

# Council



Listening Learning Leading

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Date: 2 October 2019

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## **Summons to attend a meeting of Council**

to be held on

**THURSDAY 10 OCTOBER 2019 AT 6.00 PM**

at

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK, CROWMARSH  
GIFFORD**

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MARGARET REED  
Head of Legal and Democratic

Note: Please remember to sign the attendance register.

# Agenda

## *Map*

A map showing the location of Howbery Park is attached, as is a plan showing the location of the Fountain Conference Centre on the Howbery Park site.

### **1 Apologies for absence**

To record apologies for absence.

### **2 Minutes (Pages 13 - 29)**

To adopt and sign as a correct record the Council minutes of the meeting held on 18 July 2019 – attached.

### **3 Declarations of disclosable pecuniary interest**

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

### **4 Urgent business and chairman's announcements**

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chairman.

### **5 Public participation**

To receive any questions or statements from members of the public that have registered to speak.

### **6 Petitions**

To receive any petitions from the public.

### **7 Local Plan 2034: options to progress (Pages 30 - 55)**

At its meeting on 3 October Cabinet will consider a report on the options to progress the Local Plan 2034. The report and appendices, which Cabinet will consider at its meeting, were circulated to all councillors. A revised Cabinet report is attached.

The Scrutiny Committee considered the report at its meeting on 1 October. Following a debate on the Local Plan options a motion was put forward to support option A in the report – to allow the plan to continue to examination. The motion was not carried. The committee did not make any recommendations to Cabinet.

Cabinet's recommendations will be circulated to all councillors.

## **8 Recommendations from Cabinet (Climate Change Advisory Committee)**

At its meeting on 8 October Cabinet will consider the recommendations of the Climate Change Advisory Committee on options for how the council could respond to the climate emergency declaration. Any recommendations to Council will be circulated following the Cabinet meeting.

## **9 Extension of terms of office of independent persons to advise on code of conduct issues (Pages 56 - 58)**

To consider the report of the head of legal and democratic and monitoring officer on extending the term of office of two independent persons to advise on code of conduct issues – attached.

## **10 Climate Emergency Advisory Committee - appointment of substitute**

At its meeting on 18 July Council established a Climate Emergency Advisory Committee and appointed members and substitutes to it. In doing so Council appointed Councillor Hewerdine, a non-group councillor, to the committee. The terms of reference for the committee provide for the appointment of the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the committee. There is no provision for the appointment of a substitute for a non-group councillor.

To ensure there is provision for an alternative councillor to attend meetings of the committee in the absence of Councillor Hewerdine, Council is requested to appoint Councillor Gillespie, a non-group councillor, as the named substitute.

**RECOMMENDATION:** to appoint Councillor Gillespie as the substitute for Councillor Hewerdine on the Climate Emergency Advisory Committee.

## **11 Constitution Review Task Group**

Council is invited to agree the establishment of a joint Constitution Review Task Group with Vale of White Horse District Council to undertake a review of the constitution and make recommendations to Council.

Officers propose that the task group comprises 10 councillors with five from South Oxfordshire and five from Vale of White Horse. Officers propose that each political group from South Oxfordshire is entitled to appoint one member with Vale of White Horse membership comprising three Liberal Democrats and two Conservatives.

**RECOMMENDATION:** That Council

1. establishes a joint Constitution Review Task Group with Vale of White Horse

- District Council comprising five councillors from each council;
2. allocates a seat to each political group and appoints councillors as set out in the schedule circulated at the meeting;
  3. agrees that councillors from the same political group on the council may substitute for this council's appointed representatives.

## **12 Report of the leader of the council**

## **13 Questions on notice**

To receive the following questions from councillors in accordance with Council procedure rule 33:

1. Question from Councillor Mocky Khan to Councillor Maggie Filipova-Rivers, Cabinet member for community services

There are constant rumours that Didcot Wave is going to be closing, can the Cabinet member confirm what the situation is? Also, there are complaints regards the maintenance and appearance of the building and facilities. What is the work schedule, budget and timings?

2. Question from Councillor Mocky Khan to Councillor Maggie Filipova-Rivers, Cabinet member for community services

Cornerstone in Didcot is a flagship building for culture in South Oxfordshire. I am concerned to hear that the roof is leaking and this has been the case for nearly four years. Can the Cabinet member provide an update and what is happening to resolve this issue?

3. Question from Councillor Stefan Gawrysiak to Councillor Leigh Rawlins, Cabinet member for planning

In the local plan documents there are options A, B and C. Can I please have a cost estimate for each of these options?

4. Question from Councillor Stefan Gawrysiak to Councillor Leigh Rawlins, Cabinet member for planning

Oxfordshire County Council has already spent £1,000,000 developing the HIF/Growth Deal bid. This is Oxfordshire residents' money. If the SODC local plan is withdrawn and the Growth Deal is lost, is South Oxfordshire District Council going to repay this £1,000,000 to OCC?

5. Question from Councillor Stefan Gawrysiak to Councillor David Rouane, Cabinet member for housing and environment

We thank Councillors Rouane and Cooper for visiting Henley to look at our Greys Road public toilets. I think they agreed that they were in a shocking state. SODC derives £700,000 per annum from the Henley car parks which must be recycled back into car parks and car parking. Can we ask that a budget line of £120,000 be put into the next budget to ensure that this toilet is thoroughly refurbished?

Please see below recent photographs showing the shocking state of the toilets.





6. Question from Councillor Ken Arlett to Councillor Leigh Rawlins, Cabinet member for planning

**Permitted Development Rights (PDR's)** government policy, is having a drastic effect on the loss of offices in Henley into flats, I would imagine the same applies across South Oxfordshire. The loss of offices within the town centre also has a knock-on effect to local traders. This government policy may be good for big cities, but it is doing nothing for smaller towns. Other than taking out an Article 4 policy, how does the Cabinet member think this council can address the problem?

7. Question from Councillor Ken Arlett to Councillor David Rouane, Cabinet member for housing and environment

Since the demise of traffic wardens and SODC's decision to cut funding for PCSO's, there is no one to enforce illegal parking in our towns and villages, this is causing

immense problems in town centres and residential roads. SODC has agreed to look into the feasibility of introducing a civil parking enforcement scheme being devolved down from OCC to SODC. As no councillors are involved at present with the feasibility study, I ask that one councillor from at least the four major towns is included in the process?

8. Question from Councillor Ken Arlett to Councillor David Rouane, Cabinet member for housing and environment

On Friday 2 August, myself and Councillor Stefan Gawrysiak met with SODC's Leader Councillor Sue Cooper and Cabinet member Councillor David Rouane in Henley-on-Thames to look at car parking. By mid-day the three central car parks were at capacity. The two out of town car parks at the Rugby Club and the Railway Station are now almost at capacity, and there are numerous reasons for this. In the spring of 2020, there will be 12 new shops opening just off the Kings Road car park, but there is no more car parking to cater for these shops. It has been proposed by SODC in the past that a second floor be built on the Kings Road Car Park. Will SODC work with Henley Town Council, to come up with a scheme for more car parking in the Kings Road car park that will then improve the footfall before we have more shops closing?

9. Question from Councillor Ken Arlett to Councillor David Rouane, Cabinet member for housing and environment

What strides have SODC officers made over the past three months to solve the problem of feeding the parking machines in Henley from the maximum three hours limit?

## **14 Motions on notice**

To consider motions from councillors in accordance with Council procedure rule 38.

- (1) Motion to be proposed by Councillor Alexandrine Kantor, seconded by Councillor Anne-Marie Simpson:

Council notes that EU nationals are part of our shared communities. They are our husbands, wives, parents, friends and colleagues. They are an integral part of a vibrant and thriving South Oxfordshire.

Since 2016 EU nationals were promised again and again that "there will be no change for EU citizens already lawfully resident in the UK and [...] will be treated no less favourably as they are at present".

After three years of living in limbo, their homes and livelihoods are in danger of being threatened by the further uncertainty brought about by the prospect of an even more chaotic no-deal Brexit.

According to the Home Office's July statistics, only a third of EU nationals have applied for the Settled Status and 42% of them have been granted the inferior Pre-Settled status leading them to reapply for the Settled status later on. There is no possibility of knowing how many EU nationals need to apply, leaving vulnerable and unaware EU nationals left at risk of becoming unlawful residents the mercy of the Home Office's "Hostile Environment". Lack of clarity regarding differentiating between EU citizens arriving before and after the UK's exit from the EU could lead

to discrimination in the labour market and may prevent many from accessing the services that they are entitled to.

Another Windrush-like scandal could be unfolding right before the eyes of this Council and we mustn't be passive observers to it.

Therefore, the Council asks that:

1. Officers report on how the Council can mitigate adverse impacts on the rights of EU nationals (including but not limited to advising on what the Council can do to help landlords and employers to be better informed about immigration status and therefore avoid potential discrimination against EU nationals)
2. The Leader of the Council writes to EU citizens resident in the district giving advice on applying for Settled Status. This notice shall inform EU citizens of any potential consequences of not applying for the EU Settlement scheme.
3. The Leader of the Council writes to the Home Secretary seeking clarification and suggesting improvements for the European Settlement scheme, which include:
  - Providing physical proof of Settled status that can be used to access services
  - Confirming that there will be no changes to the rights of settled EU citizens that they currently have by ratifying the Immigration Bill as primary legislation before the exit day
  - Replacing the current European Settlement scheme with a registration scheme without a deadline where EU citizens are considered lawful by default and can request a proof of immigration status only when they are asked to demonstrate it.

- (2) Motion to be proposed by Councillor David Bartholomew, seconded by Councillor Anna Badcock:

Reading Borough Council is proposing to build a vast new bridge over the Thames at Caversham to alleviate Reading's traffic problems. It is included in their Draft Local Plan as a top transport priority. The bridge would take off at the Thames Valley business park near Reading and land near the Playhatch roundabout in Oxfordshire. The only onwards option for traffic would be through the congested streets of Henley or along the narrow B481 country road through Oxfordshire villages.

To date, Reading and other Berkshire councils that are supporting the scheme have focused almost entirely on the costs of building the bridge and the benefits it will bring to Reading. While they recognise that the bridge would have a substantial impact on the Oxfordshire road network, the Berkshire councils blithely state these will be dealt with by unspecified and uncoded 'mitigation measures'.

This council calls on the Leader to write to the leaders of Reading Borough Council, Wokingham Borough Council and Bracknell Forest Council, together with MPs John Howell, John Redwood, Matt Rodda and Theresa May, stating that:

- a) In the context of the Climate Emergency a car-based solution to a car-based problem that would pour thousands of cars and HGVs into Oxfordshire is totally inappropriate and should a new bridge be built it should be restricted to public



transport, cyclists and pedestrians;

b) Notwithstanding the above, if a car-based solution is pursued, the proposed bridge and necessary mitigation measures (i.e. improvements to the Oxfordshire road network) are not considered as two separate projects, but as one single project in order that the benefits, disadvantages and costs of the complete scheme can be holistically assessed.

(3) Motion to be proposed by Councillor Sue Roberts, seconded by Councillor Simon Hewerdine:

On 11 April 2019, South Oxfordshire District Council declared a Climate Emergency, noting that the 2018 Intergovernmental Panel on Climate Change (IPCC) report states that we had just 12 years to act. Council resolved that it needs to commit to aggressive reduction targets and carbon neutrality as quickly as possible.

Since then, there has been a continual onslaught of extreme weather events that further highlight the climate emergency. In July, the European heat wave killed 868 in France, and set a new temperature high for the UK of 38.5°C. There were unprecedented wildfires in the Arctic. In September, Hurricane Dorian killed 50 in the Bahamas and left 70,000 homeless. More generally, we have severe ice melting at the poles, and sea level rise at the upper end of forecasts.

In September, Professor Sir David King, former Chief Scientist for the UK, said the world had changed faster than predicted by the IPCC. Whereas mean global temperature rises have matched predictions, individual extreme weather events have accelerated in intensity and frequency. In this grave situation, he says, the UK should aim to cut greenhouse gas emissions to almost zero, by 2040 rather than 2050.

South Oxfordshire District Council (SODC) has set up a Climate Emergency Advisory Committee (CEAC). At its first official meeting on the 19th September it recommended the very challenging targets proposed here. It should be noted that other councils have set targets for their districts and cities to reach net zero-carbon by 2030, some even earlier. The Labour Party at its recent conference has also set a 2030 net zero-carbon target for the country.

Officers prepared options for CEAC to consider, including a focus only on Council operations; extending this to taking action on net zero-carbon over district-actives where Council has responsibilities, whilst responding reactively wherever possible to new initiatives for the district; and finally, for full net zero-carbon for the whole district. The cross-party committee unanimously agreed to a fully net zero-carbon district by 2030, with Council, in its own operations, to be net zero-carbon by 2025.

These targets are premised on the fact that SODC should be in a new building by 2025, and that it can influence outsourced contractors to provide us with a net zero-carbon supply chain. The aim for a net-zero carbon total district is to ensure that Council has a true target in the sense that it knows what it is that it is aiming to get to zero-carbon, and to ensure that its actions are more than purely reactive; rather, Council shall set up an ambitious new programme working with other actors to achieve its target.

## **Council resolves to:**

Agree the unanimous recommendations of its cross-party Climate Emergency Advisory Committee to:

- Aim to reach net-zero carbon emissions across all of the operations of South Oxfordshire District Council by the target year of 2025
- Aim to reach net-zero carbon emissions for the whole District of South Oxfordshire by 2030

## **15 Exclusion of the public**

To consider whether to exclude members of the press and public from the meeting for the following item of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraph 3 Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **16 New office accommodation - design, sustainability and building specification (Pages 59 - 115)**

At its meeting on 8 October Cabinet will consider a confidential report on the progress of the new council office building and car park programme at the council's Crowmarsh Gifford site which asks Cabinet to determine the design, sustainability and building specification for the building and car park.

