

## WEST OXFORDSHIRE DISTRICT COUNCIL

### Minutes of the meeting of the Cabinet

Held in the Woodstock Community Centre, 32 New Rd, Woodstock, OX20 1PB at 3.00 pm  
on **Wednesday, 11 January 2023**

#### PRESENT

Councillors: , , Andy Graham, Duncan Enright, Joy Aitman, Lidia Arciszewska, Dan Levy, Mathew Parkinson, Andrew Prosser, Carl Rylett and Geoff Saul

Officers: Giles Hughes (Chief Executive), Elizabeth Griffiths (Chief Finance Officer, Deputy Chief Executive and Section 151 Officer), Andrew Brown (Democratic Services Business Manager), Max Thompson, Anne Learmonth, Michelle Ouzman, Georgina Dyer (Business Partner Accountant) and Astrid Harvey

Other Councillors in attendance:

#### **106 Minutes of Previous Meeting**

The minutes of the meeting held on Wednesday 14 December 2022 were approved by the Cabinet, and signed by Councillor Andy Graham, Leader of the Council.

#### **107 Apologies for Absence**

There were no apologies for absence.

#### **108 Declarations of Interest**

There were no declarations of interest received.

#### **109 Participation of the Public**

The Leader of the Council, Councillor Andy Graham, welcomed all attendees to the meeting, and thanked the members of the public for attending. The Leader advised that this meeting was the third in the series of the Council's "Cabinet on Tour", having held previous meetings in Charlbury and Chipping Norton.

The Leader explained that during the meeting, Cabinet members would be answering 5 public questions that had been received in advance of the meeting, and that if members of the public wished to stay behind to speak informally with a Cabinet member, they were welcome to do so.

The Cabinet provided the following answers to the following questions:

#### **Q1 Asked by Frances Stevenson:**

My question is on the subject of the proposed Botley West Solar Farm, in particular WODC's position on the proposal and its plans to address it.

**AI Answered by Councillor Carl Rylett, Cabinet Member for Planning and Sustainable Development:**

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The proposed Solar Farm is a very significant project that has implications both nationally and locally. The Council has yet to formally determine its stance- not least because the proposals have yet to be formally submitted in their detailed form and as such the full implications are not yet known. In the interim the Council is committed to securing the maximum level of public engagement between the developer and the local community to ensure that all relevant factors will be considered when the Council is in a position to take a position and make its representations to the Planning Inspector.

**Q2** Asked by Dr Alan Hearne:

A key element in the Council's response to the Climate Emergency is an intention to reduce the production of carbon from existing homes, by assisting in the removal of gas and oil fired boilers with a continuous programme of "retrofitting" them with non/low carbon technologies. The draft Council Plan being considered at today's meeting commits to "work with residents to facilitate the retrofit of carbon reduction measures in homes". (Priority 4, Page 12, Bullet 3).

For those of us who own and live in Listed Buildings or the 50 Conservation Areas in the District, such a "retrofit" is virtually impossible because nothing has changed in the way the Council considers proposals to improve our properties.

The key advisory documents Greener Historic Buildings and Design Guides 6 and 16 have not been redrafted to give guidance about what type of "retrofit" is acceptable .

Our Planning and Conservation Officers do not appear to have been briefed about the sort of "retrofit" they should look on sympathetically.

All proposals are, therefore, still considered on a "case by case basis", against a vague policy framework. Applications for solar panels, double glazing and the works necessary to install and make heat pumps effective are likely to be refused.

Making an application is expensive so few LB owners are going to attempt a "retrofit" when the chance of success is low. This is not a trivial issue: c10% of homes in the District are LBs or in CAs and they probably use 12/13% of energy in the sector.

WODC is not alone in having this problem. (Financial Times: 30/12/22 "Heritage rules block energy efficiency and renewables for historic UK homes.") However, Royal Borough of Kensington & Chelsea is showing a realistic way forward, having published a Local Listed Building Consent Order in March 2022 which "gives consent for solar panels on most Grade 2 and 2\* LBs without the need for individual LB consent." (Lead Cllr for Planning). It is now consulting about how best to do the same thing in respect of secondary and double glazing.

The Government's draft "Levelling Up and Regeneration Bill" identifies the need to review the "practical planning barriers" faced by LBs and in CAs (Ch8, para9, p51) and is proposing to amend the NPPF to give "significant weight" to energy efficiency improvements (new para 161).

