

Agenda

Cabinet

This meeting will be held on:

Date: **Wednesday 14 October 2020**

Time: **6.00 pm**

Place: **Zoom - Remote meeting**

This meeting will be held by Zoom and streamed to the Council's YouTube channel when the meeting starts, <https://www.youtube.com/oxfordcitycouncil>

For further information please contact:

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✉ jmitchell@oxford.gov.uk

Members of the public can attend to observe this meeting and.

- may submit a question about any item for decision at the meeting in accordance with the [Cabinet's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Details of how City Councillors and members of the public may engage with this meeting are set out later in the agenda. Information about recording is set out later in the agenda and on the [website](#)

Please contact the Committee Services Officer to submit a question; to discuss recording the meeting; or with any other queries.

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All public papers are available from the calendar link to this meeting once published

Cabinet Membership

Leader/ Chair

Councillor Susan Brown (Chair)	Leader of the Council, Cabinet Member for Economic Development and Partnerships
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Cabinet Members

Councillor Ed Turner (Deputy Leader)	Deputy Leader (Statutory), Cabinet Member for Finance and Asset Management
Councillor Tom Hayes (Deputy Leader)	Deputy Leader, Cabinet Member for Green Transport and Zero Carbon Oxford
Councillor Nigel Chapman	Cabinet Member for Customer Focused Services
Councillor Mary Clarkson	Cabinet Member for City Centre, Covered Market and Culture
Councillor Alex Hollingsworth	Cabinet Member for Planning and Housing Delivery
Councillor Mike Rowley	Cabinet Member for Affordable Housing
Councillor Linda Smith	Cabinet Member for Leisure and Parks
Councillor Marie Tidball	Cabinet Member for Supporting Local Communities
Councillor Louise Upton	Cabinet Member for a Safer, Healthy Oxford

Apologies received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting.

Decisions come into effect after the latest of the expiry of the post-meeting councillor call in period; reconsideration of a called-in decision; or Council's agreement of recommendations.

Agenda

Items to be considered at this meeting in open session (part 1) and in confidential session (part 2).

Future items to be discussed by the Cabinet can be found on the Forward Plan which is available on the Council's [website](#)

	Pages
1 Apologies for Absence	
2 Declarations of Interest	
3 Addresses and Questions by Members of the Public	
4 Councillor Addresses on any item for decision on the Board's agenda	
5 Councillor Addresses on Neighbourhood Issues	
6 Items raised by Board Members	
7 Scrutiny Committee Reports	
<p>Scrutiny Committee, will meet on 06 October and the Housing & Homelessness Panel will meet on 08 October to consider Oxford City Council's response to the Planning for the Future White Paper August 2020 (item 9 of this agenda). Any recommendations to Cabinet from those meetings will be published as a supplement.</p>	
8 Project Approval and Allocation of Housing and Growth Deal Funding for Affordable Housing Delivery	9 - 14
<p>Lead Member: Cabinet Member for Planning & Housing Delivery (Councillor Alex Hollingsworth)</p> <p>The Head of Housing Services has submitted a report to seek project approval and delegations to enable capital grant allocations to be paid to Registered Providers and Community-Led Housing providers for schemes within the Oxfordshire Housing and Growth Deal programme, using grant received from Oxfordshire County Council for this purpose. To delegate officers to enter into funding and other necessary agreements for the purpose of delivery of affordable housing through this programme.</p>	

Decisions come into effect after the latest of the expiry of the post-meeting councillor call in period; reconsideration of a called-in decision; or Council's agreement of recommendations.

Recommendations: That Cabinet resolves to:

1. **Give project approval** to the proposals, to accept and distribute grant; enter into funding agreements; and any other necessary agreements or contracts, as set out in this report for sites at William Morris Close; Gibbs Crescent; and Champion Way, for the purpose of delivering more affordable housing in Oxford, through the Oxfordshire Housing and Growth Deal programme;
2. **Note** that the Head of Financial Services proposes to use financial delegations for grant funded capital schemes, to make the initial payment for William Morris Close, by the required deadline;
3. **Note** that the budget for further Growth Deal grant payments will be requested in future budget reports;
4. **Delegate** authority to the Director of Housing, in consultation with the Cabinet Member for Affordable Housing; the Head of Financial Services/Section 151 Officer; and the Council's Monitoring Officer, to enter into funding and other necessary agreements for the purpose of delivery affordable housing through the Oxfordshire Housing and Growth Deal programme, within identified budgets, for the schemes listed in this report;
5. **Delegate** authority to the Chief Executive, in consultation with the Cabinet Members for Finance and Asset Management, and Affordable Housing, to approve any agreements over £500,000 for affordable housing, within this project approval and budget envelope; and
6. **Recommend to Council** that it approves a revision to the general fund capital budget in 2020/21 of £3,123,000, for the initial grant payment in relation to the William Morris Close site, and a further capital budget for 2021/22 of £347,000 to fund the remaining grant balance payable for that scheme all of which will be funded by capital grant income from Oxfordshire Housing and Growth Deal (OGD).

9 **Oxford City Council's response to the Planning for the Future White Paper August 2020**

15 - 56

Lead Member: Cabinet Member for Planning and Housing Delivery (Councillor Alex Hollingsworth)

The Head of Planning Services has submitted a report requesting Cabinet to note the response on the White Paper Planning for the Future to be submitted to MHCLG.

Recommendation: Cabinet is recommended to:

1. **Note** the response on the White Paper to be submitted to MHCLG.

Decisions come into effect after the latest of the expiry of the post-meeting councillor call in period; reconsideration of a called-in decision; or Council's agreement of recommendations.

10	Minutes	57 - 64
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Recommendation: That Cabinet resolves to **approve** the minutes of the meeting held on 09 September as a true and accurate record.

11	Decisions taken under Parts 9.3(b) of the Constitution	65 - 70
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The Head of Paid Service (Chief Executive) has submitted a report asking Cabinet to note decisions taken by him using the urgency powers delegated in Part 9.3(b) of the Constitution.

12 **Dates of Future Meetings**

Meetings are scheduled for the following dates:

- 11 November
- 09 December

All meetings start at 6pm unless otherwise stated

PART TWO - MATTERS EXEMPT FROM PUBLICATION

PART TWO **MATTERS EXEMPT FROM PUBLICATION**

13	Decisions taken under Parts 9.3(b) of the Constitution - Exempt Appendix	71 - 72
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Decisions come into effect after the latest of the expiry of the post-meeting councillor call in period; reconsideration of a called-in decision; or Council's agreement of recommendations.

Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". The matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

How Oxford City Councillors and members of the public can engage at Cabinet

Addresses and questions by members of the public (15 minutes in total)

Members of the public can submit questions in writing about any item for decision at the meeting. Questions, stating the relevant agenda item, must be received by the Head of Law and Governance by 9.30am two clear working day before the meeting (eg for a Tuesday meeting, the deadline would be 9.30am on the Friday before). Questions can be submitted either by letter or by email (to cabinet@oxford.gov.uk).

Answers to the questions will be provided in writing at the meeting; supplementary questions will not be allowed. If it is not possible to provide an answer at the meeting it will be included in the minutes that are published on the Council's website within 2 working days of the meeting.

The Chair has discretion in exceptional circumstances to agree that a submitted question or related statement (dealing with matters that appear on the agenda) can be asked verbally at the meeting. In these cases, the question and/or address is limited to 3 minutes, and will be answered verbally by the Chair or another Cabinet member or an officer of the Council. The text of any proposed address must be submitted within the same timescale as questions.

For this agenda item the Chair's decision is final.

Councillors speaking at meetings

Oxford City councillors may, when the chair agrees, address the Cabinet on an item for decision on the agenda (other than on the minutes). The member seeking to make an address must notify the Head of Law and Governance by 9.30am at least one clear working day before the meeting, stating the relevant agenda items. An address may last for no more than three minutes. If an address is made, the Cabinet member who has political responsibility for the item for decision may respond or the Cabinet will have regard to the points raised in reaching its decision.

Councillors speaking on Neighbourhood issues (10 minutes in total)

Any City Councillor can raise local issues on behalf of communities directly with the Cabinet. The member seeking to make an address must notify the Head of Law and Governance by 9.30am at least one clear working day before the meeting, giving outline details of the issue. Priority will be given to those members who have not already addressed the Cabinet within the year and in the order received. Issues can only be raised once unless otherwise agreed by the Cabinet. The Cabinet's responsibility will be to hear the issue and respond at the meeting, if possible, or arrange a written response within 10 working days.

Items raised by Cabinet members

Such items must be submitted within the same timescale as questions and will be for discussion only and not for a Cabinet decision. Any item which requires a decision of the Cabinet will be the subject of a report to a future meeting of the Cabinet.

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To: Cabinet Council
Date: 14 October 2020 30 November 2020
Report of: Head of Housing Services
Title of Report: Project Approval and Allocation of Housing and Growth Deal Funding for Affordable Housing Delivery

Summary and recommendations	
Purpose of report:	To seek project approval and delegations to enable capital grant allocations to be paid to Registered Providers and Community-Led Housing providers for schemes within the Oxfordshire Housing and Growth Deal programme, using grant received from Oxfordshire County Council for this purpose. To delegate officers to enter into funding and other necessary agreements for the purpose of delivery of affordable housing through this programme.
Key decision:	Yes
Cabinet Member:	Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery
Corporate Priority:	Deliver more, affordable housing
Policy Framework:	Housing and Homelessness Strategy 2018 to 2021
Recommendations: That Cabinet resolves to:	
<ol style="list-style-type: none"> 1. Give project approval to the proposals, to accept and distribute grant; enter into funding agreements; and any other necessary agreements or contracts, as set out in this report for sites at William Morris Close; Gibbs Crescent; and Champion Way, for the purpose of delivering more affordable housing in Oxford, through the Oxfordshire Housing and Growth Deal programme; 2. Note that the Head of Financial Services proposes to use financial delegations for grant funded capital schemes, to make the initial payment for William Morris Close, by the required deadline; 3. Note that the budget for further Growth Deal grant payments will be requested in future budget reports; 4. Delegate authority to the Director of Housing, in consultation with the Cabinet Member for Affordable Housing; the Head of Financial Services/Section 151 Officer; and the Council's Monitoring Officer, to enter into funding and other necessary agreements for the purpose of delivery affordable housing through the Oxfordshire Housing and Growth Deal 	

programme, within identified budgets, for the schemes listed in this report;

5. **Delegate authority** to the Chief Executive, in consultation with the Cabinet Members for Finance and Asset Management, and Affordable Housing, to approve any agreements over £500,000 for affordable housing, within this project approval and budget envelope; and
6. **Recommend to Council** that it approves a revision to the general fund capital budget in 2020/21 of £3,123,000, for the initial grant payment in relation to the William Morris Close site, and a further capital budget for 2021/22 of £347,000 to fund the remaining grant balance payable for that scheme all of which will be funded by capital grant income from Oxfordshire Housing and Growth Deal (OGD).

Appendices

Appendix 1	Risk Register
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Introduction and Background

1. The Council continues to develop a programme of affordable housing supply through multiple work streams. Many schemes delivering affordable housing in Oxford are supported with grant funding from the Oxfordshire Housing and Growth Deal (OGD).
2. To date, all of these schemes have been Council-led, usually in partnership with Oxford City Homes Ltd, the Council's wholly owned housing development company. However, some schemes led by Registered Providers (RP) or Community-Led Housing (CLH) groups are also being brought into the later years of the programme.
3. Oxfordshire County Council is the lead funding authority for the OGD and receives grant from Homes England through the OGD agreement made between Government, the Oxfordshire local authorities and the Oxfordshire Local Enterprise Partnership. Oxford City Council draws down funding for schemes within Oxford annually from Oxfordshire County Council to cover the full OGD grant payable.
4. The RP or CLH providers are eligible to receive 90% of the scheme funding once they have signed the build contract for the development (site control/ ownership and planning consent having already been achieved), with the balance payable on completion of the development. Oxford City Council, in an enabling role, will enter into a funding agreement to facilitate this and to award the grant payment.

Scheme Details

5. There are currently three schemes in the indicative Oxford City OGD programme that are not Council-led. One of these is identified as a Year 3 (20/21) OGD scheme, and the other two follow in Year 4.

William Morris Close

6. This is a mixed scheme of 86 houses and flats, on a privately owned site, that has received planning consent in the last year. The original proposal was for a mixed tenure scheme to comprise 34 Social Rent; 9 shared ownership; and 43 open market units (that were envisaged as being used as private rented homes at market rates). Legal and General Affordable Homes (L&G) now intend to develop the scheme as 38 Social Rented homes; 12 at Affordable Rent; and 36 as low cost home ownership ('shared ownership'). This is considered to meet local housing need and demand well. The tenure change now makes the entire scheme 100% affordable under national and OGD definitions, and as a result becomes eligible for inclusion in the growth deal programme.
7. This change was only proposed in the past three months, but the necessary due diligence has been undertaken by Oxford City Council, and through agreed protocols with the OGD programme team. L&G are due to sign the development agreement on the site by the end of September 2020, and plan to start work on site in January 2021, completing the scheme in March 2022. The signing of the contract triggers that the first payment of OGD grant should be made.
8. The OGD funding for the scheme is £3,470,000. The initial payment is at 90% (£3,123,000) and the balance of £347,000 is due at completion.

Gibbs Crescent

9. Similar to the site above, this is an RP led scheme, on a site owned by A2 Dominion. Planning consent has been given to A2 Dominion to demolish and redevelop the Gibbs Crescent scheme, and an associated site at Paradise Street. Over all, the two schemes will provide 170 new homes. 85 of these (50%) will be affordable homes (Social Rented and shared ownership). A2 Dominion propose to switch the tenure of 12 of the market homes (that were envisaged as being used as private rented homes at market rates) into affordable homes (1 at Social Rent and 11 as low cost home ownership ('shared ownership'), which will better meet the need for more affordable housing in Oxford.
10. The final grant funding for this development (directly from OGD) has yet to be finalised, but is expected to be in the region of £330k to £570k. This sum, when determined, will be identified in a budget report.

Champion Way

11. This small (4 unit) community-led housing site, the disposal of which was agreed by Cabinet in November 2019, has also received planning consent. The scheme was not considered viable for OCHL to deliver. Work is underway to progress the scheme forward and into development. It will provide 4 new one bed flats at Social Rent for persons in housing need.
12. The final grant funding for this development (directly from OGD) has yet to be finalised, but is expected to be in the region of £220k to £300k. This sum, when determined, will be identified in a budget report for a Council decision.

Financial implications

13. This report seeks the required project approval to accept OGD grant from Oxfordshire County Council and to then redistribute the grant to affordable housing

providers - entering into funding and any other necessary agreements or contracts to facilitate this - for non-Council/ OCHL schemes in the Oxfordshire Housing and Growth Deal programme.

14. In order to meet new deadlines relating to the William Morris Close site and given that funding for the payment of this grant to Legal and General Affordable Homes (L&G) will be funded by grant income from the Oxfordshire Housing and Growth Deal (OGD). The Head of Financial Services proposes to use financial delegations, set out at section 18.13 of the Council Constitution, for grant funded capital schemes, to make the initial payment of £3,123,000 in October 2020. The balance, within the financial envelope of £3,470,000, for this scheme, will be payable at completion.
15. Further budgetary provision for capital grant will subsequently be made through budget reports when the grant rates are finalised. All of the OGD capital grant payments that are made by Oxford City Council are recompensed in full by income from Oxfordshire County Council, as the accountable body for receipt of Housing and Growth Deal funding from the Government.

Legal issues

16. The activity, as set out in this report, relates to activity for the purpose of developing homes as affordable housing.
17. Any procurement of goods and services for the purpose of developing homes will be in accordance with the Council's constitution and procurement procedures complying with The Public Contracts Regulations 2015 for such, including ensuring that best value is achieved.

Level of risk

18. A Risk Register is provided at Appendix 1.

Conclusion

19. That the Council agrees to spending as set out in this report to further support the delivery of more affordable housing to help persons on the housing register to secure much needed permanent homes.

