

# Minutes

OF A MEETING OF THE

## Scrutiny Committee

HELD ON TUESDAY 2 JULY 2019 AT 6.30 PM

MEETING ROOM 1, 135 EASTERN AVENUE, MILTON PARK, MILTON, OX14 4SB

### Present:

Ian White (Chairman)  
Mocky Khan, Anna Badcock, Sam Casey-Rerhaye, Stefan Gawrysiak, Simon Hewerdine,  
Alexandrine Kantor, George Levy and Anne-Marie Simpson

### Officers:

Emma Baker, Andrew Down, Adrian Duffield, Holly Jones and Ron Schrieber

### Also present:

Councillor Leigh Rawlins. Sue Halliwell, Oxfordshire County Council.

## 6 Declarations of interest

Councillor Kantor declared an interest in agenda item 5, South Oxfordshire Emerging Plan, as she was employed at Culham Science Centre and stated that she would be stepping down from the Committee during any discussion regarding the Culham strategic site.

## 7 Urgent business and chairman's announcements

The chairman reported that the scrutiny function was one of the key checks and balances to the council decision making process, acting as a "critical friend" to the executive.

He also clarified the respective roles of scrutiny and audit and governance. Scrutiny contributed towards the development of policies and strategy. It could challenge decisions made by the executive and had a role in scrutinising delivery and performance. Whereas audit and governance committee needed to satisfy itself that an adequate control environment was in place and, therefore, contributed towards the assessment of control processes and reviewed the operation of controls and procedural compliance.



Listening Learning Leading

## 8 Public participation

Caroline Baird, Dr Caroline Livingstone, Michael Tyce and Neville Harris had registered to speak on agenda item 5, South Oxfordshire Emerging Local Plan 2034 (see Minute 9 below).

## 9 South Oxfordshire Emerging Local Plan

Further to minute 6 of the meeting held on 19 June 2019, the committee gave further consideration to the head of planning's report which provided an update on the emerging South Oxfordshire Local Plan 2034 and detailed the implications of the options that officers believed were currently open to the council. These were:

Option 1: Allow the emerging Local Plan to continue through its examination.

Option 2: Allow the emerging Local Plan to continue through its examination but proactively recommend a series of main modifications to the plan.

Option 3: Withdraw the Local Plan from examination. The Council would then make changes to the plan and then conduct a further Regulation 19 consultation.

Option 4: Withdraw the Local Plan from examination and restart the plan making process.

As requested by the committee, the following additional information had been circulated:

- The evaluation of transport impacts, together with a transport topic paper
- A red, amber, green (RAG) risk assessment; and
- A housing land supply update

Caroline Baird, on behalf of Save Culham Green Belt, addressed the committee. She stated that the current plan was unsound with six of the strategic sites within the Green Belt which contradicted the aims of the Local Plan. She expressed the view that the proposed Culham site was unsustainable and urged the committee to recommend Option 4.

Dr Caroline Livingstone, representing UKAEA, addressed the committee. She stated that Culham was growing and that UKAEA was experiencing unprecedented expansion. She urged the committee to support the current emerging Local Plan and Option 1.

Michael Tyce, representing the Campaign to Protect Rural England, addressed the committee. He stated that the emerging Local Plan made provision for approximately 28,000 houses by 2034, a number which greatly exceeded the number of houses actually required. He expressed the view that the aim of the emerging Local Plan was not to meet housing need but was a bid to qualify for Growth Deal funding. He urged the committee to recommend Option 4.

Neville Harris, a Didcot Town and Oxfordshire County Councillor, addressed the committee. He stated that the Local Plan should prioritise combating global warming and that an eco town was needed. He urged the committee to recommend Option 4.

Holly Jones, planning policy manager, and Emma Baker, planning policy team leader, gave a brief presentation on the housing land supply. They reported that the key difference in the update note to the previously circulated information was that the future housing land supply position now took account of housing delivery where it was projected to be above the requirement. Undersupply was factored in where it exists. Officers advised that there was no clarity in the planning practice guidance on how to treat 'oversupply'.

Also present to answer questions were Leigh Rawlins, Cabinet member for planning, Adrian Duffield, head of planning, and Sue Halliwell, director for planning and place, Oxfordshire County Council.