I, therefore, ask the Cabinet to make real the Council's commitment to work with residents to decarbonise homes by putting in place new policies and guidance in respect of "retrofits" for LB and buildings in CAs. These should eventually remove the need for the vast majority of "retrofits" on Grade 2/2\* buildings to secure LBC or PP.

**A2** Answered by Councillor Andrew Prosser, Cabinet Member for Climate Change:

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One of the Council's key priorities is to support residents in improving the energy efficiency of their homes and businesses. To achieve net zero in the district by 2050, it is important that traditional and listed buildings are retrofitted with carbon reduction measures. The Net Zero Carbon Toolkit was released in 2021 and provides advice to homeowners on how to plan a net zero housing project and includes a retrofit section.

All planning applications are encouraged to include a Sustainability Statement which sets out how high energy standards in the Sustainability Standards Checklist are to be met. This will become a compulsory requirement on 1 February 2023 when the new validation checklist comes into force and will be supported with internal training.

There is however a separate legal duty on councils to ensure that the character and historic integrity of listed buildings is given more weight in planning decisions than that which currently applies to climate change. This is enshrined in statute and as such is not open to the Council to change.

The Conservation Officers are fully briefed upon, and signed up to, seeking appropriate adaptations to respect the legal duty to conserve the listed building whilst reducing carbon emissions. This can however only take place within the legal framework outlined above and as such householders will often need to adapt "standard" solutions to ensure that the buildings are preserved for future generations. Thus ground mounted arrays, fitting them on less conspicuous elevations, fitting them on secondary outbuildings, and use of secondary as opposed to double glazing are all likely to be preferable to solutions that have not had regard to the legal duty that requires a case by case assessment in order to preserve the limited stock of listed buildings. There is no additional cost for LB applications. There is also no empirical data that supports the contention that the chances of approval are low.

Officers have separately had detailed engagement with the key officers at Kensington and Chelsea who were responsible for the implementation of the Listed Building Consent Order (LBCO). Their advice is that this was possible in a heavily built up area with largely homogenous high buildings and very limited street views of rooftops like London, but in the context of a rural area like West Oxfordshire with less uniformity of form, lower buildings and much more open roofscapes was likely to be much more problematic. Even the K&C scheme still requires the submission of details, public consultation and potentially the submission of a separate application for Building Regulations Approval and as such it still involves almost identical processes and details as currently required. They also have far less issue with the roof voids being used by protected species such as bats and birds than is the case in rural areas and where inadvertently a LBCO approach could induce a criminal offence. Critically the measures would only apply to Listed Buildings, whereas West Oxfordshire has a very significant housing stock of non-listed but nonetheless visually important older properties that contribute to the character and importance of the area but which would be excluded from the LBCO approach.

As part of the Local Plan review (alongside any changes to the National Planning Policy Framework), we are building up a strong evidence base for net zero and retrofit policies, in collaboration with leading local authorities and technical experts. New design guidance will provide further advice on how to incorporate energy efficiency measures in traditional and listed buildings and include best practice examples.

In parallel, we are developing our district wide retrofit strategy and are collaborating with the county council's retrofit leads and other local authorities. We are keen to incorporate Oxfordshire University research findings on traditional and listed buildings.

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**Q3** Asked by Sharone Parnes:

When will the report on the proposed Blenheim power station be available, and - noting how the January 5th Facebook Live session with the Leader and another Cabinet Member showed how WODC is so well-equipped for live webcasting on Facebook Live - why was it not made possible for this question, other public participation submissions, and the Cabinet on tour meeting itself to be webcast on Facebook Live or Zoom for the benefit of those members of the public who cannot attend and/or who may be interested in viewing it on-demand subsequently?

**A3** Answered by Councillor Andy Graham, Leader of the Council:

The deadlines for the Local Impact Report that will be prepared by the Council on the Botley West proposal are not known yet. These will be set by the Planning Inspectorate after the developer submits the formal application to them.

The Council is currently working on installing the equipment required within our meeting rooms to be able to broadcast them so they can be viewed online. This will enable public meetings held in the council's offices to be live streamed to the website for anyone to watch.

Many of the local venues we visit during Cabinet on Tour are not equipped with the equipment to live stream the meetings. The council does not have the equipment or expertise to live stream large meetings held outside our offices. Previous experience gathered during the pandemic showed that to do so would come at a significant cost to the taxpayer.

The Facebook Live Q&A sessions are one room, with only a few people and require far less equipment and skill to run. The capability has been built in-house to run these sessions as an additional way for residents to ask questions of Cabinet, outside of other more formal settings.