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Background Papers:	None

Appendix 1

Appendix 1 - Risk Register - OGD RP/ CLH Development Funding - Cabinet Report 14th October 2020

Ref	Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
								I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
1	Unable to agree acceptable agreement terms for developments	Not entering into expected agreements	Threat	Unable to secure agreement on acceptable terms	Council does not pursue one or more schemes further	17/09/20	Stephen Clarke	3	3	3	3	1	1		Ensuring that negotiations are conducted promptly, with due diligence, and within an agreed framework. Risks here mitigated by not making payment of grant until all due diligence is concluded and funding agreements are in place	Ongoing	Ongoing	90	Dave Scholes
2	Developments become unviable; stall; or do not proceed in accordance with expected delivery milestones	Delivery risk that schemes do not progress as expected	Threat	That the outcome expected from the contractual arrangement is not delivered within acceptable tolerances on quality; time or budget, including that the scheme is unable to secure planning consent	If the development stalls during construction, then the Council may elect to intervene.	17/09/20	Stephen Clarke	3	2	3	2	1	1		That the Council undertakes due diligence and ensures that the funding agreement will require the provider to repay funds should the terms of the agreement and delivery requirements not be met. That the scheme delivery against key milestones is regularly monitored and managed as part of the Affordable Housing Programme and within the Oxfordshire Growth Deal programme monitoring arrangements.	Ongoing	Ongoing	50	Dave Scholes
3	That Oxford City Council does not meet the terms of the grant funding agreement with Oxfordshire County Council	That the terms of the agreement whereby Oxfordshire County Council pay the OGD grant to Oxford City Council are not met	Threat	The the scheme or funding arrangements do not meet the OGD eligibility requirements or other contract terms	Oxford City Council is not able to draw down the grant paid out, or that the grant paid to the City Council requires repayment to the County Council for breach of the terms of the agreement.	17/09/20	Stephen Clarke	3	4	3	3	2	2		That the agreement entered into with the provider reflects the same contract terms, on which the grant was paid to the City Council. That all due diligence is exercised in these arrangements, and that they are undertaken jointly, and agreed with, officers from the Oxfordshire Growth Deal programme.	Ongoing	Ongoing	90	Dave Scholes

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To: Cabinet
Date: 14 October 2020
Report of: Head of Planning Services
Title of Report: Oxford City Council's response to the White Paper Planning for the Future White Paper August 2020

Summary and recommendations	
Purpose of report:	Cabinet is requested to note the response on the White Paper Planning for the Future to be submitted to MHCLG
Key decision:	No
Cabinet Member:	Councillor Alex Hollingsworth, Cabinet Member for Planning & Housing Delivery
Corporate Priority:	A Vibrant and Sustainable Economy; Meeting Housing Needs; Strong and Active Communities; A Clean and Green Oxford.
Policy Framework:	Council Strategy 2020-24
Recommendation: That Cabinet resolves to:	
1. Note the response on the White Paper to be submitted to MHCLG.	

Appendices	
Appendix 1	Officer response to the White Paper
Appendix 2	Risk Assessment

Introduction and background

- The Government is seeking views on a package of proposals for the reform of the planning system in England to “streamline and modernise the planning process, improve outcome on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed”. These proposals are set out in the White Paper “Planning for the Future”, published on 6th August and open for consultation for 12 weeks until the 29th October. The intention is that the White Paper will be followed by legislative changes and then a renewed National Planning Policy Framework (NPPF) that reflects these proposals.

2. The officer's response to the proposals is set out in Appendix 1. The proposals in the White Paper are set out under three pillars. Each pillar has several proposals and then specific questions relating to these proposals. It is intended to send the response as a document by email, rather than using the online comment form. In some parts of the response the questions have not been used as a guide because they were narrow in focus and did not allow a full response to all the issues raised.
3. Pillar One is planning for development; Pillar Two is planning for sustainable places; Pillar Three is planning for infrastructure and connected places. The response is structured in the same way, also subdivided to respond to the proposals made under the pillars, or the questions posed, depending on which fitted best with the comments that needed to be made.

Summary of the content of the three pillars of the White Paper

4. **Pillar One – Planning for development** includes proposals to simplify the role of local plans, including by establishing development management policies at national level. The proposed approach in the White Paper considers that a new style local plan should be more concise and focused principally on identifying areas for 'growth', 'renewal' or 'protection.' The plan should be fundamentally map-based (with suggestions throughout this section of the White Paper about what will be required in terms of presenting plans digitally), providing broad zoning areas generally setting the principles for what development would be acceptable. In the case of 'growth' areas this then allows outline permission. Other proposals in this section include that a 'sustainable development' test will replace the tests of soundness and legal tests; that a standard method, will be used to nationally calculate binding housing requirement numbers for planning authorities, reduced where necessary also at a national level by application of constraints; and that neighbourhood planning will be retained.
5. **Pillar Two– Planning for beautiful and sustainable places** includes proposals to build on the National Design Guide to create more specific design standards. There will be an expectation that design guidance and codes will be prepared locally with community input either to support local plans, as part of neighbourhood plans or by developers. Where plans identify growth areas it will be required that a masterplan and site-specific code are agreed as a condition of the permission in principle which is to be granted through the local plan process. Proposals around stewardship and enhancement of the environment are to be worked up in more detail, but they make some currently not fully formed suggestions about matters that are already carried out more thoroughly than would be achieved by the suggested approach, such as protection of the historic environment (there is no mention of balancing benefits and harm), Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA) and Environmental Impact Assessment (EIA) (which are all to be removed, with no concrete proposals for their replacement).
6. **Pillar Three – Planning for infrastructure and connected places** sets out proposals relating to the funding of infrastructure. It is proposed that CIL and S106 planning obligations are replaced with a new infrastructure levy, set by the Government and charged as a fixed proportion of the development value above a set threshold. It is acknowledged there is likely to be a need for some variation across the country, although it is not suggested how finely grained this variation may be. There are two possible funding mechanisms put forward for affordable housing. Either it would be secured as in-kind payment towards the Infrastructure

Fund or there would be a right to purchase at discounted rates for local authorities. It is proposed that councils would borrow against future payments to them of this levy in order to forward fund infrastructure. The levy is to be collected on occupation.

Response to the White Paper

7. The response states that in most areas of the White Paper the proposed reforms cannot be supported. Greater caution needs to be exercised to avoid unintended negative effects through an over-zealous wish to make radical changes.
8. Appendix 1 sets out the proposed detailed response. There are some key cross-cutting themes behind the White Paper and the introduction to the response provides a commentary giving a view on these.
9. The greatest concerns with the implications of the proposals in the White Paper are:
 - That planning policies are to be set nationally and therefore may be watered down and will not reflect local circumstances (for example parking policies, carbon efficiency, flood risk);
 - That the zonal approach to local plans will not be able to ensure the right mix of uses in the right locations is delivered;
 - That there are serious implications for delivery of affordable housing and infrastructure which will have impacts upon homelessness across the city;
 - That the housing requirement will be binding and set nationally, with constraints calculated nationally. There are no proposals for accounting for economic growth needs or ambitions or affordable housing need (only affordability), and the ideas for replacement of the duty to cooperate system to distribute unmet need are unclear;
 - That there is not enough thought about how the changes will be resourced. This applies to local planning authorities who will have many design codes to produce in a short space of time and also to MHCLG, which will have to generate housing requirements including by applying constraints in local authority areas, as well as producing a policy framework adequate for all policy decisions;
 - That there will not be 'more democracy' as stated, but significantly less. Proposals are less likely to require planning permission, as if they have permission in principle they will not go to committee. The short timescales and proposed timings for engagement during the preparation of local plans give few opportunities to meaningfully engage. The short timescales for determining applications effectively rule out committee decisions.

Financial implications

10. The response to the White Paper itself has no financial implications. There are minor resource implications of the further rounds of comment that are likely to be necessary, for example on a revised NPPF.
11. The implementation of the White Paper would have financial implications on the planning service, for example as there would be reduced planning application fees but instead developers would be expected to help fund their sites through the Local Plan process. Planning fees amount to approximately £1,000,000 a year currently as a ring-fenced fee income that helps fund the service. This would certainly reduce

under the proposals, but by how much and whether developers funding sites through the local plan process could replicate this is currently unknown, but this risk will need to be monitored as more information becomes known.

12. The transition to a new system will also have financial implications. The amount of upfront information needed to enable growth areas to be allocated and effectively have permission in principal, such as design codes, is likely to have financial implications. However, at this point there are not enough details in the White Paper to fully work through these implications.
13. The removal of CIL and S106 financial contributions and replacement with a centrally set Infrastructure Levy is likely to have financial implications and implications on the delivery of affordable housing, as the levy would have to be set at a level that is widely viable, meaning the full value of development in Oxford is unlikely to be achieved. The single, nationally set fund that will also fund affordable housing will inevitably lead to a reduction in the amount of affordable housing delivered and the amount of social rented housing delivered. This result in further demands on services, for example through increased homelessness.
14. The White Paper puts forward the idea that this Infrastructure fund could potentially be used to fund wider services or council tax reductions, but other than necessary administration of the fund the response suggests that this infrastructure fund should be used on necessary infrastructure to support new developments.

Legal issues

15. There are no legal implications of the response to the White Paper itself. The implementation of the proposals as set out would have potential legal implications. As the public will have less opportunity to have their say, and as it becomes a more regulatory system, it is likely they will revert to the courts more often

Level of risk

16. Please refer to the Risk Register Appendix 2.

Equalities impact

17. An equalities impact assessment is not required. The report is a response to a Government consultation, so has no direct implications.

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Background Papers: None

Appendix 1

Introduction

This is Oxford City Council's officer response to the White Paper: Planning for the Future. This response was noted at Cabinet on 14th October 2020.

Oxford is a city that wants to grow in a sustainable way, and build on its successful economy. We need more housing, although the constraints of the city means that we have worked hard with our neighbours to find a strategic approach to distributing our unmet need, much of which will be met through allocations in the Green Belt surrounding Oxford. The best way for cities to be able to grow is to have a flexible and locally informed approach, with bespoke policies. The proposals will backfire for compact urban authorities and act to prevent needed growth.

We have no in principle objection to reforming the planning system to improve quality and efficiency, but we do not think the solutions are the right ones for the stated objectives, and we do not think that a new planning act is needed to achieve change.

Many of the themes and stated objectives of the White Paper cannot be objected to because they are universally accepted as good things, such as 'more democracy' and 'sustainable development'. Yet the proposed reforms that lie underneath these are not informed enough or developed enough to achieve the stated intentions, and often would actually achieve the opposite. Stating something such as 'more democracy' is going to be an outcome, does not in any way mean it will be the outcome; not when the proposals are clearly not heading in that direction.

The planning system created by the Town and Country Planning Act 1947 strikes a balance between the rights of individual landowners and the rights of past, present and future citizens. That balance is sometimes difficult to manage, but on the whole it has worked. It is flexible, which has helped it to stand the test of time. This flexibility has allowed local responses to local issues, which is essential to a system that works. The fundamental basis of the system does not need to be broken apart. Yet the proposals are breaking it apart, and instead proposing something that over-simplifies the system, attempting to make as many decisions as possible nationally. This will mean a failure to respond to the unique qualities and needs of different places. Oxford for example has a unique set of opportunities and challenges, with a very successful economy, a constrained area, a severe shortage of affordable housing and a world-renowned historic environment. Only with flexibility to respond to this locally can the right outcomes be achieved. The proposals will lead to less appropriate development and a reduction in engagement and democratic process.

A summary of our overarching concerns is set out below as part of this introduction. Following that, we have organised our detailed responses by the Pillars and proposals set out in the White Paper.

Affordable housing and infrastructure

These proposals can only have negative impacts on Oxford. There is a lot of value in Oxford, which means that developments are viable whilst delivering 50% on-site affordable housing (80% of which is social rented), CIL and S106 obligations. We can't see how an Infrastructure Levy set nationally could achieve as much, even if it is varied regionally, as it would never be varied at a fine enough

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grain to reach the full potential of cities such as Oxford. Also local-level viability reports are needed to inform the setting of these policy requirements. The delivery mechanisms seem to have far more risk than the requirement for on-site affordable housing. We are also very concerned by how infrastructure funding will be prioritised.

Housing requirement

We cannot support the proposals as currently set out. An important element of the current approach is that there are opportunities given to exceed requirements, if reasons for doing so justify it, and this has been justified recently in Oxford and South. It seems there will be no ability to put forward reasons for departing from the standard method, as can currently be justified if the criteria in the NPPF are met.

We do acknowledge that devolving the setting of housing need assessments and requirements entirely to local authorities did lead to a wide range of methodologies, a lot of uncertainty and a lot of involved and time-consuming technical discussions. We do therefore agree that a strategic approach is needed, but at the same time, local knowledge is vital. Applying constraints in looking at capacity is highly complex and requires local knowledge and prioritising; we do not think that this should or can be done centrally. It is particularly problematic that this would happen before local plans are developed and local decisions are made about which areas should be protected. There should be a mechanism for looking at the needs of a housing market area and distributing need within that, based on a spatial strategy and understanding of constraints and capacity that is developed locally.

There is also a risk with the proposed approach that the needs of cities is masked and their economic success is therefore at risk. Not enough emphasis is put on economic needs or potential growth ambitions in the current proposals. The focus on local authority areas is a backwards step. Looking at a whole market area gives a better idea of need. If the needs of an urban area (which will be underestimated) the response seems to be to reduce the number because of constraints. The collaborative approach in Oxfordshire enabled the needs of the city to be met in a strategic way that took account of Oxfordshire issues and dynamics, and we seek to refine this and look over an even longer timeframe in the Oxfordshire Plan. MHCLG support is important, but this approach could not be replicated at all by taking this entirely in-house at MHCLG, and this will not speed up the process.

Sustainable Development

This policy approach is already in the NPPF but it is clear that this will be the key test for the new Local Plan in the White Paper, which therefore should have significant weight. However, the reductionist approach to sustainable development means there is scope for too much interpretation to be given to its meaning, which is dangerous when it will be the key test at examination. In the White Paper the rhetoric around sustainable development seems to forget social and economic factors.

The proposals to remove the need for sustainability appraisal and Habitats Regulations Appraisals is negative. Whilst these can be overly complex and have a tendency to become about process rather than outcomes, this could be rectified without the need to reject them altogether. SAs are a very good way of applying and demonstrating consideration of a range of sustainability factors, in the

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environment, social and economic categories. Looking at different options and assessing their impacts in the round does help ensure good decisions are made. One very narrow test of 'sustainability', which as far as we can see does not properly look at social and economic factors, does not do this job. Furthermore, we cannot see that anything is going to properly replace the loss of HRAs in terms of assessing potential impacts on internationally important habitats.

The climate emergency must be a key consideration in terms of sustainability, but the White paper does not properly respond to this. In part that is because there are no fully thought through proposals in Pillar 2 as it is intended that more detail will be provided later. What we are assuming is that carbon efficiency measures will be left entirely to either the NPPF or building control regulations. This is fine in principle if policy is properly strengthened, but experience shows this is unlikely. Furthermore, with this national regime, how will local opportunities be factored in? For example in Oxford there is the viability and skills available to achieve significant carbon savings and our newly adopted Local Plan policy reflects this. We think a policy that could be applied nationally could only be a step backwards.

Another key consideration in the climate emergency is the impact of transport. Spatial strategies for each local plan attempt to guide different types of development to the most appropriate locations within an area to reduce the need to travel. We cannot see how the zonal approach will replicate this or avoid a situation where developments that generate trips can be prevented in less sustainable locations that create a need to travel by car. This is further compounded by the fact that joined-up strategic planning seems to have no place, which limits the ability to deliver sustainable joined-up outcomes, which has been lacking and reliant on cooperation since the swift removal rather than review and refinement of the regional approach.

'More democracy'

The White Paper explicitly states that the changes will lead to 'more democracy'. We consider that the opposite is true and that each proposal eats away at the democratic process embedded within the planning system, and at effective engagement of the public. A fundamental premise of the White Paper seems to be for a centralist approach to planning as opposed to seeking to decide at the 'local' level and having had due regard to local circumstances. This is evident from the stated intention to decide some matters at the national level, such as Development Management guidance provided at national level, the use of the National Design Guide to override local policies and the centrally set Infrastructure Levy. Details are lacking throughout the document but it seems that the infrastructure levy, affordable housing type and amount, prioritising of infrastructure, balancing of various land use needs and decisions about appropriate design will be decided nationally. This does raise serious issues about 'local' democracy and engagement in the planning process.

