

SODC ward councillor's report

Shiplake – 25th July 2021

Covid-19

Covid cases are surging in Oxfordshire, as the Delta (Indian - B.1.617.2) variant makes its mark. The level in Oxford City to the 4th July, when it reached 601 weekly count per 100k of population, echoed the level in early January – albeit now focussed mainly on a younger group – implying a higher level amongst them.

At 20/7, Oxford City was at a weekly rate of 419 (vs 36 @ 01/6 last month) per 100k population. By comparison, Cherwell DC was 397 (vs 16 @ 01/6 last month), West Oxon DC at 406 (vs 24 @ 01/6 last month), SODC at **367** (vs 42 @ 01/6) and Vale of WH DC at 407 (vs 46 @ 01/6). Reading BC (to 20th July) was at 407 (vs 95 @ 01/6).

The call from Public Health in the county is to please retain caution and protective measures. In the light of this surge, exceptional action is being taken to seek to accelerate the vaccination programme. In particular the age group down to age 18 are being called early for their first jab – with particular reference to Oxford City. There is also encouragement to take tests.

The vaccine programme continues apace.

All adults nationally are expected to have a first dose by end July – subject to uptake. The programme will continue with 2nd doses with the aim of reaching all adults before the end of September. In some areas facing a challenge from new variants, and where supplies allow, the second dose may now be accelerated to 8 weeks after the first one – rather than 12 weeks. It is expected that there will need to be booster vaccinations for new strains and to maintain antibody levels in the autumn – together with flu jabs to try to protect the NHS next winter.

From 19th July the government has removed all legal restrictions – relying on good sense by businesses and the public alike. However guidance suggests continuing caution and that masks remain appropriate in internal enclosed spaces and on public transport.

Nationally there have been some falls in case numbers in recent days as the effect of the Euro 2020 football gatherings fades and vaccinations progress – however further infections from opening up and holiday movements may also emerge in the days to come.

Hiring out land: Covid-19 safety measures for landowners

It's important that landowners are up to date with the current Covid safety regulations for hiring out their land now that we've reached Step 3 of the government's roadmap out of lockdown. This includes parish councils, who must help ensure that the hirers of their land are fully aware of their roles and responsibilities under the Health and Safety at Work etc Act 1974 and the current coronavirus regulations.

It is important event holders and landowners get in touch with the SODC Licensing team as soon as possible about their planned activities to ensure they are managed in a Covid secure way.

Landowners should refer to the latest version of the [working safely sector guidance](#), which includes 'visitor economy guidance' for fairgrounds, events and shows.

Guidance on all types of events and information about the Safety Advisory Group can be found on our websites, along with lots of other useful links and guidance: [South website](#)

Landowners can also get advice for any events held on their land by emailing events@southandvale.gov.uk

Grants and Finance

Total Covid19 Grant Payments processed through the District council since April 2020 total £42.8m. The Council carries out pre- and post- grant award checks to detect any fraud regarding any grant including the £500 isolation grant - an important part of what the finance team have been doing this last year.

Town and Parish Council Forums

The two sessions held recently, on Assets of Community Value and on The Climate and Ecological Emergencies were very well attended and there was a lot of positive feedback received.

Councillors may be interested to know that the meeting on the Climate Action Plan held on 27th May was recorded so can be watched at a future date.

There is a plan in development to hold Town & Parish Council Forums on a much more regular basis, with each one focusing on a different topic. Hopefully this will also help Parish Councils to work collaboratively on issues of common concern.

Are there any subjects which you would like a Town & Parish Council Forum to tackle?

Refuse collection

Currently BIFFA (SODC's refuse collection contractor) is facing challenges in having enough HGV drivers. There are a number of reasons for this :-

- Brexit/Covid – many HGV-qualified drivers from the EU etc have left the UK
- Re-start of the economy – there is now much more demand for drivers as activity starts to return post Covid – so widespread new recruiting
- Covid – staff off sick or isolating
- Covid – there has been much less training and test availability for HGV qualifications

Managers at BIFFA are doing their best to recruit more.

SODC grounds maintenance and litter picking

The number of grass cuts has been reduced this year, but this is being kept under review. There are also more staff allocated for litter picking for the summer.