The confidential report, which Cabinet will consider at its meeting, is **attached**.

The Climate Emergency Advisory Committee considered the report at its meeting on 19 September. The views and recommendations of the committee will be presented to Cabinet at its meeting on 8 October.

The Cabinet recommendations will be circulated to all councillors following the Cabinet meeting on 8 October.

MARGARET REED

Head of Legal and Democratic



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A4074 Oxford

A4130 Didcot

Brightwell



Sat Nav: OX10 8BA

Wallingford

Centre for Ecology  
& Hydrology  
South Oxfordshire  
District Council

Crowmarsh  
Gifford

A4130 Henley  
M40 J4

A4074 Reading

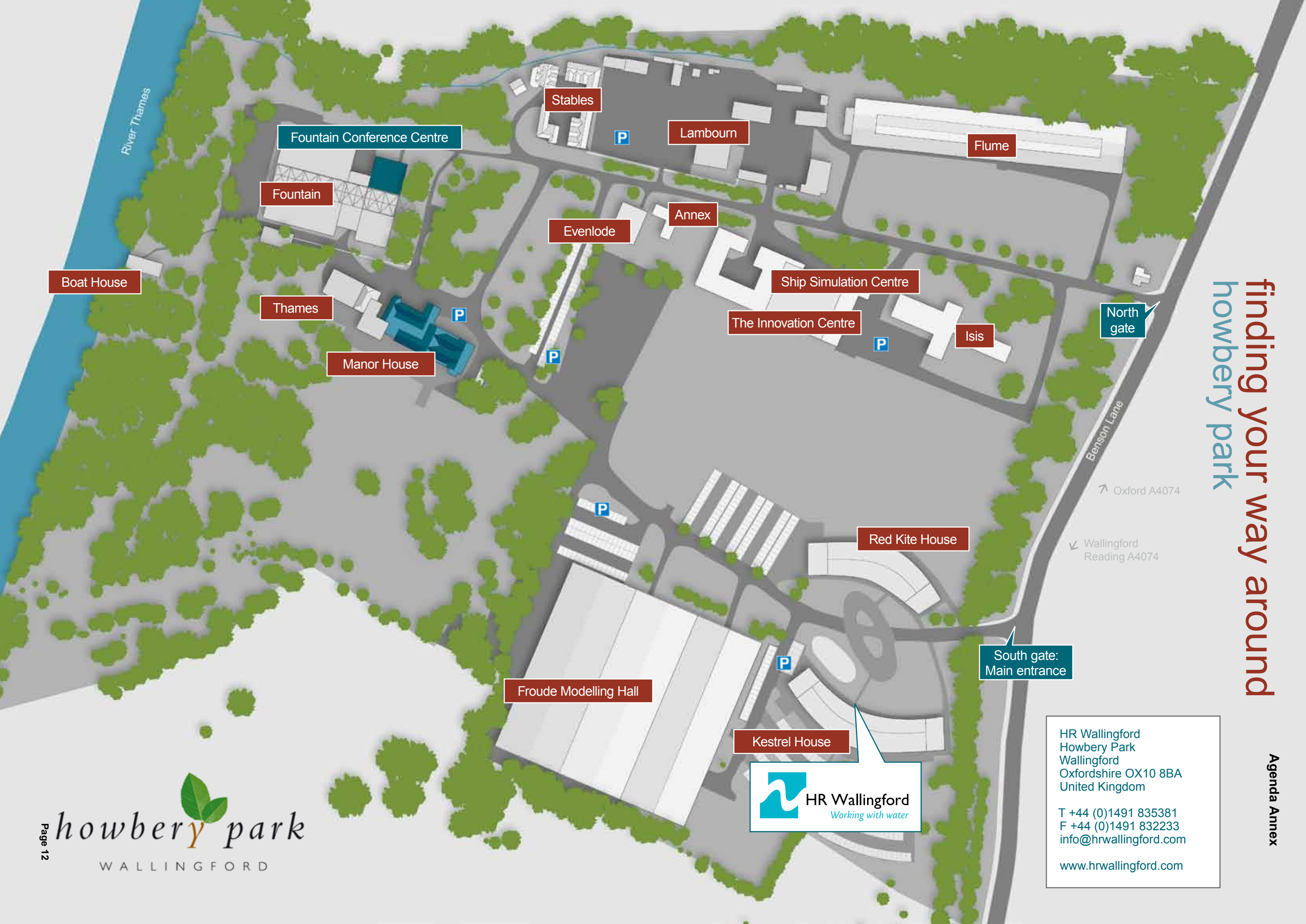
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Agenda Annex



# finding your way around howbery park

Agenda Annex



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*Working with water*

howbery park  
WALLINGFORD

# Minutes

## OF A MEETING OF THE

# Council



Listening Learning Leading

**HELD ON THURSDAY 18 JULY 2019 AT 7.00 PM**

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK, CROWMARSH  
GIFFORD**

### **Present:**

David Bretherton (Chairman)

Ken Arlett, Anna Badcock, Pieter-Paul Barker, David Bartholomew, Robin Bennett, Sam Casey-Rerhaye, Sue Cooper, Peter Dragonetti, Maggie Filipova-Rivers, Stefan Gawrysiak, Elizabeth Gillespie, Sarah Gray, Kate Gregory, Victoria Haval, Simon Hewerdine, Lorraine Hillier, Kellie Hinton, Alexandrine Kantor, Mocky Khan, Lynn Lloyd, Axel Macdonald, Jane Murphy, Leigh Rawlins, Jo Robb, Sue Roberts, David Rouane, Anne-Marie Simpson, Ian Snowdon, Alan Thompson, David Turner, Ian White and Celia Wilson

### **Apologies:**

George Levy, Caroline Newton and Andrea Powell tendered apologies.

### **Officers:**

Steven Corrigan, Adrian Duffield, Holly Jones, Adrianna Partridge and Margaret Reed

## **10 Minutes**

**RESOLVED:** to approve the minutes of the annual meeting of Council held on 16 May 2019 as a correct record and agree that the Chairman sign them as such.

## **11 Declarations of disclosable pecuniary interest**

Councillor Kantor made a statement that she is employed at UKAEA Culham – a potential housing site in the Local Plan – minute 16.

Councillors Casey-Rerhaye, Cooper and Turner made statements declaring that they are in receipt of a pension from the Oxfordshire Pension Fund - minute 21(3).

## **12 Urgent business and chairman's announcements**

The chairman advised that his chosen charities for his year in office will be the Red Kite Family Centre and the Earth Trust at Little Wittenham.

The chairman sought and received Council agreement to suspend council procedure rule 45 insofar as it limits councillors to speaking once on agenda item 8 – South Oxfordshire Emerging Local Plan.

Councillor Cooper, Leader of the council, proposed and Council agreed to suspend council procedure rule 36 to allow written answers to councillor questions.

## **13 Public participation**

The chairman advised that a number of members of the public had registered to address Council on agenda item 8 – South Oxfordshire Emerging Local Plan and agenda item 14(3) - the Oxford to Cambridge Expressway motion. He advised that he would invite the speakers to address Council at the relevant item. Council agreed to extend the public speaking time to allow each member of the public who had registered to speak for three minutes to make their address.

## **14 Petitions**

None.

## **15 Goring Neighbourhood Development Plan**

Council considered the recommendations of Cabinet, made at its meeting on 10 July 2019, on making the Goring Neighbourhood Development Plan part of the development plan for South Oxfordshire.

**RESOLVED** to:

1. make the Goring Neighbourhood Development Plan so that it continues to be part of the council's development plan; and
2. authorise the head of planning, in agreement with the Qualifying Body, to correct any spelling, grammatical, typographical or factual errors in the Goring Neighbourhood Development Plan, together with any improvements from a presentational perspective.

## **16 South Oxfordshire Emerging Local Plan**

During the course of debate on this item, and prior to the expiry of two and a half hours, Council agreed, in accordance with council procedure rule 82, to suspend council procedure rule 12, which restricts the duration of a meeting, to allow Council to complete the business.

Nineteen members of the public addressed Council on the emerging South Oxfordshire Local Plan:

1. Michael Tyce addressed Council on behalf of the Campaign to Protect Rural England. He welcomed Cabinet's recommendation and urged Council to scrap the previous council administration's local plan and to adopt option 4, to withdraw the emerging Local Plan from examination and restart the plan making process. The emerging plan included provision for more houses than required to meet the requirements of the Growth Deal. A future plan should provide for less density and identify more suitable sites for housing.
2. Ann Pritchard addressed Council on behalf of Chalgrove Parish Council. She urged Council to support option 3 which would allow the removal of the Chalgrove Airfield housing allocation from the Local Plan.
3. Caroline Baird addressed Council on behalf of Save Culham Green Belt. She urged Council to support option 4 to re-write the Local Plan and remove the Culham housing allocation which was unsustainable.
4. Caroline Livingstone addressed Council on behalf of the UK Atomic Energy Authority. She stated that the Culham site was and will continue to grow and stressed the importance of retaining the Housing Infrastructure Funding to provide the necessary infrastructure.
5. Steven Sensecall addressed Council on behalf of CEG, which promoted land at Culham. He urged Council to progress the Local Plan through option 1 and to retain the Housing Infrastructure Funding.
6. Vicky Fowler addressed Council on behalf of Martin-Baker. She reminded councillors that the proposed housing allocation site at Chalgrove Airfield was not available for redevelopment due to the current tenant having a long-term lease of the site. She reiterated that the site was required for operational reasons and its designation as a housing site was not compatible with this use. Proceeding on the basis that the land would become available would jeopardise the viability of the plan.
7. Neville Harris, a Didcot Town and Oxfordshire County Councillor, addressed Council. He stated that the Local Plan should prioritise combating climate change and encouraged Council to undertake a radical rethink including the option of an eco town.
8. Eugenie Buchan addressed Council. She welcomed changes to the Local Plan and urged Council to withdraw it rather than seek to change it.
9. James Plunket addressed Council on behalf of Elsfield Parish Meeting. He urged Council to review the plan. The emerging local plan would damage the Green Belt, reduce air quality, increase flooding and damage biodiversity. The plan was not sustainable.
10. Paul Boone addressed Council on behalf of Chalgrove Airfield Action Group, expressing concern at Chalgrove Airfield remaining in the Local Plan as a housing site as it would put the plan at risk.
11. David Jackson addressed Council on behalf of Oxford Science Village Partners. He encouraged Council to support the emerging local plan to provide much needed affordable housing and the infrastructure required to support the housing.
12. Richard Harding addressed Council. He referenced the Council's adoption of a climate emergency and stated that the emerging Local Plan would encourage more roads, more cars and more commuter journeys. He encouraged Council to withdraw the plan and reformulate a more sustainable plan.
13. Alison Knight addressed Council on behalf of Alison Knight Consulting. She stated that many residents supported the need for growth and housing. There is a need for more affordable and social housing. The plan would secure much needed infrastructure.
14. Gill Bindoff addressed Council as a resident of Watlington. She urged Council not to jeopardise the delivery of the Watlington by pass which is required to address congestion in the town and reduce air pollution issues.



15. Angela Dickinson addressed Council as a Barton resident. She urged Council to reconsider the content of the plan in light of the climate emergency. The building of houses in the countryside would have a negative impact on the environment, reduce the availability of arable land increase the likelihood of flooding and reduce the buffer between Oxford and surrounding villages.
16. Anne-Marie Sweeney, a resident of Sandhills, addressed Council. She urged Council to reject the plan to protect the AONB.
17. Jaqi Mason addressed Council on behalf of Burcot and Clifton Hampden Parish Council. She stated that the proposed level of housing growth was unacceptable. The promised infrastructure would only address the existing problems but would be insufficient for the planned housing numbers.
18. Nicola Mallows addressed Council on behalf of Gresswell Environment Trust. She stated that Oxford City was shifting its housing problem onto neighbouring authorities and that the proposals in the plan were not in the interests of local residents. The council should abandon the plan and use the existing adopted version.
19. Philip Owen addressed Council on behalf of Culham Parish Council. He stated that the housing numbers in the Local Plan were excessive. The promised infrastructure would increase traffic and increase traffic congestion. More could be achieved via smaller infrastructure projects

The chairman thanked all of the public speakers for their contributions.

Councillor Rawlins, Cabinet member for planning, addressed Council and thanked the members of the public and business community who had made representations to the meeting. He reported that following the local elections in May 2019 and the subsequent change in leadership, the new council administration had requested some time to look at key policies and projects under development; the Local Plan 2034 was one of these. To assist councillors, officers had prepared a report to Cabinet outlining the advantages and the risks of four different options to take forward the Local Plan were:

- Option 1 suggested that the emerging Local Plan 2034 continued its progress through the Examination process. No changes would be recommended by the council. Any modifications made during the examination would be at the discretion of the Inspectors.
- Option 2 allowed the emerging Local Plan to continue through its examination, but the council might be able to recommend a series of main modifications to the plan. These changes would be at the discretion of the Inspectors. The plan could not be changed unless the Inspector found that part of the plan was unsound. There were no early conclusions from the Inspector about the soundness of aspects of the submitted Local Plan or if modifications were needed.
- Option 3 provided the opportunity to withdraw the Local Plan from examination. The council could make changes to the plan, then conduct a further Regulation 19 consultation. The extent of changes would need to fall within the remit of Regulation 19 consultation, i.e. not introduce new subject areas for the plan to cover. The council could then submit a revised plan for examination.
- Option 4 provided an opportunity to withdraw the Local Plan from examination and to restart the plan making process from scratch. This would allow the council to prepare a significantly different plan, subject to compliance with the law, national policies and guidance. The council would need to undertake at least two consultations (Regulations 18 and 19) before submitting the new plan for examination.