The proposals for amending the development management system will mean that there will rarely be an opportunity to comment on a development proposal, and also far fewer proposals will go to committee. This does not promote greater democracy. The introduction of the granting of outline planning permission for strategic sites in growth areas appears to significantly reduce the opportunities for the public and key stakeholders to meaningfully engage in the planning process. In many cases the proposed timescales for determination are so short that there is not an option to go to committee at all.

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In terms of local plan development there is too much emphasis on methods of engagement, which focuses narrowly on digital technology, without acknowledging the need to get out in the community and build relationships, and there is not enough thought given to the impact on the quality of engagement of the plan development process proposed. The proposals are that engagement in the local plan is in the early stages to inform drafting and then after submission. Whatever methods are used, this process does not allow useful inputs. There needs to be an opportunity to comment on what is being proposed, or even better various options, before submission, so that planning authorities can respond to comments. If during inspection the only criterion plans are assessed against is the very broad and open to interpretation 'sustainable development' then how will people have any reassurance that their comments will lead to changes to the plan, just to make it better?

Digital tools

The White Paper seeks to 'revolutionise' planning with digital technology and using 'PropTech' measures to increase the level of engagement in planning. Whilst this is overall welcomed to make planning more interactive, user friendly, and easier to understand, it is important to ensure that there is not a 'one method that suits all' approach to engagement. There is no 'best way to engage people' and the focus on using digital technology should also emphasise the different methods of engagement it can produce. For example the 'written word' should not be the only approach. Many people understand through the 'verbal word' better. Our experience in Oxford shows that the best way to engage people is to get out to where people are try and build relationships within communities and to find angles that are most relevant to them. Those already engaged in the planning system will benefit from a greater use of digital technology. However, many people will need us to come to them in order for them to take an interest and understand the relevance of planning to them.

Beautiful buildings

The White paper emphasises the importance of 'beautiful' buildings. Whilst clearly the intention is for there to be some design principles that new buildings will need to meet, is there a case to be made that 'beauty is in the eye of the beholder'. As well as beautiful, maybe we need buildings that are interesting, challenging, functional or exciting. Beauty is both too simplistic and too subjective. We hope that the details of the approach will allow for high standards of modern design rather than just making sure all proposals are 'safe' and reflect existing building design rather than allowing for higher-densities and innovative new approaches. It will be important for architects to be encouraged to be involved rather than the reliance by many large house builders to rely on standard 'design and build' approaches. Together with a greater role for urban designers in helping to shape places. Ultimately, it is the urban design features of an area, the structure of streets and layouts and the distribution of uses and green spaces and features (not just trees) that will have the biggest bearing on the liveability of places, and we are concerned that this has been forgotten in the proposals, which have a very simplistic emphasis on buildings.

White Paper Pillar 1: Planning for Development - Responses

A NEW APPROACH TO PLAN-MAKING

Proposal 1 comments: 'The role of land use plans should be simplified.'

We think that the proposals have gone too far in their aim to simplify local plans. In some ways however, the proposals mean that their role is not simplified, as they will effectively be replacing some of the planning application process. Covering what is needed to effectively give outline planning permission across large sites, whilst at the same time being given a statutory short timescale to complete this work, is unrealistic and will not lead to good outcomes. Furthermore, we are concerned that the good words around 'more democracy' cannot come to fruition with the proposals for the simplified role for local plans.

Oxford is a highly constrained city and much of the city would fall under the protected areas; Oxford has 18 conservation areas, land in both Flood zones 2 and 3, important green spaces and environmental designations including a Special Area of Conservation, and the green belt surrounding its boundary. To allocate 'growth areas' in constrained urban areas like Oxford will be challenging, dependent on what the proposed term 'substantial development' definition will be. It is not clear to us where the term substantial development will be defined in policy. As it seems that all policies are to be nationally defined we assume this will be in the National Planning Policy Framework (NPPF). This is concerning because this will be instrumental in determining what happens where, so the lack of local engagement on this certainly will not in any way lead to 'more democracy'.

Lack of spatial strategy and management over uses across the area

What is missing from the proposals is looking at suitable locations for different types of development across an area as part of a spatial strategy. This is possibly the biggest draw back and loss from this proposed over-simplification of the local plans. There is a brief mention that it might be appropriate for high streets and town centres to be identified as district areas. That is one brief sentence with no apparent thought given as to how this would happen within the context of the proposed zoning system. Would district centres be growth zones, with a specified mix of uses? Would directing town centre uses to these areas and not allowing for them in other growth zones be the only way of managing where these uses are? So is the intention that instead of policies allowing certain uses in certain areas based on a spatial strategy, each area would be individually zoned with an individual mix of uses? Sometimes policies direct development such as retail to particular areas first but allow it elsewhere based on impacts and a sequential test. This has become more challenging already with the change to the Use Class Order. These nuances would be lost to either a less flexible system or one that has no teeth- it is hard from the current lack of detail to tell which, but neither seem desirable.

The idea of sub-areas within growth zones to achieve very specific types of development does not seem like it would work. How would it be ensured that all the uses within a zone actually come forward? If an area suitable for housing also needs to deliver a school, shop, open space and some employment generating uses, listing those uses as acceptable within the zone does not ensure that they all happen. At the moment, in Oxford a general policy deals with the need for allocations for self-build homes. How would this be done individually for each growth zone? Why would a particular area that is a sub-area for self-build housing have to be chosen in advance? It is the only way within this system to try and ensure it happens. Custom-build and community-led developments are mentioned but how would a sub-area for community-led housing be chosen in advance? What if no

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community-led group is ready at the time of writing the plan? Would they lose their opportunity? And how could an area of land be made a sub-area for a community-led housing developer- this surely would be objected to by the landowner, as it is effectively allocating their land to be developed by a specific group. Other needs that are arguably more pressing also can't be dealt with properly. The proposals for affordable housing are of huge concern, but in addition to that, so is the fact we would lose the ability to plan for different sized units, student accommodation and elderly persons accommodation. Sub areas for different sizes of housing, for student accommodation and for elderly persons housing cannot be defined.

The idea of the Local Plan being an interactive web-based map where data and policies are easily searchable is supported. However this may require more resourcing and support to local authorities to enable this. Also, whilst this is a good aim, the system should not be designed around trying to achieve this end. If more is needed than a searchable map then it should be done, not rejected for being too complicated or not fitting into this desire.

Growth areas

We assume that a 'growth zone' would effectively be a large site and that there would be a series of 'growth zones' in a planning authority's area. Effectively, these are site allocations that also constitute outline approval. Beyond the zoning, we are not sure what the scope of the local plan is. Simple controls over heights and density are suggested in proposal 2. This does not deal with the complexities of designing within an existing urban area or of balancing uses.

Carefully balancing land uses within the city to ensure a variety of needs can be met and sustained is absolutely vital. This was acknowledged in the recent Inspectors' report for our Local Plan.

"Oxford is a busy, successful city and the plan seeks to strike a balance between the needs of its many important land uses such as housing, employment, educational, recreational, community and other uses, whilst at the same time protecting the character of the city. The spatial strategy, which is set out in the first section of the plan, aims to intensify new development on previously developed land. This is reinforced by Policy RE2: Efficient Use of Land, which addresses matters such as site capacity, density and scale."

We had to rigorously evaluate the balance between growth and environmental considerations and to do this we needed an extensive and detailed understanding of the site availability in the city to reach a capacity based housing requirement and balance the competing demands on this finite resource. This involved working with a range of partners to get that balance right. We are significantly concerned that the proposed approach will result in a reduction of housing supply and an imbalance between uses within the city, which will not be easily rectified due to the lack of land available.

A sweeping statement is made that sites around universities could be growth zones, giving opportunities to create growth-focused businesses, but it is not at all clear how much ability there will be to ensure desirable uses come forward within growth zones, or what kinds of development will effectively have outline approval. In Oxford, sites around the universities comprises much of the city. Most of the areas around the universities are very sensitive conservation areas, in the settings of listed buildings. The conflict with the proposal for protected areas is described below. We are not sure why it seems these sites should be for 'growth-focused businesses'. Maybe they should be for innovation and world-class, groundbreaking research, which where possible encourages start-ups and wider economic success. The universities identify sites they need and have always been able to

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discuss these with the City Council, and where suitable the sites are generally allocated for university use. This is a solid approach that has enabled the universities to grow and develop. This situation will not be improved by the idea of marking up 'growth zones' vaguely around universities. If these have permission in principle, we don't know how the local plan could ensure appropriate uses come forward.

There is such competition between land uses and we will have even greater pressure to deliver housing, but this seems a less nuanced approach with far less ability to balance uses. Oxford's current and newly adopted local plan has detailed policies about suitable locations for different uses that are very finely balanced against each other and which ensure development is in the most sustainable and suitable locations. We do feel that local policy will be necessary in growth zones.

Protected areas

We are not sure how the protected areas will operate, or the meaning of 'more stringent development controls to ensure sustainability'. This does not have a clear meaning. The stated intention of the White Paper is to ensure the 'easily understood' concept of sustainability. It is not only in protected areas that development management policies are needed to ensure sustainability. Protection of sensitive areas might be little to do with, or only an element of, sustainability. This use of the term demonstrates how the term is being over-used and miss-used in the White Paper to mean any type of development or protection seen as desirable by MHCLG at the time. The level of protection and how this will be managed is unclear. As development management policies will be in the NPPF, it is assumed that the local plan will simply zone areas as protected and then if development comes forward in those areas it will be assessed against national policies. This seems to be overly simplistic. The reasons for protection will be wide-ranging and the considerations in these areas vary from place to place.

We set out our concerns regarding all Green Belt seemingly being automatically a protected area in the response to Proposal 4. In addition to that we are not sure how the idea that all conservation areas are protected areas will work in practice. Much of Oxford, including most of the areas around the universities, including those areas where large sites are currently allocated for university development, are conservation areas. No thought has been given to the consequences of these areas being protected areas, which presumably will have development controlled by national policies that have absolutely no regard to the local situation and the expertise of managing development in this context that has been built up in cities such as Oxford over many decades?

We urge caution over the simplistic idea that all areas of significant flood risk should be sensitive areas. We are not sure that this has been fully thought through. There are many historic cities like Oxford that have developed at strategic sites around river crossings and which therefore have large areas within the built-up area that are already at risk of flooding. Oxford has bespoke policies, recently examined and adopted, to allow managed development in high risk flood zones, even the highest risk flood zone 3b. This is made possible because of close working with the Environment Agency to design a stringent enough bespoke policy. Flooding in Oxford is a fact of life that must be managed carefully, using ever better flood risk management techniques and analysis to limit disruption and ensure safety. Flood risk can be managed. It would be detrimental to simplistically prevent significant development across swathes of a dynamic city such as Oxford.

In relation to growth areas it says areas of flood risk are excluded unless they can be fully mitigated. In relation to sensitive areas it says that areas of *significant* flood risk should be included as protected areas. We are not sure whether this is careless wording and this applies to the same

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areas. The obvious assumption is that this is intended to apply to those areas that are in flood zone 3, and that the general intention is that these should be protected areas. We are very unclear about how, by whom or against which criteria it will be determined that risk can be mitigated. Presumably this will only be possible when a significant and ready landowner is willing and able to pay for an extensive Flood Risk Assessment (FRA) in order that their site can justifiably be included as a growth area. This would require a lot to be known about the proposed development of that site. Currently a high level Strategic Flood Risk Assessment (SFRA) level 2 can be carried out that looks to see whether mitigation is likely to be possible but this is assessed again alongside a detailed application. Without the possibility of this step in growth areas, what would be expected? And does this bias sites where the landowner already has a nearly developed scheme, rather than just some positive thoughts towards possible development?

Proposal 2 comments: 'Development management policies established at national scale and an altered role for Local Plans.'

The proposal would not result in an effective approach to managing development to ensure the desired outcomes. This is particularly important in urban areas like Oxford that need a careful approach to managing development in order to allow the city to grow within its constraints. We are very unclear about how uses would be managed, as outlined in Proposal 2. We do not think that this system allows a framework within which flexibility is possible. To allow flexibility means to allow a great deal that would not necessarily be desirable.

Narrowing down aspects of appearance of development to be captured locally to height limits and scale/density is far too simplistic. Presumably national policies would deal with other key urban design components. However, compliance with these cannot be determined by a check-list. Judgement about good urban design and negotiations to improve it are a key features of determining applications, require expertise and would be lost under these proposals. We are proud of the local-level policies have been developed in Oxford's Local Plan and consider that we have the necessary expertise to assess the suitability of urban design in development management and heritage teams. Reliance on a simple question of 'does this comply with the height and density for this zone' and some basic national policies will not be enough to ensure good urban design (which is different to designing 'beautiful' buildings). The NPPF strengthened the role of design review and Oxford has a very successful panel of independent experts to ensure that design is appropriate in the specific context of Oxford. The panel members all have extensive experience and have developed a specific knowledge of Oxford during their time on the panel. This is important so we can continue to allow change even in some of the most sensitive parts of the city so that it can continue to evolve for future generations.

Another key feature of the current system that would be lost is the ability of a development management planning officer to balance the need for and benefits of development against impacts that can be mitigated, such as being in a flood zone or conservation area. To describe local plans as 'long lists of general 'policies' seems to indicate a profound lack of understanding or even knowledge of local plans and their purpose. We are not sure why 'policies' is in inverted commas as policies is undoubtedly what local plans currently contain. However, they are generally based on a spatial strategy, usually visualised and are accompanied by a clear policies map. Sometimes national policy is repeated, but this can easily be missed. If policies that repeat national policy are removed, that does not leave nothing- there are plenty of local polices specific to individual areas and their needs. Oxford has recently adopted forward-thinking policies specific to its unique context that could not be replicated nationally, for example for car-free developments, detailed and place-specific policies about students and a unique response to flood risk. Also, national policy usually needs more detail

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and to be turned into a 'policy'. The concept of an NPPF that contains detailed policies to determine applications against, that will cover nearly all eventualities and apply nationally, is mind-boggling. It is certainly not a way to achieve 'more democracy' as there will be far less engagement from the public in this document as in local plans and planning applications.

Opportunities for more stringent requirements in areas with good viability will be missed by national policies. For example, the very high levels of viability in Oxford mean that whole-plan viability testing shows very stringent carbon-efficiency requirements can be afforded throughout the city. This is not the case everywhere at all. Would requirements (assuming there are any related to carbon efficiency, although of course this may be left to insufficient building control requirements) be set to what can be afforded nationally? The whole concept of varying viability, by area and within areas, at plan stage and applications stage, is lost completely in this proposed system. The massive negative implications for affordable housing are dealt with elsewhere in this response.

The alternative approach seems a far better response. This would allow local policies that respond to a local spatial strategy and that are based on specific circumstances. Not repeating national policies is absolutely welcomed, although there should be the option to try to justify a different approach if the evidence supports it.

Alternative options: Rather than removing the ability for local authorities to include general development management policies in Local Plans, we could limit the scope of such policies to specific matters and standardise the way they are written, where exceptional circumstances necessitate a locally-defined approach. Another alternative would be to allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed.

Proposal 3 comments: 'Local Plans should be subject to a single statutory "sustainable development" test, replacing the existing tests of soundness.'

We have real concerns about the removal of legal tests. This will remove any consideration of the adequacy of consultation and of impacts on protected sites, putting at risk the basic principle of democratic engagement within the planning process and some of the most important and vulnerable parts of the natural environment. Although consideration of local plans should not focus on process, currently it is checked that consultation has been carried out thoroughly and that legal obligations relating to protected sites have been carried out. Whilst we recognise that EU protected sites will not have the same level of legal protection in the future, that does not take away from the fact that these sites are massively important and deserve the highest level of protection. Processes in place about consulting with Natural England and carrying out HRAs are designed to ensure their continued protection and high quality. In the desire to reduce 'process' the good reasons these processes are in place has been forgotten and the impacts could be damaging.

We do not agree that there should be a single statutory 'sustainable development' test replacing the existing tests of soundness. The current tests of soundness are not overly long and complex. We do recognise that they would need to change to reflect the changed nature of local plans. Currently, many tests are geared towards the effectiveness of policies, but the proposals suggest that local plans will not be about policies as such any more. However, a single test of sustainability, where

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sustainability is a subjective concept, narrows down considerations too far, is too opaque and difficult to aim for and could be interpreted at examination in unexpected ways. Our concern is that this will become a moving target, that cannot be achieved because it will not be known exactly what it means until a particular interpretation is put on it at examination by the Planning Inspectorate and ultimately the Secretary of State.