Waste & Recycling

Please see attached infographic on waste & recycling contents and rates in South Oxfordshire.

Permitted Development “Reforms”

As part of initiative to undermine and “reform” the planning system, you may have read in various press articles that the Government has made several changes to the General Permitted Development Order which in effect gives automatic planning permission for various types of development (with some restrictions). The aim of the recent changes has been to allow more development without the requirement for a formal planning application to be submitted. Below is a table summarising the changes you are most likely to come across.

These new powers to avoid planning applications also affect actual applications. In terms of decision making on planning applications, SODC has to consider these changes - as they can

become a 'fall back' position. So, when considering a planning application, SODC needs to be mindful of what applicants could do under permitted development.

New PD Rights	Reference	Any restrictions	Any prior notification and qualifying matters required?
Additional storeys to dwelling house (up to two additional storeys to a two-storey dwelling and one additional storey to a one storey dwelling)	Part 1 -Class AA	Not allowed in AONB or Conservation Areas	Yes – (neighbour impact, external appearance)
Change of use of dwelling to a House in Multiple Occupation (HMO) (up to 6 persons) and vice versa	Part 3- Class L	None	No
Change of use of commercial, service and business use to dwelling (PD from 1/8/21)	Part 3 - Class MA	Not allowed in AONB or for listed buildings	Yes – (Highways, flooding, contamination, noise, conservation area, natural light provision)
Office to dwelling	Part 3 - Class O	Not allowed for listed buildings	Yes – (Highways, flooding, contamination, noise, natural light provision)
Agricultural building to dwelling	Part 3 - Class Q	Not allowed in AONB or for listed buildings	Yes – (Highways, flooding, contamination, noise, design and external appearance, and natural light provision)
Agricultural building to a flexible use (e.g., shop, café, hotel, office, warehouse)	Part 3- Class R	Not allowed for listed buildings	Yes – (Highways, flooding, contamination, noise)
Demolition of existing flats or commercial buildings (B1) and construction of dwellings (up to 1000m ²)	Part 20 - Class ZA	Not allowed in AONB or for listed buildings or any buildings newer than 31/12/89	Yes – (Highways, flooding, contamination, noise, design and external appearance, and natural light provision, neighbouring amenity, heritage and archaeology, landscaping, method of demolition)
New dwellings on detached blocks of flats (up to 2 additional storeys)	Part 20 – Class A	Not allowed in AONB, Conservation Areas, or for listed buildings	Yes – (Highways, flooding, contamination, noise, external appearance, natural light provision, neighbouring amenity, fire safety (if higher than 18m))
New dwellings on detached commercial buildings (up to 2 additional storeys)	Part 20 – Class AA	Not allowed in AONB, Conservation Areas, or for listed buildings	Yes – (Highways, flooding, contamination, noise, external appearance, natural light provision, neighbouring amenity, fire safety (if higher than 18m))
New dwellings on dwellings (up to 2 additional storeys)	Part 20 – Class AC and AD	Not allowed in AONB, Conservation Areas, or for listed buildings.	Yes – (Highways, flooding, contamination, design and external appearance, natural light provision, neighbouring amenity)

These changes come in addition to the changes to Use Classes and rights for changes of use made last summer.

Except for the restrictions and qualifying matters noted above, it is important to recognise that under permitted development planning officers have no scope to apply national or local standards to the size, quality, amenity or other aspects of such development itself. The Permitted Development powers give the developers carte blanche in these matters.

As you know (from the Queen's speech and the White Paper on "Planning for the Future") much more radical "reforms" to the planning system are soon to be proposed - separately through legislation and a new NPPF. However the above changes have been decreed from the pen of the Secretary of State for MHCLG.

SODC Local Plan 2035

A legal challenge to LP2035 had been made. (Such a challenge is largely restricted to contesting the procedure adopted by the examining inspector – not the merit of the contents. Once submitted the examination does not seek to "improve" the LP – merely to amend aspects which are not sound and minimally compliant with law and national policy.) SODC has now received notification that the Court of Appeal has refused permission for Bioabundance CIC to appeal the recent High Court decision related to the Local Plan 2035. The appeal had come after the Community Interest Company's application for a judicial review against the Council's decision to adopt the Local Plan 2035 was rejected. The application for a judicial review was refused by the High Court in April. Accordingly, this matter is now closed and LP2035 stands as the extant Local Plan.