In response to members' questions, it was reported that:

- Officers had written to the two Planning Inspectors regarding the likely timetable for the examination of Oxford City Council's housing need and the correspondence was included in the agenda papers for the Cabinet meeting on 10 July. A reply had not yet been received.
- Officers were not aware of any other local authority which used precisely the same method for calculating its housing land supply, though supply above the minimum was taken into account by some authorities. This approach would likely be challenged - as indeed housing land supply is challenged in a number of aspects.
- Sue Halliwell, representing Oxfordshire County Council, reported that if South Oxfordshire pursued Options 2, 3 or 4, the uncertainty created would jeopardise the Housing Infrastructure Fund (HIF) bid.
- Traffic modelling is approached through understanding of the existing highway network capacity - essentially a "do minimum" basis. This 'do minimum' approach had taken into account all the committed growth, including those strategic sites allocated in the adopted Core Strategy. This provides a position from which the different Local Plan scenarios were measured against. This helps to understand the impact on loading development and resultant trips onto the highway network. Then the transport modelling work tests a number of mitigation packages to determine what transport interventions will address the transport impacts created where these reach unacceptable levels.
- The time required to redraft the Local Plan, should Options 3 or 4 be pursued, would depend on the extent of changes made. Likely timetables for each Option were set out in the report but these were estimates based on the best information currently available.
- Modifications to the emerging Local Plan could be made throughout the examination process, but unless the Inspectors considered there to be a 'soundness' issue in relation to that particular aspect of the plan these would not likely be taken into account.
- It was likely that Oxfordshire councils might object, should Options 2, 3 or 4 be pursued as Option 1 has been supported in the latest consultation and has resulted in a countywide Statement of Common Ground which had been signed by all districts. Most of the Oxfordshire councils had objected to earlier versions of the Local Plan.

Following further discussion, a motion, moved and seconded, to go into confidential session to consider documents providing legal advice to the Council, was declared carried, on being put to the vote (see Minutes 10 and 11 below).

Following the confidential discussion, a motion, moved and seconded, to note the updated position in relation to the emerging South Oxfordshire Local Plan 2034, was declared carried, on being put to the vote.

The following motion was then moved and seconded.

A flurry of information has been presented to this committee in the run up to its second meeting to consider the Local Plan Review, some this day. We have also been presented with a number of reports from officers and representations from external parties. In light of these and other factors, this committee resolves to compile its own summary report, drawing upon information admissible under this council's constitution, that it finds relevant to the Local Plan Review, for presentation to Council. The report to be compiled in collaboration and a majority of Scrutiny members required to sign it off before publication. Some parts may remain confidential.

On being put to the vote, there was an equality of votes. The chairman exercised his casting vote against the motion, which was lost.

A motion was moved and second, to recommend to Cabinet that Option 1, as set out in the report, be progressed.

On being put to the vote, the motion was lost.

A motion was moved and second, to recommend to Cabinet that Option 3, as set out in the report, be progressed.

On being put to the vote, the motion was carried.

**RESOLVED:** to

1. note the updated position in relation to the emerging South Oxfordshire Local Plan 2034, and
2. **RECOMMEND** to Cabinet that Option 3, as detailed in the report, be progressed.

[Just before the meeting guillotine of 9:00pm, committee members took a vote to continue for a further period not exceeding 30 minutes, in accordance with the council's Constitution.]

## **10 Exclusion of the public**

**RESOLVED:** to exclude members of the press and public from the meeting for the following items 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 5 of 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.

## 11 South Oxfordshire Local Plan - Legal Advice

The committee considered documents providing legal advice to the Council regarding the Local Plan.

Following discussion, a motion was moved and seconded

1. To recommend to Council that time is set aside at its meeting on 18 July for a confidential session to consider the legal advice on the Emerging Local Plan 2034
2. That the legal advice be included in the Council agenda pack.

On being put to the vote, the motion was carried.

### **RESOLVED:**

1. To **RECOMMEND** to Council that time is set aside at its meeting on 18 July for a confidential session to consider the legal advice on the Emerging Local Plan 2034
2. That the legal advice be included in the Council agenda pack.

The meeting closed at 9.25 pm

Chairman

Date