He thanked the Scrutiny Committee for its input, and for its recommendation to Cabinet to progress with option 3.

He reported that, at its meeting on 10 July 2019, Cabinet had expressed concerns regarding a number of aspects of the emerging local plan including the environmental impact of the plan, the uncertainty regarding Oxford City's unmet housing need numbers, the oversupply of housing in the emerging plan and housing density. Cabinet considered that the council needed the opportunity to explore these concerns, whilst protecting the Housing Infrastructure Funding.

Accordingly, he moved the following slightly altered motion with the consent of Council (changes from the resolution of Cabinet shown with new words in bold and deleted words by a strikethrough):

1. express its determination to maintain its housing land supply and avoid speculative housing development;
2. express its continued support for the Housing and Infrastructure Fund (HIF) funding and ~~the proposed~~ infrastructure projects that ~~will~~ **could** be delivered by it;
3. ask officers to explore with Oxfordshire County Council, the Ministry of Housing, Communities and Local Government and Homes England options for protecting the HIF funding whilst enabling the council to address concerns about the current emerging Local Plan 2034 including (but not limited to) climate change issues and Oxford City's unmet housing need, and to report back to Cabinet and Council;
4. recognising that the Climate Change Emergency is all too real and is recognised to be of key and statutory importance under the Climate Change Act 2008 and the associated objective of "zero carbon by 2050", express its wish to do all that it can to respond through the Local Plan process; and
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.

A number of councillors expressed the view that the current emerging Local Plan would have a detrimental impact on the environment and Green Belt and was at odds with the climate change emergency motion declared by Council. The plan provided for an oversupply of housing against the housing requirement figure. If housing need was adjusted, the sites contributing towards the supply needed to be reviewed to meet the overall requirement. The council required clarification of Oxford City's unmet housing need, which was not yet determined. The plan currently provided a housing figure for Oxford City which was not based on the standard methodology. It was reasonable that the new administration should review the local plan in light of its priorities and manifesto commitments. The Housing Infrastructure Funding (HIF) and Growth Deal required a higher number of houses which would increase pressure on infrastructure and resources and impact on the environment and amenity of residents. More time was needed to explore options to protect the essential HIF, whilst enabling the council to address concerns about the current emerging Local Plan 2034, including climate change issues and Oxford City's unmet housing need.

However, a number of councillors expressed concern that any delay to the local plan process could jeopardise the HIF and therefore funding for much needed infrastructure in the district to reduce congestion improve transport links, including road, rail and cycleways, and support economic growth. Any delay could increase the likelihood of speculative development and this could result in further unplanned housing in Didcot and surrounding areas which had already accommodated substantial housing growth.

In accordance with Council Procedure Rule 67, which provides for a recorded vote if three members request one, the Chairman called for a recorded vote on the motion which was declared carried with the voting as follows:

<b>For</b>	<b>Against</b>	<b>Abstain</b>
<b>Councillors</b>	<b>Councillors</b>	<b>Councillors</b>
Pieter-Paul Barker	Ken Arlett	
Robin Bennett	Anna Badcock	
David Bretherton	David Bartholomew	
Sam Casey-Rerhaye	Stefan Gawrysiak	
Sue Cooper	Lorraine Hillier	
Peter Dragonetti	Mocky Khan	
Maggie Filipova-Rivers	Lynn Lloyd	
Elizabeth Gillespie	Axel Macdonald	
Sarah Gray	Jane Murphy	
Kate Gregory	Ian Snowdon	
Victoria Haval	Alan Thompson	
Simon Hewerdine	Ian White	
Kellie Hinton	Celia Wilson	
Alexandrine Kantor		
Leigh Rawlins		
Jo Robb		
Sue Roberts		
David Rouane		
Anne-Marie Simpson		

For	Against	Abstain
David Turner		
20	13	0

**RESOLVED to:**

1. express its determination to maintain its housing land supply and avoid speculative housing development;
2. express its continued support for the Housing and Infrastructure Fund (HIF) funding and infrastructure projects that could be delivered by it;
3. ask officers to explore with Oxfordshire County Council, the Ministry of Housing, Communities and Local Government and Homes England options for protecting the HIF funding whilst enabling the council to address concerns about the current emerging Local Plan 2034 including (but not limited to) climate change issues and Oxford City's unmet housing need, and to report back to Cabinet and Council;
4. recognising that the Climate Change Emergency is all too real and is recognised to be of key and statutory importance under the Climate Change Act 2008 and the associated objective of "zero carbon by 2050", express its wish to do all that it can to respond through the Local Plan process; and
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.

The chairman adjourned the meeting at 9.55pm and reconvened it at 10.00pm.

## **17 Appointment of substitute members to the Thames Valley Police and Crime Panel**

At its annual meeting Council appointed Councillor David Rouane as the council's representative on the Thames Valley Police and Crime Panel. Since that meeting the Thames Valley Police and Crime Panel had agreed to change the membership rules of the panel to enable all 18 Thames Valley local authorities to appoint a named substitute member to the panel who would receive notification of meetings and agenda, and could attend meetings of the panel, in the absence of the appointed member.

**RESOLVED:** to appoint Councillor Ian Snowdon as the substitute member on the Thames Valley Police and Crime Panel.

## **18 Joint Health Overview and Scrutiny Committee**

**RESOLVED:** to appoint David Bretherton as the council's representative and Anne-Marie Simpson as substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee.

## **19 Establishment of a Climate Emergency Advisory Committee**

Council considered the report of the head of legal and democratic on the establishment of a Climate Emergency Advisory Committee.

Councillors welcomed the establishment of the committee to advise on how the council can contribute to carbon reduction targets and minimise the damage to the environment and reduce damage to the global and local environment through its policies and practices. Council agreed to establish a committee with a membership of 12 which would allow membership of an independent councillor on the committee.

**RESOLVED:** to

1. establish a Climate Emergency Advisory Committee with the terms of reference and procedure rules set out in Appendix A to the report of the head of legal and democratic to Council on 18 July 2019;
2. appoint the membership, substitutes and chair as set out in the table below:

<b>Names</b>					
<b>Climate Emergency Advisory Committee, 12 Members</b>					
<b>Conservative (3)</b>	<b>Greens (2)</b>	<b>Henley Residents (1)</b>	<b>Labour (1)</b>	<b>Liberal Democrat (4)</b>	<b>Non-group councillor</b>
Lynn Lloyd	Sam Casey-Rerhaye	Stefan Gawrysiak	Celia Wilson	Sue Cooper	Simon Heverdin e
Caroline Newton	Sue Roberts (Chair)			Sarah Gray	
Ian White				Kate Gregory	
				David Rouane	

<b>Names</b>					
<b>Climate Emergency Advisory Committee, 12 Members</b>					
<b>Conservative (3)</b>	<b>Greens (2)</b>	<b>Henley Residents (1)</b>	<b>Labour (1)</b>	<b>Liberal Democrat (4)</b>	<b>Non-group councillor</b>
<b>PREFERRED SUBSTITUTES</b>					
<b>Conservative (3)</b>	<b>Greens (3)</b>	<b>Henley Residents (2)</b>	<b>Labour (2)</b>	<b>Liberal Democrat (4)</b>	
Lorraine Hillier	Jo Robb	Ken Arlett	Mocky Khan	Anne-Marie Simpson	
Jane Murphy	Andrea Powell	Kellie Hinton	Axel Macdonald	Vacancy	
Vacancy	Robin Bennett			Vacancy	
				Vacancy	

- authorise the head of legal and democratic to incorporate the terms of reference and procedure rules set out in Appendix A to the report of the head of legal and democratic to Council on 18 July 2019 into the council's constitution and to make any consequential changes to the constitution to reflect the decision of Council.

## 20 Report of the leader of the council

Councillor Sue Cooper, Leader of the council, addressed Council. The text of her report is available on the council's [website](#).

## 21 Motions on notice

The Chairman agreed to alter the order of the agenda to allow for the consideration of the motions prior to the councillor questions.

### 1. Motion proposed by Councillor Sue Cooper, seconded by Councillor Maggie Filipova-Rivers

"Council notes the economic and environmental importance of rail transport in this area and authorises the leader of the council to write to the Secretary of State for Transport to request the acceleration of the delivery of rail projects of importance to South Oxfordshire. These include:

- Improvements necessary to Oxford City Station
- Reopening of Grove Station
- Upgrading of the route between Didcot and Oxford

- Reopening of the Cowley Branch line
- And any other initiatives which come forward in the current Oxfordshire Rail Connectivity Study”.

The majority of councillors supported the motion to bring about improvements to the rail network in the district, provide a viable alternative mode of transport and protect the environment.

**RESOLVED:**

To note the economic and environmental importance of rail transport in this area and authorise the leader of the council to write to the Secretary of State for Transport to request the acceleration of the delivery of rail projects of importance to South Oxfordshire. These include:

- Improvements necessary to Oxford City Station
- Reopening of Grove Station
- Upgrading of the route between Didcot and Oxford
- Reopening of the Cowley Branch line
- And any other initiatives which come forward in the current Oxfordshire Rail Connectivity Study.

**2. Motion proposed by Councillor Robin Bennett, seconded by Councillor Kellie Hinton**

“Council notes that, increasingly, the only type of housing in our area that is genuinely affordable to young families, key workers, and the under-40s in general is social rent housing. Council asks officers to prepare a report for Cabinet on ways to use council powers and resources to deliver more high-quality, environmentally sustainable, and genuinely affordable housing, at social rent or similar cost. This should include ways to keep such properties genuinely affordable in the long term and ways to release and access low-cost suitable land for projects such as – but not limited to - selfbuild, housing co-ops and community land trusts, as well as projects owned, let or operated by the council itself”.

The majority of councillors supported the motion to address the current shortage in affordable and social housing. The current developer model had not delivered the necessary provision of this type of housing. The view was expressed that the council should also seek to bring empty homes back into use.

**RESOLVED:**

To note that, increasingly, the only type of housing in our area that is genuinely affordable to young families, key workers, and the under-40s in general is social rent housing. Council asks officers to prepare a report for Cabinet on ways to use council powers and resources to deliver more high-quality, environmentally sustainable, and genuinely affordable housing, at social rent or similar cost. This should include ways to keep such properties genuinely affordable in the long term and ways to release and access low-cost suitable land for projects such as – but not limited to - selfbuild, housing co-ops and community land trusts, as well as projects owned, let or operated by the council itself.

### 3. Motion proposed by Councillor Robin Bennett, seconded by Councillor Alexandrine Kantor

“Council notes that the UK Government, in tandem with the National Infrastructure Commission, has proposed the construction of a motorway-style **expressway between Oxford and Cambridge**. This new road will have significant adverse impacts on Oxfordshire: it will create a major source of air and noise pollution, destroy farmland and habitats, increase CO2 emissions - incompatible with the recent Climate Emergency declared by this council in April 2019 and bring more traffic onto the county’s existing roads.

Actual and proposed consultation on the Expressway, and indeed on the Ox-Cam Arc proposal and associated major housing growth across the region, has been wholly inadequate and a proper Strategic Environmental Assessment should have taken place before this project left the drawing board. Instead, it has become the basis for regional planning with little democratic legitimacy.

Whilst this council supports partnership working and strategic planning and practical links with authorities across the region, it does not support the addition of a major road such as the Expressway in a time of climate emergency – as declared by this council on 11 April 2019.

Highways England’s own analysis of the Expressway shows a benefit:cost ratio (BCR) in the range of 1.1 – 1.3, far lower than most other road schemes analysed by the Department for Transport in 2015, (2:1).

The Oxford 2050 plan process has thus far welcomed the perceived benefits of the Oxford-Cambridge Expressway. It is also mentioned as a factor in a wide range of council documents and plans, including LP2034. **This council asks that its new position on the Expressway is taken into account in all council documents that refer to it.**

The Expressway would cause major harm to the quality of life of residents if it passes through the district; **this council wishes to withdraw any assumed consent**, including any possibility that roads such as the HIF-funded Thames crossing, or the Stadhampton or Watlington bypasses, could later be used or expanded to form part of the Expressway or act as feeder roads for it.

**This council fully supports an upgrade in the East-West rail route**, with full electrification, as part of the Ox-Cam arc discussions. Such an upgrade must include inter-modal centres, along it and at both ends, to enable maximum use of rail for freight. Any road upgrades necessary to support the East-West rail route should connect to that route and be proportionate to the primacy of rail freight.

Council therefore resolves to:

- Oppose the Expressway project in all forms, including expansion of existing or new roads in the district to form part of it.
- Support fully-electrified East-West Rail, including freight capacity and connections, and better public transport and active travel connections.

- Update all council documents to reflect this new position on the Expressway and related Arc development proposals.
- Continue to support partnership working, especially with regard to landscaperscale conservation and nature recovery networks”.

Nicola Mallows, representing Gresswell Environment Trust, addressed Council on this motion. The proposed road was neither financially or philosophically sound. It would divide the county, damage the countryside, increase demand for housing, increase commuter travel and was not sustainable.

Eugenie Buchan addressed Council in support of the motion. Priority should be given to the electrification of the railways. The proposed road would generate a huge housebuilding programme. If Council approved the motion she urged partnership working with other local authorities and suggested that the council communicate its opposition to Government, MPs and Highways England.

Peter Wingfield-Stratford addressed Council. He expressed concern regarding the cost of such a project and the impact on the A34.