We do not necessarily object to there being a simplification of sustainability appraisals. There is a tendency for them to become unwieldy and about process rather than outcomes. However, we do not think that they need to be that way or that that means they should be rejected. The potential they offer is to set out clearly the thought processes that go into deciding on and weighing up options. SAs look at sustainable development in the round, i.e. social, economic and environmental factors. This had always been part of the planning process, but before SAs were a requirement was not so clearly set out. Setting this out in a public document actually helps transparency- as long as the document is not so long or technical that it is never used except to try and pick holes in the process.

The wording in the White Paper relating to this proposal brings some concern that the complexities of the meaning of sustainable development are forgotten and that the focus the sustainability test will be environmental considerations. It is very important that whatever tests of soundness are brought in are wide ranging and not too narrow and in particular that social and economic impacts are considered also. We also consider that there should be processes in place to ensure environmental protection and correct consultation and that these should be tested as part of the examination.

Proposal 4 Comments: 'A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built.'

Failure to address underestimates due to suppressed need and the need for exceptions

A standard method for establishing housing requirements has already been introduced. There are a number of advantages to this. The convoluted and highly technical discussions that occurred at every local plan examination excluded involvement and did not necessarily lead to better outcomes.

However, there are also a number of potential pitfalls with introducing a standard method; if the methodology and guidance is not thoughtfully and carefully introduced, it may have the opposite effect to that intended, or other damaging impacts.

The standard method in the Changes to the Current Planning System paper underestimates housing need for some areas due to an over-reliance on household projections and insufficient consideration of economic factors and affordable housing need. There is less detail in the White Paper including about use of demographic need and we don't know how many additional factors may be included in the standard method that follows the White Paper. The methodology as set out in the White Paper is overly simplistic. Consideration of the existing quantum of housing stock does not in any way work as a proxy for areas that need new homes to play a regeneration role or that do not have the right stock to meet current needs because of lack of the right tenure, sizes, etc. Also, it does not help to overcome the issue of suppressed demand within demographic forecasts- the overall quantum of stock will not have been enough to meet in constrained areas, often over a long period of time.

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The standard method figures in the changes to the planning system paper show that the methodology used is arbitrarily reducing Oxford's housing need and masking significant problems. Oxford and South Oxfordshire's local plan hearings have taken place within the last 12 months. The Inspector agreed that the current standard method did not accurately reflect our housing need as it did not take account of the economic and affordable housing need factors sufficiently. The Inspector for South Oxfordshire in his preliminary findings has also found that their housing requirement should be composed of their own need, which is higher than that calculated by the standard method, and some of Oxford's unmet need. In both cases the severe need for affordable housing justifies a higher housing target. Even though the standard method now already allows some up lift relating to affordability, this was not considered to be enough to meet affordable housing needs. Very importantly, the key consideration was not affordability, but the need for affordable housing. This is not at all the same thing and requires different solutions and different calculations. However, the removal of affordable housing as a requirement on-site shows that this may not be a concern that the planning system can attempt to address in the future.

Oxford is not the only city where the new standard method is reducing need. Cities are among the most sustainable locations for growth in the country. Having a method that masks the huge demand and needs generated by cities could result in unsustainable growth patterns. For example what appears to be happening is that authorities who have delivered homes in the past, perhaps on behalf of a city on their boundaries with unmet need, are getting higher requirements, while in cities it is reducing. The issue with this is that the link to the city's driving need means there is no ability to consider those needs in the context of from where they were derived to then inform a spatial approach.

This leads into another key issue which is that the move away from looking more strategically at housing need across market areas allows for market dynamics and economic drivers to be considered which can then feed into spatial responses. The standard method narrowly focuses on administrative boundaries that means these wider considerations are no longer considered.

Uplift above the standard method is also possible currently based on an area's growth ambitions. Oxfordshire is an economically successful area where lack of housing is a barrier to further economic growth. If an area has ambitions for economic growth and needs more new houses than suggested by current affordability data, what will be the opportunities for arguing for a higher housing requirement in order to try to achieve this?

Currently, alternative approaches to calculating a housing requirement might sometimes be justified to achieve aspirations such as delivery of affordable housing and Growth Deals. The NPPF and PPG do allow for alternative approaches in certain circumstances, with it being inferred that this should only be to go above the standard method. This allowance should be continued, with some clear wording about the reasons a diversion may be justified, in order to allow decisions made by Inspectors to be strong and not open to challenge in the High Court.

Housing requirement calculation will not address affordable housing or economic need

The phrasing of Proposal 4 suggests that a standard method will prevent land supply being a barrier to enough homes being built, and implies that lack of supply has led to reduced affordability. Some adjustment based on affordability is fair, but this should not be the only factor and it should be balanced against other factors such as economic needs. Supply of affordable housing is more important than supply overall where there is stark unaffordability. Calculating a housing requirement based on an attempt to increase supply to overcome affordability issues will not have

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the intended effect and could have significant negative impacts. Further details are needed, and great caution must be taken in order to prevent unintended consequences. There are potential benefits to a standard method, but it must not be drawn up on the basis of a very simplistic understanding of the impacts of housing supply on affordability, or of the impacts on the planning system on supply. We are also concerned about how constraints will be taken into account and how different needs will be balanced against each other, especially in compact urban areas such as Oxford.

It is said in the White Paper that the intention is that housing requirements will be highest in the largest urban settlements that can absorb the level of housing proposed and also will be greater in less affordable housing areas, suggesting that the least affordable places are unaffordable because of a lack of supply, but that they do have a limitless potential supply. Firstly, this is not reflected in the latest figures that have used the methodology set out in the changes to the planning system paper, which underestimate the housing requirement for cities such as Oxford because need is being masked. Housing requirement should be high in areas such as Oxford. There needs to be a constraints process applied but also a spatial consideration about where are the most appropriate locations to meet any remaining need.

Not enough thought is given to the process of distribution of the numbers. London is the largest settlement that is high unaffordable. However, this is due to many factors. Having a massive housing requirement will not overcome these factors. And it does not have limitless supply opportunities. What would be the implications for other land uses that are vital, particularly those that support the economy? Should economically successful places like London (which is why they are difficult to afford) concentrate solely on delivering housing in order to meet the huge housing requirements they will have? Is this a sensible approach for a country trying to re-build its economy? Surely the economy won't be rebuilt solely by the mass building of homes in already overcrowded areas. How about less economically successful areas where there may be smaller towns and no affordability issues? These may have a low housing requirement. How will their economies be rebuilt? What if their demographic needs are high or they want to attract inward migration to boost their economies?

A housing requirement that is so strongly removed from need is extremely worrying. It is based on highly simplistic assumptions about planning and the housing market. It does not take account of the need for affordable housing (which is different to affordability factors). Also it is not clear how it will take account of and calculate specialist housing needs, which as well as the need for affordable housing include the need for different sizes of unit, student accommodation and elderly persons accommodation. There is also no proposal to take account of economic needs or growth aspirations.

Understanding capacity/constraints in urban areas and the need for local knowledge, balancing competing demand and considering alternative distributions

Currently, a need or requirement is established and Duty to Cooperate discussions help distribute any unmet need. Establishing unmet need is intensive and unless very thorough is open to challenge. Planning authorities are used to operating with a 'no stone left unturned' attitude to finding sites with housing potential. To ensure a robust process requires local knowledge and expertise and an understanding of capacity, not just in terms of constraints but also in terms of establishing relationships with landowners, and working with them to explore potential. Applying constraints is not simple and also requires local knowledge, data and surveys, for example to understand biodiversity interest (protections need to be reconsidered often, which may require surveys; not only SSSIs should count as a constraint). Understanding Green Infrastructure networks worthy of

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protection cannot be done at a central level, without vastly simplifying sources of data and understanding, and therefore not properly applying constraints and understanding where capacity might be less than need. Indeed, pillar 2, although not having firm details, suggests that local plans should have a role of identifying locally important protections. How can constraints properly be applied to reduce the housing requirement before they have been set through the local plan process?

Furthermore, competing land uses need to be considered. Overall capacity may be fixed within set policy constraints, but it will not be fixed for particular uses within urban areas. There would always be potential for more housing, for example, at the expense of economic sites. How will this balance be decided centrally? How will it be ensured that economic needs will be met as well as the housing requirement, and that the housing requirement will be reduced enough in constrained areas such that there is not a requirement to look to vital economic sites (given that the duty to cooperate would have dealt with this unmet need but that it is removed)? When the housing requirement is determined first, centrally, when will any potential competition with economic needs that should be accounted for in the zoning be taken into account, if they have implications for housing capacity?

It is not clear how authorities will have the ability to agree an alternative distribution. Without the duty to cooperate it seems this will be dependent on their being joint planning arrangements and that this may be dependent on authorities agreeing to be combined authorities with a Mayor. If they do not do this it is assumed there will not be any scope to discuss alternatives. This means local authorities will be incredibly dependent on MHCLG understanding local context and constraints when setting housing requirements. This could have very negative consequences for a city such as Oxford, with a vital economic role and constraints and demands on land that are difficult to understand from afar, and which are highly complex. The Duty to Cooperate has ultimately required consideration to be given that was absent before. In Oxfordshire we have reached agreement without formal structures and the Duty to Cooperate has played an important role in that. An alternative might be a two-stage examination process where the housing requirement and distribution is agreed first and the details of design codes and zones follows.

Difficulty of constraint and density assumptions being applied nationally

The stated intention in the White Paper to factor in land constraints, presumably at central government level, may well lead to challenge as those with more local knowledge find errors in the considerations of constraints. It is likely the factors considered will be kept opaque. This will undermine trust in the system and any local good will, leading to greater likelihood of challenge.

We are concerned that there is not the capacity centrally to carry out the considerable amount of detailed work that will be required to take into account the constraints that exist with a local authority area, unless this is done in a massively over-simplified way. How will this be undertaken in practice and by whom, and will there be an opportunity for the local authority to provide any comments and a sense check of the initial findings? If a housing target is shown to be inaccurate or flawed, what recourse will the Local Planning Authority have to remedy the position, other than the High Court?

A further concern is that higher density assumptions will be made in some areas- presumably urban areas where there is a high demand. However, how these high densities will be ensured and whether they will always be appropriate must be considered carefully. If national development management policies are flexible and responsive enough to deal with varying density requirements, this will help to ensure they will be enforced. However, it is hard to see how a national policy could

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cover the variety of suitable densities that will exist. In sensitive locations such as Oxford a great deal of irreparable harm could be done to the historic environment of the city if badly thought through density requirements are imposed. This would undermine the very things that make the city and its economy so attractive and successful. Locally set density policies are vital to be able to respond in a fine grained way with properly nuanced densities. However, even if this approach is possible, the assumptions made nationally about housing requirements could undermine any local policy.

The text of the White Paper says that the existing policy for protecting the Green Belt would remain. Therefore, presumably Green Belt will be factored in as one of the constraints. As a Green Belt authority, this simplistic view of Green Belt is of concern. There is not a simple existing policy for protecting the Green Belt. Green belt is not absolutely protected by policy, there is currently a nuanced approach. The current approach allows reviews of Green belt and for Green Belt boundaries to be altered if there are demonstrable exceptional circumstances. This has enabled Green Belt to be removed in South Oxfordshire, Oxford, the Vale of White Horse and Cherwell District Council areas in order to deliver much needed housing, which in turn supports the economy. The Green Belt locations have been accepted as offering the most sustainable locations for these housing need. Green Belt is a policy constraint and is different to environmental and landscape constraints, and should be treated as such.

Reading of the alternative option suggests that the main option proposes something it does not explicitly set out. It says that the calculation of how much land to include in each category could be left to local decision. We don't know what these categories are or how the standard method housing requirement calculation is to be turned into a land quantity. This will be far too dependent on local circumstances to ever be anything other than locally determined. It is not clear what other land requirements it is intended we are given a quantity for. It does not seem realistic that this could ever be done in any meaningful way at a national level. Therefore, the alternative option seems far more realistic.

Housing Delivery Test

It is not clear that the new system changes anything in terms of the ability for the local plan to actually lead to housing being delivered. Paragraph 9 of the Changes to the current planning system paper says that: *'By directing that sufficient land should be released as above, the amount of need identified by the standard method has a direct influence on how many homes will be built in the future. It does not ensure that the homes are actually built - that is reliant on wider market conditions and targeted government interventions to support the market. However, identifying sufficient land so that the market is not prevented from delivering the homes that are needed is vitally important to prevent the under-delivery of the past from continuing to happen.'* This is a clear acknowledgement that the actual delivery of homes is not in the control of the planning system; it can only control supply. How is it then reasonable to assess planning authorities against delivery, with sanctions proposed if targets are not met?

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

Proposal 5 comments: 'Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.'

Role of outline planning applications

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We agree that there could be fewer steps between the allocation of a site in the local plan and the granting of outline consent, but a simplified process could be better achieved by removing the opportunity of outline consents. Outline applications are normally, although not exclusively, pursued by landowners or land promoters, to increase the value of the land before selling it to a developer. They remove significant risk for the purchaser, as they establish the principle of development, while still granting significant flexibility for the developer to build a detailed design based on their product. However, if the local plan establishes the principle of development, there is no planning reason or gain for such applications. Once the council has identified a site in its local plan it is an affirmation that the principle of development for the use in the plan is acceptable. The council would prefer for the applicant to submit detailed a planning application on allocated sites. Doing so decreases the start-on-site time and gives the council greater certainty on what will be built, and what infrastructure contributions will be paid and when. Outline applications can cause confusion for professionals and members of the public alike as they create a further dataset to monitor and update, alongside a further set of planning conditions to monitor.

Under the White Paper proposals, the government is suggesting that local plans will provide more certainty and flexibility for allocated sites than they currently do. This further removes the need for outline applications on such sites. The only circumstance in which we can envisage that they would still serve a planning purpose, would be where a landowner / developer wishes to identify an alternative use beyond that stipulated in the plan. Consequently, we need more information on what controls new local plans will be able to place on the type of development that takes place in growth and renewal zones as set out in our response to Proposal 1 above.

Presumably, a mechanism will need to exist for the council to consider alternative uses to those identified in the local plan, as the White Paper suggests it can still identify appropriate uses within growth and renewal areas. Any application to change the use must be a robust assessment of the principle of the development and should not be used as a loophole to secure an alternative use to the plan.

To summarise, the council supports the proposals to reduce the role and prominence of outline planning applications. The information relating to allocated sites in Local Plans could be increased. However, that does not require the zoning system, and there does not need to be enough information to support a permission in principle. Instead, a full application could be required for any allocated site, rather than an outline permission being possible.

Securing detailed planning permission

It is important however that the detailed planning application stage still considers matters that underpin good place making, a successful economy, and the protection of the environment. We would also like to question the role of Development Consent Orders for exceptionally large sites. We understand the challenges that large sites can pose, but their design must still maintain an element of local input to match the Secretary of State's aspiration to increase democratic participation in the process, so local planning authorities must have an input into this process.

Renewal areas

The white paper states there will be a general presumption in favour of development in these areas. We do not think that there should be a presumption in favour of development; this may be harmful. A decision maker needs to have criteria at their disposal to be able to weigh up social, economic and environmental impacts and thus ensure sustainable development. It is not the case that any development in renewal areas will be positive.

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Proposal 6 comments: ‘Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.’

Determination deadlines

We support faster decision making and endorse the aims of the White Paper. However, it is difficult to offer support for the specific proposals identified within it. The council is concerned that authorities will not be able to have enough planners to determine applications within fixed, unextendable deadlines. This will be influenced by the nature of the new system and what each planner will need to consider when determining an application. However, it will also be affected by the quality of material that is submitted by the applicant (poorer submissions require new documents to be submitted and consulted on), or by any unexpected constraints found on site during the determination process. The timescales also undermine the planning committee process and therefore the aim of ‘more democracy’ as they are too short for committee processes and would prevent decisions being able to be made in public.

There is a risk therefore that unextendable deadlines will push councils to refuse permission rather than spending an extra few weeks negotiating mitigation measures. This could either stop the development altogether, or result in months’ or years’ delay while the application is determined by the Planning Inspectorate.

Modernisation / digitalisation

We welcome the Government’s support for the digitalisation of the system and agree that this will be a significant undertaking that requires central government support and resources. We would like to volunteer our support of this and share our work on creating a sites database for our local plan, that is seeking to automate our monitoring process.

