

# Public Document Pack

**Oxfordshire Growth Board**

**19 November 2015**

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## **FINAL VERSION**

### **Question from Oxfordshire Green belt Network**

Under Agenda Item 4 (12), concerning the Green Belt Study, it states that: "The next stage will be to publish the report and then examine whether the information in the study informs any potential spatial growth options as part of the testing of those options." OGBN would like to know if the report will be made publicly available ? And will there be any capacity for the public to comment on the report.

**Response- The green belt study has been published and is available on the website of the lead authority.**

**The study is an independent piece of work by professional consultants and the views and conclusions in the report are theirs alone. However the study will be used by partner councils as part of their Local Plan considerations and at that stage it will be possible for all interested parties to comment as part of their responses to the Plans.**

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## **FINAL VERSION**

### **Response to question from CPRE**

'In light of the recent decision by Wild Oxfordshire that it cannot continue to fulfil the role of Local Nature Partnership (LNP) due to lack of adequate funding, what evidence can the Growth Board provide to show that they are giving full (or indeed any) consideration to environmental and social concerns as part of high level strategic plans within Oxfordshire?'

#### **Response-**

**A consideration of the environmental and social implications for growth are at the heart of the Growth Board's work programme and there are two levels of at which these issues are considered.**

**At a strategic level the work of the Board contributes towards the wider environmental considerations encapsulated in the counties' Strategic Environmental Economic Investment Plan (SEEIP). This plan recognises both the impact of growth on the environment but also that the environment is a crucial aspect of Oxfordshire's economy and, like all other parts of the local economy needs investment. The SEEIP is being launched by OxLEP on the 9<sup>th</sup> December at the Earth Trust and interested organisations can register to attend this on the OxLEP website.**

**At a local level the strategic planning work completed by the Board in the post SHMA Strategic Work Programme is designed to inform the development of Local Plans by the Oxfordshire's planning authorities. The development of local plans is governed by the National Planning Policy Framework that sets out three aspects to sustainability, economic, environmental and social that must be considered by planning authorities in any development proposal. This ensures that all environmental and social impacts are fully considered as part of the development management process**

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## **FINAL VERSION**

### **Question from Sunningwell Parishioners Against Damage to the Environment** **(SPADE)**

#### **Agenda item 4 – Post SHMA work Programme Update Report**

1. This report identifies that a MOU (including a common approach to FOI requests) has been signed between all parties. Please can a copy of this MOU be provided to the public?  
2. If not, please provide a detailed rationale as to how this is justified  
**Response-The Board will discuss its release with partners and advise**
3. Paras 11 & 12 of the paper identifies that LUC provided the Green Belt Study final report on the 13<sup>th</sup> November and the next stage will be to publish the report. How and when can members of the public inspect the report?  
**Response- The report has now been published**
4. Para 13 identifies that “check and challenge” sessions were held on the 30<sup>th</sup> October. Please identify the session participants, the objective criteria / methodology used, and outcome of the sessions  
**Response-The sessions were attended by officers from all the councils represented on the Growth Board. The purpose of the session was to ensure that the long list of spatial options to be taken forward for further testing was complete. Partners have concluded that the session achieved this outcome.**
5. Para 13 identifies that a “list of potential areas of search” has been drawn up. Please provide this list.  
**Response- The Board does not consider that publishing the long list would be helpful. The reason for this is that the draft long list of spatial options includes all options, no matter how unlikely or unviable. Partners decided to take this approach to ensure that no stone would be left unturned. The Board considers therefore that to publish a list at this stage would be counterproductive and potentially misleading that instead testing of the options should take place to establish reasonable options. The conclusions of the Growth Board Programme will then pass to the individual local plans to take forward.**
6. Para 13 identifies that the long list will be “subject to a number of tests to examine their potential suitability for consideration as growth options.” Please detail the tests to be used and the rationale for their use and any objective measurement criteria being used?  
**Response- The tests will be designed to assess, at a strategic level, the relative suitability and sustainability of the spatial options being considered. The tests will be designed by the consultant once the project commences later in November.**
7. What is the intended public engagement process to be used during the “spatial options testing “ phase of the project?  
**Response- It is not intended to carry out any public engagement on the determination of the spatial options. The reason for this is that the options are not site specific, nor are they intended to be proposals for development. Instead they are meant to be areas of search that the planning authorities can then consider for suitability as proposed development sites during their local plan processes that will follow the county-wide work. The individual**

