

# Council



Listening Learning Leading

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Date: 21 August 2023

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## Summons to attend a special meeting of Council

to be held on

**TUESDAY 29 AUGUST 2023 AT 6.00 PM**

at

**DIDCOT CIVIC HALL, BRITWELL ROAD, DIDCOT, OX11 7JN**

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Patrick Arran  
Head of Legal and Democratic

Note: Please remember to sign the attendance register.

# Agenda

## 1 Apologies for absence

To record apologies for absence.

## 2 Declarations of interest

To receive declarations of disclosable pecuniary interests, other registrable interests and non-registrable interests or any conflicts of interest in respect of the item on the agenda for this meeting.

## 3 Public participation

Members of the public who wish to address Council on the agenda item for this meeting must register to do so in writing or by email to [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) no later than 5.00pm on Friday 25 August 2023.

## 4 Impact of the Housing and Infrastructure Fund (HIF1) Schemes Position (Pages 3 - 11)

To consider the attached report of the head of policy and programmes.

Patrick Arran  
Head of Legal and Democratic

# Council



Report of Head of Policy and Programmes

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To: COUNCIL

DATE: 29 August 2023

## Impact of the HIF1 Schemes Position

### Recommendation(s)

To

(a) Note the content of this report, and

(b) Resolves to request that the Leader of South Oxfordshire District Council write to the Secretary of State to raise the importance of the swift determination of the HIF1 planning application made by Oxfordshire County Council.

### Purpose of Report

1. To explain the background to the Housing and Infrastructure Fund (HIF1) in relation to South Oxfordshire and to facilitate discussion about the potential implications of the recent Oxfordshire County Council planning application process, and its consequence for the HIF1 schemes.

### Strategic Objectives

2. Action on climate emergency – HIF1 has the potential to encourage behavioural change, improve air quality and support sustainable transport modes and active travel.

3. Improved economic and community well-being – HIF1 is a significant infrastructure investment in an area which has been subject to large levels of growth. The infrastructure directly supports jobs and provides existing business with benefits. Planned improvements in community facilities for example leisure centres, expansion of the Wave, are dependent on Section 106 developer contributions from the affected sites. There will also be an impact on the Enterprise Zones which will provide employment in the area.
4. Homes and Infrastructure that meet local need – HIF1 is directly related to the delivery of homes and infrastructure in and around Didcot Garden Town.
5. Investment and innovation that rebuilds our financial viability – The HIF1 schemes are to be partly funded from Section 106 developer contributions.

## **Background**

6. The Didcot Garden Town Housing Infrastructure Fund programme (hereon in referred to as HIF1) is a £296m capital project of linked infrastructure schemes including dedicated walking and cycling infrastructure and associated bus infrastructure. It is designed as supporting infrastructure for allocated housing and employment sites in the South Oxfordshire and Vale of the White Horse Local Plans.
7. HIF1 has been part-funded by £218m from Homes England's Housing Infrastructure Fund, and grant funding was increased by 10% (£21.8m) in June 2022 to cover inflationary costs and to secure approval for the HIF1 deal at the June 2022 Oxfordshire County Council Cabinet meeting. Funding is also coming from the Oxfordshire Local Enterprise Partnership (£14m capital investment generated from Enterprise Zones business rates retention). A further £16m has been secured against Section 106 developer contributions, with other funding being underwritten from Oxfordshire County Council's capital budget. As part of the HIF1 deal, the grant funding needs to be committed by March 2026.
8. The HIF1 schemes will provide almost 20km of walking and cycling infrastructure, connecting employment sites with Didcot, surrounding villages and existing walking and cycling routes. Specifically, the schemes are:
  - A4130 dualling - linking Valley Park to Didcot Science Bridge.
  - Didcot Science Bridge - a new bridge across the railway line and the former Didcot A power station site.
  - Didcot to Culham River Crossing - a new link road and bridge over the River Thames.
  - Clifton Hampden bypass - a new bypass to re-route traffic away from Clifton Hampden and Burcot.
9. The HIF1 project is linked to the delivery of Didcot Garden Town, alongside the pre-planned construction of circa 18,000 new homes and circa 10,000 new jobs through the delivery of additional high tech employment development in the local area.

