



**Cabinet
Tuesday, 24 May 2016**

ADDENDA

3. Minutes (Pages 1 - 10)

Attached.

4. Questions from County Councillors (Pages 11 - 14)

Attached.

5. Petitions and Public Address (Pages 15 - 16)

Attached.

7. Investing in the A40 - A Long Term Strategy (Pages 17 - 22)

Attached.

12. Forward Plan and Future Business

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Agenda Item 3

CABINET

MINUTES of the meeting held on Tuesday, 19 April 2016 commencing at 2.00 pm and finishing at 3.00 pm

Present:

Voting Members: Councillor Ian Hudspeth – in the Chair
Councillor Rodney Rose
Councillor Mrs Judith Heathcoat
Councillor Nick Carter
Councillor Melinda Tilley
Councillor Lorraine Lindsay-Gale
Councillor David Nimmo Smith
Councillor Lawrie Stratford
Councillor Hilary Hibbert-Biles

Other Members in Attendance: Councillor Brighthouse (Agenda Item 9)
Councillor Curran (Agenda Item 8)
Councillor Hards (Agenda Item 6)
Councillor Howson (Agenda Item 6)
Councillor Smith (Agenda Item 6)

Officers:

Whole of meeting	Peter Clark (County Director); Sue Whitehead (Corporate Services)
Part of meeting	
Item	Name
6	Katy Jurczynszyn (Corporate Finance)
7	Mark Kemp, Deputy Director – Commercial
8	Mark Kemp, Deputy Director – Commercial; Darius Seroczynski (Network Management)
9	Ian Dyson, Assistant Chief Finance Officer - Assurance

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting, and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

29/16 MINUTES

(Agenda Item. 3)

The Minutes of the meeting held on 15 March 2016 were approved and signed as a correct record subject to the following amendment:

Minute 25/16 - The last sentence of paragraph 6 of the preamble to be amended as set out in bold below:

“She (Councillor Heathcoat) had **previously** met with Mr Taylor and providers and a summary of the consultations was provided.”

30/16 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

Councillor Bulmer had given notice of the following question to Councillor Nimmo Smith:

“Could the Cabinet Member responsible for rail tell me what representations OCC can make regarding the fact that Network Rail have failed to carry out a landscape impact assessment in the AONB when erecting the gantries?”

Councillor Nimmo Smith replied:

“Further to the question from Councillor Bulmer regarding what impact assessment has been undertaken on the introduction of Gantries along the Great Western Railway through the North Wessex and Chiltern AONB.

OCC can confirm that Network Rail are currently undertaking a review of the Overhead Line Equipment (OLE) design and mitigation options within both the Chilterns and North Wessex Downs AONBs in order to fully address their obligations to have due regard for the impact on the landscapes. Network Rail are working with the Conservation Boards and Natural England on this, and will be setting up an Advisory Panel to include other stakeholders. Network Rail have also committed to undertake a public consultation on these outcomes later this year.

The length of railway in question where gantries have already been erected is the test track section for the route and therefore critical to the delivery of the whole electrification programme. Network Rail have provided written confirmation to undertake retrospective works within the AONBs based on the outcome of the above processes, subject to funding approval, and this is available on their website. <http://www.networkrail.co.uk/great-western-route-modernisation/oxfordshire/> “

Councillor Howson had given notice of the following question to Councillor Tilley:

“How many primary schools in each of the following categories are currently rated outstanding by Ofsted
community
voluntary
academy”

Councillor Tilley replied:

“The answer to Councillor Howson’s question is as follows:

There are currently 23 Outstanding Primary School in Oxfordshire:

Academy	-	8
Community	-	8
Voluntary	-	7”

Supplementary: In response to a question about how far Councillor Tilley agreed with a letter from John Howell, MP supporting the academisation scheme Councillor Tilley replied that she had gone on record with her disagreement to the process and her concerns over small schools.

Councillor Smith had given notice of the following question to Councillor Nimmo Smith:

“Would the cabinet member agree that taking away all parking spaces on both sides of highway designated as a B road in residential areas increases vehicle speed?”