**Q4** Asked by Stan Scott:

I wanted to ask about your inaction to assist Woodstock in its opposition to the parking scheme and charges to be imposed upon us by the County Council in order to make money, and later upon West Oxfordshire.

I am an ordinary resident of Woodstock, not affiliated to any particular group or political party. I respect our Councils and local democracy, but despair at the way in which our votes and majority comment have been ignored, in favour of slavishly following Liberal Democrat policy in County, District and Town Councils about this parking scheme, instead of representing local wishes and electors. The malpractice of individual Town Councillors who want all day parking permits for themselves and their friends has been tolerated and excused, but the scheme will damage local business and the trust of local people. This is an enormous gamble with the future of the town centre, and will drive shoppers to other towns and retail parks.

Have we no-one to represent us?

**A4** Answered by Councillor Dan Levy, Cabinet Member for Finance:

West Oxfordshire District Council and Oxfordshire County Council are working closely to manage the particular parking issues in Woodstock.

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Because of the welcome influx of visitors, the parking situation in Woodstock is different to other places in West Oxfordshire, and, after significant consultation with residents and with the Town Council, a residents parking scheme is being introduced, primarily to improve the ability of local residents to park close to their homes and to ensure that local businesses can operate well.

**Q5** Asked by Councillor Harry St. John:

Can West Oxfordshire District Council (WODC), as the planning authority with most of the site in its jurisdiction, request the applicant to repeat the advertising and public notification/consultation with a more accurate description - it is currently named the Botley West solar farm whereas the vast majority of the solar farm impact is in WODC wards nowhere near Botley? It should surely be named the Blenheim Estate (BE) Solar Farm since BE appear to own most of the land involved - I believe many local residents are not aware that the Botley West proposal is actually largely in WODC and have therefore ignored the initial publicity etc.

Given an NSIP can entail, as I understand it, the use of compulsory powers can the applicant be asked to say whether this would be the case for the laying of cables under or electricity poles/pylons/lines over land between the three sites that BE and Merton College don't own?

**A5** Answered by Councillor Carl Rylett, Cabinet Member for Planning and Sustainable Development:

The Council does not have control over what the developer calls the site. However a key part of the process is ensuring that the scheme has been adequately consulted upon and in that regard, we will be requiring extensive engagement with local communities.

The details are not as yet known as the proposals are only at initial engagement stage but matters such as the cable runs, CPO powers etc. will be revealed at the more detailed submission stage.

## **110** Receipt of Announcements

The Leader announced that Agenda Item 7, Revised Council Plan, would be taken ahead of Agenda Item 6, Update of 2023/24 Budget. This was agreed to by Cabinet.

There were no other announcements made by Cabinet.

## **111** Revised Council Plan

Councillor Andy Graham, Leader of the Council, introduced the Revised Council Plan for 2023-2027, which is being developed in order to succeed the previous plan that covered the period 2020-2024.

Councillor Graham explained to the meeting the purpose of the plan, and explained that the plan had gone through an extensive consultation period, as well as being scrutinised by the Council's Overview and Scrutiny Committees. Councillor Graham stated that he was very pleased to see that public recommendations had been incorporated into the plan, and that overall approval of the plan would be sought at the next Council meeting.

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In May 2022 there was a change of administration at the District Council and in July 2022, it was agreed that in light of the changing context in which the Council Plan 2020–2024 was developed (not least by the impacts of the Covid-19 pandemic) that a review of the Council Plan would be appropriate.

The West Oxfordshire Council Plan 2023-2027 presents five new strategic priorities for the District which reflect the wide ranging issues and challenges requiring focus and attention over the immediate and longer term. The Council Plan has been discussed by the Overview and Scrutiny Committees to enable their views and insights to be taken into account in the finalisation of the document ahead of adoption of the Council Plan by Council in early 2023.

Councillor Duncan Enright, Deputy Leader of the Council and Cabinet Member for Economic Development, thanked the work of the Council's Chief Executive Officer, Giles Hughes; Astrid Harvey, Strategic Policy and Partnerships Officer who authored the report; Members of the Council's Scrutiny Committees, and the engagement of Town & Parish Councils in bringing this plan to fruition.

Councillor Graham proposed to agree the Revised Council Plan and its adoption by Council. This was seconded by Councillor Duncan Enright, and was agreed unanimously by Cabinet.

Cabinet **Resolved** to:

- a) endorse the Draft West Oxfordshire Council Plan 2023-2027 and recommends its adoption by the Council, subject to any amendments, as appropriate, to take into account resolutions arising from the Overview and Scrutiny Committees.
- b) grant delegated authority to the Chief Executive in consultation with the Leader to make amendments to the Draft as above prior to consideration by Council.