10. HIF1 is linked to the adopted South Oxfordshire Local Plan 2035, as it is necessary infrastructure to unlock allocated large strategic sites and other development in and around Didcot and Science Vale. Some of these sites are being implemented, and when they are completed, they place pressure on the local and wider transport network without the HIF1 infrastructure being in place.

11. Oxfordshire County Council submitted a planning application for the HIF1 schemes in November 2021, with supplementary information in November 2022. At the Oxfordshire County Council Planning and Regulation Committee of 17-18 July 2023, councillors and members of the public raised several issues they had with the HIF1 planning application. Ultimately seven committee members voted against the granting of permission for the HIF1 planning application whilst two voted for the permission, which had been recommended for approval by the officers.

12. In the days following Oxfordshire County Council's Planning and Regulation Committee meeting no decision notice was published with the committee's outcome. The week following the committee, the Secretary of State intervened by 'calling-in' the planning application to be determined by the Planning Inspectorate (PINS). The Secretary of State has the power to direct a local planning authority to refer an application to him for decision, under section 77 of the Town and Country Planning Act 1990. The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. There is a call-in policy which was last updated in an October 2012 Written Ministerial Statement (WMS). The criteria for call-in within the WMS states:

“Such cases may include, for example, those which in his opinion:

- may conflict with national policies on important matters;
- may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
- could have significant effects beyond their immediate locality;
- give rise to substantial cross-boundary or national controversy;
- raise significant architectural and urban design issues; or
- may involve the interests of national security or of foreign Governments.

However, each case will continue to be considered on its individual merits.”

13. We now await information about the details of the timetable that PINS will be following, including the date for an inquiry that PINS will hold, and a date for the reporting of the appointed Inspector's conclusions and recommendation. This report will be sent to the Secretary of State who will make a decision about the Inspector's recommendation. His decision will be explained in a decision letter.

14. Officers will formally request that South Oxfordshire District Council is made a party to the inquiry once it is commenced to make sure that the council's views are properly represented.

15. The HIF1 schemes are closely linked to the emerging Joint Local Plan 2041. Those sites that have been allocated in the adopted South Local Plan 2035 that have not yet built out, could be included within the emerging Joint Local Plan. This continues to make the delivery of HIF1 schemes essential to ensure that these sites can be brought forward and thus the adopted Local Plan strategy of focussing development on Didcot and Science Vale can be maintained.
16. Importantly, the Oxfordshire County Council transport modelling that the adopted South Local Plan 2035 relied upon assumed that the HIF1 schemes would be delivered. Therefore, without the HIF1 schemes there are potential impacts on the transport network capacity and connections across a much wider area. Given the outcome at Oxfordshire County Council's committee there has been a need to consider implications and for a time to pause certain aspects of work on the Joint Local Plan, this has meant a short delay in the scheduled milestones of around 3 months for the emerging Joint Local Plan.
17. The milestones have been corrected in an update to the Local Development Scheme, published on the Council's website. As discussed below, officers do not consider that the current approach to HIF1 that Oxfordshire County Council officers are taking cause an imminent risk to the emerging Joint Local Plan, however this report also details the risks should the HIF1 schemes not be delivered, which for the Joint Local Plan are likely to be substantial.
18. As no decision notice was published by Oxfordshire County Council following their 17-18 July 2023 Planning and Regulation committee, the HIF1 schemes remain subject to a live planning application. Given that the HIF1 schemes remain fully funded and subject to the planning process, Oxfordshire Highway Authority's position is that their 'Releasing Development Strategy' (see pages 325-352 of Agenda Item 13 for a copy: <https://mycouncil.oxfordshire.gov.uk/documents/g6378/Public%20reports%20pack%20Tuesday%2022-Jun-2021%2014.00%20Cabinet.pdf?T=10>) remains current and its contents will be applied to all live and in-coming planning consultations until further notice. This means that delivery of some development can continue for now, without their being a risk of highway related objections where the strategy is followed.
19. A number of development sites are linked to HIF1 being delivered and form part of our housing land supply. Following the Secretary of States call-in, Oxfordshire County Councils' formal position on HIF1 remains unchanged from before the Planning and Regulation Committee and as there continues to be a funded, live planning application, at this time, there is no reason to remove development sites from our next update to the five-year housing land supply position due to this. Officers intend to publish this year's Housing Land Supply Statement by 11 September 2023.

