

Division(s):

## CABINET – 15 OCTOBER 2019

### DIDCOT GARDEN TOWN HOUSING INFRASTRUCTURE FUND DRAFT HEADS OF TERMS

Report by Director for Planning & Place

#### RECOMMENDATION

1. The Cabinet is **RECOMMENDED** to
  - (a) **Subject to the confirmation from Homes England that the contract pre-conditions relating to South Oxfordshire District Council's Local Plan have been met, authorise the Chief Executive, in consultation with the Leader of the Council and the Cabinet Member for Environment to:**
    - (i) **approve any final detailed amendments of the drafted Heads of Terms.**
    - (ii) **approve the grant determination agreement.**
  - (b) **Subject to the satisfactory completion of recommendation (i.) approve the inclusion of all four projects into the Capital Programme and report the governance of these projects at a HIF1 programme level with an overall budget provision of £234m subject to the implementation of the grant determination agreement with Homes England.**
  - (c) **Note the draft Heads of Terms which form the basis for grant determination agreement between Homes England and Oxfordshire County Council for Didcot Garden Town Housing Infrastructure Fund Grant Award.**
  - (d) **Note the Assurance Framework which sets out the background to the Housing Infrastructure Funding process and establishes the approach to reporting and monitoring implementation**

#### Executive Summary

2. The Didcot Garden Town (DGT) Housing Infrastructure Fund (hereon in known as HIF1) is to fund £218m of a £234m package of measures (the remaining funding - circa £16m - will come from developer obligations) consisting of four separate but interdependent highways projects:

- a) A4130 widening from Milton Interchange to a new Science Bridge by making it a dual carriageway;
  - b) a new Didcot Science Bridge from the A4130 over the Great Western railway line into the Didcot 'A' Power Station site and re-joining the A4130 Northern Perimeter Road at Purchas Road;
  - c) a new river crossing and link road between the A4130 at Didcot and A415 Culham;
  - d) a Clifton Hampden Bypass from the A415 at Culham Science Centre and B4015 north of Clifton Hampden.
3. All elements of HIF1 will include walking and cycling infrastructure in accordance with Oxfordshire County Council's design standards as a minimum. This is a step change in cycling provision which segregates cyclists from motor traffic and pedestrians making journeys more comfortable and convenient for all road users which, in turn, will encourage more people to make journeys on foot or by bike for short journeys. This will not only help future proof the infrastructure but will have inevitable health and air quality benefits by encouraging non-carbon modes for all ages.
  4. The HIF1 will directly unlock 11,711 new homes and support the delivery of more than 17,000 new homes in total in the Didcot Garden Town area. The residential units are across 12 separate sites in and around Didcot in South Oxfordshire (SODC) and Vale of White Horse (VoWHDC) districts.
  5. Whilst the HIF1 business case was premised on supporting new homes, it is also essential to enable jobs growth at key employment sites in area. The HIF1 is essential for the economic and social prosperity of Science Vale UK, one of the first Enterprise Zones. It is home to one of the largest science-based research and knowledge clusters in Western Europe, based around Harwell (space sector), Culham Science Centre (nuclear fusion), and Milton Park (life sciences). These sites are subject to significant public and private investment and creating thousands of jobs. The HIF1 is essential to deliver infrastructure necessary to provide homes for the growing highly skilled workforce required by the world leading businesses and their supply chains.
  6. The HIF1 funding will deliver key transport infrastructure, relieve congestion and improve connectivity, to unlock the new homes and jobs required for Oxfordshire to grow as a thriving economy. Whilst the HIF1 funding is based on future growth, the HIF1 infrastructure is required for historic housing and employment growth. Given current congestion issues in and around Didcot, the infrastructure is required now.
  7. However, there are a number of key issues mainly associated with the delay and uncertainty surrounding SODC's Local Plan. A pre-contract condition of Homes England and MHCLG is related to SODC's Local Plan and commitment to housing delivery that is dependent on HIF1 infrastructure. If these conditions are not satisfied, MHCLG / Homes England will not be able to sign the contract to release funding to OCC.

8. The HIF1 infrastructure is the cornerstone of the Science Vale transport strategy and with links to neighbouring employment and growth ambitions such as growth in Oxford City. It will benefit a large swathe of Oxfordshire residents that are required to travel from or into the Science Vale area for work, shopping and leisure. The funding awarded will transform Didcot and the surrounding areas and help deliver the Garden Town aspirations by forward funding essential highway infrastructure. Other priorities areas such as community facilities, affordable housing, walking and cycling infrastructure be the focus of future bids and/or developer obligations that may not have been viable without HIF1 funding. Subject to a Cabinet resolution, The County Council is committed to delivering the much-needed infrastructure, the programme to deliver and has already committed funding to progress. In order to ensure HIF1 spend by March 2024, the County Council cannot pause its programme or delay in any way.