The majority of councillors supported the view that the project should be abandoned in favour of more sustainable transport projects including the East-West rail link and local infrastructure projects to enhance cycling infrastructure and public transport. The proposed Expressway offered poor value for money, would have a detrimental impact on the environment, destroy farmland and habitats, increase carbon emissions, worsen air quality, increase noise pollution, attract more traffic and increase congestion on the roads in the district and encourage further speculative building.

With the consent of Council, the mover and seconder of the motion agreed to add the following words to the motion:

- Communicate its opposition to Government, MPs and Highways England.

In accordance with Council Procedure Rule 67, which provides for a recorded vote if three members request one, the Chairman called for a recorded vote on the motion which was declared carried with the voting as follows:

For	Against	Abstain
Councillors	Councillors	Councillors
Ken Arlett		Lynn Lloyd
Anna Badcock		Jane Murphy
Pieter-Paul Barker		
David Bartholomew		
Robin Bennett		
David Bretherton		



For	Against	Abstain
Sam Casey-Rerhaye		
Sue Cooper		
Peter Dragonetti		
Maggie Filipova-Rivers		
Stefan Gawrysiak		
Elizabeth Gillespie		
Sarah Gray		
Kate Gregory		
Victoria Haval		
Simon Hewerdine		
Lorraine Hillier		
Kellie Hinton		
Alexandrine Kantor		
Mocky Khan		
Axel Macdonald		
Leigh Rawlins		
Jo Robb		
Sue Roberts		
David Rouane		
Anne-Marie Simpson		
Ian Snowdon		
David Turner		
Ian White		
<b>29</b>	<b>0</b>	<b>2</b>

**RESOLVED:**

To note that the UK Government, in tandem with the National Infrastructure Commission, has proposed the construction of a motorway-style **expressway between Oxford and Cambridge**. This new road will have significant adverse impacts on Oxfordshire: it will create a major source of air and noise pollution, destroy farmland and habitats, increase CO2 emissions - incompatible with the recent Climate Emergency declared by this council in April 2019 and bring more traffic onto the county's existing roads.

Actual and proposed consultation on the Expressway, and indeed on the Ox-Cam Arc proposal and associated major housing growth across the region, has been wholly inadequate and a proper Strategic Environmental Assessment should have taken place before this project left the drawing board. Instead, it has become the basis for regional planning with little democratic legitimacy.

Whilst this council supports partnership working and strategic planning and practical links with authorities across the region, it does not support the addition of a major road such as the Expressway in a time of climate emergency – as declared by this council on 11 April 2019.

Highways England's own analysis of the Expressway shows a benefit:cost ratio (BCR) in the range of 1.1 – 1.3, far lower than most other road schemes analysed by the Department for Transport in 2015, (2:1).

The Oxford 2050 plan process has thus far welcomed the perceived benefits of the Oxford-Cambridge Expressway. It is also mentioned as a factor in a wide range of council documents and plans, including LP2034. **This council asks that its new position on the Expressway is taken into account in all council documents that refer to it.**

The Expressway would cause major harm to the quality of life of residents if it passes through the district; **this council wishes to withdraw any assumed consent**, including any possibility that roads such as the HIF-funded Thames crossing, or the Stadhampton or Watlington bypasses, could later be used or expanded to form part of the Expressway or act as feeder roads for it.

**This council fully supports an upgrade in the East-West rail route**, with full electrification, as part of the Ox-Cam arc discussions. Such an upgrade must include inter-modal centres, along it and at both ends, to enable maximum use of rail for freight. Any road upgrades necessary to support the East-West rail route should connect to that route and be proportionate to the primacy of rail freight.

Council therefore resolved to:

- Oppose the Expressway project in all forms, including expansion of existing or new roads in the district to form part of it.
- Support fully-electrified East-West Rail, including freight capacity and connections, and better public transport and active travel connections.
- Update all council documents to reflect this new position on the Expressway and related Arc development proposals.

- Continue to support partnership working, especially with regard to landscapescale conservation and nature recovery networks”.
- Communicate its opposition to Government, MPs and Highways England

#### **4. Motion proposed by Councillor Jo Robb, seconded by Councillor Mocky Khan**

“Council notes that the Oxfordshire Pension Fund, of which it is an employer, has more than £132m of workers’ money – around 6% of its portfolio funds - invested in fossil fuel companies. These companies – which the London Stock Exchange now terms “nonrenewables,” are the primary drivers of the climate crisis threatening our planet.

The Intergovernmental Panel on Climate Change last year warned that to avoid the most catastrophic consequences of warming, carbon emissions must fall to zero by 2050. Last month, the UK Parliament imposed a binding target of net zero by 2050 and in April, this Council declared a Climate Emergency.

Lloyds of London and Bank of England Governor Mark Carney have both warned that legislation necessary to limit warming combined with the development of renewables would likely result in the rapid “stranding” of fossil fuel assets, requiring large-scale asset write-downs. Fossil fuel companies face the additional peril of a potential wave of third-party liability claims brought by the victims of climate change including sovereign states.

A growing number of pension and investment funds have already announced plans to fully or partially divest from fossil fuels. Southwark Council, Islington Council, SOAS, the United Reform Church, The Church of England and the National Trust have already made significant divestment moves. Globally, the divestment movement has seen more than £6.3trillion leave the fossil fuel industry.

As a result, the fossil fuel industry is facing unprecedented financial, legal and regulatory headwinds.

The Oxfordshire Pension Fund has defended its continued investment in fossil fuels, arguing that to divest would mean losing its influence. This position is untenable. The very raison d’être of fossil fuel companies is the extraction and sale of carbon intensive energy. To the extent these companies are being stewarded towards renewable energy, this transition is happening too slowly. Research by Transition Pathway Initiative, an industry body, found that none of the ten largest publicly listed oil and gas producers are on track to achieve net zero emissions by 2050. None are on track to be aligned with 2 degrees or less of warming by 2050.

The message of divestment is not that fossil fuel companies are evil. But their business threatens our planet and its most vulnerable inhabitants through droughts, heat waves, crop failures, floods, and rising sea levels.

As one of the Oxfordshire LGPS employers, South Oxfordshire District Council calls on the Oxfordshire Pension Fund Committee to act in line with South Oxfordshire and the UK’s declaration of Climate Emergency and in prudent exercise of its fiduciary duties by divesting its investment in an industry whose long-term risk profile in the current political and environmental climate is unacceptably high.

Council:

1) calls on the Oxfordshire Pension Fund to follow the lead of Councils, sovereign wealth funds and other pension and investment funds around the world to divest from non-

renewable energy companies whose main purpose is the exploration and/or extraction of fossil fuels;

2) calls on the Oxfordshire Pension Fund to explore reinvestment of its funds into appropriate renewable energy companies at the earliest opportunity;

3) asks the Oxfordshire Pension Fund to acknowledge that shareholder engagement has failed to bring about the pace of change required to limit catastrophic global warming”.

The view was expressed that the Oxfordshire Pension Fund Committee is responsible for the pension fund investment portfolio and makes decisions on investment opportunities in order to safeguard the pension scheme and get the best returns. However, the majority of councillors supported the motion because climate change and investment in fossil fuels present a long term financial risk to the pension fund. As members of the pension fund, the council had a fiduciary duty to protect the pension fund from long-term financial risk associated with the investment in fossil fuels. Fossil fuel divestment was financially responsible and consistent with the funds’ responsibilities.

**RESOLVED:**

To note that the Oxfordshire Pension Fund, of which it is an employer, has more than £132m of workers’ money – around 6% of its portfolio funds - invested in fossil fuel companies. These companies – which the London Stock Exchange now terms “nonrenewables,” are the primary drivers of the climate crisis threatening our planet.

The Intergovernmental Panel on Climate Change last year warned that to avoid the most catastrophic consequences of warming, carbon emissions must fall to zero by 2050. Last month, the UK Parliament imposed a binding target of net zero by 2050 and in April, this Council declared a Climate Emergency.

Lloyds of London and Bank of England Governor Mark Carney have both warned that legislation necessary to limit warming combined with the development of renewables would likely result in the rapid “stranding” of fossil fuel assets, requiring large-scale asset write-downs. Fossil fuel companies face the additional peril of a potential wave of third-party liability claims brought by the victims of climate change including sovereign states.

A growing number of pension and investment funds have already announced plans to fully or partially divest from fossil fuels. Southwark Council, Islington Council, SOAS, the United Reform Church, The Church of England and the National Trust have already made significant divestment moves. Globally, the divestment movement has seen more than £6.3trillion leave the fossil fuel industry.

As a result, the fossil fuel industry is facing unprecedented financial, legal and regulatory headwinds.

The Oxfordshire Pension Fund has defended its continued investment in fossil fuels, arguing that to divest would mean losing its influence. This position is untenable. The very *raison d’être* of fossil fuel companies is the extraction and sale of carbon intensive energy. To the extent these companies are being stewarded towards renewable energy, this transition is happening too slowly. Research by Transition Pathway Initiative, an industry body, found that none of the ten largest publicly listed oil and gas producers are on track to achieve net zero emissions by 2050. None are on track to be aligned with 2 degrees or less of warming by 2050.

The message of divestment is not that fossil fuel companies are evil. But their business threatens our planet and its most vulnerable inhabitants through droughts, heat waves, crop failures, floods, and rising sea levels.

As one of the Oxfordshire LGPS employers, South Oxfordshire District Council calls on the Oxfordshire Pension Fund Committee to act in line with South Oxfordshire and the UK's declaration of Climate Emergency and in prudent exercise of its fiduciary duties by divesting its investment in an industry whose long-term risk profile in the current political and environmental climate is unacceptably high.

Council:

1) calls on the Oxfordshire Pension Fund to follow the lead of Councils, sovereign wealth funds and other pension and investment funds around the world to divest from non-renewable energy companies whose main purpose is the exploration and/or extraction of fossil fuels;

2) calls on the Oxfordshire Pension Fund to explore reinvestment of its funds into appropriate renewable energy companies at the earliest opportunity;

3) asks the Oxfordshire Pension Fund to acknowledge that shareholder engagement has failed to bring about the pace of change required to limit catastrophic global warming.

## **22 Questions on notice**

Prior to consideration of this item Council agreed to close the meeting. In doing so Council agreed that officers would circulate the written answers to the questions and give the questioners a set period to submit a supplementary question in writing that would be answered in writing. These would go on the website alongside the Council papers (but not be part of the minutes).

The meeting closed at 11.20pm

Chairman

Date

# Cabinet Report



Listening Learning Leading

Report of Head of Planning

Author: Emma Baker

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E-mail: [emma.baker@southandvale.gov.uk](mailto:emma.baker@southandvale.gov.uk)

Wards affected: ALL

Cabinet member responsible: Cllr. Leigh Rawlins

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To: CABINET

Date: 3 October 2019

## Local Plan 2034: options to progress

### Recommendations

That Cabinet:

- (a) notes the progress officers have made in their discussions with Oxfordshire County Council, Ministry of Housing, Communities and Local Government and Homes England on options to protect the Housing Infrastructure Fund (HIF) offer made to Oxfordshire County Council and infrastructure projects that could be delivered by it,
- (b) considers the officer recommendation to progress with the submitted South Oxfordshire Local Plan 2034 through the examination process, Option A,
- (c) considers Options A, B and C, as set out in this report and recommends its preferred Option to Council.

### Purpose of Report

1. To report to Councillors on the progress made in responding to the Council resolution of 18 July 2019 regarding the Housing and Infrastructure Fund (HIF) and to consider, having assessed the risks, which option to progress the Local Plan 2034.

### Corporate Objectives

2. The emerging Local Plan contributes towards four of the Council's six strategic objectives:

- invest in the district's future;
- unlock the potential of Didcot;
- homes and jobs for everyone, and
- build thriving communities.

## **Background**

3. At the Council meeting on 18 July 2019 it resolved to:

- “(1) express its determination to maintain its housing land supply and avoid speculative development;
- (2) express its continued support for the Housing and Infrastructure Fund (HIF) funding and infrastructure projects that could be delivered by it;
- (3) ask officers to explore with Oxfordshire County Council, Homes England and the Ministry of Housing, Communities and Local Government options for protecting the HIF funding whilst enabling the council to address concerns about the current emerging Local Plan 2034 including (but not limited to) climate change issues, Oxford City's unmet housing need, and to report back to Cabinet and Council;
- (4) recognising that the Climate Change Emergency is all too real and is recognised to be of key and statutory importance under the Climate Change Act 2008 and the associated objective of “zero carbon by 2050”, express its wish to do all that it can to respond through the Local Plan process;
- (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.”

## **UPDATE ON OFFICER ACTIONS**

### **Background**

4. In March 2018, the Council and the other authorities in Oxfordshire signed the Oxfordshire Housing and Growth Deal (Deal). This committed the Councils to support the delivery of 100,000 new homes across Oxfordshire between 2011 and 2031. In return, over a period of five years, Government offered £215 million of funding; £150 million for infrastructure projects, £60 million for affordable housing, and £2.5 million for the preparation of a Joint Statutory Spatial Plan and £2.5 million for wider administrative costs associated with the Deal. The Deal committed the Oxfordshire authorities to submitting outstanding local plans for examination by 1 April 2019 (South Oxfordshire & Oxford City).
5. Paragraph 010 of the Guidance<sup>1</sup> states that where a Deal is in place, it is appropriate for the Council to consider whether the Deal justifies uplifting our housing need beyond the standard method. The emerging Local Plan considered

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<sup>1</sup> Planning Practice Guidance – Housing Needs Assessment, Paragraph 010.

that the Deal justified an uplift in need to 775 homes per annum (in line with the SHMA recommendations for South Oxfordshire).

