speculative development.
3. The County Council is required to produce and maintain a Minerals and Waste Development Scheme<sup>1</sup> (MWDS) which contains the timetable for Minerals and

---

<sup>1</sup> The Levelling Up and Regeneration Act 2023 includes provisions to remove the requirement to produce a Local Development Scheme and instead to prepare a "local plan timetable" (Schedule 7). However, these

Waste Local Plan production. The most recent MWDS was approved by Cabinet in December 2022.

4. The preparation process of the new Local Plan currently remains the same as set out with the timetable outlined in the December 2022 MWDS. However, progress through this process has been impacted by ongoing challenges in preparing the evidence required and acquiring the relevant expertise. These constraints have limited the County Council's capacity to meet the milestones as set out within the MWDS; this despite continued efforts to address the issue.
5. Whilst the adopted Minerals and Waste Local Plan itself remains in place, the MWDS for the new Minerals and Waste Local Plan is now significantly out of date and the timetable within it provides little guidance to our communities, our partners, industry and Central Government on our Local Plan preparation process or its timetable. It therefore requires updating accordingly.
6. It should be noted that, since the MWDS was agreed in 2022, a number of changes are being proposed by Central Government, including:
  - New Plan Making Process
    - A proposed plan making timescale of 30 months;
    - Three "gateways" in the process to advise on plan production;
    - Replacement of the MWDS with a "Local Plan Timetable"
  - Proposed introduction of National Development Management Policies.
7. The Authority has considered four potential options:
  1. **Maintain Status Quo:** Refrain from updating the MWDS and await the commencement of the new plan making process.
  2. **Extend MWDS Timeline:** Continue with the current plan-making process and establish a new, extended timeframe within a revised Minerals and Waste Development Scheme, disregarding the current December 2026 proposals.
  3. **Engage External Resources:** Appoint external resources to complete the preparation and submission of the Local Plan by December 2026 in line with current MWDS.
  4. **Cease and Prepare:** Cease the current plan preparation process, amend the MWDS to reflect this, and initiate the new plan-making process once brought into force (in accordance with expected Government plan making guidelines).
8. Following a review of the options noted in 7, above, it is recommended that the production of the Minerals and Waste Plan under the current plan making system is formally ended and Plan preparation under the new process once secondary legislation is made is agreed (Option 4).
9. Ceasing the production of the Minerals and Waste Local Plan under the current plan-making system and agreeing to produce the plan under the new plan-making system:
  - Would provide greater certainty to stakeholders, partners and our communities;

- Would not affect the status of the current Minerals and Waste Local Plan Part 1 – Core Strategy;
  - Would not halt work on other minerals and waste policy and strategy responsibilities;
  - Would allow the formal process on the new plan-making system to be well planned, resourced and commenced, following the release of revised plan making details from central government.
10. Further analysis of the options not recommended are set out in the body of the report below.

## Background

11. The County Council is the Minerals and Waste Planning Authority for Oxfordshire and is responsible for all minerals and waste planning matters in the county.
12. A requirement of the Planning and Compulsory Purchase Act 2004 (as amended) is that each Minerals and Waste Planning Authority should produce a Minerals and Waste Development Scheme (MWDS), which is the Minerals and Waste Planning Authority version of the Local Development Scheme (LDS) produced by District and Unitary Councils and must contain the same information as an LDS.
13. The MWDS sets out the Council's priorities for producing planning policy documents. It must include any Development Plan Documents it intends to publish, their area of coverage, subject matter and a timetable indicating the main milestones of production and revision.<sup>2</sup> The Minerals and Waste Local Plan is a Development Plan Document.
14. The new Local Plan is therefore still subject to the preparation timetable as set out in the current Minerals and Waste Development Scheme (as set out above).

### Current Minerals and Waste Development Scheme Timetable

15. The current timetable for the new Minerals and Waste Local Plan production is set out in the published [Oxfordshire Minerals and Waste Development Scheme](#) (MWDS) (Dec 2022). This MWDS sets out three consultation stages in the Plans preparation, followed by Submission of the Plan for Examination by the Planning Inspectorate (Regulation 22) and Adoption; these within a three-year period. Under this timetable, the Minerals and Waste Plan was due to be submitted for examination in March 2025.
16. To achieve this timescale of Plan production, the programme required substantial support from external contracts/consultants to undertake significant

---

<sup>2</sup> The Levelling Up and Regeneration Act 2023 includes provisions to remove the requirement for planning authorities to produce a Local Development Scheme and instead to prepare and maintain a "local plan timetable" (Schedule 7). However, these provisions have not yet been brought into effect.

evidence-based projects such as the sustainability appraisal and strategic flood risk assessments.

