

Committee: Executive
Date: Monday 7 February 2011
Time: 6.30 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Barry Wood (Chairman)	Councillor G A Reynolds (Vice-Chairman)
Councillor Ken Atack	Councillor Norman Bolster
Councillor Colin Clarke	Councillor Michael Gibbard
Councillor James Macnamara	Councillor Nigel Morris
Councillor D M Pickford	Councillor Nicholas Turner

AGENDA

1. **Apologies for Absence**

2. **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

3. **Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

4. **Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. **Minutes** (Pages 1 - 8)

To confirm as a correct record the Minutes of the meeting held on 10 January 2011.

Strategy and Policy

6. **Overview and Scrutiny Committee Scrutiny Review into Built Environment Conservation Area Policy** (Pages 9 - 18) **6.35 pm**

Report of the Head of Legal and Democratic Services

Summary

To consider the report and recommendations of the Overview and Scrutiny Committee review into the Council's Built Environment Conservation Policy.

The Chairman of the Overview and Scrutiny Committee will attend the meeting to present the report.

Recommendations

The Executive is recommended:

- (1) To note the work of the Overview and Scrutiny Committee with regard to the Built Environment Conservation Area Policy Scrutiny Review
- (2) To agree the Overview and Scrutiny Committee recommendations regarding Built Environment Conservation Area Policy Scrutiny Review as detailed below:
 - (1) That the Executive recognises the importance of our conservation areas and continues to support the work carried out by the Council to protect their character.
 - (2) That the Executive asks the LDF Advisory Panel to make sure that policies to protect conservation areas are contained within the LDF at the appropriate earliest opportunity.
 - (3) That the Executive approves the informal planning guidance document "*Subdivision of buildings for residential use*" which is shortly to be brought before it for approval following public consultation.
 - (4) That the LDF Panel be requested to keep under review the effectiveness of the document "*Subdivision of buildings for residential use*" and in due course, if this document is found not to be effective in generally achieving its objectives, to consider whether the document should be reviewed and incorporated more formally as a Local Development Document within the Local Development Framework.
 - (5) That Executive supports the efforts of the Council as a whole as we work with other organisations (such as the Highway Authority in respect of highway maintenance) to make sure that where public money is spent in conservation areas, this is appropriately directed to ensure that priority is given to ensuring the enhancement of the conservation areas.

7. **Draft Planning and Design Guidance: Subdivision of Buildings for Residential Uses** (Pages 19 - 50) **6.50 pm**

Report of Head of Planning Policy and Economic Development

Summary

To recommend the Executive approve the draft 'Subdivision of Buildings for Residential Uses' document as informal guidance with immediate effect, so that it can be used to aid applicants when submitting applications and assist planning officers and committee members when determining such applications.

Recommendations

The Executive is recommended:

- (1) To approve the Planning and Design Guidance: Subdivision of Buildings for Residential Uses (attached as appendix 1).

8. **Planning Policy for Wind Energy Development** (Pages 51 - 112) **7.00 pm**

Report of Head of Planning Policy and Economic Development

Summary

To seek approval of an informal (non statutory) planning guidance document on the subject of wind turbines and residential development.

Recommendations

The Executive is recommended:

- (1) To approve the document entitled 'Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development' (attached as appendix 1 to this report) for use as informal planning guidance.

Service Delivery and Innovation

9. **Localism Bill 2010: Opportunities for Cherwell** (Pages 113 - 128) **7.10 pm**

Report of Interim Chief Executive

Summary

To consider the opportunities and issues for the district which are created through the Localism Bill 2010.

Recommendations

The Executive is recommended:

- (1) To note the contents of the Localism Bill 2010 and consider any issues and communications they wish to make to the Secretary of State and/or local Members of Parliament.
- (2) To request officers to provide update briefings to the Executive as the Bill continues on its legislative passage.
- (3) To request officers to bring forward any opportunities for pilot projects as and when they arise including any legal, risk and financial implications.

10. Car Park Order Notice (Pages 129 - 132)

7.25 pm

Report of Head of Safer Communities, Urban and Rural Services

Summary

To advise Members of any objections to the Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order advertised on 13 January 2011 and to seek authority to make the Order subject to any objections received.

Recommendations

The Executive is recommended:

- (1) To receive and deal with any objections to the Order (these will be tabled at the meeting)
- (2) To authorise formal Order Making on final proposals for implementation on, or as soon after, 4 April 2011 as is practicable.

11. Concessionary Travel and Community Transport (Pages 133 - 142) 7.35 pm

Report of Head of Housing Services

Summary

This report updates the Executive on changes to the Concessionary Travel Scheme and their implications, following the statutory transfer of the administrative responsibility for the scheme to Oxfordshire County Council from 1 April 2011. The report also updates the Executive with the effects of these changes on the Community Transport (Dial a Ride) scheme, the risks facing the scheme in the future, and the course of action that officers are taking to mitigate as far as possible any adverse effects.

Recommendations

The Executive is recommended:

- (1) To note the change in statutory responsibility for the Concessionary Travel Scheme to the Oxfordshire County Council (“the County Council”) from 1 April 2011, including the changes made to the scheme by the County Council, and the effects on Dial a Ride services provided by Banbury Community Transport Association (BCTA).
- (2) To accept the County Council’s delegation of its functions under section 145[2] of the Transport Act 2000 [duty to issue concessionary passes] and associated powers, to Cherwell District Council for the period up to 31 March 2012 the costs of which are to be met by the County Council.
- (3) To authorise the Head of Housing Services in consultation with the Head of Legal and Democratic Services to negotiate and complete an Agency Agreement with the County Council under section 101 of the Local Government Act 1972 and section 19 of the Local Government Act 2000 that gives effect to the rights and responsibilities referred to in [2] above.
- (4) To approve the further examination and development of the alternative proposals within the Cherwell District for longer term community transport provision identified in paragraphs 2.12 to 2.15, of the report and to note the cost implications referred to in paragraph 2.16.
- (5) To request that the County Council undertake a County Wide review of community transport and related services in the light of the effects of the changes in the Concessionary Travel Scheme and from future funding of Community Transport, the results of which to be reported back to the Executive.

12. Population and Household Projections for Cherwell and Key Implications for the Local Development Framework (Pages 143 - 158) 7.50 pm

Report of Head of Planning Policy and Economic Development

Summary

To outline for members the updated population & household projections for Cherwell and to consider the implications in terms of proposed changes to the Local Development Framework procedures and the consideration of a locally determined level of growth for the district.

Recommendations

The Executive is recommended:-

- (1) To note the information contained in this report and in the attached technical paper (Appendix 1)
- (2) To agree the emerging broad population and household figures for Cherwell District for the period up to 2026 set out in Appendix 1 as a basis for further work on the Core Strategy.

Value for Money and Performance

13. **Performance Management Framework 2010/11 Third Quarter Performance Report** (Pages 159 - 206) **8.20 pm**

Report of Interim Chief Executive and Corporate Strategy and Performance Manager

Summary

This report covers the Council's performance for the period 1 October to 31 December 2010 as measured through the Performance Management Framework.

Recommendations

The Executive is recommended:

- (1) To note the many achievements referred to in paragraph 1.4.
- (2) To request that officers report in the final quarter on the items identified in paragraph 1.5 where performance was below target or there are emerging issues.
- (3) To agree the responses identified to issues raised in the quarter one performance report in paragraph 2.1 or to request additional action or information.

14. **2010/11 Projected Revenue & Capital Outturn at 31 December 2010** (Pages 207 - 238) **8.35 pm**

Report of Head of Finance

Summary

This report summarises the Council's Revenue and Capital performance for the first 9 months of the financial year 10/11 and projections for the full 10/11 period. These are measured by the budget monitoring function and reported via the Performance Management Framework (PMF) informing the 10/11 budget process currently underway.

This report also considers progress against the 20010/11 Corporate Procurement Action Plan which contributes to our annual efficiency target.

Recommendations

The Executive is recommended:

- (1) To note the projected revenue & capital position at December 2010.
- (2) To approve the changes in the 2010/11 capital programme as follows:

- Slip an additional £2,072K of project funding into the 2011/12 capital programme (detailed in main body of report below) and consider this as part of the 2011/12 budget process.
 - Approve the supplementary estimate of £45,000 for implementing the changes due to car parking proposals (detailed in Appendix 3).
- (3) To note the contents and the progress against the Corporate Procurement action Plan (detailed in Appendix 1) and the Procurement savings achieved at December 2010 (detailed in Appendix 2).
 - (4) To approve the transfer of projected service underspends to reserves to facilitate the funding of SNC joint working implementation costs and replenishment of the planning control reserve.
 - (5) To approve the transfer of the windfall interest received in respect of the Councils VAT Fleming case to the Organisational change reserve.

15. Draft Budget 2011-12 (Pages 239 - 278)

8.45 pm

Report of Head of Finance

Summary

The Council is required to produce a balanced budget for 2011/12 as the basis for calculating its level of Council Tax. It has to base that budget on its plans for service delivery during the year, recognising any changes in service demand that may arise in future years. The first draft was reported to the December 6 2010 Executive meeting and a second draft to the January 10 2011 Executive meeting. The information has now been updated to reflect changes since then and, subject to any further changes Members may wish to include tonight, this final draft will be used to prepare a final budget proposal to be presented to full Council on 21 February 2011.

Recommendations

The Executive is recommended:

- (1) To approve the changes to the draft budget since 10 January 2011 and consider the draft revenue budget (detailed in Appendix 1) in the context of the Council's service objectives and strategic priorities.
- (2) To approve the surplus of £9,149 be transferred to general fund balances to enable a balanced budget.
- (3) To recommend to Full Council a Council tax freeze or amend the proposals contained within this report to recommend a different level of Council Tax.
- (4) To delegate authority to the Head of Finance, in consultation with the Portfolio Holder for Resources and Communication, to amend the contributions to or from general fund balances to allow the Council Tax increase to remain at the level recommended by Executive to full council following the announcement of the final settlement figures.

- (5) To agree the proposed 2011/12 capital programme (detailed in Appendix 2).
- (6) To note the review of earmarked revenue reserves undertaken by the Portfolio Holder of Resources and Communication and approve re-allocation between various earmarked reserves and creation of 2 new reserves. (detailed in Appendix 3).
- (7) That the draft corporate plan and public pledges be endorsed and to delegate authority to the interim Chief Executive in consultation with the Leader of the Council to make any minor amendments to the plan or pledges as required. (detailed in Appendix 4).
- (8) To note the 2011/12 Corporate Improvement Plan (detailed in Appendix 5).
- (9) To note the latest MTFS financial forecast is currently being refreshed and will be part of the budget book.
- (10) To request officers to produce the formal 2011/12 budget book on the basis of Appendices 1-4.
- (11) To Recommend, subject to any further changes Members may wish to include tonight, the updated draft for adoption by the Council on 21 February 2011 (as a key decision).

Urgent Business

16. Urgent Business

Any other items which the Chairman has decided is urgent.

(Meeting scheduled to close at 9.00 pm)

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 221587 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact James Doble, Legal and Democratic Services james.doble@cherwell-dc.gov.uk (01295) 221587

Ian Davies
Interim Chief Executive

Published on Friday 28 January 2011

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Agenda Item 5

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 10 January 2011 at 6.30 pm

Present: Councillor Barry Wood (Chairman)
Councillor G A Reynolds (Vice-Chairman)

Councillor Ken Atack
Councillor Norman Bolster
Councillor Colin Clarke
Councillor Michael Gibbard
Councillor James Macnamara
Councillor Nigel Morris
Councillor D M Pickford
Councillor Nicholas Turner

Also Present: Councillor Daniel Sames
Councillor Leslie F Sibley

Officers: Ian Davies, Interim Chief Executive and Head of Paid Service
John Hoad, Strategic Director - Planning, Housing and Economy
Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer
Martin Henry, Chief Finance Officer / Section 151 Officer
Karen Curtin, Head of Finance
Gillian Greaves, Head of Housing Services
Richard McIntyre, Senior Housing Options Officer
Martyn Swann, Strategic Housing Manager
Kate Winstanley, Strategic Housing Officer
James Doble, Democratic, Scrutiny and Elections Manager

95 **Declarations of Interest**

Members declared interests in the following agenda items:

96 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

97 **Urgent Business**

There were no items of urgent business.

98 **Minutes**

The minutes of the meeting held on 6 December 2010 were agreed as a correct record and signed by the Chairman.

99 **Housing in Cherwell and the Current Economic Climate**

The Head of Housing Services submitted a report to:

- Update the Executive on the progress made in implementing the Affordable Housing and the Recession Action Plan approved by Executive in January 2009
- Advise the Executive on the Government's proposed housing policy changes and housing and welfare benefit reform and its potential impact on the Council's housing function in the current economic climate
- Recommend to Executive a Housing & Current Economic Climate Action Plan to steer the Council through these changes until the new Housing Strategy is in place in April 2012.
- Advise Executive on plans to bring forward a new Cherwell Housing Strategy in 2012 that will respond to the new policy context and financial climate
- Endorse a Cherwell District Council response to the Government consultation "Local Decisions: a fairer future for social housing"

In the course of discussion it was noted that there were significant changes to both the terminology and delivery of social housing and Members requested a seminar be arranged to clarify these changes.

Resolved

- (1) That the progress and completion of the Affordable Housing and the Recession Action Plan be noted.
- (2) That the Housing and the Current Economic Climate Action Plan for moving forward as set out in the annex to the minutes (as set out in the minute book) be endorsed.
- (3) That the response to the Government consultation paper as set out in the annex to the minutes (as set out in the minute book) be endorsed.
- (4) That the current and proposed housing and welfare benefit changes and the potential impact upon the Housing Service be noted.
- (5) That the plans to bring forward a Cherwell Housing Strategy and approve the structure for Member involvement in the Housing Strategy Programme Board be approved.

Reasons

The Coalition Government is proposing changes which will substantially affect the provision of housing services and housing related support. To support

members in understanding the local impacts of these changes, this report outlined the work that was being proposed to ensure the Council is able to continue to respond to its Corporate Plan priorities, and deliver housing services within a value for money context.

Options

- Option One** Accept the recommendations contained in this report, thereby endorsing the response to Government housing consultation, instructing officers to implement the Housing and Current Economic Climate Action Plan and approving medium term plans to bring forward a new Cherwell Housing Strategy
- Option Two** Accept the recommendations contained in this report subject to any amendments by Members
- Option Three** Not to approve plans to bring forward a Cherwell Housing Strategy. This would require new plans being produced for Members, and is not recommended.

100

Planning Obligations Supplementary Planning Document

The Strategic Director Planning, Housing and Economy submitted a report to consider the Planning Obligations Draft Supplementary Planning Document (SPD) and sought approval for the use of the draft SPD as informal guidance with immediate effect.

During the course of the debate members made a number of detailed comments and observations, in light of which it was agreed would be considered prior to public consultation. Therefore recommendation 2 as set out in the report was withdrawn and recommendation 1 amended to enable the timing of the consultation to be at the discretion of the Portfolio Holder.

It was also requested that members of the Executive should be provide with full copies of any documents that they were being asked to consider for public consultation.

Resolved

- (1) That the Planning Obligations Draft Supplementary Planning Document be noted and subject to the consideration of observation raised at the meeting endorsed for public consultation, the timing of which to be at the discretion of the Portfolio holder.
- (2) That the Strategic Director, Planning, Housing and Economy, be authorised in consultation with the Portfolio Holder Planning and Housing, to make any further minor non-substantive changes as are necessary to the draft Supplementary Planning Document prior to the publication for public consultation.

Reasons

A Planning Obligations Draft Supplementary Planning Document has been prepared to offer more detailed guidance to supplement the policies in the Core Strategy on how the Council (as Local Planning Authority - LPA) will decide what new infrastructure and facilities need to be provided as a consequence of development and assess requirements for "in kind" provision and / or financial contributions towards provision. Existing guidance on the Council's requirements for planning obligations is given in the document 'Interim Guidance on Planning Obligations' approved in April 2007.

Options

Option One To endorse the SPD for public consultation and approve the use of the draft SPD as informal guidance for development control purposes with immediate effect.

Option Two To endorse the SPD for public consultation with amendments and to approve the use of the draft SPD as informal guidance for Development Control purposes following amendment.

Option Three Not to endorse the SPD for public consultation and not to approve the use of the draft SPD as informal guidance for Development Control purposes.

101

Recommendations from Overview and Scrutiny Committee- Car Parking Charges Call-in

The Executive considered a referral back to them for reconsideration following consideration of a Call-in by the Overview and Scrutiny Committee, as set out below

We the named Councillors and non-executive members of Cherwell District Council hereby give notice that we wish to call in for further scrutiny the Executive decision's of Monday 6th December 2010 regarding the proposals to increase Car Parking Fees, the extension of car parking hours, the introduction of parking fees for Blue Badge Holders and the decision to begin negotiations with regards to Watts Way, Kidlington.

Councillor Sames, Chairman of the overview and Scrutiny Committee presented the referral as set out below:

That the proposals of the Executive to increase Car Parking Fees, the extension of car parking hours, the introduction of parking fees for Blue Badge Holders and the decision to begin negotiations with regards to Watts Way, Kidlington be referred back to the Executive and that in reconsidering the decision the Executive should take note of the concerns expressed at the Overview and Scrutiny Committee meeting and the following 5 points:

1. *Ensure proper consultation on Watts Way, Kidlington*
2. *Request the Executive investigate alternative ways to find funds (e.g. £39k to offset the introduction of evening charges)*
3. *Investigate the feasibility of barrier parking/pay on exit*
4. *Study the economic impact of parking charges*
5. *Investigate the number of disabled bays across the district, the ratio of short to long stay spaces and motorcycle parking availability*

As Labour Group Leader Councillor Sibley addressed the meeting.

In considering the referral, the Executive welcomed the detailed consideration the Committee had given to the issue and noted that there had been the opportunity for all interested parties at the meeting to contribute.

Resolved

- (1) That the decisions of the Executive on 6 December 2010 in connection with the implementation of car parking proposals be reaffirmed , in order to achieve a balanced budget, and for these to be introduced on or as soon after 4 April 2011 as is practicable:
- (2) That the decision of the Executive on 6 December 2010 to begin negotiations with Eames with regard to the covenant for Watt's Way car park, Kidlington be reaffirmed
- (3) That the Overview and Scrutiny Committee be requested to take forward in its work programme in 2011/12 further investigation of the following strategic parking issues:
 - The balance and location of long stay/short stay parking in Banbury, Bicester and Kidlington
 - The wider economic impact of Parking Policy on the Districts urban centres
 - The cost benefit of alternative management arrangements for car parks, including 'Pay on Exit'.
- (4) That the Overview and Scrutiny Committee be requested to report back to the Executive at the end of 2011 the outcome of its findings from 3 above and any recommendations for change.

Reasons

The Executive consider that on balance taking in to consideration all the evidence presented at the Overview and Scrutiny Committee, that their decisions on 6 December 2010 remain justified.

Options

- | | |
|---------------------|----------------------------------|
| Option One | To agree the recommendations |
| Option Two | Not to agree the recommendations |
| Option Three | To amend the recommendations |

102

Budget 2011/12 Draft 2

The Head of Finance submitted a report which provided the second opportunity for the Executive to shape and refine the interaction between corporate plan service plans and financial matters before the final budget is presented to the Council on the 21 February 2011.

Resolved

- (1) That the outcome of the 2011/12 provisional settlement be noted;
- (2) That the draft revenue budget 2be noted in the context of the Council's service objectives and strategic priorities
- (3) That the draft corporate plan for 2011/12 which is currently subject to consultation, be noted;
- (4) That the approach to the overall capital programme and 10/11 expenditure profile set out in the annex to the minutes (as set out in the minute book) be agreed;
- (5) That no further matters be taken into consideration in producing a balanced budget for the next meeting of the Executive at this time ;
- (6) That the Tax Base Report set out in the annex to the minutes (as set out in the minute book) be noted and
 - that, in accordance with the Regulations, as amended, the amount calculated by the Cherwell District Council as its council tax base for the year 2011/2012 shall be 50,337; and
 - the report of the Head of Finance, made pursuant to the Local Authorities (Calculation of Tax Base) Regulations 1992, as amended, and the calculations referred to therein for the purposes of the Regulations be approved; and
 - that the tax base for parts of the area be in accordance with the figures shown in column 13 in the annex to the minutes (as set out in the minute book).
 - the council continue with the discretionary awards that it resolved to give on December 1 2008.

Reasons

The Council has to adopt a budget for 2011/12 as the basis for calculating its level of Council Tax and has to base that budget on its plans for service

delivery during the year, recognising any changes in service demand that may arise in future years.

Options

Option One To review draft revenue and capital budget to date and consider actions arising.

Option Two To approve or reject the recommendations above or request that Officers provide additional information.

103

Culture and Heritage Value for Money Review

The Interim Chief Executive submitted a report to consider the findings of the Value for Money (VFM) Review of Culture and Heritage report and the recommendations arising from the report

Resolved

- (1) That the overall conclusion of the review that the service is low cost for the Museum but high cost for its Arts service, has high performance in terms of visitor numbers to the museum and is high quality in terms of user satisfaction for the museum be endorsed.
- (2) That improvements in value for money be sought and that the following recommendations for achieving savings of £81,130 in 2011/12 be approved;
 1. Introduce single staffing at Banbury Museum, saving £13,385
 2. Reduce the Museum exhibitions budget and operational costs, saving £15,476
 3. Reduce arts funding by £31,906, ending grant aid support for all provision other than The Mill, Banbury
 4. Reduce Arts Officer hours to 43 per week, saving £15,108
 5. Reduce the operational revenue budget for Arts officers by 26%, saving £5,255
- (3) That core service funding of The Courtyard, Bicester be ceased due to the intended change in use of the facility from a dedicated youth arts centre which, prima facie, negates the operational agreement the Council is party to. However, retain the provision of a dedicated arts officer to the facility to continue support for the remaining youth arts provision. Subject to further negotiation with OCC and the Arts Council Lottery Unit, this will enable further savings of £38,000 in 2011/12.
- (4) That subject to further assessment, it be agreed in principle to transfer the operation of the Museum and Tourist Information Centre (TIC) into a bespoke Trust developed for the purpose from 2013/14, saving an estimated £64,000 in NNDR.

- (5) That officers be requested to bring a detailed report on the creation of a Trust for the Museum and TIC to a future meeting.

Reasons

This review forms part of the Value for Money programme of reviews, which aims to cover all services within the Council and improve the value of services offered to residents of Cherwell. Culture and Heritage was selected as an area for a 'health check' review during 2010/11 along with a number of other services as these had not previously been covered by the VFM programme but account for a high level of expenditure. The aim of such reviews is to quickly identify potential savings using information that is readily available.

Options

Option One To make savings of £183,130 as set out in the recommendations, which will significantly reduce the costs of the service, including arts funding, while still retaining a reasonable level of service provision

Option Two To make further savings of £66,000 in arts development funding to bring it in line with the average spend of comparator authorities. This would require the loss of two posts and the end of funding to The Mill, putting the sustainability of the service in question.

The meeting ended at 8.55 pm

Chairman:

Date:

Executive

Overview and Scrutiny Committee Scrutiny Review into Built Environment Conservation Area Policy

7 February 2011

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

To consider the report and recommendations of the Overview and Scrutiny Committee review into the Council's Built Environment Conservation Policy.

The Chairman of the Overview and Scrutiny Committee will attend the meeting to present the report.

This report is public

Recommendations

The Executive is recommended:

- (1) To note the work of the Overview and Scrutiny Committee with regard to the Built Environment Conservation Area Policy Scrutiny Review
- (2) To agree the Overview and Scrutiny Committee recommendations regarding Built Environment Conservation Area Policy Scrutiny Review as detailed below:
 - (1) That the Executive recognises the importance of our conservation areas and continues to support the work carried out by the Council to protect their character.
 - (2) That the Executive asks the LDF Advisory Panel to make sure that policies to protect conservation areas are contained within the LDF at the appropriate earliest opportunity.
 - (3) That the Executive approves the informal planning guidance document "*Subdivision of buildings for residential use*" which is shortly to be brought before it for approval following public consultation.
 - (4) That the LDF Panel be requested to keep under review the effectiveness of the document "*Subdivision of buildings for residential use*" and in due course, if this document is found not to be effective in generally achieving its objectives, to consider whether the document should be reviewed and incorporated more formally as a Local Development Document within the Local Development Framework.

- (5) That Executive supports the efforts of the Council as a whole as we work with other organisations (such as the Highway Authority in respect of highway maintenance) to make sure that where public money is spent in conservation areas, this is appropriately directed to ensure that priority is given to ensuring the enhancement of the conservation areas.

Executive Summary

Introduction

- 1.1 As part of their 2010 work programme the Overview & Scrutiny Committee considered undertaking a full scrutiny review of the work of the planning service within built environment conservation areas insofar as that work related to:
- Identifying, appraising and reviewing conservation areas
 - developing planning policies and guidance to protect conservation areas
 - determining planning applications, Listed Building Consents and Conservation Area Consents
 - enforcing the planning decisions of the Council

Proposals

- 1.2 The Committee agreed to make this topic the subject of a Select Committee style investigation rather than a project based task and finish review.
- 1.3 A detailed briefing pack of documents relating to the above issues was circulated to members of the Committee in advance of their meeting on 26 October 2010. The Head of Planning Policy and Economic Development, the Design and Conservation Team Leader and the Team Leaders from Development Control and Major Developments attended that meeting to answer the Committee's questions about the Council's policy and practice with regard to conservation areas.

Conclusion

- 1.4 The Overview and Scrutiny Committee concluded its review into the Council's Built Environment Conservation Policy at its meeting on 6 December 2010. The Committee's findings, conclusions and recommendations are set out in the main body of the report (Appendix 1).
- 1.5 All of the background information and evidence considered during the review is available on request from Democratic Services.

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One To accept some or all of the overview and scrutiny recommendations.

Option Two To reject some or all of the overview and scrutiny recommendations.

Implications

Financial: There are no financial implications arising directly from this report.

Comments checked by Denise Taylor, Service Accountant CS&R, 01295 221982

Legal: There are no legal implications arising directly from this report.

Comments checked by Liz Howlett, Head of Legal and Democratic Services, 01295 221686

Risk Management: There are no risk implications arising directly from this report.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566

Wards Affected

All

Corporate Plan Themes

A Cleaner Greener Cherwell
Cherwell, an accessible value for money Council

Executive Portfolio

Councillor Gibbard
Portfolio Holder for Planning and Housing

Document Information

Appendix No	Title
Appendix 1	Built Environment Conservation Area Policy Scrutiny Review
Background Papers	
N/A	

Report Author	Catherine Phythian, Senior Democratic & Scrutiny Officer
Contact Information	01295 221583 Catherine.phythian@Cherwell-dc.gov.uk



**Built Environment Conservation Area Policy
Scrutiny Review**

**Overview and Scrutiny Committee
November 2010**

Membership of the Overview and Scrutiny Committee

Cllr Dan Sames (Chairman)	Cllr Linda Thirzie Smart (Vice-Chairman)
Cllr Ann Bonner	Cllr Nick Cotter
Cllr John Donaldson	Cllr Andrew Fulljames
Cllr Alastair Milne Home	Cllr Leslie F Sibley
Cllr Chris Smithson	Cllr Trevor Stevens
Cllr Keith Strangwood	Cllr Lawrie Stratford

Acknowledgements

The Overview and Scrutiny Committee would like to thank the following for providing information and evidence to the Committee:

- Cllr Gibbard, PfH Planning and Housing
- John Hoad, Strategic Director Planning Housing and Economy
- Phil Clarke, Head of Planning Policy and Economic Development
- Linda Rand, Design & Conservation Team Leader
- Bob Duxbury, Development Control Team Leader
- Jenny Barker, Team Leader - Development Control & Major Developments

1 Introduction

In the summer of 2010 the Overview & Scrutiny Committee considered undertaking a full scrutiny review of the work of the planning service within conservation areas insofar as this work relates to:-

- Identifying, appraising and reviewing conservation areas
- developing planning policies and guidance to protect conservation areas
- determining planning applications, Listed Building Consents and Conservation Area Consents
- enforcing the planning decisions of the Council

A detailed briefing pack of documents relating to the above issues was circulated to members of the Committee in advance of the meeting on 26 October 2010. The Head of Planning Policy and Economic Development, the Design and Conservation Team Leader and the Team Leaders from Development Control and Major Developments attended that meeting to answer the Committee's questions about the Council's policy and practice with regard to conservation areas.

2 Evidence

The issues considered and the information reviewed by the Overview and Scrutiny Committee is listed below:

Ref	Title of document
1	Type and number of Conservation areas in Cherwell Evidence provided: List of conservation areas, date designated and date(s) reviewed
2	Current national legislation as it applies to conservation areas (what it does and does not allow)
3	Provisions of Local Planning Policy Evidence provided: Bryan House / Chapel Street Informal Development Principles Stanbridge Hall Informal Development Principles Subdivision of Buildings for residential use (working draft not for public distribution) RAF Bicester Planning Brief Householder Design Guide
4	The current procedures for the designation of conservation areas and examples of existing conservation area appraisals and the guidance documents available to residents Evidence provided: Typical poster advertising exhibition and public meeting Typical leaflet distributed to all households advertising exhibition and public meeting Typical ballot Typical letter to all households within the designated area informing of changes that result. Mollington Conservation Area Appraisal Shennington with Alkerton Conservation Area Appraisal RAF Bicester Conservation Area Appraisal Banbury Conservation Area Appraisal
5	An example of the current procedure for planning applications within a conservation area and the type of advice / support provided by officers to the public. Evidence provided: Rosebank, Bloxham Vine Cottage, Noke 20-21 Newton Purcell Littlebury Hotel, Bicester
6	Information on the number and incremental cost of processing conservation area consent application
7	Information on the frequency of instances where the advice of the Conservation Officer is over-ruled by colleagues or Planning Committee
8	Details of the relationships with local amenity groups (eg the local civic society) with regard to conservation areas.
9	Clarity on the Council's legal powers – Cherwell District Council Planning Enforcement Policy – and what additional measures are available.

3 Conclusions

Having been presented with information by officers and based on discussion of a wide range of issues relating to the matter, the Committee has decided not to undertake a full scrutiny review of this matter at the current time. The Committee is, however, able to draw a number of conclusions and make several recommendations to Executive.

The Committee recognises the importance of conservation areas in helping to maintain the quality of the environment in Cherwell, attract businesses to the district and enhance the quality of life for its residents. It strongly supports the work which the council does to seek to protect conservation areas and properly control development within them.

The Committee recognises the limitations imposed by national legislation and planning policy on the power of local authorities to intervene in conservation areas. It particularly notes the new PPS5 (Planning and the Historic Environment) which places greater weight on the concept of undesignated heritage assets than has previously been the case.

The Committee endorses measures taken by Cherwell District Council to put appropriate local planning policies and guidance in place to protect conservation areas, and would wish to urge the council to ensure that this continues into the future. Whilst the committee supports the role of informal planning guidance documents (such as the emerging document "*Subdivision of buildings for residential use*" and proposed shop front design guide) it would be concerned if these are not subsequently found to be effective as a development control tool. The Committee considers that this matter should be kept under close review by the LDF Advisory Panel. If it was found to be the case that such informal documents are not supported by inspectors in planning appeals, or cannot otherwise be given appropriate planning weight, the Committee would wish to see such documents produced as formal "local development documents" within the Local Development Framework.

The Committee recognises that there will be cases where the professional opinion of the Design & Conservation Officer on a planning application will not be reflected in the final recommendation of the case officer or decision of the Council. It agrees that in making a balanced judgement in respect of any application, the case officer has to balance a number of (sometimes competing) interests or factors. The Committee welcomes, however, the fact that the views of the Design & Conservation officer are only "overruled" in approximately 2% of cases.

The Committee welcomes the work that the council does to enforce against breaches of planning control within conservation areas. The Committee recognises that there is currently no scope for the Council to recover the costs of enforcement and prosecution other than the normal legal costs associated with a court appearance. The ability to issue fines and recover actual costs associated with planning enforcement cases would require a change to primary legislation. The Committee agreed that this was an issue that should

be raised at the forthcoming visit to the Council by John Howell, Member of Parliament for Henley and a principal author of the government's proposals for reform of the planning system.

The Committee recognises the opportunities open to the council, working with partner organisations, to do more to enhance the conservation area, including through the use of environmental improvement grants, but acknowledges the cost and time required to deliver these. Furthermore, there are opportunities where other council services are carried out (such as highway repairs by the County Council) to ensure that these are done appropriately, recognising the special character of conservation areas. In regard to Article 4 Direction Orders, it is recognised that in addition to the cost and time required to create these, there is then an ongoing resource commitment from the Council to determine planning applications within the affected area. Such applications would not attract a planning fee.

4 Recommendations

The Committee wish to make the following recommendations to the Executive.

1. That the Executive recognises the importance of our conservation areas and continues to support the work carried out by the Council to protect their character.
2. That the Executive asks the LDF Advisory Panel to make sure that policies to protect conservation areas are contained within the LDF at the appropriate earliest opportunity.
3. That the Executive approves the informal planning guidance document "*Subdivision of buildings for residential use*" which is shortly to be brought before it for approval following public consultation.
4. That the LDF Panel be requested to keep under review the effectiveness of the document "*Subdivision of buildings for residential use*" and in due course, if this document is found not to be effective in generally achieving its objectives, to consider whether the document should be reviewed and incorporated more formally as a Local Development Document within the Local Development Framework.
5. That Executive supports the efforts of the Council as a whole as we work with other organisations (such as the Highway Authority in respect of highway maintenance) to make sure that where public money is spent in conservation areas, this is appropriately directed to ensure that priority is given to ensuring the enhancement of the conservation areas.

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Executive

Draft Planning and Design Guidance: Subdivision of Buildings for Residential Uses

7 February 2011

Report of Head of Planning Policy and Economic Development

PURPOSE OF REPORT

To recommend the Executive approve the draft 'Subdivision of Buildings for Residential Uses' document as informal guidance with immediate effect, so that it can be used to aid applicants when submitting applications and assist planning officers and committee members when determining such applications.

This report is public

Recommendations

The Executive is recommended:

- (1) To approve the Planning and Design Guidance: Subdivision of Buildings for Residential Uses (attached as appendix 1).

Executive Summary

Introduction

- 1.1 The Homes and Communities Agency has mandatory room sizes for all public rented sector homes, but there is no national standard for private sector homes.
- 1.2 Recent research by CABA has revealed that occupants consider space inside modern homes too small and CABA recommends that Local Authorities should set their own minimum space standards, and many have done so.
- 1.3 Officers and members of this Council have over recent years expressed concern at the number of planning applications submitted for the conversion of houses into flats and bedsit accommodation where the quality of the proposed living environment is not considered to be acceptable. In many cases, the proposed room dimensions make it impossible to even arrange a modest amount of furniture and live comfortably.
- 1.4 The issues addressed by this document have also recently been considered by the Overview & Scrutiny Committee as part of its scrutiny review of council policy and practice in conservation areas. There is a report elsewhere on this

agenda which sets out the Committees recommendations to the Executive following this review. During this review, the Scrutiny Committee saw a draft of the Subdivisions document and expressed its strong support for it.

- 1.5 The draft document prepared by the Head of Planning Policy and Economic Development has been consulted upon and is now brought before the Executive for approval.
- 1.6 The document sets out clear guidance on the sub division of buildings for residential use and it is designed to aid applicants, agents and developers in drawing up proposals and council officers in determining planning applications.

Proposals

- 1.7 The draft document was drawn up by an officer group from the Design and Conservation Team, Development Control, Building Control and Private Sector Housing. It includes guidance on minimum room sizes to ensure adequate internal living environments and also other matters such as the location of bin stores, down pipes etc that can have a wider impact on the street scene.
- 1.8 The draft document was subject to consultation with approximately 100 organisations and businesses with an interest in the subject, between 2 December 2010 and 7 January 2011. Thirteen responses were received and a précis of their content is included in appendix 2.
- 1.9 Following the consultation period, an additional paragraph (58) was added to the requirements set out for 'Houses in Multiple Occupation (HMO)'. No other alterations to the draft have been identified.

Conclusion

- 1.10 Subject to approval by the Executive, this document will be approved as informal planning guidance. As informal guidance, it will have limited weight but, having been the subject of consultation, will be a material consideration in the determination of planning applications for sub-division of buildings for residential use. Letters will be sent to all individuals and organisations known to submit such applications advising them of the document and it will be publicised as available on the Council's web site.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The key issue considered in this report is the proposed improvement of living environments created by the sub-division of existing residential premises. It also provides guidance on the impact on such works on the external appearance of the building and any further impact on the street as a whole.
- 3.2 The Executive is invited to consider approving the draft document as informal planning guidance with immediate effect.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** Approve the document without changes.
- Option Two** Approve the document with changes.
- Option Three** Do not approve of the document.

Consultations

Please see appendix 2 entitled 'Summary of Consultation Responses'.

Implications

- Financial:** The cost of preparation of the document has been covered by normal resources. It is anticipated that the use of this document will provide a higher quality of planning application and should therefore reduce the amount of time taken in processing and determining such applications. This should also result in a reduction in appeals and therefore a saving in appeal costs.
- Comments checked by Eric Meadows, Service Accountant, 01295 221552.
- Legal:** The document will, if approved, be adopted as informal development principles. It will therefore not form part of the statutory development plan, but will be afforded weight as a material consideration in the determining of planning applications.
- Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221687.
- Risk Management:** It is anticipated that there will be a reduction in the risk of submission of poor quality planning applications.
- Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566.
- Equalities** It is hoped that people renting or buying converted flats in the private sector will be ensured decent homes.
- Comments checked by Caroline French, Equalities and Diversity Officer, 01295 221586.

Wards Affected

All wards

Corporate Plan Themes

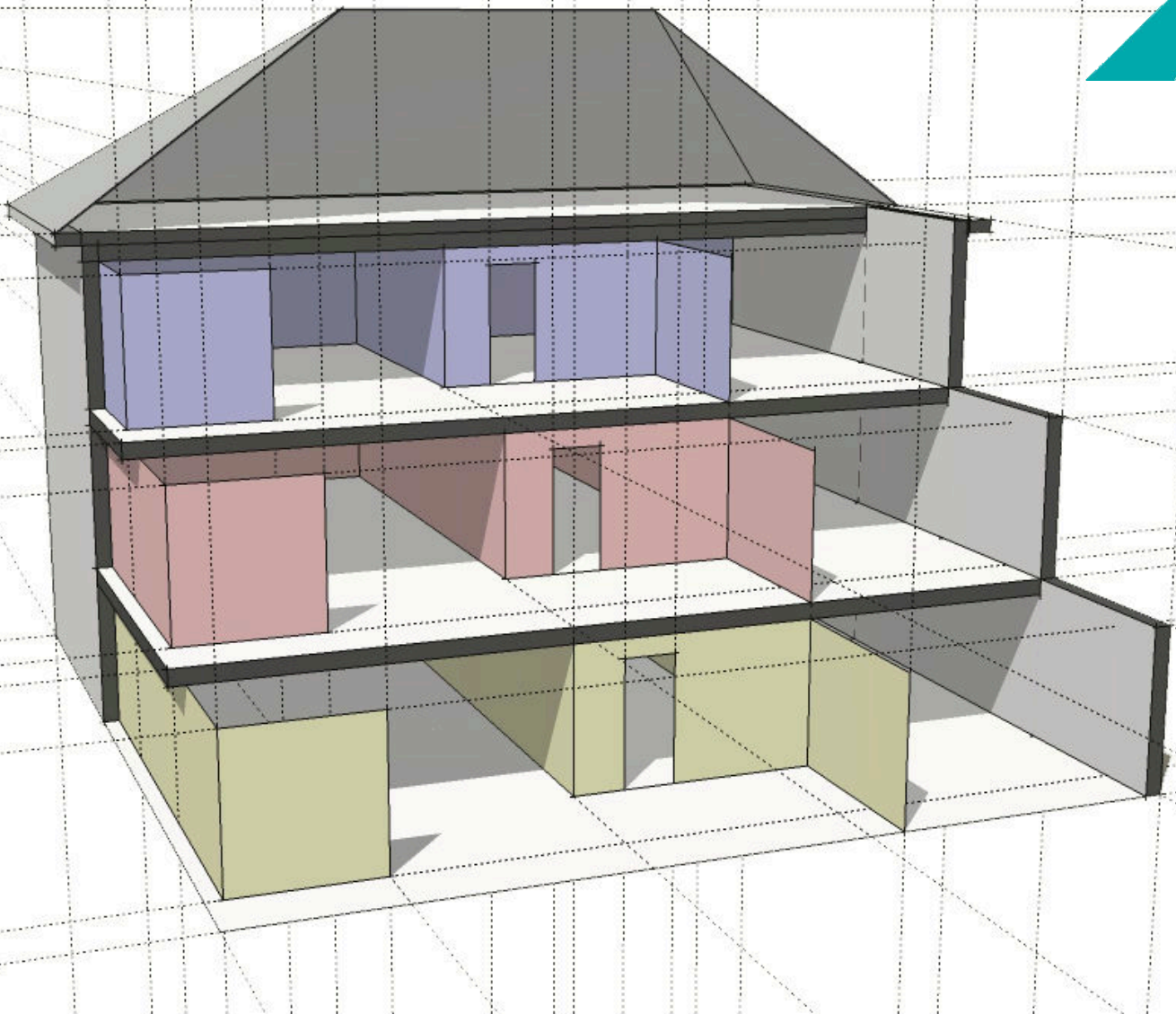
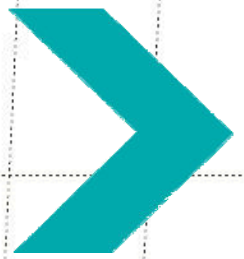
A safe and healthy Cherwell
A cleaner, greener Cherwell
Cherwell: An accessible, value for money Council

Executive Portfolio

Councillor Gibbard
Portfolio Holder for Planning and Housing

Document Information

Appendix No	Title
Appendix 1	Planning and Design Guidance: Subdivision of Buildings for Residential Use
Appendix 2	Summary of Consultation Responses
Background Papers	
None	
Report Author	Linda Rand (Design and Conservation Team Leader)
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Planning and Design Guidance:
Sub Division of Buildings for Residential Use
February 2011

Planning, Housing and Economy

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The Purpose of this Guide



1. The Government's key housing policy goal set out in *Planning Policy Statement 3: Housing* is "to ensure that everyone has the opportunity of living in a decent home, one they can afford, in a community where they want to live".

2. The Council has become concerned at the number of planning applications submitted that propose to convert houses into flats and bedsit accommodation, where the proposed room dimensions would produce very cramped living conditions and, in some cases, make it impossible to arrange even a modest amount of furniture and live comfortably. The Council does not consider that such properties constitute decent homes.

3. British homes are amongst the smallest in Europe. Recent CABA research has revealed that space inside modern homes is considered too small by the occupants and it recommends that Local Authorities should set minimum space standards. Many already do.

4. The Council is responsible for dealing with overcrowding in domestic premises. Several different pieces of legislation are relevant:

Statutory Overcrowding

(i) The Statutory Overcrowding provisions in the Housing Act 1985 continue to apply and provide bench-mark space standards which can be used to assess the suitability of rooms of different sizes.

Overcrowding as an enforceable hazard

(ii) The Council is also able to assess possible overcrowding using the Housing Health and Safety Rating System and is required to take action if a serious hazard is identified.

Space Standards in Houses in Multiple Occupancy

(iii) A building containing rooms occupied as separate units of accommodation by individual households sharing kitchen or bathroom facilities is classed as a House in Multiple Occupation (HMO). The Housing Act 2004 (section 139) gives the Council the power to serve an overcrowding notice if it considers that an 'excessive number' of people 'is being or is likely to be accommodated' in an HMO.

5. The Council has adopted space standards for this purpose and also uses these when setting licence conditions for those HMOs which require a licence. The Council standards are contained in this document in sections 45 to 57.

Other guidance on size

6. Although none of the legislation referred to provides an absolute standard which can be applied to individual rooms in a converted flat, the guidance provided in support of the legislation, the Council's adopted HMO standards and the floor space standards provided for the assessment of Statutory Overcrowding have informed this document.

7. The Homes and Communities Agency (HCA) has its own standards, which are currently being reviewed. If proposed core standards are adopted they will apply to new build, general needs housing and non-specialised housing where the HCA is:

- Providing an element of grant funding which represents the majority of housing provision supported by the HCA.
- Facilitating or providing free or discounted land value.
- Facilitating or funding major infrastructure investment as part of a regeneration project.

The HCA requirements are contained in the following table.

Homes and Communities Agency Room Standards	
No bedrooms/ occupancy	M ²
1 Bed/ 2 person	48
2 Bed/ 3 person	61
2 Bed/ 4 person	70
3 Bed/ 5 person	86
4 Bed/ 6 person	99

8. The Council will however use this guidance as an overall marker for the size of complete units. Whilst it is recognised that the combined sizes of the room dimensions set out in this document may not reach the overall HCA standards, the Council does not expect there to be any circumstances where only the minimum room dimensions are used.

9. This document should be read alongside other existing guidance and policy, notably:

- The Councils Home Extensions and Alterations Design Guide (March 2007). This can be found at www.cherwell.gov.uk/.
- The Councils private sector housing policies. These can be found at www.cherwell.gov.uk/.
- The approved documents of the Building Regulations. These can be found at www.planningportal.gov.uk/.

10. The Council will apply the guidance contained in this document to

- the conversion of existing properties to flats, studio flats or HMOs and
- the construction of new flats

The guidance applies whether the properties are for sale or rent.

The Status of this Guide



11. This document has been the subject of consultation with stakeholders and the public. It has been amended in light of the comments received and adopted as Informal Development Principles by the Council's Executive. Whilst it will not form part of the Statutory Development Plan, it will be afforded weight as a material consideration in the determination of planning applications.

12. The Non-Statutory Cherwell Local Plan covers the period 2001-2011 and was originally produced as a replacement for the adopted Local Plan.

The decision was taken by the Council to discontinue work on the plan on the 13 December 2004 and withdraw it from the statutory local plan process as by the time of its adoption it would have been substantially out of date, having been overtaken by the Oxfordshire Structure Plan 2016.

The Council has been working on the preparation of a Local Development Framework (LDF) since December 2004. However, to avoid a policy void the Non-Statutory Cherwell Local Plan 2011 was approved by the Council as interim planning policy for development control purposes on the 13 December 2004.

The Non Statutory Cherwell Local Plan carries reduced weight compared to an adopted local plan. Nevertheless, it is a material consideration in the determination of applications for planning permission.

13. Policy H23 of the Non Statutory Cherwell Local Plan, states:

"Proposals for the conversion of existing dwellings to provide two or more self contained units of accommodation will be permitted provided that they would be unlikely to cause demonstrable harm to the amenities and privacy of neighbouring properties. Outside the built up limits of a settlement, proposals for the conversion of an existing dwelling to two or more units will not be permitted unless it would secure the future of a listed building."

Residential Conversions

Room Dimensions

14. This section sets out what the Council considers to be the absolute minimum dimensions for room sizes, based upon feasible arrangements and space required for furniture and movement. In all cases, if window or door positions vary or if other features, such as low ceilings, projecting chimney breasts or radiators, compromise the most efficient layout, dimensions will need to be increased.

It is unlikely that accommodation limited to the sum of the minimum dimensions for each room will be acceptable. It is the responsibility of the applicant to demonstrate that the following minimum requirements can be satisfactorily accommodated.

Studio Flat:

Minimum floor area 20m² plus bathroom (in each case)

15. A studio flat to which this guidance applies is a self contained living environment where living, cooking, eating and sleeping takes place in one room, with private bathroom facilities (see paragraph 43 for details) and with its own lockable front door beyond which all the facilities of the studio flat are accessed.

16. The minimum requirements are considered to be all the facilities required for living. The juxtaposition of activities needs to be carefully planned, for example so that the bed is not located directly adjacent to the kitchen area, and should allow for storage of tall, bulky and awkwardly sized objects.

17. The minimum requirement is for:

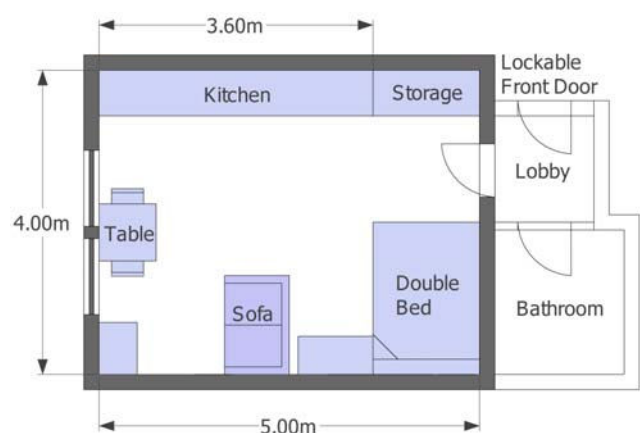
- a compact cooking area capable of accommodating chilled food storage, dry goods storage, utensil storage, cooking and washing facilities (A galley kitchen of 3.6m in length is considered the minimum, although a smaller standard may be acceptable in an HMO).
- storage
- a double bed
- 2 chairs
- a table
- two person sofa

18. Kitchens or kitchen areas should be organised so that there is safe and easy access to all appliances and

- there is space for a minimum of 3 white goods appliances of 0.6m width each
- there are wall cupboards for storage
- the cooker has worktops on both sides, is not in a corner or directly next to the sink or free standing
- the sink has adequate space on each side for the separation of clean and dirty utensils

19. A workable space should be retained in front of the kitchen for ease of use, 1.2m is recommended. It is also considered advisable for the floor surface in this area to be washable (e.g. non permeable).

20. The minimum dimensions capable of achieving this are 20m², as shown.



This drawing and all that follow are for illustrative purposes only

One-Bedroom Flat:

Total minimum floor area = 30.4m² plus circulation (HCA 48m² for 2 people)

21. A one-bedroomed flat is a self contained living environment without shared cooking or bathing facilities and with its own lockable front door beyond which all the facilities of the flat are accessed.

22. It has, at a minimum, a separate bedroom, bathroom and living room, which may include dining and cooking areas or these may be separate in a living / dining or kitchen dining combination.

23. Entrance off a communal area should ideally be into a circulation area; access into a living area may be acceptable and access directly into a bedroom, bathroom or kitchen will not be acceptable.

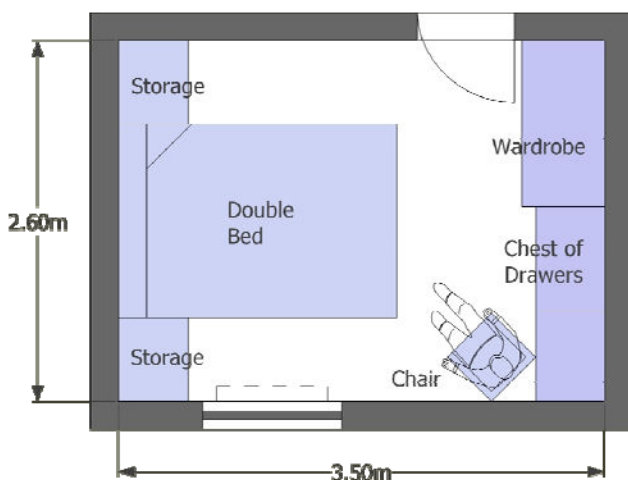
Bedroom:

Minimum floor area = 9.1m²

24. Here the minimum requirement is to accommodate:

- a double bed with space to access it from both sides
- a chest of drawers
- a wardrobe for clothes storage
- a chair

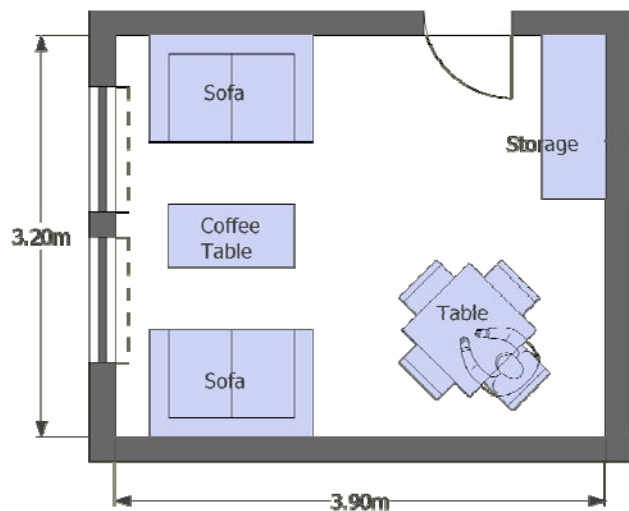
The minimum dimensions capable of achieving this are 2.6m x 3.5m as illustrated below.



Living / dining room:

Minimum floor area = 12.5m²

25. Here the minimum requirement is to enable 2 occupants plus 2 visitors to eat at a table and to relax on easy chairs, together with storage, display space and room for audio-visual equipment. The minimum dimensions capable of achieving this are 3.2m x 3.9m as illustrated below.



Kitchen:

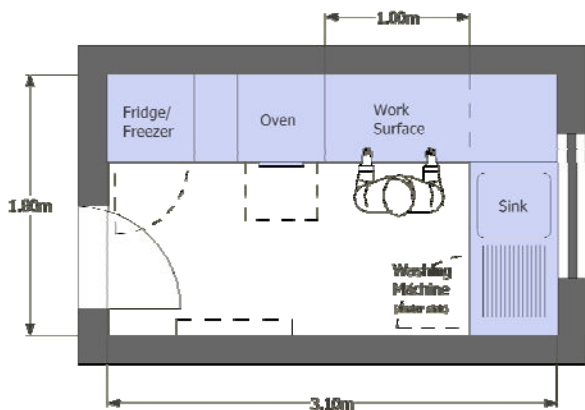
Minimum floor area = 5.6m²

26. Kitchens or kitchen areas should be organised so that there is safe and easy access to all appliances and

- there is space for a minimum of 3 white goods appliances of 0.6m width each
- there are wall cupboards for storage
- the cooker has worktops on both sides, is not in a corner or directly next to the sink or free standing
- the sink has adequate space on each side for the separation of clean and dirty utensils

27. Where separate kitchens are provided natural lighting and ventilation must be provided and the operation of the window must be possible across the work top. Units and appliances should not be placed in front of windows where the cill is lower than the height of the appliance, because of the adverse effect on the external appearance of the building.

28. The minimum dimensions capable of achieving a 5.6m² floor area are 3.1m x 1.8m. The lowest dimension must be no smaller than 1.8m to allow easy access to the fridge/ oven etc. Further details are contained in the Appendix.

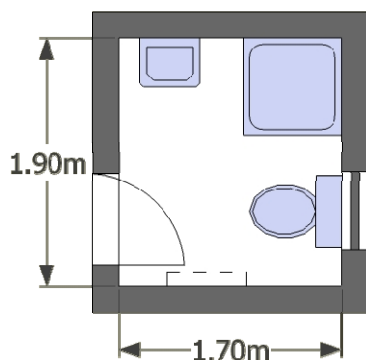


Bathroom: Minimum floor area = 3.2m²

29. A bathroom must be capable of accommodating:

- a minimum 900 x 900mm shower tray
- a basin
- a WC
- a radiator and towel rail
- an inward opening door that does not foul the space required for use of the sink or the WC
- natural or artificial lighting and ventilation
- 1m² of circulation space which is uninterrupted by any of the elements of the bathroom suite.

The minimum dimensions capable of accommodating this are 1.9m x 1.7m, as illustrated below.



Internal storage

30. Plans must demonstrate provision for storage of:

- tall objects such as vacuum cleaners and ironing boards
- bulky objects such as suitcases
- awkwardly sized objects, possibly relating to a sport or a hobby.

Two-Bedroom Flat:

Total minimum floor area = 43m² plus circulation (HCA = 61m² for 3 people, 70m² for 4 people)

31. A two-bedroomed flat is a self contained living environment without shared cooking or bathing facilities and with its own lockable front door beyond which all the facilities of the flat are accessed.

32. It has, as a minimum, two separate bedrooms, a bathroom and living room that either includes dining and cooking areas or has a separate living / dining or kitchen / dining combination.

33. The accommodation is accessed off a communal hallway ideally into its private circulation area. Access into a living area may be acceptable and access directly into a bedroom, bathroom or kitchen will not be acceptable.

Main bedroom:

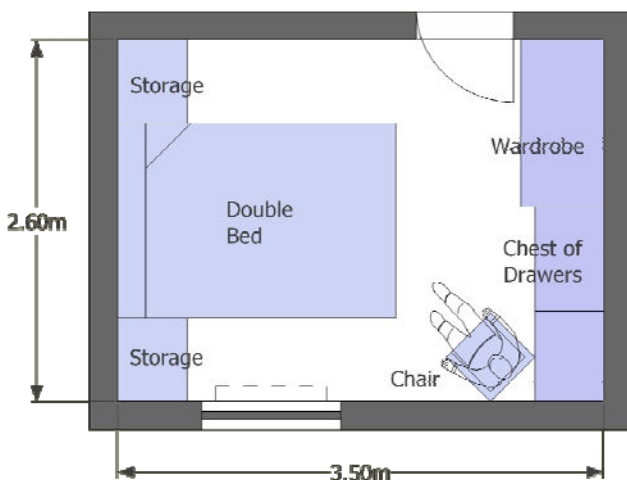
Minimum floor area = 9.1m²

34. The main bedroom should be independently accessed from the circulation area or living space within the flat, not through a kitchen or bathroom.

35. The minimum requirement is to accommodate:

- a double bed with space to access it from both sides
- a chest of drawers
- a double wardrobe for clothes storage
- a chair.

The minimum dimensions capable of achieving this are 2.6 m x 3.5m as illustrated below.



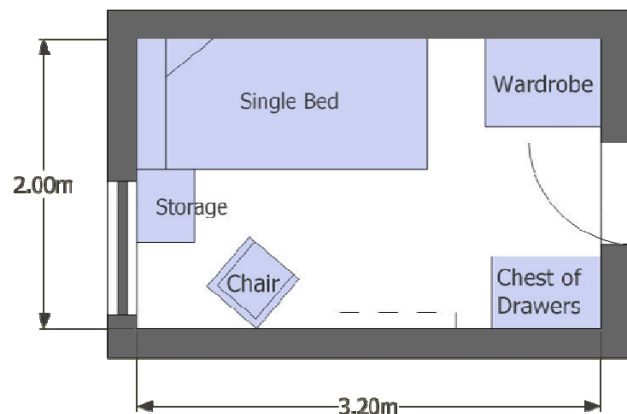
Second bedroom:

Minimum floor area = 6.5m²

36. The second bedroom should be independently accessed from the internal circulation or living space within the flat and not through the main bedroom, kitchen or bathroom. Here the minimum requirement will be to accommodate as a minimum:

- a single bed, with circulation space on one long and one short side
- chest of drawers
- a single wardrobe.
- a chair.

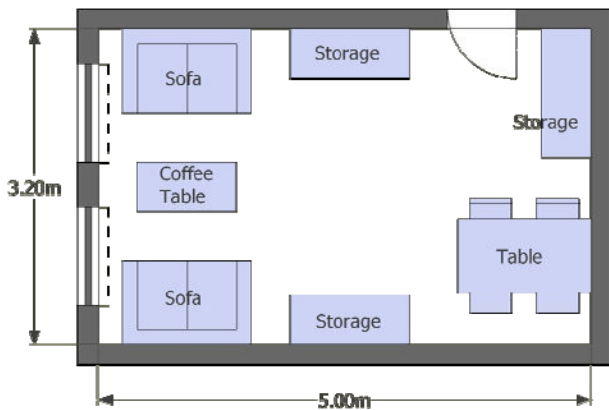
37. The minimum dimensions capable of achieving this are 2m x 3.2m as illustrated below. If the room is to accommodate a double bed, the minimum dimensions will be the same as for the main bedroom.



