

Minutes of a meeting of the Scrutiny Committee on Tuesday 1 February 2022



Committee members present:

Councillor Wade (Chair)	Councillor Chapman (Vice-Chair)
Councillor Corais	Councillor Diggins (<i>substitute for Councillor Tidball</i>)
Councillor Djafari-Marbini	Councillor Dunne
Councillor Fry	Councillor Linda Smith
Councillor Smowton	Councillor Thomas
Councillor Waite	Councillor Wolff

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services
Rachel Williams, Planning Policy and Place Manager
Tom Hudson, Scrutiny Officer
Alice Courtney, Committee and Member Services Officer

Also present:

Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery

Apologies:

Councillor Tidball sent apologies.

Substitutes are shown above.

87. Public Participation

The Chair highlighted that she had received emails from two organisations ahead of the meeting related to the Oxfordshire Plan 2050 item that would be considered later in the agenda – Campaign to Protect Rural England (CPRE) Oxfordshire and Need Not Greed Oxfordshire. These emails had been circulated to the Committee for information prior to the start of the meeting.

The Chair advised that she had approved requests for two individuals to speak on the Oxfordshire Plan 2050 item – Cllr Andrew Gant and Suzanne Mclvor were both in attendance. The Committee agreed to hear the speakers first, followed by the Oxfordshire Plan 2050 and then return to the agenda as listed.

Suzanne Mclvor, who was in attendance on behalf of Need Not Greed Oxfordshire raised the following concerns:

- There was a lack of opportunity for proper scrutiny afforded to the Oxfordshire Plan 2050 process.
- The officer summary in the report appeared to give a false impression of the consultation responses.
- Many organisations across Oxfordshire had called for a review of the Oxfordshire Growth Needs Assessment, but this had not been mentioned in the summary of key findings.
- The reference to support for a comprehensive review of the Oxfordshire Green Belt was a misleading representation of the consultation responses.
- Need Not Greed Oxfordshire was so concerned with the summary of key points contained in the report that it had raised a formal complaint with the Future Oxfordshire Partnership.
- The Oxfordshire Plan 2050 consultation process was long and technical, making it inaccessible to many people. This meant that local groups had to make representations on behalf of residents – but there was no reference in the report to the fact that local groups represented the views of thousands of people. Need Not Greed Oxfordshire therefore felt that the voices of Oxfordshire residents were not being heard and the views of promoters and developers were being given more weight than they should be.
- It was not clear how, when and by whom key decisions related to the Oxfordshire Plan 2050 would be taken, such as the number of houses to be built. The organisation wanted councillors to be in charge of this decision and take residents' views on board.

The Scrutiny Officer clarified that the Committee was not being asked to just note the Oxfordshire Plan 2050 report, but that it was being asked to agree any recommendations for consideration by Cabinet.

Cllr Andrew Gant advised that he was speaking on the Oxfordshire Plan 2050 item in his capacity as a City Councillor and supported the previous speaker's call for proper scrutiny. He advised that the common text of the Oxfordshire Plan 2050 was likely to go out as part of the statutory Regulation 19 consultation around the middle of 2022, after it had been the subject of a vote at each of the five Oxfordshire planning authorities.

He said that a feature of the text would include a choice among the scenarios for growth set out in the Oxfordshire Growth Needs Assessment, which outlined the vision for growth and priorities for the county beyond that which was included in the current Local Plans. Cllr Gant highlighted the importance of councillors and the public having the opportunity to be fully involved in the development of the common text within the Oxfordshire Plan 2050 before it was voted on by the five planning authorities – and that the Committee had a crucial role to play in this.

He added that he was pleased to hear the clarification that the Committee had full authority to make recommendations to Cabinet, but that the Committee had not been given much time to consider the report. He urged the Committee to assure itself that it had received full sight of the evidence base and consider requesting further consideration of the report at a future meeting to allow for proper scrutiny and recommendations if required.

The Chair thanked both speakers for their contributions.

Cllr Andrew Gant left the meeting and did not return.

88. Oxfordshire Plan 2050

The Chair reconfirmed that the Committee was able to make recommendations to Cabinet related to the report.

Cllr Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery explained that it was not his report but confirmed he was happy to comment as required. He added that he had made his view clear that the timetable for the Oxfordshire Plan 2050 needed to ensure opportunities for the Scrutiny Committees to have meaningful input before final drafts were put together. He suggested that the Committee should consider requesting sight of the Regulation 19 report before it was in the final stages of drafting.