**local plans contain provision for full public engagement and this would be the most appropriate time to listen to representations.**

8. The landscape Work Programme reporting table section 4 identifies that an assessment will be made of “the relative contribution of areas of land to the purposes of the Oxford Green Belt in order to identify the potential, or not, for development, and the case for additional areas to be added to the Green Belt.” The output from this is identified as a “report on Green Belt constraints”:-

a. Please can further details be given on the objective criteria used in the assessment process?

**Response- The study assesses the relative contribution of the existing green Belt according to the 5 tests laid out in statute, these are**

- 1. To check the unrestricted sprawl of large built up areas**
- 2. To prevent neighbouring towns merging into one another**
- 3. To assist in safeguarding the countryside from encroachment**
- 4. To preserve the setting and special character of historic towns**
- 5. To assist in urban regeneration, by encouraging the recycling of urban land**

b. The output only considers the Green Belt in negative terms of “constraint” whilst many stakeholders consider it makes a positive contribution to the lives of our residents. Indeed, as the table considers the case for additional areas to be added to the Green Belt, a report focussed on constraints is obviously inappropriate. Such imbalance is unfortunate at best and fosters the belief that the Growth Board does support the continuation or improvement in residents’ quality of life via protection of the Green Belt. Please can the table be amended to reflect the positive contribution that the Green Belt makes to our quality of life and the case for further additions to the Green Belt?

**Response- The study was deliberately limited to looking at the suitability of the existing green belt in the context of the 5 purposes. It is for local planning authorities to use the information in the study as they see fit in their local plan reviews and decisions to either withdraw land from the green belt or add to the green belt is a matter for local plans.**

c. Please can the Board detail in writing the relationship and any hierarchy between the output and District Council’s existing published Green Belt reviews?

**Response-The green belt study examines the green belt against the 5 purposes. Only a local planning authority, as part of a local plan review can suggest amendments to the green belt. This consideration takes place in a green belt review.**

d. Please can the Board detail in writing the relationship between the output and existing adopted District Council’s Local Plans or Local Plans currently undergoing the “Examination in Public” phase?



**Response- Please see the answer to B above, the relationship is governed by the extent to which, if at all the local planning authorities wish to reflect the findings of the study in their local plan examinations**

### **Agenda item 5 - Public Participation**

SPADE welcomes the creation of a Public Participation scheme / protocol for the Oxfordshire Growth Board. We look forward to the Board demonstrating enthusiasm and willingness for genuine public participation and engagement with interested groups and encourage the Board to consider allowing for oral petitions and the opportunity for supplementary questions at future meetings.

Para 2.1 of the protocol states “Any member of the public wishing to ask a question may do so at a meeting of the Growth Board, and must give notice of the question in writing or by email to the Chief Executive or the Secretariat of the host authority, at least three clear days before the meeting (i.e. not counting the day of the meeting or the day of receipt)”.

Assuming that “days” are days of the week (as no definition is given) we presume that this requires the public to read, consider, formulate and submit relevant questions no later than midnight on the preceding Sunday (assuming Thursday meetings are programmed). Is this the case?

**Response- We are legally required to publish agendas for a meeting 5 clear days before the meeting date, the date of the meeting and the date of publication are not counted as “clear” days. Weekends and bank/public holidays are not counted as “clear” days. OGB meeting dates are scheduled through to May 2016. All dates are available on the website and you will see these are all Thursdays; therefore the agendas will be published on the Wednesday 1 week and a day before the meeting (unless it is earlier due to a public holiday). Questions would therefore need to be submitted by the Friday before the meeting, so 2 days after agenda publications and requests to address the meeting would need to be made by noon on the day before the meeting.**

If, as expected, “days” mean working or business days this requirement translates to midnight on the preceding Friday. Is this correct?