### **Exempt Information**

9. The Annexes contain exempt information. The information contained in the annexes is exempt in that it falls within the following prescribed category:

3. *Information relating to the financial or business affairs of any particular person (including the authority holding that information);*

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that disclosure would undermine the process to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority.

### **Introduction**

10. During July 2017, the Department for Communities and Local Government (DCLG) announced a national Housing Infrastructure Fund (HIF). The £2.3bn (subsequently raised to £5.5bn) fund is intended to ensure that the right infrastructure is in place to facilitate identified growth. The fund was split into two packages:
- Marginal Viability HIF (initially for schemes up to £10m)
  - Forward Funding HIF (initially for schemes up to £250m)
11. The HIF is allocated to local authorities on a highly competitive basis. This report is concerned with the Forward Funding HIF for Didcot Garden Town.
12. Critically for communities, an explicit feature of the HIF programme is the ability for the local authority to influence delivery so that supporting infrastructure is provided alongside the development of new housing. In return, government expects schemes to be ambitious, well managed and to attract wider economic investment and growth.

13. In September 2017, the County Council's Cabinet agreed the submission of three HIF Expressions of Interests to Government (Didcot Garden Town HIF1, West Oxfordshire HIF2 and North of Oxford HIF3). In April 2018, Government announced that the Didcot Garden Town HIF1 and West Oxfordshire HIF2 had been shortlisted to the co-development stage to write a business case for submission to Government by March 2019.
14. The County Council submitted its HIF1 business case to Government in January 2019. In March 2019, the Chancellor announced that the County Council had been successful with its £218m bid for HIF1 infrastructure to support growth. Given the highly competitive HIF process, this was a significant achievement for Oxfordshire. Since May 2019, officers have been in negotiations with Homes England on the Heads of Terms for HIF1 which will form the basis of grant determination agreement (contract) with Government. The latest draft Heads of Terms can be found in **Annex 1 (sensitive – commercial confidential draft 26.09.19)**.
15. The grant determination agreement coupled with the assurance framework (**see Annex 2**) will set the 'rules' and governance by which the funding will be operated and released by Homes England on behalf of The Ministry of Housing, Communities and Local Government (MHCLG) to the County Council.
16. The HIF1 funding will be ring-fenced to deliver four separate but interdependent highway infrastructure schemes:
  - A4130 widening
  - A new Science Bridge
  - A new Culham to Didcot River Crossing
  - A new Clifton Hampden Bypass.
17. The HIF funding must be spent by March 2024.
18. The four essential infrastructure items (see Figure 1) have been identified through earlier Local Plan processes (VoWHDC Local Plan 2016), listed in the Oxfordshire Infrastructure Strategy (OxIS) and contained within the Local Transport Plan 4. During the HIF bidding process, HIF1 was identified as Oxfordshire's number one priority.

## **The Need for the Scheme**

19. The HIF1 infrastructure package is essential to deliver historic and future housing and employment growth in the Didcot Garden Town area. Without intervention, the County Council cannot ensure an efficient and safe highway network. This in turn leads to County Council objections to current planning applications that increase traffic through the existing and restricted river crossings at Sutton Courtenay / Culham and Clifton Hampden. Highway objections are currently relevant to single dwelling developments in Sutton Courtenay which have subsequently received planning committee refusals. On three separate occasions, the decisions have been tested at appeal. On each

occasion, the Planning Inspectorate (PINS) has upheld the decision of the planning authority and dismissed the appeals due to the severe cumulative impact in the highway network as per Paragraph 109 of the National Planning Policy Framework (NPPF).

20. Within the HIF1 business case and subsequent clarification, twelve development sites were identified as ‘dependent’ on the HIF infrastructure. It is the dependency of new homes that is the main component of and enhances the business case. Cumulatively, and once reductions were applied for the Oxfordshire Housing and Growth Deal elements, this equates to 11,711 new homes. This produced a high benefit cost ratio (BCR). The sites coupled with the infrastructure are shown in *Figure 1*. The HIF1 business case was submitted with the support of both local planning authorities (SODC and VoWHDC).