## **Climate and ecological impact implications**

20. HIF1 has a significant benefit in securing transport infrastructure of different modes to mitigate against the planned delivery of homes and jobs. Without HIF1 being delivered alongside the significant number of planned homes there would be more congestion and less modal choice.

## Financial Implications

21. Oxfordshire County Council are the HIF1 recipients and the agent for the delivery of the scheme.
22. There is a risk of loss of the secured funding if the HIF1 planning application is not secured and the March 2026 funding commitment deadline is not reached.
23. There is a risk that S106 contributions may need to be returned, If planning permission is not secured.
24. South Oxfordshire District Council will request to be an "interested party" in the called-in application to ensure that the Councils interests are protected. Any involvement will have impact on officer resource.
25. There is also a risk of significant costs attributable to the delays and additional work that would be necessary to the Joint Local Plan 2041 were HIF1 not to proceed. This has shared financial implications for neighbouring Vale of White Horse District.

## Legal Implications

26. Whilst the concept of HIF1 and its impact on the council, which has been set out in the body of the report, has clear legal implications, there are no specific legal implications arising from the recommendations in this report. As mentioned in the body of the report, officers will ensure that the councils' interests are properly represented in any inquiry and will engage leading counsel for that purpose if necessary.

## Risks

27. It is critical that the PINS process and SoS determination is undertaken as diligently and as swiftly as possible as any further delay will increase planning, delivery and funding uncertainties. There are several current risks should HIF1 not be delivered which include:
  - Impact on the immediate determination of planning applications in the Didcot and wider area. Officers have previously seen appeals upheld for the refusal of single dwellings without the benefit of the HIF1 infrastructure;
  - Failure to deliver the remainder of Didcot Garden Town, leaving implemented development without the necessary wider transport infrastructure to support it and communities affected as a result;
  - Impact on the sites that are able to be included within the five-year housing land supply, likely leading to us being unable to demonstrate a supply of sufficient homes for some time and implications of speculative developments elsewhere in the district;
  - Impact on the approach in the emerging Joint Local Plan 2041 which members have been engaged on delivering for a planned consultation in 2023. Without HIF1 there are limits to what spatial strategy and sites can be used to meet our housing and employment needs. If, as would be likely, we need to reconsider

our strategy, policies, allocations and supporting evidence base, this could cause very significant delays to the delivery of the Joint Local Plan;

- Wider impacts on investment, economic growth and prospects in Science Vale including the impact on key employment areas within and just outside the district; and
- Impact on the delivery of economic development in the Didcot Growth Accelerator Enterprise Zones, which are intended to support 2,400 local employment opportunities alongside around £110m in retained business rates growth over the next ten years.

### **Other Implications**

28. There are potentially wide ranging implications associated with the risks identified, these will need to be kept under consideration and actions taken as appropriate to the future circumstances once the outcome of the Secretary of State's call-in is known.

### **Conclusion**

29. That members note the content and recommendations of this report.

### **Background Papers**

None





Ministry of Housing,  
Communities &  
Local Government

Emily Catcheside  
Planning Officer  
Oxfordshire County Council

**Please ask for:** William Cole

**Email:** [will.cole@levellingup.gov.uk](mailto:will.cole@levellingup.gov.uk)

**Sent by email only:**  
[planning@oxfordshire.gov.uk](mailto:planning@oxfordshire.gov.uk)

**Your ref:** R3.0138/21

**Our ref:** PCU/RTI/U3100/3326455

**Date:** 25<sup>th</sup> July 2023

Dear Ms Catcheside

**Town and Country Planning Act 1990 – Section 77  
Town and Country Planning (Development Management Procedure)  
(England) Order 2015  
Town and Country Planning (Inquiries Procedure) (England) Rules 2000**

