

# **Supplementary Papers**

## **Council**

held in The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY  
on Wednesday 13 February 2019 at 7.00 pm

Open to the public including the press

72. Questions on notice – written responses (Pages 2 - 11)

## Written responses to Council questions - 13 February 2019

### 1. Councillor Margaret Crick to Councillor Roger Cox, Leader of the Council

With memories of the devastating floods in Abingdon in 2007, and climate change predicted to increase instances of flooding, residents in South Abingdon are very concerned about the Environment Agency's decision to cancel plans for a flood storage facility at Abingdon Common.

Has the leader been given any further information about alternative proposals? And how can this council put pressure on the Environment Agency to ensure action is taken to reduce flooding risk in Abingdon.

#### Written response

Details of flood relief measures for Abingdon were provided to all councillors in a two-page newsletter included with "In Focus" on 21 December 2018.

Colleagues will be aware that the detailed design work carried out last year revealed that the cost of the proposed scheme for up-stream storage on the Ock could be expected to double by comparison with previous estimates, making the scheme unviable. Until late in 2018 it had been expected by the Environment Agency that the scheme could be delivered.

The decision to cancel the scheme was made by the Environment Agency following a recommendation from the project board which included representatives of Oxfordshire County Council as well as myself and an officer presence from this council. As it has recently become clear that the scheme is not viable I believe that cancellation was the correct decision.

This council has already funded a scheme at St Helen's Mill. As described in the pre-Christmas newsletter, the Environment Agency has already made provision for the use of temporary flood barriers in Abingdon and is investigating the potential for natural flood management. Both of those measures would reduce flood risk in Abingdon and officers will continue working in partnership with the Environment Agency to achieve the most effective results.

### 2. Councillor Catherine Webber to Councillor Ed Blagrove, Cabinet Member for Corporate Services

Vale of White Horse District Council is preparing to return to a purpose-built headquarters in Crowmarsh Gifford. Can the Cabinet member confirm that he will work with South Oxfordshire District Council to ensure that the new building is designed to be carbon neutral and energy efficient, and that despite the lack of public transport to the site, all efforts are being made to minimise the number of car journeys that staff and members will be required to make?

Bearing in mind the lack of public transport to Crowmarsh Gifford, what plans does the Cabinet member have to ensure residents and members have meeting places available to use within the Vale, so that residents struggling to access council support online or over the phone can reach us?

### **Written response**

I welcome your question and am pleased to take this opportunity to update you on the progress made so far.

I can confirm that as the Cabinet member for corporate services, I represent Vale councillors on the Crowmarsh members design group working with South Oxfordshire District Council members and the officer project management team to review, guide and support the project management team in the design of the new office accommodation that South Oxfordshire District Council are building which will be utilised for joint use.

I agree that energy efficiency is a very important issue and the project management team with full member design group support are committed to ensuring that the design of the building is as efficient as possible within the project budget and timescale constraints. This is supported by a recent change in the building regulations which requires all new public buildings to be nearly zero energy from January 2019. I'll take this opportunity to remind all members of the Vale council the cost of the building and the budget associated with it is controlled by South Oxfordshire District Council.

Regarding the location of the building and reducing car journeys etc; a number of approaches are being considered to help minimise the number of car journeys to the new office, including work under the new IT strategy to improve staff and member mobility and connectivity. This should serve to make working remotely and from home more widely available to staff and members in the future.

In reference to meeting space within the Vale, at present, residents can make enquiries about Vale services at Abbey House in Abingdon and this is anticipated to continue following the move back to the Crowmarsh site.

### **3. Councillor Bob Johnston to Councillor Elaine Ware, Cabinet Member for Housing and Environment**

When established in the 1990's, Registered Social Landlords decorated their properties periodically, especially when tenants exchanged properties or moved out, in order to ensure that properties were in good repair and in good decorative order. I understand that most internal repairs and decorating are no longer routinely provided.

Can the Cabinet Member explain why housing providers operating in the Vale no longer carry out routine interior decoration? And is there anything this council can do

to help ensure that tenants who are elderly, have disabilities, or are on low incomes are provided with well decorated homes in good working order?