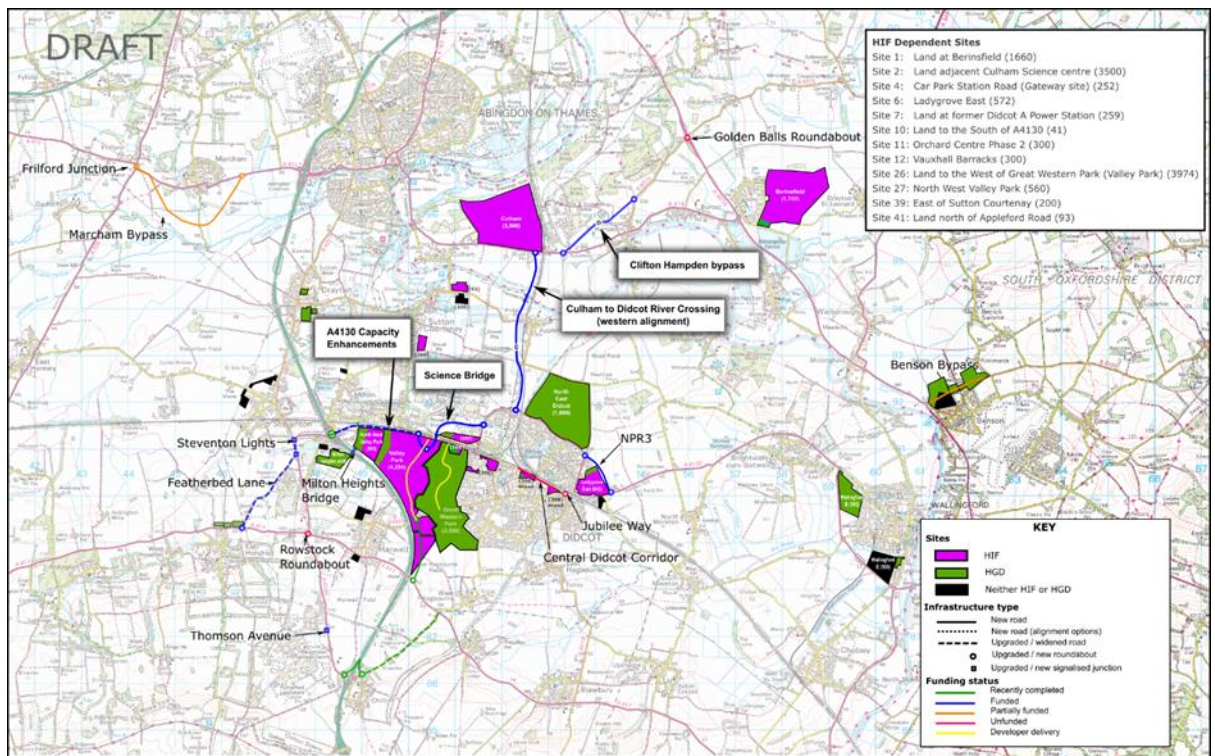


Figure 1: HIF Dependent Housing Sites

21. Two of the dependent sites relate to South Oxfordshire District Council’s (SODC) submitted Local Plan 2034 which do not benefit from adopted allocations; Site 1 and Site 2. The remaining sites benefit from adopted status. A full list of sites and their associated Local Plan reference can be found in *Table 1*.

Site No.	Site Name	Local Plan Details
1	Land at Berinsfield	SODC submitted Local Plan 2034
2	Land adjacent to Culham Science Centre	SODC submitted Local Plan 2034
4	Car Park Station Road	SODC adopted Core Strategy 2012 - 2027
6	Ladygrove East	SODC adopted Core Strategy 2012 - 2027

7	Land at Former Didcot A Power Station	VoWHDC adopted Local Plan 2031 Pt1 (120 of total new homes in SODC)
10	Land South of A4130	Speculative (5-year supply site)
11	Orchard Centre Phase 2	SODC adopted Core Strategy 2012 - 2027
12	Vauxhall Barracks	SODC adopted Core Strategy 2012 - 2027
26	Land to the West of Great Western Park (Valley Park)	VoWHDC adopted Local Plan 2031 Pt1
27	North West Valley Park	VoWHDC adopted Local Plan 2031 Pt1
39	East of Sutton Courtenay	VoWHDC adopted Local Plan 2031 Pt1
41	Land North of Appleford Road	Speculative (5-year supply site)