**Application by Oxford County Council c/o Jonathan Hill, AECOM (agent) for the dualling of the A4130 carriageway, construction of the Didcot Science Bridge, road bridge over the Appleford railway sidings and road bridge over the River Thames and associated works between the A34 Milton Interchange and the B4015 north of Clifton Hampden, Oxfordshire (Application no: R3.0138/21)**

1. I am directed by the Secretary of State to refer to the above named planning application.
2. In deciding whether to call in this application, the Secretary of State has considered his policy on calling in planning applications. This gives examples of the types of issues which may lead him to conclude, in his opinion, that the application should be called-in. In the light of his policy, the Secretary of State has decided to call-in this application. He accordingly directs, under his powers in section 77 of the 1990 Act, that the application shall be referred to him instead of being dealt with by the Local Planning Authority.
3. To consider all the relevant aspects of the proposed development, the Secretary of State has decided to hold a local inquiry. For the purposes of the 2000 Rules this letter is the “relevant notice” that an inquiry is to be held and the date of this letter is the “starting date”. All the arrangements for holding the inquiry will be made by the Planning Inspectorate in Bristol.

Planning Casework Unit  
Ministry of Housing, Communities and Local Government  
23 Stephenson Street  
Birmingham  
B2 4BH

Tel: 0303 44 48050  
[pcu@communities.gov.uk](mailto:pcu@communities.gov.uk)

4. The Planning Inspectorate will write to you shortly about the procedure for determining the called-in application.
5. The original application, together with any plans and other documents accompanying it will need to be supplied to the Planning Inspectorate (including any related certificates and correspondence). The Inspectorate will contact you shortly to discuss this further.
6. Should you have any questions please contact the Planning Inspectorate (email [Mark.Boulton@planninginspectorate.gov.uk](mailto:Mark.Boulton@planninginspectorate.gov.uk) or telephone 0303 444 5239).
7. On the information so far available to the Secretary of State, the matters which he particularly wishes to be informed about for the purposes of his consideration of the application are:
  - a) The extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes as set out in the NPPF (Chapter 5); and
  - b) The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy as set out in the NPPF (Chapter 6); and
  - c) The extent to which the proposed development is consistent with the development plan for the area; and
  - d) any other matters the Inspector considers relevant.
8. This is to be taken as the Secretary of State's statement under rule 6(12) of the 2000 Rules.
9. In accordance with rule 6(1) and (2), the local planning authority shall ensure that two copies of a statement of case are received by the Secretary of State, and one copy has been received by any statutory party as defined in rule 2 within six weeks of the starting date (unless the Planning Inspectorate notifies you otherwise - you may wish to contact them). Your attention is drawn to rule 6(11). The Secretary of State will comply with rule 6(4).
10. You will be required to submit a statement of case, and the Planning Inspectorate will write to you about this. The statement of case should contain the full particulars of the case which you propose to put forward at the inquiry and a list of any documents to which you intend to refer or put in as evidence. If you are proposing to give evidence, or call another person to give evidence, at the inquiry by reading a written statement (i.e. proof of evidence), your attention is drawn to rule 13.

11. Your attention is drawn to rules 4 and 6(2), in particular to the requirement upon your Council to inform forthwith the Secretary of State of the names and addresses of any statutory parties.
12. Your attention is also drawn to the provisions in rule 14 of the 2000 Rules that the local planning authority and the applicant shall together prepare an agreed statement of common ground and ensure that a copy is received by the Secretary of State and by any statutory party within 6 weeks of the starting date (unless the Planning Inspectorate notifies you otherwise – you may wish to contact them).
13. In pursuance of Article 31 of the 2015 Order, the Secretary of State hereby directs the Council not to grant planning permission, without specific authorisation, for any development which is the same kind as that which is the subject of the application referred to above on any land which forms part of, or includes, the site to which the application relates until the Secretary of State has issued his decision on this application.

Yours sincerely

*Andrew Lynch*

**Andrew Lynch – Decision Officer  
Planning Casework Unit  
Department of Levelling Up, Housing and Communities**

*This decision was made by the Minister of State for Housing on behalf of the Secretary of State and signed on his behalf.*