

Minutes

of a meeting of the

Scrutiny Committee

held on Monday, 26 July 2021 at 6.00 pm

at the Council offices at 135 Milton Park, Abingdon



The meeting was streamed live. The recording can be watched here:
<https://www.youtube.com/watch?v=UJOblxR4iyw>

Open to the public, including the press

Present:

All committee members were present, in person.

Members: Councillors Nathan Boyd (Chair), Jerry Avery, Ron Batstone, Eric De La Harpe, Hayleigh Gascoigne, David Grant, Patrick O'Leary, Ben Mabbett.

Officers: Candida Mckelvey (in person), Adrian Duffield, Adrianna Partridge (in person), Alison Williams and Cathie Scotting

Also present: Cabinet Member, Councillor Debby Hallett, joined remotely.

Sc.119 Apologies for absence

Apologies were received from Councillor Max Thompson.

Sc.120 Declarations of interest

None.

Sc.121 Urgent business and chair's announcements

Chair briefly explained that as this was a formal meeting, the comments made would be formally minuted for Cabinet to consider.

Sc.122 Minutes

The committee reviewed the Scrutiny Committee minutes of the meetings held on 8 February 2021 and 9 March 2021. These were agreed as a correct record, and the chair will sign them as such.

Sc.123 Public participation

None.

Sc.124 Vale Community Infrastructure Levy (CIL) charging schedule

Committee considered the cabinet paper. This paper was introduced by Cabinet Member Councillor Debby Hallett.

The report summarised the work completed by the review so far, which was coming to a close. There was also a revised CIL charging schedule attached. Includes an independent examiner's recommendations. We advise adoption of this, with implementation of the new CIL charging rates being planned for 1 November 2021.

The council needed to prove that there was an infrastructure funding deficit, in order to justify the levy on CIL without impacting viability of sites.

Prior to public consultation, Cabinet were briefed twice, to explain the rationale and evidence.

The viability assessment carried out showed variation in the potential CIL rate levy across the district. The assessors suggested a green field/brown field split. However, Council agreed that this would be difficult administratively, and agreed on zoning. There will be three zones.

Zone 1 – Eastern parishes – highest CIL rates

Zone 2 – Wantage, Grove, and Faringdon – lower CIL rates

Zone 3 – rest of the district

There will be separate rates for minor developments in all zones. Strategic sites will have nil CIL due to S106 agreements.

Examiner recommends approval of the charging schedule, as there was no negative impact on viability.

Questions and clarifications from the committee:

- Clarification asked for on determination of how CIL was spent. It was explained that CIL spend was separate to this schedule. Section 123 list was no longer needed but spend will be identified in the Infrastructure Funding Statement. There was also a CIL spending strategy, which was reviewed annually.
- It was asked what funding we were going to raise now? Cathie Scotting would provide details, but Cabinet Member did add that the new zoning should raise around £6 million over the life of the schedule.
- It was queried whether lower charging rates factor into the proportion of spend in those low CIL rate areas. Concern that incentivising building on lower rate areas would be unwise if the spend on infrastructure was also proportionately low. It was responded that the spending strategy was accepted in December 2020, and the details will follow. Officer added that the need for infrastructure was identified in the infrastructure funding gap statement. CIL was not tied to particular sites, it was a general pooling mechanism to spend funds wherever the infrastructure was needed. Although the town/parish councils of low CIL areas receive less funding, they will benefit from wider infrastructure. CIL was based on viability in terms of what can be levied.
- Implementation date details were asked for. It was responded that the software system, Ocella, needed updating, this was planned. We were allowing for some contingency time, in order to get approval from Cabinet and Council – this was the trigger for implementation. It was confirmed that the new schedule applies to any planning applications after this date.
- Timing of payments – can you borrow from the CIL pot to provide funding for infrastructure upfront? Cabinet Member responded that for County led infrastructure, forward funding had been given historically as the CIL funds were expected. It was assessed on a case by case basis.
- A discussion was had regarding why strategic sites were not subject to CIL. It was explained that all infrastructure on these sites was secured through S106. It was not advisable to apply for CIL in these cases. Education was currently funded through CIL. It may be a future consideration to fund this through S106. Open spaces, play areas, recycling, street naming and affordable housing tended to be funded via S106. CIL tended to cover other projects such as leisure contributions and public art. Details will be provided in the Supplementary Planning Document. Should not collect funding for particular infrastructure from both schemes.

Chair closed this item.

Sc.125 Developer Contributions Supplementary Planning Document (SPD) - Adoption

Cabinet member, Councillor Debby Hallett, introduced the Cabinet paper being presented on Developer Contributions SPD.