Living / dining room:

Minimum floor area = 16m²

38. Here the minimum requirement is to enable 4 adults to eat at a table and also to sit on easy chairs, together with storage and display space and room for audio-visual equipment. The minimum dimensions capable of achieving this are 3.2m x 5.0m as illustrated overleaf. The additional 3.5m² over the one bedroomed unit is considered necessary in order to accommodate the additional storage for the extra occupants.



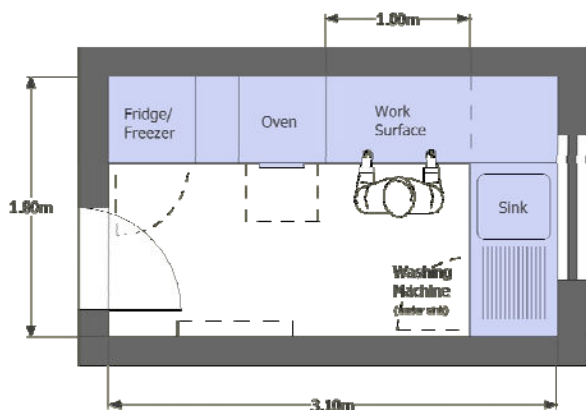
Kitchen:
Minimum floor area = 5.6m²

39. Kitchens or kitchen areas should be organised so that there is safe and easy access to all appliances and

- there is space for a minimum of 3 no. white goods appliances of 0.6m width each
- there are wall cupboards for storage
- the cooker has worktops on both sides, is not in a corner or directly next to the sink or free standing
- the sink has adequate space on each side for the separation of clean and dirty utensils.

40. Where separate kitchens are provided natural lighting and ventilation must be provided and the operation of the window must be possible across the work top. Units and appliances should not be placed in front of windows where the cill is lower than the height of the appliance.

41. The minimum dimensions capable of achieving a 5.6m² floor area are 3.1m x 1.8m. The lowest dimension must be no smaller than 1.8m to allow easy access to the fridge/ oven etc. Further details are contained the Appendix.



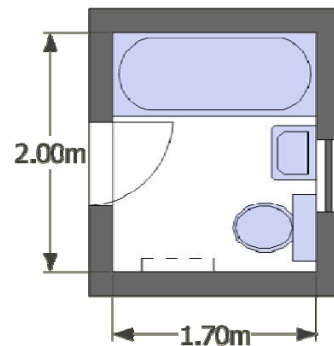
Bathroom:
Minimum floor area = 3.4m²

42. Where there is only one bathroom proposed, it must include a bath. Where a second bathroom is proposed a shower room may be acceptable and may be accessed through the main bedroom (en-suite) provided that the main bathroom is accessed via the internal circulation space.

43. The main bathroom must be capable of accommodating:

- a bath
- a basin
- a WC
- a radiator and towel rail
- an inward opening door that does not foul the space required for use of the sink or the WC
- natural or artificial lighting and ventilation
- 1m² of circulation space which is uninterrupted by any of the elements of the bathroom suite.

The minimum dimensions capable of accommodating this are 2.0m x 1.7m as illustrated below.



Internal storage

44. Plans must demonstrate provision for storage of:

- tall objects such as vacuum cleaners and ironing boards
- bulky objects such as suitcases
- awkwardly sized objects, possibly relating to a sport or a hobby.

Houses in Multiple Occupation



Room Dimensions

45. The following space standards are the benchmark against which the Council will determine the 'suitability for occupation' of Houses in Multiple Occupation (HMOs). The space standards are split into three categories, which relate to three specific HMO types: houses occupied and let by rooms (Category A), houses occupied on a shared basis (Category B) and temporary accommodation for households with no other permanent home (Category C). Category C is not normally considered acceptable, but would be permitted in emergency cases.

Category A

46. These are HMOs occupied and let as individual rooms. There is likely to be exclusive occupation of habitable rooms and some sharing of amenities such as bathrooms, toilets and possibly kitchens.

47. Each occupant is likely to live independently with little social interaction between the tenants. Occupants will usually have single tenancy agreements and will have taken up occupancy at different times. Such houses will typically lack a communal living room. Bedsits are an example of this type of accommodation but houses comprising a mixture of bedsits and self contained units are also covered.

48. Bedsits will be expected to accommodate:

- a bed (size to suit the number of occupants)
- a dining table and chairs
- a comfortable chair or two person sofa
- storage
- a compact cooking area capable of accommodating chilled food storage, dry goods storage, utensil storage, cooking and washing facilities, where no separate kitchen facilities are provided, (See section 112).

Category A Space Standards

One Person Accommodation	
One Room Letting	
Bedsit with integral cooking facilities	11m ²
Bedsit with no cooking facilities in room	8.5m ²
Two Room Letting	
Bedroom	6.5m ²
Kitchen	5.5m ²
Bedroom/ living room (with separate kitchen)	8.5m ²
Kitchen/ living room (with separate bedroom)	8.5m ²
Two Person Accommodation	
One Room Letting	
Bedsit with integral cooking facilities	16m ²
Bedsit with no cooking facilities in room	13m ²
Two Room Letting	
Bedroom (with separate living room)	10m ²
Kitchen	5.5m ²
Living room (with separate kitchen)	11m ²
Kitchen/ living room (with separate bedroom)	13m ²

Category B

49. These are HMOs where for certain activities the occupiers live as a single household but for others do not. They are usually rented by an identifiable group of sharers as opposed to separate, lone individuals or a number of couples or families.

50. Occupiers have exclusive use of certain rooms, usually the bedrooms, but share the kitchen, bathrooms etc. There is expected to be a communal living room and a significant degree of social interaction.

51. Bedrooms will be expected to be able to accommodate:

- a bed with space to access it (size dependant on number of occupants)
- a chest of drawers
- a wardrobe for clothes storage
- a chair.

52. Living rooms will be expected to accommodate:

- a table and chairs (number of chairs dependant on number of occupants)
- comfortable chairs
- storage
- display space
- space for audio-visual equipment.

Category B Space Standards

Study/ Bedrooms	
One person unit	
Study/ bedroom (with separate living room)	6.5m ²
Study/ bedroom (no living room provided)	8.5m ²
Living room (1-6 persons)	11m ²
Two person unit	
Study/ bedroom (with separate living room)	10m ²
Study/ bedroom (no living room provided)	13m ²
Living room (1-6 persons)	11m ²

Category C

53. This category deals with premises such as hotels, hostels or guesthouses that become HMOs because they are providing accommodation for people who have no other permanent place of residence. The category includes bona-fide hotels used for this purpose whether on a permanent or temporary basis and whether this is their sole activity or they accommodate a mixture of homeless households and commercial guests.

54. The Council can issue a Declaration under Section 255 Housing Act 2004 to confirm its judgement that premises are in use as an HMO to which the Act applies.

55. Each unit will be expected to have access to kitchen facilities, which may be shared with other residents. A separate living room may be provided by way of a residents lounge. Where there is no separate living room, space for a comfortable chair and additional storage will be expected.

Category C Space Standards

Bedrooms	
One person (with separate living room)	6.5m ²
One person (no living room provided)	8.5m ²
Two person (with separate living room)	10m ²
Two person (no living room provided)	13m ²
Three person (separate living room must be provided)	10m ²
Four person (separate living room must be provided)	13m ²
Living Rooms	
Living room (1-5 persons)	11m ²
Living room (6-10 persons)	14m ²

Kitchens

56. Each kitchen must be large enough and laid out in such a way as to enable safe and unhindered use of the facilities. Kitchens must be a minimum of 1.8m wide so to allow safe circulation and sufficient room for the facilities to be used. In order to judge the suitability of shared kitchens the Council will have regard to the space standards below.

57. In all cases the Council will use its discretion in determining appropriate room sizes for larger numbers of occupants.

Kitchen Space Standards

Kitchen (1-6 persons)	7m ²
Kitchen/ diner (1-6 persons)	13m ²

Bathrooms

58. Bathrooms must meet the minimum space standards provided in paragraph 29. The number of bathrooms necessary will depend on the overall number of occupants.



59. Existing buildings form part of an established street scene. It is important that conversion to flats does not adversely impact the appearance of the building and that the cumulative impact of works associated with the conversion do not have an adverse impact upon the street scene.

Flat over flat relationship

60. A building with similar rooms stacked above each other tends to produce a more ordered elevation, with similar sized windows above each other. Soil stacks and services can be grouped making maintenance easier. This can also reduce internal sound disturbance.

Main entrance

61. In the conversion of older properties the original main entrance should continue to be used as the main entrance to the building, thereby continuing the established building pattern in the street. If car parking is located to the rear it may be acceptable to have a secondary entrance from the rear.

New windows

62. The introduction of new windows requires Building Regulation approval and also planning permission in flats. In listed buildings this additionally requires listed building consent. Inserting new windows on front elevations should be avoided as this can disrupt the pattern of fenestration in the building. Where these can be accommodated satisfactorily, they should be an exact match of the existing windows in material and design and should be positioned to sit comfortably within the existing pattern of fenestration, lining up both vertically and horizontally as appropriate.

Meter cupboards

63. Whilst these need to be accessible to be read by service providers, they should not cause harm to front elevations, but should be located within communal porch areas, on side elevations, internally facing front boundary walls or be ground mounted.

Letterboxes

64. Where possible each flat should have its own letter box in its own front door. Where this is not possible and banks of letter boxes are required, lockable boxes should be located within communal porch areas, on side elevations or on the internally facing front boundary wall.

Obscure glazing

65. Obscure glazing to protect privacy in bathrooms, for example, should not be used on the front elevation of properties but be restricted to side and rear elevations.

66. A window that would have a detrimental impact on the amenity and/ or privacy of neighbouring properties cannot be justified through the use of obscure glazing.

Pipe work

67. New foul pipes serving added bathrooms or kitchens should not cause harm to the front elevation of properties and should, where possible, be grouped on side or rear elevations.

Clothes drying

68. Secure external space, not visible from the street, should be available on plot for the drying of laundry. Where this cannot be provided, space should be identified internally, for example by an ailer over the bath.

TV aerials and satellite dishes

69. Planning permission may be required to:

- erect a satellite dish on an elevation facing a highway if in a Conservation Area.
- erect more than two satellite dishes to serve a group of flats.

They should ideally be located on rear elevations, below ridge lines and chimneys. Consent is required to erect satellite dishes and aerials on listed buildings. They should be located within the roof space, or if this is not possible, on outbuildings to the rear, out of sight of public view.

Bin requirements/ stores

70. The Council operates a wheeled bin refuse system, which uses three coloured bins for different types of rubbish.

71. The Councils detailed guidance document entitled '*Planning and Waste Management Design Advice Document*' sets out the requirements for waste collection and was formed as a result of the work undertaken by the 'Oxfordshire Waste Partnership'. Ideally it seeks:

- in flats that waste collection be through the use of coloured communal collection containers or coloured individual bins held in a communal location
- bins stores be in a covered area and serviced by a private road
- bins stores be within 5m of the collection point with a minimum of 1m provided in front of the containers
- bin storage areas be a minimum 1.4 square metres per flat or multi-occupancy properties
- bin stores be robustly screened and unobtrusive
- bin stores be designed into the proposal from the outset using sympathetic materials.

For further information applicants should contact Environmental Services.

72. The Council will consider the requirements for bin storage flexibly where it can be demonstrated that the amenity of the area will not be adversely affected. For example, storage areas could be provided within the converted building itself as long as there is easy access and effective ventilation.

Cycle storage

73. One cycle storage space is required per bed space. Ideally space for cycle storage should be included within the ground floor of the building. Where this cannot be achieved, secure covered storage must be provided at the side or rear of the building with easy access onto the street and must be included and designed in the proposal from the outset using sympathetic materials.

Car parking

74. In Banbury and Bicester town centres the Council's car parking policy is one space per dwelling. Elsewhere 1 parking space for a 1 bedroom unit, 2 parking spaces for a 2/3 bedroom unit and 2 parking spaces, plus further spaces determined on merit for a 4 bedroom unit are applied. Car parking should be provided on plot and should not:

- add to the requirement for on street car parking
- dominate the frontage
- fill the whole of the plot.

75. The Council will consider flexible or car free housing where it can be demonstrated that the additional units are located within easy reach of all essential services. Unless the amenity of the area will be adversely affected.

Front boundary walls and paving front gardens

76. Planning permission is required for the creation of new vehicular access from an A or B classified road and also for turning any front garden into a parking area, unless it is to be constructed of permeable paving.

77. Front boundary walls, railings and hedges all contribute to the character of a street and the cumulative effect of their removal can have an adverse effect on the character of the street and degrade the environment for others. In a Conservation Area consent is required for the substantial demolition of walls over 1m adjacent to a highway. The Council will encourage alternative means of providing car parking that does not involve demolition of front boundaries and loss of front gardens.

Impact on neighbouring properties

78. Views from rear windows of upper floors into neighbouring gardens are hard to avoid in an established neighbourhood. The conversion of an upper floor bedroom into a living room or kitchen can result in an increase in overlooking and therefore loss of privacy for neighbours. For this reason, and to assist with the surveillance of the street, it is preferable, for living rooms and kitchens to be at the front of the building. Care should be taken, however, to ensure that kitchen units and appliances are not higher than the window cill as this can look unsightly from the street.

Permitted development

79. Flats and HMOs do not have permitted development rights, so planning permission will be required for all material external alterations. Once a building is converted to flats these new rules will apply. A Listed Building Consent application will also be required for any works, internal or external of alteration to a listed building. It is always advisable to check with Development Control before undertaking works.

Private amenity space

80. The Council considers it important for all dwellings to have some access to private outdoor space, such as a patio or balcony, or semi private shared amenity space closely associated with the home, for outdoor amenity, children's play, growing plants and drying laundry. It may not be appropriate to introduce balconies to an existing property. Outdoor space should be as private as possible, secure and directly overlooked only by the dwellings to which it relates.

81. On developments or conversions of 10 units or more containing one or more two-bedroomed properties or larger, the Council requires that a Local Area of Play (LAP) be provided. If this is not possible the Council will seek a financial contribution towards off site children's play and public open space provision to meet the residents' needs. Any off site LAP must be within a 1 minute walk of the development/ conversion.

82. Further and more in depth information is contained in the Council's *'The Provision of Open Space in New Development'* guidance document.



Means of escape

83. The provision of a means of escape from flats can be complicated – particularly in listed buildings. Where flats are formed in two-storey buildings, means of escape windows may be used from habitable rooms (living rooms, bedrooms etc.) in place of formal protected routes. Where flats are formed in multi-storey buildings, a protected common staircase discharging to outside is required together with suitable internal layouts in the flats. Advice about specific projects is available from the Council's Building Control team.

84. Where escape windows are used, they must have an opening area of at least 0.33m², with no dimension less than 0.45m e.g. 0.45m x 0.75m. The bottom of the opening area must be between 0.8m and 1.1m above internal floor level, with window catches and hinges that ensure a clear opening. Windows must also be accessible externally by a ladder. Further information can be found in the Building Regulations Approved Document B, Volume 2 which is downloadable from the Planning Portal.

85. The internal staircase will also need to provide a protected environment, which has direct access to the outside and is directly accessible to all the flats.

86. Means of escape from conversions will require doors opening on to the stairs to be upgraded to fire doors, to provide a protected staircase. This may conflict with listed building requirements and may make sub-division impracticable. Fire escapes on the front elevation of buildings will not be acceptable, so other means of escape will be required.

Outlook and ventilation

87. All habitable rooms (living room, dining room, bedroom and kitchen) must have a window that opens to provide adequate daylight and ventilation and an acceptable outlook. Windows must be capable of being opened to the equivalent of 1/20th of the floor area of the room to provide adequate ventilation.

88. Bathrooms, kitchens, toilets and utility rooms require mechanical extract ventilation even where a window is provided.

89. Where new windows are to be inserted their cills and lintols should be level with and match the existing windows. Windows to habitable rooms should have a clear and largely unobstructed view.

90. Traditional roof lights are unlikely to provide an acceptable outlook from a habitable room, as they generally provide views at an elevated angle only.

91. It is important to locate high usage room types (e.g. living rooms) on the front/ street facing elevation. This provides natural surveillance of the street, creating an active frontage. Lower usage rooms, such as bedrooms should be located to the side or rear to restrict overlooking of neighbouring gardens.

Sound insulation

92. Sound insulation is vital in any conversion and can be difficult to install within an existing structure. Listed buildings need to be treated with care, as additional thickness in the floors or ceilings can lead to the loss of cornices and skirting boards. Raising the floor will also affect the door openings and may reduce the height to an escape window so that it no longer complies.

93. Information on where and how sound insulation is to be placed and installed must be attached to any application for Listed Building Consent, so that its impact on the buildings historic fabric can be properly assessed.

Basement conversions

94. The conversion of a basement or semi basement into a flat needs to ensure that:

- adequate damp proofing is undertaken and that services and fixings for wall mounted furniture, which would breach this, are not required
- drainage outfalls are high enough to provide adequate fall or that pumping mechanisms are installed
- adequate daylight and ventilation are provided
- the aspect from habitable rooms is acceptable.

95. Ceiling heights of habitable rooms should ideally be 2.4m. For a space to be considered usable it must have a ceiling height, which exceeds 1.5m, otherwise it will not be considered as part of the floor space.

Roof conversions

96. The conversion of a roof space into a flat needs to ensure that:

- the ceiling height at the point of entry to the flat is ideally 2.4m or above and ceiling height throughout does not prejudice the effective use of habitable rooms. For space to be considered usable it must have a ceiling height which exceeds 1.5m, otherwise it will not be considered as part of the floor space.
- any dormer windows are located and designed to be in keeping with the appearance of the building and do not disturb the harmony of the pattern of fenestration.
- in listed buildings as much of the historic fabric is retained as possible and the removal or cutting through of original roof trusses and floor joists is avoided. Openings should be designed to fit within existing features.

Building regulations

97. A Building Regulations application is required for changes of use (such as subdividing to form flats) as well as structural work to a building. The Building Regulations can be complicated; it is not possible to explain the requirements in full within this document. Advice about the Building Regulations and how they might apply to the subdivision of a building is available from the Council's Building Control team.

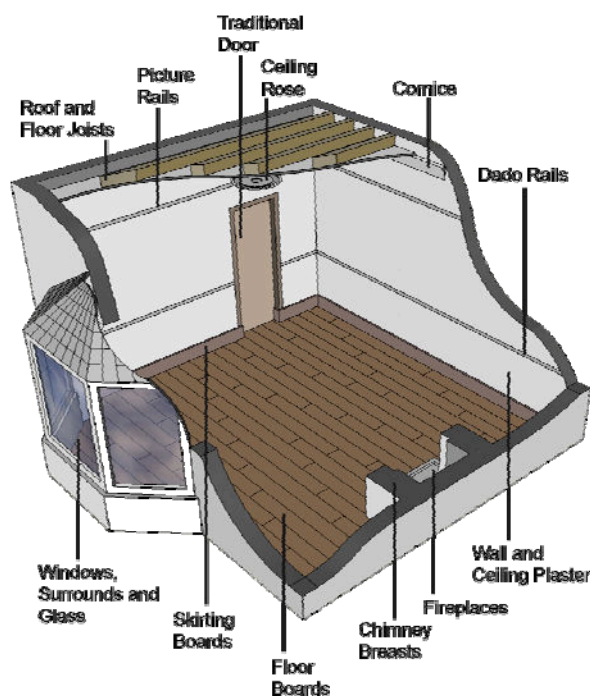
98. It is advisable to consult Building Control at an early stage so that your application for Planning Permission and Listed Building Consent can accurately reflect the structural work required.

Listed Buildings

99. The conversion of listed buildings, if not carefully considered, can have an adverse impact on the fabric and finishes of the building. A greater level of information is required in a Listed Building Consent application so that the impact can be properly assessed. Below is a list of some of the most common features to be aware of:

- Original/ historic roof joists
- Original/ historic floor joists
- Original/ historic floor boards
- Historic ceiling roses
- Historic doors and their surrounds
- Windows, their surrounds and glazing
- Historic cornices
- Historic skirting boards
- Decorative/ historic wall and ceiling plaster
- Period fireplaces
- Chimney breasts and hearths
- Historic picture/ dado rails.

Where the age and/ or significance of existing features is unknown the Council's Design and Conservation Team will be happy to provide guidance.



Accessibility

100. Access and facilities for disabled people should be provided in accordance with the Building Regulations.

Making an Application



101. Below is a list of the documents you need to submit with your planning application and/ or Listed Building Consent application. You are advised, prior to submission of any application, to contact the Council and discuss your proposals. This will not only save time in the long run, but may also alert you to potential problems with the scheme.

The current list of requirements is subject to future change in order to meet forthcoming government standards. For the time being these details must be submitted with each application. Further details are contained in the Council's '*Validation of Planning Applications*' document.

Information Required for a Planning Application

102. Applications should be made on the planning application form, available from the Council Offices at Bodicote House or downloadable from the Council's Website. For the application to be registered the following information must be submitted:

- Four copies of all the plans including the application forms
- A location plan
- A block plan of the site
- Existing and proposed elevations
- Existing and proposed floor plans
- Existing and proposed site sections and finished floor and site levels
- Roof plans
- The completed Ownership Certificate as required by article 7 of the Town and Country Planning (General Development Procedure) Order 1995
- Design and Access Statement
- The appropriate fee.

103. In addition to the above information the following Local Requirements may be necessary dependant on the type and scale of your proposal.

- Daylight/ sunlight assessment
- Economic statement
- Flood risk assessment
- Ventilation/ extraction assessment
- Drainage assessment
- Landscaping details
- Noise impact assessment
- Planning statement
- Tree survey/ arboricultural report.

Information Required for a Listed Building Consent Application

104. In addition to planning permission, works to a listed building will require a Listed Building Consent. **It is a criminal offence to alter a listed building without consent.** Below is a list of further information required as part of a Listed Building Consent application:

- Plans to a scale of 1:20 that show all new doors, windows etc
- Heritage impact assessment
- Structural survey, essential for listed buildings, which shows that the building is capable of conversion without substantial demolition and rebuilding.
- Location of services
- Location of letterboxes and cycle and bin stores
- Location of bins storage
- Sound insulation installation
- Photographs.

105. An application for either planning permission or Listed Building Consent can also be made electronically through the Planning Portal.



Useful Contacts

Royal Institute of British Architects
66 Portland Place
London
W1B 1AD

Tel: 020 7580 5533
Fax: 020 7255 1541

Email: info@inst.riba.org
Website: www.architecture.com

Royal Institution of Chartered Surveyors
RICS
Parliament Square
London
SW1P 3AD

Tel: 0870 333 1600
Fax: 0207 334 3811

Email: london@rics.org
Website: www.rics.org

The National Federation of Builders
55 Tufton Street
London
SW1P 3QL

Tel: 0870 898 9091
Fax: 0870 898 9096

Email: info@builders.org.uk
Website: www.builders.org.uk

Council Contacts

The Council's offices can be found at:

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

Tel: 01295 252535
Website: www.cherwell.gov.uk

Specific services can be contacted as follows:

Development Control
Tel: 01295 221883/1884
Email: planning@cherwell-dc.gov.uk

Design and Conservation
Tel: 01296 221846
Email: design.conservaion@cherwell-dc.gov.uk

Building Control
Tel: 01296 221835/ 1836
Email: building.control@cherwell-dc.gov.uk

Housing Services
Tel: 01295 221809
Email: housing@cherwell-dc.gov.uk

Environmental Services
Tel: 01295 221940
Email: customer.service@cherwell-dc.gov.uk

Acknowledgments

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106. A satisfactory kitchen must be safe, convenient and must allow good hygiene practices. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each. Worktops must be secure, level and impervious and must be of adequate size. Adjacent walls require splash backs and power-points must be suitably located. The following guidance is based upon 'Space in the Home', published by The Department for the Environment in 1986.

Good Practice

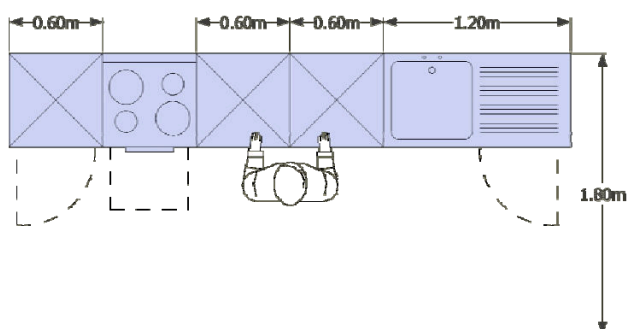
107. The following guidance assumes that all typical kitchen appliances are to be located in the kitchen or separate cupboard. It may be practical to locate washing machines in a bathroom, in which case the room dimensions will need to be adjusted. Permanent positioning of an appliance in a bedroom will not be acceptable.

108. The minimum width for a work top which can be used as working space is 0.3m. There must be a minimum of at least one uninterrupted surface that is 1.0m or greater in width. Care needs to be taken in the positioning of wall mounted cupboards in relation to this surface, otherwise the space could become unusable.

Galley Kitchen

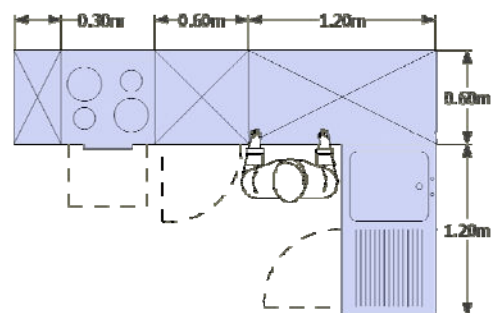
109. This is the minimum provision for a kitchen. It incorporates worktop on both sides of the cooker and working space both sides of the sink bowl.

110. The minimum length of a single galley kitchen is considered to be 3.6m. The length is made up of 6 bays of 0.6m. The minimum dimensions of this layout are 0.6m x 3.6m, plus 1.2m of circulation space to enable someone to pass a person using an appliance or an open door, therefore the dimensions required are 1.8m x 3.6m



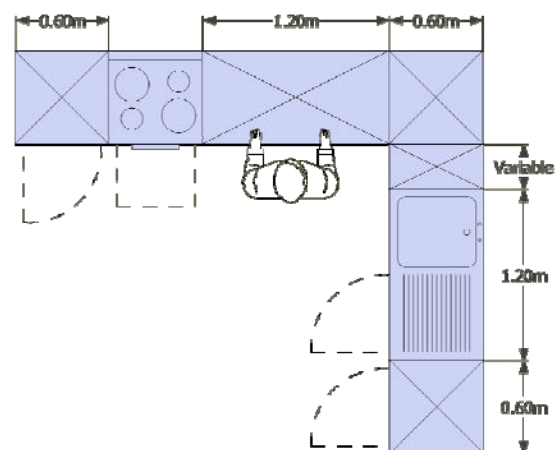
Alternative Minimum Layout

111. This arrangement provides more work space, but could be further improved by allowing more space either side of the sink. The dimensions of this layout are 1.7m x 2.7m.



Suggested Kitchen Layout

112. This is a good kitchen layout. It is well set out and has plenty of useable work space, including enough space to accommodate 4 white goods. It may also be large enough to accommodate a small breakfast table. The dimensions of this layout are 3.0m x 2.6m.





Produced by:
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Planning Policy and Economic Development
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Sub-division Consultation Responses

	Respondant	Precis of Comments	Support or Against	Council Response
1	Banbury Town Council	The planning committee welcomed the document as they had been concerned about sub-division of buildings for some time and were pleased that the document would become a material consideration in the determination of planning applications. They welcomed the setting out of absolute minimum dimensions and the impact that sub division has on the street scene. However the committee felt that the heights of rooms when completed should be inspected by planning officers to ensure that someone of average height could walk around easily. They also sought assurance that enforcement action would be taken where these standards were not met. Whilst they welcomed the section on the impact on the street they were concerned that sub-division nearly always leads to an increase in on-street parking. They were also concerned about the loss of front boundary walls of under 1m as they are important in the street scene.	Support	Plans submitted for conversion should indicate ceiling heights and so applications with inadequate height would not be approved. Any construction not in accordance with approved plans could be subject to enforcement action. Matters not covered by planning control, such as the retention of boundary walls under 1m high, can only be controlled by the imposition of Article 4 Direction. English Heritage advises that Councils should serve Article 4 Directions to remove specific permitted development rights within conservation areas
2	Kidlington Parish Council	The Parish Council is concerned that the minimum floor sizes in the draft document for 1 and 2 bed flats is less than the HCA standard.	Neutral	The HCA standards are generous and most Councils' private sector housing standards are not as high. To ensure that the justification for the standards in this document are robust, they are based upon real life room layouts

3	Bicester Town Council	<p>The Town Council welcomes the draft document and would like to make the following comments which are felt will further strengthen and clarify the position with regards to the sub division of family homes.</p> <p>1 - While conversion in itself may not be problematical the ripple effect on local access and parking needs to be identified and taken into consideration. For example converting a house into four flats could easily quadruple the number of cars parking in the vicinity.</p> <p>2 - With regards to HMO's we are concerned that the guidance does not specify hard wired fire alarms in each room or that proper fire exits are identified.</p> <p>3 - We also note that there is no guidance about the provision of and size of bathroom space in HMO's.</p> <p>4 - Finally while the guidance will set minimum conversion standards for rooms it does not address the very real concern that many family homes will be lost as a</p>	Support	<p>1 - The impact of additional parking would be a material consideration in the determination of any planning application for the conversion of an existing building.</p> <p>2 - The provision of fire alarms and exits are controlled by the Building Regulations. Fire exits are discussed in the document under sub-heading 'Means of Escape' and the Building Regulations in general in paragraphs 97 and 98.</p> <p>3 - The document has been amended to reflect this concern.</p> <p>4 - The Council currently does not have a policy which protects one size of home over another. Any policy would need to be based on a survey of the housing stock of the District. It was considered that this level of research was outside of the scope of this document.</p>
4	Councillor Alastair Milne Home	<p>This subject has been of great concern for the last 2 years, specially in Grimsbury. I am delighted to understand that it is proposed to do something about the problem.</p>	Support	<p>Comments noted.</p>
5	Councillor Ken Atack	<p>I am of the opinion that the document provides well constructed advice in a rounded policy format which offers practical, sensible and desirable requirements for the District. It may be too late for Grimsbury, but better to have a policy in place than not. I believe there will be pressure in urban areas going forward for more multi occupied accommodation.</p>	Support	<p>Comments noted.</p>
6	Councillor Chris Smithson	<p>I welcome the document as it is something I mentioned over a year ago. Hopefully it will reduce the number of further sub-divisions. My concern is the enforcement of materials used, as the builder can nominate his own building inspector. For example, when you detail sound proofing material, how do you know it has been installed, as CDC planning inspectors do not visit the conversion. Likewise how do you know the electric cabling is up to the current regulations, because the wiring is concealed, along with many other materials.</p>	Support	<p>In determining planning applications the case officer will have regard to the impact that compliance with Building Regulations will have on the appearance of the property.</p>

7	Julian Dingle (Private Landlord)	I support the general proposal to apply minimum standards, however I do not feel able to comment with any authority on the standards you are proposing. A degree of flexibility needs to be adopted when considering kitchen facilities in studios and bedsits, especially if there are shared facilities elsewhere in the house. In my experience it is unnecessary to insist on a comprehensive kitchen arrangement within the room. In fact a combined sink/cooker/microwave/fridge unit is all that is required. I am also suprised by the amount of people that prefer a small room, usually because it is less rent. I agree that the impact on any conversion on the street scene needs to be minimal, having said that it is no good having a policy if you are not going to enforce it. (a previous issue regarding satellite dishes is mentioned).	Support	It is considered that the kitchen arrangements provided in the appendix of the document are of sufficient flexibility to acomodate variations in floor plans.
8	Harvey Pitt (Development Manager - Greensquare)	I have reviewed the document and fully support the proposals. The document makes reference to HCA standards which we have found to provide a high level of accomodation and this is supported by feedback from our residents of recently developed properties.	Support	Comments noted.
9	Pauline Washington (Residential Lettings and Property Management)	As a letting agent I come across various problems with flats whether purpose built or conversion. In my opinion there are too many flats in Banbury. Any improvement in size, content and location would be welcome. I would like to see the following; letter boxes in all doors, detailed locations at the entrance of each block of flats for meters including electric, gas and water. Storage facility for bicycles and push chairs. Drying area for clothes, parking and outdoor space. In general we need more one and two bedroom houses with outdoor space for young and growing families.	Support	The draft includes guidance on all of the issues raised. Comments noted.
10	Clare Wright (C.B Wright and Associates Ltd)	There has clearly been a substantial amount of work and it should be a good and useful document to help in shaping more acceptable schemes.	Support	Comments noted.
11	Iain Geddes (Architect)	This is a subject of great concern to the people I speak to in Oxford City. I shall let you have further comments once I have read it through. I have also copied this email to the Southern Area RIBA Branch so that the issue can be considered by the appropriate planning committee.	Neutral	No further comments have been recieved.

12	Graham A J Soame (MRTPI)	I have briefly read through the document and find it to be overly prescriptive. It will in my experience lead to more work, more cost and more delay. I am not sure it will significantly improve the quality of submitted applications. Are there not enough established Government and EU Documents 'out there' that you can refer to and rely on already? I'm sure you are not going to listen to me on this, but in an era of belt tightening, I am surprised your Council can see their way to finding the funds to firstly prepare this and secondly to implement it.	Against	The document is aimed at improving the quality of planning applications and therefore it is anticipated it will reduce work and the need to negotiate improvements. The quality of the sub-division of existing buildings has been of great concern to the Council for some time, this document is aimed at improving those living environments. There is currently no government published document which covers private sector housing. The cost of preparation has been absorbed in normal resources and wider costs to the Council are not anticipated to increase.
13	Kevin Prior (Private Landlord)	1 - I do not think this should become a rigid set of rules, particularly for private development, market forces will naturally control room sizes. 2 - Insisting on the provision of a bath for a two bed flat seems unnecessary, most people prefer a shower which is more eco friendly. 3 - The document should not contradict Building Regulations, most of the internal considerations noted are covered by the Building Regulations and I don't see a need to reinforce it here.	Against	1 - The document does not set rigid rules, just minimum sizes to create decent homes. Market forces have been resulting in very small homes. 2 - The inclusion of a bath in a two bedroomed flat is considered necessary as it may be occupied by a young family and it is difficult to bath a small child in a shower. 3 - Some of the issues mentioned are covered by Building Regulations, but the document does not contradict them. In the case of ceiling heights for example there is no minimum requirement in the building regulations and that is why it has been included.

Executive

Planning Policy for Wind Energy Development

7 February 2011

Report of Head of Planning Policy and Economic Development

PURPOSE OF REPORT

To seek approval of an informal (non statutory) planning guidance document on the subject of wind turbines and residential development.

This report is public

Recommendations

The Executive is recommended:

- (1) To approve the document entitled 'Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development' (attached as appendix 1 to this report) for use as informal planning guidance.

Executive Summary

Introduction

- 1.1 Members will be aware that at the Council meeting on 19 July 2010 a motion was passed which stated:-

"That this Council develops, as a matter of urgency, a policy setting minimum acceptable distances between proposed wind turbines and dwellings".
- 1.2 In response to this motion, officers produced a draft guidance document which was approved for consultation by the Executive on 1 November 2010.
- 1.3 The draft document was subsequently consulted on for a period of 6 weeks.
- 1.4 The draft document has now been amended to reflect the consultation responses and the amended document is being put before members for final approval as informal (non statutory) planning guidance. The document is attached as appendix 1 to this report.
- 1.5 This report briefly discusses the main issues arising from the consultation and the changes proposed to the document. A table is attached to this report as appendix 2, listing each of the consultation comments alongside a summary of the action proposed in response.

Proposals

The Purpose of the Document

- 1.6 The rationale behind the guidance in the document is explained in detail in the report to the Executive on 1 November 2010.
- 1.7 In brief, there is currently no minimum separation distance set out in English planning law or guidance relating to wind turbines and residential development.
- 1.8 The local guidance document that officers have produced is linked to policy SD3 of the Draft Core Strategy. This policy sets out the Council's strategic approach to assessing proposals for renewable energy, and makes clear that the Council supports renewable and low carbon energy where appropriate. In assessing planning applications, it identifies a number of issues which are of local significance to Cherwell District which need to be considered. One of these is residential amenity.
- 1.9 The approach taken in the guidance document is to consider, holistically, the impact of turbines on dwellings and to draw on available guidance to seek to draw robust conclusions on a practical and reasonable approach that could be taken by the Council in considering any future planning applications for wind turbines. The document considers firstly a minimum separation distance between turbines and dwellings based on amenity considerations, and then other factors including:
 - Impacts on the wider landscape
 - Noise levels
 - Impacts on heritage assets
 - Shadow flicker
 - Cumulative impacts of more than one wind farm proposal
- 1.10 The scope of the document is limited to considering issues surrounding the relationship between wind turbines and dwellings. The document does not seek to provide comprehensive guidance on all issues to be considered when considering proposals for wind turbines.

Consultation Process

- 1.11 The draft document was published for consultation in November 2010 for a period of 6 weeks. This was a targeted consultation with a range of bodies including:
 - Parish and Town Councils
 - Local amenity groups
 - Adjacent local authorities
 - Technical advice bodies
 - The Government Office
 - Renewable UK (formerly the British Wind Energy Association)
 - Any party submitting a wind farm application or with whom the Council is in discussions.

- 1.12 17 responses were received (excluding comments made at the Executive meeting on 1 November). In general there was strong support for the document and the approach set out within it, although some amendments were also proposed. Many of these have led to suggested changes to the document. A summary of the main issues raised is set out in paragraph 2.1, whilst a full list of the responses and subsequent actions proposed to amend the document is set out as appendix 2 to this report. Other minor changes have also been made to the draft document, for example, to update on matters of fact.
- Proposed additions to the document are shown in *italicised* text.
 - Proposed deletions to the document are shown in ~~strike through~~ text.

The Status of the Document

- 1.13 Members are being asked to approve the revised document for use as informal planning guidance. It will be shared with anyone considering a wind turbine proposal within the district, and will be a material consideration that the Planning Committee can take into account in considering proposals.
- 1.14 The document will also support emerging policy SD3 in the Draft Core Strategy. At an appropriate stage in the LDF process it will be possible to develop this informal guidance as a Supplementary Planning Document that elaborates on the criteria in policy SD3.

Conclusion

- 1.15 The document attached as appendix 1 is before Members today for approval as informal planning guidance. The document has been subject to consultation and has been amended to reflect issues raised in the consultation responses. The main amendments to the document are discussed briefly in the 'Background Information' section, below.

Background Information

- 2.1 Detailed background information relating to the national and local policy context informing the preparation of the guidance document is set out in the report to Executive on 1 November 2010. The following paragraphs focus on the main issues arising from the consultation and subsequent changes proposed to the document. A detailed list of comments received, and actions proposed in response, is presented as appendix 2.

Clarity regarding the purpose of the document and the guidance it contains

- 2.2 A number of consultation responses asked for clarity on the role of the document (for example, why the document only focuses on wind energy, on large scale turbines, and only residential amenity issues), or for additional justification/explanation of the guidance contained in the document. Clarification has been added, and the detailed review of appeal decisions and guidance produced by other local authorities, originally intended to be removed from the final version of the document, has been retained.

Consider whether the guidance throughout the document should refer to single dwellings or settlements

- 2.3 The document tended to refer to both dwellings and settlements sometimes interchangeably, whilst at other times the document was specific on different guidance for 'settlements' or 'dwellings'. This was noted in the consultation responses. The document has been amended to more consistently refer to the impact of proposals on single dwellings unless where otherwise stated (such as in the 'field of view' criteria in Chapters 3, 4 and 9). However, it is highlighted that the Council should be seen to take a reasonable approach. Rural parts of the district can be sparsely populated, and were the Council to insist on a minimum separation distance between turbines and single dwellings, this would effectively rule out all wind energy in the district. This is not considered to be in accordance with the national (and emerging local) policy approach which is to support renewable and low carbon energy wherever appropriate.

Consider increasing the minimum separation distance recommended for residential amenity reasons from 800m to 2km (1.24 miles)

- 2.4 Two consultees suggested that the Council should adopt a 2km minimum separation distance as referred to in the Scottish planning guidance and planning guidance adopted in South Northamptonshire. It is recognised that the Scottish Planning Advice Note 45 refers to wind turbines being 'prominent' within a distance of 2km. But it is not considered that this informal guidance document can be used to equate 'prominent' with 'unacceptable'. South Northamptonshire's Supplementary Planning Document refers to wind turbines within 2km of dwellings or settlements needing to be 'carefully considered'. This is a different approach to the guidance document attached as appendix 1, which refers more explicitly to a minimum separation distance. Scottish Planning Policy does suggest a separation distance of up to 2km between areas of search [for wind farms] and the edge of cities, towns and villages to guide developments to the most appropriate sites and to reduce visual impact, whilst stating that decisions on individual developments should take into account specific local circumstances and geography. However, a 2km minimum separation between turbines and dwellings within Cherwell would effectively rule out the entire district. As set out in paragraph 2.3, the

Council needs to be seen to take a reasonable approach, whilst minimising avoidable harmful impacts on residential amenity.

Reconsider the reference to a need for a detailed assessment of significant impacts on heritage assets up to a distance of 5km (3.1 miles)

- 2.5 The guidance relating to impacts on heritage assets (page 25 of the draft document) appears to have been interpreted as suggesting that there are likely to be no impacts on heritage assets over a distance of 5km from the turbine. The document states that *significant* impacts are likely up to 5km. There may be instances where significant impacts are present and are unacceptable over 5km, but this is more likely to be in exceptional circumstances. This section has been reworded for clarity but the thrust of the approach remains unchanged.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The key issue before Members today is whether to approve the document attached as appendix 1 for use as informal planning guidance.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One	To approve the document set out as appendix 1 for use as informal planning guidance in determining planning applications
Option Two	To approve the document for use as informal planning guidance, with amendments
Option Three	Not to approve the document for use as informal planning guidance.

Consultations

Consultation with national and local organisations, interest groups, and parish councils	Consultation outcomes are discussed in paragraphs 2.1 – 2.5 and set out in appendix 2.
Portfolio holder	Informal briefing

Implications

Financial:	There are no direct financial implications associated with the production of this guidance. Any costs can be met within existing budgets. In terms of planning decisions that are made as a consequence of this guidance being in place, this may lead to an increased number of refusals of planning permission and an increase in appeals. In all cases, officers will advise the Planning Committee as to
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the weight that should be given to this document (when considered against other factors relevant to a particular planning application) in considering individual planning applications

Comments checked by Eric Meadows, Service Accountant, 01295 221552

Legal:

It is recognised in the report that the guidance is non statutory and does not form part of the LDF. It will therefore have limited weight where the Council's decisions are contested. Now that a public consultation has been undertaken on the draft document, the revised document attached as appendix 1, if approved by the Executive, can be treated as a material consideration. Councillors on the Planning Committee will, however, need to be advised as to the extent of this weight (when considered against other factors) in considering individual planning applications.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221687

Risk Management:

See legal and financial comments above.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

Wards Affected

All

Corporate Plan Themes

A Cleaner, Greener Cherwell

Executive Portfolio

Councillor Michael Gibbard
Portfolio Holder for Planning & Housing

Document Information

Appendix No	Title
Appendix 1	Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development
Appendix 2	Consultation Responses
Background Papers	
Report of Head of Planning Policy & Economic Development: Planning Policy for Wind Energy Development, Executive Committee, 1 November 2010	
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your place • your space
• your say •



Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development

February 2011

Page 57

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Executive Summary

There is considerable interest in proposing commercial scale wind turbines in Cherwell and the surrounding districts. The purpose of this document is to help ensure that the wider benefits resulting from renewable energy generation are balanced with local issues including landscape impacts, and the economic, social and amenity impacts on local communities.

The document has been prepared as informal planning guidance, linked to Draft Core Strategy policy SD 3 which listed the issues of particular local significance when considering proposals for renewable energy schemes in the district. ~~If approved in draft form by the Executive, the draft document will be subject to a period of public consultation. After this, members will be asked to approve the document as informal (non-statutory) planning guidance.~~ It will be shared with anyone considering a wind turbine proposal within the district, and will be a material consideration that the Planning Committee can take into account in considering proposals.

This document recommends separation distances between turbines and settlements or dwellings, firstly as a general standard for amenity reasons and then for a variety of reasons including landscape, noise, heritage, safety and shadow flicker. Where possible the standards set out in this document are linked to national guidance, or a local evidence base. The document does not provide a comprehensive list of the issues to be considered in determining applications for large scale wind turbine development.

This document will typically apply to commercial scale, large turbines but the principles could also apply to medium scale turbines (Chapter 2 provides more information).

Table 1 below lists the distances suggested in this document (see the individual chapter for further information and justification):

Table 1 Suggested Distance Summary

Impact or Issues	Chapter	Suggested 'Indicative' Distance
Dwellings and Settlements	Chapter 3	Normally a minimum of 800m from dwellings or settlements No less than 3 times turbine height (ground to blade tip) Settlements of more than 10 dwellings should not normally have turbines in more than 90 degrees of their field of view for a distance of 5km Individual dwellings should not normally have turbines in more than 180 degrees of their field of view for a distance of 10km
Landscape and Visual	Chapter 4	At least 400m from dwellings or settlements
Noise	Chapter 5	At least 400m from dwellings or settlements
Heritage	Chapter 6	Proposals resulting in significant adverse impacts on heritage assets within 2km will be unacceptable Detailed consideration of impacts on heritage assets to extend to 5km
Safety	Chapter 7	Ground to blade tip height + 10% between occupied buildings and roads
Shadow Flicker	Chapter 8	10 rotor diameters from dwellings or settlements

Wind turbines within these distances will not normally be considered appropriate. However, proposals will be considered on a case by case basis. For example, appropriate separation distances may also be influenced by the orientation of views, and the local land cover and topography. It will be for the applicant to demonstrate to the Council that amenity and other consideration are not harmed by the proposal.

Finally, this document also lists sources of further information which will be of assistance in determining wind turbine proposals in Appendix 1.

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Chapter 1 Introduction

- 1.1 Renewable energy generation is seen by all parliamentary parties as a key priority in reducing carbon emissions in order to meet national and international targets. Various national documents including the UK Renewable Energy Strategy (2009) and the Energy White Paper (2007) are clear on the importance attached to onshore wind as a sustainable source of energy. The White Paper identifies onshore and offshore wind, and biomass, as potentially the most cost effective ways of limiting carbon emissions.⁽ⁱ⁾
- 1.2 The existing national planning policy guidance (particularly PPS1: Delivering Sustainable Development and PPS22: Renewable Energy) follow the same direction in terms of promoting renewable energy. The PPSs are to be replaced by a National Policy Framework as part of the Localism Bill. However, the overall policy direction is likely to remain similar given the direction of the letter sent to chief planning officers regarding the status of Regional Spatial Strategies (RSS) (6 July 2010) which stated that:
- "Through their local plans, authorities should contribute to the move to a low carbon economy, cut greenhouse gas emissions, help secure more renewable and low carbon energy to meet national targets, and to adapt to the impacts arising from climate change".
- 1.3 The most recent 'evidence gathering' study relating to renewable energy potential in the South East, Oxfordshire, and Cherwell district is the 'Review of Renewable and Decentralised Energy Potential in South East England' (LUC and TV Energy, June 2010). This study was originally intended to inform the new Regional Strategy, but despite RSS revocation the report continued to be finalised and released in order to help local authorities prepare their own local targets and renewable energy strategies.
- 1.4 In the study, Oxfordshire was found to have the most potential for commercial scale wind energy across the region (Figure 3.1 of the above study). Cherwell district was found to have the most potential across Oxfordshire (Appendix 3.1 of the above study).
- 1.5 The Renewable Energy and Sustainable Construction Study (CAG, 2009) undertaken for the Council focused on strategic policy formulation rather than detailed spatial identification of the potential for renewable energy, but nevertheless illustrates in more local detail the kinds of factors constraining wind farm development in the district. These factors were subsequently listed as part of a 'criteria based' policy in Draft Core Strategy policy SD 3.
- 1.6 Draft Core Strategy policy SD 3 set out the Council's general position towards assessing renewable energy proposals. It makes clear that the Council supports renewable and low carbon energy where appropriate. *Each proposal would of course be considered on its own merits. The policy in assessing planning applications, it identifies a number of issues which are of local significance to Cherwell District which need to be considered. These include the impact of proposals on landscape designations, visual impact upon local landscapes and impacts upon the historic environment and residential amenity.*

i Please note that in producing this document, the Council is not expressing a preference for or prejudice against one type of renewable energy in particular. However wind turbines are likely to have the greatest visual, landscape, and other amenity impacts.

Purpose and Status of this Document

- 1.7 The purpose of this document is to provide additional detail on the criteria set out in Draft Core Strategy policy SD 3, specifically relating to proposals for commercial scale wind turbines and the need to protect residential amenity. As it does this, the document seeks to respond to a motion passed by the Council in July 2010 relating to the distance between turbines and settlements or individual dwellings (see para 1.12 below). This is necessary to ensure that the wider benefits resulting from renewable energy generation are balanced with local issues including landscape impacts, and the economic, social and amenity impacts on local communities.
- 1.8 This document recommends separation distances between turbines and ~~settlements or dwellings~~ for use in Cherwell, firstly as a general standard for amenity reasons and then for a variety of reasons including landscape, noise, heritage, safety and shadow flicker. ~~Where possible the standards set out in this document are linked directly to national or local policy, or a local evidence base.~~ The document does not provide a comprehensive list of the issues to be considered in determining applications for large scale wind turbine development. *Issues such as biodiversity, aviation, and highways are nonetheless important considerations relating to proposals for wind turbine development, and sources of information on these issues are listed in Appendix 1. These issues along with traffic generation are likely to be assessed as part of the Environmental Impact Assessment (EIA) process (it is not the role of this document to repeat EIA guidance). Consideration will also need to be given to peripheral items such as substations and power cables, although the primary impacts on amenity will arise from the turbines themselves.*
- 1.9 ~~This document will form informal planning guidance. If approved in draft form by the Executive, the draft document will be subject to a period of public consultation. After this, members will be asked to approve the document as informal (non statutory) planning guidance from the Council on the subject of wind turbines. It will be shared with anyone considering a wind turbine proposal within the district, and will be a material consideration that the Planning Committee can take into account in considering proposals before them.~~
- 1.10 *Where possible the standards set out in this document are linked directly to national or local policy, or a local evidence base. The guidance will typically relate to commercial scale, large turbines but the principles could also apply to smaller turbines, in particular medium scale turbines. More detail is provided in Chapter 2. The guidance typically applies to residential amenity as experienced from a single dwelling (unless where otherwise stated). However, given the relatively dispersed pattern of population in the district, a pragmatic and reasonable approach needs to be taken in balancing local amenity impacts against national benefit (in the form of renewable energy generation).*
- 1.11 *This document forms informal planning guidance, to be shared with anyone considering a wind turbine proposal within the district, and is a material planning consideration that the Planning Committee can take into account in considering proposals before them.*

Context

- 1.12 This document has been prepared in response to a motion adopted by Full Council on 19 July 2010, which read as follows:

"That this Council develops, as a matter of urgency, a policy setting minimum acceptable distances between proposed wind turbines and dwellings".

1.13 There is currently no minimum separation distance in English planning law or guidance. What separation guidelines do exist in Scotland and Wales are explained as a general guide rather than a rule. *Scottish Planning Policy (para 190)⁽ⁱⁱ⁾* states that:

"A separation distance of up to 2km between areas of search [for wind farms] and the edge of cities, towns and villages is recommended to guide developments to the most appropriate sites and to reduce visual impact, but decisions on individual developments should take into account specific local circumstances and geography".

1.14 In Wales, Technical Advice Note 8⁽ⁱⁱⁱ⁾ discusses distances specifically in relation to noise impacts, and states that:

"500 metres is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts. However, when applied in a rigid manner it can lead to conservative results and so some flexibility is advised".

1.15 Jane Davidson (Environment Sustainability and Housing Minister), in response to a written question to the National Assembly for Wales, confirmed that:

"The issue is less to do with distance than the need to limit noise from wind farms to 5 decibels above background noise for both day and night time. The separation distances between wind turbines and residential properties can be examined as part of the refinement work by local planning authorities and on a case by case basis, taking into account topography and orientation, when decisions on planning applications are taken".

1.16 There are no statutory distances relating to residential amenity currently in place in England.

1.17 Two Private Member's Bills relating to minimum statutory distances have recently been proposed in Parliament. The first, a 'Ten Minute Rule' Bill, set out the following:

Turbine Height (metres)	Distance from Homes Suggested in Bill (miles)
25 to 50	0.5
50 to 100	1
100 +	1.5

1.18 The Bill also suggested an alternative approach, specifying 'set back distances' by using a fixed multiple in proportion to height.

1.19 This Bill was criticised in the planning press, and was reported as being 'arbitrary', 'ill founded' and 'inflexible' (Planning, 13 November 2009). It did not progress to a second reading, although this is not uncommon for 'Ten Minute Rule' Bills.^(iv)

1.20 A second Bill originated in the House of Lords and had its first reading on 27 July 2010. The date of the second reading is still to be announced. This set out the following:

ii <http://www.scotland.gov.uk/Resource/Doc/300760/0093908.pdf>

iii <http://wales.gov.uk/topics/planning/policy/tans/tan8/?lang=en>

iv <http://www.parliament.uk/about/how/laws/bills/private-members/>

Turbine Height (metres)	Distance from Homes Suggested in Bill (metres)
25 to 50	1000
50 to 100	1500
100 +	2000

- 1.21** The first and second Bills use miles and metres respectively to measure distance. Both Bills propose exceptions to these distances, where residents (the first bill) or owners (the second) of dwellings within the 'buffer zone' agree to the construction of the turbines.
- 1.22** It could be, therefore, that in the future, separation distances are set out in national planning law or policy.
- 1.23** In the absence of this, this document ~~proposes~~ *presents the* local approach to be taken towards wind turbine development in Cherwell. It adds detail to draft Local Development Framework policy (draft Core Strategy policy SD 3) in setting out minimum separation standards to protect residential amenity, and to reduce noise, safety and shadow flicker impact, and adverse impacts on landscape and heritage.

Chapter 2 Wind Turbine Size and Wind Speed

Wind Turbine Size

- 2.1** Wind turbines are measured in terms of height (hub height (a), rotor diameter (b) and ground to blade tip ($a + (b/2)$), and in terms of generating capacity (in watts, kilowatts (kW) or megawatts (MW); $1000w = 1kw$ and $1000kw = 1 MW$). The output of a wind turbine depends on the rotor diameter. Doubling the rotor diameter quadruples a turbine's output. Similarly, wind speed also increases generating capacity. A doubling of wind speed results in a roughly eight fold increase in power output. ^(v)
- 2.2** Although there are no rigid categories relating to the scale of wind turbines, individual onshore turbines tend to fall within four size bands: micro, small, medium and large. ^(vi)
- 2.3** A combination of sources ^(vii) has been reviewed to suggest how we could broadly quantify these groupings. This is complicated by the fact that different turbine models have differing capacities compared to their heights. Consequently there is considerable overlap between the 'small' and 'medium' categories. Turbine efficiencies are also dynamic and constantly evolving, so our categorisation below represents only an approximate 'snapshot' at the current time.

Table 2 Wind Turbine Sizes

Grouping	Capacity	Ground to Blade Tip Height	Comments
Micro	Less than 100w	N/A	Used to charge 12 or 24 volt batteries
Small	0.6kW - 1 or 2.5kW	N/A	2.5kW typically the limit of building mounted (roof mounted) turbines.
	6 - 10kW	10 - 15m	Typically mast mounted turbines for domestic use
	Up to 100kW	20 - 50m	Typically suited for other applications, such as serving a village hall, a school, or a business. 100kW likely to be the absolute maximum in the 'small' banding although there is likely to be some overlap between 'small' and 'medium' in terms of height.
Medium	100s kW up to 1MW	50 - 80m	Larger than domestic application. A number of applications have been received by the Council for such turbines at farm locations.
Large	1 - 3MW	90 - 135m	Commercial scale turbines. This grouping represents the majority of planning applications submitted for wind turbines, according to the DECC.

v 'PPS22 Companion Guide', Technical Annex: Wind, CLG (2004)

vi 'Review of Renewable and Decentralised Energy Potential in South East England', LUC & TV Energy (2010)

vii Renewable UK (formerly the British Wind Energy Association), the Department for Energy and Climate Change, the CAG Study, the Energy Saving Trust and planning applications received by the District Council

- 2.4 Onshore wind farms typically comprise a number of commercial scale or 'large' turbines, and at the largest are capable of generating tens of MW. Applications for schemes generating 5MW or more (or 15m or taller, or two or more turbines) are subject to Environmental Impact Assessment. Applications for schemes generating 50 MW or more are decided by the Infrastructure Planning Commission (or its future replacement).

Context

The turbines allowed at the Fewcott Appeal (APP/C3105/A/09/2116152) have an individual rating of between 2 and 2.5MW. Four turbines are proposed.

The turbines at the Westmill Community Wind Farm in the Vale of White Horse have an individual rating of 1.3 MW. There are five operational turbines generating enough electricity to power around 2,500 homes each year.

- 2.5 This document ~~will~~ typically ~~apply~~ *applies* to commercial scale, large turbines but the principles could also apply to smaller turbines, in particular medium scale turbines. As Table 2 shows, measurements can be made in terms of height and megawatts, so as a rough guide this document applies to any turbine with a ground to blade tip height of over 50m. It is noted that Planning Policy Statement 22 states that authorities should not set arbitrary limits on the numbers of turbines that will be acceptable in particular locations (para 21). This document recognises that there are likely to be more significant impacts arising from larger turbines and highlights the key policy guidance and thresholds to be used in siting these larger turbines. *It does not, in itself, impose a limit on the specific numbers of turbines but rather focuses on their appropriate location.*

Wind Speed

- 2.6 DECC guidance^(viii) states that the benchmark currently used for the minimum commercially viable average wind speed varies between 5 metres per second (m/s) and 7m/s at 45m above ground level. In practice, most developers currently consider sites with wind speeds of over 6m/s at 45m. These speeds are noted in the Appeal Decision relating to the Fewcott proposal. Here, the Inspector also acknowledged that wind technology is constantly improving (meaning that turbines could become viable at lower wind speeds).
- 2.7 PPS22 recommends measuring wind data onsite for at least 12 months prior to finalising a scheme, which can be achieved through the use of historical meteorological data and onsite anemometers.^(ix)

viii Renewable and Low-carbon Energy Capacity Methodology, January 2010 at http://www.decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/renewable20energy/ored/1_20100305105045_e_@@_methodologyfortheenglishregions.pdf

ix PPS22 Companion Guide, Technical Annex para 32

Chapter 3 Dwelling Distance

What are the Issues?