Councillor Nimmo Smith replied:

“The speed on any road is predominantly dictated by the environment that the driver experiences and so the impact of removing parking would have to be considered alongside the nature of the road, how bendy it is, what forward visibility is available and how far back the properties are from the road. In addition if the parking is removed but then replaced by alternative measures then the impact could be to maintain the available road space for vehicles and in these circumstances we would not expect any significant change in average speed. However, in the theoretical situation where there is good visibility, a straight road and no additional changes are being made to the environment then the removal of parking from both sides of the road would increase the carriageway width and we would expect vehicle speeds to increase”

Councillor Smith had given notice of the following question to Councillor Nimmo Smith:

“Given the large number of significant development that is about to impact the Headington area is the cabinet member confident that the county council officers have sufficient resources to co-ordinate the works so that a minimum of disruption is caused to residents and businesses?”

Councillor Nimmo Smith replied:

“The County Councils Network Co-ordination Team has made positive steps to provide an appropriate level of resource to deal with the demands

resulting from the increase of developments expected in the City in order to mitigate their impact on the City's road network."

Councillor Bartholomew had given notice of the following question to Councillor Nimmo Smith:

"Campaign group Need not Greed Oxon claims that only half of the county's proposed housing is to meet 'local need'; the rest is to meet a forced economic growth agenda.

According to the group, even allowing for a normal pattern of jobs growth, just 45,000 houses are required between now and 2031 to meet the needs of local residents – not 100,000 as proposed.

It goes on to say the remaining houses are linked to a 'committed growth' policy drawn up by the Oxfordshire Local Enterprise Partnership which proposes to create 85,000 new jobs in a County which already has almost full employment, and that if carried out, these proposals will not address affordability issues, but will change the rural character of Oxfordshire forever.

Could the Cabinet member please let me have his comments on these claims?"

Councillor Nimmo Smith replied:

"The statements quoted in the question are based on a misunderstanding of the status of the Strategic Housing Market Assessment which generated the 100,000 homes figure: Local authorities are under a statutory duty to prepare and maintain up-to-date Local Development plans; As part of preparing the evidence base for these plans, an assessment must be made of likely future growth in employment and of the requirement for new homes established through a Strategic Housing Market Assessment (SHMA) which balances economic, social and environmental considerations.

Oxfordshire's six local authorities jointly commissioned a SHMA which was undertaken in-line with government requirements and following a separate employment growth forecast also commissioned by the authorities which concluded that growth in employment of 4,000 FTE jobs per year was "realistic". In reality this figure has been considerably exceeded over the past four years.

As such the SHMA conclusions on employment growth and housing requirements are part of local authority statutory planning frameworks and are inputs to and not outputs of OxLEP's Strategic Economic Plan."

Councillor Fooks had given notice of the following question to Councillor Nimmo Smith:

“Now that the Northern Gateway plans are being developed, it is becoming increasingly clear that the traffic has to be tackled to make the development viable and to comply with the Inspector’s condition of traffic mitigation before occupation. I hear that 100,000 people used the new Oxford Parkway station in its first four months of operation. There are renewed fears about the impact of traffic on Five Mile Drive if it were to be reopened as currently proposed. It is thus imperative that the proposed Strategic Link road from the A40 to the A44 is built as soon as possible to divert as much traffic as possible away from the A40 in North Oxford. Would the Cabinet member commit to making this road a priority and pressing for its being brought forward from the recently announced start date of Summer 2018 to a very much closer date?”

Councillor Nimmo Smith replied:

“The strategic link road proposal remains in the council’s approved capital programme for completion by 2020. This has not changed. The link road is currently in the early stages of planning and design. The county council will not accept development at Northern Gateway unless its transport impacts are mitigated, however the strategic link road is not required to achieve this and an independent inspector has accepted this. The link road proposal is and always has been about meeting growth demands across the county, not just in North Oxford”

Supplementary: Councillor Nimmo Smith asked what evidence he had for the response explained that it was the view of professional officers and he did feel that it was integral to the whole scheme.

Councillor Tanner had given notice of the following question to Councillor Nimmo Smith:

“Would the Cabinet member give a date for when the many deep and dangerous potholes (especially dangerous to cyclists) in High Street, St Aldates and Folly Bridge, in my Oxford division, will be repaired? He will know that these roads are much used by cyclists, who daily face the unnerving choice of getting a wheel stuck in a pothole or swerving to avoid a pothole and being hit by a bus.”

Councillor Nimmo Smith replied:

“I am sure Cllr Tanner understands that the repair to Folly Bridge is a complex issue. Given the historic nature of the bridge we will require consent of Environment Agency in relation to the navigation issues and Historic England regarding the Scheduled Monument status along Grandpont Causeway. We have further investigatory work to undertake first to enable us to gain these consents but our best estimate for undertaking the work is late summer/early autumn 2016. With regard to any pot holes that exist prior to this work, and indeed on St Aldates and High Street we will continue to repair these in line with council policy. If Cllr Tanner is aware of specific pot holes that have been reported but are not being repaired in accordance

with our policy then I am more than happy for him to take that up with the local area team to ensure the situation is rectified.”