*Table 1: HIF dependent sites and planning status*

22. Without HIF funding it is extremely unlikely that Oxfordshire, as local highway authority, could support the sites listed in *Table 1* (sites 7 and 10 benefit from planning permission but only equate to 300 of the 11,711 dependent new homes). Equally, given the highway objections and refusals as noted in paragraph 19 above, any new residential or employment sites that increase traffic through Sutton Courtenay / Culham and Clifton Hampden will also receive a highway objection without confidence that the HIF1 infrastructure is forthcoming. This will include, but not limited to, any sites listed in *Figure 2* below.
23. With the security of HIF funding, the County Council, together with its partners, can manage growth to enable residential and, importantly, commercial development in high tech sectors in the Science Vale area to progress, ensuring economic and jobs growth for residents of Oxfordshire.

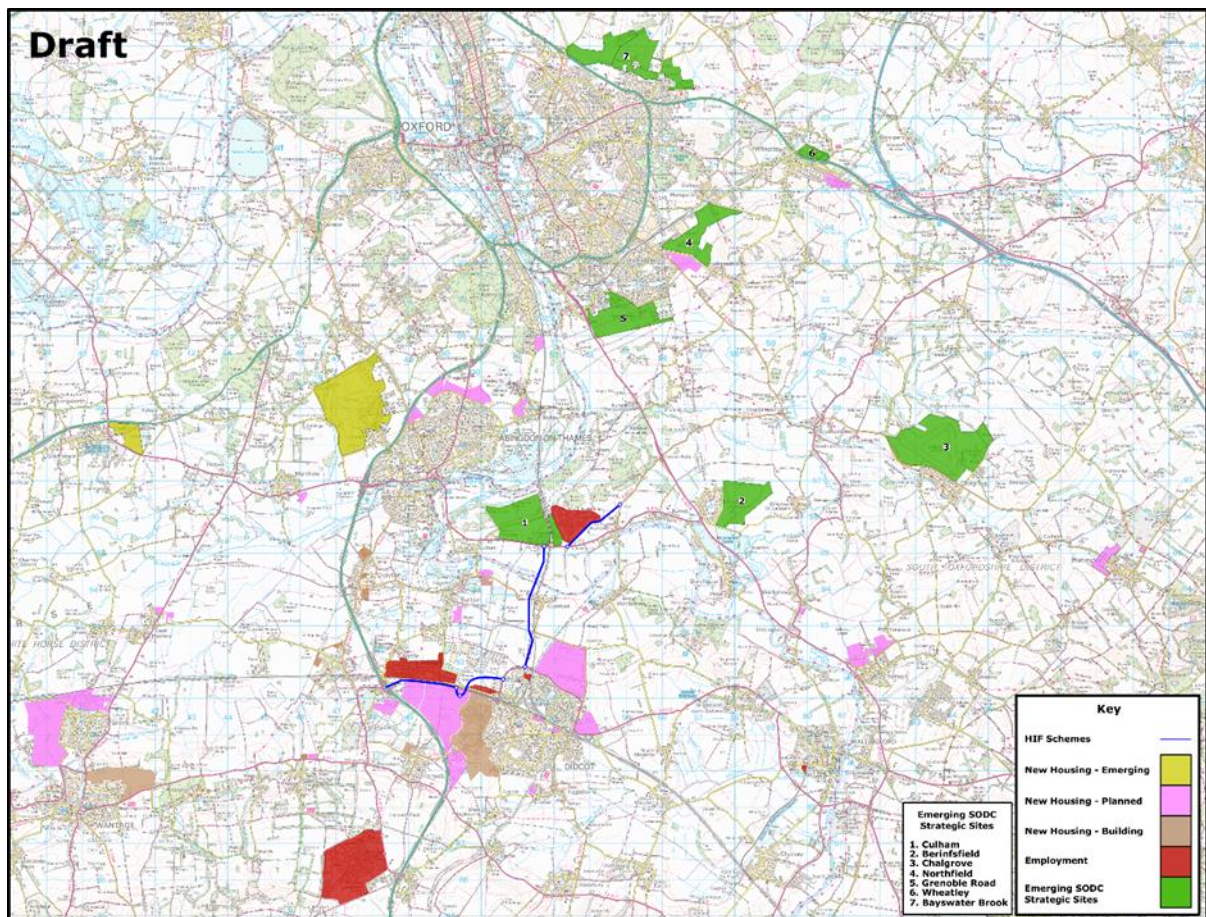


Figure 2: Local Plan allocated and emerging sites

24. The impact of not securing HIF1 is significant as the only current source of strategic infrastructure funding available for Oxfordshire's significant requirements. The County Council's expectation is that without major strategic infrastructure investment elements that would be delivered through HIF, it will be much harder to defend and deliver the range of strategic sites coming forward for development as acceptable without appropriate mitigation. Therefore, developments that are significant at the regional scale will be put at risk with potentially serious economic consequences and consequent risk to the soundness of relevant Local Plans. Additionally, without HIF, it is likely to impact on neighbouring local planning authorities as adopted allocated sites may not be able to proceed and lead to planning by appeal due to an absence of a five-year housing land supply.
25. Additionally, not being able to deliver a range of small and strategic sites will mean that an adequate level of affordable housing not being provided. This means that Oxfordshire residents will also not benefit from increased housing supply. It is well documented that poor and overcrowded housing conditions can negatively impact on educational attainment and health which has negative impacts on economic growth, social mobility and the impact on the health sector both locally and nationally.