- 3.1** Cherwell is a rural district with a dispersed pattern of development. There are over 90 villages and hamlets in the district, containing 35.3% of the population. Most of these villages are relatively small, with populations under 500.^(x) Because few areas are far from existing settlements or individual dwellings, the amenity impacts of wind development are likely to be significant in many parts of the district. Additionally, many of the roads in the district pass through these small settlements and are unsuited to large vehicles.^(xi) *Accordingly, this chapter presents separation distances between wind turbines and dwellings in order to minimise harm to residential amenity.*
- 3.2** ~~This chapter focuses on separation distances between wind turbines and settlements or dwellings for reasons of residential amenity.~~ It is important to distinguish between impacts on residential amenity and other impacts arising from wind proposals such as landscape and wider visual impacts, noise impacts, or safety issues. ~~Accordingly~~ This document is split into several chapters which discuss how and why separation distances could be used to minimise the various impacts. However, there are inextricable links between ~~the chapters~~ *this chapter* and all others in the document - for example, residential amenity is heavily affected by noise levels.

National and Local Policy Guidance

- 3.3** Planning Policy Statement 22: Renewable Energy states that proximity to dwellings, and whether a site is constrained by a population centre or scattered dwellings, is one of the factors to be considered in appraising suitable sites for wind energy. It does not suggest the appropriate minimum proximity.
- 3.4** The Draft National Planning Policy Statement on Renewable Energy (2009) (intended to provide the basis for decisions by the Infrastructure Planning Commission) states that "Appropriate distances should be maintained between wind turbines and residential properties to protect residential amenity". It does not define 'appropriate'.
- 3.5** The 'Renewable Energy and Sustainable Construction Study' (2009) undertaken to inform future Core Strategy policies recommends that impact on residential amenity within the district be assessed by a 'residential survey' which considers the visual impact on individual dwellings closest to the proposal, and groups of dwellings, as distance increases. The Study suggests that separation distances for reasons of visual amenity are likely to be similar to those required for other reasons such as noise (which will, of course, differ on a case by case basis).
- 3.6** The Study was not undertaken specifically to recommend separation distances between dwellings and turbines. It did however examine the theoretical potential for renewable energy development (not just wind energy) in Cherwell. In doing so, the desk based study undertaken by the consultants across a broad study area used a notional separation distance of 800m between large scale turbines and dwellings (for noise and visual impact reasons) in order to assess general constraints on development and to identify areas that were less constrained. It noted that the use of different turbines or site layouts could justify smaller distances, whilst smaller turbines would also require smaller distances. In addition, local topography may mean that a smaller distance buffer may be appropriate.

x Living in Cherwell, CDC (2010) at http://www.cherwell.gov.uk/media/pdf/i/g/Living_in_Cherwell_FULL_MMCL_July_2010.pdf

xi Renewable Energy and Sustainable Construction Study, CAG (2009) at http://www.cherwell.gov.uk/media/pdf/W/Renewable_Energy_and_Sustainable_Construction_Study_%28September_2009%29.pdf

Guidance from Appeal Decisions

- 3.7** A brief review of appeal decisions indicates that there is no general rule that is strictly applied in relation to distances between turbines and dwellings. Rather, a judgement is made according to the specifics of each case and the local circumstances that justify larger or smaller distances.
- 3.8** The Appeal Decision relating to the Fewcott Inquiry (APP/C3105/A/09/2116152) considered the effect of the proposals on individual views. It states that:
- "The appeal development would be prominent in the outlook from some 50 houses in Ardley and Fewcott, another 50 or thereabouts in Fritwell, some 12 in Stoke Lyne and the house at Green Farm. But I remind myself that no protection exists for the benefit of a private view. Consequently I do not regard as unacceptable the situation in which a turbine is prominent in the view from a domestic window. Rather, my concern is to recognise cases in which the effect on living conditions of people in such houses would be one of unacceptable dominance or overbearing. Evidence was given at the Inquiry that there is a risk of such an effect within up to 3 times the turbine height (to rotor tip) which in this case is 375m. This was based on observations at a wide number of finished wind farms." (paras 55 & 56)
- 3.9** The Inspector noted that one dwelling would experience an 'overbearing effect' created by the turbines, but that there would be no perceptible harm to the views in the wider area.
- 3.10** This appears to suggest that a minimum distance for residential amenity *could* be three times the turbine height. The minimum approximate 400m buffer resultant in this instance is in accordance with Chapter 4, where it is suggested that turbines within 400m of a dwelling will have a dominant visual impact. *However, distances in other appeal decisions are discussed below.*
- 3.11** An Appeal Decision relating to a proposal in South Devon for 3 turbines up to 100m high (APP/K1128/A/08/2072150) discussed the impact of the turbines on a dwelling 500m away. The Inspector noted that the turbines would:
- "...fundamentally change the outlook from this property...[H]owever, the turbines would be slender structures and I do not believe that they would, at this distance and height, have an overbearing or dominating impact that would harm the residential amenity that the occupiers could reasonably expect in this rural agricultural setting".
- 3.12** Other dwellings in the locality (53 dwellings within 2km of the site) were noted as being unlikely to be adversely affected by impact on outlook. Given a combination of the separation distances, orientation of views, and the local effects of trees, other buildings and the topography, the Inspector was satisfied that the turbines would not significantly affect the living conditions of other occupiers.
- 3.13** An Appeal Decision relating to a proposal in Cumbria for 6 turbines up to 100m tall (APP/M0933/A/08/2090274) found that the visual impact of turbines on the amenity of occupiers of a dwelling 600m from the turbines would not be highly prominent - the turbines would not be so dominant or oppressive as to be unacceptable. The 600m distance was also noted as being acceptable in an Appeal Decision relating to a proposal in Essex for 5 turbines up to 125m tall (APP/P1560/A/08/2088548) although the Inspector states that this is not a general rule, but appropriate in that particular instance due to tree screening around the dwellings.
- 3.14** The Inspector in an Appeal relating to a proposal for 11 turbines 125m tall in Leicestershire (APP/F2415/A/09/2096369) found that the impact on the living conditions of residents 670m from the site of the turbines would not be unacceptable.

- 3.15** A distance of 700m from the nearest residential dwelling was found to be appropriate in the Appeal Decision relating to a proposal for 7 wind turbines 125m tall in Norfolk (APP/L2630/A/08/2084443).
- 3.16** A distance of between 600 and 800m from the nearest residential dwelling was also found to be appropriate in the Appeal Decision relating to a proposal for 5 turbines 100m tall in Nottinghamshire (APP/B3030/A/08/2072487).
- 3.17** 800m was also the distance between the nearest dwelling and 10 turbines up to 100m tall in a proposal in South Northamptonshire (planning application reference KE/03/0559), which was approved.
- 3.18** Other Inspectors consider turbines unacceptable at these distances. In one case (5 turbines at 125m tall in Dover, APP/X2220/A/08/2071880) the closest dwelling stood 360m from the nearest turbine. For this dwelling, the Inspector found that the turbine would be 'looming', 'unpleasantly overwhelming' and 'unavoidable'. This 'unpleasantly overwhelming and unavoidable' impact extended to dwellings within 800m. At a settlement 1km away from the turbines, the impact too would be dominating and unavoidable, although in this case it was the widely spaced spread of the turbines, rather than their height, that would be visually invasive. The Inspector noted that there were some more closely located properties that would be less affected, because the turbines would be more closely grouped rather than spread out.
- 3.19** At an appeal relating to a proposal for 16 turbines in Cambridgeshire (APP/W0530/A/05/1190473) the Inspector considered that the impact of the turbines on a settlement 800m away would be significant. The impact was exacerbated by the particular circumstances of the location; the settlement was surrounded by small, low level agricultural enclosures with hedgerows and trees, which made a significant contribution to the character of the area and the pastoral component to the setting of the village. The turbines were found to completely dominate the character and appearance of the area, and the appeal was dismissed.
- 3.20** This brief review of appeal decisions serves to demonstrate that there is no general rule being applied, for a number of reasons. Separation is clearly required for residential amenity, but the distance depends on a number of factors present in each case including topography and land cover.

Other Examples

- 3.21** Fenland District Council has produced 'Wind Turbine Development Policy Guidance' which considers each of the impacts raised by wind energy and suggests criteria or thresholds beyond which wind turbine development is unlikely to be acceptable. It does not have a section of residential amenity specifically. However the criteria referred to in the document's 'Landscape and Visual Impact' section are of interest. It suggests that the visual impact of turbines within 400m will be 'dominant', forming the principle element of the view and overpowering the viewer. *Because of the landform of the Fenland district, which offers little opportunity for effective screening of wind turbine developments, their guidance suggests that is desirable to limit the extent of turbine visibility within a given field of view. The document explains that, it further suggests that,* based on professional judgement, settlements of more than 10 dwellings should not have wind turbines in more than 90 degrees of their field of view from public or residential viewpoints for a distance of 5km. Individual dwellings should not have wind turbines in more than 180 degrees of their field of view for a distance of 10km. This focus on the 'field of view' occupied by wind turbines appears to tackle the issue raised by the Inspector in the Dover appeal (see para 3.18).
- 3.22** South Northamptonshire District Council's draft 'Wind Turbines in the Open Countryside' SPD has a section entitled 'Local Amenity' but the issues and guidance discussed in that section relate entirely to noise levels.

- 3.23** Torridge District Council's 'Wind Energy Policy' statement establishes a minimum distance between dwellings and turbines of 600m for reasons of 'local amenity', again defined specifically as noise and visual impact issues. The document acknowledges that in some cases lesser separation distances might be required.

Conclusions

- 3.24** The brief review of appeal decisions indicates that there is no single 'separation rule' relating to residential amenity being applied across the country, with judgements in each case being determined by local circumstances.
- 3.25** Looking specifically in Cherwell, we know that the district is 89.3 % rural,^(xii) with an evenly scattered dispersed distribution of settlements and isolated farmsteads.^(xiii) Most settlements in the district are small villages and hamlets^(xiv) and typically, the setting of these settlements is tranquil and agricultural. Topography across the district is complex, but on the whole the district is relatively flat (particularly in the south of the district, although less so in the north/western part with its hills and valleys) and unlikely to provide any significant screening of turbines, whilst the district as a whole is 'noticeably lacking in woodland cover'.^(xv)
- 3.26** The combination of these factors means that within Cherwell, large scale wind turbines are likely to have a dominant impact within a broad distance. It is recommended that a separation distance of 800m is normally required between large scale wind turbines and dwellings.
- 3.27** *It is also important to consider the 'field of view' occupied by turbines in relation to residential amenity (although this also relates to landscape and cumulative impacts), as well as the differences in the amenity impacts on one single dwelling (which this document is intended to relate to specifically), and a settlement. For example, a turbine may not dominate a settlement in terms of scale, but it would be visible by a larger number of people; whereas, a single dwelling is more likely to be dominated by a turbine that is out of scale with it, but fewer people would experience views of it. Similarly, a number of turbines are more likely to have a greater cumulative impact on a single dwelling than they would on a settlement. Obviously these considerations are dependent upon the specific positioning of the turbines in terms of topography, screening, and so on, and would need to be applied on a site specific basis.*

xii Key Facts in One Place - Cherwell District, (GOSE), 2008 at <http://www.go-se.gov.uk/497648/docs/170192/179006/179028/Cherwell.pdf>

xiii Cherwell Landscape Assessment, CDC (1995) at http://www.cherwell.gov.uk/media/pdf/7/n/CDC_Landscape_Assessment_-_Cobham_Nov_1995_-_lr.pdf

xiv Living in Cherwell, CDC (2010) at http://www.cherwell.gov.uk/media/pdf/i/g/Living_in_Cherwell_FULL_MMCL_July_2010.pdf

xv CDC (1995)

Guidance within Cherwell District

A minimum separation distance of 800m between large scale wind turbines and dwellings will normally be expected. Appropriate separation distances may be influenced by the orientation of views, and the local effects of trees, other buildings and the topography, as well as other issues such as noise, safety, shadow flicker, and impacts on landscape or heritage assets.

Large scale wind turbines should always be separated from dwellings by a distance of at least three times the turbine height (ground to blade tip) for reasons of residential amenity.

As a guiding principle, settlements of more than 10 dwellings should not normally have wind turbines in more than 90 degrees of their field of view from public or residential viewpoints for a distance of 5km from the viewpoint. Individual dwellings should not have wind turbines in more than 180 degrees of their field of view for a distance of 10km from the property. These criteria may be influenced by, amongst other issues, topography and screening.

- 3.28** *This guidance does not reflect a blanket restriction on wind turbines, but guidance on location in order to minimise harmful impacts.*

Further Information

- 3.29** See Appendix 1 - 'General'.

Chapter 4 Landscape and Visual Impacts

What are the Issues?

4.1 A key consideration *with* proposals for wind turbines will be impacts on landscape character and visual amenity. Cherwell is a largely rural district with highly valued local landscapes. The Cherwell District Landscape Character Assessment (1995) states that:

"The landscape character of Cherwell district is immensely varied, with large areas of unspoilt countryside".

4.2 Making a planning judgement on the acceptable level of landscape or visual impact can be difficult since there is no guidance in relation to such 'acceptable levels' and landscape impacts cannot be quantified, unlike other impacts such as noise levels.

4.3 However, there are well established approaches to assessing the capacity of landscapes to accommodate wind turbines based on the following process:

Landscape Sensitivity + Visual Sensitivity + Landscape Value = Landscape Capacity.

4.4 Each of these elements will be informed by Landscape Character Assessment, whilst overall conclusions on capacity will also require an understanding of what level of change within the landscape would be acceptable.

4.5 Guidance on assessing landscape and visual impacts is discussed in more detail below.

National and Local Policy Guidance

4.6 In terms of national landscape designations, a small part of the district falls within the Cotswolds Area of Outstanding Natural Beauty (AONB). PPS22 states that within national designations, planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of the designation of the area will not be compromised by the development, and any significant adverse effects are clearly outweighed by environmental, social and economic benefits (para 11). The Cotswolds AONB Conservation Board has produced a Management Plan *and a Position Statement* (Appendix 1) for the AONB. *The Management Plan has been adopted by this* which this District Council has adopted for use as supplementary guidance (it is therefore a material consideration in determining applications). This Management Plan encourages and supports appropriate scale renewable energy generation (including small scale single wind turbines) but states that wind farms are likely to be inappropriate.

4.7 In terms of locally valued landscapes, it is very clear in government guidance (PPS22 and PPS7) that local landscape designations should not be used to justify blanket restrictions on renewable energy development within broad areas. Instead, the approach should be to identify the different landscape characters of an area, and assess the capacity of those different landscapes to accommodate turbines using the approach set out in para 4.3. This could be undertaken by the local authority at a district level (see 'Other Examples', below) or could be undertaken on a smaller scale and on a case by case basis within the Landscape and Visual Impact Assessment (LVIA) submitted as part of a wind farm proposal in accordance with the Environment Impact Assessment Regulations.

4.8 The main source of guidance for producing a landscape character assessment is 'Landscape Character Assessment Guidance', Countryside Agency (2002) (weblinks are in Appendix 1).

4.9 The main sources of guidance to assess landscape and visual impact are:

- 'Guidelines for Landscape and Visual Impact', Landscape Institute and the Institute of Environmental Management and Assessment (2002)
- 'Visual Representation of Windfarms Good Practice Guidance', Scottish Natural Heritage (2006)
- 'Guidelines on the Environmental Impact of Wind Farms and Small Hydroelectric Schemes', Scottish Natural Heritage (2001)
- PPS22 Companion Guide.

- 4.10** In brief, LVIA's should distinguish between landscape and visual effects. Landscape Impact Assessment considers change to individual landscape elements; change to landscape character; and change to designated landscapes and settings. Visual Impact Assessment considers change to views and visual amenity.
- 4.11** Within Cherwell, Landscape and Visual Impact Assessments can be informed by the Landscape Capacity and Sensitivity Assessment (LCSA) (*which focuses on the landscapes around Banbury and Bicester*) and the Oxfordshire Wildlife and Landscape Study (OWLS) (see Appendix 1), which are useful sources of local information. ~~However, neither of these studies refers to wind turbines specifically, and the LCSA focuses on the landscapes around the main settlements of Banbury and Bicester. The landscape of the Cherwell/Aylesbury Vale border has been assessed within the Aylesbury Vale Landscape Character Assessment and the Areas of Sensitive Landscape Study. These documents highlight the sensitivity of the landscape along the Cherwell/Aylesbury Vale boundaries, particularly towards the south. It is important to use all available landscape evidence to identify the level of impact which might occur from wind turbine development.~~
- 4.12** In terms of policy guidance, Land Use Consultants^(xvi) advise that a policy prohibiting wind turbine developments "if significant landscape effects are created" is meaningless, because significant effects, or change, will occur inevitably. This view was echoed by the Inspector at the Fewcott appeal who noted, in that particular case, that "there would be change but not harm" (APP/C3105/A/09/2116152, para 54). Examples of how policies can be used to define acceptability or harm are discussed in para 4.17 below.
- 4.13** **It is important to note that landscape and visual impacts are likely to be assessed as part of the Environmental Impact Assessment process, in order to demonstrate that significant adverse effects are being avoided or mitigated.**

Guidance from Appeal Decisions

- 4.14** An Appeal Decision relating to a proposal in South Devon for 3 turbines up to 100m tall (APP/K1128/A/08/2072150) noted that the turbines would exert a characterising influence over the local landscape within a radius of 500m - 600m. In this case, the impact was exacerbated by the fact that the turbines would be sited near to the edge of a plateau and would be about double the height from the ridge, on which they would be sited, to the nearby valley floor. In visual terms, effects would be 'high' up to 1.5km/2km away, dropping to 'medium' at a distance of 3-5km.
- 4.15** At an Appeal Decision relating to a proposal in Cumbria for 6 turbines up to 100m tall (APP/M0933/A/08/2090274) found that the turbines would give rise to a significant change in the appearance of the immediately surrounding area (within 600m and 1km). However, the landscape was found to be 'sufficiently robust and of a scale that could assimilate the six structures without being dwarfed by them' (para 38).

xvi In a training event provided on behalf of CLG and the Centre for Sustainable Energy

- 4.16** An Appeal Decision relating to a proposal in Essex for 5 turbines up to 125m tall (APP/P1560/A/08/2088548) found that the turbines would exert a characterising influence over the landscape within and up to 700m distance. However a number of 'mitigating' factors were noted including existing human influence on the landscape, the topography, and the capacity of the exposed and windswept landscape to accommodate the turbines.

Other Examples

- 4.17** There are several examples of studies and Supplementary Planning Documents (SPDs) prepared by other local planning authorities which consider in detail the capacity of the different landscape types within the district to accommodate wind turbines. Huntingdonshire District Council has produced an SPD on wind power (2006) which considers landscape issues, whilst Vale Royal Borough Council has produced an SPD on Landscape Sensitivity and Wind Turbine Development (2007). South Holland District Council's SPG on Wind Energy also follows the detailed landscape character assessment and subsequent landscape capacity approach. Fenland District Council's "Wind Turbine Development Policy Guidance" quantifies the impact that turbines are likely to have on each of the district's landscape types, and draws conclusions on the extent to which each landscape type can accommodate different 'magnitudes' of impact. It sets out the following:

Table 3

Distance from Turbines	Magnitude of Visual Impact
Within 400m	Dominant
400m - 2km	Prominent
2 - 5km	Conspicuous
5 - 15km	Apparent
15 - 30km	Inconspicuous
Over 30km	Negligible

- 4.18** *(Note: Scottish Planning Advice Note 45, on which the above table is based, contains different categories of distance and descriptions of impact. Links to this document are provided in Appendix 1).*
- 4.19** Fenland's guidance document also refers to the proportion of a 'field of view' occupied by turbines in relation to residential visual amenity (see Chapter 3).
- 4.20** Torridge District Council's 'Wind Energy Policy' statement establishes minimum separation distances between turbines and designated landscapes (500m from AONB). In terms of non designated landscapes, it adds that developers are required to provide information on how the turbine proposal will integrate into the existing landscape, taking into account identified landscape character areas. A district wide Landscape Character Assessment was underway at the time the document was produced (May 2010) and it is stated that once this work is completed, it would be possible to produce a landscape sensitivity assessment to wind energy development in the district.

Conclusions

- 4.21** It is important to distinguish between landscape impacts and visual impacts, and between these impacts and residential amenity impacts, which are covered in Chapter 3.

- 4.22** Impacts on the wider landscape, and conclusions on the capacity of landscapes to accommodate large scale wind turbines, will need to be assessed in the Landscape and Visual Impact Assessment submitted with large scale wind proposals. This, in turn, can be informed by existing information on the landscape characters and types in *Cherwell and adjoining districts* (the Oxfordshire Wildlife and Landscape Study and the Cherwell Landscape Character Assessment undertaken in 1995, listed in Appendix 1).
- 4.23** In terms of the visual impact of large scale turbines when experienced within a local landscape (i.e the landscape surrounding a settlement, it is considered that the Council could make use of the distances established by Fenland District Council in Table 3 above. For example at a distance of 400m, large scale wind turbines are likely to have a dominant visual impact on the local landscapes around the settlement, and this is considered to be inappropriate:
- 4.24** *We know that there are numerous landscape character areas and types within the district, and topography is complex. Turbines are likely to have a more wide ranging visual impact in the south of the district, which is relatively flat, although landscape value is typically higher in the north of the district (with the local Area of High Landscape Value designation and AONB). In broad terms, to minimise the visual impact of large scale turbines when experienced within a local landscape (i.e the landscape surrounding a settlement), the Council will make use of the distances established by Fenland District Council in Table 3 above. For example, at a distance of 400m, large scale wind turbines are likely to have a dominant visual impact on the local landscapes around the settlement, and this is considered to be inappropriate. However, mitigation measures should be used to further guide location and avoid harmful landscape and visual impact.*
- 4.25** 15% of the district^(xvii) is covered by landscape designation (the AONB) or designations requiring careful consideration of the visual impacts of developments (the Green Belt). It is therefore necessary to include guidance relating to designated areas specifically. This can be directly influenced by national policy and the guidance of bodies such as Natural England. *In the case of Green Belt policy, the key consideration will be to what extent the development is inappropriate, and to what extent the harm caused by inappropriate development is outweighed by special circumstances.*
- 4.26** *Finally, the considerations relating to the 'field of view' as set out in Chapter 3 will also be relevant to minimising landscape and visual impacts. This needs to factor in consideration that impacts are experienced by a greater number of people in settlements compared to individual dwellings, as well as take into account any mitigating factors reducing views of turbines, such as screening.*

xvii Key Facts in One Place - Cherwell, GOSE (2008) at <http://www.go-se.gov.uk/497648/docs/170192/179006/179028/Cherwell.pdf>

Guidance within Cherwell District

Large and medium scale wind turbine developments within or outside the AONB *which adversely affect the special qualities of the AONB* are unlikely to be permitted. Within the Green Belt, turbines will only be permitted where they do not compromise the openness of the Green Belt *or the purposes for which it was created*.

Large and medium scale wind turbine developments that would result in a 'dominant' landscape and visual impact (i.e within 400 metres of *dwelling settlements*) are unlikely to be permitted.

If a suitable broad location can be found, the following principles should guide the location of turbines:

- the direction and flow of the landscape and contours should be followed
- layouts should be designed to avoid (1) visual confusion and disordered clutter, (2) 'tangles' of turbines where multiple turbines are seen behind each other, and (3) isolated turbines that are remote from the rest of the group.

Adverse impacts should *always* be minimised through appropriate mitigation. The local planning authority will seek to influence mitigation at the earliest stages in a proposal, and will enforce mitigation measures through the use of planning conditions.

As a guiding principle, settlements of more than 10 dwellings should not normally have wind turbines in more than 90 degrees of their field of view from public or residential viewpoints for a distance of 5km from the viewpoint. Individual dwellings should not have wind turbines in more than 180 degrees of their field of view for a distance of 10km from the property. These criteria may be influenced by, amongst other issues, topography and screening.

- 4.27** *This guidance does not reflect a blanket restriction on wind turbines, but guidance on location in order to minimise harmful impacts.*
- 4.28** ~~The guidance documents set out in Appendix 1 - 'Landscape and Visual Impacts' should be used to avoid significantly adverse landscape impacts:~~
- 4.29** ~~In undertaking a Landscape and Visual Impact Assessment of wind turbine proposals, reference should be made to the landscape characters within (and adjoining) the district identified in the documents listed in Appendix 1 identified in the Oxfordshire Wildlife and Landscape Study. The information in these documents should be used to inform the avoidance of significantly adverse landscape impacts.~~
- 4.30** A thorough district wide landscape capacity assessment would enable the Council to develop more specific evidenced based guidance.

Further Information

- 4.31** Please see Appendix 1 - 'Landscape and Visual Impacts'.

Chapter 5 Noise

What are the Issues?

- 5.1 Noise can have an adverse impact on the environment and the quality of life enjoyed by individuals and communities. There are two distinct types of noise source within a wind turbine - the mechanical noise produced by the gearbox and generator, and the aerodynamic noise produced by the passage of blades through the air.

National and Local Policy Guidance

- 5.2 The framework for assessing noise impacts is currently 'The Assessment and Rating of Noise from Wind Farms', produced by the Energy Technology Support Unit for the DTI in 1997 (ETSU-R-97). This provides the framework for the measurement of wind farm noise and for deriving suitable noise limits to offer a reasonable degree of protection. PPS22 recommends the use of ETSU-R-97 for assessing operational wind farm noise generation (standards outside of the planning system exist to manage construction noise generation (i.e. BS 5228 1997)).
- 5.3 ETSU-R-97 recommends the application of noise limits at the nearest noise sensitive properties (i.e. at numerous sites). Limits should be set relative to the existing background noise levels (which may increase with wind speed). The predicted noise levels from wind turbines are then compared with the limits to determine acceptability.
- 5.4 It further states that noise from wind farms should be limited to 5 decibels (dB A) above background levels for both day and night time. A fixed limit of 43 dB A is recommended for night time. Both day and night time lower limits can be increased to 45 dB A where the occupier of a property has some financial interest in the wind farm. It is important to note that noise levels are therefore measured in relation to the increase above the background noise levels. Therefore a noisier location could potentially accommodate noisier wind turbines.
- 5.5 The PPS22 Companion Guide contains a comparison between typical wind turbine noise at a distance of 350m and other common noise sources. It stresses that:
- Noise levels from turbines are generally low and, under most conditions, it is likely that turbine noise would be completely masked by wind-generated background noise
 - Aerodynamic noise from wind turbines is generally unobtrusive
 - Varying the speed of the turbines can, if necessary, reduce the sound output
- 5.6 Low frequency noise (infrasound) is sometimes raised as an issue in response to wind farm proposals. The PPS22 Companion Guide asserts that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health.
- 5.7 Some non statutory research reports recommend that buffer zones are applied between turbines and dwellings for reasons of noise protection. This buffer zone could be 2km, or greater if the individual turbine has a capacity of over 2MW. This advice has not yet been incorporated into statutory guidance.
- 5.8 The guidance on assessing the noise impacts of wind farms is currently under review by the DECC to ensure that the ETSU-R-97 guidance is applied in a consistent and effective manner (Planning, 6 August 2010).
- 5.9 **It is important to note that noise impacts are likely to be assessed as part of the Environmental Impact Assessment process, in order to demonstrate that significant adverse effects are being avoided or mitigated.**

Guidance from Appeal Decisions

- 5.10 In the Fewcott Appeal, the Inspector concluded that a precautionary approach should be taken, limiting noise levels at each site to the lowest background noise level (rather than the less demanding common practice of relating the noise limit to wind speed). Existing and proposed noise levels were assessed at six locations. At the property closest to the nearest wind turbine (400m) the noise generated was found to be within the limits proposed by ETSU-R-97 (i.e 5 dB A above background noise levels).
- 5.11 At an Appeal Decision relating to a proposal for 10 turbines in Lincolnshire (APP/E2530/A/08/2073384) the Inspector discusses the 2km buffer zone suggested in a research document referred to him. He notes that "I could not find (among the 3 references to the subject in the reported studies) any scientific or other justification for its precise recommendation of a 2km separation distance between turbines and dwellings" (para 19).
- 5.12 It is of note that the Inspector at an Inquiry relating to proposals for 5 turbines 120m tall in Dover (APP/X2220/A/08/207/1880) discussed ETSU-R-97's rejection of minimum separation distances but concluded that "separation distance is the best insurance against unacceptable noise impact, whatever its cause" (para 59).

Other Examples

- 5.13 Cumbria County Council's guidance document on wind turbines refers to PPS22 and the ETSU-R-97 document but does not specify separation distances.
- 5.14 The national planning policy in Wales (as set out in Chapter 1) refers to a typical distance of 500m to avoid unacceptable noise impacts.
- 5.15 ~~Northants~~ *Northamptonshire* draft SPD, 'Wind Turbines in the Open Countryside', examines the approach set by ETSU-R-97, ~~finds there to be shortcomings~~ and refers to a '600m distance recommendation' between turbines and residential properties for noise reasons. It does not identify the source or justification for this figure.
- 5.16 Fenland District Council's 'Wind Turbine Development Policy Guidance' again refers to ETSU-R-97 and adds that 'common practice suggests that for 2-3MW turbines, a buffer of between 400m and 700m is required to minimise noise impacts'. This specific distance is not justified in any more detail.
- 5.17 It is of note that the ETSU-R-97 document states that a minimum separation distance of between 350 and 400m (as suggested in the predecessor to PPS 22) would be unlikely to offer an adequate level of protection today due to the difference in noise emissions from different types of turbines, the increase in scale of turbines today, and topographical reasons.

Conclusions

- 5.18 It is concluded that there are clear guidelines by which the acceptability of wind turbine proposals in relation to noise impacts can be quantified. The review of policy guidance and appeal decisions does indicate however that the important consideration is the level of noise generated over background noise levels (which will differ at different locations across the district). The review of policy guidance (PPS22 and its endorsement of ETSU-R-97) does indicate a 'minimum separation distance' within which noise impacts are likely to be unacceptable (400m).

Guidance within Cherwell District

In accordance with PPS22, wind farms should be located so that increases in ambient noise levels around noise sensitive developments are kept to acceptable noise levels with relation to existing background noise. The level of acceptability is as set out in 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97).

As a general rule, a separation distance of less than 400m would be contrary to the advice set out in ETSU-R-97.

However, the important consideration is noise generation above background levels, rather than distance. If background noise levels are particularly high (for example, adjoining the M40), noise generated by turbines situated at or around 400m of dwellings may fall within the limits established in ETSU-R-97

Planning conditions or obligations will be used to safeguard local amenity, such as to secure mitigation measures including those set out in PPG24.

- 5.19** *This guidance does not reflect a blanket restriction on wind turbines, but guidance on location in order to minimise harmful impacts.*
- 5.20** ETSU-R-97, PPS22 and its Companion Guide and PPG24: Planning and Noise offer further advice.
- 5.21** Early consultation with the Council's Environmental Health Department and the Anti Social Behaviour Manager is recommended.

Further Information

- 5.22** Please see Appendix 1 - 'Noise'.

Chapter 6 Heritage

What are the Issues?

- 6.1** Wind turbines may have adverse impacts on Scheduled Ancient Monuments, Conservation Areas, Listed Buildings and Registered Parks and Gardens, either directly (ground disturbance to archaeological sites) or indirectly (on the setting of such features). Many of Cherwell's villages and the town centres are protected by Conservation Areas, the district has approximately 3000 listed buildings, 55 Scheduled Ancient Monuments and a number of registered parks and gardens and historic battlefields.
- 6.2** The consideration of impacts on heritage assets focuses around two key issues - the significance, or value, of the heritage asset itself, and the significance of the impact that would be caused by wind turbine development. These issues are considered below.

National and Local Policy Guidance

Significance of Heritage Assets

- 6.3** Heritage assets can be designated or undesignated. Planning Policy Statement 5: Planning for the Historic Environment (PPS5) sets out a presumption in favour of the conservation of designated heritage assets. It states that heritage assets can be harmed by development which occurs within their setting, and suggests a 'hierarchy' of assets in para HE9.1:
- "Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments, protected wreck sites, battlefields grade I and II* listed buildings and grade I and II* registered parks and gardens, World Heritage Sites, should be wholly exceptional".
- 6.4** PPS5 also contains advice on the balance between protecting heritage assets, and mitigating the effects of climate change.
- 6.5** Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a statutory duty to have regard to the desirability of preserving listed buildings or their settings, and the desirability of preserving or enhancing the character or appearance of Conservation Areas. What constitutes the 'setting' is not universally defined and may vary on a case by case basis (*English Heritage has recently produced draft guidance on 'The Setting of Heritage Assets', whilst PPS5 Practice Guide also provides guidance on development proposals affecting the setting of heritage assets, listed in Appendix 1*).
- 6.6** Planning Policy Statement 22: Renewable Energy advises against establishing fixed buffer zones around Scheduled Ancient Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens. What is important is to consider how the objectives of the designation would be affected by a wind turbine proposal. It states that planning permission should only be granted 'where it can be demonstrated that the objectives of designation of the area will not be compromised by the development' (para 11).

Significance of Impacts

- 6.7** The Scottish Planning Advice Note 45 (Renewable Energy Technologies) suggests that indirect visual effects on the setting of nationally important monuments are not considered likely to be significant beyond 15km of the wind turbine and the indirect visual effect on the setting of an historic site of regional significance is not likely to be significant beyond 5km. It also provides useful guidance on how perception of a wind farm changes as distance increases.
- 6.8** In 2005 English Heritage issued guidance on 'Wind Energy and the Historic Environment'. This includes guidance on how to assess the impact of wind turbines on the setting and visual amenity of historic sites. It suggests six factors to be considered when assessing the acceptability of wind turbines: visual dominance, scale, intervisibility, vistas and sight lines, movement, sound or light effects, and the existence of previously unaltered settings. For example, in relation to movement, sound and light effects, the guidance states that 'adequate distance should always be provided between important historic sites and wind turbine developments'. It does not define adequate.
- 6.9** Combining the guidance in PAN 45 and the six English Heritage criteria makes it possible to consider the severity and significance of impact on historic sites. Severity and significance is typically measured on a point scale ranging from minimum to maximum, although differing categories are frequently used to describe points on the scale. There is no universal definition of when impacts are and are not considered to be significant, nor the point at which 'significant' becomes 'unacceptable'. The review of appeal decisions, below, briefly discusses some examples.
- 6.10** The assessment of impacts on heritage assets will be closely linked to the assessment of landscape and visual impacts, since impacts in both cases will depend on the Zone of Theoretical Visibility (ZTV) (i.e where the turbines will be seen from).
- 6.11** **It is important to note that heritage impacts are likely to be assessed as part of the Environmental Impact Assessment process, in order to demonstrate that significant adverse effects are being avoided or mitigated.**

Guidance from Appeal Decisions

- 6.12** At the Fewcott appeal, the Inspector assessed the impact on a range of listed buildings in the vicinity of the wind turbine site (there were 26 listed buildings within 2km of the turbines). The impact on one Grade II listed building, 500 metres from the nearest turbine, was found to be 'slight', ranking 3 on a scale of 8. At Rousham Park, a Grade I Registered Park and Garden 7km from the turbines, the impact was found to be of moderate/slight significance (ranking 4 on a scale of 8), reducing in significance in the summer months when trees are in leaf.
- 6.13** In other appeals there are frequently found to be adverse impacts on the setting of listed buildings and conservation areas within 2km of turbine sites, and up to 5km (as found in the Appeal Decision relating to a proposal for 6 turbines 125m tall in Norfolk, APP/K2610/A/05/1180685). This was not found however to justify refusal of the turbine development in an appeal relating to 7 turbines 125m tall in Norfolk (APP/L2630/A/08/2084443), nor in an appeal relating to a proposal for 5 turbines 100m tall in Nottinghamshire (APP/B3030/A/08/2072487).
- 6.14** In other cases, such as the appeal relating to a proposal for 10 2.3MW wind turbines in Lincolnshire (APP/E2530/A/08/2073384), there was found to be unacceptable harm caused to a number of heritage assets including a Grade I listed country house 9km from the proposed turbines, and this was one of the primary reasons for dismissing the appeal.

Other Examples

- 6.15** Fenland District Council's Wind Turbine Development Policy Guidance states that wind turbine developments within 2km of Conservation Areas and Listed Buildings will need to be carefully assessed to ensure there are not significant adverse effects on the settings of these features.
- 6.16** South Holland District Council's Supplementary Planning Guidance on Wind Energy similarly states that turbines demonstrated to have a significant adverse effect upon the views of church towers or spires (within Conservation Areas) within a 2km radius will be considered unacceptable.
- 6.17** South Northamptonshire's draft SPD 'Wind Turbines in the Open Countryside' requires proposed developments to be accompanied by *an assessment which takes into account designated and undesignated heritage assets, stating that the extent of any potential impact will change depending on the nature of the asset and local topography* cultural heritage impact assessment which takes into account all listed buildings, conservation areas and historic parks and gardens within 5km of the site boundary.
- 6.18** Torrington District Council's 'Wind Energy Policy' statement contains a section on cultural heritage, and the need to consider the impacts of wind energy development on historic sites, although it does not recommend specific separation distances.

Conclusions

- 6.19** Due the high number of heritage assets within Cherwell District, detailed consideration will be given to the direct and indirect impacts of wind turbine proposals on the historic environment. The guidance in this document relates particularly to the indirect impacts on the setting and visual amenity of historic sites. Like many of the other impacts discussed in this document, the significance of impacts on heritage assets, and the acceptability of these impacts, will vary on a case by case basis and will depend, for example, on sight lines or topography. Significance and acceptability will also depend on the 'significance' or value of the heritage asset itself, and the extent to which the asset, and the reasons for its designation or protection, would be compromised by the development. This document does not define the 'significance' of heritage assets or the impacts upon them. However, the established categorisation of assets such as Listed Buildings could inform an appropriate definition of significance (for example, Grade I listed buildings are of a higher, and more significant, value, than Grade II or Grade II* listed buildings).
- 6.20** One key theme emerging from the brief review of appeal decisions and other authorities' guidance documents is that significant impacts are more likely within 2km of the heritage asset, and may extend to a distance of up to 5km. There are examples where impacts were found to be unacceptable at a distance of over 5km but this is more likely to apply in exceptional circumstances dependent on the sensitivity of the asset and the details of the proposal.

Guidance within Cherwell District

Large scale wind turbines that are demonstrated to have significantly adverse impacts on designated heritage assets within a 2km radius will be considered unacceptable.

Significant impacts are likely up to a distance of 5km, and a detailed assessment will be undertaken to ensure no harm is caused to designated heritage assets within this distance.

- 6.21** *This guidance does not reflect a blanket restriction on wind turbines, but guidance on location in order to minimise harmful impacts.*
- 6.22** *Similarly, this guidance does not imply that no impacts on heritage assets are likely over 5km. Much depends on the qualities of the individual asset, and the reasons for its designation. The review of appeal decisions indicates that impacts have been found to be unacceptable well over 5km but this is likely in more exceptional circumstances.*
- 6.23** Proposals for large scale wind turbines will be consulted upon with English Heritage, with the Archaeology team at the County Council, and the District Council's own specialist design and conservation team.

Further Information

- 6.24** Please see Appendix 1 - 'Heritage'.

Chapter 7 Safety

What are the Issues?

- 7.1** PPS 22 states that properly designed and maintained wind turbines are a safe technology. The only source of possible danger would be the loss of a piece of the blade or, in most exceptional circumstances, of the whole blade. Many blades are composite structures with no bolts or other separate components and blade failure is therefore most unlikely. Even for blades with separate control surfaces on or comprising the tips of the blade, separation is most unlikely (PPS22 Companion Guide, paras 49 and 50).
- 7.2** The build up of ice on turbine blades is unlikely to present problems on the majority of sites in England. For ice to build up on wind turbines, particular weather conditions are required that in England occur for less than one day per year. In those areas where icing of the blades does occur, fragments of ice might be released from the blades when the machine is started. Most wind turbines are fitted with vibration sensors which can detect any imbalance which might be caused by icing of the blades; in which case operation of machines with iced blades could be inhibited (PPS22 Companion Guide para 79).
- 7.3** Finally, concern is often expressed in public consultation responses about the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades.

National and Local Planning Guidance

- 7.4** The minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and visual impact will often be greater than that necessary to meet safety requirements. Fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance (PPS 22 Companion Guide, para 51).
- 7.5** With regards to highway safety, PPS22 states that drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others' safety. PPS 22 highlights that turbines should not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

Guidance from Appeal Decisions

- 7.6** At the Fewcott Appeal (APP/C3105/A/09/2116152) the Inspector concluded that the stability of built structures is not often a planning consideration because adequate checks are imposed on their design by other legislation or procedures. The Inspector was satisfied that certified compliance with European Standard IEC61 400-1 and with BS EN 61400 - 1:2005 Wind Turbine Design Requirements would provide adequate assurance of the safety of the development, and this could be secured by condition (Appeal Decision, para 93).
- 7.7** In one appeal case reviewed, relating to a proposal for 16 turbines 100m tall in Cambridgeshire (APP/W0530/A/05/1190473), safety issues featured prominently, particularly highway safety issues. Here, the closest turbines were to be 250m from the A14 Trunk Road. The Inspector noted that the road carried a substantial volume of traffic and an unusually high proportion of lorries. The road was operating significantly over its theoretical capacity and the Highways Agency was concerned about the number of accidents, whilst the highway authority had objected to the proposal. Although the Inspector highlights that "there are now a large number of wind farms adjoining or close to road networks with no history of accidents resulting from their installation" (para 59), he concluded that

the very little margin for driver error on the A14 and the particular combination of circumstances in this case (including the number and design of junctions on the road) could be especially critical to the point where optimum driver performance starts to decline. The proposed development was found to have a harmful impact on road safety.

Other Examples

7.8 In other authorities' Supplementary Planning Documents, it appears that safety is rarely discussed in its own right, separately from issues covered elsewhere in this document including Chapter 8.

7.9 Fenland District Council's Wind Turbine Development Policy Guidance states that, in order to ensure a safe zone around turbines in relation to ice build up, the following distance should be applied:

$$d = (D + H) \times 1.5$$

Where:

d = maximum falling distance of ice (in metres)

D = rotor diameter (in metres)

H = hub height (in metres)

7.10 *South Northamptonshire's SPD 'Wind Turbines in the Open Countryside' contains a section of 'Safety and Proximity to Roads, Railways, Public Rights of Way and Power Lines'. It refers to Highways Agency guidance 'Planning Applications for Wind Turbines Sited Near to Trunk Roads' (Appendix 1), and the guidance in PPS2 relating to 'fall over distance'.*

Conclusions

7.11 It is concluded that there is adequate guidance in PPS22 relating to the positioning of turbines and safety concerns, which is worth reiterating in this document in order to present a comprehensive consideration of the recommended separation distances. Beyond this, it is clear from the brief review of appeal decisions that safety is rarely an issue discussed in its own right, particularly since other compliance procedures (for example British Standards) exist to ensure safe engineering and construction. Similarly in relation to highways safety, it is for the Highways Agency or highways authority to advise on the acceptability of proposals.

Guidance within Cherwell District

'Fall over distance' (the ground to blade tip height + 10%) will be required between wind turbines and occupied buildings and roads.

7.12 *This guidance does not reflect a blanket restriction on wind turbines, but guidance on location in order to minimise harmful impacts.*

7.13 The advice in PPS22 is to be followed and compliance is to be achieved with the other relevant consent procedures relating to turbine safety.

7.14 The highways authority and the Highways Agency will be consulted on applications on a case by case basis. *The Highways Agency's Spatial Planning Advice Note 'Planning Applications for Wind Turbines Sited Near to Trunk Roads' provides further guidance.*

Further Information

7.15 Please see Appendix 1 - 'Safety'.

Chapter 8 Shadow Flicker

What are the Issues?

- 8.1** Shadow flicker occurs as a result of the sun passing behind the rotors of a wind turbine, casting a moving shadow over nearby properties within 130° either side of north (PPS22). The likelihood of this occurring and its severity depends upon:
- The direction of the dwelling relative to the turbine (s)
 - The distance from the turbine (s)
 - The turbine height
 - The time of year (the effect is greater when the sun is brightest)
 - The proportion of daylight hours in which the turbine (s) operate
 - The frequency of bright sunshine and cloudless skies (particularly at low elevations above the horizon)
 - The prevailing wind direction.
- 8.2** Shadow flicker will not occur in periods of full cloud cover, and its impact will be reduced in overcast skies. Turbine blades will also not rotate continually during daylight hours, as the blades will not rotate during calm periods or very high winds and so shadow flicker would not occur in such conditions.
- 8.3** Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it. Careful choice of blade colour and surface finish can help reduce the effect. Light grey semi-matt finishes are often used for this.

National and Local Policy Guidance

- 8.4** The PPS 22 Companion Guide advises that flicker effects have been proven to occur only within ten rotor diameters of a turbine. Within this distance, the duration shadow flicker effects are likely to be very limited: 'A single window in a single building is likely to be affected for a few minutes at certain times of the day during short periods of the year'. There are no set thresholds for the acceptability of shadow flicker in the UK, but guidelines adopted by the Irish Government recommend that shadow flicker at dwellings and offices within 500m of a turbine should not exceed 30 hours per year or 30 minutes per day.
- 8.5** The 'Onshore Wind Energy Planning Conditions Guidance Note' (BERR) states that shadow flicker can be mitigated by siting turbines at sufficient distances from residences likely to be affected (the 10 rotor diameter distance suggested in PPS22); using tree planting and fitting window blinds; and using technology to stop turbines during episodes of shadow flicker.

Guidance from Appeal Decisions

- 8.6** An Appeal Decision relating to a proposal in Cumbria for 6 turbines up to 100m tall (APP/M0933/A/08/2090274) found that shadow flicker could potentially affect two dwellings for up to 25 hours per year. It was noted that:

"In practice the likelihood of shadow flicker occurring will be reduced by meteorological conditions and intervening structures. Whilst shadow flicker can be a source of nuisance, its effects are relatively easy to mitigate, not least by shutting down the relevant turbines during periods when it could occur...[S]hadow flicker is a matter which can appropriately be addressed by a condition which requires a protocol to be in place prior to the operation of the wind turbines" (para 72).

- 8.7** This appears to be a common approach in the majority of appeal decisions reviewed. In one appeal, relating to a proposal for 5 120m turbines in Dover (APP/X2220/A/08/2071880), the Inspector reviewed the effects of shadow flicker in much more detail and visited a sample of the properties with the potential to be affected (in that case 105 buildings within 820m distance), and found that for the most part shadow flicker effects would be avoided by a combination of distance, contours and building orientation. However, some dwellings fell within the 'ten rotor diameter' recommended in PPS22 and these dwellings would be adversely affected.

Other Examples

- 8.8** South Northants' *Northamptonshire's* draft SPD on Wind Turbines in the Open Countryside contains a section relating to shadow flicker and reflected light which states that proposals should ensure that shadow flicker does not affect residential properties. Shadow flicker may occur within ten times the rotor diameter of a turbine, so turbines should be located to avoid these locations. *Where this is not possible planning conditions will be used to require a shadow flicker mitigation scheme, unless it can be demonstrated that shadow flicker effects would not be experienced within habitable rooms within any dwelling.*
- 8.9** Fenland District Council's Wind Turbine Development Policy Guidance sets out that proposals for wind turbines should ensure that shadow flicker does not affect any residential properties, A roads or B roads. Shadow flicker can affect properties within 130° either side of north and may occur within ten times the rotor diameter of a turbine, so turbines should be located to avoid these locations.

Conclusions

- 8.10** In conclusion, there is clear guidance that, to avoid shadow flicker, wind turbines should normally be located at a distance of at least 10 rotor diameters from dwellings. It has also been proven (PPS22) that within this 10 rotor diameter, shadow flicker will only occur in some conditions for some of the time and will only affect nearby properties within 130° either side of north. It is important however that the guidance discusses mitigation opportunities to ameliorate the effects of shadow flicker where they cannot be completely avoided.

Guidance within Cherwell District

To avoid shadow flicker, wind turbines should normally be located at a distance of at least 10 rotor diameters from dwellings.

Within this distance, investigations will be undertaken to identify any properties likely to be affected by shadow flicker. If there are found to be unacceptable shadow flicker impacts, mitigation measures should be taken including moving the position of the turbine, using technology to stop turbines during episodes of shadow flicker, or, as a last resort, using tree planting and fitting window blinds to ameliorate the effect.

- 8.11** *This guidance does not reflect a blanket restriction on wind turbines, but guidance on location in order to minimise harmful impacts.*

Further Information

- 8.12** Please see Appendix 1 - 'Shadow Flicker'.

Chapter 9 Cumulative Impacts

What are the Issues?

- 9.1** Cumulative impact assessment requires the consideration of additional effects that may arise as a result of a wind turbine proposal in combinations with one or more existing or proposed schemes. This might include:
- Operational development
 - Developments under construction
 - Approved developments
 - Submitted applications
 - But not schemes at an earlier stage, for example where the local planning authority has been consulted on whether Environmental Impact Assessment would be required (a 'screening opinion'), or what issues the Assessment should consider (a 'scoping opinion').
- 9.2** Cumulative impact assessment is therefore somewhat speculative - the number of projects which will be built, and when, is uncertain (because the assessment can include 'submitted' - not approved - applications).
- 9.3** Cumulative assessment is focused on the potential relationship between different developments. The term 'cumulative impact' is often used to refer only to landscape and visual effects (hence there is a relationship between this section and Chapter 4), but there can be a wide range of other environmental, social and economic cumulative impacts.
- 9.4** 'Cumulative' does not necessarily mean a simple addition of the impacts of wind proposal A + wind proposal B. For example, wind proposal A may give rise to minor impacts on bird populations, well within the capacity of that bird population for regeneration and hence has little effect on the overall bird population level. The same would apply to wind proposal B, taken on its own. However, the level of bird mortality occasioned by proposals A and B taken together may exceed the capacity of the population for regeneration, in which case the bird population would go into decline. Whereas the impact of A and B, each on their own, is not discernible, the impact of A + B is to cause population collapse (Scottish Natural Heritage, 2005).
- 9.5** The definition of the 'cumulative impact' will vary according to the impact being considered. For example, when considering cumulative landscape and visual impacts, effects can be
- Combined (when multiple schemes are seen when looking in one direction)
 - Successive (when schemes are seen one after the other, such as when looking in an opposite direction)
 - Sequential (when schemes are seen one after the other when travelling through the landscape along roads or paths).
- 9.6** Key issues to consider will be:

Landscape

- Will wind farms become a significant or defining characteristic of the landscape?
- Will wind farms appear at odds with each other?

Visual

- Will the visible number of wind turbines increase?
- Will proposal lead to a feeling of being 'surrounded' by development?
- How will wind turbines or farms appear and relate to one another when seen together from viewpoints or routes?

9.7 Cumulative impacts will also result from the way in which different impacts of the same scheme interact with each other (planting to reduce noise or visual impacts may have positive or negative impacts on local wildlife depending on the species planted).

National and Local Policy Guidance

9.8 The document frequently referred to is the guidance on cumulative impact produced by Scottish Natural Heritage (see below). This explains how setting thresholds for the acceptability of cumulative impacts is likely to be simpler for infrastructure or road systems, where there are likely to be established upper limits for capacity which further development must not breach. Cumulative ecology assessment is best undertaken by appropriate agencies concerned with national populations (rather than a developer concerned with one proposal). Cumulative landscape assessment should be informed by an analysis of landscape sensitivity or capacity studies. It is unlikely that thresholds or capacities can be simply expressed in terms of turbine numbers or power output; they are more likely to be expressed in terms of acceptable limits of change.

9.9 **It is important to note that the consideration of cumulative impacts is a requirement of the Environmental Impact Assessment process, along with a consideration of the relevant alternatives.**

Guidance from Appeal Decisions

9.10 In an appeal decision relating to a proposal for 11 turbines up to 125m tall in Leicestershire (APP/F2415/A/09/2096369), the Inspector briefly discussed cumulative impact. He noted that two wind farms nearby were at application and scoping stages. Possible cumulative impacts were a material consideration, but the Inspector agreed with the cumulative impact assessment undertaken by the Appellant, which did not show that the proposed scheme would add undue harm to the local landscape nor to protected species and wildlife.

9.11 Cumulative landscape impacts were discussed in some detail in the appeal relating to a proposal for 6 turbines 100m tall in Cumbria (APP/M0933/A/08/2090274). Here, there were two existing wind farms 7km to the north and 25km to the south of the appeal site. The Inspector found that the gap between the schemes and the differences in land cover were sufficient to dispel an impression of a landscape dominated by wind farms. Nor, he found, would there be significant adverse cumulative effects in terms of serial (successive) and sequential views.

9.12 Shortly before the Cumbria application was determined by the Council, an application was submitted for 3 turbines 110m tall, 2km from the appeal site. The Inspector noted that this second scheme was not obviously going to be the 'preferred' scheme - the turbines were taller but smaller in number and so capable of generating less renewable energy. He found that it was not necessary to consider the cumulative impacts of both of the proposals together, since the application for the second scheme had not yet been determined. The cumulative impacts of the proposals should be considered at the Inquiry into the second scheme, when the full facts about the second scheme's impact were known.

- 9.13** Intervening distance and the degree of separation were considered to render cumulative impacts insignificant in an appeal relating to a proposal for 5 turbines 125m tall in Essex. (APP/P1560/A/08/2088548). Finally, the proliferation of single turbines and wind farms within a 60km radius of the appeal site in a proposal relating to 16 turbines in Cambridgeshire (APP/20530/A/05/1190473) was not considered to justify a conclusion that the additional turbines would be unacceptable on proliferation grounds.
- 9.14** *However, in a recent appeal decision in Yorkshire (January 2011), a proposal for three turbines has been dismissed based on the 'critical importance' of the cumulative impact of schemes (with 15 wind farms already approved in the surrounding area).*

Other Examples

- 9.15** Fenland District Council's SPD contains thresholds and criteria on cumulative visual impacts. It states that proposals for new wind turbine development, detached from existing sites by more than 500m but within 4km of existing turbine developments are unlikely to be acceptable in visual terms. There may be circumstances where it can be demonstrated that a distance greater than 500m is required. Proposals within 10km of existing turbine developments will need to be carefully considered.
- 9.16** Other SPDs are less quantitative but require careful judgements for each individual scheme to determine the acceptability of cumulative effects.

Conclusions

- 9.17** The cumulative assessment of proposals, whether the consideration of the combined impacts of numerous schemes, or the consideration of the interaction of impacts generated by a single scheme, is an important consideration in determining acceptability. It is considered that within the Cherwell district, the assessment of cumulative impacts should continue to be undertaken on a case by case basis.
- 9.18** *The considerations relating to the 'field of view' occupied by turbines, as set out in Chapter 3, will also be relevant to minimising cumulative impacts. This needs to factor in consideration that impacts are experienced by a greater number of people in settlements compared to individual dwellings, as well as take into account any mitigating factors reducing views of turbines such as screening.*

Guidance within Cherwell District

Assessment of cumulative environmental, social and economic impacts will be undertaken on a case by case basis, founded on a well considered judgement of the information surrounding a proposal.

The Council will expect applicants to consider the cumulative impact of their proposal alongside any other approved, under construction, or operational schemes when they submit proposals.

As a guiding principle, settlements of more than 10 dwellings should not normally have wind turbines in more than 90 degrees of their field of view from public or residential viewpoints for a distance of 5km from the viewpoint. Individual dwellings should not have wind turbines in more than 180 degrees of their field of view for a distance of 10km from the property. These criteria may be influenced by, amongst other issues, topography and screening.