A nation-wide spatial database to assist applicants in determining whether a development is in line with local policies would require the mapping of the local policies of hundreds of councils, potentially including design codes from local and neighbourhood plans as well. Historic or legacy data (for example extant planning applications or local plans) will also need to be migrated into this database. Local policies and democracies should not be swept away because they are obstacles to aims such as this. The resultant benefits are not worth the loss.

Standardisation of data

To achieve the above at a national level there will be some standardisation of data. However, we are concerned about proposals to standardise data for developer contributions and viability. This will exacerbate trends in areas with acute affordable housing or infrastructure needs (such as Oxford) as developer contributions may be based on averages that do not reflect local circumstances.

Proposal 7 comments: ‘Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.’

Creating a standard template for all local authorities to use seems un-contentious, but that will depend on what it does and how. It would make local plans more familiar and potentially easier to use for everyone. Currently each authority’s local plan looks very different and therefore having one ‘master’ template for all to follow could help ensure transparency across England. This may also

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enable comparisons of local plans to be easier, for example it will be easier for people to find sections of local plans and compare what the priorities are for each authority.

The desire to have a template should not result in any over-simplification of the local plan approach, removing the opportunity to have complex or locally suitable policies. Sometimes these are necessary to achieve the best outcomes overall. That should not be forgotten in the desire to have a simple template.

There must be help from central government for local authorities on this regarding expertise and IT equipment. Currently there is a wide variation in GIS and other software used. Standardising this could be time consuming and costly. In addition, more training for those working in local authorities on GIS mapping software, and access to the equipment/software may be necessary, depending on the details of the requirement.

Although making local plans more accessible and easier to use by making them available to view on smart phones may have benefits, it must be emphasised that local plans still need to be compatible/have the option of being produced in hard copy format. This is to ensure that those who do not have access to technology, or do not have the skills to use technology, still have the opportunity to engage in planning with hard copies of local plans. At present hard copies of local plans can be provided by a local authority in the council office for example for viewing, and opportunities like this still need to be factored in to the local plan process to ensure fairness and equality.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

Proposal 8 comments: ‘Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.’

The proposed system means effectively shifting most of the development management process into the plan making process, and in less time. It feels utterly unworkable, ill thought through and designed to remove public scrutiny from what will be the most critical stage of the planning process.

The statutory timescale is very short and is unbalanced. There is almost the same length of time for planning authorities to produce a plan as PINs will have to examine it. Urban areas remain complex in nature even with a simplified system and time is needed to ensure the right decisions. Importantly, enough time is also needed to bring stakeholders, including other public bodies, residents and employers and landowners, along. Really, the detail of what will be required of plans should be decided on before the timescale is set, or no one can make a proper judgement about whether it is achievable, with good outcomes.

It is not clear what ‘higher-risk’ authorities noted under stage 2 means. It is also unclear how Planning Inspectorate advisory visits will help. How will these be resourced and paid for? How will there be enough resources within the Planning Inspectorate to make sure that there are not delays within this very short yet crucial 12 month stage? How will the Planning Inspectorate remain impartial through the examination process? If they have offered advice during Stage 2, that has been followed, they will not be able to make decisions contrary to this later. If the ‘visits’ are merely to ensure the plan is on track, why does this need to be by ‘visits’ and why is the Planning Inspectorate in the best position to do this? It is considered that there should be an ability through these visits to identify the factors that are causing delay almost like an amber warning so that bespoke extensions can be agreed with the Government.

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We think these proposals will have serious negative implications for public engagement in the planning system. Using phrases to say there is an expectation there will be 'best in class' engagement practices is meaningless. The best techniques and materials can be used, but the imposed process may not allow for them to be meaningful. Front-loading consultation and engagement has been important to us in Oxford. We have used early consultation to inform the scope of plans even after this ceased to be a statutory stage. This is valuable. However, it is wrong to think that there is a huge keenness from a large number of local residents to get involved in shaping planning documents. Some residents and local groups will of course, and many people will give some thoughts, if asked in the right way. However, what people really want is to see something more tangible that they can then react to. This might be a draft plan, but very often it is a development proposal that is near to them and that has more meaning to them. With the new proposals, the opportunity to do this at application stage is removed. The first stage of consultation is all very well, but the leap to the second and final stage allows comments on a Plan that is already drawn up, after it is submitted, and requires people to explain both how the plan should be changed and why. People should not have to go to this much effort in order to engage with the planning process.

Having a stage of consultation on a draft, or even better on options, which can then be changed by the planning authority before submitted is a far better way to engage. Our experience shows that people are very much turned off from commenting on what they consider a 'fait accompli'. This will not help to build relationships between residents and local planning authorities, but instead pits them against each other. The opportunity for the planning authority to hear what people say and respond to it by making changes is absolutely vital. This also leaves the Planning Inspectorate in the position of dealing with a far larger range of comments, that the planning authority could have responded to and avoided the need for the planning inspectorate to do this. The consultation methods can be 'best in class' but this will lead to a very poor form of engagement, because of the process set out, and it cannot be described any other way.

A mandated 12 months for the entire process causes us concern about the validity and robustness of supporting evidence could be produced. Studies are needed to inform the plan. They will each take several months as a minimum. Sometimes data collection, such as biodiversity surveys, can only be done at certain times of year or will take a certain amount of time. This cannot be done in time to inform a plan that must be drafted within 12 months- not from the end of the data collection but including that time?

We are concerned about the statutory duty to reach adoption within 30 months. The time taken to adopt the plan has not been factored in. Council processes mean this will usually take another couple of months once the Inspectors report is received. Currently there are procedures for consulting on main modifications. Presumably this would be removed. However, that still leaves at least two months that has not been factored in to any of these stages. The Planning Inspectorate are not resourced sufficiently currently. If they are being asked to deal with the huge number of plans that would be expected 30 months after the legislation, all at the same time, in a new system yet to be tested, whilst also dealing with all of the consultation responses the planning authority has not had to deal with, they will get delayed. The planning authority won't then be able to adopt on time, through no fault of its own. It is important that any timetable set for local planning authorities is for elements of plan making within their control; we cannot support the idea that we might have sanctions imposed for a delay to the 30 month (we suggest its longer) timeframe imposed if the delay is caused by the Planning Inspectorate or another cause outside of our control.

It is stated that a review will be required sooner than 5 years after the adoption of the previous plan if there are issues with, for example, land supply. It is presumed that, as now, completion of a review

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is required within 5 years, so would need to be started 2.5 years after adoption of a plan. It seems that the test as to whether there are housing supply issues will be the housing delivery test, not a failure to demonstrate a 5 year housing land supply. Completion of new houses will not be immediate after adoption, so how will it be judged that there are delivery issues only a year into the plan? This is when an earlier plan would need to be triggered, as after 2 years would just be the standard timetable. In the experience of Oxford, certainly, delivery is dependent on landowners, who may be very slow to act, and allocations are not always taken up, through reasons totally unrelated to planning but due to landowners pursuing other sites, having changed circumstances or wishing to wait for a whole host of reasons.

These proposals are all put forward on the false premise that delays to local plans mean that not enough land comes forward for development, which affects affordability. This is an incredible oversimplification. The proposals put forward will not have the intended effect. In Oxford many sites move forward from one plan to the next without being developed. There are few large sites, so land supply often comes from unexpected places. The Local Plan currently has policies that can respond to this, so a new local plan is not needed to enable newly arising sites to come forward. It seems that a new local plan would be needed in the new system, therefore causing delay.

The alternative proposal put forward to remove the 'right to be heard' would have a very limited impact. The right to be heard does not apply across the board, but only to those who made representations requesting changes to be made. We do not think the other alternative to remove the examination process is a realistic or sensible proposition. Given that there is supposed to be 'more democracy', allowing people one chance to comment on proposals, and removing their chance to comment on drafts, have their comments taken into consideration by the local authority, put their point across at examination and also to comment on proposals in the form of a planning application is such a removal of people's ability to engage as to be outrageous. As this 'best in class' engagement process puts all of the meaningful engagement after submission, for the Planning Inspectorate to wade through, the examination becomes an even more vital component of the local plan process. If it was removed the engagement process would need to change from that set out.

Whilst the length of time current local plans take to implement can indeed be a long process, the 30 month timescale proposed is too short and will not give enough time for a thorough review of such an important planning policy document. More time should be allowed for a local authority to write its plan, particularly if it is to include matters that take time, for example design codes and masterplans, and the need to digitise it, which will require different resources. There needs to be more support for local authorities, as the proposed timescales are stringent, and the changes are so radical that it will take time to embed them.

Proposal 9 Comments: 'Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools'

The current proposals seem only to give lip service to the idea of neighbourhood plans. It is dangerous to raise expectations when it will become clear that little of meaning can be achieved. Development that may concern residents of a street may well all come under permitted development now that this is so wide. At the level of already existing streets the main things of relevance will be extensions and their impact on character and neighbours. With the ability to increase storeys and have two-storey extensions through permitted development, the scope to

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control design is limited. There is little else that may be considered at street level. The potential increase in resource demand on the planning authority must also be considered.

White Paper: Pillar 2 Responses

15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

Oxford has a large number of distinct character areas with outstanding 20th century and modern architecture, from its historic core with its medieval streets pattern to a very high concentration of statutorily listed heritage assets, Victorian terraces and pre-, inter- and post- war housing as well as significant areas of Green Belt within the city boundary. This cityscape is unique in the country and the impact of development on the character of the city is very closely scrutinised, both by the planning authority and by several interest groups dedicated to the protection of the city's heritage. Use of the Oxford's Design Review Panel Process is embedded in our planning process. This brings local expertise and advice that helps ensure high quality design. Although what is considered beautiful can be highly subjective depending on the observer, this level of scrutiny and interest from both the Council and ordinary citizens ensures that the majority of the development in the city is of high quality and appropriate for the context, particularly with schemes that are of a larger scale or which affect recognised heritage assets or their settings.

Oxford has very recently adopted a new local Plan that recognises the importance of the city's built heritage and the quality of the environment. It includes the following objectives:

- To preserve and enhance Oxford's exceptional built form with its legacy of archaeology and monuments, historic buildings, modern architecture, important views and distinctive townscape characteristics
- To ensure that all new development delivers a high quality of urban design, place making, architecture and public realm, integrating the built and historic environment with modern needs.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

The term sustainability is being frequently misused throughout the White Paper, demonstrating the risk of it becoming used as the key test for local plans, which we caution against in our response to Pillar 1. Sustainability is not only about the environment. It should be about social, environmental and economic factors. Social and economic needs are not being factored in, but are just as important. Without them development may be of 'beautiful' design or good carbon efficiency, but that is not enough to make it sustainable, and it should not be suggested that it is.

The positive approach of planning and local plans that takes a holistic view of sustainability, weighing up costs and benefits, is at risk of being lost under the new proposals. The city has recently adopted a new Local Plan to 2036 which aims to support the developing city while promoting a liveable and sustainable environment that balances economic, social and environmental needs. The sustainability objectives of the Plan go beyond focussing on a single priority, but were developed with a holistic mind-set that takes account of the impact of the built environment, protection of

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natural assets at all scales and encouraging more sustainable forms of transport within and into the city, as well as considering social and economic impacts. The suite of policies contained within the Plan include the protection of important green and blue infrastructure, safeguarding open spaces for recreation and public benefit, including the encouragement of the provision of new open spaces in development schemes, the promotion of sustainable design and construction and the promotion of sustainable modes of transport, including the encouragement of car free developments and reducing the reliance on cars particularly in the city centre. There is also a very strong emphasis on high quality design that is based on a thorough site analysis, with requirements for a design statement for all but householder applications.

Whilst many aspects of good design are standard, if policies are to be left to the national level, there is a lack of local democracy and a higher risk of poor outcomes. Ideas of 'beauty' are subjective. Priorities will vary. In Oxford we are content that the Oxford Local Plan 2036's carefully thought-out policies are appropriate for the city and help to ensure good design. We are fortunate that we have developers and landowners such as the universities who have the resources to put into the highest quality of design, with zero carbon ambitions and also who seek to deliver social and economic benefits. In some places decisions have to be made about priorities. This must be done at a local level, but must not become a popularity contest.

17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No/ Not sure. Please provide supporting statement.]

Design-codes are very front loaded – the White Paper is suggesting the development of the design code provides the only opportunity for local people to be involved in the democratic process. A single design code for Oxford would be far too generic. In fact Oxford has many different characters and different sites that would all need different design codes. Even for one small city this is a considerable amount of work. Development takes many years, therefore how often will the codes be revised? A new development may come several years after consultation on the design-code, but local people will have no say on this unless they were involved at the time, which may have taken place many years previously. Much energy is also likely to be expended on debating and agreeing what would be acceptable by the majority. The requirement for empirical evidence would potentially limit the forms of engagement that could take place, and also encourage this to be more of a tick box exercise.

Relying solely on pre-approved 'design-codes' eliminates a whole stage of local oversight. It appears that there is an expectation that public consultation ("effective inputs from the community") informs the local design codes. There is a risk that by only considering "empirical evidence of what is popular and characteristic in the local area" that design innovations are stifled and what is allowed is solely a replica of what currently exists. How will design codes encourage design innovation? Front loading the design into design codes and marginalising architects in later stages is not a good way to increase the quality of housing design across the country as it is possible for proposed architecture to be of high quality design and appropriate for context, without complying with a design code.

There is a place for design codes in the current system, and their greater use is a good idea in principle; however, this should not be at the expense of the entire system and the lack of detail for how this is intended to be achieved makes it difficult to support. We have used design guides to support Area Action Plans, for example in the West End, Barton and the Northern Gateway, and these are beneficial in guiding and helping assess designs. Whilst design guides and codes are particularly useful in speeding up reserved matters applications associated with large developments, they should be seen as one part of the development planning process.

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The emphasis appears to be primarily on the visual and aesthetic elements of the built environment, and care must be taken that in creating a unique character there is no unduly prescriptive framework which can result in identikit, pastiche or uniform places without a distinctive character. While important, visual and aesthetic elements of the built environment are not the only factors to consider when seeking to create good living environments. Key urban design elements such as layout, designing-in existing features and so on, are important and will have a far greater impact on people's experience of a place than the individual design of each building. There does not appear to be reference to elements like the sizes, layouts, density, construction and mixture of uses and tenure. How will there be input into what the buildings actually are used. The balance of uses and an effective spatial strategy is essential in Oxford. There are also no references to adaptability of dwellings, access to open space (public and private), liveable streets and others that relate directly to the health and well-being of people. Such codes would also have to be workable for both urban and rural authorities as there may need to be different approaches.

By focussing on what is locally 'popular' there is the risk that the level of engagement would be very shallow because the visual appearance of development would predominate and would only superficially address the other important elements of what makes a liveable place, if at all. Housing appears to be the central focus but it would be useful to also take account of non-residential buildings and spaces.

It is questionable whether design codes themselves will be robust enough to simplify interpretations of beauty. By its very nature, 'beauty' is subjective and it is unclear what the administrative criteria will be, or how extensive legal arguments over what is beauty can be avoided.

Reference is made to Victorian and Georgian design codes, but these were not across the board and tended to focus on exclusive developments. Furthermore, towns and cities are far more complex now. It is not clear how many design codes would be produced to avoid homogeneity - a common criticism of modern developments. Oxford has a large number of distinct character areas from its historic core with its medieval streets pattern to Victorian terraces and pre, inter and post-war housing. It appears that the Government wishes local guides and codes to be produced wherever possible. In Oxford there is likely to be a strong case to produce design codes for certain types of character area. Training will need to be undertaken to ensure that planners who previously spent their time on other technical aspects of the planning regime (e.g. defending local housing figures) are now re-trained as urban designers.

It is not clear what investment is to be made available to produce the required number of different design codes. The resources and organisation to achieve effective design codes is not evident. In Oxford we do have urban design and heritage specialists embedded within the services, as well as the Oxford Design Review Panel, but we would still struggle to resources this and would require additional training. Many councils do not have this level of resource and there is a shortage of these skills national; significant additional training resource would be required.

The White Paper suggests that the design of new communities will be expected to follow the new national design guidance, code and manual for streets. Will this just apply to new towns or are urban extensions to be included in this as well? Or does this also apply to infill developments, which will very much need to respond to the individual context in which they are proposed?