17. Upon seeking contracts from external consultants, it was determined that procuring and ensuring Value for Money within the prescribed timeframe, was not feasible.
18. Therefore, the new Minerals and Waste Local Plan, under the current timetable is not able to be delivered.
19. The MWDS is therefore now significantly out of date and provides little guidance to our communities, our partners, industry, Planning Inspectorate and Central Government on our Local Plan preparation process. The timetable therefore requires updating.

### **Current Planning Policy**

20. The Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (OMWCS) was adopted in September 2017 and is the County Council’s Development Plan Document. It sits alongside relevant District Local Plans and relevant Neighbourhood Plans to form the Development Plan for Oxfordshire.
21. The OMWCS will stay in force until it is replaced, and so there will continue to be relevant minerals and waste planning policy during the time a new plan takes to be produced. There will be no change to the risk of speculative development through cessation of new Local Plan preparation.

### **Progress on the Minerals and Waste Local Plan and Other Work Areas**

22. Despite the challenge in advancing beyond the initial stages of Plan preparation for the reasons set out above, further work has continued on the wider evidence base by the Minerals and Waste Policy and Strategy Plan team, notably the Local Aggregates Assessments and establishing waste baseline figures.

### **Central Government Changes to Plan-making**

23. The Government has proposed a new plan-making process designed to expedite the Local Plan development.
24. Some key points of the proposed changes are:
  - A proposed timescale of 30 months;
  - Three gateways in the process to advise on plan production;
  - Replacement of the MWDS with a “Local Plan Timetable”; and
  - Introduction of National Development Management policies to reduce overlap in policy writing.
25. The Levelling Up and Regeneration Act received Royal Assent in October 2023. However, the provisions relating to plan-making have not yet been brought into force. Secondary legislation and changes to national policy and guidance are anticipated, but the detail and timing of these remains uncertain.

The current government has stated that it intends to implement the new plan-making system as set out in the Levelling-up and Regeneration Act from summer or autumn 2025.

(<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>)

26. The Government has set out transitional arrangements to the existing plan-making process. This requires that any Local Plans be submitted for examination by December 2026 under the current plan-making process, or the process should begin again under the new plan-making process<sup>3</sup>. It is not possible to meet that timeline and therefore any plan will need to be developed under the new plan-making process.

### Options for the Minerals and Waste Local Plan

27. It is considered that the Authority has four options available:

Option	Proposal	Benefits	Risks
<b>OPTION 1 Maintain Status Quo</b>	<b>Refrain from updating the MWDS and await the commencement of the new plan process.</b>	<p><b>Resources</b> No additional resources will be required until the new plan process is brought into force.</p> <p><b>Finance</b> No additional finances will be required until the new plan process is brought into force.</p>	<p><b>Clarity and Transparency</b> Provides no clarity or transparency to partners and stakeholders, including the public, industry, and statutory consultees.</p> <p><b>Central Government Involvement</b> If the Secretary of State believes 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 they may intervene.</p>
<b>OPTION 2 Extend current MWDS Timeline</b>	<b>Continue with the current plan-making process for the New Minerals and Waste Local Plan by formally extending the timeline within a revised MWDS.</b>	<p><b>Process Continuity</b> Retains the current known plan-making process.</p> <p><b>Transparency and Accountability:</b> Provides a timeline for partners and stakeholders, including the public, industry, and statutory consultees.</p> <p><b>Stakeholder Confidence</b> Demonstrates the Authority's commitment to progressing the Local Plan.</p>	<p><b>Deadline Sensitivity:</b> As set out in guidance, if the new Local Plan is not submitted for examination by 2026, the current plan making process must cease. The plan would then need to restart under the new national plan-making framework, resulting in significant delays and potential abandonment of work already undertaken.</p> <p><b>Financial Implications:</b> Restarting the process if the December 2026 deadline were missed, would incur additional costs, including re-engagement of consultants and possible duplication of technical work. This could lead to inefficient use of public funds and not offer Value for Money.</p> <p><b>Reputational Risk:</b> A failure to deliver the plan within the extended timeframe may damage the</p>

<sup>3</sup> Paragraph 235 of [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms](#) - GOV.UK