Further Information

9.19 Please see Appendix 1 - 'Cumulative Impacts'.

Appendix 1 References

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'Scottish Planning Advice Note 45 (Renewable Energy Technologies)', Scottish Executive Development Department (2007), at <http://www.scotland.gov.uk/Resource/Doc/171491/0047957.pdf>

'Supplementary Planning Guidance on Wind Energy', South Holland District Council (2004) at <http://www.sholland.gov.uk/environment/plandev/localplan/Supplementary+Planning+Documents.htm>

'The Setting of Heritage Assets' (Draft), English Heritage (2010), at <http://www.english-heritage.org.uk/professional/advice/advice-by-topic/setting-and-views/heritage-assets/>

'Wind Energy and the Historic Environment', English Heritage (2005), at [http://www.helm.org.uk/upload/pdf/Wind_Energy_\(final\).Pdf](http://www.helm.org.uk/upload/pdf/Wind_Energy_(final).Pdf)

Safety

'Planning Applications for Wind Turbines Sited Close to Trunk Roads', Highways Agency (2009) at http://www.highways.gov.uk/business/documents/Wind_Turbines_SP_12-09.Pdf

'Wind Turbines: Design Requirements', BS EN 61400-1:2005, British Standards Institution (2005), at <http://shop.bsigroup.com/ProductDetail/?pid=00000000030095699>

Shadow Flicker

'Onshore Wind Energy Planning Conditions Guidance Note', Renewables Advisory Board and BERR (2007), at <http://www.berr.gov.uk/files/file35240.pdf>

'Onshore Wind: Shadow Flicker', BIS, at <http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/energy/sources/renewables/planning/onshore-wind/shadow-flicker/page18736.html>

Cumulative Impact

'A Guide to Assessing the Cumulative Effects of Wind Energy Development', Volume 1, ETSU for DTI (2000), at <http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file17844.pdf>

'Cumulative Effects of Windfarms', Scottish Natural Heritage (2005), at <http://www.snh.org.uk/pdfs/strategy/cumulativeeffectsonwindfarms.pdf>

'Review of Guidance on the Assessment of Cumulative Impacts on Onshore Windfarms' Phase 1 Report, Entec (2008), at http://www.entecuk.com/downloads/windfarm_cumulative_impacts_report.pdf

Other Issues

Biodiversity

'Bats and Onshore Wind Turbines', Technical Information Note TIN051, Natural England (2009), at <http://www.snh.gov.uk/docs/C245244.Pdf>

'Bats and Single Large Wind Turbines', Joint Agencies Interim Guidance TIN059, Natural England (2009), at <http://naturalengland.etraderstores.com/NaturalEnglandShop/TIN059>

'Bird Survey Methods for Use in Assessing the Impacts of Onshore Windfarms on Bird Communities', Scottish Natural Heritage (2005), at <http://www.snh.gov.uk/docs/A305435.pdf>

'Guidelines for the Consideration of Bats in Wind Farm Projects', EUROBATS (2008), at http://www.eurobats.org/publications/publication%20series/pubseries_no3_english.pdf

'Making Space for Renewable Energy', Natural England (2010), at <http://naturalengland.etraderstores.com/NaturalEnglandShop/NE254>

'Standing Advice for Protected Species', Natural England (2009), at http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/protectedspecies/default.aspx

'Windfarms and Birds: Calculating a theoretical collision risk assuming no avoiding action', Scottish Natural Heritage (2000), at <http://www.snh.gov.uk/docs/C205425.pdf>

'Wind Farm Development and Nature Conservation', English Nature, RSPB, WWF-UK, BWEA (2001), at <http://www.bwea.com/pdf/wfd.pdf>

Aviation & Telecommunication

'CAP 168: Licensing of Aerodromes', Civil Aviation Authority (2010), at <http://www.caa.co.uk/application.aspx?catid=33&pagetype=65&appid=11&mode=detail&id=232>

'CAP 670: Air Traffic Services Safety Requirements' (2010), at <http://www.caa.co.uk/application.aspx?catid=33&pagetype=65&appid=11&mode=detail&id=200>

'CAP 764: CAA Policy and Guidelines on Wind Turbines', Civil Aviation Authority (2010), at <http://www.caa.co.uk/application.aspx?catid=33&pagetype=65&appid=11&mode=detail&id=2358>

'Wind Energy and Aviation Interests: Interim Guidelines', Wind Energy, Defence & Civil Aviation Interests Working Group (2002), at <http://www.caa.co.uk/default.aspx?catid=7&pagetype=90&pageid=1209>

'Wind Farm Assessment Tool', BBC & OFCOM, at http://www.bbc.co.uk/reception/info/windfarm_tool.shtml

'Windfarms and Wireless Services: Coordination and Guidance', OFCOM, at <http://licensing.ofcom.org.uk/radiocommunication-licences/fixed-terrestrial-links/guidance-for-licensees/wind-farms/>

Highways

'Planning Applications for Wind Turbines Sited Close to Trunk Roads', Highways Agency (2009) at http://www.highways.gov.uk/business/documents/Wind_Turbines_SP_12-09.pdf

'Public Rights of Way' section on Oxfordshire County Council's website at www.oxfordshire.gov.uk

'Wind Farms: Advisory Note 20', British Horse Society (2010)

Respondent	Comments Made (NB Copies of the correspondence received can be made available in full)	Officer Response & Proposed Action
Bicester Town Council	The Town Council generally supports the draft document. It does have concerns about the effectiveness and efficiency of commercial wind turbines in low altitude locations. The Town Council would assess applications on their particular merits, bearing in mind the draft guidance. That said, small domestic turbines should be treated in a different way to either tall, large commercial turbines or farms of turbines.	Noted
Aylesbury Vale District Council	They refer us to Aylesbury Vale Landscape Character Assessment (2008) and the Areas of Sensitive Landscape Study and its findings regarding the sensitivity of the Cherwell/Aylesbury Vale border to wind turbines. They suggest we share our evidence bases (proposals, joint mitigation, this document, and Core Strategy). This may feature in their Proposed Submission Core Strategy consultation.	Need to include reference to the sensitivity of the landscape of the Cherwell/Aylesbury border and refer to their evidence base studies in our reference list.
South Newington Parish Council	Support the document. Their main concern is that although the guidance is intended to cover large turbines, it may be used prescriptively by, for example, the planning committee to restrict small or medium sized developments. The guidance should make very clear its main purpose and its applicability to smaller developments.	Add a paragraph to the Introduction to highlight the specific applicability to large scale turbines but that the principles (not necessarily the distances) would apply to other wind energy proposals.
Gosford and Water Eaton Parish Council	Should there be a section on wildlife and preservation? What about turbines sited in a neighbouring district close to the Cherwell boundary, who have different policies which could affect residents in Cherwell.	Highlight in Chapter 1 how and why the document refers only to residential amenity issues - it is not a general guidance document on wind turbine developments. The document can be used to inform the Council's response to consultations on wind turbine proposals in adjoining areas, but it will be for the adjoining authority to determine proposals based on their own policies. Adjoining authorities have been consulted on this consultation document.
Middleton Stoney Parish Council	Turbines should not be located in North Oxfordshire. To be effective they need to be of a size which would significantly alter amenity. In flat North Oxfordshire, visual impact should be the main consideration for Planning Committee. Criticises the decision of PINS, saying there is nothing local communities can do if a policy of renewable energy at any cost' is pursued. They welcome the guidance and support the general principle but say that the distances should not be arbitrarily applied nor should the Fewcott decision be considered to set a precedent. Proposals should be considered upon their merits, bearing in mind the particular position within the landscape and in relation to residential amenities.	Agreed regarding the need to make decisions based on the individual merits of proposals. However the Fewcott decision has not been used as a precedent in the document - attempt to emphasise this point further in the text, and also emphasise the importance of considering visual impact.
CPRE Bicester/Ploughley District	Very detailed comments received; the main recommendations are set out below:	

Respondent	Comments Made (NB Copies of the correspondence received can be made available in full)	Officer Response & Proposed Action
CPRE Bicester/Ploughley District	Cherwell should adopt the well-founded 2km minimum separation distance from Scottish PAN 45 and Scottish Planning Policy (now amended to 2.4km for Scottish Natural Heritage), rather than the 800m produced for a different reason by CAG consultants. 2km would be compatible with planning guidance being adopted in adjacent South Northants, where the landscape is similar, and would avoid developers 'playing off one district against another.	Scottish Planning Advice Note 45 refers to wind turbines being 'prominent' within a distance of 2km. But it is not considered that this informal guidance document can be used to equate 'prominent' with 'unacceptable' within Cherwell. South Northamptonshire's SPD refers to wind turbines within 2km of dwellings or settlements needing to be 'carefully considered'. This is a different approach to Cherwell guidance document, which refers more explicitly to a minimum separation distance. Scottish Planning Policy does suggest a separation distance of up to 2km between areas of search [for wind farms] and the edge of cities, towns and villages to guide developments to the most appropriate sites. However, a 2km minimum separation within Cherwell would effectively rule out all of the district. The Council needs to be seen to take a reasonable approach, whilst minimising avoidable harmful impacts on residential amenity.
CPRE Bicester/Ploughley District	Chapter 6 Heritage: The proposed 5km radius outside which heritage assets will be assumed to be unaffected is unfounded and should be deleted. Inspectors have refused wind turbines on appeal at distances far greater than 5km, and wind turbines are officially considered prominent at 15km.	Revise the wording to clarify that significant impacts over 5km are possible.
CPRE Bicester/Ploughley District	Para 1.11 needs to refer to updated Scottish Planning Policy March 2009 which at para 190 states: "A separation distance of up to 2km between areas of search and the edge of cities, towns and villages is recommended to guide developments to the most appropriate sites and to reduce visual impact, but decisions on individual developments should take into account specific local circumstances and geography.	Agreed
CPRE Bicester/Ploughley District	Para 3.1 should be rewritten to say that for the reasons given it is all the more necessary to ensure that turbines are adequately separated from houses to protect the amenity of residents rather than describing the harm as an inevitability.	Agreed
CPRE Bicester/Ploughley District	The Fewcott decision should not be quoted as a model, since one of the motivations in progressing a seperation policy has been to avoid a repetition of that unfortunate judgement.	The wording reads that the separation distance in the Fewcott case could be used as a basis. But there is also discussion of a number of other cases. The wording has been amended slightly to emphasise that the Fewcott decision is not the model.

Respondent	Comments Made (NB Copies of the correspondence received can be made available in full)	Officer Response & Proposed Action
CPRE Bicester/Ploughley District	Para 3.22 refers to the May draft of the South Northants SPD, not the post consultation version available at the time the Cherwell consultation was sent out.	Only the draft was available at the time the document was approved for consultation at Executive (1 November 2010). However, the final revised document has been updated to reflect the adoption of South Northamptonshire's SPD.
CPRE Bicester/Ploughley District	Residential Amenity Guidance Box (pg 14): We do not see the need for the second paragraph, if the minimum separation distance has already been set out in the first paragraph.	The first sentence (800m) refers to a minimum separation distance that will normally be required. The 800m figure may be influenced by orientation of views, topography, vegetation (screening) and so on. The 'three times the turbine height' is an absolute minimum.
CPRE Bicester/Ploughley District	Residential Amenity Guidance Box (pg 14): the third paragraph relating to 'field of view' and a distinction between 10 or more houses and single dwellings seems arbitrary. Surely one house would be as harmed as ten in this context?	This statement was included to acknowledge that there is likely to be a difference in the way that amenity is impacted by wind turbines, for a single dwelling or for a settlement. Additional explanation has been added to the document as well as highlighting the links between this and the landscape, and the cumulative impacts sections.
CPRE Bicester/Ploughley District	Chapter 4 Table 3. Whilst the Fenland guidance is correctly quoted, PAN45, the 'trade bible' describes turbines at 5-15km distance as 'prominent in clear visibility' rather than simply 'apparent'. We recommend that PAN45 should be used.	The two tables are different in more ways - PAN45 does not distinguish between less than 400m, nor does it include over 30km. Although PAN45 is commonly used, Fenland's guidance applies specifically to turbines falling into the '101-130m tall category (i.e. the 'large scale' turbines to which Cherwell's guidance document relates), and also reflects a situation where it is possible to be in very close proximity to a turbine e.g. on a public road, public right of way or from residential locations. Therefore it is considered that Fenland's descriptions could usefully apply in Cherwell also. PAN45 has been referred to and is listed in the References.
CPRE Bicester/Ploughley District	Chapter 4 Landscape Impact Guidance Box (page 18): paragraph 1: The words 'or the purposes for which it was created' should be added. It should also be stated that within the Green Belt, turbines are inappropriate development and special circumstances would need to be proven.	Agreed.

Respondent	Comments Made (NB Copies of the correspondence received can be made available in full)	Officer Response & Proposed Action
CPRE Bicester/Ploughley District	Chapter 4 Landscape Impact Guidance Box (page 18): paragraph 2: It is hard to see what basis this 'back stop' 400m separation distance (rather than our recommended 2km or even officers' 800m) is proposed. This will compromise the main proposed guidance distance, and will surely tend to become the figure developers will work to [this 'backstop' point was raised in relation to other issues as well].	The document has been split into sections, with individual distances relating to the impacts being considered, so that a more tailored approach can be provided. For example, if noise impacts are not an issue, then the distances for landscape or amenity reasons may still be required.
CPRE Bicester/Ploughley District	Chapter 6 Heritage: We are not convinced that the guidance is supportable since much turns on the individual assets and its particular value, and there should be an onus on the developer to make proper assessments, regardless of distances.	Amend wording of this section but there is already reference to an assessment being required as part of Environmental Impact Assessment.
Oxford Green Belt Network	Support the document - well researched and will be valuable in dealing with future applications. We note the arguments set out, but would strongly recommend a separation distance between turbines and dwellings of two kilometres rather than the 800 metres which you have opted for. A distance of 2km would reflect the guidance in Scotland where there has been much more experience of investigating the impact of wind turbines. Chervell District has a lot of fine landscape, including not only AONB and Green Belt, but also the landscapes around historic houses and estates which it is important to protect. So far as the Green Belt is concerned, we are pleased to note the importance which you attach to the Green Belt in the Guidance on page 18 and the policy that wind turbines should not be allowed to compromise the vital characteristic of the Green Belt, its openness.	Comments regarding Green Belt are noted. It is not considered that a starting point of 2km would be a reasonable approach given the dispersed settlement pattern in the district (see response to CPRE's comments).
Yarnton Parish Council	Noise – Turbine blade tips produce a throbbing noise which carries a good distance (dependent on the ground surface profile) further than the residence property to turbine distance recommended in the regulations. This has been reported by many people who have had turbines installed near their homes. Planning – As with Worton Farm who permitted Hansons to quarry, this was followed by smelly composting, then dusty and noisy recycling and now waste food digestion. Give planners/developers an inch and they will take a mile! Accept one turbine and you will end up with a family of them. Siting - Our observations are that we do not object to wind turbines provided they are installed in the right place i.e. offshore, and not being an ugly blot on the countryside. We believe that each turbine takes 50 years for recovery of building costs and yet is worn out in 25 years, i.e. inefficient and too costly. Alternative methods must be considered.	The concerns expressed relate to opinions regarding wind energy generally rather than specific distance issues, with the exception of the comments relating to noise. However we need to adhere to PPS22 and its recommendation to use the ETSU guidance. The text of the document can be amended to tackle the precedence issue within the Introduction. The Introduction will also be amended to acknowledge the benefits of other forms of renewable energy but the Council cannot be seen to rule out one particular form of renewable energy.

Respondent	Comments Made (NB Copies of the correspondence received can be made available in full)	Officer Response & Proposed Action
Cotswolds Conservation Board	<p>The Cotswolds Conservation Board supports the draft guidance subject to the following comments:</p> <ol style="list-style-type: none"> 1. They welcome reference to the AONB Management Plan. Suggest including a link to this document in the Appendix. 2. The Management Plan is amplified in the Board's Position Statement on Renewable Energy in the Cotswolds AONB (attached). 3. The Landscape and Visual Impact section does not address the issue of development outside the AONB which affects the special qualities of the AONB itself, as referred to in the Natural England guidance 'Making Space for Renewable Energy' and the draft National Policy Statement for Renewable Energy (extracts are quoted). Accordingly, the first paragraph of the guidance of this section should be amended to read "Large and medium scale wind turbine developments within or outside the AONB which adversely affect the special qualities of the AONB are unlikely to be permitted". 	<p>Include the Management Plan & Position Statement in the Appendix. Include reference to developments affecting the setting of the AONB.</p>
Wroxton and Balscote Parish Council	<p>The Parish Councillors seem to be quite divided in their opinions of Wind Turbine Development. On the one hand, in principle the idea of wind farms are seen as a good form of renewable energy and consideration of any plans should be seen on an individual basis, although it is thought that small turbines would have very little impact, and it is questionable as to whether there are suitable sites within the area, even though Balscote is 500+ ft above sea level. On the other hand, there is opinion that wind turbines do not have a place in or around conservation areas - both Wroxton and Balscote are classed as conservation villages - and that the Parish Council should consider the effects that local quarrying has had on the area; maintaining that once decisions concerning despoiling the conservation countryside have been made, they would be here to stay.</p>	<p>Noted</p>
Sustainable Kirtlington	<p>A great deal of thought has been invested in assessing visual and other impacts and protecting the historic environment and we are encouraged by the flexibility indicated in some of the reports of appeal decisions.</p> <p>However:</p>	<p>Noted</p>

Respondent	Comments Made (NB Copies of the correspondence received can be made available in full)	Officer Response & Proposed Action
Sustainable Kirtlington	<p>a) the concept of 'residential amenity' is imprecise and potentially likely to be interpreted subjectively. We would like to suggest that it should not be used solely to describe a potentially negative impact, when the proximity of a turbine to a community could – as long as it was sensitively sited – also be considered an amenity.</p> <p>b) the conclusions to chapter 3 might be overly restrictive in requiring a separation distance of 800m between a wind turbine and a residential property: this is likely to be hard to achieve in Chenwell and could discourage possible initiatives that could otherwise benefit several communities in the district. Hence, if a community group brings forward a wind proposal that has wide support of the local community, Sustainable Kirtlington is of the view that turbines should in the right circumstances be considered of positive amenity value and a separation distance of less than 800m when the installation is of benefit to the wider community is acceptable.</p>	<p>Both points relate to community support which is an interesting issue but the guidance needs to be based on proper planning principles which are applied consistently. A Government publication (DTI, 2007) explains that community support should not be a material consideration in making planning judgements on wind turbine proposals. However, it could be possible that if a proposal has widespread community support this may assist in the decision making process (by removing objections thus potentially resulting in a more expedient decision).</p>
Susenco Ltd (sustainable energy company)	<p>I am concerned about the evolution of different treatment of identical proposals being developed by different planning authorities and the uncertainty this creates for developers against a backdrop of national and local commitment to renewable energy.</p> <p>Most of the document provides a satisfactory assessment of the issues facing the Council. However the points below are ones where the suggested policy is not consistent with the evidence or with Government policy. There is a potential financial risk to the Council in making decisions against Government policy which are then appealed with costs to the appellant.</p> <p>In seeking ways to limit wind turbine development, the paper reviews practices elsewhere in the UK. However, there is no point in adopting guidelines which are not consistent with Government guidance, notably PPS22.</p>	<p>Emphasise in the Introduction that in many areas the guidance complies directly with PPS22, but that there is a national policy 'gap' and thus local policy is required.</p>
Susenco Ltd (sustainable energy company)	<p>In summary, the document says that the Council supports renewable energy, but by creating over-sized buffer zones, that support is meaningless. Whilst this may give comfort to some residents, it emasculates the majority especially the young. A poll commissioned by IPB Communications has indicated what appears to be an age bias behind opposition to turbines. The poll showed that more than 75 per cent of people polled said they would be in favour of plans to build a wind farm producing green energy close to where they live, with 86 per cent of 16 to 34-year-olds surveyed saying they would back the proposals. Nobody under the age of 24 said they would oppose a wind farm in their area. The research showed that fewer over-55s, 61 per cent, were in favour of building a wind farm near their home. Twice as many retired people opposed wind farms than those who are working. Spoilt views and increases in noise were the main concerns of those who said they oppose wind farms.</p>	<p>Noted but the document does not seek to unduly restrict renewable energy but to protect avoidable harm to residential amenity, a proper planning aim which is not negated by support/objections to a proposal by a particular demographic (see the response to Sustainable Kirtlington's comments on community support, above)</p>

Respondent	Comments Made (NB Copies of the correspondence received can be made available in full)	Officer Response & Proposed Action
Susenco Ltd (sustainable energy company)	Section 3: It is evident from the appeal decisions that there is no specific separation distance. The nature of visual impact is highly specific to a locale. Identifying a minimum separation distance of 800m is not consistent with the quoted examples. It would appear to be the greatest distance that could be promoted and could be considered to preclude wind turbines from the whole district. This approach would not be consistent with the obligations of the Council to represent the whole community, many of whom would like to have wind turbines.	Amend the text to emphasise further that the document does not propose blanket restrictions.
Susenco Ltd (sustainable energy company)	A single distance based restriction is flawed in that it does not take into account the characteristics of individual turbines, both in terms of size (with some larger than others) and some noisier than others even at the same size. Noise would also be worse downwind rather than upwind. A blanket separation is indiscriminate and prejudiced, not evidence based, and therefore potentially unreasonable. By comparison, ETSU R97 is determinate, measurable and flexible to a variety of circumstances.	As above, emphasise that the document does not propose a blanket restriction.
Susenco Ltd (sustainable energy company)	Shadow Flicker There is an indication that shadow impact effects may lead to supporting a separation distance of 800m. This is contrary to simple science and Government guidance. The Guidance Notes for PPG 22 indicate the relative locations to a wind turbine at which shadow flicker may impact on residential properties. This is at an angle of up to 130o from north and within 10 rotor diameters. This does not support a policy minimum of 800m.	The document repeats PPS22's guidance relating to shadow flicker and does not refer to 800m in this instance.
Susenco Ltd (sustainable energy company)	Paragraph 4.23 Green Belt: Protection of Green Belt is important but it can be argued that the wind turbines will not detract from the natural landscape. However, regardless of this argument, the Council will have to consider the appropriateness of the proposal with regards to the Green Belt status (a key point is whether the development is appropriate or not). PPG 2 suggests that inappropriate development would be harmful to the Green Belt. Wind turbines are not harmful to any of the purposes or functions of the Green Belt. PPG 2 suggests that mineral extraction is not inappropriate because it is temporary, so too is a wind turbine, indeed a wind turbine will have a life of about 25 years, less than most extraction operations. Any temporary reduction in visual amenity is justified by the special circumstances created by the energy background that the country faces. As a scheme contributes to the lowering of climate change emissions, it may be considered a good use of the green belt designation. The openness of a green belt area is not compromised by a small scheme.	Amend the text to include reference to inappropriate development in Green Belts and to what extent this is outweighed by special circumstances.

Respondent	Comments Made (NB Copies of the correspondence received can be made available in full)	Officer Response & Proposed Action
Natural England	<p>Natural England notes that the document title relates to residential amenity impacts only. As such, Natural England is satisfied with the section on landscape and visual impacts, and is happy with the publications referred to for guidance. We note that there is a variety of guidance related to biodiversity included in the list of related publications in the Appendix. We feel that it may be helpful to developers for there to be a specific reference to biodiversity in the main text as something to consider. It is often expedient for biodiversity and protected species in particular to have been considered early in the planning process. It may be relevant to point developers in the direction of Natural England's standing advice on protected species, which can be found here: http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/default.aspx It may also be of use for the guidance related to biodiversity to be listed in a separate section of the appendix, under its own heading.</p>	<p>Add Natural England's standing advice to the Appendix. Create a Biodiversity section in the Appendix (for information). Amend the Introduction to highlight that although the document does not consider biodiversity, these issues are nonetheless important and brief references can be found in the Appendix.</p>
CPRE (Banbury District)	<ol style="list-style-type: none"> 1. District policy is required to protect various interests affected by wind turbine proposals 2. Highlights similarities between turbines and phone mast developments 3. Highlights that the majority of decisions on turbine developments are made at appeal. Whatever criteria is adopted in the draft guidance, it must be defensible at appeal, especially as applicants might play one appeal off another 4. Control needs to be exercised not only on distance but also on the height and number of turbines proposed in any one application, and we would be concerned if such numbers were to be expanded onto adjacent sites. 5. As turbine developments have a life of at least 25 years, to mitigate their impacts, the planting of tree shelter belts might be appropriate (dealt with by way of condition). Nevertheless we find the guidance comprehensive in these and other matters. 	<p>Emphasise reference to appropriate mitigation. However it will not be possible to create limits on the height and number of turbines proposed in any one application. A more detailed landscape capacity study could inform a quantifiable 'capacity' of the landscape to accommodate more specific numbers of turbines, but a limit on numbers cannot be included in this informal guidance document. The cumulative impacts of multiple turbine proposals are however an important consideration and are discussed in the cumulative impacts section as well as in the 'field of view' criteria.</p>
Launton Parish Council	<p>At Launton PC's last meeting it considered the above consultation document and I have been instructed to notify you that it considered the guidance well thought out with reasonable evidence for the limits chosen.</p>	<p>Noted</p>
Shenington Parish Council	<ol style="list-style-type: none"> 1. Having read the guidance document we feel there is very little we can add to on what as been proposed but we do not think that the thinking has been holistic enough and therefore would ask for the document to include periphery items such as substations, power cables etc. Currently it just focuses on the wind turbines themselves and we don't think you can separate the two. 2. Peripheral items could include new access roads and/or widening existing roads. Also, what level of lorry movements would be likely during the construction phase? 	<p>Amend the text to include reference to the requirement for substations, power cables etc but the main amenity issues will arise from the turbines themselves. Road widening/lorry movements will also impact on amenity but assessment of construction issues such as lorry movements will take place under Environmental Impact Assessment.</p>

Respondent	Comments Made (NB Copies of the correspondence received can be made available in full)	Officer Response & Proposed Action
Banbury Town Council	Members felt that the document's language needed to be simplified so it would be easier to understand but they welcomed the guidance but made no further observations.	Noted, amend text wherever possible to simplify and reduce jargon.
Councillor comments	Consider whether there is a difference in the number of dwellings affected by proposals - is there a difference between groups of dwellings or single dwellings?	Amend the document to more consistently refer to impact on 'a dwelling' (in principle the impact on one dwelling is the same as groups of dwellings and impact is not diminished because only one dwelling is affected). However, a pragmatic and reasonable approach needs to be taken in limiting harmful impacts on amenity.
Councillor comments	Amend kilometre references to miles	The national policy guidance documents refer to metres and so it is considered the document ought to refer to metres and kilometres rather than miles.
Councillor comments	Field of view/proportion of view references. Need to factor in a consideration of topography more explicitly (difference between the field of view in Bicester compared to the rolling hills of North Oxfordshire)	Amend text accordingly.

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Executive

Localism Bill 2010: Opportunities for Cherwell

7 February 2011

Report of Interim Chief Executive

PURPOSE OF REPORT

To consider the opportunities and issues for the district which are created through the Localism Bill 2010.

This report is public

Recommendations

The Executive is recommended:

- (1) To note the contents of the Localism Bill 2010 and consider any issues and communications they wish to make to the Secretary of State and/or local Members of Parliament.
- (2) To request officers to provide update briefings to the Executive as the Bill continues on its legislative passage.
- (3) To request officers to bring forward any opportunities for pilot projects as and when they arise including any legal, risk and financial implications.

Executive Summary

Introduction

- 1.1 The Localism Bill was published on 13 December 2010, as the vehicle to provide the legislative framework required to achieve many of the ambitions which were set out in the government's 'Big Society' agenda.
- 1.2 Unusually, for this type of proposed legislative change, the proposals were not set out in a green paper (discussion) or a white paper (consultation) document, instead being introduced as draft legislation. This means that there is no opportunity to formally submit a consultation response to the government, therefore any response to the consultation will have to be given to members of parliament and fed into parliament's consideration of the bill.
- 1.3 The Bill received its first reading in the House of Commons on 13 December

2010, its second reading (an opportunity for debate on the general principles of the Bill) was on 17 January 2011. The Bill then proceeds through the committee stage before consideration in the House of Lords. With the bill being introduced as draft legislation it is highly likely that it will have a long passage with many amendments made and it is unlikely to receive Royal Assent until late 2011, with different sections of the bill enacted on different commencement dates as and when regulations and guidance can be produced by the Secretary of State.

- 1.4 It should be noted that until the Bill passes in to law there are no legislative powers to enact new initiatives under it and any proposed pilots must use existing legislation, otherwise they are likely to be subject to legal challenge. In recent months both the Home Secretary and the Secretary of State for Communities and Local Government have been subject to successful judicial reviews for new initiatives that they have indicated should be followed despite there being no legislative basis to support this.
- 1.5 The Bill is a complex document comprising two volumes and some 405 pages, 208 clauses, 24 schedules and at least 142 orders and regulating powers including many repeals and amendments to existing legislation. Therefore due to the way it has been introduced (as draft legislation) there have been many discussions over the meaning of the draft legislation and if in fact it does give effect to all the governments intentions.
- 1.6 The Bill is arranged around six key principles:
 - Lifting the burden of bureaucracy
 - Empowering communities to do things their way
 - Increasing local control of public finances
 - Diversifying the supply of public services
 - Opening up Government to public scrutiny
 - Strengthening accountability to local people

With detailed proposals on the following topics:

- Standards Regime, Standards Board and National Code of Conduct – Section 1.7
- Duty to co-operate with other public bodies – Section 1.8
- Predetermination Removed – Section 1.9
- General Power of Competence – Section 1.10
- Local Authority Governance – Section 1.11
- Neighbourhood Development Orders Plans, Community Right to Build and Neighbourhood Plans – Section 1.12
- Council Tax Referendums on Excessive Council Tax – Section 1.13
- Ability to Discount Business Rates – Section 1.14
- Abolition of 'bin tax' – Section 1.15
- Community Infrastructure Levy – Section 1.16
- EU Financial Sanctions, Allocation to Local Authorities – Section 1.17
- Community Right to Express Interest in Running Public Services – Section 1.18
- Community Right to Buy Assets of Community Value – Section 1.19
- Senior Officer Pay Policy – 1.20
- Power to use Petitions to Trigger a referendum on any Local Issue – Section 1.21

- Duty to promote democracy and Statutory Petition Schemes Abolished – Section 1.22
- Duty for Planning Pre-application Consultation – Section 1.23
- Abolition of Regional Strategies – Section 1.24
- Duty to Co-operate - Planning of Sustainable Development – Section 1.25
- Abolition of Binding Inspectors Reports – Section 1.26
- Enforcement – Section 1.27
- Social Housing Allocations Reformed – Section 1.29
- New Homelessness Legislation – Section 1.30
- Social Housing Tenure – Section 1.31
- Council Housing Finance Reviewed – Section 1.32
- National ‘Homeswap Scheme’ launched – Section 1.33
- Housing Ombudsman – Section 1.34
- Social Housing Regulation Reformed- Section 1.35
- Help to Move Out of Social Rented Housing – Section 1.36
- Home Information Packs Abolished – Section 1.37

Proposals dealing with issues that are not applicable to Cherwell (e.g. Fire Authorities, London, Shadow elected Mayors and Council Housing finance) have been excluded.

Proposals

Lifting the Burden of Bureaucracy

- 1.7 **Standards Regime, Standards Board and National Code of Conduct**
 The Bill abolishes Standards for England which was the national coordinating body for the standards regime. The Bill does abolish the mandatory national code of conduct and the requirement to have a Standards Committee but it leaves it to each local authority to decide whether it wishes to have a voluntary local code of conduct.

As there is no longer a national code it will be for each local authority, if it wishes to have a code, to decide what should be in that code. Local authorities may revise the code they have, adopt a new code to replace the existing code or withdraw the existing code without replacing it. Local authorities will be required to deal with complaints about breaches of their code of conduct, if they have one, but no sanctions other than censure will be available.

What remains is a duty to promote good conduct and an obligation to disclose and register interests. The Monitoring Officer will continue to be responsible for establishing and maintaining the register of Members’ interests. It will be an offence to fail to register, or fail to disclose, an interest. Prosecutions may only be brought by the Director of Public Prosecutions. The offence will be punishable by a fine of up to £5000 and potentially disqualification for up to five years.

Even if an authority chooses not to have a code of conduct it will need a mechanism to deal with complaints about the behaviour, or activities, of councillors. The Committee on Standards in Public Life has expressed

concern at the proposed lack of a national code, and an independent complaints mechanism, whilst recognising the problems, and cost, of vexatious or politically motivated complaints which have dominated the existing regime.

In terms of Parish Councils, conduct becomes a matter for the Parish Council in question and no longer a matter for the district council or the district council's Monitoring Officer to investigate.

1.8 Duty to co-operate with other public bodies

This duty was originally brought in to further Local Area Agreements and whilst these are not to continue, there is still a strong government commitment to ensure local bodies should promote shared services and work together. The retention and inclusion of this duty highlights this commitment and whilst there are no specific details the intent is clear.

1.9 Predetermination Removed

The scope of predetermination as a basis of alleging bias is narrowed. A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind just because they had previously done anything that directly or indirectly indicated what view the decision-maker took, or might take.

This essentially seems to replicate the existing common law position. A councillor is not to be taken to have had or to have appeared to have had a closed mind when making the decision just because that decision-maker had previously directly or indirectly indicated what view they might take. The 'just because' is significant since this effectively maintains the current common law position that there needs to be particular evidence of predetermination at the point of making the decision. However, whilst the law on bias remains unaffected, in that local authority decisions must be and be seen to be taken fairly and without bias, the proposed provisions in the Bill effectively enshrine in statute the common law position on predetermination. The key point is that councillors have a primarily democratic rather than a judicial role and their actions should be judged in that context.

Empowering communities to do things their way

1.10 General Power of Competence

'A local authority has power to do anything that individuals generally may do.'

This implies this activity can be unlike what authorities or public bodies traditionally do and can be done anyway, anywhere and commercially. It does not impair other local authority powers and they do not impair it. The power is a secondary power and if the activity can be carried out using existing legislation this should be used in preference.

There are a number of restrictions to the new power. If there is a pre-existing restriction or prohibition in legislation this will still apply or if new restrictions are brought in they will also apply. Local authorities can only charge for services delivered under this general power if the service is discretionary and the recipient has agreed to the service being provided. The power can only be used for commercial activity if it is something the local authority would 'do otherwise than for a commercial purpose' and additionally commercial activity

must be carried out through a company.

The Secretary of State can, by order, remove restrictions on the general power, or remove any legislation which overlaps with the general power and can also restrict the general power and apply conditions to it for all, some or one local authority.

This power applies to all local authorities and 'eligible parishes', although there is currently no definition of an 'eligible parish'.

1.11 **Local Authority Governance**

The Bill proposes giving local authorities four governance options.

- Executive Arrangements – (Leader, Cabinet and Scrutiny)
- Executive Arrangement – (Elected Mayor, Cabinet and Scrutiny)
- Committee System Arrangements (with optional scrutiny arrangements)
- Other Prescribed arrangements (to be determined by Secretary of State)

Senior Executive Member – this term has been introduced as a singular description covering both the Leader and the Elected Mayor. This individual may discharge any Executive functions or arrange for these to be by the whole Executive, portfolio holders (who he appoints), committee of the Executive or an officer. Executive or Portfolio Holders can then delegate to an Executive Committee or officer unless the Senior Executive Member vetoes this. The delegating body can still make the decision even if delegated.

Leader and Executive

Appointment – the appointment for the Leader must be by an election at the full Council meeting (normally after the relevant local election). The Leader would serve for a 4 year term but can be removed by resolution of the Council. If there is a vacancy then there must again be an 'election' at the full Council meeting. The Secretary of State can control this by regulation.

Elected Mayor and Cabinet

Appointment – a person is returned as an Elected Mayor at an election called for such purpose. If a person is returned as an Elected Mayor at such an election and they are also returned as a councillor, then there becomes a vacancy for a councillor. Similarly, if a person is Elected Mayor at a time when the successful candidate is already a Councillor then a vacancy in the office of councillor occurs. The term of office for an Elected Mayor remains as 4 years.

Election – would normally be on the ordinary day of the local authority election. If there are 3 or more candidates the supplementary vote system would be used.

Elected Mayor, Chief Executive and Head of Paid Service – the Elected Mayor can now take on the position of Chief Executive. There would still be a designated Head of Paid Service who would report to them. The Secretary of State can, by order, enable local authorities to transfer the Head of Paid Service functions to Elected Mayors, effectively creating a combined role.

For a Mayor to take on these functions and become the most senior 'officer' of the Council, it would require a decision of Council and requires two-thirds of those present and voting to veto, for it not to be approved.

Transfer of Public Services – the Secretary of State will be able to transfer local public services (e.g. services not currently provided by the local authority) to Elected Mayors by order. This must occur within a period of one year from when the Elected Mayor took office, following the election. This would give more potential for a much greater role for Mayors on issues and in areas which are not traditionally local government. Mayors can make requests to the Secretary of State for the transfer of services and the Secretary of State must consider the proposal.

The Committee System

This has been described by Ministers as a 'return to the Committee system', but there will be some differences as the Secretary of State can specify any parts of committee system that cannot be delegated, or circumstances in which delegation cannot occur, e.g. functions reserved to whole authority.

What are known as 4th option Councils (those with an electorate of fewer than 85,000) were permitted to have a Committee system of governance under the Local Government Act 2000, which had to include an Overview and Scrutiny Committee. These arrangements have meant a more streamlined Committee decision making process than under the service committee system, however it remains to be seen whether this reworked option can provide an effective and accountable decision making process in anything other than the smallest authorities allowing timely and cost effective decision making.

Prescribed Arrangements

The Secretary of State can, by regulation, allow alternative models or variations of governance. Councils can apply for their proposals to be considered as long as they are an improvement, allow efficient, transparent and accountable decision making and would be suitable for all Councils and Councils matching a description.

Such examples could perhaps include no Cabinet or a Cabinet made up of Councillors and others. It will be interesting to see if this option is taken forward by local authorities, particularly as it will create a divergence of governance arrangements, making it difficult to introduce further legislation and requiring the law to be changed on a council by council basis. It should be noted that the only authority to operate an alternative model (Leader and Council Manager) under the Local Government Act 2000 reverted to an Executive model of governance.

Changing governance arrangements - to change between governance regimes it appears that Councils must undertake the following process:

- a) Council must make a resolution to that effect. Copies of the scheme must be available for inspection on deposit and a notice published in a newspaper.
- b) In addition to the resolution and public notice, in certain circumstances a confirmatory referendum must be held.
- c) Changed governance arrangements will come into force three days following the next set of elections.

This means that the earliest that authorities can change their governance arrangements (subject to the passage of the Bill) will be 2013 for counties and 2012 for authorities like Cherwell holding elections by thirds.

Elected Mayor Arrangements – Councils are not permitted to move away from this model of governance without the Secretary of State’s permission and if they refuse they can direct the governance arrangement to be used. Local authorities are also not permitted to move away from the Elected Mayor model without the written consent of the Mayor.

Public Demanded Referendums - a petition can still trigger a referendum for a change of governance arrangements under the 5% rule. The Secretary of State can also direct a Council to hold a referendum. Referendums cannot be held if a previous referendum was held within 5 years.

1.12 **Neighbourhood Development Orders Plans, Community Right to Build and Neighbourhood Plans**

The Bill introduces a right for parish councils and other neighbourhood forums (as designated by the local authority) to require local planning authorities to make ‘neighbourhood development orders’. These orders will grant planning permission without the need for an application for a particular development or class of development. An order must be adopted by the local planning authority where there is a simple majority in favour in a referendum. They will, however, be subject to independent examination.

A particular type of neighbourhood development order is known as a ‘community right to build order’. These orders, relating to proposals by community organisations, will grant planning permission for specified development in relation to a specified site in the neighbourhood area.

The Bill also introduces Neighbourhood Plans which will be part of the statutory Development Plan and which are promoted and adopted in a similar way to neighbourhood development orders (e.g. the requirement for independent examination and referendum). The plan must be in general conformity with the strategic policies set out in the Development Plan for the area. There is currently no indication of what independent examination may involve.

There is no discussion in the legislation of the rules for a referendum or how these will be funded i.e. whether the parish, neighbourhood or district would fund referenda. It is most likely the cost would fall on the planning authority e.g. Cherwell District Council.

Members should also be aware that, in advance of the Localism Bill passing into law and being enacted, the Department for Communities and Local Government is instigating a “neighbourhood planning vanguard scheme”. In this the Department for Communities and Local Government is looking to work with local authorities who wish to work closely with parish councils or community groups in preparing neighbourhood plans. The intention is to pilot the procedures in the Localism Bill and participating local authorities will need to work closely with parish councils and community groups to prepare the draft plans. These plans will need to be subject to independent examination and to a referendum. In undertaking this work, there will be support from staff within the Department for Communities and Local Government, and also grant funding available to support the process.

The Council has been considering whether there are any possible schemes within the district that would be suitable within the vanguard scheme. Clearly,

any major proposal of strategic importance should properly be considered as part of the Core Strategy, however there may be opportunities, focussed on individual parishes or local areas that may provide an opportunity. The closing date for applications is 14 February 2011.

Increasing local control of public finances

1.13 Council Tax Referendums on Excessive Council Tax

There is a new duty on billing and precepting authorities (councils, police, fire and larger parishes) to determine annually if their council tax rise is excessive. If excessive, it is necessary to hold a referendum, which is likely to fall to the relevant electoral authority (e.g. Cherwell District Council) to organise and run.

The Secretary of State will issue principles annually to determine what is excessive and can issue a notional amount for comparison purposes. The Secretary of State can also independently decide the council tax is excessive and force a referendum.

There is also to be a substitute calculation which is to be applied if the public vote that council tax is excessive in the binding referendum.

The billing authority (Cherwell District Council) will decide the date for a referendum which must be no later than the first Thursday in May (so this could be combined with local authority elections). If it is two or more precepting authorities that have been determined as excessive the referendum will be held together on the first Thursday in May. It appears the billing authority can't pay any of the precept during the restricted period although it would be possible to collect it. It also appears precepting authorities are able to campaign in a referendum to put their case across, but the costs incurred must be reasonable.

There is no discussion of who pays for these referendums and presumably it would be the precepting authority or, in the case of the whole council tax, shared by the precepting authorities.

1.14 Ability to Discount Business Rates

The Bill will give local authorities the power to grant discounts on business rates in their area to support struggling businesses and to encourage start-ups. Any discounts will have to be funded locally, although there is no scope to increase business rates above the government set maximum limit. The Bill also amends the rules on the cancellation of liability to back dated non-domestic rates.

1.15 Abolition of 'bin tax'

The ability for council's to establish a so called 'bin tax', introduced under the Climate Change Act 2008 (but not enacted), which would have allowed charging for domestic waste collection and fining for full bins has been removed.

1.16 Community Infrastructure Levy

There are 3 changes in relation to Community Infrastructure Levy (CIL), although much of the detail is to follow in Regulations:

- 1) Regulations will require some CIL funds to be passed to neighbourhoods where development has taken place.
- 2) CIL funds can be spent on the ongoing costs of new infrastructure, e.g. maintenance.
- 3) Local planning authorities are to have greater control over charging schedules. If the independent Inspector considers the charging schedule is unreasonable, it will be up to the local planning authority to decide how to make it reasonable.

In advance of the Bill, the Department for Communities and Local Government is promoting a "CIL Frontrunners project". In this, local authorities are being invited to develop the best approach to implementing CIL in a way that works best for them. This project would not be appropriate for Cherwell District Council at the present time as it requires the Local Development Framework to be more advanced to provide a basis upon which CIL can be prepared. Whilst good work has been done in terms of both preparing the Core Strategy and understanding possible CIL requirements (though the work on the Planning Obligations Supplementary Planning Document), the Council is not in a position where it could consider taking part in such a project now.

1.17 **EU Financial Sanctions, Allocation to Local Authorities**

This will effectively allow Ministers to require that local authorities contribute to any fine passed down to the UK by the European Union. The Local Government Association have stated that in their view this is 'unfair, unworkable, dangerous and unconstitutional'.

Diversifying the supply of public services

1.18 **Community Right to Express Interest in Running Public Services**

Councils will be required to consider expressions of interest from voluntary or community groups, charities, parish councils, two or more council employees or other bodies (as determined by Secretary of State) to take over local services/ facilities. Expressions must be considered by the local authority as to whether they would improve the economic, social or environmental well being.

If the expression of interest is accepted, a procurement exercise should then be carried out and it will be possible to modify an expression of interest in light of procurement findings. The organisation who made the expression will be able to bid to provide the service along with others

1.19 **Community Right to Buy Assets of Community Value**

There is a duty on local authorities to keep a list of 'community value land', with land entered on the list removed after 5 years or before. Regulations will set out the criteria of 'community value'. Communities (via the parish council or persons specified by the authority) or the local authority themselves can nominate land to be included on the list. The local authority must inform the owner and the nominee of the addition. A list of unsuccessful nominations must also be kept and both lists must be published.

Local authorities must review an entry on the owner's request. There is a

period in which if the owner wishes to dispose of land they must inform local authority who will publicise this and it up to community to then consider buying it. Land included on community asset list must be included in the land charges list, which could effectively devalue land.

The appropriate authority may by regulation make payment of compensation. The provisions also appear to cover crown lands. This is a highly controversial proposal and is likely to be subject to significant legal challenge, particularly as it may be inconsistent with the Human Rights Act, it could also be very costly for the local authority administering the list in terms of compensation payments.

Opening up Government to Public Scrutiny

1.20 Senior Officer Pay Policy

There is a new duty to publish an annual senior pay policy for Chief Officers with specific requirements on the details it contains. The policy must be approved by full council and published as the council sees fit including the web. It is likely that in reality this policy would constitute an additional appendix to the annual budget setting report at council.

Strengthening Accountability to Local People

1.21 Power to use Petitions to Trigger a referendum on any Local Issue

Under these proposals if a petition is submitted to a principal authority (county or district council) which meets the threshold of electors, currently 5% in a 'relevant area' e.g. can be for the whole authority, a single electoral area (parish, ward or division) or two or more adjoining electoral areas, a local authority must hold a referendum. Petitions must set out the question to be asked and can at the discretion of the authority be electronic.

Signatures on petitions need to be dated and are valid if they are within 6 months of the petitions' submission or, for electronic petitions, 6 months from when the petition opened for signatures.

Councillors may also request a local referendum. This request must be by a member or members for electoral areas in the area in question, for multi-member electoral areas all of the members or a majority of areas must make the request, which must be in writing and state the question to be put.

A referendum must be held if the proper office deems it:

- not to be in contravention of the law
- not vexatious or abusive
- not a local matter over which the authority has influence
- not a local matter that affects the authorities area or inhabitants
- a matter which the Secretary of State has prohibited by order

The Secretary of State also has a reserve power to decide something is not a local matter.

If the question is misleading the authority can substitute the wording, but must

consult the petition organiser. The local authority can decide on the date of the referendum, there is a 12 month window for holding the referendum. The franchise is the same as for a local government election in the area concerned.

The referendum (including the results) must be publicised and the local authority can publish or arrange for publication of information to encourage support or opposition to a petition (if originating from a petition or request) and may incur reasonable expenditure. The results of the referendum are non-binding.

The Secretary of State may make provisions about the holding of polls or referenda by parishes, either using these provisions or amending current provisions e.g. parish polls. The Secretary of State may make or arrange for payments to be made to parishes to meet this additional expenditure.

Again it would appear that all costs for petitions resulting in a referendum would fall on the district or count to whom the petition is submitted and the arrangements for any district, parish or county referendum would fall on the electoral authority, Cherwell District Council.

- 1.22 **Duty to promote democracy and Statutory Petition Schemes Abolished**
Both the duty to promote democracy (not enacted) and the statutory petitions scheme as set out in the Local Government and Public Involvement in Health Act 2007 will be repealed.
- 1.23 **Duty for Planning Pre-application Consultation**
The Bill introduces a legal requirement for applicants of large developments to carry out pre-application consultation. There is an express duty for the applicant to take into account any representations when formulating the planning application. Again it is unknown how this will work in reality and what the impact will be, if any, with regard to formal consultation as part of the planning process.

Planning

- 1.24 **Abolition of Regional Strategies**
As comprehensively trailed, the Bill revokes Regional Strategies. It also revokes saved structure plan policies.
- 1.25 **Duty to Co-operate - Planning of Sustainable Development**
The Bill places a local planning authority under a duty to cooperate with other local planning authorities and bodies (to be prescribed by the Secretary of State) in relation to maximising the effectiveness of the preparation of development plan documents, the preparation of other local development documents, and other activities that support the planning of development.
- 1.26 **Abolition of Binding Inspectors Reports**
The ability of the Planning Inspectorate to re-write development plan documents will be removed in the Bill. Local planning authorities will still only be able to adopt plans that have been judged sound at public examination, but Inspectors will only be able to recommend changes at the request of the local authority.

1.27 **Enforcement**

Under the Bill, a local planning authority may decline to determine an application for planning permission for development where an enforcement notice is in force.

There is a new power regarding situations of full or partial concealment of breaches of planning control. The local planning authority can apply to the magistrates' court for a 'planning enforcement order' in respect of an apparent breach of planning control regardless of whether the time periods for the taking of enforcement action have expired. An application for a planning enforcement order must be made within 6 months of the evidence of the apparent breach of planning control coming to the local planning authority's attention.

There are new powers relating to the defacement of premises which also covers post boxes, bus shelters, and other street furniture.

Housing

1.28 Many of the housing proposals set out in the Localism Bill were reported to the Executive on 10 January 2011, however for completeness, they are set out below.

1.29 **Social Housing Allocations Reformed**

The main change is that the government will prescribe classes of persons who are, or who are not, to be treated as "qualifying persons" for housing. The Bill will then allow local authorities the freedom to decide (subject to these prescribed classes) who should be treated as qualifying persons and therefore who is eligible to go on the housing waiting list.

Tenants who wish to transfer, but who are not in housing need, will be removed from the scope of the allocation rules. If a person is deemed to be a non qualifying person they can make a fresh application (as opposed to requesting a review).

1.30 **New Homelessness Legislation**

The Bill seeks to give local authorities the power to end a homeless duty by making an offer of suitable accommodation in the private rented sector without needing the homeless applicant's agreement. There will be safeguards – an offer of private sector housing will only bring the homeless duty to an end if the accommodation is suitable for the whole household, the private sector tenancy would need to be for a minimum fixed term of 12 months, and the duty would recur if, within 2 years, the applicant becomes homeless again through no fault of their own (and continues to be eligible for assistance).

The Bill proposes that an applicant will be homeless from the date on which a Section 21 Notice Requiring Possession expires. They will be deemed threatened with homelessness from the date notice is given.

1.31 **Social Housing Tenure**

The Bill proposes introducing flexible tenancies (which will still be secure tenancies) which can be granted for a fixed term if over a minimum period of

2 years.

The Bill proposes to replace mutual exchange with a system of permitted surrender of a tenancy coupled with the grant of a new tenancy.

The Bill will limit succession of council housing. The lifetime tenancies and succession rights of existing council and housing association tenants will not be affected. New tenants will be guaranteed one succession to a spouse or partner, with landlords free to grant further succession rights.

1.32 Council Housing Finance Reviewed

This will not apply to Cherwell as the council does not have a housing stock.

1.33 National 'Homeswap Scheme' launched

A national web based mutual exchange service will be launched with social landlords required to participate. The scheme will be administered by the social housing regulator.

1.34 Housing Ombudsman

The Bill proposes that a complaint against a social landlord can only be referred to the Housing Ombudsman by an MP, local housing authority or a designated tenant panel. It is also proposed that the Housing Ombudsman will take over certain functions, in respect of investigating housing complaints against local housing authorities, from the Local Government Ombudsman.

1.35 Social Housing Regulation Reformed

The Office of Tenants and Social Landlords (also known as the Tenants Services Authority) will be abolished and have its functions transferred to the Homes and Communities Agency.

1.36 Help to Move Out of Social Rented Housing

The Bill will allow Registered Provider (Housing Association) tenants to take up incentive schemes which help them to move in to the owner occupier accommodation. This is currently precluded by legislation which prevents any payment taking place.

1.37 Home Information Packs Abolished

Home Information Packs (HIPs) were suspended on 21 May 2010. Clause 156 of the Bill will formally abolish them.

Conclusion

1.38 The Localism Bill provides many potential opportunities for Cherwell District Council to develop localism and to work towards 'The Big Society'. Due to the way the Bill has been introduced it is inevitable the clauses will be subject to much amendment during its legislative passage and therefore may change quite dramatically from the analysis which is set out above, therefore a further report will be produced following the bill receiving Royal Assent.

1.39 Additionally, whilst the Bill contains many proposals aimed at enhancing democracy, these come at a real cost both in terms of the staffing resource to administer them but also in terms of budgets for instance the cost for a district wide referendum is estimated to be in excess of £150,000.

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One	To agree the recommendations
Option Two	Not to agree the recommendations
Option Three	To amend the recommendations

Implications

Financial: Until the Bill passes into legislation there are no direct financial implications. It should be noted that the Bill contains significant potential areas of expenditure which are not included within budgets or within the Medium Term Financial Strategy. Several areas such as referenda are not controllable and if passed into legislation there will be a need for appropriate staffing resources to be made available as well as budgetary allocation.

Following Royal Assent it will be necessary for detailed financial implications to be prepared and considered by members for inclusion in the budget process.

Comments checked by Karen Curtin, Head of Finance 01295 221551.

Legal: Until the Bill becomes law, there are no legal powers to enact any of its measures, even as pilot projects, unless a legal basis can be found in existing legislation and therefore a detailed legal risk analysis would need to be undertaken. The status of the Bill has been confirmed by a number of High Court cases recently. The intention of the government to legislate does not override existing legislation.

It is likely that there will be significant changes during the passage of the Bill through Parliament and challenges to some of the proposals under the Human Rights Act are anticipated.

Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686

Risk Management: Whilst it is acknowledged that the Bill presents significant opportunities, there are also numerous risks which the authority will need to consider as and when the Bill is passed into law. Any pilot projects will require a full risk assessment to be undertaken

Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 221566

Wards Affected

All

Corporate Plan Themes

All

Executive Portfolio

Councillor Barry Wood
Leader of the Council and Portfolio Holder for Policy, Community Planning and
Community Development

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	James Doble, Democratic, Scrutiny and Elections Manager
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Executive

Car Park Order Notice

7 February 2011

Report of Head of Safer Communities, Urban and Rural Services

PURPOSE OF REPORT

To advise Members of any objections to the Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order advertised on 13 January 2011 and to seek authority to make the Order subject to any objections received.

This report is public

Recommendations

The Executive is recommended:

- (1) To receive and deal with any objections to the Order (these will be tabled at the meeting)
- (2) To authorise formal Order Making on final proposals for implementation on, or as soon after, 4 April 2011 as is practicable.

Executive Summary

Introduction

- 1.1 A range of car parking proposals have been considered as part of service planning for 2011/12, and through the budget preparation process.
- 1.2 These were formally advertised in January 2011 (following approval at the 10 January 2011 Executive) in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 1.3 Any objections from this process will be tabled at the meeting as the deadline for receipt falls after the agenda is issued.

Proposals

- 1.4 The proposals set out in the Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order are:

- to increase parking charges at all car parks in Banbury and Bicester by 10p per hour (Banbury from 70p to 80p per hour, Bicester from 60p to 70p per hour and all other hourly charges by a 10p multiple per hour);
- to introduce parking charges for disabled drivers holding a blue badge in line with standard hourly rates, but with one additional hour free of charge, at all car parks in Banbury and Bicester (excluding the drop off/pick up bay at Bridge Street, Banbury);
- to introduce evening charges from 6.00 pm to 12 midnight at all car parks in Banbury and Bicester, at a flat rate of 80p (Banbury) and 70p (Bicester) (blue badge holders to be exempt);
- to increase Excess Charge Notice levels at all car parks in Banbury, Bicester and Kidlington by £10 for each contravention, with a premium charge of £100 being introduced for failure to pay within 28 days;
- to increase the parking charges and charging hours applicable to Sunday and all bank and public holidays (other than Christmas Day, Boxing Day, New Year's Day, Good Friday and Easter Sunday when no charges apply) to those applicable to Monday – Saturday at all car parks in Banbury and Bicester;
- to revise the maximum period of stay permitted at each car park in Bicester, as specified in the draft Order;
- to consolidate existing regulations relating to all car parks in Banbury, Bicester and Kidlington, presently contained in numerous Orders, into a new single Order.

1.5 These proposals, if adopted, would be introduced on or as soon after 4 April 2011 as is practicable as ticket machines, information boards, highways direction signage and access all need to be considered to enable implementation.

Conclusion

1.6 Subject to any objections received to the Order Notice; the Executive dealing with these objections; and the required implementation works being carried out, the proposals will be implemented on 4 April 2011.

Background Information

- 2.1 The full Order Notice and Car Park Orders are available on the Council's website.
- 2.2 The changes to car parking arrangements in Bicester were agreed by the Executive at its meeting on 24 May 2010.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 Members to consider and deal with any objections to the Order to enable implementation.

There is only one option available to the Executive

Option One Consider and deal with any objections to the Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order

Consultations

Statutory, voluntary local agencies, residents of the District Pre Order consultation was undertaken in October 2010 and formal Notice of Order placed in the local press in January 2011.

Implications

Financial: There are no direct financial implications from the Order Notice. However, the proposals do seek to maximise use of resources and income whilst remaining competitively priced with other private car parks without bearing a further burden on council tax payers.

Comments checked by Denise Taylor Service Accountant, 01295 221982

Legal: This report deals with objections to the Order Notice and is in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Comments checked by Malcolm Saunders Senior Legal Assistant 01295 221692

Risk Management: Having undertaken pre-Order consultation and securing feedback from stakeholders, and by the Executive considering this feedback in determining the final proposals that are set out in the Order Notice, the Council is at reduced risk of Judicial Review. The final proposals will be published in the final Notice. Depending on final proposals, there are risks that implementation could lead to reduction in numbers using Council car parks and there is a risk of the Councils reputation being harmed.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566

Equalities The proposals were presented to the Cherwell Disability Forum and the Cherwell Seniors Forum in view of the proposals around Blue Badge Holder charges.

Wards Affected

All

Corporate Plan Themes

District of Opportunity

Executive Portfolio

Councillor Nigel Morris

Portfolio Holder for Community Safety, Street Scene and Rural

Document Information

Appendix No	Title
None	
Background Papers	
Objections from Order Notice- Any submitted to be tabled Executive Agenda- 24 May 2010. Bicester Car Parking	
Report Author	Chris Rothwell, Head of Safer Communities, Urban and Rural Services
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Executive

Concessionary Travel and Community Transport

7 February 2011

Report of Head of Housing Services

PURPOSE OF REPORT

This report updates the Executive on changes to the Concessionary Travel Scheme and their implications, following the statutory transfer of the administrative responsibility for the scheme to Oxfordshire County Council from 1 April 2011. The report also updates the Executive with the effects of these changes on the Community Transport (Dial a Ride) scheme, the risks facing the scheme in the future, and the course of action that officers are taking to mitigate as far as possible any adverse effects.

This report is public

Recommendations

The Executive is recommended:

- (1) To note the change in statutory responsibility for the Concessionary Travel Scheme to the Oxfordshire County Council ("the County Council") from 1 April 2011, including the changes made to the scheme by the County Council, and the effects on Dial a Ride services provided by Banbury Community Transport Association (BCTA).
- (2) To accept the County Council's delegation of its functions under section 145[2] of the Transport Act 2000 [duty to issue concessionary passes] and associated powers, to Cherwell District Council for the period up to 31 March 2012 the costs of which are to be met by the County Council.
- (3) To authorise the Head of Housing Services in consultation with the Head of Legal and Democratic Services to negotiate and complete an Agency Agreement with the County Council under section 101 of the Local Government Act 1972 and section 19 of the Local Government Act 2000 that gives effect to the rights and responsibilities referred to in [2] above.
- (4) To approve the further examination and development of the alternative proposals within the Cherwell District for longer term community transport provision identified in paragraphs 2.12 to 2.15, of the report and to note the cost implications referred to in paragraph 2.16.
- (5) To request that the County Council undertake a County Wide review of community transport and related services in the light of the effects of the changes in the Concessionary Travel Scheme and from future funding of Community Transport, the results of which to be reported back to the Executive.

Executive Summary

Introduction

- 1.1 Responsibility for the concessionary travel scheme statutorily transfers to the Oxfordshire County Council from April 2011 and the County Council have made a number of decisions regarding the future scope of the scheme across the County. In the Cherwell District some 22,000 people currently use the scheme with 18,000 having bus passes and 4,000 opting for the current alternative of travel tokens.
- 1.2 As a result of public expenditure reductions the County Council have agreed changes to a number of the components of the scheme, perhaps the most significant of which are the extension of travel passes to community transport Dial a Ride services for 2011/12, and the withdrawal of travel tokens from 1 April 2011 [a discretionary community transport service currently offered by the District Council to complement the concessionary fares service]. Currently travel tokens in Cherwell can be used on buses, Dial a Ride and for taxis (Paragraph 2.2).
- 1.3 In addition, the County Council have indicated that it is not in a position to administer the scheme itself from April 2011 and has asked if in the interests of service continuity the District Councils continue to administer the scheme on its behalf until 31 March 2012. The County Council would meet Cherwell's costs in continuing to administer the scheme on that basis (Paragraphs 2.3 to 2.5).
- 1.4 Community Transport (Dial a Ride) services are affected by a number of changes that will affect its future operation. The extension of concessionary travel passes for use on Dial a Ride services will have a beneficial effect on the current provider. However the withdrawal of travel tokens by the County Council may significantly affect a number of taxi operators in the District who currently transport people who use travel tokens. The future uncertainties in funding from the County Council and Cherwell District Council in 2012/13 arising from the need to meet the Government's public expenditure reductions requires the urgent examination of other options to supplement community transport in the District. Currently Cherwell District Council provides an annual grant (£187,000 2010/11) to BCTA for Dial a Ride services and in addition £24,000 is provided by the County Council. (Paragraphs 2.7 to 2.11).
- 1.5 Dial a Ride is the dominant service within community transport provision within the District, and in view of the implications of the changes in the concessionary fares scheme and in potential future funding, Officers have been working on contingency measures to mitigate at least in part, the future potential effects of these changes on Community Transport services within the District. (Paragraphs 2.12 to 2.16).

Proposals

- 1.6 To note the transfer of the concessionary fares function to the County Council on 1 April 2011.
- 1.7 To approve Cherwell Districts Council's continuation of service delivery of the concessionary fares function on behalf of the County Council under an Agency Agreement from 1 April 2011 to 31^t March 2012.

- 1.8 To approve the further examination and development of potential alternative options within the provision of Community Transport in the District to, as far as possible, seek to mitigate any effects of negative changes to the existing service in the future.
- 1.9 To request that the County Council undertake a County wide review of community transport and related services in the light of the effects of the changes in the Concessionary Travel Scheme and on Community Transport.

