

Public Document Pack

Oxfordshire Growth Board

2 February 2016

Agenda Item Number	Page	Title	Officer Responsible
5.	Pages 1 - 8	Public Participation Submitted Questions with Reponses	Growth Board Manager

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**Oxfordshire Growth Board
Tuesday 2 February 2016**

Agenda Item 5: Public Participation

In accordance with the public participation scheme, requests to address the meeting and questions submitted have been listed in the order submitted.

The time limit for public participation is 30 minutes.

Restrictions on requests to address the Board:

- Must be on a substantive agenda item
- May speak for up to 3 minutes.
- With the leave of the Chairman, any questions of clarification asked of the speaker by Growth Board members should be duly answered.
- There will be no debate on any representations made except to the extent that they are considered when the relevant agenda item is considered later in the meeting.

Restrictions on questions submitted to the Board:

- Questions shall be directly relevant to some matter in which the Growth Board has powers and duties and which directly affects the area of Oxfordshire.
- Submitted questions shall be dealt with in the order of receipt by the host authority.
- The questioner may read his/her question, but the Chairman will do so if the questioner wishes for that, or is not present at the meeting. No supplementary question may be asked.
- The Chairman will answer submitted questions. This may take the form of an oral statement, or may be given subsequently in writing to the questioner. A written copy of the response will be circulated to all Growth Board Members. It is intended the written response will be given within ten working days of the meeting.
- No discussion shall take place on the question or the answer.

Public Participation Requests

- **Ian Green, Executive Committee, Oxford Civic Society**
Request to address the Board on agenda item 6, Post SHMA Work Programme Update Report

- **Helen Marshall, Director, CPRE Oxfordshire**
'We note that 'the reaction to the [Green Belt] study has been positive with most respondents recognising that the study... is a valuable examination of the manner in which the green belt is performing against its objectives' (Post SHMA Work Programme Report). We also note the appointment of Land Use Consultants to conduct the Strategic Options Development and Assessment, in a project that will conclude on 2 May.

Can the Growth Board therefore explain:

- a) How the Growth Board has shared information on the Green Belt Study with the general public?

At the last meeting of the Growth Board on 19 November the Chairman advised that the Study had been published on the website of the lead authority Cherwell DC. Subsequently it has also been provided on the partnership pages of the County Council website. Officers have also assisted interested members of the public by, for example making paper copies available for viewing at council offices by appointment.

- b) How, when and where members of the public have been/are able to register their views on whether or not this was a 'valuable examination'?

We have received feedback from a number of stakeholders to support the statement that the study is a valuable contribution to the debate over the future development of the county and members of the public are able to comment directly via the contact details for the Programme Manager on the website. The study will also form part of the evidence base for the development of district local plans and their subsequent examinations and this District process will provide a further opportunity for comment.

- c) How much the Green Belt Study cost taxpayers in total i.e.; was it actually 'valuable' or just 'costly'?

The total cost of the study was £57,028.

- d) When the terms of reference for the strategic options work will be made publicly available?

Partners will publish the specification for the Project on the website of Cherwell DC in due course.

- e) What plans there are for public consultation within this process that ends on 2 May (bearing in mind that leaving this to the Local Plan process is not sufficient as it would not allow adequate consideration of the overall cumulative impacts on the environment / infrastructure etc.)?

It should be noted that it is not the intention of the Programme that it makes specific recommendations for areas for growth. Instead the Programme is designed to conclude an appropriate apportionment of the unmet need for Oxford based upon a sustainable scenario, but this will be just one scenario that district local planning authorities will then test through their local plan processes. In this context it is clearly most appropriate for the consultation to take place as part of the local plan process when district planning authorities are placing scenarios for growth in the public domain, this was the clear advice of the planning inspectorate at the commencement of the Programme

- **Helena Whall, on behalf of the coalition Planning for Real Need not Spectacular Green in Oxfordshire**

Given that OxLEP is embarking on a process of updating the County's Strategic Economic Plan (SEP), can the Growth Board please tell us:

What input it expects to have to this process?

The SEP refresh is being developed by a project team drawn from across local authority and business partners and the organisations of all Growth Board members are involved in this process.

Will it be working with OxLEP to help ensure full public engagement and consultation, including debate at full council meetings?

OxLEP have programmed stakeholder engagement as part of the development of the SEP when interested parties will have an opportunity to comment including web based facilities to comment on the draft documents . It is for individual local authorities to decide how and when they might wish to debate the SEP but the Board will consider whether it would be useful for it to be debated at a future meeting

Will the proposed Plan be debated openly and in public at a Growth Board meeting?

Please see above

Will the Growth Board be required to approve the final document?

