



Homes England

Date: 15 April 2024

Our Ref: RFI4635

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4635

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

We refer to the attached letter from Rt Hon Lucy Frazer KC MP Minister of State for Housing and Planning dated 05.12.2022 and would request copies of all information that Oxfordshire County Council provided in response to the requests in this letter, including but not limited to:

“•OCC S151 to confirm that all recycled funds have been returned to the programme and spent before further funding will be provided;

• OCC S151 to confirm any changes to the anticipated spend and housing delivery profile for the next 3 years (22/23-24/25) on a quarterly basis (February/May/August/November, unless otherwise agreed);

• OCC S151 to confirm expenditure on qualifying ‘Housing from Infrastructure’ schemes in-year on a quarterly basis (February/May/August/November, unless otherwise agreed), payment to be made in arrears;

• As part of quarterly monitoring, Oxfordshire authorities to provide an update on Local Plan progress”





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We wrote to you on 14 March 2024 advising that we required more time to consider the public interest test. During the course of our considerations, we found that section 43 of the FOIA was not engaged as the commercial interest we were considering was in the public domain.

Response

We can confirm that we do hold the requested information. We will answer your points in turn below.

We refer to the attached letter from Rt Hon Lucy Frazer KC MP Minister of State for Housing and Planning dated 05.12.2022 and would request copies of all information that Oxfordshire County Council provided in response to the requests in this letter, including but not limited to:

“•OCC S151 to confirm that all recycled funds have been returned to the programme and spent before further funding will be provided;

On the 2 May 2023 Oxfordshire County Council sent a letter in response to the letter you specified in your request. The letter details a breakdown of the recycled funds as well as an explanation of the aforementioned retention of funds. We have attached a copy of the letter to this email. Please see Annex A.

Please note that the monitoring information referenced in the letter is available online here:

<https://futureoxfordshirepartnership.org/meetings/>

Section 40 – Personal information

We have redacted some information in the letter on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.





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Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

- **OCC S151 to confirm any changes to the anticipated spend and housing delivery profile for the next 3 years (22/23-24/25) on a quarterly basis (February/May/August/November, unless otherwise agreed);**
- **OCC S151 to confirm expenditure on qualifying 'Housing from Infrastructure' schemes in-year on a quarterly basis (February/May/August/November, unless otherwise agreed), payment to be made in arrears;**
- **As part of quarterly monitoring, Oxfordshire authorities to provide an update on Local Plan progress"**

Section 21 - Information accessible to applicant by other means

We can inform you that we do hold the information that you have requested. However, we rely on section 21, exemption where information is available to the applicant elsewhere.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty, we are able to confirm that monitoring information is available online. All monitoring information is provided as part of the Future Oxfordshire Partnership Board which meets regularly. All the papers are available to the public here:

<https://futureoxfordshirepartnership.org/meetings/>





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For example, the most recent meeting papers for 20 March 2024 contains links to the housing and finance progress reporting – see Agenda item 5, Annex 1 and 2:

<https://democratic.whitehorsedc.gov.uk/ieListDocuments.aspx?CId=635&MId=3206>

Previous meetings contain similar monitoring reports.

Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled, you may request an internal review. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

Information Governance Team
Homes England
Windsor House
6th Floor
42-50 Victoria Street
London
SW1H 0TL
United Kingdom

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

6th Floor
Windsor House
42 - 50 Victoria Street, Westminster
London, SW1H 0TL

0300 1234 500
@HomesEngland
www.gov.uk/homes-england





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The Information Commissioner's details can be found via the following link:

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

The Information Governance Team
For Homes England



Date: 2 May 2023

**County Hall
New Road
Oxford
OX1 1ND**

By email only

Dear [REDACTED]

Re: Oxfordshire Housing and Growth Deal

Following our meeting on 21 April regarding the terms of the letter conditions from Rt Hon Lucy Frazer KC MP received on 5 December 2022 relating to claiming the remaining £30m Homes for Infrastructure funding, please find below the information requested.