Conclusion

- 1.10 Changes in the statutory responsibility for the Concessionary Travel Scheme, changes in the scope of the scheme, and future levels of funding for community transport will have significant effects on existing customers of the service and on community transport Dial a Ride provision. Alternative options need to be developed, as far as possible, to offset some of the effects of the changes.
- 1.11 In addition, in order to provide service continuity the District Council needs to continue on the County Council's behalf, to administer the front line services of the concessionary travel scheme until 31st March 2012 to allow the County Council time to be fully prepared to administer the scheme from that date. In view of the effects of these changes on concessionary travel, and in view of future funding for community transport, a County Wide review of community and special transport needs to be undertaken by the County Council.
- 1.12 A number of actions to raise awareness of these changes are taking place in the forthcoming months as shown below.
 - A letter is to be sent to all Parish Clerks encouraging the development of Car Volunteering Schemes.
 - A letter is to be sent to all travel token holders advising them that travel tokens will cease to be valid with effect from 30 April 2011 and giving them the opportunity of transferring to travel passes from 1 April 2011.
 - Travel passes due for renewal before 1 April 2011 will be renewed in February and March 2011, and passes will be issued for customers transferring from travel tokens.
 - A letter will be sent to taxi operators advising them that travel tokens will not be issued by the County Council from 1 April 2011 and that existing tokens may continue to be used but will have to be reclaimed by the taxi operators direct from National Travel Tokens from 30 April 2011 rather than via Cherwell District Council. The letter will also enquire about the availability of multi purpose vehicles for potential use as an alternative to current Dial a Ride provision.
 - A letter will be sent to all bus operators informing them of the non issue of further travel tokens by the County Council from 1st April 2011.
 - A letter will be sent to bus operators operating in Cherwell informing them that future reimbursements will be dealt with by the County Council.
 - A letter will be sent to all Concessionary Fares customers in

Cherwell informing them of the change of responsibility for the service from 1 April 2011 and providing relevant contact details and arrangements.

- Appropriate signage, leaflets, and automated messages will be made available within the Council's Customer Contact Centre and on the Council's Website.

Background Information

- 2.1 Cherwell District Council has a good track record of delivering the Concessionary Travel Scheme, and Officers have gone to some length to ensure that service users are aware of the change in responsibility for the service from 1 April 2011. A Communications Plan has been formed to ensure customers are kept informed of the changes, and as a result, an article has been placed on the Council's website, posters have been distributed to Parish Council's, Age Concern, GP Practices, etc, and letters have been sent to all service users notifying them of the change of responsibility for the scheme from 1 April 2011, and an initial letter has been sent to bus operators. Further communications will be made in February giving more details of the forthcoming changes. The County Council have consulted Parish Councils and service users on their proposed changes to the scheme.

Changes in the Concessionary Fares Scheme from 1 April 2011

- 2.2 The Government's announced funding for the Concessionary Fares Scheme continues to fall short of the actual costs. The Government funding to the County Council's Concessionary Fares Scheme is 51% less than the combined costs of the service currently provided by the Districts and so there is little scope for service enhancements to be funded by the County Council. The County Council's Cabinet met on 25 January 2011 to decide on various key elements of the scheme, and the following elements have been agreed.
- That the scheme is available from 9am daily for 2011/12 and then will be subject of review [this is half an hour earlier than in Cherwell currently].
 - Companion passes will be available for those in receipt of carers allowance, who can supply proof that they need assistance to use public transport , or are aged 5 to 15 years [currently companion passes have only been issued in Cherwell on the grounds of disability and inability to use public transport].
 - Travel tokens will not be issued under the scheme [£30 of travel tokens are currently offered as a discretionary policy under the scheme as an alternative to travel passes in Cherwell at an annual cost of approx £125,000. Existing travel tokens already issued by Cherwell District Council but not yet used will still be valid].
 - Travel passes will be able to be used on Dial a Ride services for 2011/12 and then will be subject of a review [this is an addition to the current arrangements in Cherwell].

- 2.3 The County Council are not in a position to deliver the scheme themselves from 1 April 2011 and have asked each District if they would continue to

administer the County's scheme on its behalf until 31 March 2012. Pragmatically this is the best way that the service can continue without the risk of service failure. This is a key issue given the vulnerability of many service users. It does however present additional communication problems in notifying the public that responsibility for the scheme and its scope is now the responsibility of the County Council albeit that the scheme continues to be provided and administered by Cherwell District Council.

- 2.4 The service that Cherwell District Council will continue to deliver will be that of front line customer service, enquiry and advice handling, and processing, issuing and renewal of travel passes. The cost of travel pass journey reimbursements will be met by the County Council. Annually there are approximately 3,500 contacts from the public with Cherwell District Council's Customer Contact Centre regarding the concessionary travel scheme, most of which are face to face enquiries. From the public viewpoint the service should continue largely unchanged although the scope of the scheme will be different. We will need to discuss with the County Council the detail of the marketing material as both parties want the logo and livery associated with the scheme to show that the service is now a County Council service, and not one provided by the District Council.
- 2.5 The costs of continuing to administer the service in the Cherwell District for a further year have been assessed, and the County Council's Cabinet at its meeting on 25 January 2011 has agreed to meet these costs. The District Council's Legal Section has very recently received a draft Agency Agreement from the County Council sets out the responsibilities etc of each party in relation to the interim measures proposed. Both parties [as well as the other District Councils, who enter into their own separate agency agreements with the County Council] are aware of the essential need to secure approval of the draft agreement before those measures commence on 1 April 2011.
- 2.6 One member of Cherwell's staff is affected by the transfer of the statutory undertaking of the concessionary fares scheme to the County Council and will therefore transfer to the County Council under the provisions of TUPE. It is likely, but yet to be confirmed, that the employee will remain in Cherwell's offices in order to deliver the concessionary travel scheme for service users in Cherwell under the terms of the Agency Agreement.

Effects of Changes in the Concessionary Fares Scheme on Community Transport

- 2.7 The proposed changes to the Concessionary Travel Scheme notably the withdrawal of travel tokens but also the extension of travel passes to Dial a Ride services for 2011/12 is expected to have an overall beneficial effect on the Community Transport Dial a Ride service. The Dial a Ride service in Cherwell is targeted at non able bodied people who have difficulty in accessing normal public transport services and is provided by Banbury Community Transport Association [BCTA], a registered charity. BCTA also provide a Shop Mobility Scheme.
- 2.8 There are 2,410 registered members [comprising existing and former users of the Dial a Ride Service], although Dial a Ride services have only been used by 551 people in the past nine months. According to BCTA this number of users is unlikely to change significantly for the full year. Each user this year will have made 34 return journeys on average. Dial a Ride provides a bookable door to door pick up and return service. The cost of a return journey is £2.50. Travel tokens can at present be used on the service by those electing to have £30 [per annum] of Travel Tokens as an alternative to a Concessionary Travel Pass. Tokens can also be used for taxi fares. The

extension of travel passes to Dial a Ride services by the County Council for 2011/12 will make travel costs free to the customer who will no longer be required to pay directly for the service, and neither will be restricted by the amount of travel tokens they hold. Travel passes cannot be used for taxi journeys whereas the current travel tokens can be, and therefore the number of taxi journeys is likely to reduce significantly.

- 2.9 The extension of travel passes to Dial a Ride services is likely to significantly increase the number of journeys undertaken each year. It is anticipated that up to a 17% increase in journeys may result.

Further Effects on Community Transport from Potential Reductions in Future Grant Support

- 2.10 Though the extension of travel passes to Dial a Ride services will have a positive service and financial benefit to community transport and Dial a Ride, there are nevertheless significant potential effects from future potential reductions in grant from either the County Council or Cherwell District Council. BCTA a registered charity, have previously reported financial losses and though a package of measures has been introduced to improve their financial position, it nevertheless remains finely balanced and they will have difficulty in absorbing any future loss of grant funding. Cherwell District Council and Oxfordshire County Council currently have a funding agreement with BCTA which expires on 31 March 2012. The level of Grant is determined annually and currently the District Council pays £187,000 of grant per annum for community transport in Cherwell, and the County Council contribute £24,000 in grant for community transport in Cherwell [this compares to community transport in other Districts such as Oxford City which pays £59,000; West Oxfordshire which pays £29,000; Vale of White Horse which pays £29,000].
- 2.11 Despite extreme funding pressures Cherwell has budgeted to maintain its level of Grant for 2011/12. Cherwell's grant funding for community and voluntary sector grants will be examined during 2011/12 in the context of meeting new government priorities and securing value for money, which could lead to cuts for the 2012/13 funding programme of these groups. The County Council's decisions on grant funding are still to be confirmed.

Contingency Plans to Develop Options as an Alternative to the Current Community Transport Provision

- 2.12 Officers have been examining additional means of providing community transport in Cherwell and have been informed that the County Council are also examining proposals for the County to provide a form of community transport in the future. In addition officers are investigating the potential for additional car volunteering schemes, the scope and need for minor changes in existing regular bus routes, and the potential for contracting with taxi companies to use underutilised people carrier vehicles with disabled access to provide a community transport service in specific areas. These are explained in more detail below though each proposal is only at a very early and exploratory phase.
- 2.13 Discussions have taken place with Oxfordshire Rural Community Council (ORCC) regarding the promotion of further car volunteering schemes within the District. Currently, two schemes exist including the Banbury Volunteer Bureau Car Scheme which provides a vital service for those needing to get to medical appointments and day centres including hospital appointments in the Horton and the John Radcliffe Hospital and has recently expanded into the Bicester area and is now serving villages to the South of the District. A joint

communication by the Council and ORCC is being made to all Parish Clerks to highlight the need for, and promote the development of, more car volunteering schemes within the District. These schemes are community and volunteer led and can be problematic and slow to develop. Typically they may take six months to come to fruition. They may not be suitable for the very frail or disabled. The costs of such schemes are often low, usually limited to set up costs of around £200 for each scheme.

- 2.14 Other potential developments include the mapping of existing commercial bus routes and examining the scope for amending routes to cover outlying areas or areas which currently make extensive use of Dial a Ride services. All buses now have level access although of course they cannot provide a door to door service, or cater for the more intensive support that some customers of Dial a Ride currently require.
- 2.15 In addition, existing taxi operators' provision is being examined to identify the extent that suitable multi person vehicles (mpv) type vehicles may be currently underutilised during the day. These may be able to provide at comparatively low cost to the Council an additional source of community transport on a limited basis.
- 2.16 In order to sustain the community transport service in the future a number of these proposals will have a cost either initially or ongoing. The Council may not be able to fund any of these alternatives in 2012/13 given the current forecasts of spending reductions.

Need for a County Wide Review

- 2.17 There remains a real need for an urgent County wide review of the implications for transport from the changes in the Concessionary Travel Scheme especially in relation to special transport for the elderly and disabled, those requiring transport to social services, luncheon clubs, GPs/hospital etc, and for those living in outlying Parishes. The County Council have responsibility for transport services across the County and therefore hold the strategic lead for this type of review.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 Service Continuity – Following the announcement by way of Statutory Order of the transfer of the Concessionary Fare Scheme to the County Council there is a real need to inform customers of the service of the changes and ensure that the service continues seamlessly. The continued interim provision of the service on behalf of the County Council by Cherwell District Council for a year, will allow the County Council to fully prepare for a seamless transfer of the service delivery of the scheme on 1 April 2012.
- 3.2 Effects on Community Transport – Despite the overall beneficial effects of the extension of travel passes to Dial a Ride services even after the effects of the withdrawal of further travel tokens from 1 April 2011, the risk of potential reductions in the grants from Cherwell District Council and Oxfordshire County Council in the future, represent a major service continuity risk for community transport in the Cherwell District. As a contingency a number of potential options need to be developed to try and mitigate any effects on community transport in the future.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** Accept the recommendations contained in this report, thereby allowing interim arrangements for service continuity and the consideration of the future role of community transport within the Cherwell District. This is the option advised by officers.
- Option Two** Accept the service continuity arrangements for 2011/12, but not to endorse the potential development of future community transport arrangements.
- Option Three** Not to accept the service continuity arrangements for 2011/12, but to endorse the potential development of future community transport arrangements.
- Option Four** Not to accept the recommendations in this report.

Resources

- 4.1 The costs of administering the Concessionary Fares service transfer to the County Council on 1 April 2011. However, as an interim measure to protect seamless service delivery it is proposed that Cherwell District Council continue to provide key elements of the service on the County Councils behalf under an Agency Agreement. The County Council will meet the costs of the interim service for the period of the Agency Agreement.
- 4.2 The level of grant provided by Cherwell District Council to BCTA, the current provider of Community Transport Dial a Ride services in Cherwell District is still under consideration for 2011/12. However, with continued budgetary pressures the continuation of the current level of grant to BCTA is very unlikely to be able to be sustained in 2012/13.
- 4.3 As a consequence and as a contingency a number of potential alternative options of service provision are being developed. These options will need to be considered in the light of projected available resources and will need to be reported to the Executive at a future meeting.

Consultations

- Oxfordshire County Council** Officers have worked closely with County Officers in understanding the issues that face customers from the changes being proposed. That has resulted in the proposals to provide service continuity through Cherwell providing the service on behalf of the County during 2011/12.
- Oxfordshire Rural Communities Council** This consultation is ongoing and focuses on car volunteering schemes and other community transport options.
- Banbury Community Transport Association** Officers have worked with BCTA to begin understanding the financial and business planning issues that will impact on the changes, and in turn will be affected by these changes.

Existing customers A communications plan is being implemented to keep customers advised of the changes that are being made.

Implications

Financial: The 2011/12 budget will be reported to Council on 21 February 2011 for the 2011/12 financial year with minimal reductions in grants to the voluntary and community sector. Given the substantial decreases in Local Government funding the level of grants for the voluntary and community sectors will be examined in the early part of 2011/12 with an explicit view to reduce the amount of expenditure by 24% [equivalent to the funding reductions]. This may result in the reduction or removal of financial support to some of these groups including the services provided by BCTA.

Comments checked by Karen Curtin, Head of Finance
01295 221551

Legal: The proposed Agency Agreement with the County Council referred to in this Report has now been received from the County Council. The Agreement will be examined to ensure its terms accurately record the decisions reached by officers at operational level, as guided by the recommendations in this Report, including the extent of the services to be provided, remuneration for those services and other ancillary issues, in order to achieve service continuity and a seamless transition of the service to the County Council in April 2012. It is critical agreement is reached with the County Council on the delivery of the interim measures referred to in this Report before those services commence upon the transfer of statutory responsibility for concessionary fares to the County Council on 1 April 2011.

Comments checked by Richard Hawtin, Team Leader-
Property and Contracts, 01295 221695

Risk Management: The risk of service continuity given that the County Council is establishing its longer term delivery arrangements is being proposed to be mitigated against by the Council undertaking the duties from 1 April 2011 on behalf of the County Council.

Wider medium term risks include the funding risk to community transport. This underlines the importance of future options for community transport being considered, in consultation with partners.

Reputation management is also of paramount importance with such a significant change, and it is important that the Communication Plan is reviewed and monitored regularly.

Comments checked by Claire Taylor, Community and
Corporate Planning Manager 01295 221563

Equalities The provision of concessionary fares and community transport provides facilities for some of the most vulnerable groups in the District. In this context, the review and healthcheck that takes place between now and early 2011/12 should undergo an Equality Impact

Assessment.

Comments checked by Claire Taylor, Community and Corporate Planning Manager 01295 221563

Wards Affected

All

Corporate Plan Themes

Cherwell: A district of opportunity
A safe and healthy Cherwell

Executive Portfolio

Councillor Michael Gibbard
Portfolio Holder for Planning and Housing

Document Information

Appendix No	Title
N/A	N/A
Background Papers	
None	
Report Author	Ian Saville, Strategic Housing Officer
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Executive

Population and Household Projections for Cherwell and Key Implications for the Local Development Framework

7 February 2011

Report of Head of Planning Policy & Economic Development

PURPOSE OF REPORT

To outline for members the updated population & household projections for Cherwell and to consider the implications in terms of proposed changes to the Local Development Framework procedures and the consideration of a locally determined level of growth for the district.

This report is public

Recommendations

The Executive is recommended:

- (1) To note the information contained in this report and in the attached technical paper (Appendix 1).
- (2) To agree the emerging broad population and household figures for Cherwell District for the period up to 2026 set out in Appendix 1 as a basis for further work on the Core Strategy.

Executive Summary

Introduction

- 1.1 The preparation of updated population and demographic projections was initiated in response to the Secretary of State's announcement on 06 July 2010 that the Regional Spatial Strategies (RSSs) had been revoked and that local planning authorities could take responsibility for assessing their own needs and aspirations for local housing development. The purpose of progressing the updated projections was to inform the Council's consideration of what a locally appropriate level of development should be. Members will recall that this was also prompted by a motion which the Council passed in July 2010 which stated (amongst other matters):–

This Council welcomes the letter from Eric Pickles MP signalling a clear intent to release us from the constraints of the SE Plan. The Council instructs Officers to continue work on a Local Development Core Strategy, but to progress on the basis of meeting the locally proposed

housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026). In general terms the Council anticipates this may result in a Core Strategy that creates less pressure on Banbury to expand beyond its natural boundaries, less pressure on Rural Areas to accept housing growth, and a firming up of housing growth for Bicester in line with its Eco Town status

- 1.2 All of the nationally produced projections, including the Office of National Statistics (ONS) population projections and the Department of Local Communities and Government (CLG) household projections (which are based on the ONS population projections), are trend based i.e. they assume that recent population and household trends will continue. In the case of the recent CLG household projections published in November 2010, the development rate over a 5 year period (2004 – 2008) is projected forward. Therefore, they give an indication of what the future population might be if recent trends continue but they do not take account of potential future development strategies at the local level. Therefore work has been progressed since September 2010 to generate such projections and it is hoped that these will begin to inform a decision regarding a locally appropriate level of housing for the district. The work considers a range of scenarios to illustrate the effects of different levels of development over the plan period (2006 – 2026).
- 1.3 The appended technical paper (Appendix 1) summarises the updated population & household projections for Cherwell and considers the implications in terms of the emerging development strategy for the district set out in the Draft Core Strategy.

Proposals

- 1.4 The technical paper attached as Appendix 1 considers a number of different population growth scenarios for the district and for each forecasts the population size, population age profile, household numbers, level of net migration and projected resident labour force. These scenarios are summarised in the attached technical paper.
- 1.5 On the basis of the most recent household projections, a figure of approximately 12,750 may be able to be justified in terms of meeting potential need within the district. Any figure less than this would mean that the likely future needs will not be met and the Council will in effect be recognising that not all identified needs would be met. This level of development may achieve a reasonable balance between meeting the identified need indicated in the projections and reducing the impact of development upon local communities to a more satisfactory level. As such this level of growth may reflect the best way of meeting future needs whilst also seeking to protect local communities.
- 1.6 It is proposed that members are asked, without prejudice to further work to be undertaken, to agree the emerging broad population and household projections for Cherwell for the period up to 2026 as the basis for further work.
- 1.7 Having identified a broad population and household forecast for the district,

the next stage is to consider what implications this has for the development strategy. In February 2010 the Draft Core Strategy was approved for public consultation by the Council and so this should properly be used as a starting point from which to re-assess the strategy now. The South East Plan provides our current housing target 13,400 dwellings.

- 1.8 Appendix 1 sets out options for taking forward the work of the Core Strategy in light of the proposed changes to the plan making procedures. There are still a number of issues that need to be explored further before a more detailed revised development strategy can be put before members for consideration. This would include further consideration of:-
- The responses to the public consultation on the Draft Core Strategy (carried out in the Spring of last year) in the light of these new figures.
 - Further assessment of the implications of the projections for different parts of the district (Banbury, Bicester, Kidlington and the rural areas).

Conclusion

- 1.9 The preparation of the Local Development Framework is a statutory requirement. However, the Government has proposed that changes to the statutory procedures for the preparation of Local Development Frameworks will be introduced in April 2012. These changes are expected to include greater responsibility for local planning authorities in assessing their local housing needs.
- 1.10 The population and household projections set out in this report, together with the options for taking forward this work, will provide a basis for the Council to undertake further work to refine the Draft Core Strategy.

Key Issues for Consideration/Reasons for Decision and Options

- 2.1 To consider the updated population and household projections and the likely implications of different levels of growth over the plan period and of proposed changes to the statutory procedures for preparing the Local Development Framework.
- 2.2 To consider how the Council can move forward with the Core Strategy in light of this information.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- | | |
|---------------------|--|
| Option One | To agree the recommendations as set out in the report. |
| Option Two | To amend the recommendations |
| Option Three | Not to agree the recommendations. |

Consultations

Councillor Michael Gibbard Informal briefing

Implications

Financial: The costs of the technical work undertaken and further technical work to be undertaken are met within the existing budget. The options set out for taking forward the Core Strategy will incur significant financial costs but members are not being asked to make a decision on these costs at this stage.

Comments checked by Joanne Kaye, Service Accountant, 01295 221545

Legal: The current legal position in planning policy is very uncertain. The law has not yet been changed to reflect the new government's approach. Recent cases make clear that the regional spatial strategy targets remain in place and must therefore be part of the consultation. However we can consult concurrently on the work done on local housing targets thereby retaining the flexibility to act quickly when the situation becomes clearer.

Comments checked by Liz Howlett, Head of Legal & Democratic Services, 01295 221686

Risk Management: If the Core Strategy is not progressed according to appropriate procedures and on the basis of robust evidence it may result in delays to the progress of the Core Strategy and the possibility that the Core Strategy will not be adopted. This may result in a risk to the Council's credibility/reputation.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

Equalities Before we submit a Core Strategy we will need to undertake an Equality Impact assessment, however that will be done at a later stage.

Comments checked by Caroline French, Equalities & Diversity Officer 01295 221586

Wards Affected

All

Corporate Plan Themes

A District of Opportunity
A Cleaner Greener Cherwell
A Safe and healthy Cherwell
An Accessible Value for Money Council

Executive Portfolio

Councillor Michael Gibbard
Portfolio Holder for Planning & Housing

Document Information

Appendix No	Title
Appendix 1	Report on Population and Demographic Projections for Cherwell
Background Papers	
Letter from Chief Planning Officer 06 July 2010 and attached Q&As Meeting of Cherwell District Council Agenda & Minutes, 19 July 2010 Previous report to Council on the Draft Core strategy including on 01 February 2010. The South East Plan, May 2009	
Report Author	Julie King, Policy Team Leader Philip Clarke, Head of Planning Policy & Economic Development
Contact Information	01295 221847, julie.king@Cherwell-dc.gov.uk 01295 221840, philip.clarke@cherwell-dc.gov.uk

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Report on Population and Demographic Projections for Cherwell and Implications for the Local Development Framework

1.0 Introduction

1.1 The preparation of updated demographic projections was initiated in response to the Secretary of State's announcement on 06 July 2010 that the Regional Spatial Strategies (RSSs) had been revoked and that local planning authorities could take responsibility for assessing their own needs and aspirations for local housing development. The purpose of progressing the updated projections was to inform the Council's consideration of what a locally appropriate level of development should be. Within the south east of England, the South East Plan formed the Regional Spatial Strategy. As well as setting a housing target for Cherwell District for the period 2006 – 2026 of 13,400 homes, it also gave a broad indication as to how this development should be distributed across the district.

1.2 It should be noted that since this work commenced, the High Court ruled on 10 November 2010 that the statements and actions of the Secretary of State in attempting to revoke the Regional Spatial Strategies, in July 2010, were unlawful on several grounds. The High Court ruled that Regional Spatial Strategies therefore continue to form part of the statutory development plan. The effect of the High Court decision is that the South East Plan remains part of our development plan together with the saved policies of the Cherwell Local Plan 1996 and the Oxfordshire Structure Plan 2005 until the existing legislation is repealed and new arrangements come into effect.

1.3 Local planning authorities are required to produce a Local Development Framework (Planning & Compulsory Purchase Act 2004 s15, s19). The Local Development Framework is required to be in conformity with the Regional Spatial Strategy (Planning & Compulsory Purchase Act 2004 s24(1)).

1.4 The work on preparing updated demography projections was partly progressed by the time of the High Court decision on 10 November 2010. It was therefore decided to continue to progress this work so that it could usefully inform discussions regarding an emerging local housing target in preparation for the introduction of new plan making arrangements. Progression of this work may also help to highlight other relevant factors that may also need to be considered alongside these projections.

1.5 These projections are one of many considerations that should inform a locally determined housing target. The government has stated that any such locally determined targets, once introduced, would still need to be justified by clear evidence¹. Local planning authorities would be responsible for establishing the appropriate level of housing provision in their area and the long term supply of land needed for housing development. The Council would need to consider what else should properly influence the Council's decision on how many homes should be planned for. For example, are there aspirations that the Council wishes to pursue for the district that would have an impact on the total number of homes needed, or needs within our communities that should properly be met and that would require more homes to be provided?

1.6 Key considerations are likely to include the Council's aspirations regarding housing mix, housing choice, demographic mix and economic growth. The Council may also wish, or may be required under new plan making arrangements, to consider the extent to which it's emerging development strategy affects or is affected by the wider community and the extent to which it reflects strategic considerations about economic development, movement and housing. This could include, for example, the extent to which Cherwell's development strategy supports the sub-regional role of Oxford and the provision of sub-regional facilities and services within Oxford, such as the provision of medical facilities in the city.

When these new planning policy arrangements are put into place, the Council may also wish, or may be required, to consider other aspects of the government's wider proposals for

¹ Letter from Chief Planning Officer 06 July 2010 and attached Q&As, see Question 11.

planning policy and governance, such as the extent to which the proposed statutory duty to cooperate has been undertaken in establishing a proposed local housing target. This may require consideration as to whether account is taken of the circumstances of neighbouring authorities, and whether there are reciprocal considerations within functional areas.

2.0 Summary of Population and Demographic Projections

How have the projections been produced?

2.1 All of the nationally produced projections, including the Office of National Statistics (ONS) population projections and the Department of Local Communities and Government (CLG) household projections (which are based on the ONS population projections), are trend based ie. they assume that recent population and household trends will continue. In the case of the recent CLG household projections published in November 2010, the development rate over a 5 year period (2004 – 2008) is projected forward. Therefore, they give an indication of what the future population might be if recent trends continue but they do not take account of potential future development strategies at the local level. Therefore work has been progressed since September 2010 to generate such projections and it is hoped that these will begin to inform a decision regarding a locally appropriate level of housing for the district. The work considers a range of scenarios to illustrate the effects of different levels of development over the plan period (2006 – 2026).

2.2 Factors taken into consideration include birth and death rates, marriage and divorce rates, average household size, migration data (movement in and out of the district by age and gender) and development that is already planned for or permitted for housing development as of September 2010. Most of this development is assumed to be built by 2016 and will influence overall population growth. For the period 2016-2026, a range of illustrative scenarios have been assessed to illustrate the effects of different levels of growth within the district.

Description of the Scenarios:

2.3 Natural Change (adjusted for migration) – this scenario initially projects changes in an enclosed population (ie. no-one can move their place of residence in or out of the district) and the number of homes needed for this population. This provides an indication of the number of homes that are needed for local needs but is unrealistic as in reality the District borders are not closed. In reality, the movement of people in and out of the district affects the population profile, birth and death rates and the rate of population growth. Therefore Natural Change is then adjusted for migration. This assumes the same level of household growth as indicated by Natural Change but projects the effects of people moving in and out of the district at that level of growth ie. the same number of houses are assumed to be built but people are able to move in and out of the district which changes the population structure.

Nil Net Migration – this describes a population that has some flexibility to move in or out of the district but only insofar as the number of people moving in and out of the district are balanced ie. there is no net movement in or out of the district. The population profile still changes under this scenario as the age profile of people moving into the district may be different from those moving out. A household figure is provided that will meet the needs of this population.

Development Trend based on a 5 year period (2012 – 2016) – this describes a population that continues to grow based on the continued projection of the rate of development in Cherwell over a 5 year period.

Development Trend based on a 10 year period (2007 – 2016) – this describes a population that continues to grow based on the continued projection of the rate of development in Cherwell over a 10 year period.

Development Trend based on South East Plan Housing Target – this describes a population that continues to grow based on the continued projection of the rate of development needed in Cherwell to deliver the South East Plan housing target by 2026.

Development Trend based on South East Plan Employment Indicative Job Number – this describes the population and household development rate needed to deliver housing in proportion to the South East Plan Interim Job Number.

2.4 The following data is produced for each of the above scenarios:

- Projected households at 5 yearly intervals to 2026 and by type of household eg. married couples, lone parents, one person households, communal establishments.
- Projected population at 5 yearly intervals to 2026 and by age and gender structure.
- Projected labour force (economically active population) at 5 yearly intervals.

What do the projections indicate?

2.5 The projections suggest that in the future there will be more single-person and older households. Most of the increase in population is concentrated with the over 55 age group. There will be a significant increase in the age group aged over 65. Some people in this group will require specialist housing including housing that enables the elderly to stay in the house they already inhabit for longer.

2.6 Most of the development that has already been planned for or permitted has been taken into account in the projections for the period up to 2016. A further approximately 700 dw have also been permitted but are expected to be developed after 2016, and these are not factored into the projections. A figure of 700 can therefore be offset against the projection figures for each scenario. (A further 128 dw are subject to applications currently subject to planning appeals.)

2.7 The Council will be required to establish a target for new housing to be built during a specified time period – at least 15 years from the date that the Core Strategy is adopted. An annual pro rata figure could be applied for years after 2026 until such time as the overall target is reviewed.

2.8 What are the implications under each scenario (2006 – 2026): (summarised in Table 1)

Natural Change (adjusted for migration):

- Projected increase in population 11,839
- Projected increase in households 11,089
- The number of households created increases even under the natural change scenario. This is because births will be higher than deaths and social changes such as decreasing household size/occupancy rates will still occur.
- Significant out-migration occurs, approx. 1,500 households, and likely to include younger adults.
- Despite the population increase over this time period, the population is aging and so the labour force declines by 2026.

Nil Net Migration

- Projected increase in population 15,197
- Projected increase in households 12,751
- The effect of in and out flows of population on the age structure produces a higher total population and higher demand for households by 2026.
- The additional projected resident labour force is increasing slightly by 2026 but the rate of increase is much lower than in preceding years.

Development Trend based on a 5 year period (2012 – 2016) ie. 828 homes per year

- Projected increase in population 19,146
- Projected increase in households 14,705
- The additional projected resident labour force is increasing more positively by 2026 and more than in earlier years.

Development Trend based on a 10 year period (2007 – 2016) ie. 643 homes per year

- Projected increase in population 15,408

- Projected increase in households 12,855
- The additional projected resident labour force is increasing positively by 2026.

Development Trend based on South East Plan Housing Target

- Projected increase in population 16,509
- Projected increase in households 13,400
- The additional projected resident labour force is increasing slightly by 2026 but the rate of increase is much lower than in preceding years.

Development Trend based on South East Plan Employment Indicative Job Number

- Projected increase in population 27,260
- Projected increase in households 18,720
- Indicates a higher household figure than required by the SEP (but the South East Plan employment figures are disaggregated from a wider area).
- The additional projected resident labour force is increasing significantly by 2026.

What other factors should be considered?

2.9 Other factors will need to be considered alongside the population and demographic projections to arrive at a strategy that is robust, credible and supported by clear evidence. These will include considering a range of economic, social and environmental factors and it may also be important to take account of the wider reforms being proposed by government. Examples include social housing provision as these changes may lead to an increase in housing need.

3.0 How could the development strategy be revised to reflect the demographic projections?

3.1 The Council may wish to consider whether this has any implications upon the district's development strategy, both in terms of overall growth and how this may be distributed spatially.

3.2 It is important to note that these examples do not take account of consultation comments on the Draft Core Strategy, other potential sites or a range of other economic, social or environmental factors. It is also important to note that any new plan making are still expected to require the Council to demonstrate that it's proposed development strategy is the most appropriate strategy, based on an approach that has enabled effective engagement with interested parties and a clear evidence base.

3.3 2,172 homes have been completed in the District between 2006 – 2010, and an additional 4,997 homes have already been permitted between 2006 and 2010. A total of 7,169 homes are therefore already completed or approved for this period. On the basis of these figures the following table shows what the remaining housing requirement would be at this point in time and for each scenario. There are various potential spatial distribution options under each of the scenarios that have been considered. For illustrative purposes, the table below outlines a potential spatial distribution under each scenario, based on the sites that are proposed in the Draft Core Strategy.

Eg. Based on the sites proposed in Draft Core Strategy, spatial options could include:

Scenario & projected household demand	Approx. Residual Requirement	Potential spatial distribution options incl. proposed strategic sites & rural areas.
Natural Change 11,089	3,920	Canalside 1,200 dw Bankside Phase 2 400 dw NW Bicester 3,000 dw Rural / Other sites 0 dw Total 4,600
Nil Net Migration 12,751	5,582	Canalside 1,200 dw Bankside Phase 2 400 dw Bretch Hill 400 dw

		NW Bicester 3,000 Rural/other sites 582 dw Total 5,582
Development based on 5 yrs 14,705	7,536	Canalside 1,200 dw Bankside Phase 2 400 dw Bretch Hill 400 dw NW Bicester 3,000 Rural/other sites 2,536 Total 7,536
Development based on 10 yrs 12,855	5,686	Canalside 1,200 dw Bankside Phase 2 400 dw Bretch Hill 400 dw NW Bicester 3,000 Rural/other sites 686 dw Total 5,686
Development Trend based on South East Plan Housing Target 13,400	6,231	Canalside 1,200 dw Bankside Phase 2 400 dw Bretch Hill 400 dw NW Bicester 3,000 Rural/other sites 1,231 dw Total 6,231
Development Trend based on South East Plan Employment Indicative Job Number 18,720	11,551	Canalside 1,200 dw Bankside Phase 2 400 dw Bretch Hill 400 dw NW Bicester 3,000 Rural/other sites 6,551 Total 11,551

3.4 It is suggested that the Council obtain more detailed projections for Banbury, Bicester, Kidlington and the rural areas to inform further consideration of the development strategy.

What other objectives may the Council wish to achieve through its development strategy?

3.5 Broader aspects of the Councils vision which impact upon the development strategy include the following:

- a) We want to offer our communities a good choice of affordable and market housing in order to make housing more affordable and meet the needs of all sections of the population.
- b) We want to focus development into sustainable locations, particularly where this supports regeneration of our urban areas; and thereby make efficient and effective use of land wherever possible.
- c) We want to see growth taking place in an environmentally responsible manner exploiting Bicester's opportunities as an eco-town.
- d) We want to support our economy and ensure that it is vibrant and diverse.
- e) We want to support a rural economy that is not entirely reliant on agriculture.

4.0 Progressing the Core Strategy under the Current Statutory Procedures

4.1 Public consultation on the Draft Core Strategy was undertaken between February-April 2010. In taking forward the work on the Core Strategy before new procedural arrangements are put into place, there are broadly two options available:

- Progress the Draft Core Strategy to adoption, taking advantage of the window of stability that is now established in terms of procedural arrangements; or
- Pause and wait for new procedural arrangements to be put into place.

4.2 There are several variations on these options which are set out below:

- Progress the Core Strategy to Proposed Submission consultation and then pause to wait for new procedural arrangements to be put into place before progressing the EiP; however this approach raises the risks that the evidence base supporting the soundness of the Core Strategy will become outdated and that in the meantime the district will not have an adopted Core Strategy to guide development decisions.
- Progress the Core Strategy through the EiP and to adoption reflecting the RSS policies, with the option of a focused review as and when new procedural arrangements are introduced; this approach offers the advantage of being most likely to secure an adopted Core Strategy, however this approach raises the risk that resources will be focused on the costs of the EiP and the Council may wish to progress a subsequent focused review of the Core Strategy fairly soon after adoption.
- Progress the Core Strategy through the EiP and to adoption reflecting a locally determined approach which is not in conformity with the RSS; this approach raises the risks that resources will be invested in the EiP and that the Core Strategy may be rendered unsound and will not be able to be adopted, leaving the district without an adopted Core Strategy to guide development decisions.

What are the risks in the Council progressing a locally determined approach in advance of the introduction of new procedural arrangements?

4.3 The High Court has confirmed that the Regional Spatial Strategy (RSS) remains as part of the statutory development plan. The Local Development Framework (LDF) is required to be in conformity with the RSS (Planning & Compulsory Purchase Act 2004 (24)1). If a housing target that differs from that in the RSS is incorporated into the emerging LDF, the local planning authority will have to justify why the LDF is not in conformity with the RSS. If, in making that argument, the local planning authority seeks to rely on the statements and actions of the Secretary of State in attempting to revoke the status of the Regional Spatial Strategies, which have since been found to be unlawful in the High Court, the local planning authority would have to justify the weight that it gives to those statements and actions. The Localism bill has no weight at this early stage but by the time the Core Strategy is placed before an Inspector the Localism Bill may have progressed to a stage where it can be given some weight by the Inspector.

4.4 If the LDF is progressed toward adoption but is not in conformity with the RSS this could have the following implications:

- If the LDF is not in conformity with the RSS, the LDF could be rendered unsound and would be unable to be adopted.
- If the LDF is adopted but is not in conformity with the RSS, we may see an increase in planning by appeal and/or legal challenge.

4.5 If the adoption of the LDF is delayed until new procedures are put into place, this could have the following implications:

- Without an adopted Core Strategy in place the Council will not have an up to date vision by which to guide major decisions on planning applications, to coordinate the delivery of infrastructure or to seek funding to support growth and infrastructure. It may be difficult if not impossible to prepare and adopt other DPD's or a Community Infrastructure Levy. This may harm the Council's ability to deliver on its strategic objectives, by delaying the delivery of homes for people and by holding back economic growth.
- Without an adopted Core Strategy in place we may see neighbourhood plans starting to be prepared in advance of an adopted Core Strategy.

- Without an adopted Core Strategy in place there is likely to be further uncertainty and delay for housing and economic recovery and this may delay development on some sites. This will make it more likely that sites will come forward in an uncoordinated way and not necessarily on sites that the Council and local communities would favour, but which may nonetheless obtain permission due to wider delays in delivering development across the district. If the Council sought to resist such schemes without good reason then there would be a risk that planning decisions will be taken through planning appeals, with the possibility of the imposition of costs against the Council. This situation is particularly pertinent to this Council as the Cherwell Local Plan is out of time and there is therefore no up-to-date adopted Local Plan covering the district. The time and costs associated with appeals is greater than it would be if we had an adopted Local Plan.
- Without an adopted Core Strategy in place to guide and encourage investment decisions about where new housing should be built, the delivery of housing in the district may decline and the Council may fail to take proper advantage of the proposed New Homes Bonus. Receipt of this grant would help to off-set proposed reductions to the local government formula grant. Limited access to the proposed New Homes Bonus may leave the District Council with limited resources with which to achieve its strategic objectives and both the District Council and the County Council may have reduced access to funds for facilities for local communities and strategic infrastructure.

4.6 The government intends to bring forward proposals from 2012 onwards to change the planning system in England as set out in the recent Localism Bill. These changes are expected to give local authorities and local communities greater responsibilities for determining the pattern and manner of development in their areas. Full details are not yet available and may change as the Localism Bill progresses through Parliament.

4.7 The Council's Core Strategy may be one of the last to complete its progress through to adoption under the existing Planning Act before new procedures are introduced. A subsequent and focused review of the Core Strategy could be undertaken to update the Core Strategy to reflect the new procedures as and when they are introduced. Currently there is no indication that the proposed procedures would exclude a mini-review from being carried out which could focus on an immediate review of the local housing target and respective development distribution strategy. However the adoption of a Core Strategy in conformity with the RSS may result in some communities, or some elements within our communities, being dissatisfied initially that the scope of future decisions over which they may be given control may be, or may be perceived as being, curtailed by the Core Strategy. It may also result in a Core Strategy being adopted which is quickly outdated as the Bill progresses.

4.8 Given the degree of uncertainty regarding the Government's emerging procedures and the risks involved in any of these courses of action at this stage, the Council could agree to take forward work including consultation on both the Council's preferred local housing strategy and the development strategy that is in conformity with the RSS. This would enable the Council to take a more informed decision at a later stage in the year regarding which strategy it will seek to adopt.

Conclusions

4.9 Having regard to the current statutory requirements there is a clear legal requirement for the LDF to be in conformity with the Regional Spatial Strategy.

4.10 However as the new procedures become clearer and on the basis of the updated population and household projections, it is considered that a case may be able to be made for having a lower housing figure in the Core Strategy if the Council consider that is the appropriate approach to take. Whatever figure is used will still need to be supported by robust evidence on a wide range of considerations.

4.11 On the basis of the most recent household projections, a figure of approximately 12,750 may be able to be justified in terms of meeting potential need within the district. Any figure less than this would mean that the likely future needs will not be met and the Council will in

effect be recognising that not all identified needs would be met. This level of development may achieve a reasonable balance between meeting the identified need indicated in the projections and reducing the impact of development upon local communities to a more satisfactory level. As such this level of growth may reflect the best way of meeting future needs whilst also seeking to protect local communities.

Next Steps

4.12 Members are asked to consider how they would wish to progress the Core Strategy. Members are also asked, without prejudice to further work to be undertaken, to agree the broad population and household figures for Cherwell for the period up to 2026 as set out in paragraph 4.11 as the basis for further work.

4.13 It is suggested that further work be undertaken and more information regarding the development strategy be presented to Executive at a later date. This work would include an assessment of more detailed projections for Banbury, Bicester, Kidlington and the rural areas based on the Council's preferred level of housing development, further consideration of the outcome of the public consultation on the Draft Core Strategy and further technical work.

Table 1 - Summary of Population Trends

Homes

	New Homes				
	2006-11	2011-16	2016-21	2021-26	2006-26
Natural Change (with migration) 2016-26	2,284	4,141	2,544	2,121	11,089
Nil Net Migration 2016-26	2,284	4,141	3,163	3,163	12,751
828 pa 2016-26	2,284	4,141	4,140	4,140	14,705
643 pa 2016-26	2,284	4,141	3,215	3,215	12,855
SE Plan Homes 2016-26	2,284	4,141	3,487	3,487	13,400
SE Plan Jobs 2016-26	2,284	5,479	5,479	5,479	18,720

	New Homes per year				
	2006-11	2011-16	2016-21	2021-26	2006-26
Natural Change (with migration) 2016-26	457	828	509	424	554
Nil Net Migration 2016-26	457	828	633	633	638
828 pa 2016-26	457	828	828	828	735
643 pa 2016-26	457	828	643	643	643
SE Plan Homes 2016-26	457	828	697	697	670
SE Plan Jobs 2016-26	457	1096	1096	1096	936

Population

	Population					2006-26
	2006	2011	2016	2021	2026	
Natural Change (with migration) 2016-26	132,320	134,171	139,865	142,331	144,160	11,839
Nil Net Migration 2016-26	132,320	134,171	139,865	143,605	147,517	15,197
828 pa 2016-26	132,320	134,171	139,865	145,616	151,466	19,146
643 pa 2016-26	132,320	134,171	139,865	143,712	147,728	15,408
SE Plan Homes 2016-26	132,320	134,171	139,865	144,273	148,829	16,509
SE Plan Jobs 2016-26	132,320	134,171	142,695	151,125	159,580	27,260

Labour Force

	Resident Labour Force					2006-26
	2006	2011	2016	2021	2026	
Natural Change (with migration) 2016-26	72,111	72,473	75,042	75,091	74,328	2,217
Nil Net Migration 2016-26	72,111	72,473	75,042	75,839	76,215	4,104
828 pa 2016-26	72,111	72,473	75,041	77,021	78,435	6,324
643 pa 2016-26	72,111	72,473	75,042	75,902	76,333	4,223
SE Plan Homes 2016-26	72,111	72,473	75,042	76,232	76,952	4,842
SE Plan Jobs 2016-26	72,111	72,473	76,755	80,258	82,995	10,884

	Additional Labour Force				
	2006-11	2011-16	2016-21	2021-26	2006-26
Natural Change (with migration) 2016-26	362	2,569	49	-762	2,217
Nil Net Migration 2016-26	362	2,569	798	376	4,104
828 pa 2016-26	362	2,569	1,979	1,414	6,324
643 pa 2016-26	362	2,569	860	431	4,223
SE Plan Homes 2016-26	362	2,569	1,190	721	4,842
SE Plan Jobs 2016-26	362	4,282	3,502	2,737	10,884

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Executive

Performance and Risk Management Framework 2010/11 Third Quarter Performance Report

7 February 2011

Report of Interim Chief Executive and Corporate Strategy and Performance Manager

PURPOSE OF REPORT

This report covers the Council's performance for the period 1 October to 31 December 2010 as measured through the Performance Management Framework.

This report is public

Recommendations

The Executive is recommended:

- (1) To note the many achievements referred to in paragraph 1.4.
- (2) To request that officers report in the final quarter on the items identified in paragraph 1.5 where performance was below target or there are emerging issues.
- (3) To agree the responses identified to issues raised in the quarter one performance report in paragraph 2.1 or to request additional action or information.

Executive Summary

Introduction

- 1.1 This is a report of the Council's performance in the third quarter of 2010/11 measured through the Performance Management Framework. Central to this is the Corporate Scorecard, which is made up of the Council's priority performance targets. The Corporate Scorecard covers seven areas of performance. These are: performance against the Local Area Agreement; the Community Strategy (Our District, Our Future); the Corporate Pledges; Priority Service Indicators; Financial Performance; Human Resources; and Customer Feedback.

Supporting information is also provided showing the performance on delivering all of the Corporate Plan; the Corporate Improvement Plan and Value for Money Programme; strategic service projects; and the performance of the Council's significant partnerships.

For 2010/11 the Council has adopted an integrated risk and performance management framework which means that performance and risk is monitored and reviewed as part of a single process. This report includes a review of all strategic, corporate and partnership risks under each of our strategic priorities. All the supporting information is presented in the appendices to this report.

To measure performance we use a 'traffic light' system where Green is 100% of the target met, Amber 90% and above, and Red below 90%.

- 1.2 It should be noted that although this is primarily a report of corporate performance the Performance Management Framework also includes monitoring at service level against service plans. The majority of performance issues are dealt with at service and directorate level. However significant service successes and issues are reported to the corporate management team and where appropriate included in this report.
- 1.3 It is also important to note that at the time of writing this report a number of significant changes are being made to the national performance management framework by the new government. Confirmed changes are: the end of the Comprehensive Area Assessment, the cancellation of the Local Area Agreement, the cancellation of the Place Survey that was due to take place in 2010 and the deletion of the national performance indicators set. These changes are affecting all tiers of local government and partners in both the health and police services.

Emerging policy suggests that the Council will be required to report on a reduced number of performance measures. As such the Council is in the process of reviewing its performance management framework. The aim will be to streamline performance reporting, improve the information available to the public and continue to ensure service performance robustly reviewed and challenged.

A full report outlining the Council's new performance management framework and the indicators, milestones and targets that will be reported on during 2011/12 will be brought to Executive in March 2011.

Proposals

- 1.4 We ask the Executive to note the significant progress made in delivering the Council's objectives. Particular highlights include:

Cherwell: A District of Opportunity

- The Council's job club programme is ongoing with a number of workshops held including interview skills coaching, a redundancy seminar and young people's specialist training including retail apprenticeships.

- The Council's apprenticeships programme has seen success with NVQs in Business and Administration completed. The programme has been extended until September 2011.
- Affordable Housing: performance is currently on track with 40 units delivered and plans in place to deliver additional units, including extra care housing for older people.
- Temporary Accommodation: numbers of households in temporary accommodation remain low with 24 at the end of December 2010.

A Cleaner Greener Cherwell

- Litter: after inspections 97% of land was found to have litter at acceptable low levels, strong performance against a target of 95%.
- Recycling: currently performance exceeding target and is projected to be at 58% by the end of the year.

A Safe and Healthy Cherwell

- Activities for older people: participation rates have continued to improve with 630 additional people taking part in group activities.
- The Community Safety Partnership is reporting a reduction in serious acquisitive crime (theft of and from cars, burglary -dwelling and robbery) of 23% in comparison to last year (data provided by Thames Valley Police).
- Private sector funding has been achieved for radios to support Street Wardens in their work.

An Accessible Value for Money Council

- Reducing the Council's costs by £800,000 in 2010/11: as of 31st December the target has been met and the savings have been reflected in the Council's draft budget for 2011/12.
- Providing More Services Online: there are currently more than 80 transactional services available on the Council's website. The consultation portal has also seen increasing availability of consultation activities including the draft budget for 2011/12.
- The Council's outreach workers have a programme of visits to venues where it is hardest to reach customers are likely to be. The venues include supermarkets, doctors' surgeries and community events.
- Next Steps sessions (careers advice) have been offered at surgeries at all the Council's link points, helping to improve access to partners' services.

- 1.5 The Performance Management Framework allows Councillors to monitor the progress made in delivering our objectives and to take action when performance is not satisfactory or new issues arise. There is one item identified in this report and we recommend officers should report on the latest

position, implications, and the action they are taking in the next quarterly performance report. This is:

- **Strategic Risks:** given the significant changes facing the Council in terms of reducing budgets and shared management the Extended Management Team will be reviewing the strategic risks facing the Council. An update on this review will be brought forward to the next quarter report.

Conclusion

- 1.6 In this report we show that at the third quarter Council continues to make strong progress on delivering its ambitions to improve the services delivered to the public. Risks and opportunities have been reviewed and the report highlights a small number of areas which the Council needs to keep under review to ensure targets are met. This report also identifies emerging issues which will be reported on in the next quarter and provides a summary of the direction the Council intends to take with regards to the future of performance management.

Background Information

2.1 Progress on Issues Raised

The Executive on 1 November 2010 requested progress reports on a number of areas identified in the second quarter performance report as areas where targets had not been met or where there were emerging issues. The position in relation to these is outlined below:

Cherwell: A District of Opportunity

- **Quarter 2 Issue Raised:** Contribute to the creation of 200 jobs in the district. Vodafone have just announced the closure of its Banbury Office with significant redundancies expected. A post redundancy support package is being prepared.

Quarter 3 Update: Vodafone has confirmed around 400 job losses to be made before July 2011. The Council has worked closely with Vodafone and regional bodies (SEEDA and Job Centre Plus) to identify the issues and to engage local Job Club partners in providing help. A Job Club open day at Vodafone's offices on 9 February will provide specialist advice to all employees, with further partnership support likely to be required over the following months.

- **Quarter 2 Issue Raised:** Local Development Framework (core strategy) – the changes in national planning policy resulting in the abolition of Regional Spatial Strategies raises questions as to our ability to publish the LDF to our original timetable.

Quarter 3 Update: Good progress is being made in developing a response to the changes in national planning policy now emerging under the Localism Bill.

Work is also progressing on the population and demographic projections that will underpin the re-assessment of the development

strategy in the Draft Core Strategy. A report is on track for February Executive.

- **Quarter 2 Issue Raised:** The percentage of planning appeals allowed against a refusal decision: this is an indicator that can be easily affected by adverse outcomes measured against a low number of cases (there have been fewer appeal cases in the period concerned). The corporate management team are due to review the factors that may have influenced performance and will report in the next quarter report if any issues emerge that need to be addressed.

Quarter 3 Update: A review of all relevant cases has been completed and no common themes or factors have been identified. Given the small number of cases involved it is not felt that this is a systemic issue and no specific issues to address have been identified.

Working in Partnership

- **Quarter 2 Issue Raised:** The cancellation of the Local Area Agreement (LAA) and changes in national policy and funding arrangements mean that there is some uncertainty with regards to future partnerships. Emerging issues include whether the LAA will continue for the rest of 2010/11, the role of the new local economic partnership and the impact of changes in community safety funding on the county wide community safety partnership.

Quarter 3 Update: Performance information for the LAA is continuing to be collected and monitored by district councils for the rest of 2010/11 and district council performance officers are working to develop a shared set of performance measures.

The County Council is undertaking a review of the thematic partnerships and how to ensure partnerships offer the best value for money in the context of reduced budgets.

The Health and Well Being partnership remains a statutory requirement as public health responsibilities will be passed to local authorities. Local Enterprise Partnerships (LEPs) are being established (Cherwell has become a member of the Oxfordshire and South Midlands partnerships) and the LEPs will be added to the partnerships performance framework for 2011/12.

The Spatial Planning and Infrastructure Partnership (SPIP) is under review, particularly in terms of its relationship to the newly formed Oxfordshire Local Enterprise Partnership,

Cherwell Local Strategic Partnership reviewed the impact on the spending review on district partners at their January 2011 meeting and reaffirmed their commitment to the existing arrangements.

2.2 Overview of Performance

The performance against the Corporate Scorecard is shown in appendix 1. In the sections below there is a summary of the performance against each of the frameworks that make up the Corporate Scorecard. This is followed by a summary of the performance on delivering the Strategic Service Projects and

the Corporate Improvement Plan; the performance of the Council's significant partnerships; and the status of the Council's Strategic Risks. The details are contained in appendices one to eight.

2.3 Corporate Scorecard – Local Area Agreement (LAA)

There are 16 National Indicator targets that are priorities for district councils within the Local Area agreement. However, the government has reviewed the LAA and has removed the requirement to report performance against it from 10 October 2010. Given the progress already made and activities underway the LAA will be reported on until the end of the 2010/11 period. From April 2011 the LAA will no longer be included on the Council's performance scorecard.

Successes

- All the cleaner greener targets in the LAA remain on track, including the quality of environmental cleanliness, the recycling rates and the amount of waste per household.

Details in Appendix 2

2.4 Corporate Scorecard – Sustainable Community Strategy

Progress in delivering the Community Strategy is measured against a set of local priorities outlined in a delivery plan for the community strategy, the Community Strategy and its delivery plans are overseen by the Local Strategic Partnership. Delivering the Community Strategy involves a number of partners and not all of these targets are the responsibility of Cherwell District Council. Where they are then they are included in our Corporate Plan or are reflected in the Local Area Agreement.

Successes

- During the third quarter the Local Strategic Partnership has coordinated a district wide response to the Oxfordshire Local Transport Plan (LTP3), launched the consultation on a new Economic Development Strategy for Cherwell and continued to implement its community engagement forums with events for the voluntary sector, disabled groups and the faith forum held.

2.5 Corporate Scorecard – Corporate Plan Pledges and Corporate Plan

The Corporate Scorecard includes the 16 pledges which were included in the 2010/11 Council Tax Leaflet which was sent to every household in Cherwell. Of these 13 are Green and 3 Amber.

The pledges are taken from the Corporate Plan which is comprised of local and national performance indicators that directly contribute to the Council's strategic priorities.

- Cross cutting priorities: (supporting the development of the eco-town in Bicester, and working to break the cycle of deprivation in the district).
- Cherwell: A District of Opportunity

- A Safe and Healthy Cherwell
- A Cleaner, Greener Cherwell
- An Accessible, Value for money Council

Successes

- Eco-Bicester: the off site housing demonstration project at Bryan House has now received planning permission and can go ahead, construction has started on the Exhibition Building at the Garth, the Community Hall at the Roman Catholic Church and Cooper School. A travel survey is also underway as part of the Travel Behaviour Initiative.
- Addressing Health Inequalities and Deprivation: the programme remains on track with good progress in relation to the provision of tailored support for vulnerable families and projects to support young people develop work and employment skills.
- A successful Christmas market was held in Banbury during December 2010.
- Health Improvement Initiatives: targeted work has been undertaken in Banbury using the Health Bus and women only swimming sessions held at Spiceball Leisure Centre.
- Procurement: the contract for garden bedding supplies has been retendered and a saving of approximately £10,000 has been achieved.
- Disabled Facilities Grants: to date £331,311 has been spent supporting people with mobility problems.

Issues

- Accreditation for Customer Service Award: it has been agreed that the Council will not seek accreditation at the current time, savings the costs associated with this, however a self assessment has been completed to identify areas for improvement.
- Emissions from fleet and Council buildings are falling. However, the Council overall emissions may increase slightly due to the larger sports centres.

Details in Appendix 3

2.6 Corporate Scorecard – Priority Service Indicators

These are a basket of 39 National Indicators and local service indicators that measure key aspects of service delivery that are not covered in the Sustainable Community Strategy or Corporate Plan. Of these 24 are reported in this quarter. 14 are Green, 5 Amber and 5 Red.

There are a number of indicators which rely on data from third parties such as the police or the department for work and pensions and currently the Council is not receiving data from these sources. The police have changed their reporting arrangements in the light of new national requirements and the

department for work and pensions has a software issue that has prevented the supply of data in relation to benefits.

Successes

- Accessibility of Council buildings to the public: access audits are underway and on track to be completed in the first half of 2011/12. Council buildings remain accessible and there are a small number of improvements to address.
- Repeat homelessness cases remain well within target.
- Processing performance of householder and minor planning applications remains excellent and processing of major applications shows improvement.

Issues

- Visits to Banbury Museum: lower than expected visits and schools trips in December due to the adverse weather, expected to be back on track in the next reporting period.
- NI 181 (time taken to process new housing and council tax claims) – performance is slightly off track. The emphasis of work is on changes to circumstances and the total volume of documents to be processed has reduced between November and December. However, the council's service assurance team continues to monitor the situation closely.

Details in Appendix 4

2.7 Corporate Scorecard – Financial Performance

There are two finance targets measuring variance on revenue and capital budgets against profile. Both are Green. There are no issues of concern at this point in time. The Council has met its targets for efficiency savings this year and preparations for the 2011/12 budget are well advanced.

2.8 Corporate Scorecard – Human Resources

Three Human Resources indicators are monitored: staff turnover; days lost through sickness; and workforce capacity. All three are Green.

2.9 Corporate Scorecard – Customer Feedback

Four issues are covered: satisfaction with customer service when contacting the Council (monthly sample survey); feelings of safety (annual customer survey); feeling well informed about the Council (annual customer survey) and customer satisfaction measured by mystery shoppers (monthly). Three indicators are green and one is reporting amber.

2.10 Strategic Service Projects

There are 7 service-based projects that are of strategic significance because of the resources involved, their impact on the Council's reputation or their contribution to delivering the Council's corporate priorities. 3 of the projects are Green, 3 Amber and 1 Red.

Issues

- Bicester Town Centre Redevelopment: the Council and its partners are working to start the retail and cinema development at the earliest possible date. However, it has been necessary to proceed with a compulsory purchase order to ensure remaining land can be secured. This has resulted in some delays.
- Banbury Cultural Quarter: in the last quarter it was reported that this project was on hold due to concerns regarding the funding for the Library/Mill in light of the County Council's funding review and Government spending cuts. This remains the case and the project is reporting as red in this quarter.
- RAF Upper Heyford development: a revised master plan application has been submitted. However, there are emerging issues with regards to affordable housing, education and infrastructure.

Details in Appendix 5

2.11 Corporate Improvement Plan and Value for Money Review Programme

On 1 March 2010 Executive agreed the 2010/11 Corporate Improvement Plan. For 2010/11 the Improvement Plan has been fundamentally reviewed and focuses on the Council's key priorities and challenges. The plan reflects the impact of the recession and ongoing budget constraints as well as the strategic challenges outlined in the district's sustainable community strategy and the Council's strategic priorities, for example the changing needs for an aging population, improving services for younger people, building safe and strong communities.

As the year has progressed and the impact of the comprehensive spending review has become clear the projects have also helped to support the budget preparations for 2011/12, in particular identifying areas of efficiency and 'getting more for less'.

There are 12 projects within the improvement plan and 10 value for money reviews programmed for 2010/11. Of the improvement plan projects 10 are reported as green and 1 as red, the Strategic Asset Management project has been completed.

Of the value for money reviews 2 are reporting as amber, one due to minor delays and the other due to a change in scope of the work.

Successes

- Changing needs of an aging population – the project has seen success with 40 units of extra care housing planned for completion at Orchard Fields in Banbury by March 2011.
- Equalities Improvement Plan – in-house training remains on track with good evaluation results and participation rates. Service plans for 2011/12 are being quality assured to ensure equalities duties are met.

Issues

- The Cohesive Communities Improvement Project has changed in scope. Given the nature of policy change over the last year CMT have requested that the project refocuses on community development and the council's future role in this area. This change in focus will be reflected in the Corporate Improvement Plan for 2011/12 as a new work stream but will result in this project not being implemented in full in 2010/11.