It is for Government to formally approve the SEP but the Board will consider how it might helpfully input into this process at a future meeting

- **Mr Robert Warne, Chairman of Sunningwell Parishioners against Damage to the Environment (SPADE)**

All our questions are follow up questions to the written responses given after the Growth Board meeting on 19 November 2015.

Post SHMAA work programme update

SPADE Original question – 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?

Growth Board response – “The Board will discuss its release with partners and advise”

SPADE Subsequent question – We assume that nearly three months is sufficient for the Board to discuss this, so please can the Board now answer this question and publish the MOU?

The MOU is an internal procedure document that has no significant bearing on the Programme. The Board considered that the more important document is the formal Statement of Co-operation that all partners have signed up to as this governs the partners’ role on the processes that underpin the Post SHMAA Strategic Work Programme. This document is available on the website of the lead authority and the County Council

SPADE Original Question – 4. 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?

Growth Board 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.

SPADE Subsequent question - We assume that the project has now commenced so please can the information on the tests be provided as originally requested?

At the Board meeting on the 19th November officers advised that the Spatial options assessment Project had been delayed due to the last minute withdrawal of the selected contractor and the need to retender. As a consequence of this delay the project has only just begun. Consequently the consultants have yet to complete the design of the tests of sustainability for the selected areas of search.

Public Participation

We note your response to our previous question regarding the inadequate amount of time available for the public to formulate and submit questions following publication of the Growth Board meeting agendas. We found both the conduct of this agenda item in the meeting and the written response to our questions “disappointing.”

Your written response indicated that “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”.

SPADE Subsequent question – We are intrigued by the concept that this, in our opinion flawed process, has been copied from elsewhere and ask can you provide examples of other Growth Boards (or equivalents) adopting a mere 48 hour window of opportunity for questions to be submitted?

When officers considered the design of the public participation process it drew on the public participation scheme that has operated successfully for a number of years at the West Northamptonshire Joint Strategic Planning Committee and used this as a basis for the scheme. Officers are not aware of public participation schemes that differ radically from that operated by the Board but will undertake to continue to scan the horizon and offer the Board suggested amendments for consideration as appropriate.

SPADE Subsequent question – Please explain how as a Statutory Joint Committee that your approach to participation “goes beyond that required by statute”?

The Growth Board is a statutory joint executive committee established pursuant to provisions contained in the Local Government Acts 1972 and 2000 and the

Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012. As such it is a meeting at which there is no statutory right for members of the public to participate in the meeting in any way. It is a matter for the discretion of the members of the Growth Board whether to permit public participation and, if they do, to set the procedural requirements that will apply. Accordingly by exercising its discretion to permit public participation at all the Growth Board has gone beyond what is statutorily required of it.

Your response also indicated – “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”.

SPADE subsequent question – Your response was slightly misleading in that you are required to publish agendas a minimum of 5 clear days before the meeting date. As dates of future meetings are well documented, as originally requested, could the Growth Board commit in their Terms of Reference to publish agendas a minimum of 7 clear days before the meeting date allowing a sufficient time for the public to consider the agenda and supporting papers and hence formulate meaningful questions?

SPADE Subsequent question – Are the voting members of the Growth Board, as democratically elected councillors, content that the public participation process as currently enacted by the Board is transparent and one that encourages local people to engage meaningfully in matters of strategic importance for their communities?

The Board is content that the public participation scheme, although in its early days, is providing an opportunity for reflection and engagement by interested parties with the Board at its meetings. However the Board recognises the issues raised in the question and has offered to be flexible where possible to allow for meaningful engagement. For example, on the 3rd December, the chairman corresponded with CPRE on the issue of the time given to members of the public to reflect on the Board’s agenda, he wrote;

“As you can perhaps envisage, the reports received at the Board meeting are often the culmination of a strand of work stretching back over several weeks that will have been co-ordinated amongst all the partners and which needs to align to ensure that the Board is in a position to consider and reflect on the issues before it. For this reason it is difficult to adjust the timetable set out in the public participation policy agreed at the Board.

However I and other Board members are sympathetic to the points you make and recognise that there will be occasions when additional time for the public to consider submissions to the Board would be appropriate. For this reason we will ask the officers that support the Board to work towards an earlier publication of the agenda where possible.

