

## Record of an individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Councillor Judy Roberts, Cabinet Member for Development and Infrastructure
<b>Key decision?</b>	Yes
<b>Date of decision</b> (same as date form signed)	2 August 2022
<b>Name and job title of officer requesting the decision</b>	Julie Perrin Infrastructure Implementation Officer Infrastructure Implementation & Funding Team
<b>Officer contact details</b>	Tel: 07717 274690 Email: <a href="mailto:julie.perrin@southandvale.gov.uk">julie.perrin@southandvale.gov.uk</a>
<b>Decision</b>	<p>To create a budget for £91,232.25 from S106 contributions and release funds, subject to a third party funding agreement (the contract), to the Freshwater Habitats Trust for the Wetland Habitat Creation and Floodplain Restoration Project at Manor Farm, Garford (partially within East Hanney Parish) and Wantage Sewage Treatment Works, Grove.</p> <p>Delegate authority to authorise Head of Finance in consultation with Head of Legal and Democratic to enter and approve the contract and manage /deal with all matters arising from the contract. Funds to be released following seal of the contract.</p>
<b>Reasons for decision</b>	<p>We have received a request for funds from Freshwater Habitats Trust for a total of £91,232.25 from S106 contributions (17V34) arising from the development Land at Grove Airfield, Denchworth Road, Grove.</p> <p>The S106 agreement is not 'clear and unambiguous' about how the contributions are to be used and the sum requested is more than £20,000, but below £100,000. Thus, in accordance with our constitution, the relevant Cabinet Member in consultation with the Cabinet Member for Finance can agree to set up a budget and release the funds requested for the project described above.</p> <p>The S106 agreement was secured and we have received £175,510.96 Towards providing new or enhanced farmland bird habitat within the district.</p>

	<p>The proposed project will deliver and monitor large scale wetland habitat creation and floodplain restoration across three sites, two within Manor Farm, Garford and one at Wantage Sewage Treatment Works, Grove. S106 funding is required to enable the project to proceed.</p> <p>Planning permission (P21/V3562/FUL) was granted 9 March 2022 for the works at Manor Farm, the works at Wantage Sewage Treatment Works constitute Permitted Development. The total project cost is £91,232.25, which can be funded from the S106 secured contribution of £175,510.96. The remaining balance of £84,278.71 can help fund other projects in accordance with the terms of the S106 agreement.</p> <p>Both the Council's Countryside Officer and the Council's Climate and Biodiversity Team Leader have been consulted and support the proposal and use of the S106 contribution.</p>
<b>Alternative options rejected</b>	No other expressions of interest or applications have been received for the use of the Countryside contributions.
<b>Climate and ecological implications</b>	The proposed works meet all the key requirements for delivering the compensation required for wetland and farmland bird species which could not be mitigated on the development site.
<b>Legal implications</b>	<p>It is recommended that Freshwater Habitats Trust enter into a formal legal agreement which sets out the parameters of expenditure in accordance with s.106 agreements; ability to monitor and review funding expenditure and a spending deadline to ensure delivery of the project.</p> <p>Agreement to consider appropriate terms of release, e.g. lump sum, lump sum including retention, or instalments.</p> <p>Once the agreement is complete the organisation will be advised of the allocation of the funds in a letter.</p>
<b>Financial implications</b>	<p>The total project cost is £91,232.25, which can be funded from the S106 secured contribution of £175,510.96. The remaining balance of £84,278.71 can help fund other projects in accordance with the terms of the S106 agreement.</p> <p>Following the approved use of funding for the initial works on both projects and for the retention of the features created for at least ten years, each habitat will be established and will remain the responsibility of the landowners.</p>
<b>Other implications</b>	None
<b>Background papers considered</b>	S106 funding application form and supporting documents. ICMD background paper.
<b>Declarations/conflict of interest?</b>	None

Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward councillor	Cllr Eric Batts  Cllr Ron Batstone  Cllr Ben Mabbett	Thank you for the information and as ward member for Garford, I fully support this application for funding.  Emailed 01/04/2022  Emailed 01/04/2022	01/04/2022
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Vivien Williams	Agreed at S106/CIL Applications Meeting	07/06/2022
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Emma Creed	I can confirm both of these contributions are available in full (total £175,510.96).	28/03/2022
	Planning <a href="mailto:Stuart.walker@southandvale.gov.uk">Stuart.walker@southandvale.gov.uk</a>	Penny Silverwood	In response to this consultation I can confirm: - The request complies with the wording of the obligation in the legal agreement for Grove Airfield - Planning permission has already been granted for the works at Manor Farm (ref. P21/V3562/FUL). Planning permission is not required for the works at Wantage Sewage Treatment Works as they are covered by Permitted Development Rights under Part 13, Class B of the GPDO.	07/04/2022
	Community Safety <a href="mailto:karen.brown@southandvale.gov.uk">karen.brown@southandvale.gov.uk</a>	Sam Townley	No comments from Community Safety.	04/04/2022
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Dominic Lamb	I was involved in negotiating the original s.106 contribution from Grove Airfield which was sought due to impacts the proposals would have on wetland and farmland bird species which could not be mitigated on site. I originally approached the Freshwater Habitats Trust as a potential partner who would be in a position to deliver a project that would meet the requirements of the s.106 funding for farmland birds. I have subsequently worked with FHT and Beth Elkins in	01/04/2022