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18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

We agree that design and place making are important and should be at the heart of planning. We are not sure that a separate officer is needed to carry out a role usually already taken by the head of service. The proposals presented in the White Paper provide no detail on how a chief officer for design would work within the current system, in particular whether this is a collaborative role. Currently design officers work closely with planners as well as with Design Review panels. Good design is a collaborative and iterative process and should not happen in isolation. Having someone in this position in itself will not improve design; it needs to be accompanied by a national direction about the importance of design and planning authorities being properly resourced.

A nationally funded body could be helpful in providing support to planning authorities and industry to improve design. The Design Council, and previously and very successfully, CABE have provided this support and it is regrettable that they were abolished. It is not clear from the current proposals who the new body would be made up of, who would appoint them and on what merit. It is also not clear what the remit would be. Would the formalised body undertake an examination of the local design codes? This could result in local codes/ design guidance taking longer to produce but the resulting codes/ guidance would have more material weight attached. However, where a less stringent design-code review process took place, this would be likely to speed up the overall production process but could result in local codes and guidance which had less material weight as they were not subject to such detailed scrutiny. Would it be a professional body, providing training, advice and guidance, or would it have a monitoring and reporting function? If the latter, it would create an additional burden on local authorities with respect to reporting and monitoring, and would highly centralise the plan making process with reduced local accountability. Locally focused bodies are more likely to be responsive to the needs of localities.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Homes England (as the “government’s housing accelerator¹”) is responsible for a number of objectives including “increasing the number of new homes that are built in England...” It should be taken as read that Homes England should be concerned with design- and environment-related strategic objectives. The precise wording of these objectives will need careful scrutiny in order to ensure that Homes England leads by example to deliver well designed developments that respect the environment.

Although the exact role that Homes England will play has not yet been decided one potential option is for it be the independent body responsible for setting design standards. While it is desirable to have such a body, insufficient details have been provided as to how what is being proposed is likely to be achieved.

Giving design a greater emphasis in strategic objectives is welcome. However it is important that design quality should be emphasised across all housing offers and tenures, no matter the level of affordability, and not just be a mechanism for adding value by being promoted as an extra. It is also important to recognise that good design is not just limited to visual or aesthetic considerations but

¹ <https://www.gov.uk/government/organisations/homes-england/about>

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includes all aspects of making the built environment more pleasant and liveable for everyone who interacts with it.

20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

No

We do not agree with the fast-track for beauty. Beauty is both too subjective and too narrow a concept to be the basis of fast-tracking decisions. Other equally or more important considerations will be overlooked.

It will be important to ensure that schemes properly take account any *other relevant planning considerations*. A wider risk of this process is that by oversimplifying the planning system and putting too great an emphasis on design codes (which could be highly subjective) while trying to increase the speed of delivery of housing, is that other relevant planning and design considerations such as the mix of uses are either not fully considered in decision-making or the certainty of a swift approval process envisaged by the authors of this White Paper is reduced as these other considerations need fuller consideration as part of the decision-making process. This is also the case for any prior or pre-approved schemes which may come forward in the “renewal areas”.

The intention to develop a limited set of form-based development types that allow the redevelopment of existing residential buildings where the relevant conditions are satisfied is likely to inhibit or potentially stifle innovation. As much as good examples of this exist (e.g. Bath/ Belgravia), it is not necessarily appropriate to replicate this style of development everywhere. It will be important to look at local distinctiveness as well as the unique qualities of places, when developing design codes. Just because something has worked well in one location does not mean that it will necessarily be well suited to another.

It is hoped that there will be some future guidance (either through the NPPF, or NPPG), on what is meant by ‘gentle densification’ in terms of a nationally set dwellings per hectare rather than leaving it to the courts to determine?

We are concerned that by further extending permitted development rights for residential development (rather than for employment development), the Government only seems interested in a limited range of issues – such as flood risk and securing safe access – to the detriment of other constraints/issues including poor internal spaces and development in inappropriate or inadequately serviced locations.

We are also concerned that by taking a populist approach to planning may result in those more vociferous members of the community dominating conversations, when these voices may not be representative of the wider community as a whole.

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

1. Effective Stewardship – I don’t think we should be trying to summarise (guess?) what the proposals mean, but just stick to responding to them. Otherwise it comes over as rather discursive – this is a response for Government, not a summary briefing, which is how this section reads. Can we tighten this up and limit to expressing concerns and non-support? I think that’s all there, just a bit hidden by the lengthy text.

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In this section there are no questions and two proposals, but a lot of detail to be decided. The following response outlines our thoughts and considerations about how the further details could be most helpful.

The White Paper states that the planning system should take a proactive role in promoting environmental recovery and long-term sustainability, and that it should go further than simply identifying areas to protect. This section is light on proposals but the text mentions legislation outside of planning such as the Environment Bill and the England Tree Strategy as well as the NPPF. With the reduction in scope to negotiate over planning applications locally, including about infrastructure features and carbon efficiency measures, there will be a significantly reduced scope in the planning system to promote environmental recovery and long-term sustainability.

The limited scope that local plans will have to address this at a local level seems to be evident by the only example given being that local plans consider how the identification of the different zones of land and sub-areas can effectively support climate change mitigations and adaptation, for example by high densities and maximising the ability of walking and cycling. The ability to allocate areas for renewable energy within the zoning system is also noted, although from the description of the zonal approach we are unclear how this would work and how these uses can be ensured.

The simplification of local plans and the zoning system and the lack of ability to set relevant policies locally means the suggestion for local plans to consider supporting climate change mitigation misses an opportunity. For example in Oxford we have very stringent policies currently regarding car free developments, because this can be supported. However, it could not be supported everywhere. Likewise, our carbon efficiency proposals are ambitious because our viability allows it. This would inevitably be watered down by the need for national policy that can be implemented everywhere.

We welcome the assertion under proposal 18 that Local Planning Authorities should be accountable for the actions they are taking in relation to sustainability and we would like to continue our efforts to set ambitious local targets. However, as we will not be setting local policies the scope will be limited. It is suggested that the consultation document to follow should propose a reassignment of resources to enforcement. The ability to enforce carbon efficiency measures first requires significant monitoring, which will require a policy framework if it is to be undertaken through the planning system.

The White Paper proposes that there will be a new system to strengthen the protections that make a big difference to species, habitats and ecosystems, rather than SA, SEA and EIA. It is agreed that these documents can become overly long, duplicate work and lead to a loss of transparency. However, they do have an important role in allowing consideration of the whole array of sustainability criteria (in SAs) and having statutory consultees to provide a check. SA in particular can provide an important narrative of the decision-making process, telling the “story” of how the plan strategy for the plan was arrived at. Losing any of these elements of the SA process would be negative. We hope that the consultation on these matters due in the autumn does not remove the need for thorough assessments, subject to checks by the relevant bodies, and that appraisal of sustainability in the round is still required.

It is unclear as yet how the new planning system will build on the provisions of the current NPPF in respect of conserving and enhancing our historic buildings and areas. It is very unclear to us how or for what purpose local plans will mark protected views. Will there be scope to identify new views that should be protected? What will this protection entail, given the limited scope to set policies? Oxford has protected view cones that are long-established and in which policy guides development

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to ensure views are protected. These policies are very specific to Oxford and could not be replicated nationally. There must be scope for us to continue to do this. What would be the scope for us to continue to do this, or to review the views that need protecting over time?

Managing change in the context of significant heritage assets is something Oxford has long experience of. Its rich heritage means that change and growth in the city happens within listed buildings and conservations areas, which have always played a central part in development of the city. We are concerned that the zoning approach, where conservation areas would be protected, will actually prevent us from continuing our approach of carefully managing change, and it is important for the continued success of Oxford that it does not do that.

We are concerned by the wording around historic buildings and energy efficiency measures. It is essential the costs and benefits of proposals are properly weighed up, and this can be best done at a local and often application level. The planning system already allows for historic buildings and buildings in conservation areas to have sympathetic changes that support their continued use and address climate change, balanced against any impacts on heritage significance.

Pillar 3 – Planning for Infrastructure and Connected Places

Comments on the overview

We consider that the implications of the current proposals set out in Pillar 3 raise serious concerns for securing affordable housing, given that S106 agreements are currently the primary legal mechanism for ensuring that developers guarantee the delivery of affordable housing in the UK. The measures proposed in the 'Delivering change' section (page 68), will reduce the provision of affordable homes and therefore act as a further barrier to addressing the serious barriers to economic growth in the city.

Affordable housing units would be lost if the small sites threshold is lifted to 40/50 units, below which developments would not need to make affordable housing contributions. 70% of the total number of affordable homes delivered in Oxford since 2015 has been on sites of less than 50 units. Furthermore, we seek financial contributions from student developments as they increase housing demand across the city. Since 2015 we have secured almost a third of our financial contributions from student developments on sites of less than 50 units. Also the change in the threshold would have a major impact upon our affordable housing supply over the lifetime of our recently adopted Local Plan (June 2020). If the 50 unit threshold were introduced we would lose 406 affordable homes across the plan period. Moreover, we would lose 919 of our most needed social rent units as a result of the introduction of "first homes". In addition to the loss of direct provision of affordable housing we also expect the new threshold to result in 29% of the supply of student accommodation across the city no longer making any affordable housing contributions. Fewer affordable and social homes will likely lead to more households being unable to afford to continue to live in the city, separating families and disrupting communities, while also leading to greater levels of homelessness. Oxford is acknowledged as a city already facing acute affordability and homelessness issues, in 2019-20 the city council owed 710 households a homelessness prevention duty, and 172 relief duties, as of August 2020 there were a total of 2,325 households on the waiting list for social housing, and 225 people were recently housed in emergency accommodation due to the government "everyone in" order due to the pandemic. A reduced supply of social housing brought about by these proposals will make reducing homelessness harder.

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Under proposal 19, the scope of S106 agreements is to be restricted along with CIL and to be replaced by a consolidated Infrastructure Levy. As the rate-setting methodology and guidance has not yet been set, we are concerned about how much affordable housing and infrastructure could be secured via these means. It is doubtful that the measures in proposal 21 will help to guarantee the delivery of affordable housing despite accounting for some of the financial risk involved, and more should be put forward to secure affordable housing as part of these proposals.

Question 21: When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings /More shops and/or employment space / Green space / Don't know /Other – please specify]

It is unclear about the purpose or intention of this question in the context of the White Paper. We consider that all these things are priorities when new development comes forward; how we decide on the priorities will depend upon where the site is located in the city and the needs of the particular community and the wider area. The prioritisation of issues such as affordable housing, infrastructure, health provision have to be undertaken in the local context and through a process open to local democratic scrutiny and oversight. Both of these would be removed entirely by these proposals. To suggest that the items in this list can be made a priority over each other at a national level is unrealistic and inappropriate.

Furthermore, quality design is not optional and should be fundamental to the success of new developments. This is important everywhere but in a city like Oxford where the character of the built environment is an integral element of the vibrancy of the city and its economy it is vital. Large new developments should provide green spaces. The current pandemic has reminded everyone how important these spaces are for health and well-being.

We are highly concerned that a centralised approach will result in less of all these things as it will not take account of local market dynamics and viability.

Question 22a) Should the government replace the community infrastructure levy and s106 planning obligations with a new consolidated infrastructure levy which is charged as a fixed proportion of the development value above a set threshold?

No

We cannot support the proposed Infrastructure Levy as there is insufficient detail provided which raises key concerns about the delivery of affordable housing and infrastructure as well as the increased financial risk that the Council will need to take on by borrowing in order to forward-fund infrastructure. We are concerned that whatever the level of change, the priorities for how it should be spent, or any link to local needs, the proposed system lacks reference to both local democracy and accountability. It is currently very unclear how the proposals will bring forward the proposed benefits – a simpler system; faster process; a clearer process as inevitably the details for how the levy would be applied have not been fully defined yet and inevitably will create complexity down the line.

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The lack of clarity and guidance around these proposals raises concerns for us about how Infrastructure Levy (IL) rates might affect viability; how rates will be set at a national level; how the restriction of the scope of S106 agreements would affect affordable housing and certainty of on-site provisions.

The proposal to set the levy on occupation causes us unease as it will mean that developments are occupied before the necessary infrastructure is delivered, which will create an even larger infrastructure lag than currently exists. It will also make it more challenging to properly plan and embed infrastructure to create well designed, sustainable and healthy new developments. Infrastructure needs must be considered prior to occupation as the delivery of infrastructure could be required for the site itself to be profitable or indeed to function properly or at all (e.g. transport; community facilities; education). The idea to charge IL on occupation is based on the fact that developers carry higher risk; however, we have not found that charging CIL has fettered development in Oxford at all.

Another disadvantage of a singular cumulative levy such as IL is that direct mitigation for the infrastructure requirements of the site may not be guaranteed. In this case, section 106 provides greater certainty that on-site infrastructure needs can be secured on top of affordable housing. Aside from affordable housing, there is little currently proposed to guarantee that funds generated by a site will be spent on it or its neighbouring area. Proposal 22 suggests that keeping the neighbourhood proportion from CIL would help to ensure that infrastructure is paid for in the area that IL is raised, however this primarily funds small items and not strategic infrastructure which enables development and growth in the city (which is what has been secured via S106 agreements).

Furthermore, proposal 22 also suggests that increasing flexibility on how IL funds could be spent could be beneficial, but we are concerned that this further dilutes the fund from being spent on infrastructure needs across a broader range of priorities, in addition to becoming the primary mechanism for securing affordable housing as suggested in proposal 21. It is unclear if the consolidated levy would provide sufficient funds to cover all of these priorities and could be balanced out against viability risk for the developer without a detailed consideration of local viability evidence - as is currently provided at examination for the adoption of CIL rates, as well as to support Local Plan policies and show that their implementation is viable in the round. We note that the levy may vary, but we are not clear how finely grained this variation would be. Even within regions there are considerable variations in viability. Values in Oxford mean that high levels of affordable housing on top of S106 and CIL can be afforded. Overall, it is not clear how setting the levy at a regionally affordable level could do anything other than reduce total receipts. It is suggested that affordable housing levels and tenures must continue to be set locally. That way, gaps in viability can be taken advantage of, i.e. there is likely to be significant headroom in Oxford to afford affordable housing on top of whatever regionally set IL there is.

It is unclear how the development value (GDV) would be assessed and by whom and whether it would be on a site-by-site basis. As no clear methodology has been proposed this makes it very unclear how effectively the new levy might be able to mitigate for the infrastructure needs of new developments. There is a concern about how the fixed rate system set on a national basis would work – too little at present is defined here about how the levy will be calculated and by whom - the magnitude of the rate is important. Capturing uplift from developments is a good idea to proportionately increase contributions if the market value of developments increases. Clarity about how this would be worked out from development values, how existing use value and relevant tax structures and associated viability risks would be assessed, by whom and how associated risks to viability and delivery would be managed.

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What is also unclear is where and how the threshold will be set. A key point of CIL is to capture infrastructure contributions from most developments. Smaller developments have a significant cumulative impact on infrastructure demand. In Oxford small sites are a significant portion of our renewal and housing supply. Given the proposition to raise the affordable housing threshold too, these developments will become increasingly viable, and the threshold for IL would be raised unnecessarily, with substantial loss to infrastructure funding.

The de-minimis threshold needs to be clearly defined and justified to consider if (national, regional) average build costs and a small fixed allowance for land costs sets the levy rate at acceptable levels to raise adequate funds for infrastructure and affordable housing whilst not risking viability of development nationally. We know that viability is not just an issue for low-value developments, and considering only build costs and a small contribution for land costs oversimplifies what could make a development unviable (for example, abnormal on-site infrastructure costs). It is unclear how well the threshold currently would mitigate for viability risk overall and if the set threshold would generate adequate amounts of IL for infrastructure and affordable housing, given that the threshold value will be deducted from overall levy for liable sites. In high value areas such as Oxford it is inevitable that less would be available under the proposed changes. Affordable housing should not be part of the levy but should be secured on top based on local viability.

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]

We considers that this should be **set locally** as there are differences in land and development values at a fine grain, even within a singular authority. The great variations in how current CIL rates are set across the country have required detailed bespoke economic viability studies which are evidenced and tested at examination to demonstrate that setting CIL rates will not adversely affect the viability of developments coming forth. It is unclear how, if viability studies are indeed to be removed, a rate at a national level could be agreed; especially if it would yield appropriate levels of IL to meet the varied and specific balance between viability and developer contribution rates that current bespoke viability tests provide. For IL to be desirable, a robust methodology should be proposed which considers the balance between developer contributions, affordable housing and viability, to work on a local level.

