

To: Council

Date: 15 July 2024

Report of: Head of Law and Governance

Title of Report: Public addresses and questions that do not relate to matters for decision – as submitted by the speakers and with written responses from Cabinet Members

Introduction

1. Addresses made by members of the public to the Council, and questions put to the Cabinet members or Leader, registered by the deadline in the Constitution, are below. Any written responses available are also below.
2. The text reproduces that sent in the speakers and represents the views of the speakers. This is not to be taken as statements by or on behalf of the Council
3. This report will be republished after the Council meeting as part of the minutes pack. This will list the full text of speeches delivered as submitted, summaries of speeches delivered which differ significantly from those submitted, and any further responses.

Addresses and questions to be taken in Part 2 of the agenda

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Addresses and questions to be taken in Part 2 of the agenda

1. Address from Sushila Dhall, Chair, Oxford Pedestrians Association – Make Oxford a Truly Walkable City Motion

My name is Sushila Dhall, Chair of Oxford Pedestrians Association. OxPA has been lobbying for pedestrians and wheelchair use as forms of urban transport since the mid-1990's, almost 30 years ago, and yet progress has been slow, despite pedestrians having been declared top of the road users' hierarchy. We are good at policy-making when it comes to pedestrians, but not good at action. We are all pedestrians, even if we only walk to our bike, car or bus. To look at pavements you would think that we are just smaller, thinner cars, as walking and wheelchair use are provided for as if we move at a uniform pace, usually in single file. But pedestrian space is public space, and pedestrians move at varying speeds, may need to hold hands or an arm, want to talk to the people we are with without shouting over our shoulders. We need to pass people going more slowly than us, and in the other direction. There needs to be space for wheelchair users to pass one another in comfort and dignity. But pavements are usually too narrow, and obstructed by car parking, scooter and cycle parking, posts and poles, A boards, bins, overhanging vegetation and signs for road works and cars. Pavements are not level but sloped at entrances to prioritise motorised vehicles. Crossings take a long time to respond and then give a short time to cross. Routes are often broken up and crossings often indirect. Hythe Bridge St, the main station to city centre route suffers from all of the above, and pedestrians are forced frequently onto the road - whilst a recent survey of OxPA members showed that wheelchair users often cannot make it into town due to the challenges of getting there by wheelchair. Air pollution, noise and danger are everyday issues pedestrians put up with. So OxPA welcomes this motion, and I speak to support it - we need pavements 2-3m wide, level, unobstructed, and clean. We need responsive crossings on desire lines, raised to the level of the pavement, and pavement extensions across all side roads. Please support this motion for a future of happier and healthier urban walkers and wheelers in Oxford.

Response from Councillor Susan Brown, Leader of the Council and Cabinet Member for Partnership Working

We agree that pedestrians and wheelchair users are the top of the road users' hierarchy and that more could be done to improve their experience of getting around Oxford. Everybody wins if more people feel safe and comfortable walking more. We have widely acknowledged the need to re-prioritise road space and have embedded this in council strategies e.g. Local Plan and City Centre Action Plan.

Your address highlights some of the obstacles (both metaphorical and tangible) in the way of a good pedestrian experience. Yes, our city has predominantly narrow streets and therefore often exceedingly narrow pavements. And yes, the City Council has a role to play here.

However, all of the responsibilities identified in Cllr Morris's motion come with significant costs. In the financial climate of the last decade or more, the council has had decreasing budgets to install and manage things such as benches, water fountains, public toilets and wayfinding signage. Any additional investment would need to be considered in the budget process.

We cannot commit to 2-3m pavements everywhere due to the lack of space, but we wholeheartedly agree that we need to make more space for active travel users and shift focus away from the car, whilst still supporting public transport.

We also shouldn't lose sight of the progress that is being made locally on this topic, despite the challenging financial context: the recently delivered Market Street pedestrian-friendly trial scheme; the commitment to a permanent improvement of the pedestrian experience of St Michael's Street, the collaboration between our council and the County Council on the Central Oxfordshire Movement & Place Framework, which will create a blueprint for improvements in how people move about and enjoy the city – there is a strong focus on the pedestrian experience in this project, and this includes looking to address the journey from the train station to the city centre along Hythe Bridge Street, as flagged in your address.

And we should acknowledge the great work being done by OxPa. Your collaboration with the City Council, using money from a generous legacy donation will fund the supply, installation and maintenance of 15 additional benches, in various locations across the city. These locations were proposed by your members and by the members of public in areas identified as having a shortage of public seating options, including bus stops that have no seating availability, particularly important for older members of the public and those with mobility issues. The service agreement contract is being finalised and we anticipate the start of installation in the autumn.