**Response- Assuming this refers to the submission of questions, this is correct. Following agreement of this scheme, the deadline dates for questions to be submitted/requests to address the meeting will be added to the website to ensure interested parties are aware.**

3. Bearing in mind the publication date for the Agenda for the Growth Board is five business days\* prior to the meeting, this appears to only give the public 2 working days to consider the papers before submitting a question. Meanwhile, the executive / Chairman have 3 and 1/2 working days to decide if they are willing to answer the question by way of oral statement or a further 10 (or more) working days to provide a written response. We consider this is unacceptable as it puts a disproportionate burden on the public to submit questions with insufficient time to consider the agenda papers provided. Consequently we request that either the scheme is amended allowing a later submission (e.g. midnight Monday) or a written binding declaration, recorded in the terms of reference, is made to extend the number of working days that the agenda pack is published before the meeting (e.g. 8 working days). Please address this concern and your remedy to allow for meaningful engagement with the public.

**Response- The Board will be considering an item on public participation at the meeting, although it is not envisaged that the current proposed process will be will changed as it**

**follows a process adopted successfully elsewhere. It should be noted that the Growth Board s proposed approach to participation goes beyond that required by stature**

\* as required of a Joint Committee under s101 (5), 102 Local Government Act 1972 and s9EB Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012) - Note - today's meeting papers were published on Wednesday 11<sup>th</sup> November meeting the requirement.

## FINAL VERSION

### **Sunningwell Parish Council Questions**

#### **Agenda Item 4**

Will the OGB will be making the following items referred to in Agenda Item 4 and its Appendix available to the public

1. details of the methodology that is to be used to divide Oxford Unmet Housing Need of 15,000 houses between the District Councils?

**Response- The approach of the programme is not to simply divide the housing need between districts but to examine the most appropriate options throughout the county for meeting that need and then ask district planning authorities to reflect on these findings in their local plans. This work is on-going**

2.The Green Belt study

**Response- The study has been published and is available on Cherwell DC website**

3. The draft brief for the infrastructure Consultants to be appointed at the end of the year

**Response-A brief has yet to be agreed by the partners**

4. Explain why Oxfordshire County Council considers itself better at determining what is Green Belt in each District's locality rather than accepting Green Belt studies already undertaken by some authorities such as the Vale of White Horse

**Response- The county- wide green belt study has been commissioned by the Growth Board and was overseen by a partnership steering group. The County were the lead authority for procurement purposes only. The study was limited to an examination of the existing green belt against the 5 statutory purposes of green belt. As such it was, for the first time a comprehensive county-wide examination of how the current green belt around Oxford is performing against these purposes. The study is designed to inform and complement reviews of the green belt carried out by district planning authorities. Where those reviews and the study have run in parallel both sets of consultants have been in close contact to ensure that their work is complementary**

#### **Agenda Item 5**

How are the democratic principles of openness, fairness and transparency being upheld by the restrictive practices being suggested by the OGB where true dialogue with the public is not being permitted, as the proposals are

1.heavily skewed in favour of the OGB and its Members, being able to weed out any questions it/they decide it/they do not want to answer because it suits the OGB not to be transparent

2.furthermore, OGB states that items that are not “directly” affecting Oxfordshire (but as we all know can have an impact on Oxfordshire) they do not have to consider. However, if they relate to discussions OGB has with other governmental or third parties all issues should be up for public scrutiny

3. OGB states that it will not engage in any on-going correspondence or dialogue on an any issue, permitting a question to be raised, answered by the OGB but with no further challenge from the public. How is this democratic—it denies the public the ability to scrutinise responses given by the OGB and question whether they are truly acting in the public interest. This appears to be emulating what is considered to be the non democratic approach operated by Oxfordshire County Council (OCC).

4. it is understood that the OGB has agreed a common approach with its Members in how to deal with FOI. The information pack for this meeting fails to give details of that policy to this public audience. Is the OGB going to publish its approach for public scrutiny?

(above 1-4 relates to Agenda Item 5)

Sunningwell Parish Councils’s concern is that the OGB is has previously been shown to be non democratic and the proposals put forward here to deal with the Public also ignores the principles of democracy.