**Written response**

Each Registered Provider operating in the Vale of White Horse has its own policy regarding decoration for new and existing tenants.

The main registered housing provider in the Vale of White Horse district is Sovereign Housing Association. Sovereign Housing Association is a national organisation who own and manage over 57,000 properties. Sovereign's housing portfolio includes the properties transferred from the Council under Large Scale Voluntary Transfer in 1995.

Sovereign do not generally decorate properties when they are empty. They have an empty homes standard that specifies that they will clean the property and prepare the walls ready for the incoming resident to decorate. If the property is in poor decorative order they will supply Wickes decoration vouchers up to the value of £30 per room as a contribution towards re-decorating. Sovereign will decorate properties designated for the over 55's when the new resident does not have the means to decorate themselves. If tenants are facing hardship concerning decorating, on either health or financial grounds, they are referred to charitable organisations for help. It is the responsibility of the Registered Provider to manage their properties and to provide a good quality service to their tenants.

**4. Councillor Catherine Webber to Councillor Ed Blagrove Cabinet member for corporate services**

Answer provided at meeting – see minutes.

**5. Councillor Emily Smith to Councillor Roger Cox, Leader of the Council**

In December 2014 Council passed a motion to: include “written information about Vale activities, service and programmes with future council tax demands”. When looking into progress on this motion I learned that neither Finance or Communications officers were aware of this decision by Council and confirmed that the requested information for residents was never produced.

Was the Leader aware that this decision by Council was not actioned? Can he seek assurances from officers that other motions passed by members since 2014 have been actioned and that mechanisms are in place to track future motions?

**Written response**

The Insight and Policy service area track and monitor the delivery of Council motions and are developing a process where it partners with other service areas to co-ordinate delivery of the motions, with updates published regularly through InFocus.

This mechanism came into effect in August 2018 and is working well. To provide re-assurance on the delivery of previous motions passed an exercise has already begun to review that relevant action has been taken and any gaps identified will be addressed and highlighted to the Leader of the Council.

However, the motion from December 2014 was unfortunately not tracked through any similar mechanism to the one outlined and officers in the relevant services areas were not informed and action was not taken at that time.

Nevertheless, officers have now been made aware of the motion and have confirmed that written information about Vale activities, services and programmes could be included with future council tax demands from the beginning of the next financial year. That said, further consideration would be needed on the design and budget implications of doing this as currently, no budget exists.

## **6. Councillor Emily Smith? to Councillor Roger Cox, Cabinet Member for Planning**

Last summer Transport for New Homes and the Foundation for Integrated Transport report received national press coverage. Their report highlighted the problems with new housing estates being designed around car use, adding to traffic congestion and preventing healthy communities developing. They highlighted Great Western Park as an example of poor practice and the report appeared on the BBC News website under the headline 'Young couples trapped in car dependency'. In November, Oxfordshire County Council unanimously passed a motion to invest in 'Active Travel' and allocate more space for cyclists and pedestrians. But the County Council cannot ensure pedestrians and cyclists are prioritised in new housing developments without collaboration with local planning authorities.

How is the Cabinet member working with county colleagues and others to ensure that the Vale's planning policies prioritise cyclists and pedestrians and reduce car dependency when we permit new housing developments? Have any specific changes been discussed as a result of the 'Active Travel' motion at the County Council?

### **Written response**

In line with the National Planning Policy Framework the Vale has developed planning policies that emphasise the importance of considering cycle and pedestrian access when planning for new development. In particular, the following adopted or emerging local plan policies are highlighted:

**Vale Local Plan Part 1 Core Policy 33: Promoting Sustainable Transport and Accessibility.**

## **Core Policy 35: Promoting Public Transport, Cycling and Walking**

In addition to these specific policies on sustainable transport, the Vale Local Plan Part 1 included reference to walking and cycling in the Core Policies 37 and 38 on design, noting the importance of considering these modes in master planning for new development. All strategic sites also had a site development template within the Appendix to the plan, setting out relevant specifics on walk and cycle access needing to be provided for as the sites came forward.