SODC Annual Housing Land Supply statement

SODC's officers had put together and published the annual HLS statement which shows a level of **5.33 years** for the period 2021-2026. This is now based against the annual housing requirement from the new adopted Local Plan – which includes unmet need from "Oxford City". That overall requirement is for 900 per annum for the next 5 years. Moreover that level goes back to 2011 and uncovers a "shortfall" of 954 from the past Conservative administered years – which has to be made up over the next 5 years. Thus overall the housing requirement becomes **1145 per annum** - including the standard extra 5% of "buffer". (Needless to say that requirement is considerably higher than the level that would be required by the government's "**standard method**" formula – which in **2020** prior to LP2035 was only **638 per annum** – including the 5% buffer; the housing supply in that annual statement was 9.15 years and no past "shortfall" applied.

Planning Applications

There has been a big increase in planning applications, from householders as well as some bigger ones, in the last few months. In May 2021 there were 390 applications, which is a 48% increase on May 2020. 61% of applications received were valid on receipt. As a result, the planning department is a few days behind on registering new applications. There seems to be some increased interest in extensions following Covid lockdowns!

AONB extension

An extension to the Chilterns AONB is to be considered as advised separately. This begins to reflect the findings of the Glover report and also public concerns.

It is not yet clear how this process will proceed – so details are awaited.

Retirement Village appeal – Sonning Common

On 25th June the inspector (H. Stephens) in the “Little Sparrows” (or previously “Inspired Villages”) found for the appellants, following the actual appeal hearing that concluded on 7th May. This application was part full and part outline and provided for 133 “extra Care” units including 2.5 storey service buildings on the top of a prominent AONB location. The application was for market units only - each selling for an average price of £600k per unit with £6k per annum service fees and a charge to residents/owners of up to 15% of the sale value achieved on exit. The applicants offered commuted s106 funds for off-site provision of their affordable housing obligations.

In forming his judgement the inspector took a number of positions that seem, unusual perverse or even heretical. SODC submitted the same Housing Land Supply statement that had been found accepted and found sound by the Local Plan inspector Mr Bore in 2020 – covering the 2020-2025 period and which showed a supply of 5.35 years. Following on from the disruptions of Covid, SODC stepped back the claimed supply to 5.08 years. (The districts HLS level now has to be set against the very high requirement of LP2035 – including unmet housing need from Oxford City and goes back to the Conservative administered period to 2011 - as described above. Following LP2035 the government’s “standard method formula no longer applies.)

The appellants claimed only to accept 4.21 years-worth of the housing supply. In so saying they picked out certain larger sites and claimed that there was not absolute “proof” that they would deliver on time. In fact the guidelines require only reasonable probability of delivery; the appellant’s demanded a higher standard. Moreover the appellants claimed that, when asked about build-out of their sites, developers routinely and optimistically tell lies in order to thwart potential competitor sites. (This is a fantastical claim since existing sites will be far ahead of any new outline or even full application site in discharging conditions and preparing the build – so it is a largely illogical claim.)

Bizarrely the inspector accepted the appellant’s position on both of these points. It so happened that SODC published its full and formal annual HLS statement on 25th June for the 2021-2026 period showing 5.33 years. The appeal inspector also roundly attacked the work of Inspector Bore who had examined the Local Plan 2035 suggesting that the housing evidence for it was not up to scratch, that there was an urgent lack of elderly provision and that the LP should have provided detailed arrangements for the sub-segment niches of the elderly market claimed by the appellants. It is highly unusual for inspectors to clash in this way and it is generally accepted that planning decisions should follow the local development plan in a “plan-led” way. Inspector Bore had heard evidence of the different claimed niches for elderly provision including suggestion of practice in North America and elsewhere and had considered the evidence that longevity would have more impact on demographic age-mix over time; he concluded that the UK may be different and that the market was in the early stages of evolving and that the LP2035 strategic sites could and should provide for all that in due course. By contrast, inspector Stephens accepted that there was quite a bit of affordable housing provision for the elderly but suggested that market provision – including this luxury proposal was lacking and was a matter of urgent need – in the Public Interest. He dismissed challenges that this provision did not relate to very local need indicating a view of the overall district’s needs. He also queried the likelihood of the Shiplake “Retirement Villages” site coming forward as it had been sold on.