Details in Appendix 6

2.12 Significant Partnerships

The Council has identified 19 partnerships as significant due to the level of resources involved, and the impact on the local community. Many of the most significant and difficult issues we face, crime, the environment, economic development, can only be tackled if agencies work together. Of these partnerships 9 are county wide (including the County Local Strategic Partnership and its supporting thematic partnerships) the remaining partnerships are specific to the Cherwell district and directly support our strategic priorities.

Successes

- The Council has worked with partners, (particularly the Registered Social Landlord Group and Sanctuary Housing Association) to implement an affordable housing and recession action plan, a full review has been reported to the Executive in January 2011.
- The Cherwell M40 Investment Partnership – continues to meet quarterly and in the last period has contributed to the development of the Local Enterprise Partnerships and how Cherwell should engage with them, the new Economic Development Strategy for the district, North West Bicester and the Eco-Town economic development plan, the employment and land study update.

Issues

- The Oxfordshire Partnership has instigated a review of partnerships in the light of national policy changes to ensure that the county and partners are engaged in effective and relevant partnerships that deliver value for money. Cherwell's Local Strategic Partnership is keeping a watching brief on this review and will be responding to consultation to reflect the interests of Cherwell partners. Of particular interest to Cherwell is the future role of the Spatial Planning and Infrastructure Partnership (SPIP) and its relationship to the new Local Enterprise Partnerships (LEPs).
- The Oxfordshire Public Service Board has been put on hold and has no further meetings planned whilst its role is reviewed. This is due to the removal of the requirement to have a Local Area Agreement oversight of which was the role of this partnership.

Details in Appendix 7

2.13 Strategic Risks

In order to effectively manage its performance and resources the Council needs to be aware of the risks it faces and to have arrangements in place to manage these. From 1st April 2010 the Council has integrated its risk and performance management and monitoring arrangements.

We have 19 strategic, corporate and partnership risks identified on our register that are reviewed on a monthly basis. Operational and service risks are reviewed at the directorate and service level and escalated to the strategic risk register where appropriate.

Status this quarter

- All current strategic, corporate and partnership risks and mitigation actions have been reviewed and updated on a monthly basis during quarter 3.
- The Local Area Agreement (LAA) risk has reduced in terms of impact as the government no longer requires LAAs. This risk will be deleted from the register from April 2011 when the LAA expires.
- As part of their quarterly review of risks the Accounts, Audit and Risk Committee have requested that the project to share management with South Northamptonshire be added to the strategic risk register and monitored by CMT on a monthly basis. The risk has been assessed, added to the register and will be monitored from the beginning of the fourth quarter.
- There are no additional issues arising with regards to any of our strategic, corporate or partnership risks. However, all risks are continuously reviewed in the light of changing policy and budgetary requirements and constraints.

Details in Appendix 8

Key Issues for Consideration/Reasons for Decision and Options

3.1 This report presents the Council's performance against its corporate scorecard for the third quarter of 2010/11. It includes an overview of our successes, areas for improvement and emerging issues to be considered.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One**
1. To note the many achievements referred to in paragraph 1.3.
 2. To request that officers report in the third quarter on the items identified in paragraph 1.4 where performance was below target or there are emerging issues.
 3. To agree the responses identified to issues raised in the quarter two performance report in paragraph 2.1 or to request additional action or information.

Option Two To identify any additional issues for further consideration or review.

Consultations

No specific consultation on this report is required. However, it should be noted that several indicators are based on public consultation or customer feedback.

Implications

Financial: Financial Effects – The resource required to operate the Performance Management Framework is contained within existing budgets. However the information presented may lead to decisions that have financial implications. These will be viewed in the context of the Medium Term Plan & Financial Strategy and the annual Service & Financial Planning process.

Efficiency Savings – There are none arising directly from this report.

Comments checked by Karen Curtin, Head of Finance 01295 221551

Legal: Maintaining National Indicators and the LAA was a statutory requirement during the reporting period that this report covers.

Comments checked by Liz Howlett, Head of Legal and Democratic Services, 01295 221686

Risk Management: The purpose of the Performance Management Framework is to enable the Council to deliver its strategic objectives and improve customer satisfaction. All managers are required to identify and manage the risks associated with achieving this. All risks are logged on the Corporate Risk Register and there is an update on managing risks recorded at least quarterly. A failure to identify and improve key drivers of customer satisfaction through effective Performance Management is one of the Council's strategic risks.

Comments checked by Rosemary Watts, Risk and Insurance Officer, 01295 221566

Data Quality Data for performance against all indicators has been collected and calculated using agreed methodologies and in accordance with Performance Indicator Definition Records (PIDRs) drawn up by accountable officers. The council's performance management software has been used to gather and report performance data in line with performance reporting procedures.

Comments checked by Helen Hayes, lead officer on data quality, 01295 221751

Wards Affected

All

Corporate Plan Themes

All

Executive Portfolio

Councillor Ken Atack
Portfolio Holder for Performance Management, Improvement and Organisational Development

Document Information

Appendix No	Title
Appendix 1	Corporate Scorecard 2010/11
Appendix 2	Local Area Agreement
Appendix 3	Corporate Plan
Appendix 4	Priority Service Indicators
Appendix 5	Strategic Service Projects
Appendix 6	Corporate Improvement Plan
Appendix 7	Significant Partnerships
Appendix 8	Strategic Risks
Background Papers	
Cherwell District Council Performance Management Framework	
Report Author	Claire Taylor, Corporate Strategy and Performance Manager
Contact Information	01295 221563 claire.taylor@cherwell-dc.gov.uk

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Corporate Scorecard 2010/2011							Total GREEN	23	22
April - December 2010							AMBER	3	5
							RED	2	1
							NO DATA (N/A)	0	0
Measure Definition	Responsible Service	Reporting Frequency	Comment on Performance to date				Quarter One	Quarter Two	
Working in Partnership									
Local Area Agreement	Corporate Strategy, Performance & Partnerships	Quarterly	The Local Area Agreement is no longer being monitored by the Oxfordshire Public Services Board. However, as the indicators within it are priorities, Cherwell and the other Oxfordshire District Councils continue to monitor progress. Whilst all of Cherwell's contributions are currently green it is not expected that targets will be met at the end of year for the reduction in CO2 emissions from the Local Authority Operations.				R	A	
Cherwell Sustainable Community Strategy	Corporate Strategy, Performance & Partnerships	Quarterly	Delivery on the Sustainable Community Strategy continues to be monitored. Progress is good but further work needed to ensure the delivery of the aspirations in the Sustainable Community Strategy.				A	G	
Corporate Plan Pledges									
A District of Opportunity									
Contribute to the creation of 200 new jobs	Planning Policy & Economic Development	Monthly	Year to date total gains recorded 556, year to date total losses recorded 117. Net. 424 gains. The 2010 Employer Survey is underway and is revealing job gains (and losses) that had previously not be known.				G	G	
Help another 1000 local people at our Bicester and Banbury job clubs	Planning Policy & Economic Development	Monthly	51 job seekers helped in Dec 2010. 3 Job Clubs held with special events/seminars featuring: Interview Skills Coaching Redundancy Seminar Young Persons special including retail apprenticeships				G	G	
Deliver 100 new homes for those in need of better housing	Housing Services	Monthly	Delivery on Track: 48 affordable homes have been delivered to date. CDC is on track to deliver the target of 100 units. However this outcome is reliant on the completion of 40 units of Extra Care Housing at Orchard Fields Banbury which are expected in March 2011.				G	G	
Work with partners to make significant progress on completion of Bicester town centre develop.	Regeneration & Estates	Monthly					G	G	
Launch new programme of work to tackle deprivation in Cherwell	Strategic Director - Environment & Community	Monthly	Good progress on multi agency actions over all five themes. Further work being prepared for voluntary sector engagement, young peoples' activities coordination and communication.				G	G	
Make significant progress on all the Bicester eco town demonstration projects	Planning Policy & Economic Development	Monthly	All the eco town demonstration projects are progressing, however, the Bryan House scheme is awaiting confirmation of funding from the Homes and Communities Agency.				G	G	
A Safe and Healthy Cherwell									
Work with partners to deliver yet another reduction in crime & ASB offences	Safer Communities, Urban & Rural Services	Monthly	Crime stats continue to show improvement through the year.				G	G	
Continue to support the provision of the best possible services at the Horton Hospital	Recreation & Health	Monthly	Good progress on paediatrics and anaesthetics where recruitment process and implementation almost complete for new service delivery models. Concern about maternity due to uncertainty over loss of training roles which are an essential part of the agreed future service model. Clarity being sought and alternative options being considered.				G	A	
Continue to support new and improved health services for Bicester and surrounding areas	Recreation & Health	Monthly	The PCT are about to advertise an alternative procurement process involving soft market testing to inform the way forward.				A	A	

Corporate Scorecard 2010/2011							Total GREEN	23	22
April - December 2010							AMBER	3	5
							RED	2	1
							NO DATA (N/A)	0	0
Measure Definition	Responsible Service	Reporting Frequency	Comment on Performance to date				Quarter One	Quarter Two	
Attract an extra 100,000 visits to new & refurbished leisure centres and Woodgreen Pool	Recreation & Health	Monthly	Throughout total to end of November is 742,351 against year end target of 1,078,566 so currently on target. NB. December figures may change position following reduced throughputs due to adverse weather.				G	G	
A Cleaner, Greener Cherwell									
Increase satisfaction with street & environmental cleanliness from 67% to 69%	Environmental Services	Monthly	72% satisfied as measured by the annual customer satisfaction				G	G	
Increase household recycling rate to 55% by 31 March 2011	Environmental Services	Monthly	Estimated recycling rate at year end will be 58%				G	G	
Deliver a further year of CO2 emissions reductions from the council	Environmental Services	Monthly	Emissions from buildings and the fleet are showing good reductions . However this is offset by greater emissions from the Sports Centres				A	A	
An Accessible, Value for Money Council									
Reduce our costs by a further £800,000	Finance	Monthly	Public promise of £800K worth of savings has been achieved.				G	G	
Deliver a council tax increase in 2011/12 which is below inflation	Finance	Monthly	The budget for 2011/12 has been prepared in line with this target.				G	G	
Double the number of council services that can be booked, paid for or applied for online from 50 to 100	Customer Services & Information Systems	Monthly	More than 80 are currently available, and more are being developed.				G	G	
Performance Indicators									
Performance against Priority Service Indicators	Corporate Strategy, Performance & Partnerships	Monthly	Of the 21 indicators due to report this time, 14 are green, 4 amber and 3 red. The red indicators relate to Housing Benefits and Planning appeals.				R	R	
Financial Performance									
Percentage variance on revenue budget expenditure against profile (+2%/-5%)	Finance	Monthly	Projected to be within approved budget tolerances.				G	G	
Percentage variance on capital budget expenditure against profile (+2%/-5%); Other projs	Finance	Monthly	Projected to be on target taking into account project slippage requests already approved by Executive for movement into 2011/12 programme. Further identified slippage / projection deletions will be taken as part of Q3 report to the Executive.				G	G	
Human Resources									
Staff turnover (voluntary leavers)	People & Improvement	Quarterly	Turnover remains extremely low (2.39% all leavers and less than 1% for voluntary leavers) mainly due to current economic climate.				G	G	

Local Area Agreement 2010/2011
April - December 2010

	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Three Actual	Quarter Three Target	Quarter Three Performance	Comment
Cherwell: A District of Opportunity							
N1154 Net additional homes provided	190	91	G	195	136	G	Extremely low figure for the quarter. Overall figure for 10/11 was expected to be very low due to a time-leg effect on housebuilding caused by the recession. Poor winter weather conditions are also likely to have been a factor in this quarter.
N1155 Number of affordable homes delivered (gross)	19	5	G	48	28	G	Position on Orchard Way/ Fairway: HCA bid submitted in March 2010 and still awaiting decision. In the meantime we are pursuing alternative funding options such as discount purchase and self-build.
N1156 Number of households living in temporary accommodation	29	33	G	24	33	G	The position with T.A is being monitored closely. The consequences of the recent recession mean the approach to T.A needs to continue to be proactive, and there is a need to bring forward the further units planned for at Bryan House Bicester, Edward Street Banbury, Orchard Way Banbury and as part of the young persons high support acquisition scheme.
A Safe and Healthy Cherwell							
N1008 Adult participation in sport and active recreation (%)	N/A	N/A					Annual Reporting.
N1021 Dealing with local concerns about ASB and crime	N/A	N/A					No data due - Place Survey has been discontinued.
N1110 Young People's participation in positive activities (%)	N/A	N/A					Annual Reporting.
A Cleaner, Greener Cherwell							
N1185 CO2 reduction from Local Authority operations	N/A	N/A					Annual Reporting - Data not due til March 2011.
N1188 Planning to Adapt to Climate Change	N/A	N/A					Annual Reporting - Data not due til March 2011.
N1191 Residual household waste per household (kg)	201.99	296.25	G	279.47	592.50	G	
N1192 Percentage of household waste sent for reuse, recycling and composting	60.96	60.00	G	61.89	58.00	G	
N1195a Improved street and environmental cleanliness (litter) (%)	2.00 (July)	4.00 (July)	G	2.00 (Dec)	4.00 (Dec)	G	Four Monthly Reporting Cycle.
N1195b Improved street and environmental cleanliness (detritus) (%)	2.00 (July)	9.00 (July)	G	6.00 (Dec)	9.00 (Dec)	G	Four Monthly Reporting Cycle.

Local Area Agreement 2010/2011
April - December 2010

	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Three Actual	Quarter Three Target	Quarter Three Performance	Comment
N1196 Improved street and environmental cleanliness - fly tipping	N/A	N/A					Annual Reporting - Data not due till March 2011.
Cherwell: An Accessible, Value for Money Council							
N1005 Overall/general satisfaction with local area	N/A	N/A					No data due - Place Survey has been discontinued.
N1140 Fair Treatment by local services	N/A	N/A					No data due - Place Survey has been discontinued.
N1179 Value for money - total net value on ongoing cash-releasing value for money gains that have impacted since the start of the 2008/09 financial year (£k)	532000.00	400000.00	G	800000.00	600000.00	G	

**Corporate Plan
2010/2011 Action Plan
April 2010 - December 2010**

	Quarter One	Quarter Two	Comment
Cross Cutting Strategic Priorities			
Submit LDF Core Strategy	A	A	Work is progressing on the population and demographic projections that will underpin the re-assessment of the development strategy in the Draft Core Strategy. A report is on track for February Executive.
Start Bicester Eco Town Demonstration Projects	A	A	Exhibition Building at the Garth, Community Hall at Roman Catholic church and Cooper School under construction. Bryan House awaiting funding from the Homes and Communities Agency (HCA). Travel survey progressing with results expected in May 2011. Construction skills course accreditation and proposals for Eco skills training received from Oxford and Cherwell Valley College but more work needed. Residential retrofit programme progressing with insulation scheme launched. Planning application for on site demonstration proposals submitted.
Multi-agency programme to address inequalities in targeted areas	G	G	Good progress on multi agency actions over all five themes. Further work being prepared for voluntary sector engagement, young peoples' activities coordination and communication.
Community engagement to ensure local people are included in pilot programme	G	A	Connecting communities events completed in August 2010 and a member workshop has been held to share the results, the Brighter Futures Steering Group has also reviewed the results and an analysis of what actions are being undertaken to meet the issues raised has been completed. A further connecting communities event will be held in the Spring of 2011, Members will be invited to participate.
Launch new programme of work to tackle deprivation in Cherwell	G	G	Good progress on multi agency actions over all five themes. Further work being prepared for voluntary sector engagement, young peoples' activities coordination and communication.
Consultation on masterplan for the site	A	A	Further work required on engagement as part of masterplanning process. Some consultation on emerging masterplan as part of the exemplar planning application proposals.
Committee approval of masterplan	G	G	Submission of outline planning application for masterplan proposals expected mid 2011. Pre-application discussions continuing as part of preparation of masterplan.
Approval of detailed planning application for demonstration project	G	G	A hybrid application was submitted and validated on 23 December 2010.
Start on-site demonstration projects	G	G	On site demonstration project to start following determination of planning application validated on December 2010.
Submission of outline planning application for whole site	G	G	Preparation of outline planning application is ongoing and expected to be submitted in mid 2011.
Corporate Plan Actions			
Number Green and Amber	10		
Percentage	100.00%		
Status	Green		

Corporate Plan 2010/2011 Action Plan April 2010 - December 2010			
Quarter Two	Quarter Three	Comment	
Cherwell: A District of Opportunity			
Submit LDF Core Strategy	A	A	Work is progressing on the population and demographic projections that will underpin the re-assessment of the development strategy in the Draft Core Strategy. A report is on track for February Executive.
Start Eco Bicester Demonstration Projects	A	A	Exhibition Building at the Garth, Community Hall at Roman Catholic church and Cooper School under construction. Bryan House awaiting funding from the Homes and Communities Agency (HCA). Travel survey progressing with results expected in May 2011. Construction skills course accreditation and proposals for Eco skills training received from Oxford and Cherwell Valley College but more work needed. Residential retrofit programme progressing with insulation scheme launched. Planning application for on site demonstration proposals submitted.
Strategy in place for Canalside Banbury	A	A	Progress on the SPD has been halted while work is done to assess the flooding risk to the area and further advice is received from the HCA on delivery models.
Significant construction progress on Eco Bicester development	G	G	An implementation brief for NW Bicester has been prepared by the applicants with completions commencing in Q1 2012. Hybrid planning application for housing led mixed use development submitted and validated.
LDF draft to include proposals for at least two major new business sites	A	A	Work is progressing on the population and demographic projections that will underpin the re-assessment of the development strategy in the Draft Core Strategy. A report is on track for February Executive.
Contribute to the creation of 200 new jobs	G	G	There were 15 jobs gained in December and none lost. Year to date total gains recorded 556, year to date total losses recorded 117. Net: 424 gains. The 2010 Employer Survey is underway and is revealing job gains (and losses) that had previously not be known.
Maintain the partnership delivering job clubs in Banbury and Bicester	G	G	The partnership continues strongly and agreement was gained to develop a series of special events in 2011. Preparations for a Special Job Club to support the proposed job losses at Vodafone got underway, also engaging resources from national/regional level.
Initiate direct local job creation & skill development scheme	G	G	The NVQ2 in Business & Administration is now completed for all 5 apprentices. All now also have Key Stage 2 skills in English and Maths. The apprentices' contracts have been extended to September 2011.
Focus economic development & housing support for disadvantaged individuals in Banbury	G	G	
Help another 1000 local people at our Bicester and Banbury job clubs	G	G	51 job seekers helped in Dec 2010. 3 Job Clubs held with special events/seminars featuring: Interview Skills Coaching Redundancy Seminar Young Persons special including retail apprenticeships
Deliver £300,000 funding for transport infrastructure through developer contributions	A	A	Opportunities for contributions from eco-town exemplar scheme currently being explored.

Corporate Plan 2010/2011 Action Plan April 2010 - December 2010			
Achieve 300 new homes	G	R	Housing completions this year have been low and have fluctuated widely. Completions for April - December are 195, however only 5 of these completed in the last three months (Oct - Dec). Completions in the final quarter (Jan - Mar) are predicted to be higher with sites at Middleton Road and Orchard Fields Primary School (both in Banbury) scheduled for completion. The previously published completion figure for 10/11 of 270 is still therefore considered reasonable, however would still reflect a "red" rating.
Deliver 100 affordable homes	G	G	Delivery is on track. 48 homes for those in need of better housing have been delivered to date. CDC in on-track to deliver the target of 100 units. However this is reliant on completion of 40 units of extra-care housing at Orchard Fields Banbury which are expected in March 2011.
Deliver 100 new homes for those in need of better housing	G	G	Delivery is on track. 48 homes for those in need of better housing have been delivered to date. CDC in on-track to deliver the target of 100 units. However this is reliant on completion of 40 units of extra-care housing at Orchard Fields Banbury which are expected in March 2011.
85% customer satisfaction with Choice Based Letting Scheme	G	G	Customer service standard continues to be met. 100% of housing register forms were processed within the target timescale across December.
Revise Cherwell Housing Strategy responding to the recession	G	G	Plans for production of new housing strategy. An initial scoping document has been produced outlining the timetable for strategy consultation, production, approval and publication. Approval from CDC Executive to form a programme board including members will be sought shortly. Discussions are planned with the Department for Communities and Local Government along with the Homes and Communities Agency regarding potential delivery of affordable housing through community-led and self-build housing.
Temporary Accommodation Strategy outcomes achieved	G	G	T.A. strategy continues to deliver. The number of households in temporary accommodation was 24 at the end of December 2010. This is down from 388 in April 2006.
Spend £420,000 on investing in better quality housing for vulnerable people	G	G	Indicator is on track. £331,311 has been spent to date on disabled facility grants for people with mobility problems. A further £225.5k is being spent on discretionary grants for vulnerable people. This is made up of (A) £106k Landlord Home Improvement Grants, (B) £80K emergency repair grants, (C) £38K discretionary disabled facilities grants, and (D) £1.5K Warm Front top-up grants.
Start Banbury Flood Alleviation Scheme	G	G	
Prepare the outline strategy for the future of Banbury Town Centre	G	G	The preparation of this is proceeding as planned.
Start scheme for enhancement of Market Square in Bicester	G	G	It is not the intention to start this scheme this year, as the work is to be delayed until all infrastructure disruption caused by the Town Centre scheme has ended. This means that work will not start before 2012 at the earliest.
Develop implementation plans for Civil Parking Enforcement	R	R	Decision on CPE deferred until later next year.
Decide on a Banbury Residents Parking Scheme	R	R	No further progress can be made before decision on CPE.
Implement revised Bicester Residents Parking Scheme	G	G	Roll out of new scheme planned for April 2011.

Corporate Plan 2010/2011 Action Plan April 2010 - December 2010						
Implement a new Banbury Market operation	G	G	G	Completed and target can be closed.		
Work with partners to make sig. progress on completion of Bicester town centre develop.	G	G	G			
Planning policy framework for villages through LDF published	A	A	A	Work is progressing on the population and demographic projections that will underpin the re-assessment of the development strategy in the Draft Core Strategy. A report is on track for February Executive.		
Rural affordable housing action plan embedded	G	G	G	Delivery remains successful. Rural affordable housing delivery remains successful. The partnership is holding firm however CDC will be looking closely at current arrangements to establish opportunities for improvement.		
Working with arts partners improve the creative offer in village halls and rural schools	G	G	G	Theatre Chipping Norton developing strong relationships with promoters. Movies on the Move also developing.		
Implement actions in the Rural Strategy Delivery Plan	A	A	A	Not all actions complete but are in progress. A number will be taken forward into next year.		
Support rural communities in implementing improved ICT access for older people & disadvantaged people	G	G	G	Capital investment in further kiosks remains on hold as no further suitable locations have been identified.		
A District of Opportunity : National Indicators						
	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Two Actual	Quarter Two Target	Quarter Two Performance
N1154 Net additional homes provided	190.00	91.00	G	195.00	136.00	G
N1155 Number of affordable homes delivered (gross)	19.00	5.00	G	48.00	28.00	G
N1156 Number of households living in Temporary Accommodation	29.00	33.00	G	24.00	33.00	G
Corporate Plan Actions		National Indicators				
Number Green and Amber	28	3				
Percentage	90.32%	100.00%				
Status	Amber	Green				

Corporate Plan 2010/2011 Action Plan April 2010 - December 2010			
Quarter Two	Quarter Three	Comment	
A Safe and Healthy Cherwell			
Ensure at least 82% of residents say they feel safe at home and in the community	G	G	Cherwell satisfaction survey puts satisfaction levels in the 90%'s.
Work with partners to reduce crime and anti-social behaviour by 200 offences/incidents	G	G	
Work with partners to deliver yet another reduction in crime and antisocial behaviour offences	G	G	Crime stats continue to show improvement through the year.
Enable understanding and awareness between diff. cultures and minority groups	G	G	Programme of knowing our communities events has been delivered in 2010/11. Extremely positive feedback has been received by those attending events. The next event is planned for March 2011 and will cover mental health issues. All staff and partners will be invited to attend.
Invite the public to a minimum of 4 public NAG meetings	G	G	
Continue to support the provision of the best possible services at the Horton Hospital	G	A	Good progress on paediatrics and anaesthetics where recruitment process and implementation almost complete for new service delivery models. Concern about maternity due to uncertainty over loss of training roles which are an essential part of the agreed future service model. Clarity being sought and alternative options being considered.
Continue to support new and improved health services for Bicester and surrounding areas	A	A	The PCT are about to advertise an alternative procurement process involving soft market testing to inform the way forward.
Deliver the programme to address health inequalities in the District	G	G	
Support the local health sector in developing services at Horton General Hospital	G	A	Good progress on paediatrics and anaesthetics where recruitment process and implementation almost complete for new service delivery models. Concern about maternity due to uncertainty over loss of training roles which are an essential part of the agreed future service model. Clarity being sought and alternative options being considered.
Support the PCT in developing new and improved Bicester Hospital services	A	A	Procurement delay. Soft market testing to be undertaken from early 2011. Ongoing concerns regarding financial viability.
Deliver 3 new health improvement initiatives across the district	G	G	Targeted health improvement work in key Banbury wards by Health Trainers, women only swimming session at Spiceball Leisure Centre and peripartetic one-stop-shop service using the Health Bus to improve access to information and services.
Work with the PCT to address health inequalities and deprivation in the district	G	G	Good progress on multi agency actions over all five themes. Further work being prepared for voluntary sector engagement, young peoples' activities coordination and communication.

Corporate Plan 2010/2011 Action Plan April 2010 - December 2010						
Increase participation in active recreation by 1%	G	G	G			Year end survey to determine figures. Current indications reveal no increase.
Increase income at joint use sports sites by 2.5%	G	G	G			On target, but facilities closed for most of December due to snow.
Promote the events section of www.visitnorthoxfordshire.com	G	G	G			Improving the CDC web content and considering 2012 implications.
Increase the number of new walkers participating in local health walks by 10%	G	G	G			Target achieved.
Attract an extra 100,000 visits to new and refurbished leisure centres and Woodgreen Pool	G	G	G			Throughput total to end of November 742,351 against year end target of 1,078,566 so currently on target. NB. December figures may change position following reduced throughputs due to adverse weather.
Increase numbers of new older people participating in group activities by 500	G	G	G			Currently circa 630. Target achieved.
Increase participation by young people in positive activities by 1%	G	G	G			
Develop and deliver programmes of events/activities in our urban centres	G	G	G			
Develop and implement a new Older Persons strategy	G	G	G			Work now commencing but maybe completed in April/May.
Support and improve 18 community recreation venues through grant aid funding	G	G	G			Completed.
A Safe & Healthy Cherwell : National Indicators						
	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Three Actual	Quarter Three Target	Quarter Three Performance
NI015 Serious violent crime rate	0.14	N/A	N/A			N/A
NI016 Serious acquisitive crime rate	2.66	3.85	G	4.49	5.77	G
NI020 Assault with injury crime rate	2.98	N/A	N/A			N/A
						No targets set by Thames Valley Police. Awaiting decision whether indicator is to be closed.
						No targets set by Thames Valley Police. Awaiting decision whether indicator is to be closed.
Corporate Plan Actions			National Indicators			
Number Green and Amber	22	1				
Percentage	100.00%	100.00%				
Status	Green	Green				

Corporate Plan 2010/2011 Action Plan April 2010 - December 2010				
	Quarter Two	Quarter Three	Comment	
A Cleaner, Greener Cherwell				
Remove 92% of fly tipping within 48 hours of reporting	G	G	On target.	
Achieve 95% of land inspected at an acceptable litter standard.	G	G	97-98% of land free of litter.	
Reduce the amount of fly tipping by 5% on 2009/10 levels	A	A	Fly tipping levels broadly similar to 09/10 - but fly tipping levels in 09/10 were substantially down on 10/11.	
Increase satisfaction with street and environmental cleanliness from 67% to 69%	G	G	72% satisfied as measured by annual customer satisfaction.	
Increase household recycling rate to 55% by 31 March 2011	G	G	Estimated recycling rate at year end: 58%.	
Reduce the amount of waste sent to landfill by 4000 tonnes by 31 March 2011	G	G	On target for 4500 tonnes reduction.	
Produce a Biodiversity Statement and Delivery Plan and implement year 1	G	G	Task completed.	
Commission 6 farm advisory visits	G	G	2 completed.	
Deliver a further year of CO2 emissions reductions from the council	A	A	Emissions from buildings and the fleet are showing good reductions . However this is offset by greater emissions from the Sports Centres.	
Inform all residents how to reduce carbon emissions	G	G		
Achieve at least 73% resident satisfaction with green spaces and public areas	G	G	Cherwell Satisfaction survey achieved 80%+ satisfaction.	
Negotiate significant green spaces in developments through S106 agreements	G	G		

Corporate Plan 2010/2011 Action Plan April 2010 - December 2010										
A Cleaner, Greener Cherwell : National Indicators										
Quarterly	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Three Actual	Quarter Three Target	Quarter Three Performance	Comment	Quarter Three Performance	Comment	
NI191 Residual household waste per household	201.99	296.25	G	279.47	592.50	G	End of year projection: 400kg			
NI192 Percentage of household waste sent for reuse, recycling and composting	60.96	60.00	G	61.89	58.00	G	End of year projection: 58%			
4 Monthly Next Due: November 2010	July Actual	July Target	End of Year Performance	November Actual	November Target	Latest Performance	Comment			
NI195a Improved street and environmental cleanliness (litter)	2.00	4.00	G	2.00	4.00	G	not due until March 2011.			
NI195b Improved street & environmental cleanliness (detritus)	2.00	9.00	G	6.00	9.00	G	not due until March 2011.			
NI195c Improved street and environmental cleanliness (graffiti)	0.00	0.00	G	0.00	0.00	G	not due until March 2011.			
NI195d Improved street and environmental cleanliness (fly posting)	0.00	0.00	G	0.00	0.00	G	not due until March 2011.			
Annual	2010 Actual	2010 Target	End of Year Performance	2011 Actual	2011 Target	2011 Performance	Comment			
NI194i Emissions of NOx										
NI194ii % reduction in NOx emissions										
NI194iii Emissions of PM10										
NI194iv % reduction in PM10 emissions										
NI196 Improved street and environmental cleanliness - fly tipping									Annual indicators, next due to report March 2011.	
Corporate Plan Actions	12		6				National Indicators			
Number Green and Amber Percentage	100.00% Green		100.00% Green				100.00% Green			
Status	Green		Green				Green			

**Corporate Plan
2010/2011 Action Plan
April 2010 - December 2010**

Quarter Two	Quarter Three	Comment
An Accessible, Value for Money Cherwell		
G	A	We will have completed the self-assessment but not gone forward for accreditation.
G	G	No more new sites will be provided this financial year while we review the success of the 17 already created, and plan for ensuring parishes are able to sustain them without our support.
G	G	Awaiting outcome of the "Better Connected" survey and the mystery shopping carried out on the kiosks last month.
G	G	Task completed.
R	R	Task completed.
G	G	The outreach officers have developed a programme of visits to places where our hardest to reach customers are likely to be - supermarkets, doctors' surgeries etc.
G	A	15 complaints received in December, and 2 complaints moved into stage 2. Total in Q3: 52 complaints, 50 resolved in stage 1, 2 escalated to stage 2.
G	G	Two Stage 2 complaints received in Q3, both received in December. One in Planning and one in Housing.
G	G	
G	G	Task completed.
G	G	Public promise of £800K worth of savings has been achieved.

Corporate Plan 2010/2011 Action Plan April 2010 - December 2010		
Address the MTFs by developing a clear action plan which will reduce Council expenditure	G	G
Deliver a Council Tax increase in 2011/12 below inflation	G	G
Produce a combined annual report of performance and finance in June 2010	G	G
Improve access to our services by delivering a 'link points-on-legs' service	G	G
Promote access to cultural and sporting facilities to Looked after Children	G	G
Expand access to services provided by our partners through Council access points	G	G
Establish a procedure for members of the public to submit petitions to the council	G	G
Provide more information to local people about how to become a councillor	G	G
Ensure that 66% of our customers when asked feel well informed about the Council	G	G
Possible increase in the number of Cherwell Links produced	R	R
Increase the readership of Cherwell Link	G	G
95% of our customers are satisfied	G	G
		The budget for 2011/12 has been prepared in line with this target.
		Task completed.
		Task completed.
		Task completed.
		This quarter has seen Next Step being surgeries at all our LinkPoints.
		Considered by Executive in June and was agreed by Full Council on 19 July. Petitions scheme is available on the internet and e-petitions went live in December. However, it should be noted that the government has withdrawn the statutory guidance on petitions and e-petitions and the Localism Bill revoked these requirements.
		Leaflet is on the internet and will be circulated to political parties and published in January. Additionally, it is being considered whether to hold a potential candidates open evening early in the new year to outline the election process and role of a councillor
		Winter Cherwell Link printed on time, but delayed in getting to residents because of snow. Delivery concluded 2 weeks after planned and therefore some of the articles may not have been timely.
		Budget restrictions mean no increase in the number of Cherwell Links.
		Cherwell Link delayed due to snow and therefore some articles may not have been timely.
		100% satisfied in December, and in October and November, 99%.

Corporate Plan 2010/2011 Action Plan April 2010 - December 2010			
Double the number of services that can be booked, paid for, applied for online (50 to 100)	G	G	More than 80 are currently available, and more are being developed.
Extend opportunities for customers to feed back their experiences of our services	G	G	
Ensure we use customer information to develop and improve our services	G	G	
Make our annual satisfaction survey available to all residents	G	G	

An Accessible, Value for Money Cherrwell : National Indicators							
	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Three Actual	Quarter Three Target	Quarter Three Performance	Comment
NI014 Avoidable contact: the proportion of customer contact that is of low/no value to the customer	7.27	12.50	G	6.85	12.50	G	8405 contacts assessed, 506 avoidable face to face - 5978 value, 162 avoidable Phones - 1577 value, 344 avoidable
NI179 Value for Money: net value for money cash-releasing gains for the current financial year	532,000	400,000	G	800,000	600,000	G	
Corporate Plan Actions				National Indicators			
Number Green and Amber	25	2					
Percentage	92.59%	100.00%					
Status	Amber	Green					

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Priority Service Indicators 2010/2011 April - December 2010							
	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Three Actual	Quarter Three Target	Quarter Three Performance	Comment
Building Control & Engineering Services							
BCES 006 % of buildings accessible to people with a disability	100.00	100.00	G	100.00	100.00	G	Of the 9 properties owned by the Council and accessible to the public we have now audited for accessibility the 3 of those most frequently used. A further 3 audits will be completed by 31/3/11 and the rest audited in early 2011/12. Some non-conformances were found in those buildings already audited and these have been given to the building "owners" to address. It is likely that similar defects will be found in the other buildings to be audited. We will improve the way this indicator works in 2011/12 by making it more meaningful so as to measure progress against the access non-conformities being identified through the audits.
Corporate Strategy & Performance							
NI 35 Building resilience to violent extremism: (a) Understanding of, & engagement with Muslim communities; (b) Knowledge and understanding of the drivers and causes of violent extremism; (c) Development of a risk-based preventing violent extremism action plan; (d) Effective oversight, delivery & evaluation of projects & actions							Annual indicator, next report due March 2011. Annual indicator, next report due March 2011. Annual indicator, next report due March 2011. Annual indicator, next report due March 2011.
Development Control & Major Developments							
NI157a Processing of major applications within 13 weeks		60.00	R	57.14	60.00	A	Continued low level of major applications necessitates pragmatic approach to achievement against this target. A number of important applications require negotiations extending beyond the 13 week target.
NI157b Processing of minor applications within 8 weeks	91.87	65.00	G	89.92	65.00	G	
NI157c Processing of other applications within 8 weeks	96.34	80.00	G	94.62	80.00	G	
DCMD 001 % Planning appeals allowed against refusal decision	37.50	30.00	R	38.89	30.00	R	Performance affected by several adverse outcomes against low overall number of decisions.

Priority Service Indicators 2010/2011 April - December 2010									
	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Three Actual	Quarter Three Target	Quarter Three Performance	Comment		
Environmental Services									
NI 185 CO2 reductions from local authority operations (%)							Annual Indicator Data not due until March 2011.		
NI 186 Per capita reduction in CO2 emissions in the LA area							Annual Indicator Data not due until March 2011.		
NI 188 Planning to adapt to climate change (score)							Annual Indicator Data not due until March 2011.		
ES 001 % of abandoned vehicles investigated in 24 hours	100.00	98.00	G	100.00	98.00	G			
ES 002 % of abandoned vehicles removed within 24 hours	95.45	88.00	G	96.30	88.00	G			
Finance									
NI 187 Time taken to process Housing Benefit/Council Tax Benefit new claims and change events	10.29	11.00	G	12.73	11.00	R	The emphasis continues to be on changes of circumstances. Total volume of outstanding documents has reduced. Consequently, an improvement over November.		
BV009 % Council Tax collected : EXCH001	58.44	49.40	G	86.69	74.00	G			
BV010 % NNDR collected : EXCH002	58.91	49.50	G	86.97	74.10	G			
BV078a Average time for new HB/CTB claims EXCH003	17.32	20.00	G	18.74	20.00	G			
BV078b Average time to process change in circumstances : EXCH004	8.23	13.00	G	11.31	13.00	G			
BV079bi.05 % HB Recovered: Overpayment EXCH005	?	78.00	?	64.26	78.00	R	As we are above target for the collection of previous years arrears of Housing benefit overpayment, resources will be diverted in order to concentrate on ways to improve current years collection. We are also contacting other LA's to share best practice.		
BV079bii.05 % HB Recovered: including outstanding EXCH006	?	10.50	?	32.64	27.00	G			

Priority Service Indicators 2010/2011 April - December 2010									
	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Three Actual	Quarter Three Target	Quarter Three Performance	Comment		
BV079biii.05 % HB O'Pay: Written Off EXCH007	?	3.00	?	2.97	4.00	G			
FIN 001 % Invoices paid within 30 days	98.22	98.00	G	98.39	98.00	G			
Housing Services									
NI 187 Tackling fuel poverty - people receiving income based benefits living in homes with a low energy efficiency rating: (a) Percentage dwellings occupied with a low energy efficiency rating;							Annual indicator, next report due March 2011.		
(b) Percentage dwellings occupied with a high energy efficiency rating							Annual indicator, next report due March 2011.		
HS001 Housing advice: repeat homelessness cases	1.00	3.00	G	1.00	4.00	G			
People & Improvement									
HR002 Work days lost due to sickness	3.27	4.02	G	5.28	6.03	G	Sickness is broken down as 56% short term and 44% long term.		
Planning Policy & Estates									
NI159 Supply of ready to develop housing sites							Annual indicator, next report due March 2011.		
NI170 Previously developed land that has been vacant or derelict for more than 5 years							Annual indicator, next report due March 2011.		
PAHP 001 No of Conservation Areas	58.00	59.00	A Sept				Now monitored 6 monthly - data not due until March 2011		
PAHP 002 % Conservation Areas with up to date Character Appraisals	41.38	55.93	R Sept				Now monitored 6 monthly - data not due until March 2011		
PAHP 003 % of Conservation Areas with published Management Plans	82.76	82.76	G				Now monitored 6 monthly - data not due until March 2011		

Priority Service Indicators 2010/2011
April - December 2010

	Quarter Two Actual	Quarter Two Target	Quarter Two Performance	Quarter Three Actual	Quarter Three Target	Quarter Three Performance	Comment
Recreation & Health							
NI 56 Obesity among primary school age children in Year 6: (i) Percentage of children in Year 6 with height and weight recorded who are obese							Annual indicator, next report due March 2011.
RH 001 Number of visits to Banbury Museum in person (per 1000 population)	765.37	763.69	G	1098.97	1123.92	A	Winter snow reduced Museum's footfall.
RH 002 Number of pupils visiting Banbury Museum (per 1000 population)	1233.00	1100.00	G	2136.00	2250.00	A	Some schools cancelled visits due to snow fall.
NI 184 Food establishments in the area which are broadly compliant with food hygiene law (%)							Annual indicator, next report due March 2011.
Safer Communities , Urban & Rural Services							
NI033 Repeat incidents of domestic violence							Data not available from Thames Valley Police.
Cross-Service Indicator							
NI182 Satisfaction of business with LA regulation services	89.79	92.00	A Sept	90.72	92.00	A	Quarterly report

Number Green and Amber Percentage

18
85.71%

Overall Status

Red

Strategic Service Projects 2010/2011
April 2010 to December 2010

	Quarter Two	Quarter Three	Comment
Banbury Canalside	G	G	Work on the SPD is continuing, but it will be some time before it is completed.
Banbury Cultural Quarter	R	R	Progress halted due to OCC budget constraints.
Bicester Town Centre Redevelopment	A	A	Progress on the scheme depends on the confirmation of the compulsory purchase order, unless it is possible to secure the withdrawal of all objections submitted. This may delay progress by approximately 9 months. Infrastructure works are proceeding as planned and will be completed in March.
Flood Alleviation	A	A	Defra has confirmed Compulsory Purchase Order and Environment Agency is completing statutory advertising process. Subject to the advertising process being completed the construction work is expected to start in February 2011 and completed in January 2012.
RAF Upper Heyford	A	A	Revised master plan application submitted. Affordable housing, education and infrastructure issues emerging.
SW Bicester Development	A	G	
Eco Bicester	G	G	Demonstration projects progressing, proposals for on site demonstration project submitted with supporting masterplan. First completions on NW Bicester site expected in Q1 2012.

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Corporate Improvement Plan & Value For Money Programme 2010/2011
April - December 2010

	Quarter Two	Quarter Three	Comment
Corporate Improvement Plan			
Reducing Fear of Crime and Anti social Behaviour improvement plan project	A	A	
Deprivation (including health inequalities) plan project	G	G	Good progress on multi agency actions over all five themes. Further work being prepared for voluntary sector engagement, young peoples' activities coordination and communication.
Changing needs of an ageing population plan project	G	G	Extra-Care housing on the horizon - 40 units of Extra Care housing are expected to be complete at Orchard Fields Banbury by March 2011. The Project Group for 70 units of Extra Care housing planned for Stanbridge Hall Banbury has been set up. Completion is expected in March 2011.
Cohesive Communities plan project	A	R	Work underway, given national policy changes CMT has requested a full review of community development more widely. EMT will consider the issue in Feb/March and Community Development will be added to the Corporate Improvement Plan for 2011/12.
Use of Natural Resources plan project	G	G	Project on track.
Value for Money Review Programme	G	G	Review is progressing well and delivering savings significantly above target. Three reviews remain to report to Executive, which will do so before the end of the financial year.
Strategic Management of Assets plan project	G	G	
Improve Data Quality plan project	G	G	Ongoing. The next phase of this work will be the end of year PI audits.
Customer Intelligence to Drive Improvement plan project	G	G	
Flexibility in response to recession & LA Grant decisions project	G	G	
Promote Equality and Diversity plan project	G	G	Ongoing. The equalities plan is updated and an equalities audit of 2010/11 service plans is underway.
Improving Services for Young People plan project	G	G	

Corporate Improvement Plan & Value For Money Programme 2010/2011
April - December 2010

	Quarter Two	Quarter Three	Comment
Value for Money Review Programme			
Housing VFM review	G	G	Review completed and reported to Executive, with recommendations agreed.
Corporate and Democratic Core VFM review	G	G	Review completed and reported to Executive, with recommendations agreed.
Culture and Heritage VFM review	G	G	Review completed and due to report to Executive on 10 January 2011.
Customer services VFM review	A	A	Use of Resources 16 Dec cancelled. Intention is now to report the outcome of the VFM Review and Customer Intelligence Improvement Project to the March Executive.
Economic Development and Tourism VFM review		G	Project brief agreed by CMT and work has commenced on the review.
Planning Policy VFM review	G	G	Review reported to Executive in November 2010 and all recommendations agreed.
Support Services Recharges VFM review	A	A	Support Services reviewed as part of 2010/11 value for money programme. Allocation of recharges will be reviewed in 2011/12 in light of the shared management and restructure with South Northants Council.
Urban and Rural VFM review	A	G	Review reported to 6 December 2010 Executive. All recommendations agreed, but car park income was later subject to a call-in by Scrutiny.
Development Control & Major Developments Review	G	G	
Recreation & Sport VFM Review	G	G	Review reported to Executive on 6 December 2010 and all recommendations agreed.

Number Green and Amber
Percentage

21
95.45%

Status

Amber

Significant Partnerships 2010/2011
April - December 2010

	Quarter Two	Quarter Three	Comment
Oxfordshire-wide Partnerships			
Oxfordshire Partnership Board	G	G	Oxfordshire Partnership has begun a further review of some thematic partnerships reporting to it to ensure that they provide optimum value for money with their partnership working.
Public Services Board	G	R	The Public Services Board has now been put on hold and whilst it hasn't been formally disbanded it doesn't have any further meetings scheduled.
Spatial Planning & Infrastructure Partnership	A	A	SPIP role/work plan currently under review in light of new partnership environment and emergence of Local Enterprise Partnerships.
Children's Trust	G	G	Ongoing input into Oxfordshire Children's Trust. Cllr Reynold on main Trust board. Cllr Sames on North and West Area Trust Board. Head of Service also attends NW Area Trust. Progress on local offer and PAYP.
Health and Well Being Partnership Board	G	G	The work of the H&WB Partnership Board is progressing well with key countywide activities. Uncertainty over changes required as a consequence of the Public Health White Paper which carries additional responsibilities.
Environment and Waste Partnership	G	G	
Oxfordshire Safer Community Partnership	G	G	
Stronger Communities Alliance	G	G	
Oxfordshire Economic Partnership	A	A	New partnership arrangements now in place. Chenwell is participating in two Local Enterprise Partnerships (LEPs), Oxfordshire and SE Midlands. Oxfordshire Economic Partnership will no longer have local authority representation.

Significant Partnerships 2010/2011
April - December 2010

Significant Partnerships 2010/2011 April - December 2010			
	Quarter Two	Quarter Three	Comment
Cherwell-specific Partnerships			
Cherwell Local Strategic Partnership	G	G	The Board continues to lead the development of the new Economic Development Strategy and is actively engaged with the Local Transport Plan and the Brighter Futures in Banbury Project. The Management Group has undertaken a review of the Partnership. The wider Cherwell community has continued to contribute through the various forums, including a successful launch meeting of the Cherwell Faith Forum, and lively debate on accommodation at the Voluntary Organisations' Forum.
Brighter Futures in Banbury Steering Group	G	G	
Cherwell Safer Community Partnership	G	G	
Cherwell M40 Investment Partnership	G	G	CHIP service maintained and developed. The CHIP service has continued day-to-day to help businesses to develop in Cherwell through enabling partners to co-operate in support of investment, drawing together the following resources: Local land and property market intelligence; Corporate Finance; Innovation & Growth Team; Labour market; Education and Skills; Business networks The Partnership has also continued to formally meet each quarter to ensure co-operation, and has recently contributed to the following matters:- Local Enterprise Partnerships; Economic Development Strategy; NW Bicester & Eco-twon economic delivery Strategy; Employment Land Study update
Banbury Town Centre Partnership	G	G	
Bicester Vision	G	G	Work within this partnership continues to go well. More than 50% of the funding now comes from the private sector, and the partnership has given the Council a good opportunity to develop strong links with major employers in Bicester. The partnership manager role supports town centre management as well as community liaison and communications. This post was originally developed as a three year contract which comes to an end in May 2011. The Partnership is currently reviewing how the post should operate beyond this period.
Kidlington Village Centre Management Board	G	G	
Homelessness Strategy Partnership	G	G	

Significant Partnerships 2010/2011
April - December 2010

	Quarter Two	Quarter Three	Comment
Cherwell RSL Partnership & Sanctuary Housing Group	G	G	Action plan implemented The RSL partnership has now fully implemented and closed down an affordable housing and recession action plan which has been reported to to January 2011 Executive. The Cassington Road, Yarnton development has seen delivered its first completions over autumn and winter.
NW Bicester Strategic Delivery Board	G	G	The Strategic Delivery Board has been established and has met twice to review the progress of the NW Bicester proposals including the workstreams to support the delivery of the project.

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Risk Management 2010/2011 April – December 2010											
Risk Heading	Owner	Description	Q2 : September 2010			Q3 : December 2010			Direction of Travel	Comments this quarter	
			Gross Risk Rating	Net Risk Rating	Net RAG	Gross Risk Rating	Net Risk Rating	Net RAG			
Strategic Risks											
STRAT01 Deprivation & Equalities	Ian Davies	The risk is not breaking the cycle of deprivation and addressing inequalities across the District is that the life opportunities of residents in the greatest need will not be improved and as a result the reputation of the Council will suffer. The risk is particularly acute in areas such as the Nethrop, Ruscott and Grimsbury wards in Banbury where there is a high level of deprivation as measured by the Government's indices of multiple deprivation.	High Medium 12	Medium 9	A	High Medium 12	Medium 9	A	↑		
STRAT02 Eco Town	John Hoad	The risks are that national and local policy support and resources will be inadequate to support the development of the NW Leicester Eco-Town. As a result the Council may fail to fully exploit the Eco-Town as an opportunity to develop a centre of excellence in terms of sustainable living.	High 16	Medium 8	A	High 16	Medium 8	A	↑	Latest Government funding award indicates continued support from partners.	
STRAT03 Local Development Framework	Philip Clarke	The risks are that the Local Development Framework is not prepared adequately, in time, or is found unsound at public examination. Such outcomes would result in further risks arising from speculative planning applications, undesirable major developments and / or expense the Council in contesting planning appeals. An unsound plan would mean that the Council would have to repeat 2 to 3 years work at high cost.	High 20	High Medium 15	A	High 20	High 20	A	↑	The new Localism bill (published December 2010) has added additional uncertainty to the whole LDF process and has required the Council to take additional technical work to underpin the work previously carried out on the LDF. This is being reported to members in February 2011. The risk is controlled through: Regular liaison with portfolio holder Regular involvement of LDF Advisory Panel Liaison with CLG	
STRAT04 Economic & Social Changes	John Hoad	The risk is that the Council does not identify and respond to general economic and social changes and as a result would not fulfil its role as a community leader and a provider of top quality services driven by a clear understanding of community and individual needs.	High 16	High Medium 12	A	High 16	Medium 8	A	↑	Emerging risk factor in relation to Council's housing role in new Government policy context (reduced funding / greater pressures to provide housing options). See report to Executive January 2011.	
STRAT05 Horton Hospital	Ian Davies	The risks to maintaining the Horton Hospital as a facility that meets community aspirations for local health provision are the deliverability and affordability of a revised consultant delivered service model for paediatrics and obstetrics. Failure of either will jeopardise current service provision and could result in a service reduction from the Horton.	High 16	Medium 9	A	High 16	Medium 9	A	↑		
STRAT06 The Natural Environment	Ed Potter	The risk is that the Council does not take the necessary actions to meet its obligation, as set by National Government, to ensure its own operations and that of its District's residents and businesses reduce their carbon footprints.	High Medium 15	Medium 9	A	High Medium 15	Medium 9	A	↑		
STRAT07 Managing Change	Anne-Marie Scott	The risk is that the Council does not adequately manage the impact of major change programmes on organisational performance and individual morale.	High 16	High 16	R	High 16	High 16	R	↑		
STRAT08 Financial Resources	Karen Curth	The risk is that in an uncertain economic and financial climate the Council will not have the resources to deliver its corporate priorities. Poor economic conditions also tend to produce increased demand on services. As the Council's income from capital reduces our dependency on interest to support revenue expenditure must also reduce and capital assets will need to be rebuilt to fund future infrastructure investments. Failure to do either will result in budgetary shortfalls, service reductions, above inflation increases to council tax and lack of capital to fund future community schemes.	High 16	High Medium 12	A	High 16	High Medium 12	A	↑		

Risk Management 2010/2011 April - December 2011													
Risk Heading	Owner	Description	Q2 : September 2010			Q3 : December 2010			Direction of Travel	Comments this quarter			
			Gross Risk Rating	Gross RAG	Net Risk Rating	Net RAG	Gross Risk Rating	Gross RAG			Net Risk Rating	Net RAG	
Corporate Risks													
CORP01 Health & Safety	David Marriott	The risk is that a failure to comply with health and safety and welfare legislation and policies could lead to injuries and death, high sickness absence and claims and litigation against the Council.	High 20	R	High Medium 10	A !	High 20	R	High Medium 10	A !	↑	Many of the Council's activities carry a significant health and safety risk, in particular the refuse collection service. Safe working practices, training and supervision is necessary to control these risks	
CORP02 Capital Investments	Karen Curtin	The risk is to the Council's ability to fund its activities because of a reduction in investment income or income from other capital assets such as buildings.	High 16	R	High Medium 12	A !	High 16	R	High Medium 12	A !	↑		
CORP03 ICT Systems	Pat Simpson	1) ICT unable to provide Disaster Recovery Services as required by the Business Continuity Plan. 2) Loss of ICT systems that would have a significant negative impact on service delivery and cause exceptional costs to the Council.	High 20	R	Medium 8	A	High 20	R	Medium 8	A	↑		
CORP04 Equalities Legislation	Claire Taylor	The risk is the Council may be open to litigation and loss of reputation if it is not compliant with equalities legislation.	High Medium 15	A !	Medium 9	A	High Medium 15	A !	High Medium 12	A !	↘		
CORP05 Job Evaluation	Anne-Marie Scott	The risk is the impact of a significant number of appeals arising from the Job Evaluation scheme on the resources of the Council and Human Resources in particular. Also there is a risk that Job Evaluation may encourage staff to pursue equal pay claims due to greater awareness.	High Medium 12	A !	Medium 6	A	High Medium 12	A !	Medium 6	A	↑		
CORP06 Civil Emergency	Paul Marston-Weston	Civil Emergency	High Medium 15	A !	High Medium 10	A !	High Medium 15	A !	High Medium 15	Medium 5	A	↗	Gross risk remains high but mitigated by effective planning and training. Emergency Planning desk top training undertaken in October. Further updating of plans/ drills undertaken in December. Business Continuity live test in next 6 months.
CORP07 Data Quality	Claire Taylor	The risk is that unreliable data sources are used to support decision and policy making putting the Council at risk of making poor decisions. Decisions are made on the basis of information about the population and the nature of the district. If data is out of date, incomplete or inaccurate, those decisions may turn out to be inappropriate.	High Medium 12	A !	Medium 9	A	High Medium 12	A !	High Medium 12	High Medium 12	A !	↘	Audit programme for 2010/11 will commence in quarter 3.

Risk Management 2010/2011 April - December 2010											
Risk Heading	Owner	Description	Q2 : September 2010			Q3 : December 2010			Direction of Travel	Comments this quarter	
			Gross Risk Rating	Net Risk Rating	Net RAG	Gross Risk Rating	Net Risk Rating	Net RAG			
Partnership Risks											
PART01 Local Area Agreement	Claire Taylor	The risk is the failure to deliver the Council's elements of the Local Area Agreement having a negative impact on service delivery to the public, the Council's reputation with other local authorities and this being reflected in national inspection regimes.	High Medium 12	Medium 9	A	High Medium 12	Medium 8	A	↗	LAA is still being measured however the requirement to undertake the LAA has been removed. This risk will be terminated at the end of 2010/11. There only impact of failure to meet the targets will be reputational and the external focus on LAA has ceased so impact will be minimal.	
PART02 Local Strategic Partnership	Claire Taylor	The risk is the failure of the Local Strategic Partnership to deliver its objectives having a negative impact on service delivery to the public, the Council's reputation with other local agencies and this being reflected in national inspection regimes.	Medium 9	Medium 6	A	Medium 9	Medium 9	A	↗	LSP reviewing impact of Comprehensive Spending Review at their next board meeting.	
PART03 Community Safety Partnership	Chris Rothwell	Failure of the Community Safety Partnership to deliver a continuous reduction in crime and the fear of crime.	High Medium 12	Medium 9	A	High Medium 12	Medium 9	A	↔	The four Action Groups produce annual action plans to deliver the priorities of the partnership. This is monitored bi-monthly by the partnership's performance management team (CDC head of service and TVP local commander) which reports into the quarterly strategic partnership meetings.	
PART04 Spatial Planning & Infrastructure Partnership	John Head	The risk is the failure of the Spatial Planning and Infrastructure Partnership to establish itself as an effective body locally and in relations with National Government. The consequences are reduced funding for the local area and failure to fully exploit development and infrastructure provision opportunities.	High Medium 12	Medium 8	A	High Medium 12	Medium 8	A	↗	SPP role/workplan currently under review in light of new partnership environment and emergence of Local Enterprise Partnerships. This may eventually necessitate revision of this risk.	
Indicated by:-		How the risk should be managed									
High		Requires Active Management High impact / High Probability: this risk requires active management to manage down and maintain the exposure at an acceptable level. Escalate upwards.									
High Medium		Contingency Plans Required A robust contingency plan is required, together with early warning mechanisms to detect any deviation from the profile. Escalate upwards.									
Medium		Monitoring Required This risk may require some additional risk mitigation to reduce the likelihood (if it can be done cost effectively), but good housekeeping to ensure that the impact remains low should be adequate. Monitor to identify any change in the risk.									
Low		Review Periodically This risk is unlikely to require further mitigating actions, but the status should be reviewed quarterly to ensure that conditions have not changed.									
		Risk rating stayed the same Last month compared to this month									
		Risk rating improved Performance increased (risk rating decreased) Last month compared to this month									
		Risk rating worsened Performance declined (risk rating increased) Last month compared to this month									

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Executive

2010/11 Projected Revenue & Capital Outturn at 31 December 2010

7 February 2011

Report of Head of Finance

PURPOSE OF REPORT

This report summarises the Council's Revenue and Capital performance for the first 9 months of the financial year 10/11 and projections for the full 10/11 period. These are measured by the budget monitoring function and reported via the Performance Management Framework (PMF) informing the 10/11 budget process currently underway.

This report also considers progress against the 20010/11 Corporate Procurement Action Plan which contributes to our annual efficiency target.

This report is public

Recommendations

The Executive is recommended:

- 1) To note the projected revenue & capital position at December 2010.
- 2) To approve the changes in the 2010/11 capital programme as follows:
 - Slip an additional £2,072K of project funding into the 2011/12 capital programme (detailed in main body of report below) and consider this as part of the 2011/12 budget process
 - Approve the supplementary estimate of £45,000 for implementing the changes due to car parking proposals (detailed in Appendix 3)
- 3) To note the contents and the progress against the Corporate Procurement action Plan (detailed in Appendix 1) and the Procurement savings achieved at December 2010 (detailed in Appendix 2).
- 4) To approve the transfer of projected service underspends to reserves to facilitate the funding of SNC joint working implementation costs and replenishment of the planning control reserve.
- 5) .To approve the transfer of the windfall interest received in respect of the Councils VAT Fleming case to the Organisational change reserve.

Executive Summary

Introduction

- 1.1 In line with good practice budget monitoring is undertaken on a monthly basis within the Council. The revenue and capital position is reported monthly to the Corporate Management Team and formally to the Executive on a quarterly basis. This report includes the position at Q3.
- 1.2 The revenue and capital expenditure in Q3 has been subject to a detailed review by Officers and reported monthly to management as part of the corporate dashboard. An additional benchmark has been included this year to measure the accuracy of projections by budget holders on a month by month basis.
- 1.3 Due to the downturn in the economy, impact of the credit crunch on Council services and the volatility of the financial markets, the Council is keeping a watching brief on any challenges that they may need to face which may result in a redirection of budgets.
- 1.4 The variances on the revenue and capital projections are within the Council's stated tolerances of +2% / -5%. The Council has a General Fund Revenue reserve to meet any budgetary surplus or deficit.