Oxfordshire County Council requested an additional highway scheme in the Local Plan 2031 Part 2 to safeguard land for an upgraded footpath between Shippon and Abingdon-on-Thames. This is a proposed Main Modification (MM6) to Core Policy 12a: Safeguarding of Land for Strategic Highway Improvements within the Abingdon-on-Thames and Oxford Fringe Sub-Area.

This Main Modification is set out in the Schedule of Main Modifications (Appendix 3) of the papers for Cabinet on 4 February 2019 and Full Council this evening. The main modification will be subject to full public consultation on 18 February 2019 for six weeks.

An example of how the plan policy has helped securing of relevant pedestrian/ cycle infrastructure through the planning application process is the development site at Milton Heights. For this site, the Local Plan site template highlighted the opportunity of providing direct pedestrian/ cycle access over the A34, linking with development to the east.

This has followed through to the planning permission (granted in Autumn 2017 for 458 dwellings under reference P16/V2900/FUL), with a sum of £1,966,515 (index linked) secured through S106 to deliver a new ped/ cycle bridge across the A34. The County are now working through the Growth Deal to forward fund and deliver this link to ensure that it is available early on for new residents to use, allowing direct access to facilities and employment to the west of the A34.

When assessing planning applications officers consider the consultation comments from the Highway Authority (Oxfordshire County Council) and also incorporate provisions through S106 agreements. Recent examples of securing cycle provision in an application and S106 agreement includes Abingdon North and South Kennington where the district council and OCC have worked together to improve cycle links in the local area and to ensure that these sites contribute towards the wider strategic cycle network

When assessing proposals at pre-application or the planning application stage cycle and pedestrian links are considered as one of the fundamental aspects of the design of a scheme. We will take on board comments made by OCC in relation to cycle and pedestrian links

In some circumstances land ownership issues can prevent cycle and pedestrian links being secured. On some five-year housing land supply sites in Wantage and Sutton Courtenay whilst Officers tried to secure pedestrian and cycle links between adjacent

sites, in some circumstances the land owners were unwilling or the land was ransomed.

## **Local Plan Part 2 (emerging)**

### **Development Policy 16: Access**

### **Development Policy 17: Transport Assessments and Travel Plans**

In addition to these policies, the Vale Local Plan Part 2 also includes policies to safeguard land to support the delivery of transport schemes, including schemes to encourage walking and cycling. Core Policy 18a includes land to be safeguarded for cycle improvements to the Cinder Track between Steventon/Drayton and Milton Park.

Similarly to the Part 1 plan, the Part 2 plan also includes site development templates as an Appendix to the plan which set out requirements in terms of walking and cycling provision for each of the allocated sites.

## **Wider partnership work**

The Council continues to work with the County on development of active travel modes across the district. An example of this is the planning and delivery of cycle improvements in the Didcot Garden Town area. This includes:

Supporting the County on development and submission of a Garden Town Housing Infrastructure Fund bid for £218 million of transport improvements. If successful, this would deliver new high quality cycle infrastructure alongside highway improvements, for example a new route between Culham and Didcot/ Milton Park over the Thames.

- Development and delivery of high-quality cycle infrastructure, including between Great Western Park and central Didcot, and Milton Park and Central Didcot. On the latter route, new lighting has recently been installed along the cycle route on Milton Road.

## **7. Councillor Judy Roberts to Councillor Eric Batts, Cabinet Member for Legal and Democratic**

I welcome the announcement that Homes England have approved a grant for the only 'Vale affordable housing in perpetuity project' off the Eynsham Road. The Oxfordshire Community Land Trust have already prepared their planning application for this development but require the easement from the Vale for which this grant was awarded to progress the scheme. The Vale applied for this grant in Summer 2018 and the scheme has been in development for a lot longer. So, please can the Cabinet member explain why the easement has still not been signed?

## **Written response**

In March 2018 the property team received a request for the grant of an easement because Oxfordshire Community Land Trust was negotiating to purchase the land

for the purpose of redevelopment and required access to do so and also future access for the owners/occupiers of the new properties once built. Preliminary work was done by the legal and property teams on the council's ownership of the land involved.