## Draft HIF1 Heads of Terms

26. Whilst the HIF1 Heads of Terms (see *Annex 1*) is still in draft and being negotiated with Homes England, the common theme concerns delivery of HIF infrastructure and new homes and their related milestones. These milestones are then caveated with 'clawback' provisions whereby if milestones are not progressed or improper activity occurs, Homes England may stop further payments and clawback the funding already received. Conditions and clauses relate to a submitted SODC Local Plan and the uncertainty around the delivery of new homes. Other conditions relate to land acquisition, planning permissions, funding profiles and mechanisms and a number of general conditions and performance obligations.
27. HIF funding will be available for the period commencing on the satisfaction of the various conditions precedent and until 31<sup>st</sup> March 2024.

## Key Issues

### Draft Heads of Terms

28. There are also a number of key financial matters that require consideration which relate to cashflow, repayment of monies, programme delivery, cost overruns and scheme costs unavoidable post-March 2024 are all subject to confidential negotiations between the County Council and Homes England / MHCLG. Due to the commercial sensitive nature of these discussions and risk it is not possible to provide full details within this public report.

### Failure to Sign the General Development Agreement

29. Should the HIF1 grant determination agreement not be signed, this strategic infrastructure cannot be delivered. As set out through The Need for the Scheme above, the implications arising from this are significantly adverse at both the local, sub-regional and national level.

## HIF1 programmes

30. The principal target dates in the programme for the Schemes as submitted in the business case are in Table 1 below (currently being updated):

	<b>A4130</b>	<b>Science Bridge</b>	<b>Culham River Crossing</b>	<b>Clifton Hampden Bypass</b>
<b>Feasibility &amp; Surveys</b>	04/02/19 – 22/01/2020	04/02/2019 – 16/01/2020	04/02/19 – 17/07/2020	04/02/2019 – 22/01/2020
<b>Prelim design</b>	04/03/19 – 15/04/2020	04/02/2019 – 02/04/2020	04/02/2019 – 02/04/2020	30/05/2019 – 02/03/2020
<b>Detailed design</b>	22/07/20 – 18/03/2021	14/07/2020 – 22/07/2021	05/03/2020 – 23/04/2021	12/04/2021 – 26/10/2021
<b>Construction</b>	09/08/21 – 31/03/2023	13/12/2021 – 10/07/2023	11/10/2021 – 26/01/2024	11/03/2022 – 31/03/2023

*Table 1: HIF1 schemes programmes*



## Process to Secure Funding

31. Subject to Cabinet approval, the process to secure funding will take the following route:
  - (a) Complete the Heads of Terms (indicatively end of October 2019)
  - (b) Complete and sign grant determination agreement (indicatively December 2019 – subject to pre-contract conditions)
  - (c) Drawdown first tranche of funding (indicatively February 2020)
  - (d) Satisfy post contract conditions (ongoing)