Thank you for contributing to this motion and we look forward to working with you and others to improve the pedestrian experience of Oxford.

2. Question from Chaka Artwell – Cabinet Decision for the Request for Exceptional Circumstances Relief from the Community Infrastructure Levy

Concern and disquiet have been publicly expressed, following Cabinet Member Councillor Louise Upton's astonishing decision, revealed at the last Full Council meeting, to use her public office, to waive and not pursue BMW's £800,000 levy.

Are Oxford City Council Councillors concerned at the pusillanimous public behaviour of Cllr Upton, in creating a precedent by waving BMW's £800,000 levy; a precedent and policy, which is more galling considering BMW's \$54b valuation?

Will Oxford City Council's elected Councillors support Cllr Upton displaying the same consideration to Oxford's small and independent ethnic retail businesses on the Cowley Road, and the publicans; whose Local Authority Taxes, and Oxford City Council's support for anti-car policies, are pushing a significant number into insolvency?

Response from Councillor Louise Upton, Cabinet Member for Planning

The Community Infrastructure Levy (CIL) is charged when Planning Commission is given for new buildings in Oxford. I would like to point out several of our surrounding District Council do not charge CIL at all. Since 2019, there's been a process for applicants to request an exemption from this Levy. It's called the Discretionary Exceptional Circumstantial Relief and the process to apply for that relief is open for any development that is eligible. The procedures to be followed when requesting this exemption are laid out extensively in the CIL Regulations 2010 Part 6 Section 55 Paragraph 3(c) Part II.

If you are not familiar with the regulation, BMW Oxford applied for permission to build an extension to the existing factory in Cowley in order to bring the production of the Electric MINI to the UK. They also applied for and have received substantial UK government grant of around £60m to be directly invested into the development of that additional production line at Cowley.

I understand that not everyone follows all Council meetings so you may be taken by surprised of the announcement at the last Council. In fact, that decision was made after consideration at the Cabinet meeting on the 13th of March 2024. That was when the Head of Planning and Regulatory Services brought a paper about BMW's application to be granted this relief from the CIL charge that was due on their recently permitted factory extension. The paper was also considered by the Scrutiny Committee, which took place before that, on the 4th of March 2024.

To be eligible for that discretionary relief, BMW had to demonstrate that the development of that manufacturing of the additional car lines in that location was not economically viable. They met that test which had independently assessed viability reports. Bear in mind, they also had to meet this kind of test in order to get the much larger government grant of £600m, and again, they did that successfully.

Put simply, without the support from the public purse, the Electric MINI would not be developed in Oxford but would be built elsewhere in Europe instead resulting in the loss of many jobs from Oxford. You may have been happy to risk losing those jobs from Oxford but we were not.

With regard to your final points about helping the small businesses, I assume you were referring to whether the City Council can give discounts on business rates. Just a reminder that business rates are set nationally, not locally, so the City Council has no control over their level nor does it have any discretion to offer business rates reliefs. But if businesses do feel they've been impacted by local issues, they can appeal to the Government's Valuation Office Agency. I would encourage anybody who feels they have been impacted by circumstances to do that. In addition, Officers and Members have been working with businesses on Cowley Road in recent months and I have had several sessions to explore local issues. I believe these meetings have been positive and there is an agreement set by Local Traders Association as a next step. Thank you.

3. Address from Paul Peros, OxVox Chairman, Oxford United Supporters Trust – Oxford United Stadium Motion

Good afternoon.

My name is Paul Peros and I am chairman of the independent supporters trust OxVox.

Oxford United have a hundred and thirty year history in this County. We are known the world over as a club that grew from humble beginnings in a Headington pub to reach the highest division, in the most renowned and watched league in the world.

A club that won the league cup and qualified to play against the elite of Europe.

A club that turned Wembley yellow and blue once again this year and have been promoted to the Championship.

The club is an integral part of the county's identity, but we face being homeless within years.

The club however, now have owners with the vision, resources and experience to develop, not only a home for the club, but a hub for the whole county. One that reflects Oxfordshire's international standing and articulates our desire to be one of the greenest counties on the planet.

- We can move from an outdated unsustainable stadium, to a community hub that plans to provide up to 15% positive net carbon gain by partnering with progressive local companies to pioneer the latest green technologies.