- **Sharone Parnes, Woodstock resident and Town Councillor**

Part A)

Regarding Conclusions in the Post SHMA Work Programme Update Report (Agenda Item 6), and in particular

Paragraph 24 stating: *“The completion of the Programme to time now has implications for both Cherwell and West. Cherwell are committed to an examination of the options for growth in the late summer of 2016 and ideally would want to include consideration of how to meet their agreed proportion of Oxford’s unmet need in this process to ensure that the planned partial review in Cherwell can be completed within the agreed timescale set out in Paragraph B95 of the Local Plan”;*

Paragraph 25 stating: *“Their inspector has advised West Oxfordshire that in effect they should not proceed with their Local Plan until they can include proposals to meet any agreed apportionment of the unmet need for Oxford to their District. Therefore, the timetable for West Oxfordshire’s Local Plan is now dependant on the Programme making good progress”;*

And Paragraph 26 stating: *“Officers acknowledge that the history of the Programme is one of significant slippage...”*

Doesn't "slippage" really mean delays or missed targets, and if yes then why doesn't the Growth Board use the more plain English terminology; and, will the Growth Board acknowledge that further "slippage" and/or delays and/or missed targets will not only produce knock-on consequences for timescales of Local Plan evolution processes, but also foreseeably will bolster the likelihood and volume of speculative planning proposals in the face of resultant delays in Local Plan evolution processes? What, if any, mechanisms or assurances can the Growth Board offer towards allaying public concerns that some controversial developers – some of which stand to benefit directly or indirectly from Growth Board projects – may discern commercial incentives in contributing to further "slippage" in order to exploit or cause gaps and delays in Local Plan processes?

In considering its response, please would the Growth Board take account of, and preferably relate to, the following public comments from highly esteemed sources:

Nearly a year ago, in February 2015, when West Oxfordshire District Council (WODC) announced its approval of its final Draft Local Plan, Cllr Warwick Robinson, Cabinet Member for Strategic Planning and Housing, said: “It is of vital importance to our District that we get our Local Plan into place to guide the way it develops and protect it from speculative development, and we are pleased to be taking a significant step towards this today by approving this robust, evidence-based Plan.”

Last week, on January 26th, WODC announced planning inspector Simon Emerson “has formally suspended the examination of the West Oxfordshire Local

Plan 2031 until December 2016 to allow the Council to undertake consultation on 'main modifications' in order to make the plan sound."

Guidance from the Planning Inspectorate's *Examining Local Plans Procedural Practice* publication (December 2013 v2) explains: "Up to six months' suspension might be acceptable but a period greater than this is unlikely to be generally appropriate...A delay of more than six months would be likely to create a great deal of uncertainty within the examination process for those who have submitted representations at the publication stage. Furthermore a delay of this period would normally only be necessary if the LPA were proposing major changes to the Plan which had not been adequately frontloaded. In that event the Plan should be withdrawn to allow the proper procedures to be followed for a revised version of the Plan."

When the Growth Board adopted the Programme of work called the Post SHMA Strategic Work Programme it did so in the full knowledge that the timetable it was setting itself was ambitious and would be subject to challenges as the work progressed. However, the Board have closely managed the Programme and are confident that other things being equal, the revised timescales are realistic.

Turning now to the issues of alleged delays in local plans, whilst the Programme and Local Plan processes are linked it is not of itself a cause of any delay for local plans. In the three local plan examinations that have taken place to date in Oxfordshire, each of the inspectors has approved the Programme and noted the progress but none have sought to delay local plans because of the Programme.

Part B)

Why did it take so long (ie, until 19th November 2015) for the Growth Board to agree and publish its Public Participation Scheme, and why didn't the Growth Board members foresee the public interest justifying such a Scheme at the very outset of the Growth Board's establishment, especially bearing in mind it has so many voting members who are leaders of local authorities where public participation is an integral component of routine meetings?

It should be noted that long before the scheme of public participation was formally approved the Board was allowing public participation in its meetings.

When the Growth Board was originally established it in September 2014 met in shadow form for its first few meetings whilst partners approved the appropriate governance arrangements and delegations. Despite the Board not being formally constituted the members agreed at an early stage to allow public participation in advance of a scheme being approved so ensure meaningful engagement. Having done this the Board noted the need for a more formalised scheme that set out clearly roles and responsibilities to manage both the expectations of participants and the business of the meeting and approved this in November 2015.

- **Mr Philip Redpath, Woodstock resident**

As the SHMA figures significantly informed and influenced the Growth Board, do not the Growth Board feel morally obliged to question the practice of the same company setting the figures for the SHMA and also working for development companies who will seriously benefit from those figures?

The Oxfordshire SHMA was carried out by a reputable consultant who was required to provide formal assurances to the partners about their independence as part of the tender process. The whole process was transparent and subject to rigorous challenge from the partners who are confident that the SHMA offers an objective assessment of the housing need of the county.

Considering that we import 40% of our food, which makes all development of farmland non-sustainable, as the Country is not sustainable in its food productivity, why is it that the Growth Board has no component in it that represents the preservation of open spaces and farmland?

The voting members of the Board are drawn from local authorities who represent all the interests of their constituents and are accountable via the electoral process. In addition, the Board has the opportunity to draw in specialist expertise to assist it in its deliberations as it sees fit.