31/16 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

Item 6 – Councillor Nick Hards, Shadow Cabinet Member for Finance
Councillor John Howson, local councillor for St Margaret’s
Councillor Roz Smith, local councillor for Headington & Quarry

Item 8– Councillor Steve Curran, Shadow Cabinet Member for Environment

Item 9 – Councillor Liz Brighthouse, Chairman of the Performance Scrutiny Committee.

32/16 2015/16 FINANCIAL MONITORING & BUSINESS STRATEGY REPORT - FEBRUARY 2016

(Agenda Item. 6)

Cabinet considered the penultimate report in a series for the 2015/16 financial year. The final directorate variations will be set out in the Provisional Outturn Report to Cabinet in June 2016.

Councillor Hards, Shadow Cabinet Member for Finance, congratulated everyone on such a good performance in challenging times. He highlighted children’s services as the main area of concern and asked questions in relation to the high number of looked after children and on the high needs funding element of the DSG. He also queried the reasons for the underspend in Social & Community Services as outlined in paragraph 24.

Councillor Tilley responded to the questions that had been raised commenting that the increase in looked after children should be seen as a positive as the Council was helping more vulnerable children. Councillor Stratford undertook to come back to Councillor Hards on the question on high needs funding. Councillor Heathcoat explained the context behind the figures in paragraph 24.

Councillor John Howson, local councillor for St Margaret’s raised a number of concerns in relation to schools and in particular he highlighted school place planning and the cost of transport for children with special educational needs. In the light of the two Multi Academy Trusts in special financial measures he also questioned the implications for the County Council pension fund of failed academy trusts. Councillor Stratford agreed that the cost of SEN transport was a concern. With regard to the financial position of academies he would speak to pensions’ officers to clarify the position. The Chairman added that the implications for the pension fund were a question for the Pension Fund Committee.

Councillor Roz Smith, local councillor for Headington & Quarry raised local concerns about the length of time people were waiting for the reablement

service and queried whether the cabinet member would be seeking to find the reason for the underspend in this service. She also queried why the take up of carers' grants was so low. Councillor Smith also expressed concern should the Oxfordshire Clinical Commissioning Group did not make the contribution referred to in the report.

Councillor Heathcoat advised that the particular resident referred should contact adult social care. On the carers grant she explained what was done to promote the grant including through the web site and call centre and through outside agencies such as Age Concern. She noted that this was the penultimate report in the series and that following discussion with OCCG there would be a contribution from them that would be reflected in the final figures.

Councillor Lawrie Stratford introduced the contents of the report and in moving the recommendations highlighted the information on capital programme monitoring that reflected re-profiling on several schemes.

Cabinet was advised that the underspend with regard to the Oxfordshire Fire & Rescue Service had reduced as a result of the inclusion of an early estimate of the cost of the major incident at Didcot Power Station. Cabinet recorded their appreciation of the efforts not only of the OFRS but of other services that had assisted.

RESOLVED: to:

- (a) note the report;
- (b) note the Treasury Management lending list at Annex 4;
- (c) to approve the transfer of £0.2m to the Efficiency Reserve as set out in paragraph 48;
- (d) note the changes to the Capital Programme set out in Annex 7b and 7c.

33/16 OXFORDSHIRE TOGETHER

(Agenda Item. 7)

Cabinet considered a report seeking an update to the existing resolution that forms part of the Local Agency Agreements (Section 101 under the Local Government Act 1972).

RESOLVED: to:

- (a) agree an updated resolution that covers highway services (and associated activities) identified as part of the Oxfordshire Together (Highways) proposal.
- (b) approve the wording on the front of the Local Agency Agreements issued under section 101 of the Local Governments Act 1972 as follows:

Agreement Under Section 101
of the Local Government Act 1972

Relating to various highway (and traffic and drainage) functions (suitable for highways, grass cutting, weed control, footway clearance, basal tree growth, cleaning signs, drainage, illegal sign removal and vegetation letters, grip maintenance, school crossing patrols and any other Highway service (or associated activities)) that the Environment & Economy Director and County Solicitor deem to be appropriate.