- We can move from a stadium with little public transport that relies on 90% car usage, to a stadium with superb public transport links, with a projected car usage of just 10%.
- We can move from a three sided stadium, desperately in need of crippling expensive renovations and closed off to the community, to a stadium that will benefit the whole county.
- We can move from a stadium that is the second furthest in all the leagues from a train station, to one that would be second nearest. OxVox have provided a petition of support signed by well over 5,000 locals.

Every local sports club connected to Stratfield Brake actively supports this project and their members alone number in the thousands.

Asking how the club intend to safeguard the greenbelt, protect the environment and ensure traffic and parking are mitigated is completely understandable. These questions are being answered in planning and the club is laying out its vision to revitalise an unloved area of contaminated scrubland.

The local community deserve the chance to see a project undertaken that would provide infrastructure, jobs, and vitality to the area. A community hub that would not only free up brownfield space elsewhere in the county for much needed housing, but form part of a strengthened green belt around Kidlington.

The club have committed its vision to public scrutiny so that informed decisions can be made. The sea of happy faces filling the centre of Oxford for the parade gave witness to how many people care about this club. Our world renowned city prides itself on being at the forefront of technology, innovation and green thinking. This project offers the chance to reflect and advance those principals and make a positive contribution to the whole county. We can't let the vocal minority rob us of that chance.

Thank you for your time.

Response from Councillor Susan Brown, Leader of the Council and Cabinet Member for Partnership Working

We have a motion later in the agenda which I urge you to stay for.

We are certainly very committed to inspiring future for Oxford United. We were delighted to welcome the team here in our city. It was an emotional evening for all of us, we want to see more occasions like that, and we want to see a secure future for the club. Ideally to have community-based support of the new stadium, with the ownership being in the hands of the club.

Thank you very much for your address.

4. Address from Chaka Artwell – Glyphosate

Elected Councillors, this is the second time I have addressed Oxford City Council, calling for an immediate ban being levy against Oxford Direct Services, for spraying the herbicidal carcinogen glyphosate on Oxford's "roads, streets, hard surfaces, parks and play areas," in considerable quantities; even during the winter months.

Glyphosate harmful impact on human health is recognised in the judicial jurisdictions of many western nations, including the World Health Organisation.

For this reason, I am addressing Oxford City Council once again, as I believe within a decade, when our youth are suffering from various form of cancerous lymphoma, the source will be traced to Oxford City Council's wanton spraying-even during the winter months, of the herbicide Glyphosate.

A University of Washington review of numerous studies determined that glyphosate exposure may increase the risk of non-Hodgkin lymphoma by up to 41% on 24th Jun 2024.

A similar scenario occurred with thalidomide in the 1960's, which was traced to a prescribed morning sickness pill.

A similar scenario occurred with the recent inflective blood scandal; whereby patients, many of whom were children, were injected with imported blood products from the U.S. contaminated with hepatitis and HIV: which had been taken from high-risk drug users, and sexual minorities.

Secondly, Glyphosate has the quality of being toxic, long after its application at the stem of the city's wild flowers.

Glyphosate poses an additional great threat to human health, as trace elements from even safely deposited Glyphosate, is washed into drains, and then into reservoirs, before re-entering the human drinking system.

This tragic reality is compounded by the fact Oxford is in a valley, which acts as a funnel attracting the "run-off" from the farmer's fields, and Glyphosate deposited in Oxford City.

Farmer report using in excess of five herbicides and pesticide during the growing season.

Trace elements from all those herbicides and pesticide create a cocktail of harmful chemicals as "run off" from the fields; which likewise seep into the drains, and eventually become part of the human drinking water.

This combined cocktail of herbicide and pesticide from field "run-off," together with ODS' year-round spraying of Glyphosate, needs to be given greater attention than air quality concerns.

Once again, I am calling on the Elected Oxford City Council, to place a moratorium on the spraying of Glyphosate within Oxford, by ODS.

Response from Councillor Nigel Chapman, Cabinet Member for Citizen Focused Services and Council Companies

Thank you for your address.

In 2022, as Cabinet Member for Citizen Focused Services, I commissioned a comprehensive review of the use of glyosphate based weedkillers by Oxford City Council and ODS. ODS carries out the bulk of parks, open spaces and paved surfaces maintenance in the city.

The review looked at the regulatory position, how the weedkiller was used in Oxford and at the cost and effectiveness of alternative weedkiller methods being trialled by other councils in England.

The review found that significant care was taken in the way Glyphosate is used by ODS in Oxford to minimise negative impacts on wider biodiversity. It was being applied by staff wearing PPE on hard paved areas and edges of tennis courts targeting individual

weeds in a precise way – not in a wanton and careless way as the public address alleges.