		<p>helping to further develop this funding application.</p> <p>I am fully supportive of this funding application which meets all the key requirements for delivering the compensation required. Those requirements include:</p> <p>1)The site(s) are within the same territorial areas for species using Grove Airfield and will provide direct or better replacement habitats compared to those being lost.</p> <p>2)The proposals will provide good quality replacement habitats for the species concerned and will not be subject to too much human disturbance (this is a key point for many farmland bird species).</p> <p>3)The proposals will additionally have many other benefits for biodiversity and are in line with the Vale's Corporate Plan aspirations to tackle the climate emergency and restore nature.</p> <p>I would recommend that this proposal is funded in full as the Vale is highly unlikely to find another willing partner to such a high quality project that meets all the key requirements of the original s.106 contribution.</p>	
<a href="mailto:equalities@southandvale.gov.uk">Diversity and equality equalities@southandvale.gov.uk</a>	Lynne Mitchell	<p>Whilst I support this exciting project, I appreciate access to the sites will be rare and organised, however, wherever possible please can we ensure that accessibility to all is considered so everyone can take advantage of these areas.</p>	04/04/2022
<a href="mailto:risk@southandvale.gov.uk">Risk and insurance risk@southandvale.gov.uk</a>	Allison Holliday	<p>Agreed. Please ensure that once the project commences public safety is at forefront of minds to reduce potential claims against the councils insurance.</p>	25.07.2022
<a href="mailto:communications@southandvale.gov.uk">Communications communications@southandvale.gov.uk</a>	Andy Roberts	<p>Happy to arrange some publicity for this work.</p>	05/04/2022
<a href="mailto:communityenablement@southandvale.gov.uk">Community Enablement communityenablement@southandvale.gov.uk</a>	Lynsey Green	<p>Freshwater Habitats Trust has not applied for any council grants towards this project in the grants portfolio managed by the Community Enablement Team.</p>	04/04/2022
Countryside Officer	Ed Church	<p>I fully support this S106 application. Projects of this</p>	04/04/2022

	<a href="mailto:edward.church@southandvale.gov.uk">edward.church@southandvale.gov.uk</a>		nature, scale and benefit are rare.  The proposal will deliver biodiversity benefits which meet the requirements of the original contribution, and strongly align with the Vale's corporate priorities.	
	Leisure Team <a href="mailto:cath.dale@southandvale.gov.uk">cath.dale@southandvale.gov.uk</a>		Emailed 01/04/2022	
	Head of Planning	Adrian Duffield	Agreed by delegate: Paula Fox at S106/CIL Applications Meeting	07/06/2022
	Head of Finance	Simon Hewings	Agreed	15/06/2022
	Strategic Management Team (SMT) <a href="mailto:ExecutiveSupportSAV@southandvale.gov.uk">ExecutiveSupportSAV@southandvale.gov.uk</a>	Andrew Down  Suzanne Malcolm	Happy to support this  Happy to support	28/07/2022  28/07/2022
	Cabinet Member for Finance and Corporate Assets	Councillor Andy Crawford		
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	No			
<b>Has this been discussed by Cabinet members?</b>	Yes			
<b>Cabinet member for Development &amp; Infrastructure signature</b> To confirm the decision as set out in this notice.	Signature ____ Councillor Judy Roberts____  Date _____ 2 August 2022_____			
<b>Cabinet member for Finance &amp; Corporate Assets signature</b> To confirm the decision as set out in this notice.	Signature ____ Councillor Andy Crawford____  Date _____ 2 August 2022_____			

**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY**

For Democratic Services office use only		
Form received	Date: 2 August 2022	Time: 14:05
Date published to all councillors	Date: 2 August 2022	
Call-in deadline	Date: 9 August 2022	Time: 17:00

## Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.  
Tel. 01235 422520 or extension 22520.  
Email: [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
  - refer the decision back to the Cabinet portfolio holder for reconsideration or
  - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
  - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

## **Key decisions: assessing whether a decision should be classified as ‘key’**

The South Oxfordshire and Vale of White Horse District Councils’ Constitutions now have the same definition of a key decision:

**A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:**

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**
- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as ‘key’, you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
  - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
  - Changes to the household waste collection policy (affects all households in the district)
  - Reviewing a housing strategy (could have a significant impact on residents in many wards)
  - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
  - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

**The overriding principle is that before ‘key’ decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.**