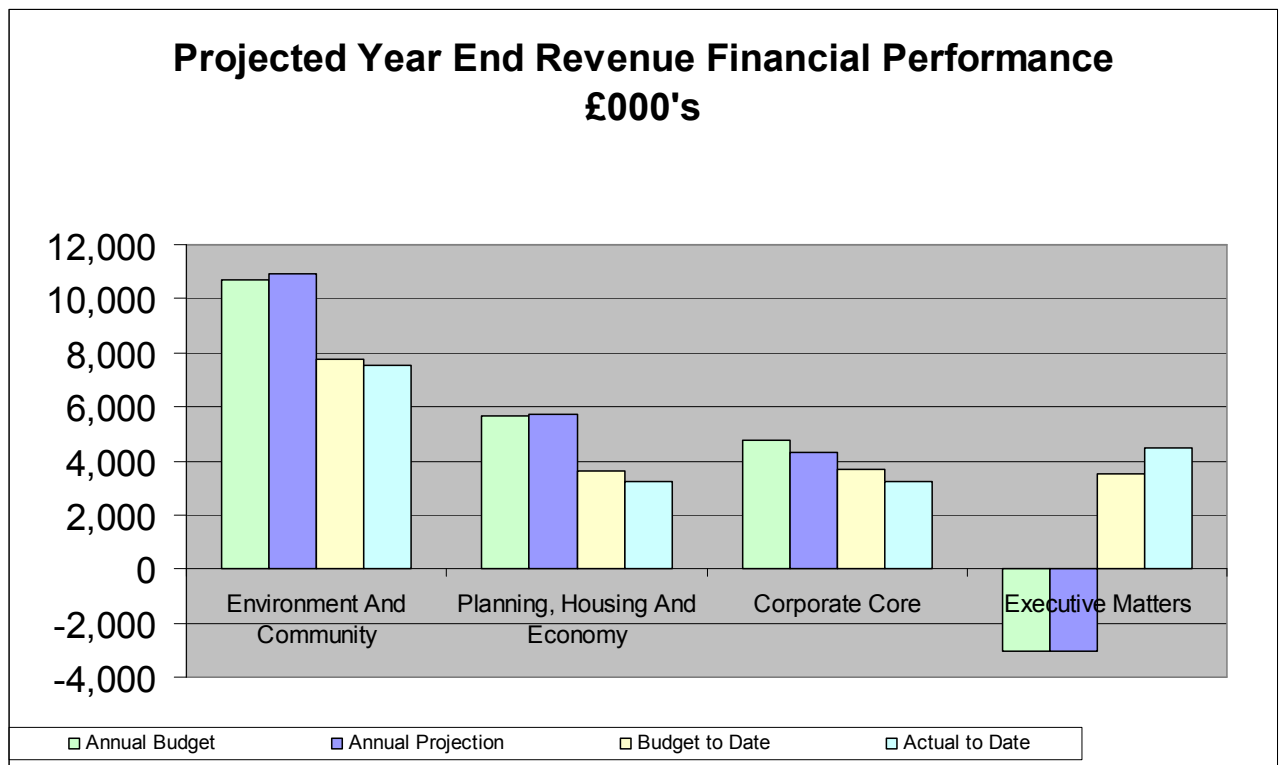
Background Information

Revenue and Capital Position at 31st December 2010

- 2.1 The Dashboard Revenue Report for December 2010 shows an underspend against budget of £64K. This differs from the projected year end position detailed below through profiling of expenditure and income.
- 2.2 Total capital spend to December 2010, including commitments, amounts to £2.9M. This represents 20% of the total annual budget and 29% of the periodic budget. This is prior to adjustment for profiling and projects that are to be deferred.

Revenue Projected Outturn 2010/11

DECEMBER 2010 PROJECTIONS	Full- Year Budget 2010/11 £000's	Projected Out-turn 2010/11 £000's	Projection Variance 2010/11 £000's
DIRECTORATES			
Corporate Core	4,751	4,326	(425)
Environment & Community	10,710	10,905	195
Planning Housing & Economy	5,683	5,544	(139)
Net Expenditure Services	21,144	20,775	(369)
Review and transfer to reserves		369	369
	21,144	21,144	0
Net Revenue Projected Underspend 2010/11 @ December 2010			0



- 2.3 We are currently projecting to be on track to budget at the year end. This assumes the approval of the transfer of Service underspends to a specific reserve to facilitate the funding of SNC joint working implementation costs
- 2.4 The overspend of £195K within **Environment & Community** primarily relates to the under recovery of Car park Income. Car parking income is down nationally; and approved changes to fees and charges do not take effect until April 2011. The impact of this is offset by various savings throughout the directorate specifically within Customer Service and Information Systems in both vacancies and cost reductions and savings and within Environmental Services in both gate fees and OCC fees.
- 2.5 The underspend of £139K within **Planning Housing & Economy** comprises of cost reductions within PHE Admin for software, consultancy and equipment. There are also reductions in expenditure for consultancy printing and counsel fees within Planning Policy and Economic Development. An increase in planning fee income helps to offset the under recovery of rental income from voids at Castle Quay Shopping centre. Savings within Housing from the Rent Deposit Scheme, management fees and salary savings help to offset significant overspends within the Concessionary Fares Scheme arising through increased demand.
- 2.6 The underspend within **Corporate Core** of £425K comprises of projected savings within the Corporate Training budget, reduced expenditure within Housing Benefits and increased overpayments recovered. Additionally within Legal & Democratic services there are savings within the Audit Services contract and Democracy. The value for money review of legal services has also provided cost savings within the Corporate Core.

Treasury Performance Quarter 3 2010/11

2.8 The actual return on investments for the quarter to December 2010 was £1,035k compared with a budget of £1,012k however we have calculated that £78k of the interest accrued relates to investments made utilising Eco Town funding. This interest will be ring fenced for Eco Town expenditure.

2.9 The budget was split as follows:

2010/11 Budget by Fund Manager

Fund	Amount Managed	Average % rate	Interest Receivable	Monthly equivalent
TUK	25,000,000	3.31%	826,513	68,876
Investec	20,344,369	1.97%	400,000	33,333
In House (average)	15,000,000	0.81%	122,240	10,186
Total	60,344,369	2.24%	1,348,753	112,396

2.10 The actual return for the 9 months ended December 2010 is:

Fund	Amount at 31 st December 2010	Interest Budget	Actual Interest	Variance	Rate of return %
TUK	25,000,000	619,884	618,972	-912	3.68
Investec	20,344,369	300,000	181,327	-118,673	1.04
In House	32,641,150	91,680	231,837	140,157	1.10
Total	77,985,519	1,011,564	1,032,136	20,572	1.88

2.11 These are the new loans agreed and matured during Qtr 3

Deposits Agreed

Fund	Institution	Date	Amount £s	Interest £s
TUK	Nationwide BS	02/09/10	3.0m	26,182
TUK	Lloyds	02/09/10	1.5m	28,500
TUK	Bank of Scotland	17/11/10	2.5m	,61,250

Loans Maturing

Fund	Lent To	Date	Amount £s	Interest £s
TUK	Santander	02/09/10	4.5m	15,410
TUK	Bank of Scotland	17/11/10	2.5m	16,383
In House	Kent Reliance BS	17/09/10	1.0m	5,104
In House	Nottingham BS	17/09/10	1.0m	5,326

2.12 The Accounts, Audit and Risk Committee receive regular reports on performance and compliance with the annual investment strategy.

Icelandic Investments

2.13 We produced our claim in relation to our investments with the failed Icelandic Bank Glitnir and this has been considered by the winding up board.

- 2.14 The winding up board of the bank has not accepted the claim as a priority creditor and as such any unsecured claim might only return 29% of the principle.
- 2.15 Local authorities' objections will now be considered under the processes followed under Icelandic insolvency law, and written submissions were filed in September 2010. Glitnir test cases, including ours, are scheduled to be heard 14th to 17th March 2011.
- 2.16 In late October 2010 the Council made a request to the government to capitalise the impairment loss of £4.615m which we had invested in Iceland's Glitnir bank. In early December we had confirmation that the government has agreed that £3.231m can be treated as capital expenditure and spread the cost over 20 years. Therefore this will reduce the capital receipts by £3.231m in 2010/11 but will be replenished by £0.16m each year from revenue over the 20 year cycle.
- 2.17 The remaining impairment loss of £1.384m will have to be charged in its entirety to the General Fund reserve in 2010/11 as the rules state that any losses need to be realised in the year to which they relate. This is a better position for the Council than we had originally planned for as it puts less pressure on our revenue finances.
- 2.18 However, this is purely an accounting requirement and does not mean that the deposits are lost. The Council continues to work with Bevan Brittan and LGA to seek full recovery of the £6.5m invested. Should the deposits be repaid in full as priority creditor status then the accounting entries would be reversed.

Capital Projection 2010/11

- 2.19 Total capital spend to December 2010, including commitments, amounts to £2.9M. This represents 20% of the total annual budget and 29% of the periodic budget. This is prior to adjustment for profiling and projects that are to be deferred.

DECEMBER 2010 PROJECTIONS	Full-Year Budget	Projected Out-turn	Projection Variance
	2010/11	2010/11	2010/11
DIRECTORATES	£000's	£000's	£000's
Corporate Core	101	36	(65)
Environment & Community	2,599	1,837	(762)
Planning Housing & Economy	12,367	3,709	(8,658)
	15,067	5,582	(9,485)
Analysed:-			
Slippage approved September Executive			4,861
Deletions approved September Executive			375
Slippage Approved November Executive			2,204
Additional Slippage identified November (See below)			333
Additional Slippage identified December (See below)			1739
Net projected under / (overspend) on slippage			(27)
		As above	9,485

2.20 The projected spend for capital schemes as at December 2010 is £5.6M.

2.21 Approval is sought for slippage of the following projects into the 2011/12 capital programme.

Project Code	DESCRIPTION	ANNUAL BUDGET £000	Slippage Already Approved £000	Additional Slippage Requiring Approval £000
PHEE002	Banbury Pedestrianisation	320	20	60
PHEE008	Future Regeneration Schemes	100	50	50
PHEE011	Bicester Town Centre Redevelopment Scheme	40	0	15
PHEE019	Old Bodicote House	871	371	450
PHEE020	Bicester Town Centre Redevelopment	5000	4000	1000
PHEH024	Purchase of Temp Acc Bryant House & Edward St	660	330	165
PHEH022	Banbury Foyer & Banbury Youth Hub	169	0	68
PHEE012	Thorpe Lane Depot Refurbishment Scheme	1,113	50	134
PHEH005	Disable Facilities Grants	575	0	100
PHEH015	Discretionary Grants for Domestic Properties	427	0	30
		9,275	4,821	2,072

2.22 In relation to the scrutiny of fees and charges as part of the budget 2011/12 process a supplementary capital estimate of £45,000 is requested to undertake access improvement works to car park ticket machines; and to install/update signage to enable implementation of the car parking proposals agreed as part of the MTFs, particularly with regard to implementing blue badge holder charges; evening charges; changes to long stay/short stay parking in Bicester. This is detailed in Appendix 3.

Efficiencies

2.23 Efficiencies and progress on achieving the budgeted commitment of £800k in 2010/11 is now incorporated into the CMT Dashboard. At 30th November 100% of the £800K had been secured and built into the Council's budget for 2011/12.

Movement on Reserves

2.24 It is requested that projected under spends within the Service areas (as reported above) are transferred to reserves to partially fund the SNDC joint working implementation costs and the replenishment of the planning control reserve.

2.25 We have received confirmation of the second stage of our Fleming VAT claim in respect of "Sporting Services". We will be receiving £464K of VAT refunded to us and it is anticipated that attributed to this could be up to £450k of additional windfall interest. It is therefore requested that this windfall interest be transferred to the Corporate Change Reserve. (as per previous amounts received)

2.26 Reserves will be reviewed as part of the 2011/12 budget process and 2010/11 year end process. A separate and comprehensive report on the

Council's reserves will be reported to the Executive for approval in March 2011.

Procurement Action Plan and Record of Savings 2010/11

- 2.27 Progress against the Council's procurement action plan is detailed in Appendix 1 with a record of savings achieved to December 2010 detailed in Appendix 2.
- 2.28 Collaboration continues apace with Councils across Oxfordshire, Buckinghamshire and Northamptonshire via the Strategic Procurement Partnership for Oxfordshire, the Milton Keynes Oxfordshire and Buckinghamshire Procurement Partnership and the former members of the Northamptonshire Areas Procurement Service.
- 2.29 Cherwell is currently undertaking the following shared procurement projects:
- Cash Collection – just awarded;
 - Cleaning Materials – all Oxfordshire and many Northamptonshire authorities;
 - Buildings maintenance – sharing of information.
 - Agency staff (Countywide) – just awarded.
 - Tyres (City & CDC) – Cherwell to lead on from February 2011.
- 2.30 The procurement target for securing ongoing cashable savings in 2010/11 is £225,000 and to date total savings achieved amount to £266,263 – i.e. 118% of the total at the Q3 year mark. Particularly highlights in Q3 have been the letting of the first combined voice (telephones) and data (internet/broadband) contract resulting in a £60,000 saving, the re-tendered cash collection contract which has resulted in savings of over £7000 and a willingness to work with the new self-service payment kiosks and a further £9000 saving on bedding plants. The full detail behind the savings can be seen in Appendix 2.
- 2.31 A growing percentage of the cashable savings have been secured by including a range of initiatives within tender documents, such as fixed pricing for the second and third year of the contract or at least fixing increases by 1% below the Consumer Price Index; requesting prompt payment discounts against invoice payments – the average being 3% but discounts offered being as high as 5%; requiring the contract to be made available to other local authorities and public bodies with retrospective discounts agreed in the event that there is an increase in expenditure over the year.
- 2.32 These savings will result in budget reductions in the formulation of the 2011/12 budget and contribute to in year cost reductions.
- 2.33 Non cashable savings of over £52,274 have been due to:
- Hosted Payments Solution – negotiating a further £5199 of reductions in additional items such as the ability to add a surcharge to credit and debit cards payments;
 - Self-Service Payment Kiosks – negotiating bulk and payment up front discounts of £9594 for the self-service payment kiosks;
 - Transactions undertaken using Procurement Cards;
 - The impact of the procurement process on our capital programme which has reduced Council expenditure by circa £419,268.

- 2.34 A Contract Cost Reduction Programme is under way with one strand seeking further reductions from existing contracts – by reviewing how the scope of the contract can be reduced without affecting customer service levels – and the second identifying those lower areas of expenditure (£5,000 upwards) where a brief invitation to quote exercise setting up a contract for between one to three years can result in further savings and more favourable terms.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 This report illustrates the Council's performance against the 2010/11 Revenue and Capital Budget and includes the latest update against the 2010/11 Corporate Procurement Action Plan.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To review current performance levels and considers any actions arising.
- Option Two** To approve or reject the recommendations above or request that Officers provide additional information.

Consultations

The revenue and capital position has been subject to regular review by the Corporate Management Team and as part of the PMF framework.

Compliance with our investment strategy and monitoring of our returns is reported to the Accounts, Audit and Risk Committee.

Implications

- Financial:** Financial Effects – The financial effects are as outlined in the report.
Efficiency Savings – There are no efficiency savings arising from this report however the budget 2010/11 and 2011/12 have been based on a number of efficiencies and a public promise of £800K. These have been successfully achieved.
Comments checked by Eric Meadows, Service Accountant 01295 221552
- Legal:** Presentation of this report is in line with the CIPFA Code of Practice.
Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686
- Risk Management:** The position to date highlights the relevance of maintaining a minimum level of reserves and budget contingency to absorb the financial impact of changes during the year.

Comments checked by Eric Meadows, Service Accountant, 01295 221552.

Wards Affected

All

Corporate Plan Themes

An Accessible and Value for Money Council

Executive Portfolio

Councillor James Macnamara
Portfolio Holder for Resources and Communication

Document Information

Appendix No	Title
Appendix 1	Procurement Action Plan 2010/11
Appendix 2	Procurement Savings
Background Papers	
2010/11 Budget Booklet 2010/11 Capital Asset Strategy Medium Term Financial Strategy 2010/11 Investment Strategy CIPFA Treasury Management Code of Practice Q3 Sector Treasury Update	
Report Author	Karen Curtin, Head of Finance Karen Muir, Corporate System Accountant
Contact Information	01295 221551 karen.curtin@cherwell-dc.gov.uk

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Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.1 Deliver the Council's procurement strategy ensuring that the key objectives are understood and embedded across the Council		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> • Rollout the Procurement Strategy in conjunction with the Procurement Guide via workshops and on project training: <ul style="list-style-type: none"> • Hold three overview workshops by end June 2010 with follow-ups in between October and December 2010 with focus on: <ul style="list-style-type: none"> ○ Options appraisals ○ Price/quality ratios and evaluation criteria ○ Sustainability considerations and calculating full lifetime costs ○ Specification writing ○ Key performance indicators and contract management ○ Nomination of Procurement Champions by service. 	<p>Wave 1: end June 2010 – Procurement Team</p> <p>Wave 2: end December 2010 – Procurement Team</p>	<p>The initial three workshops were held with Heads of Service and the Procurement Champions by the end of June.</p> <p>The Procurement team continue to work with officers on a project by project basis focusing on the importance of options appraisals, full-life costs, and collaboration and considering contract management from the outset of the procurement exercise. This on the project approach has resulted in some very positive outcomes with the following services:</p> <ul style="list-style-type: none"> • Environmental Services (wheelie bins £7500 saved, public toilet cleansing £18,400 per annum saved, dry recyclables £33,000) • ICT (telephony maintenance £4350 saved, voice and data £60,000 saved) • Finance and ICT (hosted payments £3500 saved, self-service payment kiosks £9500 saved). <p>The Procurement team have identified 20 officers to invite to interactive, problem solving based workshops on options appraisal and contract management in February and March 2011.</p> <p>The role of the Procurement Champions – eight officers who are acting as the eyes and ears of the Procurement team across the Council – is also being developed – very much along the same lines as the Council's green champions.</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.1 Deliver the Council's procurement strategy ensuring that the key objectives are understood and embedded across the Council		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> • Improve procurement options appraisal process via further development of stakeholder questionnaires by end May, ensuring their use for all procurement exercises at project commencement, recording project objectives for meeting Procurement KPIs. 	<p>End May 2010: Procurement Team</p>	<p>The stakeholder questionnaire has been developed to take greater account of options appraisal where the level of specification / statement of requirements are questioned in light of the increased pressure on savings. The questionnaire continues to be well received and officers undertaking their first procurement exercise have found it really helpful to focus on requirements, roles and responsibilities.</p>
<ul style="list-style-type: none"> • Introduce price/quality ratios into project planning to ensure evaluation criteria other than price are given due consideration. 	<p>September 2010: Procurement Manager</p>	<p>This has been included in the stakeholder questionnaire and is particularly important as the required standard for each and every contract is now being reviewed – i.e. how might we downgrade the specification level without harming the service to achieve yet further savings.</p>
<ul style="list-style-type: none"> • Train officers in the calculation of whole life costing, including the initial purchase cost, operating, management and disposal costs. • Ensure full lifetime cost calculations carried out on all projects. 	<p>March 2011: Procurement Team</p> <p>Onward going: Procurement Team</p>	<p>This is being adopted on a project by project basis and was considered with the electricity and gas tenders for Wood Green (over £20,000 of savings purchased under a green tariff) and with the project under way to generate electricity from PV panels on Bodicote House and the TIC/Museum.</p> <p>This approach has also been successfully applied to the following contracts:</p> <ul style="list-style-type: none"> • Stationery • Thorpe Lane Refurbishment

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.1 Deliver the Council's procurement strategy ensuring that the key objectives are understood and embedded across the Council		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> • Provide specification writing training for key projects. 	Onward going: Procurement Team	<p>Specification writing training has been provided for the following projects to great success:</p> <ul style="list-style-type: none"> • Heating & Cooling • Fire & Intruder • Telephony Maintenance • Asset Register software • Insurance • Window cleaning, graffiti and gum removal
<ul style="list-style-type: none"> • Promote consideration of key performance indicators and contract management consideration at project planning stage. 	Onward going: Procurement Team	<p>This has been addressed with the hosted payments and self-service payment kiosk projects with staged payments linked to completion of each project stage and an onward going monitoring of performance. It has also been considered within key service contracts such as telephony maintenance and voice (telephone) and data (internet) provision.</p> <p>The Corporate Contracts Officer has devised a simple performance mechanism with a pecuniary clause for use with the current property maintenance tenders. This will be used as a minimum for further goods and services contracts.</p>
<ul style="list-style-type: none"> • Develop and make available a first wave of training modules in conjunction with the Improvement and Efficiency South East agency to meet identified procurement knowledge needs by end of March 2011. 	March 2011: Procurement Manager	<p>Further consultation is required with the provider and for now much of the needs are being met in house via the interactive workshops and training provided on a project by project basis.</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.2 Governance and compliance		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> • Ensure all operational procurement and contract management activity complies with the Council's Contract Procedure Rules and statutory regulations by: <ul style="list-style-type: none"> ○ Providing a checklist for retention in the project file for use on all projects by July 2010. 	<p>July 2010: Procurement Manager</p>	<p>Procurement officers have been using a process tick list for the last year and files are now being produced with a key documents list and dividers to ensure compliance.</p> <p>The Procurement Team have now added a minima tick list for contract management and the Corporate Contracts Officer has drawn up a three tier approach to levels of contract management which is being put in place for all current contracts</p>
<ul style="list-style-type: none"> • Enhance the scrutiny and policy development role of the Procurement Steering Group Strategy Group by: <ul style="list-style-type: none"> ○ Holding first quarterly meeting by the end of September 2010 with agreement on areas for focus and meeting dates for remainder of 2010/11 	<p>End of September 2010: Procurement Manager</p>	<p>With the agreement of the Head of Finance this initiative has been put back to the next financial year.</p>
<ul style="list-style-type: none"> • Monitor procurement indicators with an agreed recording mechanism in place by December 2010. 	<p>December 2010: Procurement Team</p>	<p>Corporate Contracts Officer has assumed responsibility and indicators will be produced quarterly April 2011.</p>
<ul style="list-style-type: none"> • A "No Purchase Order No Pay" policy is proposed whereby all expenditure is approved before it is committed. Retrospective Purchase Orders i.e. those raised after the commitment has been made should be discouraged and in due course sanctions should be considered for non compliance. 	<p>December 2010: Head of Finance</p>	<p>Work is underway to promote the use of purchase orders. This project is being led by Controls team Leader.</p>
<ul style="list-style-type: none"> • Any tendering and contract management should be managed using a robust project plan, with responsibilities clearly outlined and clearly laid out targets, milestones, timescales and identification of resources. Such a project plan should be monitored regularly by the project team and failure to achieve timescales rectified immediately. (This applies not only to formal tendering processes but also to the performance of the 	<p>October 2010: Procurement Manager</p>	<p>This is being monitored on a project by project basis with the Procurement Manager having regular meetings with Heads of Service and Team meetings to ensure that all projects are picked up and planned robustly. The</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.2 Governance and compliance		
Action	Target Date /Who	Progress to date
contract once in place to ensure the desired outcomes are achieved and the Council's objectives are met.) Templates to be made available by October 2010.		Procurement Manager is also sitting on groups such as the ICT Capital Programme Monitoring Group and VfM reviews – such as Urban and Rural.
7.3 Achieve greater efficiency and demonstrate improved value for money		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> Deliver VFM savings associated with best practice procurement for all categories with a lifetime contract value of more than £10,000 per annum with records maintained for anticipated and actual savings. Cashable savings target of £225,000 for 2010/11. Further develop additional savings strategies such as prompt payment discounts and retrospective discounts for additional expenditure on existing and contracts with bi-monthly updates on progress. 	<p>Procurement Team</p> <p>Onward going: Procurement Team</p>	<ul style="list-style-type: none"> Total cashable savings to date of £266,263 (118% of £225,000 target achieved by end of Q3) Total non-cashable savings to date: £52,274 Refer to Appendix 2 for a breakdown of savings to date. <p>15 of the 30 suppliers previously identified are now applying a prompt payment discount to their invoices and in the last 6 months we have saved £330.76 with just one supplier.</p> <p>Prompt payment discounts are being requested with each and every competitive process (quotation and tender) going forward with the average offer being 3%. The public convenience cleansing contract netted a further 3.25% saving while the heating and cooling plant contracts netted up to a 5% saving.</p> <p>All new contractors asked to sign up to 1% below CPI formula for all new contracts.</p> <p>Collaborative buying power being used – e.g. public toilet cleansing contract has seen an additional 2% offered for one company being awarded all 5 lots (three other local authorities) and an agreement of a further discount for each</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.3 Achieve greater efficiency and demonstrate improved value for money	Target Date /Who	Progress to date
<p>Action</p> <ul style="list-style-type: none"> Further develop spend analysis and category management analysis via participation in the Transform Partnership, a project covering all authorities in the South East and funded by the Improvement and Efficiency South East agency, to recover duplicate payments to suppliers and identify cost reduction opportunities via identifying lower commodity prices. Aim to identify efficiencies by October 2010. 	<p>October 2010: Procurement Team</p>	<p>additional £50k of expenditure in a year – i.e. should the partnership attract other local authorities – once contract in place Procurement will approach South Northants, Cotswold, Oxford City Council and other members of the Milton Keynes Oxfordshire and Buckinghamshire Procurement Partnership.</p> <p>Three years of CDC expenditure data is now being used by the Procurement Team to help with benchmarking and better understanding expenditure – particularly with new corporate contracts such as the planned and reactive buildings maintenance contract which will cover:</p> <ul style="list-style-type: none"> Lot 1 General building and joinery Lot 2 Electrical work Lot 3 Plumbing Lot 4 Painting and decorating Lot 5 Works over £5000 <p>A project is under way for a Contract Cost Reduction Programme which current suppliers – both those with whom we have a contract and those with whom we spent more than £5000 in the last year being approached to put forward proposals as to how they might cut their costs in line with CSR reductions.</p> <p>This data was also used as part of a free of charge duplicate invoice project which demonstrated the effectiveness of the Council's Creditors team with only one duplicate payment over the past three years – an achievement recognised by Spikes Cavell who undertake this</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.3 Achieve greater efficiency and demonstrate improved value for money		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> Continue supplier rationalisation and elimination of spend with non-approved suppliers via data from the Transform Partnership project. Reduce property maintenance suppliers by 60% and aim for 100% on contract expenditure for existing corporate contracts. 	March 2011: Procurement Team	<p>work for hundreds of local authorities.</p> <p>This same data is also being used for the publication of the Council's expenditure over £500, which has been in place since the end of October.</p> <p>Procurement currently policing all non-contract expenditure with vast improvements in printing and advertising expenditure.</p>

7.4 Understand the contract management requirements of the Council and identify ways to streamline the process and promote best practice		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> Maintain a Council wide register of all contracts/agreements for all significant contracts (over £10K) and monitor procurement performance and activity, including savings and benefits tracking. Clarify the contract management role for the Council and the resources required for effective monitoring: <ul style="list-style-type: none"> Form focus group 	<p>Onward going: Corporate Contracts Officer</p> <p>Head of Finance Reviews: July - October</p>	<p>Register being refreshed bi-monthly with column added to aid with performance reviewing. The Corporate Contracts Officer has also interrogated the Register to:</p> <ul style="list-style-type: none"> Identify contracts from which we might gain additional savings under the contract reduction programme which aims to reduce current contract rates by a minimum of 5%. Identify those contracts where additional support with contract management might release yet further savings. Identify contracts where performance management mechanisms and other savings initiatives – such as fixing prices year on year or introducing early payment discounts. <p>Scoping report presented to CMT at the end of October 2010. For now the Procurement team</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.4 Understand the contract management requirements of the Council and identify ways to streamline the process and promote best practice		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> o Undertake review investigating the performance measurement of existing contracts, how they are reviewed, variations, risk levels. Identify areas for improvement and disseminate findings o Present findings to PSG and GMT. <ul style="list-style-type: none"> • Improve contract management knowledge via rollout of a user manual & workshops across the service areas: <ul style="list-style-type: none"> o Devise manual including findings from the contract management focus group o Consult widely on the manual o Rollout manual 	<p>Findings: January 2011 Rollout by March 2011.</p>	<p>are disseminating best practice on a project by project basis with good results in terms of management and potential additional savings with the cash collection and voice and data contracts.</p> <p>Corporate Contracts Officer has reviewed all contracts on Contracts Register and the Procurement Team have agreed a three tier approach to contract management which will be implemented with all contracts over the next six months.</p> <p>Basic minima for monitoring and implementing performance criteria have also been agreed.</p>

7.5 Sustainability		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> • Embed the Sustainable Procurement Strategy via the Procurement Guide workshops, ensuring officers understand the requirements of Level 3 Practice Level” of the Flexible Framework, from the National Procurement Strategy – three workshops by end-June and three refreshers by end December as per 7.1 • Ensure full lifetime cost calculations carried out on all projects – as per 7.1 • Consider the costs and benefits of environmentally preferable goods/services as alternatives as part of the full lifetime cost calculation process. 	<p>Wave 1: end June 2010 – Procurement Team Wave 2: end December 2010 – Procurement Team Onward going: Procurement Team</p> <p>Onward going: Procurement Team</p>	<p>Sustainable Procurement Strategy and the focus on Sustainability in all procurement projects were included in the workshops.</p> <p>Further consultation with the Environmental Officer has led a sharing of ideas when promoting the green champions and the procurement champions.</p> <p>Being undertaken for all new projects – particularly the property maintenance contracts. These objectives are also being reported to the Use of Natural Resources project group headed by the Head of Environmental Services.</p> <p>Successfully implemented with the Bodicote Old House refurbishment (water saving devices, zoned lighting, better insulation, biomass boiler) and the property maintenance tenders.</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.5 Sustainability		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> Promote awareness, train and encourage buyers to review their consumption of goods and services, reduce usage and adopt more environmentally friendly alternative products. Ensure sustainability is addressed with each procurement exercise by including it as a section within the stakeholder questionnaires and encouraging sustainability to be included within evaluation criteria as well as the assessment/pre-qualification stages. Promote the Sustainable Procurement Strategy with the market place via: <ul style="list-style-type: none"> Pre-tender market engagement exercises; Working with the council supplier workshops; Meet the Buyer events; Local business liaison newsletters; Including a copy of the policy with all quotation and tender exercises. Encourage buyers to break down larger contracts to match SME and Social Enterprise capacity where appropriate. Develop the inclusion of sustainability factors within contract management key performance indicators. Make provision for the collection of cost benefit data for sustainable solutions put in place. 	<p>Onward going: Procurement Team</p> <p>Onward going: Procurement Team</p> <p>Onward going: Procurement Team</p> <p>Onward going: Procurement Team</p> <p>Onward going: Procurement Team</p>	<p>Sustainable Procurement Strategy is included with all procurement undertaken through the procurement team with suppliers asked to sign up to the strategy's objectives and a percentage of the evaluation criteria set aside for evidence of sustainability in action throughout the lifetime of the contract.</p> <p>Section included and being used.</p> <p>More than 20 companies attended both the heating & cooling plant maintenance and fire & intruder alarm maintenance workshops where Sustainability and the Strategy formed part of the presentation and discussion. A similar number are attended the Window Cleaning, Graffiti and Gum Removal workshops. A countywide supplier workshop programme for the planned and reactive buildings maintenance framework enabled reach across the entire County.</p> <p>Done with public toilet cleansing, heating & cooling, fire & intruder tenders, window, graffiti, gum removal and buildings maintenance contracts.</p> <p>Included in public toilet cleansing, heating & cooling, fire & intruder and window, graffiti and gum removal tenders.</p> <p>Spreadsheet provided by Environmental Officer to be used with future tenders.</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.7 Continuous improvement		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> Support the delivery of services to end users, ensuring stakeholder involvement and customer satisfaction surveys are routinely included. 	Onward going: Procurement Team	<p>workshops of which there have been three in the last five months.</p> <p>Introducing customer satisfaction questionnaires at the end of each project. Also, collating data from the procurement guide workshops.</p>
7.8 Mixed Economy		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> Continue to make it easier for local businesses to trade with us and implement a two-way dialogue process via online questionnaires and focus groups: <ul style="list-style-type: none"> Dispatch of and collation of feedback from of an online questionnaire; An engagement forum at a Meet the Buyer event; Feedback questionnaire for short listed suppliers. Maximise options for procuring from a diverse and competitive range of suppliers including minority businesses, voluntary and community sector groups, small firms and social enterprises by: <ul style="list-style-type: none"> Encouraging breaking down of projects into lots where appropriate; Including local SMEs on invitation to quote exercises; Considering Selling to the Council workshops for all relevant projects; Participating in and hosting further Meet the Buyer events; Explore how we developing closer strategic and operational working arrangements with the Voluntary and Community Sectors: Partner with the Economic Development team to provide further support for social enterprises within the district. 	<p>Procurement Team:</p> <p>September 2010</p> <p>March 2011</p> <p>July 2010</p> <p>Onward going:</p> <p>Procurement Team</p>	<p>Have moved to more engagement on project by project basis offering supplier workshops with all relevant projects and supplier engagement meetings within the tender process so that both sides fully understand the requirements and capabilities. Also moving forward with pre-tender supplier engagement and prior information notices – such as the PV Installation project and the online Corporate Sales and Booking System.</p> <p>Projects are being broken down into lots where appropriate – e.g. Toilet cleansing, heating & cooling, fire & intruder, buildings maintenance.</p> <p>For each invitation to quote exercise there is a conscious effort to source local SME's – as with the Mobile Security contract</p> <p>Aim to set up a regular liaison meeting with Steven Newman in Economic Development. Currently reviewing his resilience report.</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.9 E-Commerce		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> Undertake an options appraisal to determine the cost benefits of an e tendering system in partnership with other Oxfordshire authorities. 	Procurement Team: end March 2011	Procurement Manager has met with the South East Business Portal in September. To be followed up in 2011. We have been receiving some tenders electronically via a secure email address and this has proved beneficial/
<ul style="list-style-type: none"> Exploitation of South East Business Portal via loading of forward plans and adverts. 	Onward going: Procurement Team Procurement Team: end March 2011	Currently using the South East Business portal to list contracts register, notify opportunities and electronically manage the pre-qualification process – which is cutting down on administration of the initial stage of restricted tenders.
<ul style="list-style-type: none"> Explore the use of e-auctions wherever appropriate, in collaboration with other Oxfordshire or wider SE authorities. Include bids of £20k pa in future capital programmes for e-procurement initiatives, such as e-auctions, where these have the potential to deliver revenue savings. 	Onward going: Procurement Team	Watching brief being kept on those provided by Buying Solutions.
<ul style="list-style-type: none"> When appropriate, include in the specification for corporate contracts requirements for web-based or similar e-ordering as a means of streamlining ordering procedures. 	Onward going: Procurement Team	
<ul style="list-style-type: none"> Continue to monitor available options for e-sourcing/e-tendering, particularly in collaboration with other authorities. 		

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.10 Corporate Procurement Resources		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> • Raise the profile of the Procurement Service and its achievements, both internally and with external stakeholders by: <ul style="list-style-type: none"> ○ Arranging bi-monthly 1-2-1's with key Heads of Service; ○ Bi-monthly internal newsletter containing copy of contracts register, updates and tips; ○ Meetings with the partners listed in 7.6 • Recruitment, retention and development of capable procurement staff in all procurement-related posts. • Development and delivery of a procurement training programme; providing training and supporting professional procurement staff in obtaining core qualifications and keeping their skills up-to-date through Continuous Professional Development. • Ensure effective use of the Corporate Procurement Team to provide a range of services, from advice and guidance to undertaking full procurement processes for departments on specific projects to seek Value for Money in all contracts let. 	<p>Procurement Manager: onward going</p> <p>Procurement Manager: onward going</p> <p>Onward going: Procurement Manager</p> <p>Onward going: Procurement Manager</p> <p>Onward going: Procurement Manager</p>	<p>Further to procurement workshops the Procurement Manager is having regular updates with Heads of Service. Procurement Manager is also attending service team meetings.</p> <p>Team are all continuing their development with the aim of all three members of the team being MCIPS qualified within the 2011/12 financial year.</p> <p>Options appraisal and contract management workshops being rolled out in February and March.</p> <p>By using the annual procurement forward plan (procurement projects identified with a value of £10k or more) and the individual officer work plans an overview document listing procurement projects and this action plan is helping to ensure the most effective use of the procurement resources.</p>

Appendix 1 - Record of Progress for the Corporate Procurement Action Plan for the year of 2010 to 2011 as at the end of December 2010

7.10 Corporate Procurement Resources		
Action	Target Date /Who	Progress to date
<ul style="list-style-type: none"> Consider an “apprentice” procurement officer as part of the Oxfordshire Hub 	<p>March 2011: Head of Finance and Procurement Manager</p>	<p>This was reviewed as part of the 2011/12 Budget process in November 2010 and for now additional support resource is being sought from within the Finance department.</p>
<ul style="list-style-type: none"> Merge and co-locate the existing corporate procurement and service assurance team into a single team. 	<p>March 2011: Head of Finance</p>	<p>This has been addressed as part of the project to consider how contract management is delivered across the Council. See Action 7.4.</p>
<ul style="list-style-type: none"> Allocate procurement team members to provide support for particular directorates on significant projects. 	<p>Procurement Manager: onward going</p>	<p>This is being done by Service Area at present – Corporate Contracts Officer is focused on Environmental Services and Regeneration & Estates (particularly property) while the Corporate Purchasing Officer not only focuses on genuinely corporate contracts but also Urban and Rural, Safer Communities and Finance.</p>

**Procurement Cashable and Non-Cashable Savings Achieved for Financial Year 2010 to 2011 as at end
December 2010**

Service Area	Contract Description	Cashable	Non-cashable	Capital
Various	P Cards		£37,481	
Community Safety	CCTV	£8,225		
Environmental Services	Wheelie Bins	£7,500		
Environmental Services	Public Toilets	£18,400		
Regeneration and Estates	Mobile Security	£12,153		
Regeneration and Estates	Out of Hours Telephone Answering Service	£10,000		
ICT & Customer Services	Mobile Solutions (phones & blackberries)	£8,000		
Engineering	Cattle Market Car Park Extension - interest rate for cashable saving worked out as 1.5%	£1,500		£100,000
Environmental Services	Glass Recycling - fixed price for 2nd year - CPI saving of 2.4%	£2,100		
Environmental Services	Vehicle Spare Parts - price increase 1% below CPI - i.e. 1.4% & 2.5% prompt payment discount	£2,730		
Regeneration and Estates	PAT Testing - fixed price for 2nd year - CPI saving of 2.4%	£100		
Regeneration and Estates	Water machines fixed price for 2nd year - CPI saving of 2.4%	£100		
Regeneration and Estates	Furniture - additional expenditure savings from 09/10 (£2500) + price increase 1% below CPI	£2,780		
	Eco Town Consultants - rates kept at 2009 level - i.e. CPI saving of 2.4% on £10,000	£240		
50/50 - Finance and Urban & Rural	Cash Collection - 6 month extension agreed at existing prices	£1,127		
Various	Prompt payment discount exercise	£331		
Environmental Services	Dry Recyclables	£33,000		
Leisure	Banbury Football consultancy	£250		
Regeneration and Estates	Cleaning materials	£290		
Regeneration and Estates	Confidential Shredding	£9,958		
Regeneration and Estates	Heating	£8,321		
Regeneration and Estates	Cooling	£3,137		
ICT & Customer Services	ICT Hardware and Software via Buying Solutions	£10,000		
Finance	Treasury Management	£5,000		
Regeneration and Estates	Thorpe Lane Phases 3 & 4	£1,215		£81,000
Regeneration and Estates	Bodcote Old House Refurbishment	£3,544		£236,268
Regeneration and Estates	Coffee Machine supplies	£100		
Regeneration and Estates	Washrooms (Museum/TIC)	£527		
Regeneration and Estates	Fire Systems	£2,554		
Regeneration and Estates	Intruder and CCTV	£3,541		
Leisure	Electricity savings Woodgreen L C	£20,000		
Leisure	Gas savings Woodgreen L C	£890		
	Voice and Data	£60,857		
ICT and Customer Services	Sale of Print Room Equipment (Guillotine, Punch & Folder)			£2,000
ICT and Customer Services	Presentation equipment servicing (Reflex)	£2,800		
50/50 - Finance and Urban & Rural	Cash Collection - New Contract	£7,472		
Communications	Printed Media Advertising	£4,100		
Finance	Hosted Payments Solution		£5,199	
Customer Services	Self Service Payment Kiosks		£9,594	
Urban and Rural	Bedding Plants	£9,070		
ICT and Customer Services	Telephony Maintenance	£4,351		
	Total:	£266,263	£52,274	£419,268
	Notes			
	1) P Cards - Savings are calculated as £50 per transaction			
	2) Cashable savings from capital projects - calculated as a saving of 1.5% to reflect the interest earned per annum.			
	3) Prompt Payment Discounts - 15 companies have signed up to date. Savings shown are for discounts received against the glass recycling contract.			
	4) Hosted Payments Solution - additional savings of £5199 agreed for additional modules such as the surcharge on credit/debit cards.			
	5) Self Service Payment Kiosks - additional saving of 8% for bulk purchase and further 3% for up front payment.			
	Further £12,000 electricity savings for Woodgreen to be recorded for next year.			
	Further £2,000 gas savings for Woodgreen for next year			

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CHERWELL DISTRICT COUNCIL
CAPITAL PROJECT APPRAISAL FORM
2010/11

1) Capital Scheme

Implementing Vehicle Parks proposals

2) Service Head

Chris Rothwell

3) Service Manager

Jo Powell

4) Portfolio Holder

Nigel Morris

5) Driver (*delete as appropriate*) **Highly Recommended**

6) Estimated Total Capital Cost (see final Sheet)

Est £1000 per machine – **bid is for £45,000**

7) Full-year revenue Cost/Saving (see final Sheet)

£90,000

8) Detailed Outline / description of Project

A clear and concise outline of the proposed project and how it is intended to be procured and managed.

To undertake access improvement works to car park ticket machines; and to install/update signage to enable implementation of the car parking proposals agreed as part of the MTFS, particularly with regard to implementing blue badge holder charges; evening charges; changes to long stay/short stay parking in Bicester.

Ideally this work will need to have been completed in advance of 4 April 2011, although a phased approach to access improvements is planned so that priority access works can be undertaken and then 'measured' to assess extent of a phase 2 requirement.

9) Cherwell Corporate Priorities

Outline which corporate priorities the proposal will address.

Accessible Value for Money Council

10) Service Objectives

Details of the Service objectives which the project is trying to achieve, showing the links to the relevant service plan(s).

Implementation of fees and charges review as part of MTFS.
 Implement the revised parking arrangements in Bicester due to town centre development.
 EQIA

11) Consultation Priority Rank (1-7)

4

12) Implications of not undertaking the Project

The implications to the Authority/Service of not undertaking the project e.g. failure to meet statutory responsibilities, reduction in service provision etc.

It will not be possible to implement the agreed fees and charges increases from 4 April 2011

13) Efficiency Savings/Value for Money

Will the scheme contribute to the Council's requirement to demonstrate that we are improving value for money in the services provided? Please give details.

As set out in MTFs. Estimate that additional income of £350,000 could be generated.

14) Identification and Assessment of Risk in undertaking the Project

What risks have been considered and how would they be mitigated?

Proposals have been formally advertised in Parking Order and will be reported to the Executive on 7 February 2011. Consultation has also been undertaken with the Cherwell Disability Forum and the Seniors Forum as well as an extensive scrutiny review and Call-In process. Risk remains that income projections will not be achieved.

15) Other Authorities, Departments, Partnerships or Bodies involved

Details of other bodies involved in the scheme and the form of their contribution e.g. financial, practical, advisory etc.

16) Estimate of Asset Life

2 Yrs

17) Category (please tick as appropriate)

Enhancement of Existing Asset

Y

New Asset

18) Componentisation

*Will the asset have 2 or more components which will have differing useful economic lives?
If so, please provide details of components, values and lives.*

19) NOTE - If this is an ICT Project please also complete ANNEX 1 & ANNEX 2



DISTRICT COUNCIL
NORTH OXFORDSHIRE

**THE CHERWELL DISTRICT COUNCIL (OFF-STREET PARKING PLACES)
(BANBURY, BICESTER AND KIDLINGTON) ORDER 20****

NOTICE IS HEREBY GIVEN that Cherwell District Council proposes, following consultation with the Police and with the consent of the Oxfordshire County Council, to make an Order under the Road Traffic Regulation Act 1984, the effect of which will be:

1. to increase parking charges at all car parks in Banbury and Bicester by 10p per hour (Banbury from 70p to 80p per hour, Bicester from 60p to 70p per hour and all other hourly charges by a 10p multiple per hour);
2. to introduce parking charges for disabled drivers holding a blue badge in line with standard hourly rates, but with one additional hour free of charge, at all car parks in Banbury and Bicester (excluding the drop off/pick up bay at Bridge Street, Banbury);
3. to introduce evening charges from 6.00 pm to 12 midnight at all car parks in Banbury and Bicester, at a flat rate of 80p (Banbury) and 70p (Bicester);
4. to increase Excess Charge Notice levels at all car parks in Banbury, Bicester and Kidlington by £10 for each contravention, with a premium charge of £100 being introduced for failure to pay within 28 days;
5. to increase the parking charges and charging hours applicable to Sunday and all bank and public holidays (other than Christmas Day, Boxing Day, New Year's Day, Good Friday and Easter Sunday when no charges apply) to those applicable to Monday – Saturday at all car parks in Banbury and Bicester;
6. to revise the maximum period of stay permitted at each car park in Bicester, as specified in the draft Order;
7. to consolidate existing regulations relating to all car parks in Banbury, Bicester and Kidlington, presently contained in numerous Orders, into a new single Order.

Full details of the proposals are contained in a draft Order which may be seen, together with a statement of the Council's reasons for proposing to make the Order and copies of the Orders to be amended in part, at the Council's main office at the address below, the Banbury (Castle Quay) LinkPoint at 43 Castle Quay, Banbury, the Bicester LinkPoint at 38 Market Square, Bicester and the Kidlington LinkPoint at Exeter Hall, Oxford Road, Kidlington, between the hours of 9.00 am and 4.00 pm Mondays to Fridays (on Wednesday Kidlington LinkPoint opens at 10.00 am).

Any person wishing to object to the proposed Order should send the grounds for their objection in writing to Mr C Rothwell, Head of Safer Communities, Urban & Rural Services, at the address below, or by email to parking.services@cherwell-dc.gov.uk, by 4 February 2011.

Dated *[Date of publication]*

2011

I Davies
Interim Chief Executive

Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA

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Executive

Draft Budget 2011-12

7 February 2011

Report of the Head of Finance

PURPOSE OF REPORT

The Council is required to produce a balanced budget for 2011/12 as the basis for calculating its level of Council Tax. It has to base that budget on its plans for service delivery during the year, recognising any changes in service demand that may arise in future years. The first draft was reported to the December 6 2010 Executive meeting and a second draft to the January 10 2011 Executive meeting. The information has now been updated to reflect changes since then and, subject to any further changes Members may wish to include tonight, this final draft will be used to prepare a final budget proposal to be presented to full Council on 21 February 2011.

This report is public

Recommendations

The Executive is recommended:

- 1) to approve the changes to the draft budget since 10th January 2011 and consider the draft revenue budget (detailed in Appendix 1) in the context of the Council's service objectives and strategic priorities.
- 2) to approve the surplus of £9,149 be transferred to general fund balances to enable a balanced budget.
- 3) to recommend to full council a Council tax freeze or amend the proposals contained within this report to recommend a different level of Council Tax.
- 4) to delegate authority to the Head of Finance, in consultation with the Portfolio Holder for Resources and Communication, to amend the contributions to or from general fund balances to allow the Council Tax increase to remain at the level recommended by Executive to full council following the announcement of the final settlement figures.
- 5) to agree the proposed 2011/12 capital programme (detailed in Appendix 2).
- 6) to note the review of earmarked revenue reserves undertaken by the Portfolio Holder of Resources and Communication and approve re-allocation between various earmarked reserves and creation of 2 new reserves. (detailed in Appendix 3).
- 7) that the draft corporate plan and public pledges be endorsed and to delegate authority to the interim Chief Executive in consultation with the Leader of the Council to make any minor amendments to the plan or pledges as required. (detailed in Appendix 4).
- 8) to note the 2011/12 Corporate Improvement Plan (detailed in Appendix 5).

- 9) to note the latest MTFS financial forecast is currently being refreshed and will be part of the budget book.
- 10) to request officers to produce the formal 2011/12 budget book on the basis of Appendices 1-4.
- 11) to recommend ,subject to any further changes Members may wish to include tonight, the updated draft for adoption by the Council on 21 February 2011 (as a key decision).

Executive Summary

- 1.1 The budget will form the financial expression of the Council's service delivery plans for 2011/12; the allocation of resources against agreed service priorities is necessary in order to achieve its strategic priorities.
- 1.2 There is a statutory requirement for the Council to set a balanced budget by 11 March 2011 and this draft budget is the penultimate part of that process.
- 1.3 The current economic climate presents unprecedented challenges in meeting spending priorities without placing undue burden on local taxpayers. The Council's successful approach to improving value for money and securing efficiencies on an ongoing basis provides a solid foundation. The value of cost reductions included in the 2011/12 budget amounts to £3.4million as in detailed in Appendices 1 and 1a.
- 1.4 The level of council tax being proposed is £123.50 pa at Band D and this is in line with Council commitment of a zero increase in 2011/12. This is the second year that Council Tax has been frozen. This compares to a CPI rate at December 2010 of 3.7% and RPI of 4.8%.
- 1.5 The Council has taken advantage of the Government's Council Tax Compensation Grant announced in the Comprehensive Spending review which will result in the Council receiving £155,037 in 2011/12 and for a further 3 years which is the equivalent of a 2.5% increase.
- 1.6 As a precepting authority Cherwell District Council collects council tax and parish precepts on behalf of Oxfordshire County, Thames Valley Police and local parishes. This information will be received in time for us to prepare the council tax report for Full Council on 21st February 2011.
- 1.7 The coming years will present even further challenges which in the main will relate to the continued cuts to the level of government grants received, local government finance and housing benefit reform, inflation and interest rates.
- 1.8 The Medium Term Financial Strategy will be modelled on a number of scenarios and be presented to the Executive in May 2011. The Council's has a strong track record and commitment to delivering efficiencies resulting in a 33% reduction in net expenditure of services since 2007/08 when the net revenue budget stood at £23.5m compared to £15.8m in 2011/12. A total of £3.3m (14%) has been delivered as part of the 2011/12 budget as a result of the forecasted funding reductions.
- 1.9 This together with the joint working with South Northamptonshire Council strengthens our position to meet the forecast challenges of future years.

Background Information

Process

- 2.1 The delivery of a balanced budget representing value for money to local residents is the fundamental objective of the corporate, service and financial planning process. This centres on the preparation of a corporate plan underpinned by supporting operational service plans, which are developed not only to deliver the Council's corporate objectives and priorities, but also to demonstrate how the published service targets, representing the Council's commitment for delivery in priority areas, are to be achieved. The budget is the financial expression of these plans, within the context of the Council's Medium Term Financial Strategy.
- 2.2 The programme involves elected Members, the Council's senior managers and, in many service teams, operational staff. The views of the public, our community partners, the voluntary sector and the local business community are all actively sought through structured channels during the programme, and these views are reflected in the process of setting strategic priorities, service prioritisation and resource allocation.
- 2.3 The draft budget is based on the latest forecast out-turn position, rather than the current year budget, and managers have had to justify their service and budget proposals through a robust challenge process from senior managers and elected Members.
- 2.4 The entire capital programme has been subject to review and re-profiling and has emerged with a clearer focus on service priority; although it is still felt that there is further work to be undertaken in this area.

Changes in the Revenue Budget Since 10th January 2011

- 2.5 The draft budget presented in December 2010 presented a funding gap of £1.1million. As a result of internal efficiencies, building blocks and other budgetary adjustments this gap was reduced to £360K in January 2011. The budget presented in this report benefits from further efficiencies and Scrutiny recommendations and is now £9,149 in surplus. It is recommended that this surplus amount is transferred to General Fund Reserves. All changes since 10th January 2011 are analysed in Appendix 1.

Draft Revenue Budget

- 2.6 The Council has successfully managed the budget challenges, previously forecast for 2011/12. The Medium Term Financial forecast presented with the 10/11 budget indicated a potential gap of £2.6m over a 3 year period. The low interest rate of 0.5% has also increased this challenge as despite agreeing a 3 year plan to reduce dependency on investment income it was expected that rates would be circa 2%.
- 2.7 As a result of this the Council established a robust action plan to reduce costs. The public promise of the £800k has been achieved together with further cost reductions of circa £2.6m (analysed in Appendix 1).

2.8

Service Area	Approved Budget 2010/11	Proposed Budget 2011/12	Movement
Corporate Core	£4,543,693	£4,028,176	-£515,517
Environment & Community	£11,622,769	£9,783,652	-£1,839,117
Planning, Housing & Economy	£4,947,243	£4,348,141	-£599,102
Service Total	£21,113,705	£18,159,969	-£2,953,736
Centrally Controlled Items			
Provisions (Specific Risk Reserves and pension Comp.)	£263,881	£582,614	£318,733
SNDC Joint Mgt	£0	-£333,000	-£333,000
Credit for Capital Charges	-£2,850,060	-£3,218,477	-£368,417
	£18,527,526	£15,191,106	-£3,336,420
Contribution to (+) / from (-) Earmarked Reserves			
	£0	£600,000	£600,000
Contribution to (+) / from (-) General Balances			
	£0	£9,149	£9,149
Net Budget Requirement	£18,527,526	£15,800,255	-£2,727,271
RSG Settlement	-£10,905,340	-£8,574,773	£2,330,567
Council tax Compensation Grant	0	-£155,037	-£155,037
Collection Fund Surplus	-£84,477	-£130,417	-£45,940
Investment Income	-£1,348,753	-£723,407	£625,346
Amount to be funded from Council Tax	£6,188,956	£6,216,621	£27,665
Number of band D equivalents	50113	50337	-224
2011-12 Cost of Band D equivalent	£123.50	£123.50	
2010-11 Cost of Band D equivalent	£123.50	£123.50	
Increase in Annual Council Tax	£0.00	£0.00	
Weekly Increase in Council Tax (pence)	0.00p	0.00p	

Proposed Council Tax 2011/12

2.9 The level of council tax being proposed is £123.50 pa at Band D and this is in line with Council commitment of a zero increase. Table 1 above also details the Council Tax Compensation Grant which the Council will receive from Central Government in 2011/12 - £155,037.

If the Executive were minded to change the Council Tax increase within this report they should be aware that a 1% increase would equate to a change in income of +£55,000. However, if this was implemented then the Council would forego the compensation grant of £155,037.

Provisional Government Grant

2.10 The details of the provisional settlement were issued by DCLG on 13 December 2010. The Spending Review announced in October detailed that there will be a fundamental review of formula grant distribution methods for the financial year 2013-14 and as a result issued only a two year

settlement figure. This reported a decrease (provisional) in external grant of £1,372,760 or 13.8% compared to a re-stated 2010/11 which excludes the impact of the concessionary fares transfer to the County. This Council will receive protection from other Councils for the first time of £651,194. A full analysis of the settlement was included in Appendix 1 of the December 2010 Draft Budget Report.

- 2.11 The final settlement figure is likely to be announced towards the end of January if last year's settlement timetable continues and there could be changes from the draft figures referred to above. If this results in a change the Executive are advised to delegate authority to the Head of Finance, in consultation with the Portfolio Holder for Resources, to amend the contributions to or from general fund balances to allow the Council Tax increase to remain at the level recommended by Executive to full council following the announcement of the final settlement figures.

Treasury Management Strategy 2011/12

- 2.12 The Council's investment income budget for 2011/12 has been compiled on the basis of close tracking of actual and likely interest rates and with the help of external advice. The emphasis has been on the least risky places to invest the Council's money and this, along with the continued low interest rates on offer and the agreed use of capital receipts has led to a significant reduction in the investment income built into the budget. In budgetary terms this is prudent and places the Council at less risk of exposure in-year. A revised Treasury Management Strategy will be considered by the Executive on 7th March 2011 and recommended to Full Council in March 2011.

2011/12 Capital Programme

- 2.13 The proposed capital programme for 2011/12 equates to £13.9m which represents new schemes of £3.8m, projected slippage from the 2010/11 programme of £8.8m and £1.3m of schemes approved in the 2010/11 budget for which spend was not profiled until 2011/12. The proposed capital programme is analysed in Appendix 2.

Icelandic Investments

- 2.14 The Council is one of over 100 local authorities that were affected by the collapse of Icelandic banking institutions. The Council currently has a total of £6.5 million in short term investments with one of the affected banks, Glitner. Although the Council remains confident of getting all of its investment back an application was made to capitalise the costs that, in 2010-11, have to be written off to the revenue account. The application matched the amount which the Council would otherwise have to write off and totalled £4.615m. Of the amount applied for 70% was granted by the Secretary of State and as a result £3.230m can be charged back to capital reserves, which are in relatively plentiful supply. Capital reserves are estimated to be £37.5m at the 31 March 2011 and £23.3m at the 31 March 2012 after taking account of this write off and capital expenditure.

Review of Earmarked Reserves

- 2.15 In preparing the final draft of the 2011/12 budget the Portfolio Holder of Resources and Communication and Head of Finance have reviewed the level of earmarked revenue reserves and general fund balances and a forecast is included in Appendix 3. The Executive is asked to note the proposed re-allocation between various earmarked reserves and note the proposed creation of 2 new reserves.

The first reserve is for the Icelandic Write Off and equates to £1.385m. (difference between write off of £4.615m and £3.230m allowed to be set against capital receipts)

The second reserve is the joint working implementation reserve which will be used to fund the one off costs identified in the business case. The Joint Working reserve will also include a contribution

of £600K as part of the 2011/12 budget setting process. The Business Case approved by Council on 8th December highlighted the requirement for up to £1M of implementation costs that Cherwell District Council could have to incur, being 60% of the total estimated cost of £1.69M

A separate and comprehensive report on the Council's reserves will be reported to the Executive for approval in March 2011.

Corporate Plan and Service Plans

- 2.16 Copies of the Service Plans for 2011/12 are available on the Council's intranet site: <http://cherwelllive.cherwell.domain/general/Pages/PerformancePortal.aspx>
- 2.17 The corporate plan is a five year strategy that sets out the key priorities for Cherwell District Council, Appendix 4 sets out the priorities and targets for the period 2011/12. It is refreshed annually on the basis of our performance, local priorities and in line with the medium term financial strategy. All objectives have been refreshed in the light of the financial challenges facing the Council and the changes in national requirements in terms of performance reporting. The new plan has been significantly streamlined and it includes 14 public pledges outlining the Council's areas of performance priority. The plan also reflects the strategic challenges facing the authority including the delivery of activities to support the most vulnerable in the community and projects to deliver strategic growth, for example Eco-Bicester.

Budget Book 2011/12

- 2.18 The budget process and all supporting documentation will be documented in the 2011/12 budget book which will be prepared on the basis of Appendices 1-4 and presented to Council on 21st February 2011 along with the recommendation to adopt the 2011/12 budget as detailed in this report (as a key decision) and set council tax accordingly.