**Response- The Board will be considering an item on public participation at the meeting, although it is not envisaged that the current proposed process will be will changed as it follows a process adopted successfully elsewhere. It should be noted that the Growth Board s proposed approach to participation goes beyond that required by stature**

## **Growth Board Memorandum of understanding regarding information disclosure**

BETWEEN

- (1) WEST OXFORDSHIRE DISTRICT COUNCIL
- (2) OXFORDSHIRE COUNTY COUNCIL
- (3) OXFORD CITY COUNCIL
- (4) VALE OF WHITE HORSE DISTRICT COUNCIL
- (5) SOUTH OXFORDSHIRE DISTRICT COUNCIL

and

- (6) CHERWELL DISTRICT COUNCIL

(collectively “the Councils” and each of which is a “Council”)

- A) The Councils have formed a joint committee known as the Growth Board. The Growth Board have agreed to undertake and participate in a joint post-SHMA strategic work programme as annexed (“the Programme”) the intention being to plan for the delivery of the entirety of the objectively assessed housing needs of Oxfordshire. The Councils acknowledge that an essential part of that process is the sharing of information, in order to effectively deliver the Programme. The Councils commit to work positively together in pursuit of this objective and in the spirit of co-operation. Subject to the following provisions of this Memorandum of Understanding, each Council agrees not to unilaterally disclose any information identified by any Council as sensitive unless required by law without giving notice of at least 14 calendar days to the Council or Councils who provided the sensitive information. No sensitive information will be disclosed without full consideration having been given to any objection made to its disclosure.
- B) The Councils appreciate that the Programme will be a matter of significant public interest and, being public authorities, that they are subject to the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 together with the publicity requirements applicable to a joint committee under Part VA of the Local Government Act 1972 and have entered into this memorandum of understanding to set out a common approach to the discharge of those obligations.
- C) Papers relevant to meetings of the Growth Board will be placed into the public domain in the normal way by the local authority with administrative control of that joint committee in compliance with s100A to 100K (and Schedule 12A) of the Local Government Act 1972. In accordance with those provisions confidential information as defined in that Act will not be disclosed. Exempt information as defined in that Act may or may not be disclosed. It is

acknowledged that under these provisions information is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- D) It is acknowledged that the Programme will contain environmental information within the meaning of both the Environmental Information Regulations and the Environmental Information Directive. It is also appreciated that however a request for information is presented, if it is capable of constituting both a request under the Environmental Information Regulations and the Freedom of Information Act, the Information Commissioner is of the view that such a request should be treated as an Environmental Information Regulations request.
- E) Should there be either a FOI or an EIR request in relation to the Programme the receiving Council will notify each of the other Councils by email to the members of the Executive Officers Group and the Post-SHMA Programme Manager at the earliest opportunity. Subject to compliance with statutory time limits the receiving body will consider all representations (which shall also be made at the earliest opportunity) received in discharging its statutory obligations.
- F) In responding to such a request the receiving Council shall diligently consider whether or not any request is validly made and capable of requiring disclosure. If so it shall proceed to diligently consider whether an exemption is applicable. The Councils will have particular regard to the EIR exemption which deals with material “which is still in the course of completion, to unfinished documents or to incomplete data” and to the FOI exemptions which deal with information intended for future publication and information which forms part of a programme of research.
- G) In the event of a disclosure of information in response to a request under the Environmental Information Regulations or the Freedom of Information Act the disclosing body shall notify all other Councils immediately and shall provide a full explanation of its decision making process on request.
- H) The Councils agree that nothing in this Memorandum of Understanding shall prevent disclosure of sensitive information to third parties when necessary for the performance of the Programme provided that such third parties are subject to an obligation to keep the sensitive information confidential and to only use it for the purposes of their role within the Programme.
- I) The provisions of this Memorandum of Understanding shall continue in force until the Growth Board comes to an agreement on the distribution of the unmet need when this Memorandum shall be reviewed and the Councils shall agree whether the Memorandum should continue or be terminated.

- J) In the event that the Growth Board does not come to an agreement on the distribution of the unmet need within six months from the date of this Memorandum of Understanding, the Councils shall review the operation of this Memorandum.
  
- K) This Memorandum of Understanding is not intended to be legally binding and no legal obligations or legal rights shall arise between the parties from this Memorandum of Understanding. The Councils enter into this Memorandum of Understanding intending to honour all their obligations.

Signed on behalf of each Council –

Dated -

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