34/16 STREET LIGHTING CONTRACT AND INTERIM POLICY

(Agenda Item. 8)

Cabinet had before them a report that set out a proposed emergency interim arrangement for the Street Lighting Service (Maintenance) as the result of early termination of the existing contract at a break point within the contract.

Councillor Curran acknowledged that the County Council had been placed in a difficult position as a result of the contractor's decision. He raised concerns around safety and the perception of safety if areas were unlit. Illuminated speed limit signs could not be enforced if not lit. The interim arrangements were for a period of 18 months but he hoped it would be possible to move more quickly than that to a permanent solution. Councillor Nimmo Smith responding to a further question from Councillor Curran indicated that it was not possible to simply replace broken lamps with LED bulbs. With regard to the interim arrangements they were for 12 months with an option for a further 6 months.

RESOLVED: to:

- (a) approve the proposed policy change and contracted level of service in relation to the street lighting maintenance service; and
- (b) note the proposed use of the short term call off from the Crown Commercial Service Contract.

35/16 BUSINESS MANAGEMENT & MONITORING REPORT FOR QUARTER 3 - 2015/16

(Agenda Item. 9)

Cabinet considered a report that provided details of performance for quarter three. The report is required so that Cabinet can monitor the performance of the Council in key service areas and be assured that progress is being made to improve areas where performance is below the expected level.

Councillor Brighthouse, Chairman of Performance Scrutiny Committee highlighted the comments and concerns arising from consideration of the

report at the last Performance Scrutiny Committee. Members flagged up continuing problems with delays in reablement which impacted on the delivery of the delayed transfer of care project. The Committee had focussed on Environment & Economy. The Committee recognised the staff resourcing issues within Environment & Economy; gave detailed consideration to the position in relation to potholes; noted achievements including responses to District Council planning and completion of a number of project and capital receipts; discussed concerns over S106 funding and wood recycling; and commended the work on Frideswide Square

Councillor Heathcoat responded to the concerns around reablement outlining the actions taken and that the figures were expected to improve.

Responding to questions from Councillor Carter on S106 funding Councillor Brighthouse explained that the evidence of pre agreements was anecdotal and that the Committee had recommended taking it to locality meetings where local councillors would have local information and knowledge if this was happening.

Councillor Rose introduced the contents of the report and following discussion where it was suggested that reports continue on a quarterly basis it was:

RESOLVED: to note the performance reported in the dashboards.

36/16 DELEGATED POWERS - APRIL 2016

(Agenda Item. 10)

RESOLVED: to note the following quarterly report of any executive decisions taken under the specific powers and functions delegated under the terms of Part 7.2 (Scheme of Delegation to Officers) of the Council's Constitution – Paragraph 6.3(c)(i).

<i>Date</i>	<i>Subject</i>	<i>Decision</i>	<i>Reasons for Urgency</i>
3 February 2016	Request for Exemption from Contract Procedure Rules - Crisis Response Service	Approved an exemption from the full tendering requirements of the Council's Contract Procedure Rules to allow the Council to contract with Abicare for the crisis support service for the period 2 nd June	To ensure that the pathway for all short term services can be introduced at the same time i.e. 30 th September 2016 enabling integration of short term services.

		2016 to 30 th September 2016 at a cost of £205,666.	
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37/16 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 11)

The Cabinet considered a list of items for the immediately forthcoming meetings of the Cabinet together with the change set out in the schedule of addenda.

RESOLVED: to note the items currently identified for forthcoming meetings.

..... in the Chair
Date of signing 2016

CABINET – 24 MAY 2016

ITEM 4 – QUESTIONS FROM COUNTY COUNCILLORS

Question received from the following Members:

1. From Councillor Howson to Councillor Tilley

“Please may I ask the Cabinet member for CEF the following for next Tuesday:

How many fixed penalties were issued by

a] community

b] voluntary

c] academies in:

(i) the primary and (ii) the secondary and (iii) the special school sectors in Oxfordshire since September 2015 and for comparison purposes in the 2014-15 school year?

How many prosecutions with a view to court proceedings have the county started during the same two periods?”

Answer

See attached Annex.

2. From Councillor Phillips to Councillor Nimmo Smith

‘ Would the Cabinet Member for Environment give more detail about the commitment made by the Leader in Council on 16 February (as part of his budget statement) on the provision of a signalised crossing at the A40 junction at the bottom of Collinwood Road in Risinghurst? For example is the intention to include this crossing in the LTP4 Update given that this initiative aligns with the overarching LTP4 objectives and the A40 Long Term strategy?’