This SPD was updated in line with the CIL charging schedule. SPDs are not subject to independent examination but they were subject to public consultation. This SPD was consulted on for 8 weeks in January / February 2021.

The results are presented here, with our responses as a council.

We recommend that this revised SPD is adopted on 1 November 2021, alongside the CIL charging schedule.

Cabinet had been briefed on the rationale behind the reviews, including the changes to CIL regulations from Central Government, which provided the opportunity to claim contributions towards education. They requested more detail on the S106 protocols, especially on the roles for members, town and parish councils on S106 negotiations.

A separate internal protocol was agreed, as it could be updated easier than an SPD.

The SPD has been updated to reflect comments received at consultation.

There will be a joint affordable housing SPD coming forward as well, which will cover financial contributions for that. Work will continue with Clinical Commissioning Groups (CCGs) for health contributions. Therefore, these are not covered in the SPD presented today. There are no additional requirements to developers in the SPD, as this was set out in our Local Plan.

The SPD has been amended and updated to reflect:

1. Government's First home scheme.
2. Section 5 amendment – clarity on options for management and maintenance of infrastructure.
3. Section 6 - This was a new section on how S106 agreements and CIL scheme relates to custom build homes.

This SPD is recommended for approval, alongside the CIL charging schedule.

Comments from committee were as follows:

- An appeals decision on a large leisure application – developer did not want to contribute to affordable housing. Not all of the contributions were obtained due to not all the evidence being presented. Why could we get some sums and not others? It was responded that we have standards, but we have to look at area / site specifics, more depth per application. The provisions were deemed not required in this case. The standards are only a starting point. The SPD cannot go any deeper. Local Plans and Neighbourhood Plans are useful for this, identifying infrastructure needs by local communities, Neighbourhood Plan details can support for evidence.
- Officer explained that the whole suite of documents should be considered. The SPD expands on the policy. The SPD identifies more of the CIL infrastructure as well. The SPD will assist in securing developer contributions. SPDs were a material planning consideration, to support our case.
- Cabinet Member suggested whether Planning Committee members would like further training on S106. It was explained that officers set out S106 Heads of Terms to Planning Committee in the officer recommendation, for them to consider and determine an application. When the committee resolve to grant consent, it can be delegated back to officers, who complete the detail, and then share it with committee chair, to make sure the decision is in line with the detailed final negotiations for the S106. Then an application can be granted with a signed S106.
- DEV12 – Public art was generally sculpture, well designed benches, railings etc. Public realm is 'on the street'. These are interchangeable categories but provide us with more scope.

A discussion regarding the protocol. A view was expressed that councillors would like to see the draft SPD protocol document.

- It was confirmed that members will be consulted
- Early consultation for S106 negotiations is wanted for Parish / Town councils. Note, the term “best practice” is not “mandatory”, to give flexibility if needed.
- Transparency is key. Officer confirmed it was a two-way process. Officers are there to negotiate, and they feedback to members. There are distinct roles.
- Officers will provide a template, and a task group will be in place to consult with.
- A suggestion was that scrutiny could review the draft. Cabinet member explained that internal documentation and procedures need regular changing. If it becomes part of policy, you cannot change it with ease when needed. It was officer responsibility to manage these internal protocols.
- Councillors want to show Town and Parish that they are considered in the process.
- The protocol will set out the S106 negotiations process clearly.
- 4.84 – removal of the word “gas”. Do not want to see it promoted as it was unsustainable, even though it was currently used. E.g. could add broadband, as it was a necessity. Could state “fuel providers” instead? Note that gas was still allowed in the local plan.
- Timely delivery of facilities raised as an issue. It was responded that there was a section on management and maintenance – section 5 of the SPD. Options for management to be decided on a case by case basis. S106 will set this out, the SPD lays out the options. A policy was being worked on for the different circumstances that arise. There were trigger points in S106 for enforcement. The infrastructure team enforces. The process was well established.
- All relevant CCGs need to be footnoted in the SPD. Work was ongoing to engage all relevant CCGs.

Resolved:

That committee are invited to suggest their key principles and outcomes to the Head of Planning and Cabinet Member by email, within the week.

and:

That early consultation for S106 negotiations is wanted for Parish / Town councils.

Chair thanked everyone involved for their work.

Sc.126 Work schedule and dates for all South and Vale scrutiny meetings

- Typo to be amended on the dates for the public consultation item.
- Heavier workload over September, with an added meeting in October.
- Potentially add an item on developer S106 enforcement progress. To be confirmed.

The meeting closed at 7.17 pm