It is vital that opportunities for infrastructure and housing delivery are not lost in an attempt to look at too wide an area when setting the IL. Even within regions and sub-regions viability varies widely. As suggested in response to the question above, setting affordable housing requirements locally should also take place as the amount that can be afforded (as well as need) will vary significantly.

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

This will need to be based on a robust methodology which considers viability risks which has not yet been proposed. With the loss of S106 agreements, IL is likely to need to be set at higher rates to mitigate for infrastructure and compensate for payments in-kind for the affordable housing currently being secured by s106 agreements (and potentially to further meet policy objectives as

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proposed in Proposal 22). As a minimum, we at Oxford City Council uses both CIL and S106 agreements, the new levy should be able to capture the same level of infrastructure funding, on-site provisions and affordable housing as the two combined.

Overall, it should be clear that at least equivalent or higher contributions should be sought as the majority of CIL charging authorities demonstrate substantial infrastructure funding gaps, which cannot be fully covered by CIL (Oxford's gap was previously assessed as greater than £100 million)² – however with the lack of rigorous viability assessments (as proposed) it is uncertain what effects a higher levy could have under the proposed changes. As a rate or methodology has yet to be proposed, increasing rates further could be at a cost to the overall viability of development and it is unclear how a fixed rate as a percentage of final value might affect developments across Oxford or different use classes disproportionately.

It would also be useful to have more detail on how the minimum threshold for infrastructure contributions is to be set and at what level; as Oxford currently charges across the majority of its use classes to obtain its current levels of CIL. Setting rates and the minimum threshold at the right balance to adequately fund infrastructure and affordable housing may in the end be a highly complex process which would not be advantageous to adopt over the current developer contributions.

Independently of the intentions of the Infrastructure Levy to raise overall national levels of developer contributions, being able to support the levy will be a case of understanding if the Infrastructure Levy is likely to indeed deliver higher or equivalent contributions in a way that delivers infrastructure and affordable housing across the UK without adversely affecting the viability of developments coming forth.

22(d) Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

We would not like to rely on borrowing as this would incur high levels of risk for local authorities. We are concerned about borrowing against potential IL income and have never needed to borrow before with CIL and S106. Our initial concerns are that by borrowing against the infrastructure levy to forward fund infrastructure, it would be putting the Council in danger by borrowing and spending upfront if developments do not come to fruition or are subject to delay. Furthermore, to reclaim the full amount of IL on a development would rely on the fact that every unit would need to be occupied which may be an issue for large strategic sites. This places substantial and uncertain timescales and financial risks when money is borrowed for infrastructure and affordable housing from when permission is granted and when IL could be fully reclaimed from a site. There would also be new and considerable administrative costs incurred to monitor occupation across large sites in the city. This creates further complications which is what the newly proposed levy is seeking to minimise.

Overall, if the scope of Section 106 agreements is to be restricted and IL is to be charged on the occupation of dwellings, local authorities will have no choice but to borrow against the IL to forward fund infrastructure as often upfront funding is required to ensure that infrastructure will be delivered in a timely fashion, in tandem with the developments they mitigate for. Weighing up the risks on which items to borrow funding for, may cause unintended delays in the delivery of infrastructure. It is unclear how many local authorities will want to take up the risks associated with borrowing given strained financial pressures following the COVID crisis. However, we do acknowledge that there may well be a place for some authorities to borrow against future CIL

² https://www.oxford.gov.uk/downloads/file/5137/infrastructure_funding_gap

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receipts and we note that this can be effective. As such authorities should reach their own decisions to suit their own local needs.

We would like further clarity as to how the charge could be levied for large sites which are phased in development as the triggering of the levy will be important to understand (e.g. if this is on occupation of each individual dwelling; occupation of a block or alternatively, first or last occupation of a phase/block triggering payment of levy of whole phase). Triggering liability on first occupation could help to minimise risk for local authorities when borrowing to forward fund infrastructure. Furthermore, for non-residential use classes, (if IL is to be the same across all use classes) it would also be useful to have clarification of when IL is levied (e.g. commencement) as these are not 'occupied' in the same way as residential developments. Currently the lack of detail and lack of risk mitigation measures makes borrowing an undesirable option to fund infrastructure. Currently the local approach allows us to agree phasing and adjust triggers in response to individual site circumstances in order to aid delivery

The White Paper sets out that currently, despite early payment with CIL, money has been slow to be spent due to issues such as 'competing spending priorities' and 'uncertainty over other infrastructure funding streams'. The new proposals do not help to resolve such issues, and in fact with a higher emphasis on borrowing to forward fund infrastructure, this may further complicate prioritisation between infrastructure, affordable housing and proposed additional policy priorities - creating unintended delays.

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

Yes

The ability to charge on change of use is positive as there will be increased valued from the change and in some cases increased infrastructure impacts. We have concerns that large developments under prior approval and permitted development rights have not been contributing towards mitigating for additional infrastructure, despite in practice adding additional strain to existing infrastructure. This should consider viability of different uses as it should only be applied where there are increased values.

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]

Yes

We should aim to secure at least the same level of affordable housing, within Oxford, although there are serious concerns about how this would be achieved as highlighted earlier. In addition to the level of affordable housing the tenure split is also very important. In Oxford 40% of the total units on a housing development are required to be social rented. This helps to meet the greatest need. The tenure split should also be retained. Before we can support implementation of a new levy, we would require further assurance that both the same level of affordable housing *and* infrastructure can be delivered with the consolidated levy, ideally with further risk mitigation set in place if affordable housing is not delivered.

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24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]

No

We cannot support the levy without assurance that delivering equal or higher amounts of affordable housing would be possible at the rates set – there is a serious concern here that with restriction on the scope of S106 agreements that there will be no legal mechanism for ensuring the same level of affordable housing contributions or higher. None of the risk mitigation measures proposed account adequately for the delivery of affordable housing.

With the 'right to purchase' alternative it is currently unclear what percentage of a new development could be secured for affordable housing (at build costs) - as a national methodology has not been proposed for IL income. Under our current local policy we currently secure 50% as part of a local affordable housing requirement. The proposed policy would need to match this before we could support this. Furthermore, we specify a tenure mix that includes 80% of affordable units to be social rented. It is unclear what the implications of the White Paper proposals would be on tenure mix, but we feel it is unlikely that this regime would offer the same opportunity to set this. Affordable housing should be planned to be tenure blind with a mix across the site. It is important that if there is a right to purchase it is open to any units on the scheme to ensure a desirable mix of units appropriately spread within the development. It is also unclear if right of first refusal could deadlock IL funds which could pay for this affordable housing, as this stops occupation of the site. It is also unclear how well the lower threshold for smaller sites would generate cash contributions above the broader de-minimis threshold.

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]

Although this would be helpful, this does not address the risks that we are concerned about. We need to deliver affordable housing (AH) and are concerned about the lack of guarantee in delivering affordable units under proposal 21 and the financial risk of borrowing against future levy as previously mentioned – with the 'reclaim' on future borrowing against IL contingent upon full occupation of developments.

The risk mitigation measures as proposed do not give us confidence, particularly as none prioritise the delivery of affordable housing. The proposal to flip affordable units to market units to sell if Levy liabilities are insufficient to cover value secured through in-kind contributions merely acts as a financial assurance if AH units are not sold; however this is at a direct loss to the delivery of affordable housing which we would not want to occur. The inability for developers to claim overpayment if in-kind value exceeds the final levy liability would be helpful (for example if development fails to generate enough IL beyond the in-kind provision given from selling discounted units), however it does not account for the greater risk that affordable housing in general would need to be secured by IL.

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

Yes

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We need to be able to set standards based on our local needs in Oxford but there are other proposals in the White Paper that would compromise our ability to do so. We have policies in the local plan which consider space standards, energy efficiency, carbon reduction, adaptable homes and water use, which apply to market and affordable housing. Without a S106 agreement, or policies that are as locally relevant and account for needs, we would need mechanisms to ensure adequate quality in the affordable housing, as well as to ensure needs for wheelchair adaptable and homes etc. are met. If there were additional measures it is unclear how this could be set at a national level, given that there may be varying requirements and priorities for different local authorities. Clearly any affordable housing should be delivered to high standards, particularly if the alternative arrangement of proposal 21 is implemented where Local Authorities/Registered Providers could have first refusal with AH providers able to buy a proportion of AH units at a discount equivalent to build costs (with developers having discretion over which units could be bought in this way). Essentially, we would not want to incentivise the building of low quality housing and implementing additional steps could help.

Measures to revert back to cash contributions if RPs do not want to buy homes due to poor quality are good as a disincentive for poor quality housing and although there is an option proposed to accept infrastructure payments in the form of land, we do not anticipate that developers will want to do this.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

We need more details as to how we can reliably secure affordable housing and on-site mitigation by some other means that through legal agreements and CIL. Further assurance that the consolidated IL tax would be able to account for that (ideally with a robust and well justified methodology) is needed.

In theory it seems fair that local authorities could spend receipts on their policy priorities, once core infrastructure obligations have been met. However, in practice it is not clear what this would mean. Where will it be decided what 'core infrastructure obligations' are? Presumably this is suggesting that these are set nationally, but how can they be the same across the country? Why is it assumed that policy priorities would not tally with core infrastructure obligations? What would these be locally anyway, given that there is so little scope proposed to set policies in local plans. Presumably this means wider council policy priorities that are set outside of planning altogether? 'Local' infrastructure seems to be being separated from 'core infrastructure obligations'. Core infrastructure obligations may mean strategic infrastructure for which there is a cumulative need generated. Is this to be prioritised over 'local infrastructure'? Before setting the amount, why is it assumed that there will be any money remaining after core infrastructure needs have been taken care of to fund 'local infrastructure'? Of course, without affordable housing obligations this might be possible, but at what cost? We do not agree with the apparent decision to take away developers' obligations to meet the infrastructure needs directly generated by their sites whilst also not having to provide affordable housing, leaving prioritisation decisions to central government. The greater flexibility proposed is not enough. Prioritising and decisions on spending on infrastructure should remain local.

Without S106 there is a danger that core infrastructure needs will not be met. The solution is to continue to ensure developers do meet these directly which take some negotiating. To avoid this there could be an obligation to produce a local infrastructure needs assessment. In a two-tier authority this would need to apply to the wider area, with an agreed list of priorities. This would have far better information as to what the 'core infrastructure needs' will be than any attempt to do

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this nationally. After determining core needs it could then be down to each local authority to identify and prioritise more local needs.

It is inconceivable that this system would generate revenue in excess of infrastructure needs and affordable housing needs. It should only be possible to use receipts to administer the infrastructure service provision. It should be to fund infrastructure need generated by developments, not to fill in gaps in service funding or to reduce council tax. If these decisions are chosen because of local popularity of those choices, services will have an even higher burden, quality of life would reduce because of pressure in infrastructure and most likely inequalities would worsen. The burden on neighbouring authorities would also be increased, because infrastructure needs will have to be met somewhere.

25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

Our concern with this approach overall is the impact on the delivery of affordable housing. We don't know where thresholds and requirements would be set or how they will vary nationally or the flexibility local authorities will have in ensuring it is delivered. It must not be the case that authorities could decide not to spend on affordable housing, because this will only increase pressure elsewhere. Therefore, a ring-fence does seem necessary. We would prefer to use local intelligence to determine how much is required rather than applying a rigid 'ring-fencing' requirement. It is unclear with the current proposals how effective ring-fencing would be in securing affordable housing when balanced against infrastructure funding and funding potentially being further allocated to meeting other policy objectives as set out in proposal 22. If authorities have the power to make delivery of AH mandatory on specific sites as is suggested in proposal 21 in addition to ring-fencing this would go some way to ensuring affordable housing is delivered, and we think there should be no reduction in the amount of affordable housing we are able to deliver (or change to the tenure split). Mention is given to delivering on-site at current levels or higher. It is not made clear whether that means current levels averaged across the country, or the current levels in each planning authority area. We would welcome the latter, although this highlights the issues arising from not viability testing at a local level, because how could it be certain that these levels continue to be viable?

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

The enhanced and wider use of digital technology within the planning system is definitely welcomed, however there must be some acknowledgement that this method of consultation and engagement with the community should not be completely relied upon. It is not the most suitable means for everyone, it does not promote equality for all nor does it set a level playing field for everyone to have their say. Other consultation methods must still exist so that we do not disenfranchise a sector of our society who may not have the capabilities or willingness to engage in this manner. Oxford comprises a diverse society and no group should be excluded from the engagement process. The council's localities team already do some excellent work with some of the hardest to reach groups in the city but they acknowledge that this is not an easy task. They have recognised that building and promoting relationships with people face to face often results in the most meaningful engagement, which is something that this government would like to achieve. However, the government need to recognise that a one size fits all approach to engagement would not be suitable and could widen the

Appendix 1

divide further between those who are currently able to be or are actively involved in engaging with the planning process from those that aren't or cannot. There are also still areas within the country that have either no or unreliable broadband access that would exclude them from engaging should the process all be undertaken digitally. Some people either cannot or may not wish to communicate their views on planning matters in this way and we must ensure that we do not exclude them from the process.

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Remote meeting

Minutes of a meeting of the Cabinet on Wednesday 9 September 2020

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Cabinet members present:

Councillor Brown (Chair)	Councillor Turner (Deputy Leader)
Councillor Chapman	Councillor Clarkson
Councillor Hollingsworth	Councillor Rowley
Councillor Linda Smith	Councillor Tidball
Councillor Upton	

Officers present for all or part of the meeting:

Gordon Mitchell, Chief Executive
Tom Bridgman, Executive Director (Development)
Caroline Green, Assistant Chief Executive
Paul Leo, Interim Director of Housing
Tim Sadler, Transition Director / Chairman Direct Services Companies
Anita Bradley, Monitoring Officer
Nigel Kennedy, Head of Financial Services
Tanya Bandekar, Service Manager Revenue & Benefits
Jenny Barker, Regeneration Manager
Laura Bessell, Benefits Manager
Tom Hudson, Scrutiny Officer
Annette Osborne
Dave Scholes, Housing Strategy & Needs Manager (Affordable Housing Supply Lead)
Gail Siddall, Team Leader , HMO Enforcement Team
Mish Tullar, Corporate Policy, Partnership and Communications Manager
Paul Wilding, System Change Manager - Homelessness Prevention
Ian Wright, Head of Regulatory Services and Community Safety
Jennifer Thompson, Committee and Members Services Officer

Also present:

Councillor Andrew Gant, Chair of the Scrutiny Committee

Apologies:

Councillor Hayes sent apologies.

48. Declarations of Interest

None.

49. Addresses and Questions by Members of the Public

None received.

50. Councillor Addresses on any item for decision on the Board's agenda

None received.

51. Councillor Addresses on Neighbourhood Issues

None received.

52. Items raised by Board Members

None.

53. Scrutiny Committee Reports

The Scrutiny Officer, Tom Hudson, outlined the Scrutiny Committee and its Panels' recommendations to Cabinet and the reasons for these.

The Scrutiny Committee on 1 September made

- 10 recommendations on the Air Quality Action Plan.
- 3 recommendations on the Discretionary Housing Payments Policy

The Housing & Homelessness Panel on 3 September made one recommendation on the Selective Licensing and the Renewal of the HMO Licensing Scheme.

The Chair asked that these be considered along with the Cabinet reports under the appropriate agenda item.

54. Revised Oxford City Council Business Plan 2020-21

The Assistant Chief Executive had submitted a report seeking approval of Oxford City Council Business Plan 2020-21.

Councillor Brown, Leader of the Council, introduced the report and explained that the Council's overall aims and priorities as set out in the Council Strategy 2020-24, adopted by Council in February 2020, had not altered and the business plan also included actions to mitigate where possible the economic and social impact of the Covid19 pandemic on the city.

Cabinet resolved to:

1. **Agree** the revised draft Oxford City Council Business Plan 2020-21 as set out in Appendix 1 of the report, updated due to the impact of the on-going COVID 19 crisis, setting out the Council's priority work programmes for the remainder of the financial year; and
2. **Delegate** authority to the Assistant Chief Executive in consultation with the Council Leader to make minor amendments to the draft Oxford City Council Business Plan 2020-21 before implementation.