Cllr Hollingsworth highlighted that he could only express personal views, not those of Cabinet Members from the other four planning authorities.

Rachel Williams, Planning Policy and Place Manager introduced the report. She highlighted that the process to deliver a development plan was lengthy, particularly on a large scale. She explained the process of developing the Oxfordshire Plan 2050:

- **Regulation 18 (Part 2) consultation document** – outlined the range of policy options for the Oxfordshire Plan 2050 that had been identified. This was presented to the Committee in July 2021 but there was limited opportunity to make changes to the document at that point. The Committee was assured that its recommendations had been included as part of the Council's response to the consultation.
- **Refining policy options** – this was the next formal stage of the process. A series of different tasks would be involved in this stage, including listening to views from the last round of consultation, building the evidence base and testing what was practical, feasible and deliverable. Draft policies from the policy options outlined would then be selected and included in the next stage document.
- **Regulation 19 consultation document** – the report would include draft policies and would be presented to the Committee for consideration and recommendations before Cabinet approved it to go out for consultation.

The Planning Policy and Place Manager confirmed that the Committee's request for additional input into the process had been taken on board, which was partly why the report was being presented to the Committee. The report under consideration was a report of the last consultation so that the Committee could see its comments reflected back, hear what others said and look at what that meant for the policy options which were consulted on. The Planning Policy and Place Manager added that additional opportunities for the involvement of the Committee between the Regulation 18 and Regulation 19 stages would be explored so that the Committee could consider the draft policies ahead of Cabinet approval.

It was clarified that all of the five planning authorities were required to approve content at each stage of the process and the final draft.

The Committee raised a number of points, including:

- *Traction points* – the Committee required clarity on where the traction points in the process that it could provide input and recommendations into were.
- *Sewage pollution and waste water* – it was felt that the report was not very strong in this area and reassurance was requested around how Thames Water's future investment plans aligned with plans for growth.

- *Leisure, recreation and open space* – it was felt that the alternative policy option floated in the report to protect parks, play areas and sports areas should be supported as they were important spaces.

Cllr Tiago Corais joined the meeting.

- *Importance of efforts to reduce inequality and deprivation* – this was floated as a policy option within the report, but it was requested that this was made a strong policy in its own right in the document.
- *Process* – it was felt that the consultation report presented was not fit for purpose and the general public would not learn much from the report.

The Planning Policy and Place Manager confirmed that the consultation report contained at Appendix 1 was a summary of all the representations. It was intended to be a factual summary and there was no reflection or analysis as that would happen during an additional stage.

Adrian Arnold, Head of Planning Services provided assurance that all partners involved in the process were committed to building in time for the work of scrutiny. He added that the team would work with Thames Water in relation to future demand, but that the pollution side of things was the responsibility of Thames Water and the Environment Agency. The Committee was advised that the Oxfordshire Plan 2050 could bring in strategic policy that could be implemented in more detail at the Local Plan level.

Cllr Hollingsworth explained that the timescale for the process was tight and that Oxfordshire was a trailblazer for this type of plan. He advised that one of the challenges was understanding how the Planning Inspectorate would form a judgement on the Oxfordshire Plan 2050 based on tests contained in the National Planning Policy Framework (NPPF) paragraph 35, which sought to consider whether the evidence base justified the policies contained within the Oxfordshire Plan 2050. Cllr Hollingsworth expressed his view that the Oxfordshire Plan 2050 should contain only high level strategic policies and leave the detail to Local Plans, as there was a risk that there would not be the evidence base to back-up very detailed policies in the Oxfordshire Plan 2050.

Cllr Hollingsworth said he thought it would be helpful to hear the Committee's views on the housing numbers and suggested it might want to reflect on the discrepancies between the housing trajectories and the identified need for affordable housing which he was happy to provide numbers for later.