Option	Proposal	Benefits	Risks
			<p>Authority’s credibility, particularly given the previous cessation of the Site Allocations Plan.</p> <p><b>Community Impact:</b> Communities previously consulted on options and potential sites may feel disenfranchised if the process is halted again, potentially reducing engagement and trust in future consultations.</p>
<p><b>OPTION 3</b> Engage External Resources</p>	<p>Appoint external resources to complete the preparation of the Local Plan by December 2026 and prepare a MWDS to meet this timescale.</p>	<p><b>Process Continuity:</b> Retains the current plan-making process, avoiding disruption.</p> <p><b>Transparency and Accountability:</b> A revised and published MWDS provides a clear and accountable framework for stakeholders, including the public, industry, and statutory consultees.</p> <p><b>Compliance:</b> Ensures the Authority remains compliant with statutory requirements by maintaining an up-to-date and publicly available development scheme.</p> <p><b>Stakeholder Confidence:</b> Demonstrates the Authority’s commitment to progressing the Local Plan.</p> <p><b>Secures Dedicated Expertise:</b> Ensures that resources are in place from the outset</p>	<p><b>Lack of consultants:</b> Previous lack of interest due to tight deadlines may recur or drive up costs</p> <p><b>Deadline Sensitivity:</b> Missing the 2026 deadline would force a restart under new process, wasting prior work.</p> <p><b>Financial Implications:</b> If December 2026 deadline missed, restarting would incur extra costs and duplicate technical work, reducing value for money. Alternatively to complete it by December 2026, would be highly costly to the Authority for the amount of resources required</p> <p><b>Reputational Risk:</b> A failure to deliver the plan within the extended timeframe may damage the Authority’s credibility, particularly given the previous cessation of the Site Allocations Plan.</p> <p><b>Community Impact:</b> Communities previously consulted on the draft plan and potential sites may feel disenfranchised if the process is halted again, potentially reducing engagement and trust in future consultations.</p> <p><b>Loss of in-house expertise:</b> Consultants would be employed for a fixed time frame, after which any monitoring, review and questions on the Local Plan would be the responsibility of the Authority who may not have the in house knowledge.</p>
<p><b>OPTION 4</b> Cease current plan preparation and prepare for new approach</p>	<p>Cease the current plan preparation process and initiate the new plan-making process once brought into effect.</p>	<p><b>Transparency</b> Having a clear approach on next steps for the Authority provides clarity to stakeholders, including the public, industry, and statutory consultees</p> <p><b>Align with Future Legislation</b> Avoids the risk of having to redo work to comply with new legal requirements once the new framework is in force.</p> <p><b>Efficiency and Clarity</b></p>	<p><b>Delays in Government legislation</b> The Government may delay the publication of the Legislation, causing a further deferment to be starting the new process.</p> <p><b>Central Government Involvement</b> Central Government may wish to intervene and prepare a Local Plan for the Authority if we are not preparing a new plan if the new legislation is not brought into force.</p> <p><b>Uncertainty for Stakeholders</b> Developers, communities, and</p>

Option	Proposal	Benefits	Risks
		<p>Starting a new Local Plan under the new system may streamline the process, reduce duplication, and provide a clearer structure aligned with national expectations.</p> <p><b>Least Financial Risk</b> Prevents spending on consultants or technical work that may become obsolete or non-compliant under the new rules.</p> <p><b>Strategic Reset</b> Offers an opportunity to reassess priorities, evidence, and options in light of updated national policy and local needs.</p> <p><b>Movement at Pace</b> Enables the team to undertake evidence gathering and be at the forefront on the new plan making system</p> <p><b>MWDS</b> The Authority still have a MWDS but it will state that the Plan production has ceased and a new Plan will be prepared under the new Plan process</p>	<p>statutory bodies may face prolonged uncertainty, affecting investment and engagement.</p> <p><b>Plan making period takes longer than 2031</b> Our current policies remain in place until 2031. After that we would need to save them for them to still be considered in decision making</p>

### Recommended Option

28. It is recommended that Option 4 “Ceasing the production of the Minerals and Waste Local Plan under the current plan-making system and preparing to produce the plan under the new plan-making system” is the approach taken by the Authority. The MWDS will be updated to reflect this.
29. Ceasing the production of the Minerals and Waste Local Plan under the current plan-making system and agreeing to produce the plan under the new plan-making system:
  - Would provide greater certainty to stakeholders, partners and our communities;
  - Would not affect the status of the current Minerals and Waste Local Plan Part 1 – Core Strategy;
  - Would not halt work on other minerals and waste policy and strategy responsibilities;
30. It is also recommended that the Authority undertake a review on this position, within 6 months, if the provisions of the Levelling Up and Regeneration Act have not been brought into force by that time or earlier if necessary.

## Plan Timetable

31. The government proposals for the plan making process set out that a local plan timetable will need to be produced at the initial stages of the plan making process in Gateway 1. The secondary legislation containing this detail is expected in the Autumn. Once this legislation is published a new local plan timetable will be drawn up.