Answer

“At the February council meeting Cllr Hudspeth agreed to ask officers to investigate this crossing as part of the wider A40 strategy.

We are in the process of updating the Local Transport Plan (including the Oxford Transport Strategy - OTS) and have now included the following specific reference to this proposal in the latest draft update to the OTS:

“A crossing of the A40 east of Headington roundabout (linking Barton and Risinghurst) is also proposed, linked to future capacity improvements and bus priority measures at Headington roundabout and on the A40”.

The OTS does not identify specific timescales or costs for relatively small schemes such as this, and at this stage no funding has been identified to take this proposal forward. However, once the proposal is part of council policy this will help to secure funding for it in future”

3. From Councillor Fooks to Councillor Nimmo Smith

“The proposed scheme to make use of the County’s fleet vehicles at times they are not currently in use is very welcome indeed. Can you give the public, who are very worried indeed at the imminent loss of their bus services, a timetable for the introduction of the new scheme, assuming that the pilot scheme is successful?”

Answer

“We are still working up the detail of how the pilot will work, but subject to Cabinet approval on 24 May, we are looking to announce a launch date in June.

We will start a publicity campaign in early June to make people aware of the pilot and how they can use it. We will also be writing to all councillors, parishes and stakeholders at the end of May, to enable them to promote this service to their residents/members.”

4. From Councillor Brighthouse to Councillor Heathcoat

“What will be the impact of a vote to leave the EU on the Health and Social Care workforce in Oxfordshire?”

Answer

We do not know what would be the implications. There is clear evidence that both social care and the NHS in Oxfordshire make extensive use of migrant labour. However, we do not at this stage know what would be the implications of a vote to leave the EU. It would depend on what restrictions would be in place to control immigration. If both health and social care workers were not subject to controls then there might not be significant implications.

Whatever happens we would want to continue to implement our strategy for encouraging people to opt for careers in social care. The Adult Social Care workforce strategy has been developed in response to workforce challenges to meet the increasing complexity and demand for social care services in Oxfordshire. Adult Social Care has developed this strategy and implementation plan to address recruitment and retention in the social care

sector, through a variety of activities which include working with Oxfordshire Association of Care Providers to deliver a rolling programme of recruitment fairs and delivering training for providers in the application of Values Based Recruitment.

Penalty Notice fines issued in Oxfordshire

ANNEX

01/09/14 to 16/05/15

	TOTAL	Secondary	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Primary	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
UN-AUTHORISED ABSENCE	35	31	3	4	7	7	10	4	2	2	0	0	0	0
HOLIDAYS IN TERM TIME	2	1	0	0	0	1	0	1	0	0	0	0	1	0
TOTAL	37	32	3	4	7	7	10	5	2	2	0	0	1	0

01/09/15 to 16/05/16

01/09/15 to 16/05/16	TOTAL	Secondary	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Primary	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
UN-AUTHORISED ABSENCE	39	33	2	9	11	2	9	6	3	0	0	1	0	2
HOLIDAYS IN TERM TIME	8	6	0	0	0	2	4	2	0	2	0	0	0	0
TOTAL	47	39	2	9	11	4	13	8	3	2	0	1	0	2

CABINET – 24 MAY 2016

ITEM 5 – PETITIONS AND PUBLIC ADDRESS

Petition – Ms Jan Huish will submit a petition in respect of Agenda Item 6

Public Address

The Leader of the Council has agreed the following requests to address the meeting:-

Item	Speaker
<p>Item 6 – Support for Continuing Delivery of Early Intervention Services(Future Arrangements for Children’s Social care)</p>	<p>Charlie Payne (3 mins) Councillor Fooks, local councillor for Wolvercote & Summertown (5 mins) Councillor Purse, local councillor for Wheatley(5 mins) Councillor Williams, local councillor for Iffley Fields & St Mary’s (5 mins) Councillor Gill Sanders as Shadow Cabinet member for CEF (5 mins) Councillor Brighthouse as Chairman of Performance Scrutiny Committee (5 mins)</p>
<p>Item 7 – Investing in the A40 – A Long Term Strategy</p>	<p>Hugh Jaeger, Chair of Bus Users Oxford (3 mins) Councillor Fooks, local councillor for Wolvercote & Summertown (5 mins) Councillor Mathew, local councillor for Eynsham (5 mins) Councillor Curran as Shadow Cabinet Member for Environment (5 mins)</p>
<p>Item 8 – Supported Transport Update</p>	<p>Hugh Jaeger, Chair of Bus Users Oxford (3 mins) Councillor Fooks, local councillor for Wolvercote & Summertown (5 mins) Councillor Purse, local councillor for Wheatley(5 mins) Councillor Mathew, local councillor for Eynsham (5 mins)</p>