6. In March 2019, Oxfordshire County Council (OCC) was successful in bidding for £218 million of funding from the Government's Housing and Infrastructure Fund (HIF). It is intended this will contribute toward providing new infrastructure costing £234 million across South Oxfordshire and the Vale of White Horse districts. OCC are finalising an agreement with Homes England (on behalf of Government) before they will secure any of the offered funding. The infrastructure projects that would be delivered by HIF are:
  - a Didcot Science Bridge on the A4130 – going over the railway line and Didcot A Power Station site and joining the A4130 Northern Perimeter Road;
  - improvements to the A4130 from the Milton Interchange by making it a dual carriageway;
  - a new river crossing at Culham; and,
  - a bypass at Clifton Hampden.
7. These HIF schemes are identified in both South Oxfordshire and Vale of White Horse District Councils' emerging Local Plans to enable and support the delivery of development growth across Southern Oxfordshire. These schemes along with transport schemes identified through the Deal are intrinsically interlinked to each other and to some of the committed and planned housing development in the Didcot and Science Vale area, as set out in relevant local plans. These funding streams are part of a wider highway strategy to support the delivery of housing growth but to also mitigate the impact of existing and approved developments.
8. Officers have been working with colleagues from OCC since the outset of the preparation of the emerging Local Plan. This has enabled the assessment of transport and other infrastructure requirements arising from planned development. This has included joint working on transport evidence to both test the proposals in the emerging Local Plan and to determine what level of infrastructure would be necessary. This collaboration has informed policy requirements and supported the production of the Infrastructure Delivery Plan submitted with the emerging Local Plan to examination.
9. At each stage of the formal consultation process we have received detailed representations to the Local Plan from OCC.

#### Summary of progress

10. In response to part 3 of the 18 July resolution the following summary provides progress in exploring options with Homes England, as at the time of writing this report;
11. On 26 August 2019, the leader of the council received a letter (Appendix 13) from the Secretary of State for Housing, Communities and Local Government setting out his view that *"the HIF is contingent on identified housing sites coming forward in an adopted Local Plan and, as the previous Housing Minister set out, the government expects progress on your Local Plan in order to access this funding"*.



12. In addition, in relation to the Deal, the Secretary of State stated that “*should local decisions undermine that framework, the Government would be less inclined to provide local infrastructure funding, both now and in the future*” (his underlining).
13. On 5 September 2019 senior officers and councillors met with the Director General for Decentralisation and Growth, from the Ministry of Housing, Communities and Local Government (MHCLG), to discuss issues relating to the emerging Local Plan and the linkages to HIF and the Deal.
14. Following a positive discussion with South Oxfordshire District Council, officers from MHCLG offered to explore what options may exist, recognising the current democratic timescales, pressures and the shared desire to maintain existing Deal commitments. MHCLG officers have worked closely with council officers to look at ways that the ambitions can be achieved within the context of the HIF. A further letter (Appendix 18) following these discussions was received from the Director General for Decentralisation and Growth on 20 September 2019. It has become clear that the view of MHCLG, from meetings and letters of 26 August 2019 and 20 September 2019, that their preference is that the emerging Local Plan should remain in examination.
15. In the letter of 20 September 2019, it states that should the council choose to withdraw the plan “*it would immediately put at risk the significant investment that the Government has made available to South Oxfordshire and the wider County, including jeopardising the £218m recently allocated through the HIF (Didcot Garden Town)*”. The letter also says, “*this is because the funding is dependent on the delivery of specific sites*”.
16. However, the letter of 20 September 2019 is less categorical in relation to the Deal compared to the HIF, stating that “withdrawing the plan will also undermine the wider ambitions and commitments of the Housing and Growth Deal and therefore potentially impact future investment to support ambitions either directly or as part of the Growth Deal of Oxford-Cambridge Arc.”
17. There is a milestone within the Deal that the Local Plan is submitted, however that whilst this milestone was viewed as achieved, it is not clear whether government would continue the Deal should the plan be withdrawn, either with or without South Oxfordshire as Government’s position regarding this point is unclear.
18. MHCLG has acknowledged the ambitions for sustainable growth that the council wants to achieve. To this end they have indicated a willingness to engage in ways that they could assist the council in delivering their aspirations.
19. The current draft HIF contract is between Oxfordshire County Council and Homes England representing MHCLG. The contract contains a pre-condition obligation for South Oxfordshire to have a submitted Local Plan. Alongside this, officers from OCC have been exploring the option of whether a different mix of already approved housing sites and associated number of houses is sufficient to secure the HIF given the current pressures and demands on existing infrastructure across the Didcot Garden Town area of influence. OCC officers remain in conversations with Homes England (on behalf of government) on this issue. Ultimately this will be a decision for Homes England to make as to whether it satisfies the conditions of the HIF. At this time officers are unaware of the position that Homes England will take regarding this decision.

20. MHCLG has been working with the council and partners to try and find a solution to HIF should the council choose to withdraw the emerging Local Plan. However, there are contractual constraints and government are reluctant to set a precedent when they have taken a firm line with other councils or areas in respect of the contractual restrictions on HIF. Officers have also explored the idea of pausing work on HIF for an agreed period of time and to secure an equal extension of milestone dates which potentially would allow the council to develop options without there being an immediate impact on the HIF offer discussions. The feedback from OCC and MHCLG officers is that the end date of HIF, March 2024, is a HM Treasury date and it is unlikely that Treasury would agree to change this date. Officers are advised that it is unlikely that HM Treasury would agree.

**Maintaining housing land supply**

21. Officers have continued to explore approaches to the council's five-year housing land supply and how this can best be maintained. Since the Council meeting, on 18 July 2019 there have been a series of updates to the National Planning Practice Guidance (NPPG). Included within these updates are helpful additions to the guidance relating to the demonstration of a housing land supply beyond five years and the utilisation of a 'stepped trajectory'.

*"As set out in the National Planning Policy Framework, local planning authorities should identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. Local plans and spatial development strategies may be able to satisfy the tests of soundness where they have not been able to identify specific sites or broad locations for growth in years 11-15. However, if longer-term sites are to be included, for example as part of a stepped requirement, then plan-makers will need to demonstrate that there is a reasonable prospect that they are likely to come forward within the timescale envisaged."*

*NPPG, Paragraph: 019 Reference ID: 68-019-20190722*

22. Officers have reviewed the potential to introduce a stepped trajectory into the Local Plan's housing supply calculation which better reflects the anticipated supply within the plan trajectory, noting the lead in times expected for larger strategic sites. This provides a positive five-year housing land supply in the first five years of the plan from this point forward and from adoption. Appendix 1 shows the revised position as it would relate to the submitted Local Plan (option A) and commentary on the other two options, B & C, is set out in terms of the five year housing land supply. It is not possible to determine exactly what the five year supply for Options B and C would be as the level of housing need and the level of housing supply are unknown at this time.

**OPTIONS TO PROGRESS THE SOUTH OXFORDSHIRE LOCAL PLAN**

23. This section of the report identifies three options that officers believe are currently open to the Council to progress the Local Plan.
24. An additional option was presented in one of the background papers to this report (18 July 2019 Cabinet/Council report; option 2) which considered the use of

modifications as part of the examination process to address concerns of councillors, as understood by officers. The Inspectors undertaking the examination into the emerging South Oxfordshire Local Plan advised, on 5 July, via the Programme Officer that; (included within Appendix 2):

*“As regards the future of the South Oxfordshire Local Plan, way forward is clearly a matter for the Council, but the Inspectors would like to make two very important points in respect of Option 2. Firstly, the changes referred to will presumably not have been subject to Regulation 19 consultation. Secondly, the Inspectors can only recommend main modifications where they are necessary to ensure the soundness or legal compliance of the submitted plan. Changes that are considered desirable for whatever reason by the Council and would amount to main modifications but are not necessary to remedy the soundness or compliance of the submitted plan will not be recommended by the Inspectors as main modifications and cannot be taken forward.”*

25. This option is open to councillors, but any potential changes proposed to the emerging Local Plan need to address any soundness or compliance issues with the submitted plan, which could be considered by the Inspectors. Any modifications requested will be at the sole discretion of the Inspectors. This Option is not contained in detail within this report, but remains within Option A.

26. As part of officer discussions with MHCLG, in the Director General for Decentralisation and Growth letter, 20 September 2019 (Appendix 18), they suggest that:

*“it is not uncommon for major and minor modifications to be sought during the examination process where there is a compelling and strong case for changes to improve the soundness of the Plan.”*

27. Officers have already proposed main and minor modifications at the time of the submission of the Local Plan 2034 (Appendix 14) and the Inspectors have provided their initial comments on these. The inspectors advise, in the case of the main modifications, that they appear acceptable and necessary for soundness or effectiveness, and they ‘may be justified’. They refer to modifications relating to several of the strategic policies. However, the Inspectors have stated that some modifications *“are either not necessary for soundness or are not themselves sound and should not be taken forward”*. Therefore there is a risk that any further proposed modifications may not be accepted.

28. If the council sought to propose further modifications, given that the hearing sessions have yet to start, this may be more straightforward than during the course of the hearings. Any changes would need to be evidenced, if necessary, with corresponding Sustainability Appraisal work. It is helpful that the Inspectors have submitted their initial questions to us (Appendix 14), the last and third set was received 24 September 2019. Having received these questions, there is potential to respond to any issues raised, especially those that reflect the issues raised by Council in July 2019.

29. The risks and benefits for each Option are set out in this report and should be read in conjunction with the background report, 18 July 2019. The options are summarised as follows:

- Option A) Allow the emerging Local Plan to continue through its examination. Any modifications proposed during the examination will be considered at the sole discretion of the Inspectors.
- Option B) Withdraw the Local Plan from examination and make changes to it ahead of a further regulation 19 consultation and resubmission to the Inspectorate for examination. The extent of the changes to the Plan that would be possible under Option B would be limited to no significant changes, in comparison to those that could be made under Option C. Any representations made at that Regulation 19 would be reported to and considered by the Inspector and would not be within the control of the Council.
- Option C) Withdraw the Local Plan from examination. The Council would commence work on a new Local Plan. This will allow the Council to prepare a significantly different plan (subject to compliance with the law, and national policies and guidance). The Council would need to undertake at least two rounds of public consultations (Regulation 18 and 19) before submitting the new plan for examination.

**Option A – Progress with the emerging Local Plan**

30. Option A would allow the emerging Local Plan to continue through its examination. Any modifications made during the examination will be at the sole discretion of the Inspectors.
31. Within this option, the scope to introduce fundamental changes to the Plan is very limited. This is because the Inspectors would only recommend making significant changes to the Plan, known as “main modifications”, if they considered that the changes were necessary to make the Plan “sound” (this is the key test that the Inspectors will be considering).
32. It is possible for the council to deal with some of the issues raised by Council in July by publishing supplementary planning documents (SPDs) that link to the adopted Core Strategy and the emerging Local Plan. These could add detail to the policies in the Plan but could not fundamentally change the policy direction. Supplementary Planning Documents are not subject to the same level of scrutiny and do not form part of the Council’s development plan, but are capable of being material considerations in the determination of planning applications. By way of example, this option could be used to address some, but not all, of the issues raised in relation to Climate Change and Biodiversity.
33. The current timetable for the emerging Local Plan at examination is steered by the Planning Inspectors, including any potential lengthening of the examination process to address any of the Inspectors’ concerns.
34. Although the Inspectors have provided the Council with some initial questions, they have not yet issued their Matters nor a timetable for the hearing sessions. The hearing sessions could possibly be later this year or early next and using the standard Inspectorate timetable for examination, an Inspectors report could be summer 2020, although if Modification consultation is undertaken, which is likely, it

could be autumn 2020 before we receive an Inspectors report. This is an estimation of timing, as we are in the hands of the Inspectors.

**Option A: Advantages**

35. Option A is the quickest route to an up to date Local Plan. It is a statutory obligation for the Council to prepare a Local Plan. The National Planning Policy Framework 2019 (NPPF) requires Councils to maintain an up to date development plan and that they should also review their policies in the local plan at least once every five years.
36. The Core Strategy was adopted in December 2012 and prior to the latest version of the NPPF (2019) and updated Government Guidance. Option A provides the quickest route for the Council to update the strategic policies of the Core Strategy.

**Housing Infrastructure Fund (HIF)**

37. The emerging Local Plan identifies in both the plan itself and the supporting Infrastructure Delivery Plan the need for infrastructure projects which HIF will help deliver. Under this option, subject to contracts being signed by OCC and Homes England/MHCLG, local infrastructure necessary to support existing and proposed housing is more secure.
38. The Local Highway Authority (OCC) is of the view that both the HIF and the Deal projects are required to enable them to deliver their transport strategy and support existing and proposed housing growth. They raise no in principle objection to the submitted emerging Local Plan, subject to HIF being successful.
39. HIF schemes not only benefits existing and new development and our communities in South Oxfordshire, but also in the Vale of White Horse. The Vale of White Horse District Council adopted Local Plan Part 1 includes housing allocations that rely on infrastructure supported by HIF. For example, OCC's current position in the Sutton Courtenay / Culham / Clifton Hampden area is that one additional trip has a residual cumulative severe impact on the highway network, which has been supported by planning application appeal inspectors. This means it is unlikely that developments in the vicinity will be able to be supported by the Highways Authority. There is also a significant amount of committed growth in the area which has to be accommodated on the highway network which is currently presenting issues at peak times.