55. Land acquisition and Project Approvals for the development of homes in the HRA

The Head of Housing Services had submitted a report seeking project approval, delegations, and budget, to enable spending from the Housing Revenue Account (HRA), on land purchases, build contracts and other necessary agreements and associated development costs for the purpose of delivering affordable housing.

Councillor Rowley, Cabinet Member for Affordable Housing, introduced the report and the recommendations.

Cabinet resolved to:

1. **Give project approval** to the proposals, to purchase land; enter into build contracts and any other necessary agreements or contracts and incur associated development cost spends, as set out in this report, and within the allocated HRA capital budgets and business plan, for the purpose of delivering more affordable housing in Oxford;
2. **Recommend to Council** that it approves a revision to the HRA capital budget in 2020/21 of £31.647m, in order for the schemes listed in this report (paras 11 to 40) to be added into the capital programme funded predominantly from additional borrowing;
3. **Recommend to Council** that it approves a revision to the HRA base (revenue) budget from 2021/22 on, for £235k to be added, for the creation of the Affordable Supply Programme and Enabling Team to manage and co-ordinate the various work streams to deliver the programmes;
4. **Delegate** authority to the Director of Housing, in consultation with the Cabinet Member for Affordable Housing; the Head of Financial Services/Section 151 Officer; and the Council's Monitoring Officer, to enter into agreements for the purchase of land, and any other necessary agreements or contracts and/or spend within the identified budget, for the provision of additional affordable housing; and
5. **Delegate** authority to the Chief Executive, in consultation with the Cabinet Members for Finance and Asset Management, and Affordable Housing, to approve any property or development purchases over £500,000 for affordable housing, within this project approval and budget envelope.

a) Land acquisition and Project Approvals for the development of homes in the HRA - Appendix 4

This appendix was taken with its report without discussion.

56. Implementation of the Housing Infrastructure Funding for Oxford North (Northern Gateway)

The Executive Director for Development had submitted a report to seek approval to enter into an agreement with Thomas White Oxford ("TWO") to deliver infrastructure to facilitate the delivery of housing at Oxford North.

Councillor Hollingsworth, Cabinet Member for Planning and Housing Delivery, introduced the report and the recommendations.

Cabinet resolved to:

Delegate authority to the Executive Director for Development, in consultation with the Cabinet Member for Planning and Housing Delivery, and the Head of Law and Governance, to:

- a) **Finalise** the legal agreement with the developer Thomas White Oxford (“TWO”);
- b) **Enter** into the legal agreement to secure the delivery of the Housing Infrastructure Funding (“HIF”) funded infrastructure at Oxford North;
- c) **Secure** the HIF funding and implementation of the HIF agreements, including the provision of funding to TWO; and
- d) **Agree** any changes necessary to the HIF agreement with Homes England to facilitate the securing of the HIF funding, the delivery of the infrastructure and the recouping of funding.

a) Implementation of the Housing Infrastructure Funding for Oxford North (Northern Gateway) - Appendices 1&2

This appendix was taken with its report without discussion.

57. Discretionary Housing Payment Policy

The Head of Financial Services had submitted a report seeking approval to amend the current Discretionary Housing Payment (DHP) Policy and to note the trends in expenditure detailed in the report.

Councillor Tidball, Cabinet Member for Supporting Local Communities, introduced the report and recommended approval of the revised policy. She outlined the changes in light of an anticipated increase in demand for support due to the economic impacts of Covid19 and highlighted the role of these payments in preventing long-term poverty or homelessness. She supported the recommendations of the Scrutiny Committee on increasing awareness of and access to DHPs.

Cabinet resolved to:

Approve the revised Discretionary Housing Payment Policy as set out in Appendix 1 of the report.

58. Council Tax Reduction Scheme for 2021/22

The Head of Financial Services had submitted a report seeking approval for proposals for consultation on changes to the Council’s Council Tax Reduction Scheme for 2021/22.

Councillor Tidball, Cabinet Member for Supporting Local Communities, introduced the report and the reasons for the proposed changes to the scheme. She reminded Cabinet that this is a discount scheme not a benefit.

Cabinet resolved to:

1. **Agree** that the proposals for the 2021/22 Council Tax Reduction Scheme outlined in the report be subject to consultation for an 8 week period from 14th September 2020; and

2. **Instruct** the Head of Financial Services to bring a further report to Cabinet in January 2021 to outline the outcome of the consultation process and make proposals for the 2021/22 Council Tax Reduction Scheme.

59. Proposal to improve the Private Rented Sector through selective licensing.

The Head of Regulatory Services and Community Safety had submitted a report to inform Cabinet of the review of the housing conditions undertaken to inform a decision for the implementation of a selective licensing scheme.

Councillor Hollingsworth, Cabinet Member for Planning and Housing Delivery, introduced the report and the recommendations. He accepted the recommendations from the Housing & Homelessness Panel and asked that officers sought consultation responses from a wide range of renters including from private tenants who would not normally respond to council consultations but who would be affected by the licensing scheme.

Cabinet resolved to:

1. **Note** the Review of Housing Conditions and other factors affecting the private rented sector and note its findings;
2. **Note** that the Review indicates that a significant proportion of the private rented sector should be inspected to determine whether any category 1 and 2 hazards exist;
3. **Instruct** Officers of the Council to proceed with a statutory 10 week public consultation; and
4. **Request** a future report in setting out the results of the statutory consultation and to consider and determine if the proposed scheme should be made and submitted to the Secretary of State for Housing, Communities and Local Government for conformation.

60. Review of the Additional HMO licensing scheme

The Head of Regulatory Services and Community Safety had submitted a report to provide findings from a review carried out for the Houses in Multiple Occupation (HMO) Licensing Scheme and seek Cabinet approval to conduct a statutory consultation to renew the scheme in 2021.

Councillor Hollingsworth, Cabinet Member for Planning and Housing Delivery, introduced the report and the recommendations. He reminded Cabinet that this proposal was for the renewal and improvement of the existing HMO licensing scheme.

He thanked Councillor Linda Smith (previously Cabinet Member responsible for this) and officers for their work on the review of the scheme.

Cabinet resolved to:

1. **Note** the findings of the Review of Licensing of Houses in Multiple Occupation 2020;
2. **Note** that the Review indicates that a significant proportion of HMOs in the Council's area are being managed ineffectively;
3. **Instruct** Officers of the Council to proceed with a statutory 10 week consultation on the scheme on the basis that it is necessary to renew the licensing scheme in its entirety for a further 5 years; and

4. **Request** a future report setting out the results of the statutory consultation and the proposed future of the licensing scheme.

61. Air Quality Action Plan

The Transition Director had submitted a report seeking approval of the Draft Air Quality Action (AQA) Plan for public consultation.

Mai Jarvis, Environmental Quality Team Manager, introduced the report and the draft action plan. She outlined progress in improving air quality and the future actions. The consultation would run for 7 weeks and would use a variety of methods to reach a wide range of respondents.

Cabinet members asked for inclusion in the supporting text an explanation of the economic impact and costs of poor air quality to emphasise the urgency of improvements.

Members noted that improving indoor air quality, which could also be poor, was not within the scope of the AQA Plan.

Cabinet accepted all the Scrutiny Committee recommendations and asked that these, and coverage of the economic costs, be incorporated into the action plan before publication.

Cabinet resolved to:

1. **Approve** for public consultation the Air Quality Action Plan **subject to** the inclusion of the Scrutiny Committee recommendations and of the economic costs of poor air quality (as set out in the Cabinet's discussion); and
2. **Delegate** authority to the Transition Director in consultation with the Cabinet Member for Zero carbon Oxford to make the amendments at (1) and any minor textual amendments to the draft Air Quality Action Plan in advance of the public consultation.

62. Treasury Management Performance: Annual Report and Performance 2019/20

The Head of Financial Services had submitted a report setting out the Council's Treasury Management activity and performance for the financial year 2019/20.

Councillor Turner, Cabinet Member for Finance and Asset Management, introduced the report.

Cabinet resolved to note the report.

63. Procurement Strategy 2020 - 2022

The Head of Financial Services had submitted a report seeking approval for a two year Procurement Strategy for the Council.

Councillor Turner, Cabinet Member for Finance and Asset Management, introduced the report and explained how the procurement strategy supported the Council's core values and economic development strategy. He thanked the officers involved in its production.

Cabinet resolved to approve the procurement strategy 2020-2022.

64. Approval of a contract award for a revenues and Benefits system

The Head of Financial Services had submitted a report seeking project approval and delegated authority for the Head of Financial Services to award a contract for the Supply of a Revenues and Benefits system.

Councillor Chapman, Cabinet Member for Customer Focused Services, introduced the report and the recommendations.

Cabinet resolved to:

1. **Note** the results of the tender exercise; and
2. **Give project approval** to implement a new revenues and benefits ICT software package , which will enable the Council to deliver effective, efficient and modern revenues and benefits services for the benefit of the Council and its customers;
3. **Delegate** to the Head of Financial Services authority to award a contract for the supply of a revenues and benefits system subject to agreement of appropriate terms to Civica UK Ltd; and
4. **Recommend to Council** to make a budget allocation of £735k within the Council's capital programme for 2020-21 and note the savings accruing to the Council's Medium Term Financial Plan.

a) Approval of a contract award for a revenues and Benefits system - Appendix 1

This appendix was taken with its report without discussion.

65. Minutes

Cabinet resolved to approve the minutes of the meeting held on 12 August 2020 as a true and accurate record.

66. Matters Exempt from Publication

67. Decisions taken under Parts 9.3(b) of the Constitution

The Head of Paid Service (Chief Executive) had submitted a report asking Cabinet to note the decision taken by the him using the urgency powers delegated in Part 9.3(b) of the Constitution.

The Leader moved and the Cabinet agreed to exclude the press and public for this item in accordance with the provisions of Paragraph 4(2)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972. The live webcast was ended.

Cabinet resolved to note the decision taken as set out in the report and confidential appendix.

a) Decisions taken under Parts 9.3(b) of the Constitution - Appendix 1

This appendix was considered with its report.

68. Dates of Future Meetings

The dates were noted.

The meeting started at 6.00 pm and ended at 7.20 pm

Chair

Date: Wednesday 14 October 2020

When decisions take effect:

Cabinet: after the call-in and review period has expired

Details are in the Council's Constitution.

To: Cabinet
Date: 14 October 2020
Report of: Head of Paid Service (Chief Executive)
Title of Report: Decisions taken under Parts 9.3(b) of the Constitution

Summary and recommendations	
Purpose of report:	Cabinet is asked to note the decisions taken by the Head of Paid Service (Chief Executive) using the urgency powers delegated in Part 9.3(b) of the Constitution.
Recommendation(s): Cabinet is recommended to:	
1. Note the decisions taken as set out in the report.	

Appendices	
1	Exempt – additional information for item 3

Introduction and background

1. This report updates Cabinet on decisions taken by the Head of Paid Service (Chief Executive) using the urgency powers delegated in Part 9.3(b) of the Council's Constitution.
2. Where urgency powers are used the Constitution requires the Head of Paid Service to report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

9.3 Role of Head of Paid Service

...

(b) The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.

The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

Decisions taken using urgency powers

3. The following decisions have been taken using urgency powers for which Cabinet would otherwise have been required to give the necessary authority to act. Cabinet is asked to note the decisions.
4. This report does not include the decisions taken using urgency or emergency powers that were reported to the meetings of Cabinet on 15 July 2020, 12 August or 9 September 2020 since those decisions have already been reported to Cabinet.

ITEM 1	AUTHORISATION OF ENVIRONMENTAL HEALTH OFFICERS RESPOND TO LOCAL COVID-19 OUTBREAKS ON A COUNTY-WIDE BASIS.	
Decision:	<p>1. To enter into a written agreement with the other Oxfordshire District Councils to allow the authorities to provide support and assistance to each other in responding to local COVID-19 outbreaks (“The Oxfordshire COVID-19 Local Outbreak Control Plan” (LOCP)).</p> <p>2. To authorise the Council’s Environmental Health Officers to operate across the other district authority areas within Oxfordshire in delivering the LOCP.</p> <p>3. To authorise Environmental Health Officers employed by the other Oxfordshire district councils to operate within the City on behalf of Oxford City Council in delivering the LOCP.</p>	
Date decision made:	11 September 2020	
Decision taker	<p>Head of Paid Service (Chief Executive)</p> <p>Decision taken in consultation with the Leader of the Council, the Head of Financial Services and the Head of Law and Governance</p>	
Was the decision taken under emergency or urgency rules?	<p>Constitution 9.3(b):</p> <p><i>The Head of Paid Service is authorised to take any urgent action necessary to protect the Council’s interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.</i></p> <p><i>The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.</i></p>	
Is this a Key Decision?	Not key	
Reasons for decision	<p>Under the LOCP, the local authorities in Oxfordshire have all agreed to establish a ‘pool’ of Environmental Health Officers who will work with partner organisations to provide the response to local COVID-19 outbreaks (the Authorised Officers). This includes an out of hours service to cover</p>	

	every weekend from 9am to 5pm from mid-September until 17th January 2021 when the regulations are due to expire. These Authorised Officers will be authorised to act as if they were an employee of each of the local authorities in order to exercise any enforcement powers that might be required to manage local outbreaks across Oxfordshire, irrespective of the officers' employing council, including, but not limited to, attending sites at any location across Oxfordshire for the purpose of inspection, providing advice and assistance to any business owner/resident/landlord/other individual (as appropriate) and serving any enforcement, prohibition or other notice as required
Alternative options considered:	To not enter into these arrangements would not support the Oxfordshire COVID-19 Local Outbreak Control Plan.
Wards significantly affected	None

ITEM 2	ACCEPTANCE OF DELEGATED POWERS FROM OXFORDSHIRE COUNTY COUNCIL RELATING TO THE CONTROL AND PREVENTION OF CORONAVIRUS.
Decision:	To accept the delegation of powers from Oxfordshire County Council (agreed at the County Cabinet meeting on 15 September 2020) and to enter into a section 101 agreement with Oxfordshire County Council relating to the control and prevention of coronavirus under The Health Protection (Coronavirus, Restriction) (England) (No.3) Regulations 2020.
Date decision made:	15 September 2020
Decision taker	Head of Paid Service (Chief Executive) Decision taken in consultation with the Leader of the Council, the Head of Financial Services and the Head of Law and Governance.
Was the decision taken under emergency or urgency rules?	Constitution 9.3(b): <i>The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.</i> <i>The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.</i>

Is this a Key Decision?	Not key
Reasons for decision	To optimise the local response to the control and prevention of coronavirus.
Alternative options considered:	To not accept the delegated powers – this option was rejected as it would not optimise the local response to the control and prevention of coronavirus.
Wards significantly affected	None

ITEM 3	REOPENING OF LEYS LEISURE CENTRE AND OXFORD ICE RINK.	
Decision:	To agree to the following proposals: i) Opening the dryside at the Leys Leisure Centre ii) Opening the Oxford Ice Rink (from October) iii) To hold conversations with the City of Oxford Swim Club about reopening the Leys Pools.	
Date decision made:	15 September 2020	
Decision taker	Head of Paid Service (Chief Executive) Decision taken in consultation with the Cabinet Member for Leisure and Parks, the Head of Financial Services and the Head of Law and Governance	
Was the decision taken under emergency or urgency rules?	Constitution 9.3(b): <i>The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.</i> <i>The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.</i>	
Is this a Key Decision?	Not key	
Reasons for decision	To enable the second phase of the re-opening of Fusion facilities following the closures caused by the pandemic.	
Alternative options considered:	Consideration was given to the social and economic case for reopening services at each of the Council's leisure facilities which have remained closed during the Covid-19 pandemic, with a view to reopening services where viable.	

	<p>Barton to remain closed for the time being subject to officers identifying a viable option for reopening</p> <p>Ferry remains open and Fusion Lifestyle are looking to broaden the service offer at no cost to the Council.</p> <p>Hinskey Pool is subject to leak repair works and will remain closed until 2021.</p>
Wards significantly affected	None

Financial issues

- The financial issues arising from the decisions are set out in the published decisions notices and any supporting documents. There are no other financial issues arising directly from this report.

Legal issues

- The urgency and emergency powers of the Head of Paid Service (Chief Executive) are set out in Part 9.3 of the Constitution.

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Background Papers: None

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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