	Councillor Curran as Shadow Cabinet Member for Environment (5 mins)
Item 10 – Section 75 Agreement - Update	Councillor Glynis Phillips as Shadow Cabinet Member for Health and Adult Social Care (5 mins)

CABINET - 24 MAY2016

Investing in the A40 - Long Term Strategy (Note referred to at paragraph 16 of the report)

Habitats Regulations Assessment: A40 Strategy

Purpose of this note

The purpose of this note is to summarise the application of the *Conservation of Habitats and Species Regulations 2010 (as amended)* [the Habitat Regulations] particularly in the context of ongoing development of the highways network in Oxfordshire. It should be noted that this is not a full description of the regulations or their application.

The focus of the Habitat Regulations¹ is a network of habitats and species that are considered important at a Europe-wide level – the Natura 2000 Network. Within the UK the sites that support these habitats and species are designated as **Special Areas of Conservation** (SAC). These sites are protected under UK and European law.

Special Areas of Conservation in Oxfordshire

There are seven Special Areas of Conservation that fall entirely, or partly, within Oxfordshire:

- Oxford Meadows
- Cothill Fen
- Little Wittenham
- Aston Rowant
- Chilterns Beechwoods
- Hackpen Hill
- Hartslock Wood

Habitats Regulations Assessment and when is it needed?

Habitats Regulations Assessment is the process that needs to be carried out to assess whether there are any “likely significant effects” on Special Areas of Conservation from any proposals and informs the decision making process. The definition of “likely significant effects” is stricter than in everyday language and, based on case law, in this statutory context is “a possible significant effect” and “one whose occurrence cannot be excluded on the basis of objective information”.²

Oxfordshire County Council has the role of “competent authority” under the Habitat Regulations. This means that the Council is responsible for carrying out the Habitats Regulations Assessment for highways schemes and its own projects and plans, such as the Minerals & Waste Local Plan, Local Transport Plan 4, and planning

¹ Regulations 8(1)(a) of *The Conservation of Habitats & Species Regulations 2010, as amended*.

² DTA Publications, HRA Handbook 2015, accessed online 10 November 2015

applications that it determines (e.g. Regulation 3 and Minerals & Waste applications).

Projects or plans that might have a significant adverse effect on the integrity of a SAC must not proceed unless there are both no alternative solutions and “imperative reasons of overriding public interest”³. If these tests are met, then the Secretary of State would secure any necessary compensatory measures are taken⁴.

It appears that it is rare for the Imperative Reasons for Overriding Public Interest test to be judged to have been met⁵

What Habitats Regulations Assessment work has been undertaken for Local Transport Plan 4?

Initial work on the Habitats Regulations Assessment has been carried out for the Minerals & Waste Local Plan and Connecting Oxfordshire (Local Transport Plan 4). The conclusions of the initial work on Local Transport Plan 4 were that there are three Special Areas of Conservation where there is a potential risk of likely significant effects from growth in Oxfordshire and associated transport proposals. Of these three sites Oxford Meadows SAC is notable as it abuts the A40. Given the lack of detailed knowledge about where development would be located and what impact transport schemes would therefore have on the traffic levels and travel patterns, more detailed assessment of the impacts on SAC sites has not yet been carried out, instead these are to be done at scheme level (such as through the work on the A40 Strategy).

Oxford Meadows Special Area of Conservation is primarily designated for its historic lowland hay meadows, a nationally rare priority habitat. Oxford Meadows SAC consists of four separate Sites of Special Scientific Interest and supports the largest of only two populations of Creeping Marshwort in the UK, the other site also being in Oxfordshire. The conservation interest of the SAC is influenced by a complex hydrology.

Appendix 1 contains a map of Oxford Meadows SAC and other sites with conservation designations in the surrounding area.

At what stage should Habitats Regulations Assessment be carried out and what does this involve?