It also found that all of the alternative weed treatments had a higher cost to apply and none had demonstrated the level of effectiveness of Glyphosate. The use of acetic acid, for instance, created new risks to the insect population and to humans. The study discovered that some local authorities, which had trialled alternatives, had decided to return to using glyphosate based weedkillers, as the best and most effective option to fight weeds in their areas.

The Officer Recommendation, which the Cabinet accepted, was to continue the tightly controlled application of Glyphosate to tackle weed penetration of paved surfaces and invasive species such as Japanese Knotweed. This is in line with current DEFRA and Environment Agency guidance.

It is also interesting to note that the European Parliament rejected the EU Commission's proposal to ban the use of glyphosate based weedkillers in October 2023. So Glyphosate remains approved for use across the EU.

We will keep the use of glyphosate under periodic review as herbicide manufacturers are working to improve the effectiveness of Glyphosate alternatives; and monitor the regulatory environment closely as this could change at a future point.

5. Address from Ashley Smith, Windrush Against Sewage Pollution – Support for Motion of No Confidence in Thames Water and development of an Oxford City River Action Plan

WASP has been engaging with TW since 2017 up to CEO level.

Our lack of confidence is in the Leadership and owners of Thames Water, not its staff who have to work in a poorly funded environment where 'sweating the assets' is the business strategy.

At the same time as the company is in a financial crisis and demanding more money, leniency in fines and extra dividend values the Chief Finance Officer has just been paid £1.33mn for the 12 months to the end of March, including a £446,000 bonus. The latest CEO Chris Weston, who joined as chief executive in January, took a £195,000 bonus for the three months to the end of March, taking his total pay to £437,000

TW is in its precarious financial state due entirely to mismanagement and inappropriate extraction of funds by shareholders and senior execs over decades.

While engaging with councils over recent years the company claimed not have paid its shareholders dividends for the past 5 years. WASP established through Ofwat that this was a false claim with financial engineering disingenuously reporting these as 'no dividends to external shareholders'.

Ofwat disagreed and as it threatens to penalise Thames Water for wrongly paying out £37.5M, it is revealed that the company paid out £158M in March to keep failing subsidiary companies afloat.

In respect of delivery of promises, it failed to carry out around 108 fully funded remedial projects in the current spending period due to decisions taken at the top of the organisation.

It has allowed Sewage Works like Witney, Oxford and many more to fall way behind capacity and to frequently operate illegally despite knowing the reasons and solutions for these failures. Oxfordshire is littered with highly polluting illegally operating sewage works which get worse with every additional house added to them

The outstanding example is Oxford Sewage Works and the Environment Agency's landmark objection to planning on the grounds of lack of sewage treatment capacity – This followed similar capacity challenges by WODC and WASP for West Oxfordshire sewage works.

The degrading of the sewerage infrastructure has now created a block to sustainable housing giving planners the choice to create additional criminal pollution events and increase risk to public health, damage to biodiversity and the environment or to block needed housing.

The planning authorities will fear appeals from developers but have yet to learn the consequences of creating more illegal pollution and the liabilities in respect of public health risks which the recent Royal Academy of Engineering Report spell out with recommendations to 'rehabilitate' sewage works.

On 20 May WASP wrote to the Thames water CEO to call on him to show leadership and stop the company misleading planners and developers over capacity – he shirked his responsibility. We are sending a complaint to Ofwat about what we say is Mr Weston's dereliction of duty.

We have no confidence in the honesty and integrity of the Leadership of Thames Water and no confidence that it will deliver its statutory duties under the Water Industry Act 1991 – to provide water and waste water services. In many areas, it stopped doing that long ago.

Written Response from Councillor Susan Brown, Leader of the Council and Cabinet Member for Partnership Working

Council considered the points raised by Ashley Smith, Windrush Against Sewage Pollution, in relation to a motion of no confidence in Thames Water and development of an Oxford city river action plan. Following a debate, an amended motion was carried by Council:

<https://mycouncil.oxford.gov.uk/documents/g7807/Printed%20minutes%20Monday%2015-Jul-2024%2017.00%20Council.pdf?T=1>

6. Address from Dan Glazebrook, Friends of Grandpont Nature Park – Oxpens River Bridge Scheme

Councillors, thank you for the opportunity to address you on our concerns with the Oxpens River Bridge scheme. Our petition opposing the bridge has now reached over 1500 signatures.