The Committee raised further points related to:

- *Consultation responses* – a breakdown was requested of the 3,723 individual responses received from 422 individuals and organisations. It was confirmed that the 3,723 related to the total number of comments made across the different themes and the 422 related to the number of individuals/organisations that had submitted either one or a number of comments. The Committee was referred to Chart 1 in Appendix 1 which gave a breakdown of respondent type. The Planning Policy and Place Manager agreed to extract the information in Chart 1 into a table and circulate to the Committee after the meeting.
- *Text in Appendix 1* – the text frequently behaved as if the process was a referendum, which the Committee had been told was not the case. It was suggested that the language needed to be altered to reflect that.
- *Unknowns* – a question was raised about how the public could comment on a consultation that had so many unknowns within it (e.g. Integrated Care System

was not yet established) and how those unknown factors were managed in the process. It was explained that the best available information at the time was used and kept up to date to inform future policy development, but that a key factor was ensuring policies had the flexibility to account for the unknowns. It was also highlighted that the Council had a duty to cooperate with other organisations, stakeholders and service providers in future policy development and was committed to doing that.

- *Accountability* – it was felt that the process was quite opaque and the Committee wanted to understand who was responsible for ensuring recommendations were included in the final Oxfordshire Plan 2050. It was confirmed that there were numerous routes for influencing the choice of policies for the Plan – including formal recommendations from Scrutiny and cross-county officer and Member groups which ensured that views and priorities were heard throughout the process. The Committee was advised that there were both formal stages and informal conversations. Cllr Hollingsworth advised that he would do his best to ensure any recommendations made by the Committee were included in the final Plan, provided Cabinet accepted them.
- *Accessibility* – the Committee felt the report was difficult to read and language used was very opaque.
- *Evidence* – it was felt there was not enough evidence base to refine the policy options and move from Regulation 18 to Regulation 19 stage. The Planning Policy and Place Manager advised that evidence was still required (e.g. flood risk and Green Belt) and that evidence got better, deeper and of better quality as the process went on and this would be published. The viability evidence was still required, which underpinned the other evidence to ensure proposed policy options were deliverable.
- *Consultation status* – the Committee was unclear of the status of the consultation in the whole process and the status of the report itself.

The Planning Policy and Place Manager advised that the Committee might find it helpful to consider the report alongside the report presented to it in July 2021. She summarised that Appendix 1 of the report was the main item for consideration and that the covering report provided some information on scope, next steps and the Statement of Community Involvement, which Cabinet would be asked to approve. She advised that the Committee could add value by considering the policy options, reflecting on what respondents had said and making recommendations for refined policy options in the next stages.

The Committee made further comments in relation to:

- *Policy options* – the ‘policy options’ included in the report were not actually options, but themes. It was also not clear to Members that the policy options included were high-level and would have further detail sitting beneath them. There were concerns that the report claimed to be further along in the process than in reality as no policy options were laid out. It was also raised that there was no recognition of how policy areas were interlinked (e.g. the impact that housing numbers would have on the Green Belt).
- *Consultation process* – clarity was needed on the weighting given to the consultation process and responses in relation to the policy options at the next stage. It was also noted that the consultation response rate was poor and there was no specific information provided on the outcome of the focus group. In addition, it was felt that separation of the developers and some of the viability

calculations was required, as developer interest/profit and public interest needed to be separated out in a much more coherent way.

- *Green Belt Review* – there was a set process for this type of review set out by the Government and it did not necessarily mean any changes would be made. The process was an assessment which would be undertaken collectively by local authorities and look at the performance of different parcels of Green Belt via a qualitative review. The Committee was advised that an expert consultant would be commissioned to undertake the work on behalf of the local authorities.
- *Housing density targets* – it would be too difficult to get a numerical target as it would not work for the different urban/rural areas of Oxfordshire. The best that could be hoped for was an aspiration for the highest densities, as other local authorities had made clear that they felt housing density was a Local Plan issue.
- *Representative opinion* – it was a challenge to get good quality and quantity opinion on a plan project which gave a representative view.
- *Oxford-led growth* – there was a risk that this could perpetuate inequalities between Oxford and other parts of the county, so it was felt that it was unhelpful to frame growth in that way. Cllr Hollingsworth advised that Oxford-led growth was one of the spatial options but his preference was a focus on public transport corridors.
- *Recommendations* – it was felt that the report was not at a stage where full recommendations could be made and the Committee requested it be brought back to a future meeting with additional information for further consideration. Cllr Hollingsworth commented that the Committee needed to specify what additional information it required. It was agreed that the Scrutiny Officer and the Planning Policy and Place Manager would discuss the feasibility of this after the meeting.

Cllr Imogen Thomas, Cllr Hosnieh Djafari-Marbini and Cllr Lizzy Diggins left the meeting and did not return.