Habitats Regulations Assessment is a “step-wise, decision-influencing process” which must be carried out in the correct order at appropriate stages of scheme development. If tests are not applied or are carried out in the wrong order, this could leave a decision open to challenge as well as creating unnecessary work, resulting in avoidable excessive time and cost.⁶

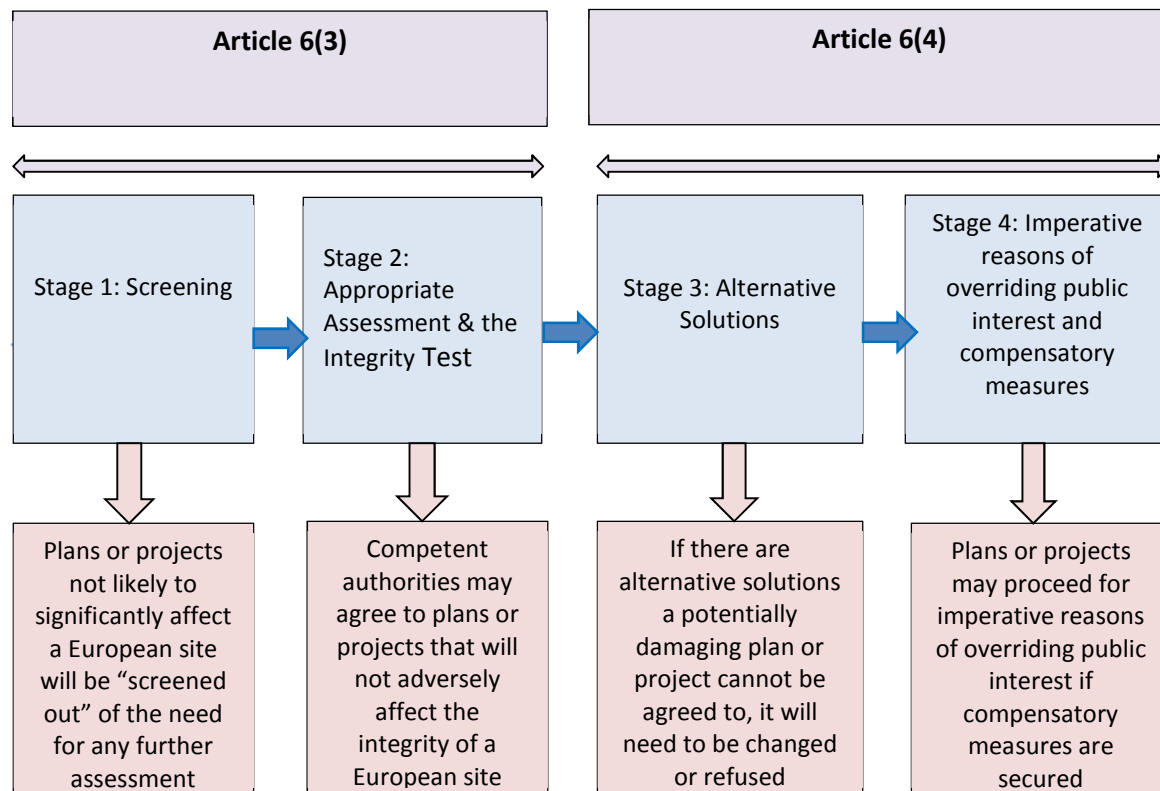
³ DTA Publications, HRA Handbook 2015

⁴ Regulation 66

⁵ DTA Publications, HRA Handbook 2015

⁶ DTA Publications, HRA Handbook 2015

There are four main stages of Habitats Regulations Assessment as shown in this diagram⁷:



Within each of the four main stages are various steps that must be followed. These include that within Stage 2 the project or plan must be assessed both alone and in combination with other projects or plans⁸. Specialist skills are needed to carry out a Habitats Regulations Assessment.

If a plan or project could have a likely significant effect on the integrity of a Special Area of Conservation then OCC are required to consider whether there are alternative solutions. An example from case law on this issue is C-23904, European Commission v Portugal (the Castro Verde Special Protection Area case). In this case the European Court found against Portugal who had failed to study certain alternative routes when deciding the route of the A2 Lisbon to Algarve motorway.

Issues that need to be considered when OCC are developing strategies and plans including new highways development schemes include:

- Assessment of all possible significant effects of proposed scheme options on SAC sites. These must include both indirect as well as direct effects, e.g. air quality, water quality and hydrology as well as land-take.