## Legal Implications

32. The current processes for the production of a local plan are set out in both primary legislation and regulations. The principal relevant legislation and regulations are:
1. The Town and Country Planning Act 1990
  2. The Town and Country Planning (Local Planning) (England) Regulations 2012
  3. The Levelling Up and Regeneration Act 2023
  4. The Planning and Compulsory Purchase Act 2004, in particular,
    - Section 16(1) states that each mineral and waste planning authority must prepare and maintain a scheme to be known as their minerals and waste development scheme.
    - Section 15, as applied by section 16, sets out the required contents of such a scheme, including a timetable for the production of the MWLP (as a Development Plan Document).
    - Section 15(8) states that the local planning authority must revise their local development scheme (a) at such time as they consider appropriate or (b) when directed to do so by the Secretary of State.
    - Under Section 27 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 they 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
33. A decision to cease production of the current Local Plan and start work on a new local plan when the provisions for the new plan-making process have been brought into force is a pragmatic approach in the current transitional period. This can be reviewed if there is a threatened challenge and should be reviewed in any event within 6 months.
34. Whilst it may not be considered a 'key decision' as it does not meet the criteria for a Key Decision, Minerals and Waste Local Plans are recognised as important documents that have a high level of public interest and therefore it is recommended to have a Cabinet decision on this report. In addition, it is recognised that all past decisions have been made at Cabinet, which reinforces this view.

Comments checked by: David Mytton, Solicitor,  
David.Mytton@Oxfordshire.gov.uk



## Equality and Inclusion Implications

35. Ceasing the current Oxfordshire Minerals and Waste Local Plan and initiating a new plan under the forthcoming legislation presents both opportunities and challenges for equality and inclusion.
36. Positively, the new plan making framework is expected to be more digital, interactive and accessible, which could enhance future plan engagement for individuals with protected characteristics—particularly those with disabilities, language barriers, or limited digital literacy.
37. It is acknowledged that the transition may prolong uncertainty and risk disengagement from communities previously consulted, especially marginalised groups who may already feel excluded from planning processes.
38. However, the current published MWDS is out of date, offering no guidance or information to our communities on what stage of Plan making the Authority is at. Being clear that the new Plan preparation has ceased, and that we will be proceeding under the new Plan making process, will provide clarity.
39. To mitigate risks, it will be essential to embed inclusive engagement strategies from the outset of the new plan making process, ensuring that it is equitable, transparent, and responsive to the diverse needs of Oxfordshire's population.

## Sustainability Implications

40. The Oxfordshire Minerals and Waste Local Plan is the County Council's only policy document document that is part of the Development Plan. It is the Development Plan against which all planning applications are decided. The policies within the document are absolutely central to the County Council's climate change and Circular Economy agenda, and it is the only opportunity for the County Council to create policies that are in the Development Plan. To that extent the plan has great importance.
41. Currently the Local Plan process requires a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) to be carried out as an iterative process throughout. The proposed changes to the plan making system would replace Sustainability Appraisals with an Environmental Outcomes Report.
42. This would all be considered with the new Plan Making process.

## Finance Implications

43. The production of a local plan was approved by [Cabinet on 22<sup>nd</sup> December 2022](#). The cost of the plan production was estimated to be £320,000 including £120,000 for project costs (including the preparation of technical evidence between January 2023 and March 2025) and £200,000 due to be incurred in 2025/26 for the Examination in Public. There have been no specific budget

set aside for this and was intended to be absorbed through existing budget envelope, therefore cessation of this plan releases this pressure.

44. The new MWDS would end the plan making under the current process and commence preparations for promoting the plan under the new plan making process. That new process would require the production of a Local Plan timetable which would change the timelines of budgetary pressures, particularly on the timing of the Examination in Public.
45. The cost associated with plan preparation currently represents a net budget pressure on the Policy and Strategy teams existing budget. The budget sits within the wider Economy and Places budget.
46. At present, pausing the plan and reinitiating it under the new plan-making framework presents the option with the least financial risk.
47. In the preparation of the New Plan, all reasonable steps will be taken to manage this pressure within existing budgets. We will review potential mitigations and internal processes to support delivery reducing requirements for additional funding. However, given the statutory nature of the work, preparation of a Local Plan is a budgetary pressure that will need to be considered in future Authority budget planning.

Comments checked by: Philipp Skiffins, Assistant Finance Business Partner,  
[filipp.skiffins@oxfordshire.gov.uk](mailto:filipp.skiffins@oxfordshire.gov.uk)

## Conclusion

48. Ceasing the production of the Minerals and Waste Local Plan under the current plan-making system and preparing to produce the plan under the new plan-making system provides a greater certainty to stakeholders, particularly our local communities.
49. The MWDS will be updated to reflect this and a new Local Plan timetable will be prepared once the Secondary Legislation is produced.
50. The current Minerals and Waste Local Plan Part 1 – Core Strategy remains in place as the Development Plan Document for Oxfordshire.

Robin Rogers  
Director of Economy and Place

Contact Officer: Charlotte Simms  
Team Leader Minerals and Waste Policy and Strategy  
[Charlotte.simms@oxfordshire.gov.uk](mailto:Charlotte.simms@oxfordshire.gov.uk)

18<sup>th</sup> June 2025