Because the SC Neighbourhood Plan had been made under the Core Strategy, inspector Stephens suggested that it was out-of-date and of scant weight. Indeed LP2035 provided that allocations to towns and parishes should not be required to have supply before 1 year after adoption to give time for new NPs to progress. By contrast, Inspector Stephens determined that as he judged there to be a lack of HLS then he would take the view that both the new LP and the SC NP would be deemed “out of date” and that ALL of their policies given scant weight. In my understanding, this view is in

stark contrast to previous cases and the ruling in “Suffolk Coastal vs Hopkins” which said that in such situations only housing policies would get less weight and that statutory, environmental and land designation policies that were not in conflict with the NPPF should get full weight. Indeed paragraph 11(d) of the NPPF requires designations to be respected. Inspector Stephens went on to disparage AONB policy and to suggest that land near settlements and land on plateaus as opposed to land in the (dry) valleys was not that special and could be developed; such a view is breathtakingly unconventional.

Because of his view of the high need for niche “Extra Care” provision for the elderly the inspector invoked paragraph 172 of the NPPF suggesting the exceptional circumstance of Public Interest needs. He then placed great weight on meeting those needs and disparaged the AONB qualities of the site. SODC’s expert landscape consultants and local Sonning Common people place very great value on this prominent AONB land that towers over one of the exceptional AONB valleys that frame the settlement.

Appeal inspectors are supposed to take a “plan-led” approach to decision-taking in line with paragraph 12 of the NPPF and whilst they are empowered to make judgments these should not be “irrational” under the Wednesbury rules. This case has many disturbing features that are of wider significance – hence my devoting space to it. SODC have commissioned a careful review of this case - which is awaited.

Shiplake applications

Taylor Wimpey have now submitted run-off drainage proposals for the **Thames Farm** site to SODC. These will now be subject to expert review – including, as is required, by Thames Water and the Environment Agency. Separately they have also been appraised by JBA on behalf of TFAG and a cogent letter setting out unresolved concerns and matters arising has gone to SODC. I understand that these processes may take some time and like others have asked how the interaction of the filling of the vast voids barely above the aquifer will work since the proposals will need to be understood holistically. Having taken advice the position of SODC’s professional planning function is that the void-filling of the sinkholes on site will represent major engineering works that go beyond the scope of the original application and will thus need to be the subject of a separate application; the applicant disputes this finding. As yet the necessary detail on the void-filling proposals has not been submitted to SODC.

I have placed a holding call-in request regarding the **Beechwood** proposal.

Oxfordshire Electric Vehicle Infrastructure Strategy

The timeline for the county council’s roll-out of the Oxfordshire-wide Park and Charge scheme has been extended, and it is now expected to launch in our district in late autumn or winter. This short delay is partly to ensure the newly launched pilot of the scheme in Bicester can go through sufficient real-world testing to ensure the best possible user experience.

Performance Management at SODC

As part of this Council’s commitment to Openness and Transparency, we will be launching a new Performance Management Framework shortly, which will ensure that progress towards achieving the objectives set out in our Corporate Plan is monitored, measured and reported to all interested audiences. Quarterly performance reports will be published on the SODC website and this will be a good way for local residents and businesses to hold the Council to account for how it spends public money and how it responds to the needs of the local community. An interim performance report to be published shortly reveals how much has already been achieved since the new

Corporate Plan was adopted in October 2020, despite the challenges and restrictions caused by the coronavirus situation.

Elections - Proposals for new Parliamentary constituency boundaries

The Boundary Commission for England (BCE) has published its initial proposals for new Parliamentary constituency boundaries and launched an eight-week consultation, which closes on 2 August 2021. People can comment on issues from where the boundary lines are to the names of the constituencies via the Boundary Commission website. In particular, I would draw your attention to numbers 28 and 41-45 which detail proposals for Oxfordshire.

These include: increasing the number of constituencies in Oxfordshire from six to seven – reflecting growth. The Henley constituency loses part of its northern area and is made more compact by transferring two northern wards to the Bicester constituency.

Keep safe!

Leigh Rawlins
District Councillor