As the Trust did not own (and still does not own) the land and had not yet obtained planning permission, it was proposed that there would be a conditional contract for the grant of an easement, the conditions being essentially that the easement would only be granted once the Trust became the owner of the land and additionally it had obtained planning permission (approved by the Vale as landowner) for a defined number and type of properties. At this point the contract would become unconditional and the easement would be entered into. Alternatively, if the conditions were not fulfilled then the contract would fall away.

Due to the conditional nature of the matter both documents need to be in an agreed form before the contract can be exchanged because it must have attached to it a copy of the agreed form of easement. As with all property transactions, draft documentation must be reviewed and if appropriate amended/accepted in light of what is in the best interests of each respective party. Hence, the lawyers for each of the parties have been negotiating the precise wording of the documents for some while.

By December 2018 most of the terms of the draft documents had been agreed with only a few remaining to be ironed out between the Vale and the Trust. Due to leave of various parties in December 2018 into January 2019 the matter stalled. However, as at the end of January 2019 the draft documents are in an agreed form.

The Trust's solicitors are in the process of producing clean versions for final approval – probably this week or next. After that they will be executed by the parties and the matter can be concluded. It will still proceed by means of a conditional contract and the easement (the terms of which have been agreed) will be completed once the conditions have been fulfilled.

## **8. Councillor Debby Hallett to Councillor Roger Cox, Cabinet Member for Planning**

At the request of Council in October 2018, the leader of the council wrote to the Secretary of State for Housing, Communities and Local Government to request that they review the definition of housing 'affordability'. The minister for housing's reply told us unequivocally that it has *always* been this council's responsibility and within our power to set our affordable housing policies to reflect local circumstances. We don't need Government to redo anything. Council can set our policies to reflect our own local circumstances. I'm surprised this was apparently news to the leader.

The national policy requires that affordable rent be *at least* 20% below market rents, and similarly, that affordable sales prices be *at least 20%* below market sales prices. The system is set up so that we rely on market developers to provide solutions to our local affordable housing needs. Clearly that's not been a success. Recent reports tell



us local house prices are between 7 and 17 times annual earnings, when we know a healthy ratio is about 4 or 5 times annual earnings.

Although it was the leader who wrote the letter to Ministry of Housing Communities & Local Government about affordability, it is the cabinet member for planning to whom I direct this question. What are some of the options to consider that could finally make a dent in the problem of a lack of genuinely affordable housing in Vale?

### **Written response**

The Government defines the meaning of 'Affordable Housing' through published guidance. This is currently in the form of the National Planning Policy Framework (NPPF).

The council has a good track record in affordable housing delivery within the definitions set by successive governments. Whilst Affordable Rent and various home ownership products are defined in NPPF as being at least 20% below prevailing market prices, Affordable Rents are generally set at around 80% of market rents by Registered Providers (RP's) - meeting the Government's definition of Affordable. This is in order to be able to provide an attractive offer to developers.

Shared ownership sales can be from 25% of open market value, although in reality, most purchasers seek to acquire the maximum share they can afford, which can be up to a 75% share in the first instance.

Vale of White Horse is an area of relatively high land values and house prices and this can sometimes have an effect on affordability when meeting statutory definitions of affordable housing.

For the council to seek to require RP's and other bodies to reduce an Affordable Rent significantly below 80% of the market rate would impact on the offer they are able to make to developers, and thus raises the prospect of reduced affordable housing outputs on grounds of financial viability.

Social Rented units - defined in NPPF - are normally significantly below those of Affordable Rents. In the absence of a specific policy, the council cannot insist on their delivery. Moreover, this also risks reduced affordable housing delivery on grounds of financial viability. A possible way of addressing this 'funding gap' would be for the council to use financial contributions received through Section 106 to effectively grant fund social rented units. This would require further research into the likely numbers of homes which could be delivered, and the financial implications of such an initiative. The council could also consider releasing land in its ownership to Registered Providers at a preferential rate - subject to any necessary statutory consents. This could reduce costs to the provider which would, in turn, be reflected in lower rent charges.