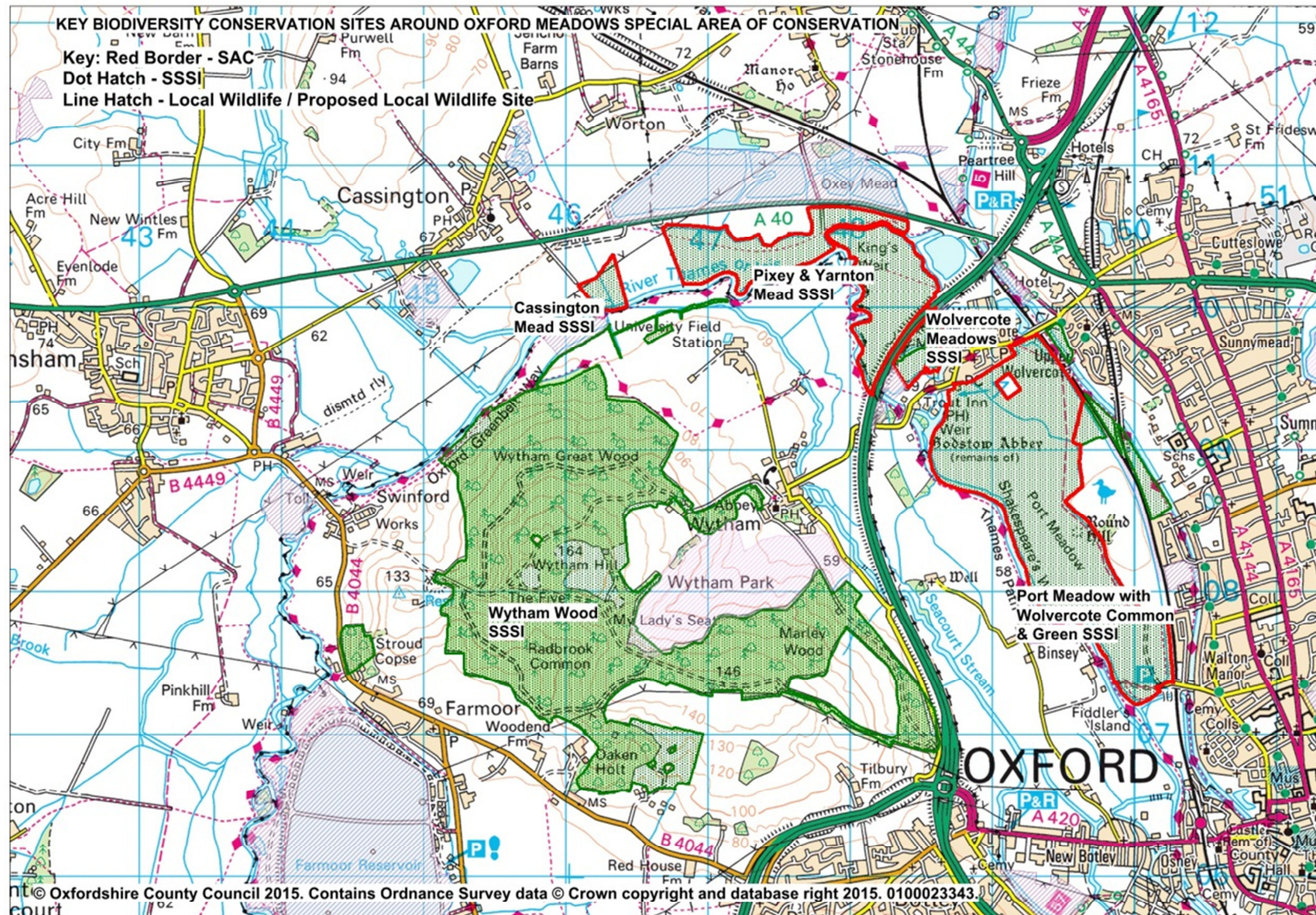
⁷ DTA Publications, HRA Handbook 2015

⁸ DTA Publications, HRA Handbook 2015

- The assessments must be sufficient to determine whether a likely significant effect may occur and, where necessary, identify mitigation options to counter-act the impacts of the proposals.
- If there are any likely significant effects on a SAC after mitigation options are considered then alternative scheme solutions must be assessed.
- If likely significant effects remain after alternative scheme solutions and mitigation options have been considered then the scheme that has the least impact must meet the test of Imperative Reasons for Overriding Public Interest and compensatory measures be secured if it is to proceed.

Tamsin Atley, Ecologist Planner OCC
Nick Mottram, Environmental Strategy Officer OCC
1 December 2015

Appendix 1: Map of Oxford Meadows SAC



SAC - Special Area of Conservation (an international designation)
SSSI - Site of Special Scientific Interest (a national designation)
Local Wildlife Site/Proposed Local Wildlife Site - a local designation

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