Recycled Funds

£120.0m grant funding for the Housing & Growth Deal was paid to Oxfordshire County Council in four equal instalments from 2018/19 to 2021/22 with the final £30.0m expected in 2022/23. To maximise the use of the funding each year the County Council agreed with Homes England that we would use our freedoms and flexibilities as the Accountable Body to ensure that funding could be carried forward to support the delivery profile of the programme beyond the original end date of 2022/23. To do this various infrastructure and school schemes linked to housing growth were identified and agreed to be funded from the £30.0m grant funding in 2018/19, 2019/20 and 2021/22. The original funding source that would originally have been used to fund these schemes will now be recycled to support the remainder of the Housing for Infrastructure Programme.

As at 31 March 2023 all of the £120.0m grant funding has been utilised as well as £2.3m of the £49.0m recycled funding (made up of £16.3m spent on infrastructure schemes and £32.7m on school schemes up to the end of 2021/22). The balance of the remaining recycled funds is £46.7m as at 31 March 2023.

	£'m
H&GD Scheme Expenditure to 31 March 2023	66.0
Expenditure on Infrastructure & Schools (Recyclable)	49.0
Total Expenditure to 31 March 2023	122.3
Grant Received (years 1-4)	120.0
Additional Spend Compared to Grant Received	-2.3
Recycled Funding	49.0
Use of Recycled funding to fund spend in 2022/23	-2.3
Balance of Recycled Funding Available as at 1 April 2023	46.7

The current forecasted expenditure profile for the remaining infrastructure schemes is £28.3m in 2023/24 and £47.2m in 2024/25 with a further £1.5m retained for Road Safety Audit / Vulnerable Road User Audits after 31 March 2025. The drawdown of the remaining £30.0m grant funding would therefore be required in 2024/25.

	2023/24	2024/25	2025/26
	£'m	£'m	£'m
Recycled Capital Funding b/f	46.7	18.4	1.2
Actual / Forecast Expenditure	-28.3	-47.2	-1.5
Remaining Recycled Capital Funds	18.4	-28.8	-0.3
Grant to be claimed		30.0	
Balance		1.2	

Based on current allocations the programme would cost £0.3m more than the available funding but it is expected that it will be possible to manage this from funding released once the remaining schemes reach construction contract let. If that is not possible the County Council will meet the additional cost through existing capital financing or through new borrowing.

Retention of Funds

The intention is to complete the remaining schemes by 31 December 2024. This will allow for any slippage and enable the council to claim the spend by 31 March 2025. Road Safety Audit / Vulnerable Road User Audits will then need to take place following scheme completion. Costs relating to these audits include testing, inspection costs, defect fixing, part 2 claims, handover costs and late agreement of commuted maintenance sums (mainly National Highways network). A 5% allowance for these costs has been suggested by both internal and external assessors. This would suggest a sum of £1.5m of the remaining £30m should be held for these purposes.

The £1.5m for Road Safety Audit / Vulnerable Road User Audits is accounted for within the overall forecast scheme spend of £150.3m and is now shown in an additional column that shows estimated spend against specific schemes. The council will meet any costs over the £150.0m through existing capital financing or borrowing.

Monitoring

The monitoring report (included with this letter) has been updated and now includes a sheet ready to be populated with the additional information about start and completion dates and the impact on housing numbers. We have asked the districts to supply the information to populate the housing information and will provide a further update later in May. The total housing numbers per scheme are currently shown in the finance sheet but will be available on the housing sheet once we have updates from the districts.

Confirmation from s151 Officer

I can confirm that in respect of recycled funds that the statement provided in this letter is a true position to 1 April 2023 and the latest forecast of usage in 2023/24 and 2024/25.

I hope this letter and attached monitoring statement provides the information requested and required to comply with the conditions of the letter dated 5 December 2023.

Yours sincerely



@oxfordshire.gov.uk | www.oxfordshire.gov.uk