## **112 Update of 2023/24 Budget**

Councillor Dan Levy, Cabinet Member for Finance, introduced the report which provides an update on the developing budget for 2023/24. The report will recommend:

- 1) The draft base budgets for 2023/24;
- 2) Fees and charges for 2023/24;
- 3) Adoption of the Council Tax Base for 2023/24;
- 4) The submission of the business rates return.

Councillor Levy gave an overview on budget update, and thanked those members of the public who had submitted responses to the much publicised Budget Consultation being run by the Council, which was soon to come to a close.

Councillor Levy stated that since the last meeting of Cabinet, the Financial Management Overview and Scrutiny (FMOS) Committee had reviewed the budget proposals, and had mainly gone into detail regarding the Medium Term Financial Strategy (MTFS). Councillor Levy further explained that the MTFS reflects that there is always a danger that business rates could be reviewed, and that wider government funding, such as the New Homes Bonus, may be less generous than previously envisaged.

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Councillor Levy set out that very little local income is derived from own fees and charges, as set out in government policy. An example of this being that Council Tax can be raised by no more than 3% or £5. Councillor Levy reassured all Members and attendees that the MTFS is taken extremely seriously by the Council's administration, and that there may be difficult decisions to be taken in the future.

Councillor Levy summed up by stating that the administration are fully committed to improving services, addressing climate change, and supporting residents across the West Oxfordshire district, and that this is reflected in the priorities outlined in the Council Plan.

Councillor Mathew Parkinson, Cabinet Member for Customer Delivery, asked what the acronym 'MTFS' stood for. Councillor Levy responded stating that it was the Medium Term Financial Strategy.

Councillor Harry St. John queried what the acronym 'MRP' stood for. The Chief Finance Officer responded by stating that it was the Minimum Revenue Provision; a local government accounting requirement that pays down the value of assets over their life.

A question was raised by Dr. Alan Hearne, a member of the public in attendance, regarding how much money is saved by the Council in outsourcing various pieces of work. Councillor Levy responded stating that the Council has various working partnerships with other organisations, which fall under the Council's remit through ownership and has delivered savings for the Council. An example of this is the working practise of 'Ubico', for the provision of waste collections within the District.

Councillor Levy proposed to agree the update on the 2023/24 Budget. This was seconded by Councillor Andy Graham, and was agreed unanimously by Cabinet.

### Cabinet **Resolved** to:

1) Approve the draft fees and charges for 2023/24, as detailed in Annex H, for inclusion as part of the Budget recommendations to Council on Wednesday 15<sup>th</sup> of February 2023.

### And **Recommended** Council to:

2) Approve the Council Tax Base shown in Annex G, calculated as £47,078.85 for the year 2023/24;

3) Authorise the Chief Finance Officer to submit the National Non Domestic Rates Return 1 (NNDRI) to the Ministry of Housing, Communities and Local Government by the submission date of 31st January 2023;

4) Authorise the Chief Finance Officer to approve the annual uprating of allowances and non-dependent deductions in the Local Council Tax Support Scheme in line with national regulations.

### **113** Option appraisal and funding agreement for heating system and decarbonisation measures at Carterton Leisure Centre

Councillor Andrew Prosser, Cabinet Member for Climate Change, introduced the options appraisal report to Cabinet. This report was to note the process being followed to enable the options for new heating systems at Carterton Leisure Centre to be considered and to delegate decision making on the option to be progressed and whether a grant offer for Private Sector Decarbonisation Scheme (PSDS) funding should be accepted.

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Councillor Prosser proposed to agree recommendations surrounding Carterton Leisure Centre. This was seconded by Councillor Dan Levy, and was agreed unanimously by Cabinet.

Cabinet **Resolved** to delegate authority to Chief Executive in consultation with the Deputy Chief Executive and Section 151 Officer, Cabinet Members for Finance and for Climate Change, to:

- a) Agree the selection of a preferred option based on the optioneering report commissioned from consultants.
- b) Agree whether a PSDS grant offer should be accepted, if the option selected is (a), is eligible for funding.
- c) Agree to underwrite the additional pre contract revenue costs required to complete the IGP, once an option is selected and costs can be confirmed.
- d) Include the Capital and Revenue implications associated with the selected option, in the revised Medium Term Financial Strategy.

Councillor Andy Graham, Leader of The Council, closed the meeting by thanking members of the public for their attendance.

The meeting closed at 3.47pm.

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CHAIRMAN