We believe the granting of planning permission for the project to be unlawful, and are confident that the judicial review we are bringing will prove this. You have all been emailed the documents outlining our case in detail but some of the reasons include:

1. The failure to conduct the legally required Environmental Impact Assessment due to the mischaracterisation of the bridge as a standalone development.
2. The failure to recognise and protect the intrinsic character and beauty of the woodland scheduled for destruction in the Nature Park, the only section of woodland on the main path through the Nature Park, and the urbanisation of this part of the Nature Park that will come about as a result of the destruction of the current footpath and its replacement by a 4.5m cycle highway, both of which are in breach of NPPF 15.

3. The failure to conduct a lifelong carbon assessment of the bridge, as required by local plan policy RE1
4. The failure to consult with a single residents group in Grandpont, not even the residents association of the Pegasus Grange retirement home, many of whom are dependent on the Nature Park as the only piece of countryside they can access, in breach of the public sector duty under the Equality Act due to the disproportionate impact on the elderly.
5. The Impossibility of a safe route to the bridge due to adjacent flooding on the site (under the existing railway bridge near the scheme - see image 1 in your pack).
6. We believe the use of money from the Housing and Growth Deal for the bridge to be an abuse of this fund, for two reasons:
 - a. "The Oxfordshire Housing and Growth Deal, in its own words, is supposed to "ensure that people can live in affordable homes." The specific part of the Growth Deal being used for the Oxpens River bridge is a pot designated for "infrastructure to unlock key housing sites."
 - Yet, the infrastructure the bridge will supposedly unlock is not a key housing site, but a new Oxford University Science and Business Park proposed for Osney Mead, with a tiny housing allocation of just 247 homes according to the local plan. The 4000 workers expected to be brought into this development will exacerbate pressure on the Oxford housing market, not relieve it, and the net effect will therefore be to make housing in the city less, not more, affordable.
 - b. Secondly, the Council's own planning officers stated repeatedly at the planning review committee on April 18th that the bridge is *not* required by the Osney Mead development in any case. If this is the case, it cannot also be argued that the bridge is needed to 'unlock' the Osney Mead development.
7. Council planning officers' made a number of untrue statements to the planning committee:
 - a. The officers report claimed that Grandpont Nature Park is an 'Area of Change' in the local plan, when their own policies map clearly shows it is not. This had the effect of convincing Councillors that the plan had a democratic mandate it did not actually have.
 - b. The officers' report claimed that a new bridge in this location was mandated by the local plan. In fact, nowhere in the local plan is there any reference to a new bridge being needed between Grandpont Nature Park and Oxpens Meadow, the two sites that will be linked by the Oxpens River Bridge (for the obvious reason that such a bridge already exists). Rather, the local plan sets out that there should be a new connection between Osney Mead and the forthcoming Oxpens development. The Oxpens River Bridge, however, would not connect Osney and Oxpens - both of which are commercial developments on private land - but would instead use publicly-owned green space *adjacent* to each of those sites for the bridge.
 - c. In the planning review committee, Councillors were wrongly informed that improving the gasworks bridge would not be any cheaper than building the Oxpens River Bridge, and were misinformed as to the conclusions of the viability study that was conducted on improving the gasworks bridge.
 - d. Planning officers wrongly informed committee members that they were not allowed to meet with local residents opposed to the bridge as this would supposedly constitute 'lobbying.'

- e. Council officers claimed they did not need a Forestry Commission licence to clear fell the area without planning permission, when in fact they did - you have the details in your pack

More examples are in the documentation you have been emailed.

To continue to back this project in the face of all this would risk serious reputational damage to the City Council and we urge you to withdraw your support.

Response from Councillor Louise Upton, Cabinet Member for Planning

Both the Oxford City Planning Committee and the Planning Review Committee resolved to grant planning permission following consideration of all the evidence, having regard to all representations received and after considering all material planning considerations. The planning permission has now been issued and it would be inappropriate to comment further given the intimation that legal proceedings will be brought against the Council. However, I understand the Leader has something to add.

Response from Councillor Susan Brown, Leader of the Council and Cabinet Member for Partnership Working

We issued a statement today about the Oxpens River Bridge trying to put into record some of the facts around the bridges and why we believe it to be important. This is available in the Council website.

The bridge will improve the choice of routes for people accessing the area now and in the future. It will deliver a net biodiversity gain in bringing the scheme forward. Officers have followed the proper planning process in making a planning application for the bridge which Cllr Upton has just acknowledged.

Options for the bridge's location were explored before the proposed location was put forward as best location. Importantly, the Oxfordshire Growth Deal funds being used to deliver the bridge is an appropriate use of this grant. It is mainly funded by the Oxfordshire Housing and Growth Deal.

The proposals have been designed to ensure that the bridge will increase access during the floods, not worsen it.