**Housing and Growth Deal**

40. The Deal agreed by all councils and MHCLG provides funding towards some infrastructure projects in South Oxfordshire, such as at Watlington, Benson, Wallingford and Didcot. By continuing the current plan, the risk to the Deal is limited. In addition, in reference to the 26 August 2019 letter (Appendix 13), there would be a greater likelihood of future funding.
41. The Deal also provides a three year housing land supply test for the purposes of decision making while the Oxfordshire Plan 2050 is under preparation. That gives the Council more protection against speculative development. The Deal also introduces a bespoke Housing Delivery Test for Oxfordshire to apply in the first three years following adoption of the Oxfordshire Plan 2050. The Housing Delivery Test is an annual measurement of housing delivery in each Council area. The

consequences for not meeting this test is a presumption in favour of sustainable development.

42. Notwithstanding our current strong five year housing land supply, the absence of an up to date Local Plan could result in an uncoordinated approach to development, leading to inappropriate and incremental development being allowed on appeal that does not take account of cumulative implications and requirements for supporting infrastructure, with the potential for adverse environmental impacts. The locations where speculative applications are more likely to be pursued are those areas of the district which are located outside the Oxford Green Belt and the Areas of Outstanding Natural Beauty as these areas have higher protection under the NPPF.

#### Development Certainty

43. Having an adopted Local Plan in place provides greater certainty to all interested parties, including local communities and businesses, as to where and when new development will take place. By the same token it gives the Council greater control over where development will take place, reducing the prospect for planning by appeal (speculative development) and associated costs.
44. Progressing with the emerging Local Plan provides strength and certainty for neighbourhood plans, allowing them to progress and shape development in their area, avoid need for early review and allow them to contribute to the delivery of housing need.

#### Duty to Co-operate

45. An advantage of continuing with Option A is that the emerging Local Plan is widely supported by adjoining councils which helps meets the legislative requirement of the Duty to Cooperate. The Council has received a number of letters (Appendices 3, 7-9 & 21) from most of the Oxfordshire councils recognising the role that funding for infrastructure plays, raising concerns about potential impacts on their administrations, but acknowledging that the Council's decision will be in the best interests of South Oxfordshire's residents.
46. The fulfilment of our Duty to Cooperate is set out in our Statements of Common Ground included in the emerging Local Plan's evidence base. Statements of Common Ground are required to be produced to highlight agreement on cross boundary strategic issues with neighbouring authorities and other relevant organisations. Having a plan in place addresses questions of the County's development needs as a whole and helps reduce planning risk to our partners. These Statements of Common Ground help support the evidence that the Duty to Cooperate has been discharged, though this will be a matter of judgement for the inspectors.
47. Under any Option chosen by Council, officers and councillors will no doubt endeavour to demonstrate the Duty to Cooperate has been discharged.

#### Staying ahead of national policy changes

48. In February 2019 Government released its response to the technical consultation on updates to national planning policy and guidance. This sets out the Government's intention to review the standard method for assessing housing

need. Government has stated that the existing standard method does not deliver their aspiration to deliver 300,000 homes a year, and so any review of the method will change the level of housing need, whether this be higher or lower.

49. Other external influences include the route options for the Oxford to Cambridge Expressway, which may open up new opportunities for growth, thus progressing the Local Plan under this option reduces this risk.

#### Reduced legal risk

50. Officers believe that the emerging Local Plan is legally compliant and would be found to be 'sound'. It is believed that Option A is the least likely of the options to result in a successful legal challenge against the Council. (Nevertheless, the plan's adoption could be challenged in a six-week legal challenge period following the date the Council decides to adopt the plan).

#### Local Plan Intervention

51. It is believed that it is unlikely that the Secretary of State would intervene in the plan making process under Option A. However, in a letter from MHCLG, 22 July 2019 (Appendix 4) they expressed concern about a delay to the Local Plan on the impact that a delay that would have on government's strategic priorities for Oxfordshire.

#### Didcot Garden Town

52. The Garden Town Status of Didcot is underpinned by a commitment to deliver 15,000 homes by 2031. Option A provides the greatest protection to Garden Town Status. At this time, we are eligible for grant funding from Homes England each year to support officer time and consultants to advance the development plan work.

#### Transport model

53. As mentioned above the Local Highway Authority (OCC) raise no in principle objection to the submitted emerging Local Plan, subject to HIF being successful. The Oxfordshire Strategic (SATURN) Transport model (OSM) provides part of the evidence for the emerging Local Plan and has assessed the cumulative impact of committed and planned development in the district. The model ceases to be WebTAG compliant at the end of November 2019, though the assessment took place well within its compliant timeframe. There is no alternative available at present, which may become an issue if the Inspector considers Modifications.

### **Option A: Risks**

#### Local Plan 'Soundness'

54. There is a low risk that the emerging Local Plan is found unsound by the Inspectors, however Inspectors usually will suggest Modifications to make the local plan sound. If the emerging Local Plan is found to be sound and the Council adopt it, 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, but if the risk materialises this could have significant financial implications.

**Evidence Base**

- 55. As time has progressed a number of evidence base documents are becoming more dated. Following updates, particularly an assessment of housing needs, they are likely to be satisfactory for the current examination.
- 56. Government has acknowledged that the existing standard method does not deliver their aspiration to deliver 300,000 homes a year, and so any review of the standard method could result in a different housing need whether it is higher or lower, which the Inspectors would ask us to consider if this change happened during the examination proceedings.

**Option A: Conclusion and Recommendation**

- 57. Option A is likely to be the quickest way to ensure that we have an up to date development plan since we adopted the Core Strategy in 2012, and this Option provides long term confidence to our communities and partners about development in the district and is less likely to result in speculative applications and resultant appeals.
- 58. The costs of progressing Option A have been met by the existing Planning Policy budget and avoids abortive costs.
- 59. This option is also the best opportunity to secure the provision of ongoing external infrastructure funding from HIF and the Deal, which is of particular benefit to the communities of Didcot and Science Vale. This is the only Option which meets the current pre-condition of the draft agreement between Homes England/Homes England and OCC. Furthermore, if housing delivery slows in Didcot, as a result of this funding potentially being withdrawn as a consequence of Council's decision of other Options, then it could have a consequential impact on the housing land supply for the rest of the district. These issues will affect our partners, including Vale of White Horse District Council and Oxfordshire County Council.
- 60. There are clear advantages over the disadvantages and officers therefore recommend Option A.

**Option B – Withdraw the Local Plan and progress a revised version of the Local Plan through publication (Regulation 19)**

- 61. This Option would see the withdrawal of the Local Plan from examination. The Council would then propose changes to the plan and undertake a further regulation 19 publication before resubmitting the Plan for examination. The extent of changes will need to fall within the remit of regulation 19 publication – i.e. not constitute a fundamental re-write of the Plan/introduce significant new subject areas for the plan to cover.
- 62. By way of example, Option B could include the removal of a site or sites, the inclusion of policies relating to climate change or the review of the uplift above the standard method (although the validity of Option B would need to be reviewed depending on precisely what changes the Council proposes to introduce). The cumulative impact of any proposed changes could necessitate a new Local Plan to



be prepared as the changes could be considered so significant as to depart from the substance of the existing Plan.

63. Whilst Councillors may select this option to progress their preferred aspirations, by virtue of opening up the Local Plan to another regulation 19 publication this will provide an opportunity for others to raise new issues beyond those which Councillors may wish to focus on. These matters would be considered at the subsequent examination.

#### Timescale and financial implications

64. This option would delay the Local Plan process by several months as set out below and would include the preparation of any additional evidence required. This would have cost implications, but until we know the extent of changes and what additional/updated evidence is required it is difficult to estimate whether this can be achieved within existing policy budget. Once officers were clear on the Council's decision and direction, if necessary, we would bring a report back to consider financial implications. The Plan would require a consultation period (Reg. 19 publication) of at least six weeks. The extent of this would depend on what evidence is required to support the Council's intended requested planning policy changes. The indicative timetable below has been adjusted to account for the latest information on when evidence to support the Plan will be available.

<b>October 2019</b>	Withdraw emerging Local Plan
<b>October 2019 – March 2021</b>	Review of emerging Local Plan on the basis of conducting a further consultation (regulation 19) subject to the impact of the changes requested. (This assumes the Oxfordshire Mobility Model is operation in August 2020.)
<b>April 2021</b>	Third regulation 19 Publication
<b>September 2021 – June 2022</b>	Resubmission and Examination in Public
<b>July 2022</b>	Inspector's report
<b>September 2022</b>	Adoption

#### **Option B: Advantages**

##### Freedom to make changes

65. The key advantage of this option is to enable councillors to review aspects of the emerging Local Plan. For example, the Council could choose to reduce the supply of homes proposed in the Plan, review which sites should be allocated for development and change the natural environmental policies within the plan, as well as any further minor changes. The cumulative effect of these changes would need to be considered. These changes would need to be based on current or updated planning evidence, and compliant with national policies and guidance.

Amount of Oxford City's unmet housing need

66. The Examination of the Oxford City Local Plan could, in time, provide an accurate number of their unmet housing need, prior to the publication of a revised South Oxfordshire Local Plan so that the final level of unmet housing need can be incorporated within the South Oxfordshire Local Plan. In effect the council will have withdrawn from the Statement of Common Ground, which currently commits the council to providing for Oxford City Council's unmet need.

**Option B: Risks**

Housing Infrastructure Fund

67. Following the commentary in paragraphs 10 to 20 above, if HIF is withdrawn by Homes England/MHCLG due to the pre-condition, it would result in a loss of funding for OCC for major infrastructure projects necessary to mitigate existing and proposed developments in Didcot and Science Vale area.
68. Due to the current severe<sup>2</sup> impact on the road network around Didcot caused by existing development, the loss of HIF funded infrastructure improvements would leave this impact unresolved. Additionally, the withdrawal of HIF would impact on the agreed Didcot Garden Town Delivery Plan.
69. Any loss of HIF is likely to lead to an objection from OCC as the Highways Authority insofar as the emerging Spatial Strategy would not have guaranteed funding. A departure from the spatial strategy which focusses on the Science Vale area would then constitute a significant change, at which point Option B would have a higher risk and Option C should be progressed instead.

Housing and Growth Deal

70. One of the milestones of the Deal was the submission of a Local Plan by 1 April 2019, so the Local Plan withdrawal in this option could impact on the continuation of the Deal with or without South Oxfordshire. The Deal Delivery Plan states that:
- "Failure to achieve milestones will result in [the] deal being reviewed and potentially further payments could be withheld."*
71. The Oxfordshire Plan 2050 and the freedoms and flexibilities (i.e. 3 year housing land supply and the Housing Delivery Test) could also be affected by this option. However, it is important to note that discussions between officers and Homes England/MHCLG continue and any updates at the time of council meetings will be verbally reported.

Evidence base update

72. Under this option extensive updating and the provision of additional evidence will be required. The range of this additional evidence will depend on the level of changes proposed. This will require additional officer time and incur costs to support this. Some of our evidence is over five years old and our transport evidence update will be challenging as the model has almost come to the end of its life and it could not be used again to prepare a local plan.

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<sup>2</sup> NPPF Paragraph 109

73. Officers would need to update the Housing Needs Assessment, the retail and economic data underpinning a number of pieces of evidence and the Viability Assessment, Sustainability Appraisal and Habitats Regulations Assessment. These are fundamental parts of a Local Plan's evidence. Depending on the scope of review under this option further studies may be required as the conclusions of one study may then need to be incorporated and assessed with reference to another study. This may further extend the period and which would impact on existing evidence that would need to be updated to be robust. The initial point at which some of this evidence was gathered is becoming more dated the longer the plan making process takes. It is more likely that there would be challenges to the 'soundness' of the plan under this option.

#### Housing land supply

74. This option could have longer term impacts on our housing land supply, subject to when we can secure an adopted local plan. However, our most recent evidence suggests there is sufficient headroom in our land supply to provide time for a Regulation 19 version of the Local Plan to be produced and submitted.

#### Oxford to Cambridge Arc

75. The emerging Local Plan would have to respond to any future announcements on the Oxford to Cambridge Expressway route, and any associated development opportunities. In the event that the route crossed South Oxfordshire it could necessitate a departure from the current spatial strategy. As above, this would then constitute a significant change, at which point Option C should be progressed rather than Option B.

#### Neighbourhood Development Plans

76. There is a risk that emerging Neighbourhood Development Plans face uncertainty regarding the number of homes they should be planning for while the Council prepares this revised plan.

#### Adjoining councils and partnerships

77. Should Council decide to withdraw the plan and either the Deal, HIF, or unmet housing need are affected, there is a risk that this would affect the plans yet to be adopted across the County.
78. If this situation arises, it could have a negative impact on our working relationships and reputation with neighbouring authorities, and partners in Government, as mentioned above.

#### Duty to Cooperate

79. There is a risk, that the legal duty to cooperate might not be met if the council's actions are directly jeopardising the Plans' of neighbouring Districts.

**Lack of an up to date local plan**

- 80. Site promoters may see a withdrawn plan as an opportunity to submit speculative planning applications, despite having a strong housing supply. This could lead to planning appeals and associated applications for costs against the Council for perceived unreasonable behaviour.
- 81. Certain parts of the district are more vulnerable to speculative developments and officers believe, from our recent experience of losing our housing land supply, that greenfield sites on the edge of settlements outside the AONB and Green Belt will be at most risk. This is because these areas do not benefit from the high level of protection in national planning policy.
- 82. Those who proposed alternative sites through the emerging Local Plan, which were rejected by the Council could also use this opportunity to submit speculative planning applications. Many of the sites omitted from the emerging Local Plan fell in areas not within the Green Belt or AONB, such as those located on the edge of Reading, Thame, land at Harrington and Didcot. This could potentially result in unplanned sites being determined by planning inspectors rather than the Council. This also places at risk the level of appropriate infrastructure that would be required to mitigate their development proposals and may potentially result in piecemeal infrastructure responses.