The Head of Planning Services highlighted the time pressure around the production of the Oxfordshire Plan 2050 as the Local Plan could not be finalised without it, however he did not know the timetable that the Oxfordshire Plan 2050 team was working to.

The Committee resolved to recommend to Cabinet that:

- 1) The Council requests a brief supplementary report that focuses on the points of contention within the consultation in order that members (and the public) can understand what the political choices are that Oxford City Council is faced with.
- 2) The Council seeks to ensure that future consultations on the plan involve greater depth of consultation amongst a more demographically representative group of respondents.
- 3) The Council requests that the results of the focus group undertaken as part of the Regulation 18 Part 2 consultation be made publicly available and distributed to Members.
- 4) The Council works with partners to ensure there is alignment between Thames Water's future investment plans for water treatment works and those areas outlined in Oxfordshire for growth.
- 5) The Council should support the alternative policy option for policy 16, but with an extended remit to include play areas and parks and nature reserves as well.
- 6) The Council seeks that current relevant policies are amalgamated into one dedicated policy of how the Plan will reduce inequality and deprivation.

The Committee resolved to agree the exact wording of recommendations via email after the meeting before they went to Cabinet on 09 February 2022.

89. Apologies for absence

Apologies for absence were received from Cllr Marie Tidball (substitute Cllr Lizzy Diggins).

Cllr Linda Smith left the meeting and did not return.

90. Declarations of interest

There were no declarations of interest.

91. Chair's Announcements

The Chair had no announcements.

92. Minutes

The following amendment was requested to minute 81:

- Between 'Definition of Net Zero' and 'RAG Rating' bullet points, insert additional bullet point: "ZCOP Transport workstream -- concern was expressed that the Partnership should include examination of the proposals for a cable car into the city as an important means of reducing CO2 emissions and pollutants."
- On the bullet point related to 'Equalities Impact', after the sentence "Cllr Hayes agreed to take that point back and ensure it was reflected in future reports", insert: "It was also pointed out that measures to reduce energy consumption in council-owned homes also had potentially significant equalities impact."

The Committee resolved to APPROVE the minutes of the meeting held on 18 January 2022 as a true and accurate record, subject to the above additions.

93. Work Plan and Forward Plan

The Committee reviewed the Work Plan and noted the following changes to the Forward Plan:

- Grant Allocations – deferred to September
- Allocation of Homelessness Prevention Funds 22/23 – deferred to March
- Draft Oxford Playing Pitches Strategy 2021-2036 – deferred to June

The Scrutiny Officer advised that there were a lot of papers being considered by Cabinet in March and suggested that the Committee consider the following reports:

- Oxford Economic Strategy and City Centre Action Plan
- Equality, Diversity and Inclusion Strategy
- Oxfordshire Recovery and Renewal Network

The Committee agreed it was important that it considered the Food Strategy and asked the Scrutiny Officer to secure a date for an additional meeting to ensure key Cabinet reports could be considered, in consultation with the Chair.

The Committee also requested an additional meeting to discuss the Oxfordshire Plan 2050 item once more information had been received.

94. Reports for approval

Cllr Marie Tidball, who had sent her apologies for the meeting, had made some suggested amendments to the Climate Emergency Review Group Update related to the language around disability inclusivity. The amendments were shared at the meeting and the Committee agreed the report with the changes.

The Scrutiny Officer advised that he had spoken with Cllr Imogen Thomas in relation to the Procurement Update and she wanted to put a recommendation together. There was no time pressure for the recommendation and it was agreed that the item should be deferred for approval at the next meeting.

The Committee approved the following reports for submission to Cabinet:

- Budget Review Group Report
- Climate Emergency Review Group Update

95. Report back from Scrutiny Panel meetings

The Committee noted the following update from Cllr James Fry, Chair of the Finance and Performance Panel:

- The Budget Review Group report was signed-off at the meeting on 24 January 2022.

96. Dates of future meetings

The dates of future meetings were noted:

- 07 March 2022
- 05 April 2022

It was agreed that the meeting on 07 March 2022 would take place remotely and the meeting on 05 April 2022 would take place in-person.

The Committee asked the Scrutiny Officer to find and circulate a date for an additional meeting in March, to be held in person if possible.

The meeting started at 6.00 pm and ended at 8.50 pm

Chair

Date: Monday 7 March 2022

When decisions take effect:

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

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

All other committees: immediately.

Details are in the Council's Constitution.

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