This matter was also examined this in relation to the viability assessments for CIL.

A balance between achieving our SHMA target and growth deal affordable homes numbers, particularly given small sites exemption, with delivery of infrastructure via Section 106 contributions and CIL – particularly in areas with lower GDV e.g. in the west of the Vale and reflected by different CIL rates.

### **9. Councillor Debby Hallett to Councillor Roger Cox, Cabinet Member for Partnership and Insight**

How much money did Vale decide to contribute to the Environment Agency's recently-cancelled Abingdon flood scheme? What was the evidence supporting this decision, who decided, when, and by what means?

#### **Written response**

As part of the budget setting exercise for 2015/16, Council on 18 February 2015 approved a capital growth bid of £2.5 million, spread over five years, for the funding of Abingdon flood defences including St Helen's Mill and an Ock flood retention scheme, all to be delivered by the Environment Agency.

On 5 February 2016 an individual cabinet member decision was taken to enter into a collaborative agreement with the Environment Agency for initial investigations into the feasibility of four potential schemes. At this point, the council made a contribution of £260,000 from the capital budget which had been established in 2015.

The feasibility work established that two schemes were not viable but that work could be done on a scheme at St Helen's Mill. Accordingly, a second individual cabinet member decision was taken on 24 May 2017 in which the council made a further contribution of £108,276 from the capital programme to fund the works at St Helen's Mill. That scheme was completed in the summer of 2017 and now provides protection for historic town centre buildings.

Further detailed studies continued on the potential scheme for upstream storage on the river Ock. However, as more work was done it became apparent that the scheme does not meet the necessary cost-benefit criteria and is not financially viable. It was therefore cancelled, as discussed earlier.

The council expects to make a final contribution of £68,000 in the current financial year towards work on natural flood management measures and officers are currently finalising an agreement with the Environment Agency which will be authorised by means of a further individual cabinet member decision.

The individual cabinet member decisions already taken contain further details and can be viewed on the council website.

## **10. Councillor Jenny Hannaby to Councillor Roger Cox, Cabinet Member for Planning**

There is a recurring problem with new build housing developments not being completed to an acceptable standard in line with the approved plans.

There are examples from around the Vale where developers are not building roads, drainage, homes and play areas to the specifications agreed when planning permission was granted which then creates work for this council to rectify – at a cost for this council and disruption to residents.

Does the Cabinet member agree that councils should have more legal powers in relation to planning enforcement? And if so, what is the Cabinet member doing to lobby government to return responsibility for all building control matters to local councils?

### **Written response**

The Government has reviewed planning enforcement powers several times and made some changes, particularly to close loop holes to assist councils in administering the planning regulations.

Planning enforcement is a discretionary service but it is key to maintaining the planning system across the district. The enforcement regulations focus on remedying the planning harm and not to punish people who have breached planning. Any action taken to remedy a planning breach must be proportionate to the planning harm incurred, which I believe is the right approach. Government advice is clear that formal action should be the last resort. Much of the work done by our officers in this regard is through personal intervention and discussion rather than direct enforcement action.

In many of the cases you provide as examples we are resolving the planning breaches in a constructive manner, by working with our partners, such as the County Council. I therefore don't believe we need more legal powers to help us run our planning enforcement service, although in some isolated examples I am aware that residents may get frustrated at what they can see as a 'gap' between our officers and our partners, these are very much the exception and not the rule.

The issue of building control and their powers is very different from the planning enforcement regime. Building control, another discretionary service, deals with the construction of buildings to ensure they are safe and efficient in their use by occupiers. Building Regulation completions or final certificates are not issued, whether by the public or private sector, unless the construction meets the minimum requirements. Over the last three years we have not been required, as the building control enforcing body, to take any formal action against property owners. However, I have asked officers to explore what steps could be taken were government to consider offering increased oversight of all building control matters to local government as many residents are unaware that the majority of building control matters on large developments are undertaken by approved inspectors who are contracted for that purpose directly by the developer.