**Local Plan intervention**

- 83. Officers believe that it is unlikely that the Secretary of State would intervene in the plan making process under Option B, however in order to mitigate against this risk we would need to be clear that we were progressing with plan making. Although a low risk, then this would be a higher risk than Option A.

**Community Infrastructure Levy (CIL)**

- 84. Officers have commissioned evidence on viability to support a review of the Community Infrastructure Levy (CIL) and increased charging rates supplemented by a revised Supplementary Planning Document. This evidence is based upon the emerging Local Plan and the cumulative need for infrastructure for the sites and level of growth proposed. As the evidence becomes out of date so will the SPD, which will require a generic update rather than any site specific content until the Local Plan has been reviewed.
- 85. In the interim, Town and Parish Councils will continue to receive a lower level of CIL funding. Funding gaps created from any from loss of funding would not be filled by CIL.
- 86. However, we need to recognise that following the changes in September to CIL and Section 106, there may be an opportunity, in any event to update CIL.

**Legal risk**

- 87. Section 22 of the Planning and Compulsory Purchase Act 2004 provides the mechanism for a local planning authority to withdraw a local plan at any point before adoption. The Council could choose to withdraw the emerging Local Plan from examination by following the process set out in Regulation 27 of the Town and Country Planning Act. They could then review the Plan, and, subject to the

level of change could go back a stage in plan making process and undertake a further Consultation (Regulation 19 - publication).

- 88. Any decision to withdraw the plan should be based on a sound planning reason(s) and a rationale, to minimise the risk of legal challenge to such a decision.
- 89. There could be an additional risk of progressing a third consultation (Regulation 19) version of the plan that the legal Duty to Cooperate might not be met if the Council's actions directly jeopardise the Plans of neighbouring districts. If the Council's legal duty is not met, an inspector would have no choice but to recommend non-adoption of the revised Plan.

#### **Option B: Conclusion and Recommendation**

- 90. There are some disadvantages to Option B, such as a delay in timescales and potential additional costs in comparison with option A. It would also add uncertainty for our communities and neighbourhood plan groups. Furthermore, it could place the Deal and HIF schemes/projects at greater risk with consequences for housing land supply and infrastructure in the Science Vale area and around Didcot.
- 91. Any loss of HIF is likely to lead to an objection from OCC as the Highways Authority insofar as the emerging Spatial Strategy would not have guaranteed funding. A departure from the spatial strategy which focusses on the Science Vale area would then constitute a significant change, at which point Option B would have a higher risk and Option C should be progressed instead.
- 92. However, Option B would provide the Council with an opportunity to make limited changes to the plan to address some of the concerns of councillors, as understood by officers.
- 93. On balance officers do not recommend this approach, as we believe the disadvantages considerably outweigh the advantages to the Council and that some factors are sufficiently outside of the Council's control which would necessitate a new Local Plan rather than progressing a third Regulation 19 version of the Local Plan.

#### **Option C – Withdraw the Local Plan and embark upon a new Local Plan**

- 94. This Option would see the withdrawal of the Local Plan from examination. The Council would then develop an entirely new Local Plan. This would be subject to two periods of consultation at regulation 18 and regulation 19 stage (publication).
- 95. Councillors could select this option to develop an aspirational new Local Plan focussed, for example, on environmental and Climate Change which can fully reflect their ambitions, subject to the development of an appropriate supporting evidence base.
- 96. This option would lead to Council to withdraw from the current Statements of Common Ground with other Oxfordshire authorities as preparing a fundamentally different Plan would be inconsistent with what is committed to within the

Statements of Common Ground. Officers would then draw up new Statements of Common Ground with Oxfordshire authorities.

#### Timescale and financial implications

97. The indicative timetable below indicates the anticipated programme for preparing a new Plan.
98. The financial implications will need to be assessed in the context of a new Local Plan, estimated timescales and the existing policy budget. Once the Council has decided on which option and direction it wishes to take, if necessary, officers will report back to Cabinet/Council regarding any financial implications.

<b>October 2019</b>	Withdraw emerging Local Plan
<b>October 2019 – August 2021</b>	Draft Reg 18 Local Plan production
<b>August 2022</b>	Consultation on Reg 19 Local Plan
<b>February 2023 – November 2023</b>	Submission and Examination in Public
<b>December 2023</b>	Inspector's report
<b>February 2024</b>	Adoption

#### **Option C: Advantages**

##### Freedom to make changes

99. The main advantage of this option is for the Council to set a new direction for a new Local Plan, which does not exist under any other Option. Option C provides the widest scope to pursue councillors' broad ambitions across the Local Plan, subject to an appropriate evidence base. This would positively contribute to the Climate Change emergency which was declared in April 2019. The Council would not be limited to the current adopted Core Strategy policies. These changes would need to be based on new planning evidence, and compliant with national policies and guidance.

##### Amount of Oxford City's unmet housing need

100. The Examination of the Oxford City Local Plan will have been completed to provide an accurate number of their unmet housing need, prior to the publication of a new South Oxfordshire Local Plan so that the final level of unmet housing need can be incorporated within the South Oxfordshire Local Plan.

##### Transport model

101. The Oxfordshire Strategic (SATURN) Transport model (OSM) will no longer be WebTAG compliant at the end of November 2019, meaning that any future testing of site scenarios and levels of growth in South Oxfordshire will need to be undertaken in the new Countywide model that is currently under development. The

new model moves away from the traditional type of transport model we have been using and, instead, is to be the first Oxfordshire Mobility Model (OMM) which has a greater focus on modal shifts and alternatives to car based transport. This model is still in development and is not expected to be available for use until at least August 2020, but is complementary to a new Local Plan timescale. For clarity, this is the same as Option B.

#### Evidence base

102. In commencing a new Local Plan we would develop a new suite of evidence base studies to be prepared, some of which could be prepared jointly with neighbouring authorities in Oxfordshire, Berkshire and Buckinghamshire. Having a sound up to date evidence base limits opportunity for legal challenge and assisting in defending planning appeals.

#### **Options C: Risks**

##### Housing and Infrastructure Fund

103. It is clear from the dialogue which has taken place with MHCLG, Homes England and Oxfordshire County Council, that the Housing and Infrastructure Fund may not continue in its current form if the Council chooses to progress with a new plan under this option. This is subject to the outcome of the OCC work on alternative sites and whether Homes England will accept alternative sites contractually and vary the clause within the draft agreement which relates to the South Oxfordshire Local Plan. If HIF is lost, it would result in a funding shortfall for major infrastructure projects necessary to mitigate existing and proposed developments in Didcot and Science Vale area.

##### Housing and Growth Deal

104. Option C potentially places the Oxfordshire Housing and Growth Deal at risk. Should the Deal be withdrawn, it could result in a funding shortfall for some major infrastructure projects necessary to mitigate existing and proposed developments in Didcot and Science Vale area. This could have an impact on the housing land supply. The infrastructure impacts on the highway network would be primarily in Didcot and the surrounding villages in Science Vale.
105. The withdrawal of the Deal may also result in a loss of the three year housing land supply test for the purposes of decision and the future bespoke Housing Delivery Test for Oxfordshire.
106. Although the Council has identified a small number of housing schemes to benefit from some of the £60m Deal funding to accelerate the delivery of affordable housing, this is unlikely to be available if the Deal falls (with or without South Oxfordshire).
107. There are also potential longer term implications for Oxfordshire's ability to attract future funding from government if the Deal were withdrawn.

##### Oxfordshire Plan 2050

108. The withdrawal of the Growth Deal funding could also put the Oxfordshire Plan 2050 at risk. Whilst there may remain an ambition from the districts to progress a

strategic County wide plan, the capacity funding of £2.5 million could be lost. Each Council would then be required to make a contribution to the ongoing costs of this project, which are not currently budgeted for.

#### Development Certainty

- 109. Option C would remove certainty from the current plan making process to all interested parties, including local communities, neighbourhood plan groups and businesses.
- 110. Notwithstanding a strong five year housing land supply, based on the minimum standard method, the council will not have an up to date plan in place. This could result in a number of speculative planning applications being submitted to the Council and the potential for an increasing number of appeals on non-allocated sites, which do not take account of cumulative implications and requirements for supporting infrastructure, with the potential for adverse environmental impacts, with related applications costs.
- 111. Certain parts of the district are likely to be particularly vulnerable to speculative development and based on our recent experience, greenfield sites on the edge of settlements outside the AONB and Green Belt will be at most risk. This is because these areas do not benefit from the higher level of protection set out in national planning policy.

#### Oxfordshire Councils and partner relationships

- 112. There are risks to the relationships that our Council has with its neighbouring councils and with Government (Appendix 13). A number of Councils have written to the Leader of the Council regarding their concerns.

#### Local Plan intervention

- 113. Section 27(1) and (2) of the Planning and Compulsory Purchase Act 2004 allows for the Secretary of State to intervene in the plan making process (at any time before a Plan is adopted). This poses a financial risk, a reputational risk and procedurally the Council would lose control of its plan making powers. Under this option, the risk is higher than Option A, but lower than Option B. Officers believe this is a low risk providing the Council is clear after withdrawing its emerging Local Plan, what it does next in plan making terms.

#### Oxford to Cambridge Expressway

- 114. Other risks include the route options for the Oxford to Cambridge Expressway, which may open up new opportunities for growth. Under this option we would have to respond to any future announcements on the Oxford to Cambridge Expressway route, and any associated development opportunities. This may require a different spatial strategy in a new Local Plan.

#### Duty to Cooperate

- 115. There is a risk, as with option B that the legal duty to cooperate might not be met if the council's actions are directly jeopardising the Plans' of neighbouring Districts.



116. Any withdrawal of HIF funding could have an immediate impact on our neighbouring authority, the Vale of White Horse District Council. Any loss of funding could affect the delivery of housing sites within the Vale and without the delivery of those sites, it is likely that they would not be able to demonstrate a five or three year housing land supply. There is a possibility that this could lead to further planning implications for South Oxfordshire District Council should we undermine their ability to provide sufficient sites against their housing requirement including the potential for a request to meet their resultant unmet housing need. This is calculated to be in excess of 5,000 homes.

**Didcot Garden Town**

117. The Garden Town Status of Didcot is underpinned by a commitment to deliver 15,000 homes by 2031, which requires delivery of sites in the Didcot area which are reliant on infrastructure being provided by HIF. This option risks the loss of Garden Town Status. This risk is higher under Option C than it would be for Option B given the timescales involved.
118. There are two sites which relate to the Didcot Garden Town that are allocated in the South Oxfordshire Emerging Local Plan 2034; Land Adjacent to Culham Science (STRAT 9) and Didcot A Power Station (H2- New Housing in Didcot).

**Legal Risk**

119. Section 22 of the Planning and Compulsory Purchase Act 2004 provides the mechanism for a local planning authority to withdraw a local plan at any point before adoption. The Council could choose to withdraw the emerging Local Plan from examination by following the process set out in Regulation 27 of the Town and Country Planning Act.
120. Any decision to withdraw the plan should be based on a sound planning reason(s) and a rationale, to minimise the risk of legal challenge to such a decision. Officers believe the risk of challenge is lower under Option C than Option B.

**Community Infrastructure Levy (CIL)**

121. Officers have commissioned evidence on viability to support a review of the Community Infrastructure Levy (CIL) and increased charging rates supplemented by a revised Supplementary Planning Document. This evidence is based upon the emerging Local Plan and the cumulative need for infrastructure for the sites and level of growth proposed. As the evidence becomes out of date so will the SPD, which will require a generic update rather than any site specific content until the Local Plan has progressed enough.
122. In the interim Town and Parish Councils will continue to receive a lower level of CIL funding. Funding gaps created from any from loss of funding would not be filled by CIL. Should the council wish to progress an update to the current CIL charging schedule this could be linked to the 2012 adopted Core Strategy as an interim measure, pending the adoption of a new Local Plan.

**Options C: Conclusion and Recommendations**

- 123. There are more advantages and less disadvantages under Option C than under option B. Noticeably around the ability of councillors to set a new direction for the development plan.
- 124. The disadvantages under Option C are similar to Option B, though the timescale is longer than Option A or B. Officers believe the impact of Option C on the HIF proposal and the Deal is the same as that as Option B. The loss of infrastructure funding is a key factor for Science Vale and around Didcot. It would also add uncertainty for our communities and neighbourhood plan groups.
- 125. Officers do not recommend option C, as we believe the disadvantages outweigh the advantages, however, notwithstanding this, officers would advise that Option C presents a better route for a robust plan than Option B and better meets the aspirations of the council should Option A not be acceptable. This is recognising the risk in the age of the evidence base and the likely scope of legal challenge to the soundness of the plan.

**Work on a subsequent Local Plan**

- 126. This review is already timetabled within the Councils Local Development Scheme. The Local Development Scheme will need to be updated to reflect the latest progress of the emerging Local Plan and the subsequent Local Plan.
- 127. Additional resource and finance will be required to progress a new Local Plan alongside a review of the Plan in Option A or B. Evidence compiled to support a review of the Local Plan under Option A or B will not support a new Local Plan.
- 128. Consideration will also need to be given to the updates to the Community Infrastructure Levy (CIL) that would normally follow the adoption of a new Local plan or where there has been a substantial change in circumstances. Officers believe that a review could be undertaken following changes to the CIL legislation in September 2019.

**Examination Update**

- 129. We have received three sets of initial questions from the Inspectors appointed to undertake the examination of the South Oxfordshire Local Plan. Officers have commenced work on responding to these questions in the absence of any mechanism to 'pause' the examination, and no Council decision to withdraw.
- 130. The hearing sessions and matters statements will need to be prepared for the Oxford City Council Local Plan hearings. Officers believe that these may be received over the next few weeks and will provide an update to the meeting. Any reasons for withdrawal of the Local Plan will have implications for how we can respond to these matters.