## Financial and Staff Implications

32. The total cost of the HIF1 package of measures is estimated to be £234m (including appropriate rates of inflation – 4% per annum). The funding amount of **£218m** will be secured through the HIF1 grant determination agreement. The remaining funding of £16m will be a mixture of held and secured section 106 funding and direct delivery by developers (s.278 and s.38).
33. The County Council has spent approximately £0.675m in submitting the funding bid in January 2019. However, £0.243m has since been granted by Homes England through the co-development process which meant that the total £0.432m was spent on the bid. To maintain momentum and support the HIF 1 delivery programme, activity and spend has continued. At the time of writing approximately £0.200m has been spent post submission with a further £0.800m committed. Should the Council be unable to reach agreement with Homes England and sign the grant development agreement the monies spent to date along with the costs associated with those activities completed through committed activities will be lost. On signing the contract, all funding spent from September 2017 and included as a cost in the business case can be reclaimed as part of the £218m.
34. Homes England expect recovery of HIF funding from developers that benefit from the advanced delivery of infrastructure. Subject to relevant planning regulations (e.g. Community Infrastructure Levy), the County Council expects to recover between £35m and £75m which can be retained by the local authority and spent on infrastructure that supports the further delivery of new homes in Oxfordshire.
35. Much of the support to deliver HIF1 will come from consultancy teams. However, through the County Council business case process, internal staff have been recruited to deliver the expected growth including the Housing and Growth Deal and HIF1 and 2.

## Equalities Implications

36. This report recommends delegating authority to sign a grant determination agreement with Homes England subject to negotiations around conditions and mitigation of financial risk. The purpose of the grant determination agreement is to unlock new homes in areas of greatest demand by providing the

infrastructure to unlock otherwise unsustainable housing sites. The delivery of housing sites will be based on existing and future planning decisions made through statutory processes which are subject to equality assessments. Therefore, there are no additional equalities implications of this report.

37. The equalities implications of the HIF 1 schemes that are developed to delivery, and which become the accountability of the County Council, will be assessed in the normal way as they are individually brought forward.

## Legal Implications

38. Throughout the contract negotiations, the County Council's Legal Team has been involved and advised officers which has informed the negotiation of the Heads of Terms to date. Homes England and the County Council will be responsible for their own legal costs although this may be recouped post-contract as a capital receipt.

## Programme and Project Risks

39. Number of risks identified above which are relevant across the programme and package of measures.
40. As is standard with major highway infrastructure delivery, operational risks are identified which can have an impact on programme and cost:
- (a) Land acquisition, Compulsory Purchase Order and public inquiries
  - (b) Planning approvals
  - (c) Utilities diversions and protection
  - (d) Ground conditions and contaminated land
  - (e) Stakeholder objections
  - (f) Environmental surveys and mitigation
  - (g) Drainage consents and flood mitigation
  - (h) Archaeological constraints
  - (i) Third party delays such as Network Rail
  - (j) Network management and availability of road space (in competition with developers and utility providers)
  - (k) Land compensation claims
  - (l) Inclement weather
41. The total cost of the HIF1 package of measures is £234m (including appropriate rates of inflation – 4% per annum). The funding amount of **£218m** will be secured through the HIF1 grant determination agreement. The remaining funding of £16m will come from held s106 (£6.5m – 2018 prices), secured s106 (£3.0m – 2018 prices) and direct delivery by developers (£7,800,000). Whilst there is an inherent risk of overspend on the total budget as explained above, there is also financial risk if developments do not come forward. However, as the financial contributions have been secured via legal agreement (with most held), delayed development is only likely to delay the payment. Any such cashflow requirement can be account for across the wider capital programme.

42. The financial contributions secured are from North-east Didcot which has implemented its development so the risks of not receiving funding at all are low. The direct delivery element has a risk associated with Didcot A and Valley Park, but these elements are required for access and movement frameworks within the sites. This therefore also poses a low risk. The other risk is around inflation. Whilst it is difficult to predict inflation, current inflation in the UK is approximately 1.7% with an inflation target of no more than 2%. Whilst costs may rise higher in industries such as construction, a 4% inflation rate per annum has been applied to adequately cover volatility in the economy and markets.

### **Decisions required**

43. As set out, there is a compelling case for infrastructure investment through the Didcot Garden Town HIF bid. A successful bid has been secured and negotiations to finalise the Heads of Term that will inform the drafting of the legal contract with Homes England are nearing conclusion.
44. There are several significant matters included within the draft Heads of Terms which relate to the successful programming and delivery of the infrastructure and which have financial and reputational risks to the Council. Whilst significant, these are not considered to be disproportionate to this scale of project and are to be managed through the Council's governance procedures.
45. There remain matters to be concluded, however at this stage these are not considered to be insurmountable and subject to Homes England confirming their willingness to enter into the general development agreement. It is proposed that authority be delegated to enter into the general development agreement once discussion on the outstanding matters be completed.

SUSAN HALLIWELL  
Director - Planning & Place

Background papers: None

Annex 1 - Draft Heads of Terms  
Annex 2 - Assurance Framework

Contact Officer: Aron Wisdom