Corporate Improvement Plan

- 2.19 The Corporate Improvement Plan (Appendix 5) for 2011-12 shifts focus from previous years to provide greater support to delivery of on-going savings initiatives as well as the change agenda. Projects have been prioritised according to corporate and MTFs impact to ensure we focus our resources on securing the long-term financial position, support delivery of our public promises and facilitate the joint working with South Northamptonshire.

The Future – Medium term Financial Strategy 2012/13 – 2015/16

- 2.20 Although this report has the 2011/12 budget as its focus it is worthwhile considering briefly some of the key longer term financial issues facing the Council so that it can be established that no hidden issues could affect the forthcoming budget year. The coming years will present even further challenges which in the main will relate to the continued cuts to the level of government grants received, local government finance review and housing benefit reform, inflation and interest rates.
- 2.21 Two potentially major funding streams 1) The New Homes Bonus / 2) New planning fee powers were announced as part of the Spending review and analysed in the January Executive paper(see CDC responses to Government consultation and outline of CDC approach to the opportunities these Government proposals are likely to present in Appendix 6). These income streams could be significant but both schemes have been the subject of a recently closed consultation process. The final schemes have, at the time of writing this report, not yet been unveiled. As a result it is unknown:

- If the schemes are to proceed for 2011-12 or not
- How significant these funding streams will be
- How the schemes will operate
- If there will be any burdens or responsibilities that come with the new freedoms and funding.

As a result of the above it is prudent, not to include provision for such schemes in the budget plans for next year but if they are confirmed, treat as windfall income for 2011-12.

- 2.22 The Localism Bill received its first reading in the House of Commons on the 13 December 2010. The bill is unlikely to receive royal assent until the end of 2011. However, the bill provides the legislative framework to deliver the aspiration of the 'Big Society' agenda. The bill is centred around the following six key principles and is bound to have a profound impact on Local Government:
- Lifting the burden of bureaucracy
 - Empowering communities to do things their way
 - Increasing local control of public finances
 - Diversifying the supply of public services
 - Opening up Government to public scrutiny
 - Strengthening accountability to local people
- 2.23 The Council has a robust Medium Term Financial Strategy which is regularly updated and gives multi-year projections of the Council's revenue and capital position. The latest forecast will be included in the 2011/12 budget book. The next refresh of the Medium Term Financial Strategy, covering the years 2012/13 to 2015/16 will be considered by the Executive in May 2011. Although managerial action will be required during the 2011/12 budget year to deal with the likely budget deficit from 2012/13 onwards there are currently no plans which will affect the 2011/12 budget itself.
- 2.24 The Council's has a strong track record and commitment to delivering efficiencies resulting in a 33% reduction in net expenditure of services since 2007/08 when the net revenue budget stood at £23.5m compared to £15.8m in 2011/12. The total 2011/12 budget reduction of £2.7m (15%) has been delivered as a result of the forecasted funding reductions and early action.

These reductions and continuous forward planning together with the joint working with South Northamptonshire Council strengthens our position to meet the forecast challenges of future years.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 This report presents a final analysis of the Council's draft 2011/12 Revenue and Capital Budget. The details in Appendix 1-4 will form the basis of the budget book to be presented to Council on 21st February to support the setting of Council Tax.
- 3.2 The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One To review draft revenue and capital budget to date and consider actions arising.

Option Two To approve or reject the recommendations above or request that Officers provide additional information.

Consultations

Executive 11/10/10, 06/12/10 and 10/01/11

Corporate Management Team July 2010 to January 2011

Scrutiny October 2010 to January 2011

Public Budget Consultation July 2010

Business with Banbury & Bicester Chambers of Commerce December 2010

Online Public Consultation December 2010 ongoing

Implications

Financial:

Financial Effects – the significant financial effects of the budget are identified in Appendix 1. Any decisions made in relation to ongoing expenditure or income in the budget for 2011/12 will have repercussions in future years when current forecasts indicate the financial environment is likely to become increasingly difficult. The Council has a statutory duty to set a balanced budget and could incur the intervention of the Secretary of State if it failed to do so.

Consideration of this item will fall within the provisions of Section 106 of the Local Government Finance Act 1992, and Members affected by those provisions should declare accordingly and refrain from voting on the matter.

Efficiency Savings – Our Medium Term Financial Strategy requires efficiency savings and we had a £800k public savings promise in 2010/11. The draft budget presented includes total budget reductions of £3.4m so this target has been substantially over achieved.

Comments checked by Eric Meadows, Service Accountant, 01295 221552.

Legal:

There is a statutory requirement for the Council to set a balanced budget by 11 March 2011 and the draft budget is part of that process.

Comments checked by Liz Howlett, Head of Legal and Democratic Services, 01295 221686

Risk Management:

The significant risks and assumptions associated with the draft budget are outlined in Appendix 1 and a risk provision has been calculated. The budget book will include a section on risk. On a broader front, if due consideration is not given to matching scarce financial resources carefully against properly assessed service priorities, the Council may fail in achieving its strategic priorities and in its duty to demonstrate value for money.

Comments checked by Eric Meadows, Service Accountant, 01295 221552.

Wards Affected

All

Corporate Plan Themes

An Accessible and Value for Money Council

Executive Portfolio

Councillor James Macnamara
Portfolio Holder for Resources and Communication

Document Information –

Appendix No	Title
Appendix 1	Draft Revenue 2011/12 Budget and Analysis 3
Appendix 2	Draft 2011/12 Capital Programme
Appendix 3	Review of reserves
Appendix 4	Corporate Plan
Appendix 5	Corporate Improvement Action Plan
Appendix 6	Consultation Response
Background Papers	
2010/11 Budget Booklet	
2010/11 Capital Programme	
2010/11 Medium Term Financial Strategy and Building Block Review	
Budget Guidelines	
2011/12 Budget Booklet – to be presented at Council 21 February 2011	
Report Author	Karen Curtin, Head of Finance Karen Muir, Corporate Accountant Jessica Lacey, Technical Accountant
Contact Information	01295 221551 karen.curtin@cherwell-dc.gov.uk

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Revenue 2011/12 Budget Proposal and Analysis

The Status of the Budget

- 1.1 This third draft of the budget presented to the Executive has been subject to further validation of revenue, capital bids and efficiency savings and now incorporates the recommendations from Overview and Scrutiny
- 1.2 This final draft of the budget for 2011-12 shows a surplus of £9,149 which it is recommended should be a contribution to General Fund balances
- 1.3 The provisional settlement figures of the Government Grant we will be receiving in 2011-12 were issued on the 13th December and were incorporated within Draft 2 of this budget. No further changes have been made within this Final draft.
- 1.4 The amount available for distribution from the Collection Fund has been finalised and were prepared by the statutory deadline of 15th January 2011. It has therefore been confirmed that our share of the surplus equates to £130,417.
- 1.5 Since the last report on January 10th 2011 the Bank of England's has maintained interest rates at 0.5%.
- 1.6 The draft budget has been prepared on the basis of expenditure and income inflation at 0% unless other contractual arrangements are in place.

General Fund Revenue Budget

- 1.7 The General Fund Revenue budget is shown below in Table 1.

Service Area	Approved Budget 2010/11	Proposed Budget 2011/12	Movement
Corporate Core	£4,543,693	£4,028,176	-£515,517
Environment & Community	£11,622,769	£9,783,652	-£1,839,117
Planning, Housing & Economy	£4,947,243	£4,348,141	-£599,102
Service Total	£21,113,705	£18,159,969	-£2,953,736
Centrally Controlled Items			
Provisions (Specific Risk Reserves and pension Comp.)	£263,881	£582,614	£318,733
SNDC Joint Mgt	£0	-£333,000	-£333,000
Credit for Capital Charges	-£2,850,060	-£3,218,477	-£368,417
	£18,527,526	£15,191,106	-£3,336,420
Contribution to (+) / from (-) Earmarked Reserves	£0	£600,000	£600,000
Contribution to (+) / from (-) General Balances	£0	£9,149	£9,149
Net Budget Requirement	£18,527,526	£15,800,255	-£2,727,271
RSG Settlement	-£10,905,340	-£8,574,773	£2,330,567
Council tax Compensation Grant	0	-£155,037	-£155,037
Collection Fund Surplus	-£84,477	-£130,417	-£45,940
Investment Income	-£1,348,753	-£723,407	£625,346
Amount to be funded from Council Tax	£6,188,956	£6,216,621	£27,665
Number of band D equivalent	50113	50337	-224
2011-12 Cost of Band D equivalent	£123.50	£123.50	
2010-11 Cost of Band D equivalent	£123.50	£123.50	
Increase in Annual Council Tax	£0.00	£0.00	
Weekly Increase in Council Tax (pence)	0.00p	0.00p	

- 1.8 The finalisation of support allocations and internal recharges may result in the service total of £18,159,169 being re-allocated across the 3 service areas but the bottom line totals and budget requirement will not change.
- 1.9 In order to balance the budget and secure the £360,510 deficit from Draft Budget 2, further reductions in costs, increases in income and review of reserves and provisions were taken into account. The main drivers for this are summarised in Table 2 below and as can be seen these adjustments have resulted in a surplus of £9,149.

BUDGET MOVEMENT DRAFT 2 TO FINAL (Main Drivers)	£'s
Draft 2 Shortfall	£ 360,510
Scrutiny Recommendations - Car Parking Income	-£ 422,201
Value for Money Review - Cultural & Heritage	-£ 119,322
Deletion of Standards Committee Budget	-£ 20,000
Value for Money Review - Economic Development	-£ 14,000
Additional Costs - Excess Charge Notices	£ 10,057
Additional Utility Costs - Sports Centre	£ 15,614
Interest Review	£ 67,720
Review of Risk Provision /Vacancy Assessment/ Pension Provision	£ 98,304
Various Budget Adjustments	£ 14,169
Final Draft - Surplus - Moved to General Fund Reserve	-£ 9,149

- 1.10 Table 3 below includes a walk from the 2010/11 net service budget to the proposed 2011/12 net service budget highlighting the main drivers of cost pressures, impact of service income and cost reductions.

Budget Walk 2010/11 to 2011/12	
Base Service Budget 2010/11	£18,527,526
Budget Virements	£146,336
2010/11 Budget Pressure Adjustments	£520,098
Budget Reductions	-£3,413,444
Changes in Financing	-£249,023
New Effects	£193,464
Inflation	£75,298
Draft Base Budget 2011/12	£15,800,255

- 1.11 These movements are further analysed in the tables below

Budget Virements

The Budget Virements figure of £146,336 incorporates both the virement of funding for service expenditure and the realignment of costs in respect of the new organisational structure within 2010/11. It is summarised in the following table :-

Budget Virements	
Procurement Action Plan	£13,369
Job Evaluation	-£62,369
Realignment of Services to new organisational structure	-£97,336
	£146,336

Budget Pressures from 2010/11

Budget pressures 2010/11 Budget Monitoring	
DSS Subsidies & Rebates	£50,000
Car Park Income Pressures	£278,000
Rental Income Pressures	£98,000
Environmental Services Dayworks - under recovery	£35,000
Health & Recreation - Various Budget Pressures	£26,615
Customer Services & ICT - Various Budget Pressures	£32,483
	£520,098

Budget Reductions –

As detailed, the total value of reductions included in this budget now totals **£3,413,444**. These are detailed below in Appendix 1A

Changes in Financing

Changes in Financing	
(Use of) Transfer to General Fund Balance	£9,149
(Use of) Transfer to Earmarked Reserves	£600,000
Movement in Risk and Pension Provisions	£318,734
SNDC Joint Working	-£333,000
Concessionary Fares Transfer to the County	-£843,906
	-£249,023

New Effects (Main Drivers)

New Effects (Main Drivers)	
Increase In NNDR	£49,130
Electricity	£26,092
Increased Mgt Fee Sports Centres	£44,319
Town Centre - Fees no longer recoverable	£50,000
Car Park Income Pressure	£125,882
Movement in subsidies - Exchequer Services	-£204,107
Career Grade Increases	£13,000
Various Budget Adjustments	£61,148
Loss of Rental Income Orchard Way shops	£28,000
	£193,464

Council Tax

- 1.12 The level of council tax being proposed is £123.50 pa at Band D and this is in line with Council commitment of a zero increase. Table 1 above also details the Council Tax Compensation Grant which the Council will receive from Central Government in 2011/12 - £155,037.

Joint Senior Management Team with South Northants District Council

- 1.13 During the course of the development of the budget for 2011/12 proposals for Joint Working with South Northants were progressing. The Joint Working Group was preparing a Business Case for consideration and once agreed by full council at their meeting in December the projected, profiled savings from the project could be incorporated in the financial plans of the authority. The draft budget proposals for 2011/12 contain base budget savings of £333,000 as a result of the Joint Senior Management arrangements.

Medium Term Financial Strategy 2012/13 – 2015/16

- 1.14 The coming years will present even further challenges which in the main will relate to the continued cuts to the level of government grants received, local government finance and housing benefit reform, inflation and interest rates.
- 1.15 The Council's has a strong track record and commitment to delivering efficiencies resulting in a 33% reduction in net expenditure of services since 2007/08 when the net revenue budget stood at £23.5m compared to £15.8m in 2011/12. A total of £3.3m (14%) has been delivered as part of the 2011/12 budget as a result of the forecasted funding reductions.
- 1.16 These reductions and forward planning together with the joint working with South Northamptonshire Council strengthens our position to meet the forecast challenges of future years.

Summary

- 1.17 This budget will be presented to the Executive on February 7th 2011 with a recommendation to produce the 2011/12 budget book on the basis of Appendices 1-4 and a recommendation to Council on 21st February 2011 to adopt the 2011/12 budget (as a key decision) and set council tax accordingly.

ANALYSIS OF BUDGET REDUCTIONS

Appendix 1A

Review of Savings	Building Block Description	B Block Number	£800K Savings Promise	Building Blocks	Efficiencies	Scrutiny	Total	CRP	PHE	EAC	Total
Finance VFM 2009/10	Resources Reduction		£100,000				£100,000	£100,000			£100,000
Legal VFM 2009/10	Further £50k to be identified in 2010/11		£57,000				£57,000	£57,000			£57,000
Communications VFM 2010/11	Full review of printing, advertising and marketing - target 100k reduction		£115,000				£115,000	£115,000			£115,000
Corporate & Democratic Core VFM 2010/11	Review use of 3 Fund managers - target reduction in costs to Treasury Management		£10,000				£10,000	£10,000			£10,000
Corporate & Democratic Core VFM 2010/12	Review of democratic services - VFM - target £70k reductions		£70,000				£70,000	£70,000			£70,000
Corporate & Democratic Core VFM 2010/13	Review of community planning activities - target £20k reductions		£31,000				£31,000	£31,000			£31,000
Community Planning VFM 2009/10	Insurance review - merge with Finance and reduce 1 post		£49,000				£49,000	£49,000			£49,000
ICT review 2009/10	ICT review		£93,000				£93,000			£93,000	£93,000
Regeneration & Estates VFM 2009/10	Canteen - staff reductions and fee review		£27,000				£27,000		£27,000		£27,000
Housing Services VFM 2010/11	VFM - Annual Programme - Housing Services		£100,000				£100,000		£100,000		£100,000
Procurement Self Financing Target	Contract Negotiations - cashable savings		£153,904				£153,904	£153,904			£153,904
VFM Programme	Scalable structure, selective external hosting, alternative procurement etc	1		£133,684			£133,684			£133,684	£133,684
Parish Websites	Alternative parishes website hosting	3		£2,100			£2,100			£2,100	£2,100
Cash Handling	Install 4 Autotellers. Requires £100k capital	6		£52,831			£52,831			£52,831	£52,831
Recycling Income	Improved recycling performance through increased targeting.	8		£45,000			£45,000			£45,000	£45,000
Gate Fees	Negotiated reduction in gate fees	9		£77,135			£77,135			£77,135	£77,135
Glass Collection	Lower net cost in-house collection service requires capital of £130k.	10		£75,900			£75,900			£75,900	£75,900
Bring Banks	Various operational efficiencies	11		£20,000			£20,000			£20,000	£20,000
	Reduced replacement bin costs by more repairs etc	13		£12,500			£12,500			£12,500	£12,500
Street Cleansing	Reduce staff levels through non-use of seasonal staff and not filling a vacancy created through natural turnover of staff.	14		£54,019			£54,019			£54,019	£54,019
Expressions of Interest	Reduction in resources through expression of interest processes	15		£58,517			£58,517			£58,517	£58,517
Vehicle Maintenance	Increased income on MOT's	16		£5,000			£5,000			£5,000	£5,000
Vehicle Maintenance	Improved cost base	17		£2,540			£2,540			£2,540	£2,540
Staffing	Implemented reduced hours for 3 posts	18		£62,720			£62,720			£62,720	£62,720
Arts Grants	Eliminate all but Mill. Means no OYAP, St Mary's Church	20		£31,906			£31,906			£31,906	£31,906
Museum	Partial reduction Staff Hours	21a		£10,376			£10,376			£10,376	£10,376
Leisure Development	No Projects Officer resulting in fewer projects, limited S106 activity and no support to parishes and other voluntary sector bodies	24		£25,927			£25,927			£25,927	£25,927
Grants	No grants to village Halls	25		£38,775			£38,775			£38,775	£38,775
Cooper School	Joint User Agreement	27		£33,621			£33,621			£33,621	£33,621
North Oxford Academy	Joint User Agreement	28		£40,517			£40,517			£40,517	£40,517
Arts Service	Reduced arts activity and voluntary sector support.	30		£38,000			£38,000			£38,000	£38,000
Countryside	Reduced partner activity and grant aid	32		£9,976			£9,976		9,976	£9,976	£9,976
Street Wardens	Review budgets and target reduction of £16k	33		£15,848			£15,848			£15,848	£15,848
Car Parks	Reduced frequency of cash collections from machines	34		£6,825			£6,825			£6,825	£6,825
Subscriptions	Safer Communities Urban & Rural ServicesCancel specified subscriptions within Service	35		£2,742			£2,742			£2,742	£2,742
Christmas Lights	Negotiate shared costs of Christmas Lights with Urban Centres	36		£36,000			£36,000			£36,000	£36,000
Enforcement	Increased fines through enforcement capability for Street Wardens	42		£15,750			£15,750			£15,750	£15,750
Nightsafe	Reduce officer time to 50%	43		£13,382			£13,382			£13,382	£13,382
Training	Sell externally	54		£25,000			£25,000	£25,000			£25,000
Admin Review II	Total Admin in PHE, EAC and Corporate equates to £1m - reduce by 10%	66		£93,656			£93,656	£93,656			£93,656
Landscape Contract	Review specification - target 20% saving in new contract 1/4/12	70		£106,579			£106,579			£106,579	£106,579
Services for the Elderly	Reduce work in this area by 50%	80		£28,441			£28,441			£28,441	£28,441
Contract Management	Review the contract management resource throughout the Council and centralise within one team with Procurement - reduce by 2 posts	85		£52,624			£52,624	£52,624			£52,624
Statutory / Discretionary Review		87		£6,000			£6,000	£6,000			£6,000
Facility Management	Centralisation of all and general reduction in service maintenance budgets - budget clarification required as costs covered in devolved budgets	100		£7,447			£7,447		£7,447		£7,447
Benefits Advertising	Not a statutory function to promote the take up of benefits - was an audit commission indicator	106		£5,000			£5,000	£5,000			£5,000
Performance Regime	Consider the performance regime of the Council on the back of the demise of CAA - target reductions in performance team and admin as a result of reviewing what is measured and what is no longer necessary - assume 1 post deleted	108		£28,882			£28,882	£28,882			£28,882
Bank Charges	Pass card payment transaction charges to customer	109		£30,000			£30,000	£30,000			£30,000
Debt Recovery	Increase court costs - not raised for a number of years - assume 5% increase	110		£100,000			£100,000	£100,000			£100,000
Internal Audit	Review specification and consider reduction in light of CAA demise and stat/disc reviews - assume 20 day reduction in new contract negotiation in 12/13	112		£9,000			£9,000	£9,000			£9,000
EFFICIENCIES											
Efficiencies Corporate Core							£162,647	£162,647			£162,647
Efficiencies PHE							£255,234	£255,234	£255,234		£255,234
Efficiencies EAC							£241,733	£241,733		£241,733	£241,733
SCRUTINY RECOMMENDATIONS											
Pest Control (Wasps)	Increased Income						£14,000	£14,000			£14,000
Special Collection	Increased Income						£30,000	£30,000			£30,000
Member Training	Reduced Expenditure						£7,505	£7,505	£7,505		£7,505
Staff Training	Reduced Expenditure						£60,000	£60,000	£60,000		£60,000
Car Parking	Increased Income						£422,201	£422,201			£422,201
			£805,904	£1,414,220	£659,614	£533,706	£3,413,444	£1,166,218	£389,681	£1,857,545	£3,413,444
								34%	11%	54%	

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Capital Programme 2011/12

- 1.1 A total of 27 bids were received of which 4 were deleted at appraisal stage. This leaves 23 bids for consideration and these are analysed according to consultation priority below:

Priority	No. of bids
1 Refuse collection & recycling, housing (needs, strategic & private sector), anti-social behaviour	6
2 Economic development & regeneration	2
3 Sports facilities, local, community & leisure development, safer communities, health promotion	2
4 Cleansing, local transport & concessionary fares, environmental protection, conservation & urban centres, arts, rural areas, car parking, estates	1
5 Building control & engineering, public protection, enforcement	0
6 Planning control, diversity & equality	0
7 Landscape, Banbury museum, tourism, licensing	0
Corporate Revenue & benefits, democratic services, chief executive office, member services, corporate charges, communications, treasury, improvement, community planning, elections, land charges	12
	23

- 1.2 The draft capital proposals to date for 2011/12 are shown in Appendix 2a these bids totalling £3,843,980. Each scheme is supported by an appraisal and these have been scored according to priority by the Capital Investment Delivery Group.
- 1.3 At least one third of the capital bids can be categorised as spend to save initiatives and generate positive revenue implications which if considered for inclusion in the final 2011/12 capital programme will contribute to the financial challenges ahead.
- 1.4 The new capital bids have been scrutinised by the Resources and Performance Scrutiny Board and their observations and recommendations were reported in January 2011.
- 1.5 The Capital Strategy for 2011/12 has a direct impact on the Treasury management revenue budget in terms of the opportunity cost of reduced cash balances from the use of capital receipts and reserves. Decisions on the future capital programme will need to take into account the overall priorities and affordability in revenue as well as capital terms.
- 1.6 The Council is one of over 100 local authorities that were affected by the collapse of Icelandic banking institutions. The Council currently has a total of £6.5 million in short term investments with one of the affected banks, Glitner. Although the Council remains confident of getting all of its investment back an application was made to capitalise the costs that, in 2010-11, have to be written off to the revenue account. The application matched the amount which the Council would otherwise have to write off and totalled £4.615m. Of the amount applied for 70% was granted by the Secretary of State and as a result

£3.230m can be charged back to capital reserves, which are in relatively plentiful supply. Capital reserves are estimated to be £37.5m at the 31 March 2011 and £23.5m at the 31 March 2012 after taking account of this write off and capital expenditure.

- 1.7 However, this is purely an accounting requirement and does not mean that the deposits are lost. The Council continues to work with Bevan Brittan and LGA to seek full recovery of the £6.5m invested. Should the deposits be repaid in full as priority creditor status then the accounting entries would be reversed.
- 1.8 The Executive has agreed that 21 capital schemes which were approved as part of the 2010/11 budget process but which work has been delayed until 2011/12 will also be delivered in 2011/12 and these together with additional slippage requests in the Q3 Finance Report (elsewhere on agenda) are detailed schedule in Appendix 2b.
- 1.9 A summary of the draft capital programme and recommended financing is summarised below:

	Total Scheme Cost	2011/12 Profile
Proposed programme (Appendix 2a)	£5,862,314	£3,843,980
Schemes approved and slipped from 2010/11 (Appendix 2b)	£9,084,000	£8,834,000
Schemes with prior approved but not profiled until 2011/12 (Appendix 2c)	£6,245,184	£1,245,184
Total Capital Programme to be Financed	£21,191,498	£13,923,164
Financed by:		
Capital Receipts	£15,414,448	£8,644,164
Government Grants		
<i>£375k per annum Governmental Grant Funding towards Mandatory Disabled Facilities Grants</i>	£375,000	£375,000
Use of Reserves		
<i>Wheeled Bins Reserve</i>	£15,000	£15,000
<i>Vehicle Replacement Programme</i>	£605,050	£207,000
<i>SW Bicester Sports Village Fund</i>	£1,500,000	£1,400,000
<i>Housing Reserves</i>	£3,282,000	£3,282,000
	£21,191,498	£13,923,164

Further Document Information

Appendix No	Title
Appendix 2a	New Capital Bid Proposals
Appendix 2b	Schedule of capital schemes slipped from 2010/11
Appendix 2c	Bids with prior approval but profiled for 11/12 onwards

Capital Bids 2011/12 by Score

Bid No.	Consultation Priority	Capital Scheme	Service Head	Service	Bid Score	Total	
						Capital Cost	Estimated Cost for 2011/12 £s
24	1	Mandatory Disabled Facilities Grants (DFGs)	Gillian Greaves	Housing Services	45	£860,000	£860,000
19	4	Vehicle Replacement Programme	Ed Potter	Environmental Services	44	£2,186,000	£207,000
9	C	Extended Contract for Website Hosting	Pat Simpson	Customer Service & Information Systems	40	£59,000	£19,666
5	C	Photovoltaics at Bodicote House and Banbury Museum	David Marriott	Economic Development & Estates	39	£350,000	£350,000
20	C	Solar Photovoltaics at Thorpe Lane Depot	Ed Potter	Environmental Services	39	£100,000	£100,000
21	C	Solar Photovoltaics at Sports Centres	Paul Marston Weston	Recreation & Health	39	£785,000	£785,000
14	C	Uniform & Corporate Geographic Information Systems (GIS) Database & Application Upgrades	Pat Simpson	Customer Service & Information Systems	38	£15,000	£15,000
22	1	Delegated Affordable Housing Capital Pot	Gillian Greaves	Housing Services	36	£500,000	£500,000
23	1	Discretionary House Condition Grants	Gillian Greaves	Housing Services	36	£325,000	£325,000
6	1	Orchard Way Refurbishment	David Marriott	Economic Development & Estates	34	£250,000	£250,000
8	3	CCTV Internet Protocol Transmission	Chris Rothwell	Urban & Rural Services	34	£100,000	£100,000
17	1	Mini MRF (Materials Recovery Facility)	Ed Potter	Environmental Services	34	£29,000	£29,000
18	1	Recycling Bins Programme	Ed Potter	Environmental Services	34	£15,000	£15,000
4	2	Fees of Future Regeneration Schemes	David Marriott	Economic Development & Estates	31	£50,000	£50,000
7	C	Replacement Voicemail Service	Pat Simpson	Customer Service & Information Systems	29	£10,000	£10,000
13	C	Highfield Depot Improvements	David Marriott	Economic Development & Estates	29	£10,000	£10,000
12	C	Virtual Server Infrastructure Expansion	Pat Simpson	Customer Service & Information Systems	29	£30,914	£30,914
11	C	Storage Area Networks (SAN) Expansion	Pat Simpson	Customer Service & Information Systems	29	£41,900	£41,900
15	C	Core Business System Integration	Pat Simpson	Customer Service & Information Systems	28	£52,500	£52,500
16	3	Corporate Bookings System	Ian Davies	Environment & Community	23	£50,000	£50,000
7	C	Community Intelligence Hub	Chris Rothwell	Urban & Rural Services	21	£20,000	£20,000
10	C	SMS Text Messaging Functionality	Pat Simpson	Customer Service & Information Systems	17	£13,000	£13,000
15	C	Contact Centre Call Recording	Pat Simpson	Customer Service & Information Systems	12	£10,000	£10,000
GRAND TOTAL						£5,862,314	£3,843,980

C = this service was not consulted on as part of the public consultation exercise

* This had original savings of £216,000 but is a possible replacement for a 2010/11 bid. Therefore if this goes ahead, the savings from 2010/11 will be slipped.

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Capital Programme 2011/12 - Slipped Schemes

Schedule 2b

Capital Scheme Slipped from 2010/11	Slippage agreed at 1st Nov 10 Executive	Slippage proposed at 7th Feb 11 Executive	Profiled for 2011/12	Profiled for 2012/13
Funding for Mollington & Hornton Rural Exception Sites	£60,000		£60,000	
Purchase of Temporary Accommodation Bryan House	£330,000	£165,000	£495,000	
Disabled Facilities Grants	£0	£100,000	£100,000	
Discretionary Grants for Domestic Properties	£0	£30,000	£30,000	
Kidlington Pedestrianisation	£20,000		£20,000	
Fees for Future Regeneration Schemes	£50,000	£50,000	£100,000	
Climate Changes Initiatives Fund	£16,000		£16,000	
Bicester Cattle Market Car Park Phase 2	£94,000		£94,000	
Old Bodicote House	£371,000	£450,000	£821,000	
Land at Claypits Lane Bicester	£187,000		£187,000	
Orchard Way Banbury Redevelopment	£1,100,000		£1,100,000	
Financial Ledger - Agresso 5.5	£50,000		£50,000	
Budget Module	£15,000		£15,000	
Fleet Management System	£28,000		£28,000	
Village Hall, Recreation Play Grants	£19,000		£19,000	
South West Bicester Sports Village	£270,000		£270,000	
Banbury Foyer & Banbury Youth Hub	£0	£68,000	£68,000	
Urban Centres Improvements	£7,000		£7,000	
Replacement Cabling Infrastructure for CCTV	£55,000		£55,000	
Online Service Provision via Forms	£20,000		£20,000	
Bicester Pedestrianisation	£250,000		£0	£250,000
Banbury Pedestrianisation	£20,000	£60,000	£80,000	
Thorpe Lane Depot	£50,000	£134,000	£184,000	
Bicester Town Centre Development	£4,000,000	£1,015,000	£5,015,000	
	£7,012,000	£2,072,000	£8,834,000	£250,000

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APPENDIX 2c

Capital expenditure approved in 2010/11 profiled for 2011/12

	Profiled 2011/12 spend	Profiled 2012/13 spend
Bicester Town Centre Redevelopment	0	5,000,000
Car Park Refurbishments	5,000	0
Microsoft Licensing Agreements	110,184	0
South West Bicester Sports Village	1,130,000	0
	<u>1,245,184</u>	<u>5,000,000</u>

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REVIEW OF RESERVES JANUARY 2011										APPENDIX 3
	Cost Centre Number	Balance as at Apr 10	Balance as at 31 Dec 10	Projected Jan Spend Mar 11	Review of Reserves 1 2011 y/e with PFH	Balance as at Mar 11	Proposed Utilisation and Re-allocation			
		£	£		£	£				
INSURANCE RESERVE										
Self Insurance Reserve	50096	(300,000)	(300,000)	0	50,000	(250,000)	Good claims history - reduce by £50k and transfer to Planning Control Reserve			
		(300,000)	(300,000)	0	50,000	(250,000)				
NEW RESERVES										
Iceland Write Off reserve	New	0	0		(1,385,000)	(1,385,000)	To match capitalisation request funded from environmental warranties reserve			
Joint Working Implementation	New	0	0		(384,844)	(384,844)	To fund costs of implementing a Senior Management Team - forecast is prior to any contribution from the 2011/12 Budget.			
		0	0	0	(1,769,844)	(1,769,844)				
BUILDING CONTROL RESERVE										
Building Control Reserve	50144	(47,242)	(47,242)			(47,242)	To be used in establishing joint service with SNC			
		(47,242)	(47,242)	0	0	(47,242)				
REPAIR AND RENEWALS RESERVE										
Plant and Transport Renewals Reserve	50111	(605,050)	(605,050)	200,000	0	(405,050)	To fund future capital - review in March 2011			
Wheeled Bins Replacement Reserve	50370	(331,352)	(331,352)	120,000	0	(211,352)	To fund future capital - review in March 2011			
		(936,402)	(936,402)	320,000	0	(616,402)				
OTHER EARMARKED RESERVES										
Corporate IT Contingency Reserve	50121	(79,330)	(79,330)	79,330		0	No longer required			
Economic Risk Reserve	50142	(100,000)	(35,000)		35,000	0	No longer required - transfer to Joint Working Implementation Reserve			
Planning Policy Reserve	50130	(696,899)	(696,899)			(696,899)	Planning Specific			
Planning Control Reserve	50131	(710,614)	(710,614)	338,371		(372,243)	Planning Specific - top up by £50,000 from Self Insurance review			
Environmental Warranties Reserve	50124	(3,281,773)	(3,281,773)	200,000	1,285,000	(1,796,773)	Transfer £1,384,000 to Icelandic Write Off - remaining equates to long term asbestos liability			
Hanwell Fields Reserve	50145	(100,000)	(100,000)			(100,000)	Scheme nearly complete and funding required to discharge legal commitment			
Licensing Reserve	50585	(25,000)	(25,000)			(25,000)	Specific project			
Corporate Change Reserve	50371	(592,844)	(826,844)	250,000	226,844	(350,000)	Leave at £350,000 to fund general change initiatives - transfer £27,000 to Iceland legal costs and balance to Joint Working Implementation reserve			
Iceland Legal Cost reserve	50,110	0	(65,000)	42,000	(27,000)	(50,000)	Top up to £50,000 fund from Corporate Change Reserve			
Interest Rate Risk Reserve	50418	(200,000)	(200,000)		200,000	0	No longer required - transfer to £100k to Joint Working Implementation Reserve and £100k to Iceland Write Off Reserve			
		(5,786,459)	(6,020,459)	909,701	1,719,844	(3,390,914)				
Total		(7,070,104)	(7,304,104)	1,229,701	0	(6,074,403)				

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Corporate Plan 2011/12

Appendix 4

Cherwell District Council's new corporate plan will be developed for the same period as covered by the comprehensive spending review (4 years 2011/12 - 14/15). This version outlines the Council's priorities for **year one** of the period (2011-2012) taking into account the reductions in the Council's net budget. This draft outlines the Council's four strategic priorities and the objectives that underpin each one. The performance of each objective will be monitored through either progress against projects, key milestones or numerical performance measures. Detailed targets and performance milestones will be set out in the Council's Performance Management Framework, which will be received by Executive at their meeting in March 2011.

	A	B	C	D
	A District of Opportunity	A Cleaner Greener Cherwell	A Safe, Healthy and Thriving Community	An Accessible Value for Money Council
1	<p>Work with partners to tackle disadvantage in the District.</p> <ol style="list-style-type: none"> Support vulnerable residents through challenging economic times (<i>numerical measures homelessness, temporary accommodation, mortgage rescue, and project benefits reforms</i>) Work with our partners to reduce the number of young people not in education employment or training across the district (<i>numerical measure</i>) Support local people into work (<i>apprenticeships and the Job Club - project measure</i>) Deliver the Brighter Futures in Banbury programme (<i>project measure and performance scorecard</i>) 	<p>Provide excellent waste collection and recycling services, working to reduce the amount of waste produced and to increase recycling across the district.</p> <ol style="list-style-type: none"> Increase the household recycling rate to above 60% (<i>numerical measure</i>) Reduce the amount of waste sent to landfill (<i>numerical measure - tonnes</i>) Maintain the current high levels of customer satisfaction with our recycling and waste collection services (<i>numerical measure - survey</i>) 	<p>Work with partners to support the development of safe and thriving local communities and neighbourhoods.</p> <ol style="list-style-type: none"> Continue to provide a wide range of recreational activities and opportunities of young people across the district (<i>project measure & numbers participating</i>) Work with partners to maintain already low levels of crime in the district (<i>numerical measures -crime & ASB</i>) Improve the condition of homes in the district to make them safer and healthier (<i>project measure</i>) 	<p>Provide value for money and a financially sound organisation, minimising the impact of smaller council budgets on frontline and priority services.</p> <ol style="list-style-type: none"> Secure savings of at least £1m to help meet the reduction in our government funding (<i>financial measure against medium term financial strategy</i>) Ensure the Council's budget is matched to strategic priorities and services are able to demonstrate they provide value for money (<i>finance/project measure</i>)
2	<p>Balance economic development and housing growth.</p> <ol style="list-style-type: none"> Deliver 500 new homes including through planned major housing projects (<i>measured through the AMR- number of new homes, numerical measure</i>) Deliver 100 affordable homes in the district (<i>numerical measure</i>) Promote local economic development through business advice and support, inward investment and the Local Enterprise Partnerships (<i>project measure</i>) 	<p>Work to ensure our streets, town centres, open spaces and residential areas are clean, well maintained and safe.</p> <ol style="list-style-type: none"> Maintain high levels of residents' satisfaction with street and environmental cleanliness (<i>numerical measure - survey</i>) Increase the number of bring bank recycling sites in the district (<i>numerical measure</i>) Work with local communities to continue the programme of neighbourhood litter blitzes (<i>numerical measure</i>) 	<p>Support the local community, voluntary and not for profit sectors to play an active role in the district.</p> <ol style="list-style-type: none"> Work with the local voluntary sector to provide advisory services for the local community (<i>project measure</i>) Support volunteering across the district (<i>project measure</i>) Prepare a new community development strategy to ensure the Council's work in this area provides value for money and addresses local need (<i>project measure</i>) 	<p>Work with partners to reduce Council costs.</p> <ol style="list-style-type: none"> Reduce senior management costs by implementing a single shared senior management team with South Northamptonshire Council (<i>financial measure</i>) Explore opportunities to reduce costs by working with partners including South Northamptonshire Council, to develop alternative service delivery models or shared services. (<i>project measure</i>)

A	B	C	D
A District of Opportunity	A Cleaner Greener Cherwell	A Safe, Healthy and Thriving Community	An Accessible Value for Money Council
<p>3 Develop a robust and locally determined planning framework.</p> <ol style="list-style-type: none"> 1. Develop a clear long term local development framework for the district <i>(project measure)</i> 2. Prepare an updated policy for developer contributions and deliver at least £1million funding for infrastructure improvements. <i>(project measure)</i> 3. Protect and enhance the quality of the built environment <i>(planning appeals and project measures)</i> 	<p>Work to reduce our impact on the natural environment, limit our use of natural resources and support others in the district to do the same.</p> <ol style="list-style-type: none"> 1. Reduce the Council's carbon footprint by installing solar panels on Council buildings and generating savings in our energy costs <i>(project measure and co2 numerical measure)</i> 2. Work with partners to improve the energy efficiency of homes and enable more residents to achieve affordable energy bills <i>(project measure)</i> 	<p>Provide good quality recreation and leisure opportunities in the district.</p> <ol style="list-style-type: none"> 1. Make progress on the South West Bicester multi-sports village <i>(project measure)</i> 2. Maintain current levels of visits/usage to district leisure centres <i>(numeric measure)</i> 3. Secure the long term future of Banbury museum, reducing the cost for local taxpayers and maintaining access for the community <i>(project measure)</i> 	<p>Demonstrate that we can be trusted to act properly for you by being transparent about our costs and performance.</p> <ol style="list-style-type: none"> 1. Improve the information available to the public about our costs and performance, maintaining the publication of all items of expenditure over £500 <i>(project measure)</i> 2. Consult with local residents in a cost effective manner to ensure the Council has a good understanding of local priorities <i>(project measure)</i>
<p>Work to improve the quality and vibrancy of our town centres and urban areas.</p> <ol style="list-style-type: none"> 1. Start building the new shops and cinema in Bicester Town Centre <i>(project measure)</i> 2. Make progress on the Canal side Regeneration programme in Banbury <i>(project measure)</i> 3. Prepare detailed planning guidance for the future redevelopment of the Bolton Road area in Banbury <i>(project measure)</i> 	<p>Work with partners to support the development of Eco-Bicester, creating a centre of excellence in terms of green or sustainable living.</p> <ol style="list-style-type: none"> 1. Deliver the Eco-Bicester demonstration projects <i>(project measure)</i> 2. Work with all parties to achieve an acceptable scheme on the initial 400 home development <i>(project measure)</i> 3. Ensure there are opportunities for local people to participate in the Eco-Bicester programme <i>(project measure)</i> 	<p>Support improvement of local health facilities, services and standards across the district.</p> <ol style="list-style-type: none"> 1. Work to promote active and independent lifestyles amongst older people <i>(project measure: the Ageing Successfully programme)</i> 2. Support the local NHS to retain and develop health services at the Horton General Hospital <i>(project measure)</i> 3. Continue to support new and improved health services in Bicester and the surrounding area <i>(project measure)</i> 	<p>Work to ensure we provide good customer service through the delivery of high quality and accessible services.</p> <ol style="list-style-type: none"> 1. Maintain high rates of customer satisfaction with our Services <i>(70% numerical measure-annual survey)</i> Maintain existing levels of satisfaction with information provided by the Council <i>(69% in 2010/11 numerical measure - annual survey)</i> 2. Enable you to book appointments online for our ten most used Council services <i>(project measure)</i>

Draft Pledges 2011/12

1. Work with our partners to reduce the number of young people not in education, employment or training across the district
2. Deliver 100 affordable homes in the district
3. Start building the new shops and cinema in Bicester Town Centre

A Cleaner, Greener District

1. Increase the household recycling rate to above 60%
2. Maintain high levels of residents' satisfaction with street and environmental cleanliness
3. Reduce the Council's carbon footprint by installing solar panels on Council buildings and generating savings in our energy costs
4. Work with partners to improve the energy efficiency of homes and enable more residents to achieve affordable energy bills
5. Deliver the Eco-Bicester demonstration projects

A Safe, Healthy and Thriving District

1. Continue to provide a wide range of recreational opportunities and activities for young people across the district.
2. Work with partners to maintain already low levels of crime in the district

A Value for Money Council

1. Secure savings of at least £1m to help meet the reduction in our government funding.
2. Improve the information available to the public about our costs and performance, maintaining the publication of all items of expenditure over £500
3. Maintain high levels of customer satisfaction with our services
4. Enable you to book appointments online for our ten most used Council services

NB. These pledges are in draft format

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Area of Attention	Theme/Priority	Focus and key activities	Priority Rating	Lead Officers	Start	Finish
SNC and shared services	Exploiting the potential for sharing services	<p>Focus:</p> <ul style="list-style-type: none"> Brief (and priority) to be determined by Joint Arrangements Steering Group <p>Activity:</p> <ul style="list-style-type: none"> Identify priority areas for assimilation based on the needs of the management team Form joint council working teams and assess feasibility/practicalities Develop individual action plans for implementation across teams 	High	<p>Service: TBC</p> <p>Impr: Alison Davies</p> <p>Finance: Karen Muir</p>	Await brief	Await brief
Medium Term Financial Strategy	2 year settlement	<p>Focus:</p> <ul style="list-style-type: none"> Respond to the implications of the 2 year settlement, local government finance reform and benefits reform; <p>Activity:</p> <ul style="list-style-type: none"> Analyse the implications' of the settlement Update the MTFs forecast in line with settlement and budget 11/12 Prepare action plan to address forecast deficit taking into consideration the various CIP projects underpinning the MTFs Refresh MTFs strategy in line with funding reductions and corporate strategy Engage in consultation into the Local Government Finance Reform 	High	<p>Service: Karen Curtin</p> <p>Impr: Neil Lawrence</p> <p>Finance: Karen Muir</p>	Jan 2011	July 2011
Medium Term Financial Strategy	VFM programme	<p>Focus:</p> <ul style="list-style-type: none"> Carry out VFM Reviews to help deliver the Public Promise of £1m in 2012/13 <p>Activity:</p> <ul style="list-style-type: none"> Complete reviews of two outstanding services (Tourism and Economic Development) Carry out further reviews in conjunction with SNC joint activity workstreams 	High	<p>Service: Various</p> <p>Impr: Neil Lawrence</p> <p>Alison Davies</p> <p>Finance: Eric Meadows</p>	Feb 2011	Aug 2011
Medium Term Financial Strategy	New Homes Bonus use/ Budget Strategy	<p>Focus:</p> <ul style="list-style-type: none"> New Homes Bonus use / budget strategy (in particular the relationship to mainstream revenue spend support versus infrastructure use) <p>Linkage with SNC re common framework opportunities</p> <p>Activity:</p> <ul style="list-style-type: none"> Assess impact of NHB proposals (financial and logistical) Determine change in policy/practice required to maximise benefits to the council Recommend interim fee policy for 11/12 	High	<p>Service: Phil Clarke</p> <p>Impr: Alison Davies</p> <p>Finance: Joanne Kaye</p>	TBC	TBC
Legislation changes in housing and response	Practical support for implementing change/improvement	<p>Focus:</p> <ul style="list-style-type: none"> Implement the action plan agreed by Executive (10 Jan 2011) <p>Activity:</p> <ul style="list-style-type: none"> As set out in the Action Plan Linkage to the Brighter Futures activity to trial supporting residents affected by the benefit reductions from April 2011 	High	<p>Service: Gill Greaves</p> <p>Impr: Alison Davies</p> <p>Finance: Joanne Kaye</p> <p>Legal: Nigel Bell</p>	As per Action Plan	As per Action Plan

CDC Corporate Improvement Plan 2011/12

Appendix 5

Area of Attention	Theme/Priority	Focus and key activities	Priority Rating	Lead Officers	Start	Finish
Medium Term Financial Strategy	DC fee / charge setting and VFM	<p>Focus:</p> <ul style="list-style-type: none"> Develop and introduce a charging policy for development control in line with new flexibilities Consider the linkage with SNC for a shared framework <p>Activity:</p> <ul style="list-style-type: none"> Assess scope and impact of flexibilities proposed Develop a fee model to inform charging policy Consult on and communicate changes Gain Executive approval (inc. commitment to review annually) 	High	<p>Service: Bob Duxbury Impr: Alison Davies Finance: Joanne Kaye</p>	Jan 2011	Apr 2011
Medium Term Financial Strategy	Banbury Museum Trust Status	<p>Focus:</p> <ul style="list-style-type: none"> Enact Executive's (in principle) decision to move to Trust status for the Museum and TIC <p>Activity:</p> <ul style="list-style-type: none"> Detailed report on next steps and proposals to Executive, including implementation plan, for final decision Identify potential trustees and decide on necessary structure/staffing arrangements, IT/telephony, financial plan, tenancy agreement and legal agreements Implement the agreed Plan 	High	<p>Service: Paul Marston-Weston Impr: Neil Lawrence Finance: Denise Westlake Legal: Richard Hawtin</p>	Jan 2011	Apr 2012
Customer Service Improvement Programme	Practical support for implementing change/improvement	<p>Focus:</p> <ul style="list-style-type: none"> Achieve the following outcomes; lower cost of service, maintain/improve customer satisfaction, control access to the service; focus on online service delivery and routinely apply customer insight to service design <p>Activity:</p> <ul style="list-style-type: none"> Implement a range of interrelated projects to achieve outcomes; payment kiosks, Tell Us Once initiative, Right First Time service reviews, appointments system for benefits, online booking system, enhancements to Lagan, introduce customer intelligence reporting and regular meetings with services, introduce a new phone number suite and SMS capability Use advertising/communications campaign to encourage migration to lower cost services and improve customer information, workload management to control access, improve online services to encourage greater use and increase telephone capacity to improve response rates Ongoing improvements/actions arising from Right First Time reviews, regular customer intelligence meetings with services and delivering existing Customer Service Improvement Plan 	High	<p>Service: Pat Simpson (+ other services) Impr: Neil Lawrence Finance: Denise Westlake</p>	Feb 2011	Aug 2011

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Appendix 5

Area of Attention	Theme/Priority	Focus and key activities	Priority Rating	Lead Officers	Start	Finish
Implementing Localism in Cherwell	Dealing with the impact of the Localism Bill	<p>Focus:</p> <ul style="list-style-type: none"> Develop a council-wide strategy to embrace the opportunities offered by the Bill, particularly the General Power of Competence (GPC), and including the devolution of current powers/activities to neighbourhoods <p>Activity:</p> <ul style="list-style-type: none"> Gain an early understanding the scope and implications of the Bill Consult local councils and community groups on functions they wish to see devolved, and the support needed to take them on Consult Managers on areas that the GPC could enable them to undertake Develop a strategy for Executive consideration 	High	<p>Service: Various</p> <p>Impr: Neil Lawrence</p> <p>Finance: Sarah Best</p>	Mar 2011	June 2011
Deprivation / Brighter Futures in Banbury (local co-ordination)	Practical support for implementing change/improvement	<p>Focus:</p> <ul style="list-style-type: none"> Implementation and coordination of local activity to meet the objectives of the programme CDC is Banbury programme lead and programme management CDC has responsibility for delivery of 2 Themes and associated workstreams (Employment & Financial Support Theme and Housing and the Environment Theme) <p>Activity:</p> <ul style="list-style-type: none"> Multi-agency Theme Partnerships meeting regularly Multi-agency Delivery Action Plans in place for 2011: Worklessness project, NEE's reduction programme, Benefit Reduction Support Trial, Job Clubs, Food Bank, Spring volunteering event, Housing New Build/Self-build project, Warm Homes, HMOs, overcrowding and homelessness initiatives, Govn Affordable Housing changes..... Consultation/Communication Programme under development with Members 	Medium	<p>Service: Ian Davies/ Gill Greaves/ Claire Taylor</p> <p>Impr: Alison Davies</p> <p>Finance: Leanne Lock</p>	Jan 2011	Apr 2012
Services to Young People	2010/2011 Improvement Team Work Programme	<p>Focus:</p> <ul style="list-style-type: none"> Identify the priority areas to support in the light of spending pressures and a reduction in provision by OCC Develop a future vision of the service that Cherwell provides and an associated strategy/policy and action plan to 2014 Develop the multi-agency/voluntary sector opportunities <p>Activity:</p> <ul style="list-style-type: none"> Review existing project brief and confirm scope/timetable Develop a "map" of providers of young peoples services Identify the priorities for Cherwell and the scope of the commitment in terms of staff resource and funding to 2014 Consider cross-boundary linkage with SNC 	Medium	<p>Service: Paul Marston-Weston</p> <p>Impr: Alison Davies</p> <p>Finance: Denise Westlake</p>	May 2011	Aug 2011
Community development improvement plan	Practical support for implementing change/improvement	<p>Focus:</p> <ul style="list-style-type: none"> Ensure community development activity is focused on the needs of Cherwell's communities <p>Activity:</p> <ul style="list-style-type: none"> Explore current provision of grants, links with housing services, seek to shift current policy in the light of external drivers of Localism and the Big Society 	Medium	<p>Service: Gillian Greaves/ Claire Taylor</p> <p>Impr: Neil Lawrence</p> <p>Finance: Karen Muir</p>	July 2011	Sept 2011

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Appendix 5

Area of Attention	Theme/Priority	Focus and key activities	Priority Rating	Lead Officers	Start	Finish
Managing information	Practical support for implementing change/improvement	<p>Focus:</p> <ul style="list-style-type: none"> Identifying how CDC can best respond to increasing demands and expectations for easily available information, and control increasing costs of information provision <p>Activity:</p> <ul style="list-style-type: none"> Assess sources/impact/implications of demand and any new requirements arising from the Government's transparency agenda Assess council information needs to support policy and service planning initiatives Research best practice elsewhere Identify process improvements and IT requirements necessary Agree programme, costs and implementation plan 	Medium	<p>Service: TBC</p> <p>Impr: Neil Lawrence</p> <p>Finance: Jessica Lacey</p>	April 2011	July 2011
Responding to the Changing Needs of an Ageing Population	2010/11 Improvement Team Work Programme	<p>Focus:</p> <ul style="list-style-type: none"> Identify long-term strategy to respond to increasing numbers of older people together with their changing needs Develop a future vision, strategy/policy and action plan to 2014 <p>Activity:</p> <ul style="list-style-type: none"> Develop project brief Consider linkages with SNC Develop a "map" of providers of young peoples services Identify the priorities for Cherwell and the scope of the commitment in terms of staff resource and funding to 2014 	Low	<p>Service: Various</p> <p>Impr: Alison Davies</p> <p>Finance: Karen Muir</p>	May 2011	Aug 2011

Responses to Current Government Consultations on Financial Issues Affecting the Council's Budget Planning

No specific allowance has been made for either of these issues in current budget planning.

1) New Homes Bonus

The Government is proposing to introduce a financial incentive scheme which makes reward payments to councils based on housing completions. The payments will be calculated on the basis of matching per dwelling council tax income at national average rates for 6 years and then adding further amounts to recognise affordable housing delivery and reducing numbers of empty homes .

The funding available is not new money. It comes from the redirection of what used to be Housing and Planning Delivery Grant (HPDG) and top slicing of future formula grant.

The payment levels are significant. Each dwelling completed will result in an annual payment (of £1439 for example for a Band D property) with this payment maintained for 6 years. *In the case of Cherwell, taking last years completions of approximately 200 units, this gives total payments of £1 726 800 (£1439 x200x6).* This calculation takes no account of additional payments for affordable and empty homes or the final split of funding to district and county (proposed at 80/20 in favour of district), but is a cautious assumption. As completions continue payments will accumulate. 200 dwellings is a historically low completion rate for Cherwell. District councils in areas of housing growth could benefit greatly as there will effectively be a strong new weighting of local government grant funding to those locations.

For comparative purposes it is interesting to note that a first year payment in the order of £300 000 should be set against a loss of HPDG payments in the order of £500 000 per annum as received over the last two years of this grant scheme (2008/09 and 2009/10). Clearly the comparison will improve as time passes and completions accumulate.

The payments are expected to be made as an un ring fenced top up to formula grant, paid monthly within normal transfers from CLG (information provided in CLG consultation briefings). The payments will thus be available to fund in year revenue spend, or can be converted to capital spend if a Council wishes. This regular payment method differs from HPDG which was a lump sum payment made at one point in year and clearly separated from formula grant with an expectation of housing and planning service spend.

Comments made to Government by CDC

- The New homes bonus is welcomed by CDC and the scope of the scheme and administrative arrangements proposed are all supported. (subject only to the comments below).
- The additional incentives for affordable housing delivery and bringing empty homes into use are particularly welcomed and helpful.
- The final scheme should more clearly state that the funding available by this route is not new money, but involves a redistribution to create incentives for local authorities to facilitate housing delivery. With this point in mind it is important that, in finalising the scheme, Government acknowledges that it will often be necessary for councils to use this funding as revenue support for key local services. The consultation places great emphasis on councils taking local decisions to use the bonus for project or capital spend on new services, facilities and infrastructure. Whilst this is an understandable objective, and one that may help create a linkage to public demonstration of the benefits of development, it is also important recognise that given overall CSR budget pressures, it will be difficult for councils to set this funding aside for this type of project / capital spend. In this respect it should be noted that HPDG was entirely devoted to supporting councils in providing staff and systems to deal with development plans, development control and housing projects. The loss of this funding has had considerable impact on the services needed to support housing growth. Suggestions that funding should be negotiated to support infrastructure projects by others, including pooling with in Local Enterprise Partnerships (LEPs) are not helpful.
- With the points above in mind, and taking account of the fact that the funding to be used is primarily replacement revenue funding, the scheme should direct 100% of funding to the councils that decide planning applications for new housing. This fits with the crucial importance of linking the incentive to the formal decision role.
- The definitions of affordable housing to be used are rightly indicated as wide ranging. However, new types of affordable housing are regularly introduced and it will be necessary to issue detailed guidance and keep it up to date to ensure clarity and consistency in the data sources used for this element of the scheme.
- Similar clarity of definition will be required for empty homes data.

Issues for Cherwell

This new funding source is presented as a “bonus”. Given uncertainties about housing completion rates future receipts will be difficult to predict in MTFS terms. Certainty of budget impact will of course improve as the completions are recorded, but it would be unwise to rest mainstream budgets too heavily on this source of funding.

It is therefore suggested that initially budget planning should set out with the objective of placing the bonus payments in an accumulating fund that can be used to support special or capital projects once the fund reaches a suitable level. These projects should be established (through the normal budget process) to start from 2012 /13 onwards taking account of both the size of the accumulated fund and ability of the council to create capacity to undertake the project effectively. This process would also allow time to plan and negotiate any projects that the Council wished to see delivered through partner bodies (e.g. town and parish councils, the County or Local Enterprise Partnership members).

2) Planning Fees

The Government is proposing to move away from the current national fee regime and allow Local Planning Authorities to set their own planning fees from April 2011 (with a six month transition period for introduction). The aim would be to achieve cost recovery only and it is to be expected that the rules to achieve this would be strictly applied.

This matter is significant to the Council's overall budget position as current planning fees cover around 50% of relevant costs (but see comments below on definition of relevant costs).

Comments made to Government

- Giving councils freedom to set local planning application (and potentially other planning application type) fees is welcomed.
- The suggested regime of regulation and control does however look overly restrictive and complex. The objective of cost recovery is deceptively simple until there is understanding of the scope to define costs in different ways and the potential for significant bureaucracy to develop around time / cost recording and accountancy rules. Government should avoid setting up a complex fee control regime which will be difficult and expensive to operate. Councils should have full freedom to judge cost recovery levels and to set fees reasonably within the restraint of normal democratic oversight. This will be a sufficient control on any suggestion of profit.
- The arguments in the consultation paper about the public and private benefits of planning control are somewhat dubious and very debatable. However, once Government espouses the principle of charging applicants for private property benefits of the planning process, (rather than relying on a public interest approach and funding through general taxation), then freedom should be given to recover all planning costs.
- The costs of running a planning service include development plan and policy work and specialist advice services such as conservation, arboriculture, ecology, transport, highways etc. All aspects should be within scope for cost recovery.

- Applications for listed building, conservation areas and tree work should all be included in the fee regime because the principle of private property benefit from permissions applies to these cases in the same way as with a normal planning application (the property owner is similarly potentially gaining from a decision in terms of property values or can be expected to deal with all the costs of the property they choose to occupy).
- Freedom to charge fees in a way that encourages a right first time submission and discourages retrospective applications should be provided.

Issues for Cherwell

The ability to raise additional planning income will make significant additional resources available to the council. At present it is difficult to plan effectively as the basis of the new regime is unclear. It is suggested that a 10 – 15 % rise in fees is sufficient to cover costs. This would only be the case on the basis of a very limited definition of development control work (restricted to planning applications and their processing – excluding all special application types and general advice work). There are particular problems with the current fee regime as low volume major applications are a major source of income (rightly so as this reflects their costs). This creates huge volatility of income and budgeting difficulty. Any new system would allow the council to collect more of its income from routine applications, giving greater certainty of prediction.

Given uncertainties about exactly what level of freedom in fee setting the council will have and the timing of introduction, it is suggested that, for the coming financial year any additional fee income achieved as a result of local fee setting should be treated outside of the mainstream budget as follows:

1. Used first to cover any shortfall on fee income projections
2. Used second to top up the planning control reserve
3. Treated as a replacement for the pre application advice charging proposal recommended as part of the DCMD VFM Study and incorporated in the 2011/12 budget (£10 000). This scheme is effectively overtaken the Government's much wider ranging fees initiative and it will be more effective to collect a notional additional fee for pre application advice through overall charging for applications.

For the 2012/12 budget process, and for MTFS planning, revised assumptions can be adopted. These can take account of the detailed terms of the new fee regime and experience of its introduction in 2011/12.

If significant additional income is available this should then allow the council to:

- Reconsider savings plans for planning related services adversely affected by overall budget pressures (current MTFS budget building blocks previously reported)
- Effectively free funding for other areas of council activity by covering as many planning costs as possible from income.

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