## Financial Implications

131. Any decision that has financial implications must be made with regard to the knowledge of the council's overarching financial position. This is as reflected in the council's medium term financial plan (MTFP) as reported to Full Council each February as part of the budget setting report. The February 2019 MTFP and the budget report showed that the council was due to receive £3.3 million less in revenue funding than it planned to spend in 2019/20 (with the balance coming from reserves and accumulated New Homes Bonus). This funding gap is predicted to increase to over £6 million per annum by 2023/24. Every decision should be made in cognisance of the need to substantially reduce this funding gap over the medium term and to eliminate it after five years.
132. The preparation of the South Oxfordshire Local Plan is primarily undertaken by the Planning Policy team and is supported by the production of an extensive evidence base with significant input from other areas of the council. The work of this team is met from the existing Planning Policy budget. The total costs of the production of a Local Plan for South Oxfordshire have been estimated at approximately £5 million.
133. Each Option has costs associated with it. Option A will require existing staff resource already budgeted for, recognising there is a need to recruit permanent staff to facilitate the examination process and to participate in the Oxford City examination hearings. In addition it will require the full funding of the next Local Plan.
134. The additional cost of pursuing Option B would be an estimated £500,000 to £600,000 over a 16 month period. The Council would still incur the full costs of a new Local plan as this would commence immediately afterwards. This would require many of the evidence documents that support the current plan to be redrafted or recommissioned. Currently, we do not have an indication of the Inspectors' time spent on the emerging Local Plan to date. However, their daily rate is circa £1000 per day per Inspector.
135. Over a five year MTFP, Option C would potentially have a lower cost implication than Option A or B as it removes the need for any further costs to be incurred with the emerging Local Plan. Officers estimate that Option C would require around an additional funding of £2 million over the MTFP period, although this would be brought forward expenditure rather than additional expenditure. Officers will also have to review the existing budget for a new Local Plan based around the above estimate of costs. This would be subject to another report.
136. Progressing with Option A, without main modifications, could be covered within the existing Planning Policy budget whereas Options B and C would require a re-profiling of this budget. However, officers believe that for Option A updates can be covered from within the existing policy budgets as much of the evidence base can have addendum reports rather than necessitating a complete rewrite, the costs of a new local Plan would be incurred immediately after the Local Plan had been adopted
137. Progressing with Option A, B or C will require planning officer resource to support the necessary contractual requests for additional work and to review additional material. As the work programme for the team was focussed on the necessary preparatory work for the examination, it shifts the timescale back and will create

some management challenges which will require a flexible approach to officer resource.

138. Potential resource funding will be required for Development Management for the determination of additional major planning applications and subsequent planning appeals. We have been advised by Oxfordshire County Council officers of their concerns for capacity to support an increase in the workload of Development Management. This would also likely be relevant to other statutory bodies, but it is for them to address.
139. If the Secretary of State intervenes in the Council's plan making we would be responsible for the costs associated with this process. At this time, there is no precise estimate as to any costs that might be incurred if this happened. Officers would recommend that any attempt to step into the plan making process was robustly defended.
140. The potential loss to OCC should the HIF funding be withdrawn would total £218 million. If HIF does not progress, Oxfordshire County Councils abortive costs to date are around £1 million.
141. The potential loss of funding associated with Deal, including the accelerating affordable housing fund, would be approximately of £145 million over the remaining three years.
142. As an indication of costs that might be incurred by Oxfordshire partner councils, and recognising the shared commitment to DGT, the financial implications to Vale of White Horse Council with the potential loss of infrastructure to deliver Valley Park in Didcot, amounting to £59,322,512.
143. It is possible that there may be further financial implications that would have a direct impact depending on the range of sites allocated by a future Local Plan. There would be a significant amount of investment from developers and site promoters of the sites allocated within the Local Plan. Appendix 15 is a letter from Carter Jones acting for CEG for the Culham and Culham No.1 allocations. Appendix 18 is a letter from Homes England in relation to the Chalgrove Airfield allocation. These letters represent only two of our strategic allocations, but together they would be providing £330 million of infrastructure funding either directly through S106, which under Options B and C is at risk of being lost. Cumulatively, the funding from developers as well as the risks of loss of the £218 million HIF and the Growth Deal funding, this represents a cumulative financial risk of investment in infrastructure that is very significant. Currently identified funding from developers could not be guaranteed under Options B and C.

## **Legal Implications**

144. The Publication version of the South Oxfordshire Local Plan has been produced for publication under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("Local Planning Regulations").
145. Local authorities are required by law to prepare a development plan for their administrative area and the process for doing that is governed by statute. The regulations require local authorities to notify and invite comments from a range of specified persons and organisations on their development plan proposals.

146. In the absence of an up to date Local Plan, South Oxfordshire's ability to decide the type and location of development that comes forward is significantly weakened. There is a requirement to review Local Plans every five years and the Core Strategy, which was adopted in 2012, prior to the current national planning guidance and policy.
147. In the writing of this report, regard has been given to legal advice provided by counsel engaged to advise the council on the Local Plan. A copy of the advice has been circulated to all Councillors on a confidential basis. This is not for publication or discussion in public because it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### Power to withdraw the Local Plan

148. Section 22 of the Planning and Compulsory Purchase Act 2004 provides the mechanism for a local planning authority to withdraw a local plan at any point before adoption.
149. Officers believe that any decision to withdraw the plan should be based on sound planning reason(s) with a rationale, to minimise the risk of legal challenge to such a decision. A person aggrieved by a decision to withdraw the Plan might seek to undertake a judicial review of that decision.

#### Duty to Co-operate

150. Section 33A of the Planning and Compulsory Purchase Act 2004 (as inserted by the s110 of the Localism Act 2011) ("s33A") provides that local planning authorities must co-operate with other local planning authorities in maximising the effectiveness with which activities such as the preparation of local plan/development plan documents are undertaken so far as they relate to strategic matters. This 'duty to cooperate' requires the local authority to engage constructively, actively and on an ongoing basis in any process by means of which activities such as the preparation of Local Plan are undertaken.
151. If the person appointed to carry out the independent examination considers that the council has not complied with its duty under s33A in relation to the preparation of its Local Plan the person can neither recommend adoption nor modifications and in such cases, and the council cannot then adopt the Local Plan.
152. Under Option A the legal Duty to Cooperate will be examined by the appointed inspectors in the current examination.
153. Under Options B and C there is a risk to the ability to demonstrate that the Duty to Co-operate has been discharged. This will be felt particularly by Vale of White Horse District Council, where Options B and C and a resultant loss of HIF, will immediately impact on their ability to demonstrate a five-year supply of housing land, bringing with it reputational, environmental and potentially financial risks to that Council.

154. Should the Council choose Option B or C, this would impact on Oxford City whose Plan is being examined. Options B and C will signal withdrawal of a significant element of housing delivery that the City Local Plan is reliant upon.

## **Conclusion**

155. Cabinet is asked to note the updated position in relation to the emerging Local Plan, to consider the options set out in this report and to make recommendations to Council.
156. This report sets the options available to members with the advantages and disadvantage, estimated costs and timescales.
157. Option A is likely to be the quickest way to ensure that we have an up to date development plan since we adopted the Core Strategy in 2012, and this Option provides long term confidence to our communities and partners about development in the district and is less likely to result in speculative applications and resultant appeals. The costs of progressing Option A have been met by the existing Planning Policy budget and avoids abortive costs.
158. This option is also the best opportunity to secure the provision of ongoing external infrastructure funding from HIF and the Deal, which is of particular benefit to the communities of Didcot and Science Vale. This is the only Option which meets the current pre-condition of the draft agreement between Homes England/Homes England and OCC.
159. Option B is considered to be the worst of the three options as the impacts upon the council and its communities are highest. Option B adds an additional stage into a plan making process which has already taken a number of years. The updates to the evidence base which are required are unlikely to be a positive addition to the soundness of the emerging Local Plan.
160. Furthermore, it could place the Deal and HIF schemes/projects at greater risk and any loss of HIF is likely to lead to an objection from OCC as the Highways Authority insofar as the emerging Spatial Strategy would not have guaranteed funding. A departure from the spatial strategy which focusses on the Science Vale area would then constitute a significant change, at which point Option B would have a higher risk and Option C should be progressed instead.
161. Option C would enable the plan making process to move forward with a lower risk approach to addressing any of the council's outstanding concerns. The disadvantages under Option C are similar to Option B, though the timescale is longer than Option A or B. Officers do not recommend option C, as we believe the disadvantages outweigh the advantages, however, notwithstanding this, officers would advise that Option C presents a better route for a robust plan than Option B which meets the aspirations of the council should Option A not be acceptable.
162. There are clear advantages over the disadvantages and officers therefore recommend Option A.

## **Background Papers**

1. Report to and decision of Council of 18 July 2019
2. Report to and decision of Council of 20 December 2018
3. Report to and decision of Council of 28 September 2017.

## **Appendix:**

Appendix 1 – Housing trajectories for the options  
Appendix 2 - 2019-07-05 Letter from the Planning Inspectorate to SODC  
Appendix 3 – 2019- 07-10 Letter from OCC to SODC  
Appendix 4 – 2019-07-22 Letter from Kit malthouse to SODC  
Appendix 5 – 2019-07-24 Letter from SODC to all Partners  
Appendix 6 – 2019-07-30 Letter from SODC to MHCLG  
Appendix 7 – 2019-07-31 Letter from West Oxfordshire District Council to SODC  
Appendix 8 – 2019-08-08 Letter from Oxford City Council to SODC  
Appendix 9 – 2019-08-09 Letter from Vale of White Horse to SODC  
Appendix 10 - 2019-08-14 Letter from SODC to Planning Inspectorate  
Appendix 11 – 2019-08-19 Letter from SODC to Oxford City Council  
Appendix 12 – 2019-08-19 Letter from SODC to Planning Inspectorate  
Appendix 13 – 2019-08-26 Letter from MHCLG (Robert Jenrick) to SODC  
Appendix 14 – 2019-09-05 Inspectors correspondence and questions  
Appendix 15 – 2019-09-20 Letter regarding land adjacent to Culham Science Centre  
Appendix 16 – 2019-09-17 Letter from SODC to MHCLG  
Appendix 17 - 2019-09-19 Letter from UKAEA to SODC  
Appendix 18 – 2019-09-20 Letter from MHCLG (Tom Walker) to SODC  
Appendix 19 – 2019-09-24 Letter from Homes England to SODC regarding Chalgrove  
Appendix 20 – 2019-09-25 Economic Benefits associated with Oxford Science Village  
Appendix 21 – 2019-09-26 Letter from Ian Hudspeth to SODC

# Council



Report of Head of Legal and Democratic and Monitoring Officer

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To: COUNCIL

DATE: 10 October 2019

## **Extension of term of office of independent persons for code of conduct matters**

### **Recommendation:**

That Council authorises the Monitoring Officer to extend the terms of office of Chris Smith and George Green, the council's independent persons for code of conduct matters until 31 October 2020 pending the receipt of further information on potential changes to the standards framework.

### **Purpose of Report**

1. This report asks Council to authorise the Monitoring Officer to extend the terms of office of Chris Smith and George Green, the council's independent persons for code of conduct matters until 31 October 2020.

### **Strategic Objectives**

2. High standards of conduct underpin all the council's work and the achievement of all its strategic objectives. The proposal ensures a continued independent person advisory service to the council on code of conduct cases.

### **Background**

3. The Localism Act 2011 requires the appointment of independent persons who the Monitoring Officer must consult at various stages of the process when dealing with allegations of misconduct by district or parish councillors.



4. At its meeting on 19 July 2012, Council appointed George Green as one of the council's independent persons until 30 June 2017. At its meeting on 12 May 2016, Council appointed Mr Chris Smith as one of the council's independent persons until 30 September 2019. On 18 May 2017 Council agreed to the extension of the term of office of George Green until 30 September 2019.
5. These appointments were made following an advertisement, application and interview process and with a positive vote by a majority of councillors as required by the Localism Act. The Localism Act does not prescribe a time limit on the terms of office of independent persons and these were therefore within the discretion of the council.
6. Since their appointment, both independent persons have attended training, carried out their roles diligently and gained experience from which the council can benefit for a further period.
7. Chris Smith and George Green have been consulted about their terms of office and have both confirmed their willingness to continue working in this role.
8. As reported to the Joint Audit and Governance Committee in March 2019, the Committee on Standards in Public Life has recommended changes to the standards framework and the provisions on independent persons. It is possible that the role of the independent person will change and the duration of terms of office permitted to independent persons may be specified. There might also be stipulations on the maximum permissible number of terms to be served. The Joint Audit and Governance Committee will be advised of any such changes when they are known. It would be helpful to await confirmation of any changes to the role before recruiting new independent persons.

## **Financial Implications**

9. The cost of implementing the code of conduct arrangements, training independent persons and meeting their expenses is met from existing budgets.

## **Legal Implications**

10. The legal implications are set out in the body of the report.

## **Risks**

11. None.

## **Other Implications**

12. None.

## **Conclusion**

13. This report recommends Council to authorise the Monitoring Officer to extend the terms of office of Chris Smith and George Green, the council's independent persons for code of conduct matters, to 31 October 2020.

## **Background Papers**

- Report to and minutes of the Council meeting on 19 July 2012
- Report to and minutes of the Council meeting on 12 May 2016
- Report to and minutes of the Council meeting on 18 May 2017

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Document is Restricted